



MONTANA
ADMINISTRATIVE
REGISTER



DEPARTMENT OF LABOR AND INDUSTRY

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2026-134.1

Summary

Real property management program amendment of fees and implementation of House Bill 246 pertaining to substantial equivalency

Hearing Date and Time

[hearing_date], at [hearing_time] [hearing_ampm]

Virtual Hearing Information

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

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 [comment_date], 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 [accommodations_deadline], at 5:00 p.m.

Contact

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

General Reasonable Necessity Statement

The 2025 Montana Legislature passed House Bill 246 which was signed by the Governor April 3, 2025, and became effective October 1, 2025. The bill standardizes substantial equivalency determinations in professional licensing and eliminates duplicative statutory sections regarding equivalency and reciprocity.

While historically available to applicants licensed in other states or jurisdictions, licensure by substantial equivalency has never been consistent among the professional licensing boards and programs. House Bill 246 creates a standard definition for determining substantial equivalency to be uniformly utilized by all the boards and programs when processing endorsement applications. This will create overall efficiencies in processing endorsement applications and reduce licensing wait times for applicants and employers.

To implement the legislation and further the endorsement licensing process, the department is proposing to adopt NEW RULE 1 as it pertains to the real property management program. The department has compared current licensure standards of the fifty United States for program licensees and determined those that are substantially equivalent per the definition in 37-1-302, MCA. This new rule will adopt and incorporate by reference the program's initial approved list of states having substantially equivalent licensing standards. The list will be published on the real property management program's website. The program will analyze other states' licensing standards annually, and update the published list as needed.

In addition, the department proposes to amend the fee schedule rule to increase renewal fees to address the increased costs to the program due to the increase in complaints after the Real Property Management Program was separated into an individual program.

Rulemaking Actions

AMEND

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

24.209.401 FEE SCHEDULE

- | | | |
|-----|--|--------------------------|
| (1) | Original application | \$50 |
| (2) | Renewal | 50 <u>200</u> |
| (3) | Prelicensing course application | 150 |
| (4) | All fees are nonrefundable. | |
| (5) | Examination fees are paid directly to the testing service. | |

Authorizing statute(s): 37-56-102, MCA

Implementing statute(s): 37-56-102, MCA

ADOPT

The rules proposed to be adopted are as follows:

NEW RULE 1 SUBSTANTIAL EQUIVALENCY

- (1) The department adopts and incorporates by reference the 2026 substantial equivalency list for the Real Property Management Program's publication. The publication is available on the program's website.
- (2) The program intends to review the publication annually. However, failure to review or adopt a new list does not change the effectiveness of the adoption in this rule.
- (3) License applications from individuals licensed in substantially equivalent states are routine applications as to the education, examination, and experience requirements for licensure. Applications may be nonroutine on other bases.

Authorizing statute(s): 37-1-131, MCA

Implementing statute(s): 37-1-304, MCA

Small Business Impact

Pursuant to 2-4-111, MCA, the Montana small businesses that will probably be affected by the proposed rule changes are individual and property management companies. The department has determined that the proposed rule changes will not create a negative significant and direct impact on these small businesses. The department has determined that the proposed rule changes will have a positive impact on small businesses by encouraging individuals to enter Montana and join the Montana workforce.

In addition, the program will implement changes to the fee schedule rule and increase the renewal fee. This will impact individual and property management companies. The monetary amount a person will pay as a fee, the cumulative amount for all persons of the proposed increase will be \$192,600; and 1,284 persons will be affected. The department has determined that the proposed rule change to the rule regarding fee schedule and renewal fee will not have a negative significant and direct impact on small businesses.

Bill Sponsor Notification

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

Jennifer Stallkamp

Approval

Sarah Swanson, Commissioner