



# Transportation Interim Committee

68th Montana Legislature

PO BOX 201706  
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JOE CARROLL, Staff Attorney  
DANIEL ROSENBERG, Secretary

### Rule review memo - May 6, 2024

Attached to this memo please find three rule proposals.

The first is an advance copy of 18-200, a proposal by MDT to amend 5 existing rules about motor carriers. The Secretary of State's office will publish this proposal in a few days. TIC cannot take an official action on this proposal at this time.

The second proposal is 23-3-273, a proposal by DOJ regarding DUI rules. This proposal is subject to review by the Law and Justice Interim Committee, but is included in this memo in case members of TIC are interested in monitoring DUI rules.

Likewise, the third proposal is 17-441, a proposal by DEQ regarding motor vehicle recycling and disposal. This proposal is subject to review by the Environmental Quality Council, but is included in this memo in case members of TIC are interested in monitoring junk vehicles rules.

BEFORE THE DEPARTMENT OF TRANSPORTATION  
OF THE STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF PUBLIC HEARING ON  
ARM 18.8.202, 18.8.415, 18.8.1502, ) PROPOSED AMENDMENTS  
18.8.1503, and 18.8.1505 pertaining )  
to Motor Carrier Services )  
)

TO: All Concerned Persons

1. On Friday May 31, at 10:00 a.m., the Department of Transportation ("department") will hold a public hearing via remote conferencing to consider the proposed amendments of the above-stated rules.

Topic: MAR 18-200 Public Hearing MCS ARM Amendments  
Time: May 31, 2024 10:00 AM Mountain Time (US and Canada)

Join Zoom Meeting

<https://mt-gov.zoom.us/j/89204404674?pwd=NEh6SXI4K0NZUUxOUlFQcWhyU3JPQT09>

Meeting ID: 892 0440 4674

Password: 243876

2. The department 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. If you require an accommodation, contact the department no later than 5:00 p.m. on , to advise us of the nature of the accommodation that needed. Please contact Aliselina Strong, Department of Transportation, PO Box 201001, Helena, Montana, 59620; telephone (406) 444-0806; fax (406) 444-9415; TTY Service (800) 335-7592 or through the Montana Relay Service at 711; or e-mail [astrong@mt.gov](mailto:astrong@mt.gov).

3. The rules as proposed to be amended provide as follows, new matter underlined, deleted matter interlined:

18.8.202 MOTOR CARRIERS OPERATING INTERSTATE

(1) and (2) remain the same.

(3) By reference, the department adopts the rules established by the UCR Board in accordance with 49 USC 14504a ~~(2009)~~, a copy of which may be found at the offices of the Montana Department of Transportation, Motor Carrier Services Division, 2701 Prospect, P.O. Box 4639, Helena, MT 59620-4639.

(4) and (5) remain the same.

AUTH: 61-3-710, 61-10-155, MCA

IMP: 61-3-708, 61-3-711, 61-3-712, 61-3-713, 61-3-714, 61-3-715, 61-3-716, 61-3-717, 61-3-718, 61-3-719, 61-3-720, 61-3-721, 61-3-722, 61-3-723, 61-3-724, 61-3-725, 61-3-726, 61-3-727, 61-3-728, 61-3-729, 61-3-730, 61-3-731, 61-3-732, 61-3-733, MCA

REASON: The proposed revisions are necessary to correct citations to repealed references.

18.8.415 MONTHLY - QUARTERLY G.V.W. FEES (1) The quarter fee shall be one fourth of the fee set forth in 61-10-201 ~~and 61-10-203~~, MCA, if the gross weight exceeds 24,000 pounds. For purposes of (1) through (4) of this rule, a quarter shall be any consecutive three-month period.

(2) through (6) remain the same

AUTH: 61-10-155, MCA

IMP: 61-10-121, 61-10-122, 61-10-124, 61-10-125, 61-10-141, 61-10-209, MCA

REASON: The proposed revision is necessary to remove a reference to a repealed citation.

