

1 SENATE BILL NO. 258

2 INTRODUCED BY E. BUTTREY

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING TOW TRUCK LAWS; REVISING THE DEFINITION OF
5 "COMMERCIAL TOW TRUCK"; EXEMPTING CERTAIN TOW TRUCKS FROM CERTAIN INSURANCE AND
6 EQUIPMENT REQUIREMENTS; AND AMENDING SECTIONS 61-8-904 AND 61-9-416, MCA."

7

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

9

10 NEW SECTION. **Section 1. Tow trucks exempt from certain insurance and equipment**
11 **requirements -- definitions.** (1) If a tow truck owned or operated by a Montana-licensed motor vehicle wrecking
12 facility is hauling the facility's own vehicle to its Montana-licensed motor vehicle wrecking facility, the tow truck
13 is not required to:

14 (a) carry the insurance required under 61-8-906(1)(b) or (1)(c);

15 (b) comply with the provisions of 61-9-416(2)(b) and (2)(d) through (2)(f); or

16 (c) provide proof of insurance to the department, as required in 61-8-906(2).

17 (2) In this section, "motor vehicle wrecking facility" has the meaning provided in 75-10-501.

18

19 **Section 2.** Section 61-8-904, MCA, is amended to read:

20 **"61-8-904. Prohibition -- exception.** (1) A commercial tow truck operator may not operate for
21 compensation upon the public roadways of this state unless the operator complies with the provisions of
22 61-8-906(1) and 61-8-907.

23 (2) A commercial tow truck operator may not participate in the law enforcement rotation system provided
24 for in 61-8-908 unless the operator complies with the provisions of this part.

25 (3) ~~Sections~~ Except as provided in 61-9-416, the provisions of 61-8-901 through 61-8-908 and 61-8-910
26 do not apply to a commercial tow truck operator that does not operate for compensation."

27

28 **Section 3.** Section 61-9-416, MCA, is amended to read:

29 **"61-9-416. Commercial tow truck definition -- requirements.** (1) "Commercial tow truck" means a
30 motor vehicle operating for compensation that is equipped with specialized equipment designed and intended

1 for towing or the recovery of wrecked, disabled, or abandoned vehicles or other objects creating a hazard on the
2 public roadways. If a tow truck owner or operator's business profits or benefits in any way from towing a vehicle,
3 the tow truck must be considered a commercial tow truck for the purposes of Title 61, chapter 8, and this chapter.

4 (2) A commercial tow truck must be equipped with:

5 (a) not less than two red flares, two red lanterns, or two warning lights or reflectors. The reflectors must
6 be of a type approved by the department.

7 (b) at least two highway warning signs as provided in 61-9-431.

8 (c) a dry chemical fire extinguisher of at least 5 pound capacity or an equivalent alternative type of fire
9 extinguisher, approved by the department;

10 (d) a lamp emitting a flashing red or amber light meeting the requirements of 61-9-402(7), or both a red
11 and amber light, mounted on top of the cab of the tow truck or on the top of the crane or hoist if the light can be
12 seen from the front of the tow truck. The light from the lamp must be visible for a distance of 1,000 feet under
13 normal atmospheric conditions and must be mounted so that it can be securely fastened with the lens of the lamp
14 facing the rear of the tow truck upon which it is mounted. When standing at the location from which the disabled
15 vehicle is to be towed, the operator of the tow truck may unfasten the red light and place it in a position
16 considered advisable to warn approaching drivers. When the disabled vehicle is ready for towing, the red light
17 must be turned to the rear of the tow truck upon which it is mounted and securely locked in this position.
18 Additional red or amber lights of an approved type may be displayed at either side or both sides of the tow truck
19 during the period of preparation at the location from which the disabled vehicle is to be towed.

20 (e) one or more brooms, and the operator of the tow truck engaged to remove a disabled vehicle from
21 the scene of an accident shall remove all glass and debris deposited upon the roadway by the disabled vehicle
22 that is to be towed;

23 (f) a shovel, and whenever practical, the tow truck operator engaged to remove a disabled vehicle shall
24 spread dirt upon that portion of the roadway where oil or grease has been deposited by the disabled vehicle; and

25 (g) a portable electrical extension cord or other device for use in displaying stop, turn, and taillamps on
26 the rear of the disabled vehicle. The length of the extension cord may not be less than the length of the combined
27 vehicles. When a disabled vehicle is towed, the tow truck operator shall provide for the rear light that is capable
28 of displaying a stop signal, turn signal, and taillamps by means of the extension cord or other device referred to
29 in this subsection.

30 ~~(2)~~(3) The operator of a commercial tow truck used for the purpose of rendering assistance to other

1 vehicles shall, when the rendering of assistance necessitates the obstruction of a portion of the roadway, place
2 a highway warning sign as required in 61-9-431.

3 ~~(3)~~(4) The owner or operator of a commercial tow truck who complies with the requirements of 61-8-906
4 and 61-8-907 and this section may stop or park the tow truck upon a highway for the purpose of rendering
5 assistance to a disabled vehicle, notwithstanding other provisions of this code.

6 ~~(4)~~(5) A commercial tow truck company that is in compliance with 61-9-431 and that is operating an
7 emergency service vehicle and using signal equipment in rendering assistance at a highway crash scene or in
8 response to any other hazard on the roadway that presents an immediate hazard or an emergency or
9 life-threatening situation is not liable, except for willful misconduct, bad faith, or gross negligence, for injuries,
10 costs, damages, expenses, or other liabilities resulting from a motorist operating a vehicle in violation of
11 61-9-402(5)."

12
13 NEW SECTION. **Section 4. Codification instruction.** [Section 1] is intended to be codified as an
14 integral part of Title 61, chapter 8, part 9, and the provisions of Title 61, chapter 8, part 9, apply to [section 1].

15 - END -