



**MONTANA
ADMINISTRATIVE
REGISTER**



DEPARTMENT OF LABOR AND INDUSTRY

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2026-94.1

Summary

Amendment of rules pertaining to licensing fees and public notice of discipline

Hearing Date and Time

Monday, August 3, 2026, at 2:00 p.m.

Virtual Hearing Information

A public hearing will be held via remote conferencing to consider the proposed changes to the agency's rules. There will be no in-person hearing. Interested parties may access the remote conferencing platform in the following ways:

Join Zoom Meeting: <https://mt-gov.zoom.us/j/89453052151>

Meeting ID: 894 5305 2151; Password: 9438111379

Dial by Telephone: +1 646 558 8656

Meeting ID: 894 5305 2151; Password: 9438111379

Comments

Concerned persons may present their data, views, or arguments at the hearing. Written data, views, or arguments may also be submitted at dli.mt.gov/rules or P.O. Box 1728, Helena, Montana 59624. Comments must be received by Friday, August 7, 2026, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Monday, July 27, 2026, at 5:00 p.m.

Contact

Department of Labor and Industry
(406) 444-5466
laborlegal@mt.gov
Montana Relay: 711

Rulemaking Actions

AMEND

The rules proposed to be amended are as follows, stricken matter interlined, new matter underlined:

24.101.403 FEES

- (1) Administrative fees, in addition to fees charged by a board or program, are as follows:
 - (a) duplicate license \$5
 - (b) licensee lists or rosters 20
 - (c) photocopies per page (in excess of 20 pages) .25
 - (d) certified copies per page (in excess of ten pages) .50
 - (e) reinstate administratively suspended license 120
 - (f) returned check fee, including but not limited to, checks issued with nonsufficient funds, stop payment requests, or missing signatures 30
 - (g) license verification 20
 - (i) The license verification fee is waived for any board or program having a signed reciprocal agreement with another licensing entity continuing a provision that no fees are to be charged.

- (h) inactive to active status change fee during the licensure period is the difference between the cost of an inactive license and an active license renewal fee;
 - (i) renewal fee for a license suspended through a final disciplinary action is 50 percent of the regular renewal fee; ~~and~~
 - (j) renewal fee for a probationary license is the same as the renewal fee;-
 - (k) electronic payment transaction fees; and
 - (l) background check fees.
- (2) The late penalty fee is 100 percent of the license renewal fee, is in addition to the renewal fee, and must be paid for each renewal period in which the license was not renewed on or before the renewal date in ARM 24.101.413.
 - (a) When a renewal fee is abated, the late penalty fee that must be paid is 100 percent of the renewal fee that would have been charged had the renewal fee not been abated.
 - (3) There is no late fee for licensed guides under the jurisdiction of the Board of Outfitters.
 - (4) To convert a license from inactive to active status, the licensee must pay the difference between the inactive status fee and the active status fee for the remainder of the current renewal period.
 - (5) When a military reservist renews a professional or occupational license after being discharged from active duty, the renewal fee will be the current renewal fee. Pursuant to 37-1-138, MCA, the department will not assess or charge any past fees accrued when the reservist was on active duty.
 - (6) All fees are nonrefundable.

Authorizing statute(s): 37-1-101, 37-1-321, MCA

Implementing statute(s): 27-1-717, 37-1-130, 37-1-134, 37-1-138, 37-1-321, MCA

Reasonable Necessity Statement

There is reasonable necessity to amend this rule to provide that the fees associated with processing payments for license applications and renewals by credit card will be passed along to applicants, rather than paid by the licensing boards and programs to which they are paid. In addition, due to a future change in processing between the Montana Department of Justice and the department, background check fees will be collected at the time of application and submission by the department.

24.101.404 POSTING DISCIPLINARY ORDERS INFORMATION ON LICENSEE LOOKUP DATABASE

- (1) ~~Unless the exceptions in (2) and (3) are applicable, any final order imposing a sanction against a professional or occupational license holder that is based on competence to practice issues or based on an allegation that generally or specifically is a violation of law or regulation, is a "disciplinary action" that must be published and noted on the licensee lookup.~~
- (2) ~~If a final order is based only upon a failure to file or complete in a timely manner a minor administrative requirement that is in rule or law, the order affecting the licensee is not a "disciplinary action" for the purposes of publication and notice on the licensee lookup.~~
- (3) ~~A final order of license denial based solely upon an applicant's failure to meet minimum licensure qualifications and not based on competence to practice issues or involving the applicant's past disciplinary or legal actions is not a "disciplinary action" for the purposes of publication and notice on the licensee lookup.~~
- (1) The department will post the information required by 37-1-311 and 37-1-405, MCA, to the licensee lookup database.
- (2) The full text of summary suspension orders and final orders of boards and programs will be published for both license application and discipline matters, except as set forth in this rule. "Accepted stipulations" are defined to mean fully executed settlement agreements resolving disciplinary matters between the licensee and the board or licensing program, as applicable. As a result, accepted stipulations take the form of final orders.
- (3) The fact of a notice issuing under 37-1-309 or 37-1-403, MCA, and the fact of a proposed hearing examiner decision issuing will be published, but the full text will not be published.
- (4) Administrative suspensions pursuant to 37-1-321, MCA, are not disciplinary actions and will not be published on licensee lookup. However, the present status of the licensee will reflect the suspension.
- (5) Final orders denying a license application will not be published to licensee lookup.
- (6) Documents not published to licensee lookup may still be subject to review by the public upon request.