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 ~~April 12, 2023~~ April 25, 2024. 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](http://www.gpo.gov).

(2) remains the same.

AUTH: 61-10-155, MCA

IMP: 61-10-141, 61-10-154, MCA

REASON: The proposed amendment is necessary to adopt any federal motor carrier safety regulations adopted, amended or repealed, by the Federal Motor Carrier Safety Administration between ~~April 1, 2022 and April 12, 2023~~ and April 25, 2024, thereby assuring MDT's administrative rule associated with 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>.



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 ~~April 12, 2023~~ April 25, 2024. 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](http://www.gpo.gov).

AUTH: 61-10-155, MCA

IMP: 61-10-154, MCA

REASON: The proposed amendment is necessary to adopt any federal motor carrier safety regulations adopted, amended or repealed, by the Federal Motor Carrier Safety Administration between April 12, 2023 and April 25, 2024, thereby assuring 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.

PROGRAM: PURPOSE AND OUT-OF-SERVICE CRITERIA (1) remains the same.

(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 (April 1, 2023~~4~~), 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 or at [www.cvsa.org](http://www.cvsa.org).

(3) remains the same.

AUTH: 61-10-155, MCA

IMP: 61-10-154, MCA

REASON: The proposed amendment is necessary to adopt the most current Commercial Vehicle Safety Alliance (CVSA) North American Uniform "Out-of-Service" criteria. The 2024 changes to the CVSA may be viewed at <https://www.cvsa.org/news/2024-oosc-handbook/>

4. Concerned persons may submit their data, views, or arguments concerning the proposed actions in writing to: Aliselina Strong, Department of Transportation, PO Box 201001, Helena, Montana, 59620; telephone (406) 444-0806; fax (406) 444-9415; TTY Service (800) 335-7592 or through the Montana Relay Service at 711; or e-mail [astrong@mt.gov](mailto:astrong@mt.gov), no later than June 7, 2024.

5. A representative of the department has been designated to preside over and conduct this hearing.

MAR Notice No. 18-200


6. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in paragraph 4 or may be made by completing a request form at any rules hearing held by the department.


7. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

8. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

9. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of the above-referenced rules will not significantly and directly impact small businesses.

10. 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.

DocuSigned by:  
  
43837DD1D1D44CE  
Valerie A. Balukas  
Rule Reviewer

DocuSigned by:  
  
B94B2B84F0FB4DE  
Christian Nygren  
Chief Legal Counsel  
Department of Transportation

Certified to the Secretary of State April 30, 2024.



# CHRISTI JACOBSEN

## MONTANA SECRETARY OF STATE

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### Montana Administrative Register Notice 23-3-273

**No. 15**  
**08/04/2023**

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#### BEFORE THE DEPARTMENT OF JUSTICE OF THE STATE OF MONTANA

In the matter of the adoption of New	)	NOTICE OF PROPOSED ADOPTION,
Rule I, the amendment of ARM	)	AMENDMENT, AND REPEAL
<a href="#">23.3.502</a> and <a href="#">23.3.524</a> , and the repeal	)	
of ARM <a href="#">23.3.519</a> pertaining to licensing	)	NO PUBLIC HEARING
operations of commercial motor	)	CONTEMPLATED
vehicles	)	

TO: All Concerned Persons

1. On September 4, 2023, the Department of Justice proposes to adopt, amend, and repeal the above-stated rules.

2. The Department of Justice 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. If you require an accommodation, contact the Department of Justice no later than 5:00 p.m. on August 18, 2023, to advise us of the nature of the accommodation that you need. Please contact Laurie Bakri, Department of Justice, Motor Vehicle Division, 302 North Roberts, Scott Hart Building, P.O. Box 201430, Helena, Montana, 59620-1430; telephone (406) 444-3638; fax (406) 444-2086; or e-mail Laurie.Bakri2@mt.gov.

