

1 HOUSE BILL NO. 184

2 INTRODUCED BY G. HERTZ

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4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT CERTIFIED PUBLIC ACCOUNTANTS ARE
5 EXEMPT FROM THE REGULATORY REQUIREMENTS OF PRIVATE INVESTIGATORS, PRIVATE SECURITY
6 AND FIRE ENTITIES, AND PROCESS SERVERS WHEN ENGAGED IN AN INVESTIGATION INCIDENT TO
7 THE PRACTICE OF ACCOUNTANCY; AND AMENDING SECTION 37-60-105, MCA."

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

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11 **Section 1.** Section 37-60-105, MCA, is amended to read:12 **"37-60-105. Exemptions.** (1) Except as provided in subsection (2), this chapter does not apply to:

13 (a) any one person employed singly and exclusively by any one employer in connection with the affairs
14 of that employer only and when there exists an employer-employee relationship and the employee is unarmed,
15 does not wear a uniform, and is guarding inside a structure that at the time is not open to the public;

16 (b) a person:

17 (i) employed singly and exclusively by a retail merchant;

18 (ii) performing at least some work for the retail merchant as a private security guard; and

19 (iii) who has received training as a private security guard from the employer or at the employer's direction;

20 (c) an officer or employee of the United States, of this state, or of a political subdivision of the United
21 States or this state while the officer or employee is engaged in the performance of official duties;

22 (d) a person engaged exclusively in the business of obtaining and furnishing information as to the
23 financial rating of persons or as to the personal habits and financial responsibility of applicants for insurance,
24 indemnity bonds, or commercial credit;

25 (e) an attorney at law while performing duties as an attorney at law;

26 (f) a legal intern, paralegal, or legal assistant employed by one or more lawyers, law offices,
27 governmental agencies, or other entities;

28 (g) a law student who is serving a legal internship;

29 (h) a collection agency or finance company licensed to do business under the laws of this state, or an
30 employee of a collection agency or finance company licensed in this state while acting within the scope of

1 employment, while making an investigation incidental to the business of the agency or company, including an
2 investigation of the location of a debtor or the debtor's property when the contract with an assignor creditor is for
3 the collection of claims owed or due or asserted to be owed or due or the equivalent;

4 (i) special agents employed by railroad companies, provided that the railroad company notifies the board
5 that its agents are operating in the state;

6 (j) insurers and insurance producers and insurance brokers licensed by the state while performing duties
7 in connection with insurance transacted by them;

8 (k) individuals engaged in the collection and examination of physical material for forensic purposes;

9 (l) an insurance adjuster, as defined in 37-60-101;

10 (m) an internal investigator or auditor while making an investigation incidental to the business of the
11 agency or company by which the investigator or auditor is singularly and regularly employed; ~~or~~

12 (n) a person who evaluates and advises management on personnel and human resource issues in the
13 workplace; or

14 (o) a certified public accountant with a license or permit to practice or a practice privilege under
15 37-50-314 or 37-50-325 to the extent that the person is engaged in an investigation relating to the practice of
16 accounting.

17 (2) (a) Except as provided in subsection (2)(b), persons listed as exempt in subsection (1) are not
18 exempt for the purposes of acting as registered process servers.

19 (b) Subsection (2)(a) does not apply to attorneys or persons who make 10 or fewer services of process
20 in a calendar year, as provided in 25-1-1101."

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