

SENATE BILL NO. 111

INTRODUCED BY B. KEENAN, J. O'NEIL, J. SONJU, V. JACKSON

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A CERTIFIED PUBLIC ACCOUNTANT, LEGISLATOR, LAND SURVEYOR, PEACE OFFICER, BANKER, STOCK BROKER, TITLE INSURANCE OR OTHER INSURANCE PROFESSIONAL, REAL ESTATE BROKER, PARALEGAL, PSYCHIATRIST, PSYCHOLOGIST, SOCIAL WORKER, COUNSELOR, MEDIATOR, OR ANY OTHER PERSON DOES NOT ENGAGE IN THE PRACTICE OF LAW BY DISCUSSING THE LAW WITH ANY PERSON FREE OF CHARGE OR FOR A FEE; AND AMENDING SECTION 37-61-201, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 37-61-201, MCA, is amended to read:

"37-61-201. Who considered to be practicing law. (1) ~~Any A person who shall hold himself out or advertise purports to be or advertises as an attorney or counselor at law or who shall appear in any appears in a court of record or before a judicial body, referee, commissioner, or other officer appointed to determine any question of law or fact by a court or who shall engage engages in the business and duties and perform such performs acts, matters, and things as are usually done or performed by an attorney at law in the practice of his an attorney's profession for the purposes of parts 1 through 3 of this chapter shall be deemed practicing engages in the practice of law.~~

(2) A certified public accountant, legislator, land surveyor, peace officer, banker, stock broker, title insurance or other insurance professional, real estate broker, paralegal, psychiatrist, psychologist, social worker, counselor, mediator, or any other person does not engage in the practice of law by discussing the law with any person free of charge or for a fee.

(3) This section does not absolve a legislator from the prohibition in 2-2-111 from accepting a fee, contingent fee, or other compensation for promoting or opposing legislation or for speaking to a state agency or a political subdivision.

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