3. The rule as proposed to be adopted provides as follows:

NEW RULE I RECORDS CHECK PRIOR TO PROCESSING A COMMERCIAL DRIVER LICENSE APPLICATION, ENTRY-LEVEL DRIVER TRAINING, AND DRUG AND ALCOHOL CLEARINGHOUSE (1) The department shall conduct an electronic query to the entry-level driver training provider registry before administering a commercial driver license skills test to a nonexempt applicant:

- (a) for a class A or class B commercial driver license;
  - (b) upgrading from a class B to a class A;
  - (c) upgrading from a class C to a class B or A; or
  - (d) obtaining a passenger or school bus endorsement.
- (2) The department shall conduct an electronic query to the entry-level driver training provider registry before administering a commercial driver license knowledge test to a nonexempt applicant for a hazardous material endorsement.
- (3) The department may not conduct a commercial driver license skills test or a hazardous material knowledge test when the entry-level driver training provider registry does not validate the nonexempt applicant has completed the requisite entry-level driver training.
- (4) Prior to issuing, renewing, transferring, or upgrading a commercial driver license, the department shall electronically query the commercial driver license drug and alcohol clearinghouse to verify the applicant is not prohibited from operating a commercial motor vehicle. The department may not issue, renew, transfer, or upgrade a commercial driver's license or commercial learner's permit when the result from the clearinghouse indicates the driver is prohibited from operating a commercial motor vehicle.
- (5) Upon receiving notification from the commercial driver license drug and alcohol clearinghouse or from the federal motor carrier safety administration that a holder of a

commercial driver license or commercial learner's permit is prohibited from operating a commercial motor vehicle, the department shall downgrade the driver's commercial driver license or commercial driver's permit to a noncommercial driver license within 60 days of receiving the notification.

(6) If, after the department completes and records the downgrade of a commercial driver license or commercial learner's permit, the department receives notification from the drug and alcohol clearinghouse or the federal motor carrier safety administration that the driver is no longer prohibited from operating a commercial motor vehicle, or was erroneously identified as prohibited from operating a commercial motor vehicle, the department shall:

(a) upgrade the noncommercial license back to a commercial driver license or commercial learner's permit, as long as the term of the commercial driver license or commercial learner's permit has not expired; and

(b) expunge any reference to the driver's prohibited status from the driver's driving record if the commercial driver license or commercial learner's permit was erroneously downgraded based on a false prohibited status response or notification from the commercial driver license drug and alcohol clearinghouse or the federal motor carrier safety administration.

AUTH: [61-14-202](#), MCA

IMP: [61-5-110](#), [61-14-202](#), MCA

REASON: The 2023 Montana Legislature adopted Senate Bill 47 requiring the Department of Justice (DOJ) to query the Entry-Level Driver Training (ELDT) provider registry and the Commercial Drug and Alcohol Clearinghouse (DACH) under certain conditions. Senate Bill 47 requires the department to take certain actions as a result of the required queries.

The legislation authorized DOJ to adopt rules governing the administration of commercial drivers' license (CDL) tests for nonexempt applicants for a class A or B CDL, upgrading from a class B to a class A CDL, or for obtaining a passenger, school bus, or hazardous materials endorsement.

The legislation required DOJ to adopt rules which mandate checking an applicant's eligibility by electronically querying the DACH prior to issuing, renewing, transferring, or upgrading a CDL.

The rules state that the department may not issue a CDL when the result from the clearinghouse indicates the driver is prohibited from operating a commercial motor vehicle. In addition, the department shall downgrade a current CDL holder's commercial driving privilege upon receiving notice the driver is prohibited from operating a commercial motor vehicle.

4. The rules as proposed to be amended provide as follows, new matter underlined, deleted matter interlined:

23.3.502 DEFINITIONS Unless the context indicates otherwise, the words and phrases in this subchapter have the definitions set forth in this rule.

(1) through (20) remain the same.

