



**MONTANA
ADMINISTRATIVE
REGISTER**



DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2026-23.1

Summary

ARM 18.8.1502, 18.8.1503, and 18.8.1505 are revised annually to adopt the most current published federal motor carrier safety regulations (49 CFR parts 373-399), ensuring MDT compliance with commercial vehicle safety in accordance with the federal motor carrier safety regulations as listed in 61-10-154, MCA.

Hearing Date and Time

Thursday, April 9, 2026, at 10:00 a.m.

Virtual Hearing Information

Join Zoom Meeting

<https://mt-gov.zoom.us/j/85771771209?pwd=hlpwI8bNygRNyFbehqgXI0ghOAwTd4.1>

Meeting ID: 857 7177 1209

Password: 261559

Dial by Telephone: +1 646 558 8656

Meeting ID: 857 7177 1209

Password: 261559

Find your local number: <https://mt-gov.zoom.us/j/85771771209>

Join by SIP: 85771771209@zoomcrc.com

Join by H.323: 144.195.19.161##85771771209

Comments

Interested persons may present their data, views, or arguments at the hearing. Written data, views, or arguments may also be submitted to the contact person below. Comments must be received by Friday, April 17, 2026, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Thursday, April 2, 2026, at 5:00 p.m.

Contact

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astrong@mt.gov

General Reasonable Necessity Statement

The proposed amendment to ARM 18.8.1502 is necessary to adopt any federal motor carrier safety regulations adopted, amended, or repealed by the Federal Motor Carrier Safety Administration between April 1, 2025 and April 1, 2026, thereby ensuring MDT's administrative rule associated with transportation of commercial vehicle safety substantially complies with the federal motor carrier safety regulations as listed in 61-10-154, MCA. The changes may be viewed at <https://bit.ly/4aymCQe>.

The proposed amendment to ARM 18.8.1503 is necessary to adopt any federal motor carrier safety regulations adopted, amended, or repealed by the Federal Motor Carrier Safety Administration between April 1, 2025 and April 1, 2026, thereby ensuring MDT's administrative rule associated with transportation of hazardous materials substantially complies with the federal hazardous materials regulations as listed in 61-10-154, MCA.

The proposed amendment to ARM 18.8.1505 is necessary to adopt the most current CVSA (Commercial Vehicle Safety Alliance) North American Uniform "Out-of-Service" criteria. The 2026 changes to the CVSA may be viewed at <http://cvsa.org/wp-content/uploads/OOSC-Changes-Letter.pdf>.

Rulemaking Actions

AMEND

The rules proposed to be amended are as follows, stricken matter interlined, new matter underlined:

18.8.1502 FEDERAL MOTOR CARRIER SAFETY RULES AND STATE MODIFICATIONS

- (1) Any commercial motor vehicle or motor carrier subject to regulation by the department under 61-10-154, MCA, shall comply with and the department adopts by reference the following portions of the Federal Motor Carrier Safety Regulations of the U.S. Department of Transportation, subject to the provisions of (2). The regulations adopted are 49 CFR part 373, 49 CFR part 375, 49 CFR parts 377 through 379, 49 CFR part 382, 49 CFR part 383, 49 CFR part 385, 49 CFR part 386 subpart F – Injunctions and Imminent Hazards, 49 CFR part 387, 49 CFR parts 390 through 399, and Appendix G to subchapter B of chapter III, Title 49 of the Code of Federal Regulations, as updated through ~~March 26, 2025~~ March 10, 2026. Copies of the regulations may be obtained from the U.S. Government Printing Office, 732 North Capitol Street, NW, Washington, DC 20401-0001, or at www.gpo.gov.
- (2) The federal regulations incorporated by reference are subject to the following modifications:
 - (a) For purposes of 49 CFR part 385, the safety investigation applied to intrastate carriers will be referred to as an "intrastate safety investigation." The department will conduct intrastate safety investigations in compliance with ARM 18.8.1506.
 - (b) 49 CFR part 387, subpart A, 387.7 and 387.9 apply to for-hire motor carriers operating in interstate or foreign commerce and motor carriers transporting hazardous material. Section 61-6-103, MCA, establishes the minimum level of financial responsibility for for-hire motor carriers transporting nonhazardous material intrastate.
 - (c) With respect to 49 CFR 390.19, an intrastate motor carrier must complete a "Motor Carrier Identification Report" (form MCS-150) at the following times:
 - (i) before the carrier begins operation; and

