



Department of Public Service Regulation Montana Public Service Commission

Informational Memorandum

2023-01

To:	All Interested Persons
From:	The Montana Public Service Commission
Date:	May 2, 2023
Regarding:	Interstate Motor Carrier Services

BACKGROUND

The Montana Public Service Commission (“Commission”) has general authority to supervise and regulate motor carriers in the state of Montana.¹ “Motor carriers” include any person or business entity “operating motor vehicles upon a public highway in this state for the transportation of passengers, household goods, or garbage for hire on a commercial basis, either as a common carrier or under private contract, agreement, charter, or undertaking.”² Montana law defines several classes of motor carriers that must obtain a certificate of compliance or a certificate of public convenience and necessity before providing transportation service within Montana.³

Interested parties have inquired about whether a Commission-issued certificate is required before providing transportation service that crosses state lines. To answer those questions, the Commission provides the following information concerning the certificate requirement.

DISCUSSION

Motor carriers providing interstate transportation service are subject to the general jurisdiction of the U.S. Department of Transportation.⁴ Under federal law, transportation service is “interstate” when it is provided: (1) between a place in a state and a place outside of such state; (2) between two places in a state through another state; or (3) between two places in a state as part of trade, traffic, or transportation originating or terminating outside the state or the United States.⁵

¹ Mont. Code Ann. § 69-12-201(1)(a).

² Mont. Code Ann. § 69-12-101(12).

³ Mont. Code Ann. § 69-12-301.

⁴ 49 U.S.C. § 13501 (federal jurisdiction over interstate motor carriers) (2023).

⁵ 49 USC § 13501; 49 C.F.R. § 390.5.

A Commission-issued certificate is not required when motor carriers provide interstate transportation service.⁶ For purposes of the Commission-issued certificate requirement, transportation is “interstate” when it is provided: between a point in Montana and a point outside of Montana; between two places in Montana on a route that passes through another state; or between two places in Montana as part of trade, traffic, or transportation originating or terminating outside of Montana.

A Commission-issued certificate is required when a motor carrier provides intrastate transportation service within one of the classifications listed in Mont. Code Ann. § 69-12-301. Transportation service is “intrastate” when it is provided between two points in Montana without passing through another state.⁷ If a motor carrier provides both interstate and intrastate transportation services within one of the classifications of Mont. Code Ann. § 69-12-301, the motor carrier must obtain a Commission-issued certificate before providing intrastate service.

Motor carriers providing interstate or intrastate transportation service are the subject of other legal requirements beyond the Commission-issued certificate requirement. Nothing in this memorandum should be construed as legal advice or guidance concerning a motor carrier’s compliance obligations under any federal, state, or local law, regulation, ordinance, or rule.

This memorandum is for informational purposes only and does not enlarge, delimit, or otherwise modify any requirements of applicable law or in any way limit the authority of the Commission under applicable law. The Commission encourages interested persons to consult with independent legal counsel for guidance on the application of law to any particular circumstances.

For more information, contact the Montana Department of Public Service Regulation at 406-444-6199.

⁶ U.S. Const. art. I, § 8, cl. 3 (commerce clause); *Buck v. Kuykendall*, 267 U.S. 307, 45 S. Ct. 324 (1925) (declaring unconstitutional a state law limiting competition in interstate commerce).

⁷ 49 C.F.R. § 390.5.