(21) "Nonexempt commercial driver's license applicant" means an applicant for a commercial driver license, passenger endorsement, school bus endorsement, or hazardous material endorsement who cannot prove to the department's satisfaction that they are exempt from completing the training required as provided in 49 CFR 383.71. The department may exempt the applicant if:

(a) the department's records substantiate the applicant previously held the applicable commercial license or endorsements; or

(b) the applicant receives certification from a state where the applicant previously held the applicable commercial license or endorsement.

(21) through (27) remain the same, but are renumbered (22) through (28).

AUTH: ~~61-5-112, 61-5-125~~ [61-14-202](#), MCA

IMP: ~~20-10-103, 61-5-102, 61-5-104, 61-5-105, 61-5-106, 61-5-107, 61-5-108, 61-5-110, 61-5-111, 61-5-112, 61-5-113, 61-5-114, 61-5-115, 61-5-116, 61-5-305, 61-5-306,~~ MCA

REASON: With the adoption Senate Bill 47 by the 2023 Montana Legislature, the Department of Justice needs to define "Nonexempt commercial driver's license applicant" to properly implement the requirements of Senate Bill 47.



The department shall conduct an electronic query to the ELDT provider registry before testing all nonexempt applicants for a class A or class B CDL, for upgrading from a class A CDL to a class B CDL, or for adding a passenger, school bus, or hazardous materials endorsement.

23.3.524 REQUIREMENTS FOR A SCHOOL BUS ENDORSEMENT

(1) Examiners of applicants for a school bus endorsement shall have a commercial driver's license and preferably at least two years' experience driving a school bus in Montana.

(1) through (4) remain the same, but are renumbered (2) through (5).

AUTH: ~~61-5-112~~, 61-14-202, MCA

IMP: ~~61-1-134~~, 61-5-102, 61-5-110, 61-5-112, MCA

REASON: The 2023 Montana Legislature adopted Senate Bill 47 which stipulates anyone applying to be a school bus endorsement examiner has the proper experience. The legislation authorized the Department of Justice to adopt rules specifying the examiner has a commercial driver's license and preferably has at least two years' experience driving a school bus.

5. The department proposes to repeal the following rule:

23.3.519 EXCHANGING OR CONVERTING A CHAUFFEUR'S LICENSE TO COMMERCIAL VEHICLE OPERATOR'S ENDORSEMENT

AUTH: 61-5-112, 61-5-117, 61-5-125, MCA

IMP: 61-5-102, 61-5-105, 61-5-106, 61-5-107, 61-5-108, 61-5-110, 61-5-111, 61-5-112, 61-5-201, 61-5-209, 61-5-210, MCA

REASON: This rule is outdated because chauffeur's licenses have not been issued since 1995.

6. Concerned persons may submit their data, views, or arguments concerning the proposed actions in writing to: Laurie Bakri, Department of Justice, Motor Vehicle Division, 302 North Roberts, Scott Hart Building, P.O. Box 201430, Helena, Montana, 59620-1430; telephone (406) 444-3638; fax (406) 444-2086; or e-mail Laurie.Bakri2@mt.gov, and must be received no later than 5:00 p.m., September 1, 2023.

7. If persons who are directly affected by the proposed actions wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to Laurie Bakri at the above address no later than 5:00 p.m., August 18, 2023.

8. If the agency receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be 10 persons based on 875 CDL skills tests given in 2022 (those who are most affected by Entry-Level Driver's Training (ELDT)) and 122 persons in Prohibited status in the past year (those most affected by the Drug and Alcohol Clearinghouse (DACH)) for a total of 997 persons.

9. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and that specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 6 above or may be made by completing a request form at any rules hearing held by the department.

10. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sosmt.gov/ARM/Register>.



11. The bill sponsor contact requirements of [2-4-302](#), MCA, apply and have been fulfilled. The primary bill sponsor was contacted by e-mail on July 20, 2023.

