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## Revenue and Transportation Interim Committee

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### 65th Montana Legislature

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MEGAN MOORE, Lead Staff  
JARET COLES, Staff Attorney  
LAURA SHERLEY, Secretary

TO: Committee Members

FROM: Jaret Coles, Staff Attorney

RE: Administrative Rule Activity

DATE: August 29, 2018

### Department of Revenue

*Proposal and Adoption Notices are available on the Internet:*

Department of Revenue notices can be found on the Secretary of State's website at <http://www.mtrules.org/>. Under the Montana Administrative Register heading, type the number "42" in the "Search by Notice No." box and click on the "Go" icon.

#### Notice of Proposed Rules:

None.

#### Notice of Adopted Rules:

None.

### Department of Transportation

*Proposal and Adoption Notices are available on the Internet:*

Department of Transportation notices can be found on the Secretary of State's website at <http://www.mtrules.org/>. Under the Montana Administrative Register heading, type the number "18" in the "Search by Notice No." box and click on the "Go" icon.

**Notice of Proposed Rules:**

None.

**Notice of Adopted Rules:**

Electronic Submission of Transportation Construction Bids. [MAR 18-171](#). Adopted July 31, 2018. No public hearing was held, one public comment was received, and the Department of Transportation amended three rules and repealed four rules as proposed. The amendments (1) eliminate definitions of terms that are no longer used throughout the administrative rules while adding a definition for electronic bid submission and (2) implement a mandatory electronic bid submission process for all construction bids within the Department's Engineering Division while providing an exception for a small number of contracts through special provisions. The repeals are based on a Department of Transportation finding that the rules are comprised of outdated, archaic language that is no longer used.

Right-of-Way Occupancy by Water and Sewer Facilities. [MAR 18-170](#). Adopted June 26, 2018. No public hearing was held, one public comment was received in support of the amendments, and the Department of Transportation amended two rules as proposed. The amendments alphabetize current definitions, update a website address, update a cross reference, and amend the definition of "Utility" to include publicly owned water and sewer facilities such as municipal, county, or consolidated city and county water and sewer districts, in accordance with the new statutory language found in section [60-4-402](#), MCA.

Motor Carrier Services Safety Requirements. [MAR 18-169](#). Adopted June 26, 2018. No public hearing was held, no public comments were received, and the Department of Transportation amended three rules as proposed. The amendments adopt the most current published Federal Motor Carrier Safety Regulations, the published version of the federal hazardous materials regulations, and the most current CVSA (Commercial Vehicle Safety Alliance) North American Uniform "Out-of-Service" criteria.

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