- (ii) every 24 months thereafter, in accordance with the schedule in 49 CFR 390.19.
- (d) For the purpose of 49 CFR 390.21, the department will assign a United States Department of Transportation (USDOT) number to each intrastate motor carrier and that number, in addition to the name or trade name of the motor carrier, must be marked on each self-propelled commercial motor vehicle operated by the carrier in the same manner as is required of a federally issued USDOT number except:
 - (i) The motor carrier is required to mark each vehicle subject to these regulations with the assigned "USDOT" number immediately followed by the state abbreviation "MT."
- (e) Part 391 is subject to the age and physical qualification provisions of ARM 23.3.505 and 23.3.506 for those individuals operating under a type 2 commercial driver's license and not engaged in "interstate commerce," as defined in 49 CFR part 391.
- (f) For the purpose of 49 CFR 395.1(k), the planting and harvesting seasons during which transportation of agricultural commodities or farm supplies for agricultural purposes is conducted shall be deemed to run from January 1 through December 31 of each year.
- (g) For the purpose of 49 CFR 395.8, a person exempted from 49 CFR 395.3 pursuant to the exclusion set forth in 49 CFR 395.1(k) must keep a daily record of the number of hours worked. The format of the daily record may be determined by the record keeper, so long as the format includes a provision for entry of hours worked by calendar day. The daily record must be retained for a period of six months from initial entry date. Payroll records or time sheets may be used for this purpose, if they are updated on a daily basis.
- (h) For purposes of 49 CFR 396.9, a Commercial Vehicle Safety Alliance (CVSA) Level I, II, III, and V inspection performed by a certified officer or investigator requires the driver's presence and participation to complete the safety inspection of the driver and motor vehicle.

Authorizing statute(s): 61-10-155, MCA

Implementing statute(s): 61-10-141, 61-10-154, MCA

18.8.1503 TRANSPORTATION OF HAZARDOUS MATERIALS

- (1) A commercial motor vehicle, motor carrier, or hazardous materials shipper shall comply with and the department adopts by reference the following federal regulations of the U.S. Department of Transportation concerning the transportation of hazardous materials: 49 CFR part 107, 49 CFR part 171, 49 CFR part 172, 49 CFR part 173, 49 CFR part 177, 49 CFR part 178, and 49 CFR part 180. The regulations adopted may be found in the Code of Federal Regulations, Title 49, chapter I, subchapters B and C, as updated through ~~March 26, 2025~~ March 10, 2026. Copies may be obtained from the U.S. Government Printing Office, 732 North Capitol Street, NW, Washington, DC 20401-0001, or at www.gpo.gov.

Authorizing statute(s): 61-10-155, MCA

Implementing statute(s): 61-10-154, MCA

18.8.1505 SAFETY INSPECTION PROGRAM: PURPOSE AND OUT-OF-SERVICE CRITERIA

- (1) The safety inspection program implemented by the U.S. Department of Transportation is intended to focus on those driver-related and mechanical factors most often responsible for crashes involving trucks, passenger carriers, and hazardous material transporters and is designed to remove potentially unsafe drivers and imminently hazardous vehicles from Montana's highways.
- (2) In addition to the federal regulations adopted in ARM 18.8.1502, the safety inspection program will follow Commercial Vehicle Safety Alliance (CVSA), North American Standard Out-of-Service Criteria (~~June 25, 2025~~ April 1, 2026), incorporated by reference. A copy of the North American Standard Out-of-Service Criteria may be obtained from the Commercial Vehicle Safety Alliance, ~~6303 Ivy Lane, Suite 310, Greenbelt, MD 20770-6319~~ 99 M Street, SE, Suite 1025, Washington, DC 20003, or at www.cvsa.org.
- (3) For purposes of this program, inspection may be waived for any vehicle subject to inspection and bearing a CVSA inspection decal issued by state or province using CVSA out-of-service criteria within the preceding 90 days, as identified by color code and corner trimming.

Authorizing statute(s): 61-10-155, MCA

Implementing statute(s): 61-10-154, MCA

Small Business Impact

The proposed changes to the North American Standard Driver Out-of-Service Criteria primarily remove language that no longer applies or provide clarification to the inspector for when the conditions have been met, requiring the driver be placed out of service. Similarly, the proposed changes to the North American Standard Vehicle Out-of-Service Criteria provides clarification as to when a vehicle should be placed out of service for certain violations. Additionally, references have been added to the Vehicle Out-of-Service Criteria to ensure that the inspector is able to properly identify when the criteria apply.

As such, the proposed amendments have no significant or direct impact to small businesses. The department's small business impact analysis can be provided upon request.

Tribal Impact

With regard to the requirements of 2-15-142, MCA, the department has determined that the amendment of the above-referenced rules will not have direct tribal implications, as tribal vehicles are specifically exempt from governance by the federal regulations.

Bill Sponsor Notification

The bill sponsor contact requirements do not apply.

Interested Persons

The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. To request inclusion on the interested persons list, please send an email to mdtarms@mt.gov with your name and email address. Notices are sent by e-mail.

Rule Reviewer

Valerie Balukas

Approval

Christopher Dorrington, Director