12. With regard to the requirements of [2-4-111](#), MCA, the department has determined that the adoption, amendment, and repeal of the above-referenced rules will not significantly and directly impact small businesses.

The two main components of New Rule I directly impact applicants for a Montana commercial driver license (CDL) and their current or potential employers. Some of those employers would be considered small businesses. Although the rule has a direct bearing upon several individuals and businesses, the actual impact is minimized by existing industry standards and practices.

All operators of commercial motor vehicles had to receive some form of training to obtain a Montana commercial driver license. Typically, that would be provided by a motor carrier, trade school, or private truck driving school. The Entry-Level Driver Training (ELDT) component of the rule formalizes the requirements of that training. In fact, most of those training providers have been approved and are now on the ELDT national training provider registry. In addition, Senate Bill 47 directs the Montana Department of Transportation to implement an ELDT training program and to offer training to the public.

The drug and alcohol clearinghouse (DACH) component of the rule is an enhancement to existing motor carrier drug and alcohol testing requirements. Motor carriers have been testing their drivers under certain conditions since 2001. Employees who have a positive test must be removed from any safety sensitive duties, including operating a commercial motor vehicle. The new rule requires the Motor Vehicle Division of the Montana Department of Justice to query the clearing house for all CDL applicants and to refuse to license anyone with a prohibited status. Since the driver has already been prohibited from operating a commercial motor vehicle by the motor carrier, or future motor carriers, the enhanced rule has no additional impact on the driver.

/s/ DAVID ORTLEY  
David Ortley  
Deputy Attorney General  
Rule Reviewer

/s/ AUSTIN KNUDSEN  
Austin Knudsen  
Attorney General  
Department of Justice

Certified to the Secretary of State July 25, 2023.

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For questions regarding the content, interpretation, or application of a specific rule, please contact the agency that issued the rule.  
A directory of state agencies is available online at <http://www.mt.gov/govt/agencylisting.asp>.

For questions about the organization of the ARM or this web site, contact [sosarm@mt.gov](mailto:sosarm@mt.gov).

# CHRISTI JACOBSEN

## MONTANA SECRETARY OF STATE

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### Montana Administrative Register Notice 17-441

**No. 6**  
**03/22/2024**

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#### BEFORE THE DEPARTMENT OF ENVIRONMENTAL QUALITY OF THE STATE OF MONTANA

In the matter of the amendment of ARM )	NOTICE OF PUBLIC HEARING ON
<a href="#">17.50.213</a> pertaining to reimbursement )	PROPOSED AMENDMENT
payments for abandoned vehicle )	
removal )	(MOTOR VEHICLE RECYCLING AND
)	DISPOSAL)

TO: All Concerned Persons

1. On April 18, 2024, at 10:00 a.m., the Department of Environmental Quality (department) will hold an in-person public hearing in Room 111 of the Metcalf Building, at 1520 E. Sixth Avenue, Helena, Montana, to consider the proposed amendment and adoption of the above-stated rules. Interested parties may also attend the hearing electronically in the following ways:

Please click the link below to join the webinar:

<https://mt-gov.zoom.us/j/89282371500?pwd=eXpucndEQ1BRNXp6dHdQVEdiVXFZUT09>

Passcode: 125097

Or One tap mobile :

+12063379723,,89282371500#,,, \*125097# US (Seattle)

+12133388477,,89282371500#,,, \*125097# US (Los Angeles)

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

+1 206 337 9723 US (Seattle)

+1 213 338 8477 US (Los Angeles)

+1 646 558 8656 US (New York)

Webinar ID: 892 8237 1500

Passcode: 125097

International numbers available: <https://mt-gov.zoom.us/j/89282371500?pwd=eXpucndEQ1BRNXp6dHdQVEdiVXFZUT09>

Or an H.323/SIP room system:

H.323:

162.255.37.11 (US West)

162.255.36.11 (US East)

69.174.57.160 (Canada Toronto)

[65.39.152.160](#) (Canada Vancouver)

Meeting ID: 892 8237 1500

Passcode: 125097

SIP: 89282371500@zoomcrc.com

Passcode: 125097

2. The Department of Environmental Quality 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. If you require an accommodation, contact the Department of Environmental Quality no later than 5:00 p.m. on April 8, 2024, to advise us of the nature of the accommodation that you need. Please contact the Department of Environmental Quality at P.O.



