

SENATE BILL NO. 46

INTRODUCED BY L. MOSS

BY REQUEST OF THE DEPARTMENT OF JUSTICE

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE DEPARTMENT OF JUSTICE TO ADOPT RULES REGULATING TOW TRUCK OPERATORS WHO PARTICIPATE IN THE TOW TRUCK ROTATION SYSTEM; ALLOWING THE DEPARTMENT TO REQUIRE PARTICIPATING TOW TRUCK OPERATORS TO ENTER INTO AN AGREEMENT; AND AMENDING SECTION 61-8-911, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 61-8-911, MCA, is amended to read:

**"61-8-911. Rulemaking authority -- requirement to enter into agreement with department.** (1) The department shall adopt reasonable and necessary rules to administer the provisions of this part.

(2) The department may adopt rules applying to tow truck operators who participate in the tow truck rotation system that:

(a) provide screening requirements for tow truck drivers to protect the public from drivers with certain criminal histories;

(b) provide general professionalism requirements for drivers, such as prohibiting the use of profane language;

(c) regulate rates for towing and storage services;

(d) provide requirements for availability and response to requests for services;

(e) allow for department access to tow truck operator business records;

(f) regulate operation of storage areas; and

(g) impose requirements on operators to tow abandoned vehicles.

(3) The department may require tow truck operators who participate in the tow truck rotation system to enter into an agreement with the department that:

(a) includes the requirements provided in the rules adopted pursuant to subsection (2) and any other provisions of this part that apply; and

(b) provides for removal or suspension of the operator from the tow truck rotation system upon material

1 breach of the agreement."

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