

## SENATE BILL NO. 324

INTRODUCED BY J. BALYEAT

1  
2  
3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS GOVERNING THE DISPOSITION OF CIVIL  
5 FINES, SETTLEMENT PROCEEDS, COSTS, AND FEES RECOVERED IN CONSUMER PROTECTION  
6 ACTIONS; DIRECTING THE ADOPTION OF PROCEDURES FOR DISTRIBUTION OF SETTLEMENT  
7 PROCEEDS RECEIVED ON BEHALF OF CONSUMERS TO THE CONSUMERS ON WHOSE BEHALF THE  
8 SETTLEMENT IS MADE; AMENDING SECTIONS 30-14-143 AND 30-14-226, MCA; AND PROVIDING AN  
9 EFFECTIVE DATE."

10  
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12  
13 **Section 1.** Section 30-14-143, MCA, is amended to read:  
14 **"30-14-143. Disposition of civil fines, settlement proceeds, costs, and fees.** (1) (a) All Subject to  
15 subsection (1)(b), all civil fines, settlement proceeds, costs, and fees received or recovered by the department  
16 pursuant to this part must be deposited into a state special revenue account to the credit of the department and  
17 must be used to defray the expenses of the department in discharging its administrative and regulatory powers  
18 and duties in relation to this part. The balance in the account may not exceed two times the amount of the budget  
19 for the current biennium. Any excess civil fines, settlement proceeds, costs, or fees must be transferred to the  
20 general fund.

21 (b) The department shall adopt procedures designed to distribute settlement proceeds received on behalf  
22 of consumers to the consumers on whose behalf the settlement is made. Settlement proceeds not distributed to  
23 consumers pursuant to this subsection (1)(b) within 1 year after the proceeds are received are subject to the  
24 provisions of subsection (1)(a).

25 (2) All civil fines, settlement proceeds, costs, and fees received or recovered by a county attorney  
26 pursuant to this part must be paid to the general fund of the county in which the action was commenced."  
27

28 **Section 2.** Section 30-14-226, MCA, is amended to read:

29 **"30-14-226. Disposition of civil fines, settlement proceeds, costs, and fees.** (1) All Subject to  
30 subsection (2), all civil fines, settlement proceeds, costs, and fees received or recovered by the department

1 pursuant to this part must be deposited into a state special revenue account to the credit of the department and  
2 must be used to defray the expenses of the department in discharging its administrative and regulatory powers  
3 and duties in relation to this part. The balance in the account may not exceed two times the amount of the budget  
4 for the current biennium. Any excess civil fines, settlement proceeds, costs, or fees must be transferred to the  
5 general fund.

6 (2) The department shall adopt procedures designed to distribute settlement proceeds received on behalf  
7 of consumers to the consumers on whose behalf the settlement is made. Settlement proceeds not distributed to  
8 consumers pursuant to this subsection within 1 year after the proceeds are received are subject to the provisions  
9 of subsection (1)."

10

11 NEW SECTION. Section 3. Effective date. [This act] is effective July 1, 2011.

12

- END -