Authorizing statute(s): 37-1-101, MCA

Implementing statute(s): 37-1-311, 37-1-405, MCA

Reasonable Necessity Statement

There is reasonable necessity to amend this rule to ensure full compliance with 37-1-311 and 37-1-405, MCA. Those statutes require licensing boards and programs to post “within a reasonable amount of time ... The issuance of a summary suspension, a notice under 37-1-309, an accepted stipulation, a hearing examiner’s proposed decision, and a final order.” As currently written, this rule specifies the types of final order to be posted, and is silent as to other posting types. In review of the initial rulemaking which led to the adoption of this rule, it appears the silence was intended not to bar other posting types, but merely that those other types need not be specified in the rule. Specifically, in Response 11, the department stated: “The fact that a licensee has an action pending before a board will be noted on licensee lookup and the public can contact the applicable board or program for additional information. Final disciplinary documents will not be posted on licensee lookup until the board or program has issued a final order in a particular case.” 2009 MAR Issue No. 13 at p. 1169 (July 16, 2009). Despite this statement, it does not appear that licensee lookup supports such postings, other than final orders at this time. As such, in the interest of public transparency and protection of public safety and health, the department proposes these amendments to make explicit the intention from 2009. It is expected that this rule will take effect on January 1, 2027, to allow sufficient time for programmatic implementation.

As proposed, this rule also specifies certain distinctions in what will be posted. Specifically, full text of summary suspension orders and final orders will be posted. This is in line with current practice and will be maintained. The statutes require the postings of “accepted stipulations.” In the context of licensing boards, while the department and a licensee may have agreed to terms in a stipulation or settlement agreement, the document is not “accepted” until a final vote by the adjudication panel. As such, (2) provides specificity that the posting will occur after such vote. This is in line with current practice.

Section (3) clarifies that, while the fact of a notice having issued will be published, the full text of the notice will not be published on licensee lookup. The department has long taken the position that the right of privacy of the licensee outweighs the public’s right to know about a complaint until such time as a licensing board’s screening panel finds cause to discipline the license. However, the specific allegations of a notice are not proven until evidence may be submitted to a hearing officer and findings and conclusions are proposed or adopted. As such, while the fact that disciplinary action is occurring should be published, the department will not publish the notice. The department will continue to respond to public records requests, should inquiry be made.

Section (4) clarifies that administrative suspensions, which are not disciplinary actions, will not be published, but the fact that a license is not active will be reflected. This section is merely a clarifying rewrite of prior (2).

Section (5) clarifies that license application denials will not be posted to licensee lookup. In short, those who are not licensed do not have a license to look up. These orders are therefore

not published to a licensing record, because the record does not exist. This is in keeping with prior (3).

Section (6) specifies that the fact of non-posting to licensee lookup does not mean that documents are not public records. On request, documents may be produced, in whole or in part, depending on the circumstances and the required balancing of the public's right to know against the individual right of privacy.

Small Business Impact

The proposed amendment to ARM 24.101.403 is estimated to impact 155,679 professional license applicants and 20,143 building code permits annually, increasing revenue across all licensing boards and programs by \$463,000.00. This change will impact all license applicants and those renewing a license, regardless of license type or board. The change is not expected to have a significant impact on small businesses because, on an individual basis, these fees reflect a small percentage of the total license application cost.

Approximately 8,500 applicants a year require background checks. The change will impact all licensees who are statutorily required to obtain a background check prior to receiving a license. The change is not expected to have a significant impact on small businesses because the fees are already being paid by the applicants.

Bill Sponsor Notification

The bill sponsor contact requirements do not apply.

Interested Persons

The agency maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the agency. Persons wishing to have their name added to the list may sign up at dli.mt.gov/rules or by sending a letter to P.O. Box 1728, Helena, Montana 59624 and indicating the program or programs about which they wish to receive notices.

Rule Reviewer

Quinlan O'Connor

Approval

Sarah Swanson, Commissioner