

1 SENATE BILL NO. 296

2 INTRODUCED BY B. TUTVEDT

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4 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE CIVIL PENALTY FOR VIOLATION OF THE
5 MONTANA QUARANTINE AND PEST MANAGEMENT ACT; AMENDING SECTION 80-7-404, MCA; AND
6 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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10 **Section 1.** Section 80-7-404, MCA, is amended to read:

11 **"80-7-404. Penalty.** (1) A person who violates the quarantines, procedures, or rules of the department
12 adopted under 80-7-402 commits a civil offense and is subject to a civil penalty of not more than ~~\$1,000~~ \$5,000
13 for each violation.

14 (2) Assessment of a civil penalty may be made in conjunction with another warning, order, or
15 administrative action authorized by this part. A civil penalty collected under this section must be deposited in the
16 general fund.

17 (3) The department shall establish by rule:

18 (a) a penalty schedule that establishes the types of penalties and the amounts, not to exceed ~~\$1,000~~
19 \$5,000, for initial and subsequent offenses; and

20 (b) other matters necessary for the enforcement of civil penalties.

21 (4) This section may not be construed as requiring the department or its agents to report violations of
22 80-7-402 when the department believes that the public interest will be best served by a suitable notice of
23 warning."

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25 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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