

HOUSE BILL NO. 563

INTRODUCED BY S. FITZPATRICK

A BILL FOR AN ACT ENTITLED: "AN ACT PROTECTING THE FILING OF OR PARTICIPATION IN LICENSING COMPLAINT INVESTIGATIONS; VOIDING CONTRACTS BARRING THE FILING OF OR PARTICIPATION IN LICENSING COMPLAINT INVESTIGATIONS; ESTABLISHING UNPROFESSIONAL CONDUCT; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. Section 1. Complaint filing protected -- unprofessional conduct. (1) A contract or agreement provision is void if it prohibits, discourages, or otherwise bars or purports to bar:

(a) the filing or pursuing of a complaint allowable under 37-1-308 or 37-1-402; or

(b) an individual from participating in or cooperating with an investigation of a complaint filed under 37-1-308 or 37-1-402.

(2) It is unprofessional conduct for a licensee to:

(a) be party to a contract or agreement in violation of this section; or

(b) retaliate against a person for filing a complaint allowable under 37-1-308 or 37-1-402.

(3) This section does not apply to general waivers of claims. General waivers of claims may not be interpreted to apply to complaints allowable under 37-1-308 or 37-1-402.

NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 37, chapter 1, part 1, and the provisions of Title 37, chapter 1, part 1, apply to [section 1].

NEW SECTION. Section 3. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval.
