

1 SENATE BILL NO. 254

2 INTRODUCED BY M. BLASDEL, E. BUTTREY, J. COHENOUR, B. KEENAN, J. SESSO, T. RICHMOND,
3 D. SALOMON

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5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING IN STATUTE FEES FOR LICENSURE AS A RETAIL
6 FOOD ESTABLISHMENT; AND AMENDING SECTION 50-50-205, MCA."

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

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10 **Section 1.** Section 50-50-205, MCA, is amended to read:

11 **"50-50-205. License fee -- late fee -- preemption of local authority -- exception.** (1) (a) Except as
12 provided in subsection (6) or (7), the department shall collect for each license issued or renewed a fee as
13 provided in subsection (1)(b). Of the fees collected under this section, 90% must be deposited into the local board
14 inspection fund account created in 50-2-108, 5% into the general fund, and 5% into the account provided for in
15 50-50-216.

16 (b) ~~The department shall set the fees by rule according to retail food establishment complexity~~ License
17 fees are:

18 (i) \$85 for each license issued to a retail food establishment that does not have more than two
19 employees working at any one time; and

20 (ii) \$115 for retail food establishments other than those referred to in subsection (1)(b)(i).

21 (2) (a) In addition to the license fee required under subsection (1), the department shall collect a late fee
22 of \$25 from any licensee who has failed to submit a license renewal fee prior to the expiration of the licensee's
23 current license and who operates a retail food establishment governed by this part in the next licensing year.

24 (b) The late fee must be deposited in the account provided for in 50-50-216.

25 (3) A county or other local government may not impose an inspection fee or charge in addition to the fee
26 provided for in subsection (1) unless a violation of this chapter or rule persists and is not corrected after two
27 inspections of the retail food establishment.

28 (4) The fees in subsections (1) and (2) may be paid by credit card and may be discounted for payment
29 processing charges paid by the department to a third party. However, the discounting of license fees may not
30 reduce the fees paid into the local board inspection fund account established in 50-2-108.

1 (5) The department shall collect a fee as provided in rule for each mobile food establishment plan
2 submitted to the department for review.

3 (6) (a) A local health authority shall collect a fee, as provided in subsection (6)(b), for a permit issued
4 for a temporary food establishment required to register under 50-50-120.

5 (b) A fee charged to a temporary food establishment may not exceed the amount charged to a retail food
6 establishment as provided in subsection (1).

7 (c) The local regulatory authority shall use the revenue from the fee collected under this subsection (6)
8 to defray costs associated with issuing a temporary food establishment permit and the costs of inspections
9 required under this chapter.

10 (7) A fee may not be charged to a person who sells or serves whole shell eggs at a farmer's market if
11 the whole shell eggs are clean, free of cracks, and stored in clean cartons that are labeled in accordance with
12 department rules and kept at a temperature established by the department by rule."

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