



ADMINISTRATIVE RULES OF MONTANA



38.3.1203 RETAINING CLASS D CERTIFICATE

- (1) A motor carrier who possesses a Class D motor carrier certificate and who can show that its class D service is used by at least 20 customers per month during each month of the calendar year, or can show that its Class D service generates not less than \$5,000 gross revenue per calendar year, is presumed to meet the requirements of actually engaging in the transportation of Class D materials on a regular basis as part of the motor carrier's usual business operation as those requirements are set out in Section 69-12-314 (2) , MCA, and is, therefore, further presumed to be entitled to possess a Class D motor carrier certificate. No further showing will be required from such carrier unless the Commission specifically requests additional information pursuant to ARM 38.3.1206.
- (2) Failure of any Class "D" motor carrier to show either at least 20 customers per month or at least \$5,000 in annual gross revenues raises no presumption either in favor of or against that carrier retaining its certificate in light of the requirements of Section 69-12-314 (2) , MCA. Rather, each such carrier will be evaluated on a case-by-case basis as set out in ARM 38.3.1204.

Authorizing statute(s): Sec. 69-12-201, MCA

Implementing statute(s): Secs. 69-12-314 and 69-12-407, MCA

History: NEW, 1980 MAR p. 1717, Eff. 6/27/80.