



## DEPARTMENT OF LABOR AND INDUSTRY

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### NOTICE OF PROPOSED RULEMAKING

**MAR NOTICE NO. 2025-473.1**

#### **Summary**

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

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#### **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](http://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.

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## **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.

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## **Contact**

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

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## **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.

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## **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.

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## **Bill Sponsor Notification**

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

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## **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](http://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.

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## **Rule Reviewer**

Quinlan L. O'Connor

## **Approval**

Sarah Swanson, Commissioner