

HOUSE BILL NO. 561

INTRODUCED BY J. COHENOUR

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A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A BACKGROUND CHECK FOR TOW TRUCK OPERATORS PARTICIPATING IN THE STATE LAW ENFORCEMENT ROTATION SYSTEM; AND PROVIDING AN APPLICABILITY DATE."

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

NEW SECTION. Section 1. Background check for tow truck operators participating in state law enforcement rotation system. (1) A tow truck operator may not participate in the rotation system provided for in 61-8-908 if the operator has been convicted of any offense for which a person must register as a sex offender pursuant to the Sexual or Violent Offender Registration Act or if the operator is on probation or parole for:

- (a) an offense that pertains to the alteration or removal of a vehicle's identification number as provided for in 61-3-604;
- (b) the felony offense of theft, criminal mischief involving damage to vehicles, unlawful possession of burglary tools, robbery, arson, intimidation, forgery, kidnapping or unlawful restraint, or burglary;
- (c) a felony offense, the elements of which include inflicting bodily injury or death to a person or persons, including partner or family member assault, as provided for in 45-5-206(1)(a) and (1)(b);
- (d) an offense of drug possession or sale pursuant to Title 45, chapter 9;
- (e) fleeing from or eluding a peace officer, pursuant to 61-8-316;
- (f) an offense involving a felony violation of Title 61, chapter 7 or 8; or
- (g) more than one violation of Title 61, chapter 8, part 4, regardless of whether the offense resulted in bodily injury or death.

(2) A qualified tow truck operation that is a firm or other entity shall perform a background check to identify any offenses listed in subsection (1) on each person applying to become a tow truck operator before employing or offering employment to the person.

(3) A qualified tow truck operation that is a firm or other entity shall perform a background check once a year on each tow truck operator employed by the operation.