Box 200901, Helena, Montana 59620-0901; phone (406) 444-1388; fax (406) 444-4386; or e-mail DEQMAR17-441@mt.gov.

3. The rule as proposed to be amended is as follows, new matter underlined, deleted matter interlined:

17.50.213 PAYMENT REQUESTS (1) and (2) remain the same.

(3) The department shall pay each claim at the flat rate of ~~\$425~~ \$175 per vehicle removed.

(4) through (8) remain the same.

AUTH: 75-10-503, MCA

IMP: 75-10-532, MCA

REASON: Section 75-10-503(3), MCA, authorizes the department to adopt rules for reimbursement of charges by tow truck drivers for removing abandoned vehicles at the request of law enforcement in accordance with 61-12-401, MCA. ARM 17.50.213 establishes the amount of the reimbursement payment for each abandoned vehicle removed with a valid claim for payment. The money for reimbursement is contained in the junk vehicle fund authorized under 15-1-122(2)(a), MCA.

DEQ proposes to revise ARM 17.50.213(3) to increase the flat rate reimbursement amount from \$125 per abandoned vehicle removed to \$175 per abandoned vehicle removed. The most recent increase for the removal of abandoned vehicles was in 2019. Since that time, costs of goods and services have continued to rise, fuel and maintenance costs have increased, and the Bureau of Labor and Statistics Consumer Price Index indicates a 2019 \$125 reimbursement amount now equates to \$153 in 2023. To facilitate an equitable raise in reimbursements, the department proposes to increase the reimbursement slightly above the index rate. During the past legislative session, the department engaged with the Montana Towing Association and other stakeholders on a rate increase that would help offset their costs associated with towing abandoned vehicles.

Fiscal analysis prepared during the past legislative session showed that yearly towing reimbursement requests ranged from 845 to 975 in 2020-2022, averaging 895 requests for reimbursement annually. In 2023, 27 towing companies sought reimbursement from the department. Based on the average number of requests, the department estimates that the total yearly reimbursement payments would increase by \$44,750, from \$111,875 to \$156,625, annually. Sufficient funds are available in the junk vehicle fund authorized by 15-1-122(2)(a), MCA, to pay for the proposed increase in reimbursement payments.

4. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Loryn Johnson, Department of Environmental Quality, at 1520 E. Sixth Avenue, P.O. Box 200901, Helena, Montana 59620-0901; (406) 444-1388; fax (406) 444-4386; or e-mail DEQMAR17-441@mt.gov, and must be received no later than 5:00 p.m., on April 19, 2024.

5. Nicholas Whitaker, staff attorney for the department, has been designated to preside over and conduct this hearing.

6. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Written requests may be mailed or delivered to the contact person in paragraph 4 or may be made by completing a request form at any rules hearing held by the department.

7. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sosmt.gov/ARM/Register>.

8. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

9. With regard to the requirements of [2-4-111](#), MCA, the department has determined that the amendment of the above-referenced rule will not significantly and directly impact small businesses.

/s/ Sarah Christopherson  
SARAH CHRISTOPHERSON  
Rule Reviewer

/s/ Christopher Dorrington  
CHRISTOPHER DORRINGTON  
Director  
Department of Environmental Quality

Certified to the Secretary of State March 12, 2024.

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For questions regarding the content, interpretation, or application of a specific rule, please contact the agency that issued the rule.  
A directory of state agencies is available online at <http://www.mt.gov/govt/agencylisting.asp>.

For questions about the organization of the ARM or this web site, contact [sosarm@mt.gov](mailto:sosarm@mt.gov).