



MONTANA
ADMINISTRATIVE
REGISTER



DEPARTMENT OF LABOR AND INDUSTRY

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-473.1

Summary

Repeal of ARM Title 24, chapter 5 pertaining to the Workers' Compensation Court

Hearing Date and Time

Tuesday, December 16, 2025, at 9:00 a.m.

Virtual Hearing Information

A public hearing will be held via remote conferencing to consider the proposed changes to the agency's rules. There will be no in-person hearing. Interested parties may access the remote conferencing platform in the following ways:

Join Zoom Meeting: <https://mt-gov.zoom.us/j/87450714374>

Meeting ID: 874 5071 4374; Password: 6022510578

Dial by Telephone: +1 646 558 8656

Meeting ID: 874 5071 4374; Password: 6022510578

Comments

Concerned persons may present their data, views, or arguments at the hearing. Written data, views, or arguments may also be submitted at dli.mt.gov/rules or P.O. Box 1728, Helena, Montana 59624. Comments must be received by Friday, December 19, 2025, at 5:00 p.m.

Accommodations

The agency 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. Requests must be made by Tuesday, December 9, 2025, at 5:00 p.m.

Contact

Department of Labor and Industry
(406) 444-5466
laborlegal@mt.gov
Montana Relay: 711

General Reasonable Necessity Statement

There is reasonable necessity for this rulemaking due to House Bill (HB) 516. The Workers' Compensation Court (court) has been attached to the Department of Labor and Industry (department) for administrative purposes. As a result of that attachment, the court promulgated procedural rules under the auspices of the department, utilizing the authority set forth in 2-4-201, MCA. HB 516, effective July 1, 2025, effectuated a transfer of the court from the Executive Branch to the Judiciary. Section 2-4-201, MCA, does not apply to the Judiciary. See 2-3-102 and 2-4-102, MCA. Furthermore, the department is without authority to adopt administrative rules governing the operations of the Judiciary. As such, the rules currently set forth in ARM Title 24, chapter 5 no longer have statutory authority and are void by operation of law. The rules are proposed to be repealed to clean up and eliminate non-operative administrative rules. The Workers' Compensation Court will adopt procedural rules under its own authority.

Rulemaking Actions

REPEAL

The rules proposed to be repealed are as follows:

24.5.101 ORGANIZATIONAL RULE

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, MCA

24.5.301 PETITION FOR TRIAL

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, 39-71-2905, MCA

24.5.302 RESPONSE TO PETITION

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.303 SERVICE AND FILING

Authorizing statute(s): 2-4-201, 39-71-2901, 39-71-2903, 39-71-2905, MCA

Implementing statute(s): 2-4-201, 39-71-2901, 39-71-2903, 39-71-2905, MCA

24.5.305 NATURE OF RULES

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.306 BREVITY IN PLEADINGS AND FORM OF PAPER PRESENTED FOR FILING

Authorizing statute(s): 2-4-201, 39-71-2901, MCA

Implementing statute(s): 2-4-201, 39-71-2901, 39-71-2905, 39-71-2914, MCA

24.5.307 THIRD-PARTY PRACTICE

Authorizing statute(s): 2-4-201, 39-71-2401, 39-71-2901, 39-71-2903, 39-71-2905, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.308 JOINING THIRD PARTIES

Authorizing statute(s): 2-4-201, 39-71-2401, 39-71-2901, 39-71-2903, 39-71-2905, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.309 INTERVENTION

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.310 TIME AND PLACE OF TRIAL GENERALLY

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.311 EMERGENCY TRIALS

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.314 ADJUDICATION OF INTERIM BENEFIT CLAIMS UNDER 39-71-610, MCA

Authorizing statute(s): 2-4-201, 39-71-610, 39-71-2901, 39-71-2903, 39-71-2905, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.315 PRETRIAL IDENTIFICATION OF WITNESSES AND EXHIBITS

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.316 MOTIONS

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.317 MEDICAL RECORDS

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.318 PRETRIAL CONFERENCE, PRETRIAL ORDER, AND EXHIBITS

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.319 AMENDED PLEADINGS

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.320 COMPUTATION OF TIME

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.322 DEPOSITIONS

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.323 INTERROGATORIES

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.324 REQUEST FOR PRODUCTION

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.325 LIMITING DISCOVERY

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.326 FAILURE TO MAKE DISCOVERY--SANCTIONS

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.327 DEFAULT

Authorizing statute(s): 2-4-201, 39-71-2901, 39-71-2903, 39-71-2905, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.329 SUMMARY JUDGMENT

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.330 REQUESTS TO VACATE, PUT IN ABEYANCE, OR RESET TRIAL

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.331 SUBPOENA

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.332 CONDUCT OF TRIAL

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.333 INFORMAL DISPOSITION

Authorizing statute(s): Sec. 2-4-201, MCA

Implementing statute(s): Sec. 2-4-201, 39-71-2901, MCA

24.5.334 SETTLEMENT CONFERENCE OR MEDIATION

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.335 BENCH RULINGS

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.336 TRIAL BRIEFS AND PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.337 MOTION FOR RECONSIDERATION

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.340 MASTERS AND EXAMINERS-PROCEDURE-RECOMMENDATIONS FOR BENCH ORDERS

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.342 TAXATION OF COSTS

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.343 ATTORNEY FEES

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.344 PETITION FOR NEW TRIAL AND/OR REQUEST FOR AMENDMENT TO FINDINGS OF FACT AND CONCLUSIONS OF LAW

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.345 WRIT OF EXECUTION

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.346 STAY OF JUDGMENT PENDING APPEAL

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.348 CERTIFICATION OF DECISIONS, APPEALS TO SUPREME COURT

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, 39-71-2904, MCA

24.5.349 RULES COMPLIANCE

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.350 APPEALS TO WORKERS' COMPENSATION COURT UNDER TITLE 39, CHAPTERS 71 AND 72, MCA

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.351 DECLARATORY RULINGS

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.352 REFERENCE TO MONTANA RULES OF CIVIL PROCEDURE

Authorizing statute(s): 2-4-201, 39-71-2901, 39-71-2903, 39-71-2905, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.353 WITHDRAWAL OF ATTORNEY

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.360 REVIEW

Authorizing statute(s): 2-4-201 MCA

Implementing statute(s): 2-4-201, 39-71-2901 MCA

Small Business Impact

This rulemaking will impact those who practice before the Workers' Compensation Court. However, because the department is without authority to promulgate rules governing the court, the impact is de minimis.

Bill Sponsor Notification

The sponsor of House Bill 516 was contacted by e-mail on October 16, 2025.

Interested Persons

The agency maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the agency. Persons wishing to have their name added to the list may sign up at dli.mt.gov/rules or by sending a letter to P.O. Box 1728, Helena, Montana 59624 and indicating the program or programs about which they wish to receive notices.

Rule Reviewer

Quinlan L. O'Connor

Approval

Sarah Swanson, Commissioner