

1 SENATE BILL NO. 283

2 INTRODUCED BY M. NOLAND, K. REGIER, C. GLIMM

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATING TO CIVIL PENALTIES APPLYING
5 TO CREDIT UNIONS; ALLOWING THE COMMISSIONER OF BANKING TO ASSESS A CIVIL MONEY
6 PENALTY; PROVIDING FOR PENALTY AMOUNT DETERMINATIONS BY THE COMMISSIONER; AND
7 PROVIDING A DEFINITION."

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

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11 NEW SECTION. **Section 1. Civil money penalties.** (1) After providing a notice and an opportunity
12 for a public hearing pursuant to the Montana Administrative Procedure Act, the commissioner may assess
13 against, and collect a civil money penalty from, any credit union or from any director, OR officer, ~~supervisory~~
14 ~~committee member, employee, agent, or other person~~ participating in the conduct of the affairs of a credit union
15 who:

- 16 (a) engages or participates in any unsafe or unsound practice in connection with a credit union; or
17 (b) violates or knowingly permits any person to violate any of the provisions of this chapter, any
18 rule promulgated pursuant to this chapter, or any lawful order of the director issued pursuant to this chapter.

19 (2) A civil money penalty assessed pursuant to subsection (1) may not exceed \$10,000 a day for
20 each day the violation continues. A civil money penalty may not be assessed for the same act or practice if
21 another government agency has taken similar action against the credit union or person to be assessed a civil
22 money penalty.

23 (3) In determining the amount of the civil money penalty to be assessed, the commissioner shall
24 consider:

- 25 (a) the good faith of the credit union or person to be assessed with a civil money penalty;
26 (b) the gravity of the violation;
27 (c) any previous violations by the credit union or person to be assessed with a civil money penalty;
28 (d) the nature and extent of any previous violations; and

