



ADMINISTRATIVE RULES OF MONTANA

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. 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

History: NEW, Eff. 5/4/74; AMD, 1981 MAR p. 314, Eff. 3/27/81; AMD, 1983 MAR p. 1736, Eff. 11/26/83; TRANS, from Department of Public Service Regulation, Ch. 686, L. 1985, Eff. 7/1/85; EMERG, AMD, 1990 MAR p. 2115, Eff. 11/30/90; AMD, 1995 MAR p. 2807, Eff. 12/22/95; AMD, 1998 MAR p. 2582, Eff. 9/25/98; AMD, 2001 MAR p. 1838A, Eff. 9/21/01; AMD, 2004 MAR p. 1021, Eff. 4/23/04; TRANS, from Justice, 2005 MAR p. 2059; AMD, 2006 MAR p. 1160, Eff. 5/5/06; AMD, 2010 MAR p. 1179, Eff. 5/14/10; AMD, 2012 MAR p. 1350, Eff. 7/13/12; AMD, 2013 MAR p. 1184, Eff. 7/12/13; AMD, 2014 MAR p. 502, Eff. 3/14/14; AMD, 2016 MAR p. 1456, Eff. 8/20/16; AMD, 2017 MAR p. 895, Eff. 6/24/17; AMD, 2017 MAR p. 1400, Eff. 8/19/17; AMD, 2018 MAR p. 1035, Eff. 5/26/18; AMD, 2018 MAR p. 1277, Eff. 7/7/18; AMD, 2019 MAR p. 543, Eff. 5/11/19; AMD, 2020 MAR p. 1020, Eff. 6/13/20; AMD, 2021 MAR p. 875, Eff. 7/10/21; AMD, 2022 MAR p. 1072, Eff. 6/25/22; AMD, 2023 MAR p. 566, Eff. 6/24/23; AMD, 2024 MAR p. 1455, Eff. 6/22/24; AMD, 2025 MAR, Notice No. 87, Eff. 6/28/25.