



ADMINISTRATIVE RULES OF MONTANA



38.3.1001 EXCLUSION FROM THE DEFINITION OF MOTOR CARRIER FOR TRANSPORTATION INCIDENTAL TO PRINCIPAL BUSINESS

- (1) Except as may be limited by law or these rules, a person who is otherwise within the definition of "motor carrier" under section 69-12-101 , MCA, and related provisions, and not otherwise exempt from regulation under section 69-12-102 , MCA, or related or similar provisions, is not a "motor carrier" if the transportation activities of the person are incidental to a principal business of that person.
- (2) Transportation is incidental to a principal business when the transportation is in furtherance of, in the scope of, and subordinate to that principal business, as provided in these rules.
- (3) The evaluation used to determine whether transportation is incidental under these rules may be referred to as the "primary business test."

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

Implementing statute(s): Sec. 69-12-101, MCA

History: NEW, 1994 MAR p. 1711, Eff. 6/24/94.