

HOUSE BILL NO. 401

INTRODUCED BY E. ARNTZEN

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE DEFINITION OF "ROTATION AREA" IN THE MONTANA PROFESSIONAL TOW TRUCK ACT; AND AMENDING SECTION 61-8-903, MCA."

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

Section 1. Section 61-8-903, MCA, is amended to read:

"61-8-903. Definitions. As used in this part, the following definitions apply:

(1) "Boom" means an engineered structure that is either mechanically or hydraulically operated and that is capable of lifting and supporting an overhead, vertical load.

(2) "Commercial tow truck operator" or "operator" means a person, firm, or other entity that owns or operates a commercial tow truck as defined in 61-9-416.

(3) "Department" means the department of justice provided for in 2-15-2001.

(4) "Local government" means a county, a municipality, or other local board or body that has authority to enact laws relating to traffic.

(5) (a) "Qualified tow truck operator" means a commercial tow truck operator:

(i) that has equipment that:

(A) meets the requirements of 61-8-906, 61-8-907, and 61-9-416; and

(B) has been classified in accordance with 61-8-905;

(ii) that participates in the law enforcement rotation system provided for in 61-8-908; and

(iii) that meets the requirements of subsection (5)(b).

(b) (i) If the operator is a firm or other entity, at least 75% of the employees who operate a tow truck must hold a certification from a nationally recognized certification program for tow truck operators or have a minimum of 1 year of experience in the towing business for hire in Montana.

(ii) If the operator is an individual, the individual must hold a certification from a nationally recognized certification program for tow truck operators or have a minimum of 1 year of experience in the towing business for hire in Montana.

(6) "Rotation area" means the base area where a qualified tow truck operator is dispatched and

1 operates. For class C tow truck operators, a rotation area includes at least the entire county in which the
2 operation is located but may be expanded to other counties.

3 (7) "Satellite operation" means a second or subsequent operation in another rotation area."

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