

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING COMMERCIAL TOW TRUCK LAWS;
5 REVISING REQUIREMENTS FOR THE ROTATION SYSTEM; AUTHORIZING THE USE OF A RINGDOWN
6 DISPATCH SERVICE IN A LOCAL ROTATION AREA; ELIMINATING CERTAIN REQUIREMENTS FOR
7 MAINTAINING SEPARATION OF BUSINESS OPERATIONS; AND AMENDING SECTION 61-8-920, MCA."

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

10
11 **Section 1.** Section 61-8-920, MCA, is amended to read:

12 **"61-8-920. Rotation system -- letter of appointment -- requirements.** (1) A commercial tow truck
13 operator may not participate in the law enforcement rotation system provided for in 61-8-908 without a letter of
14 appointment from the department.

15 (2) The department may assign a letter of appointment to a commercial tow truck operator if the
16 operator meets the following requirements:

17 (a) Only one letter of appointment will be assigned to a person, corporation, trust, or business entity
18 that has:

19 (i) an affiliate;

20 (ii) a common owner;

21 (iii) ownership by persons with commonality of business interests or by persons who are immediate
22 family members; or

23 (iv) an investor in the qualified tow truck operation in the same rotation area.

24 ~~(a)(b)~~ Each towing business must be operated independently. One company cannot be dependent on
25 another for any required operation.

26 ~~(b)(c)~~ (i) If the operator owns more than one towing business, towing businesses in more than one
27 rotation area, each business must have a different identifiable name, address, and telephone number that is
28 answered at the business location during normal business hours. An after-hours central dispatch center may

1 receive calls for multiple businesses if the dispatch center is capable of acknowledging each individual call by
2 the applicable company name.

3 (ii) Ringdown dispatch services may be used if a local towing association provides the service. A
4 ringdown dispatch service must be overseen by members of the local towing association and a member of the
5 department. The companies participating in the service shall pay for the costs incurred by the local towing
6 association to provide the service. A ringdown dispatch service must comply with the requirements of 61-8-
7 908(7) and (10).

8 ~~(e)~~(d) The operator shall provide adequate staffing for each business with personnel who are present
9 at the business location to answer all incoming calls and who are able to release impounded vehicles from 8
10 a.m. to 5 p.m., Monday through Friday, except for state-recognized holidays. In addition, each business location
11 must be staffed by a sufficient number of qualified drivers for a 24-hour a day operation.

12 ~~(d)~~(e) There must be adequate equipment for each company to operate independently. Tow trucks
13 may be used only for the company for which they are registered and within the rotation area for which they are
14 approved by the department unless otherwise specifically provided for by the department.

15 ~~(e)~~(f) The operator must have a business location with its own outside entrance, or if a building has
16 one main entrance, the location must have doors clearly marking ~~and separating~~ each business with a sign at
17 the front door and a sign plainly visible from the street indicating the company's name, telephone number, and
18 office hours. ~~Separate businesses in the same rotation area may be housed in one building, but there must be~~
19 ~~a solid wall from floor to ceiling to separate each business.~~

20 ~~(f)~~(g) Each company shall maintain its own set of required records and books, including but not limited
21 to a vehicle transaction file and billing invoices at its business location. ~~If there is a corporate accountant or~~
22 ~~bookkeeper for more than one company, all records and files for each company that are required to be~~
23 ~~maintained at the business location must be maintained separately.~~

24 ~~(g)~~(h) The operator must have secure impound and storage areas at the business location ~~and or~~ in
25 the operator's assigned rotation area that meet the requirements of 61-8-906(3).

26 ~~(h)~~(i) The operator shall maintain at least one truck meeting the minimum classification standards set
27 out in 61-8-905 for each of the rotation classes for which the company is qualified.

28 (3) A qualified tow truck operator may have only one letter of appointment for a business location in a

1 single rotation area. A request for an additional letter of appointment must be for a complete and separate
2 business location that is capable of operating independently within ~~the same or~~ another rotation area and that
3 meets the requirements of subsection (2).

4 (4) Each letter of appointment must specify the rotation area to which the qualified tow truck operator
5 is assigned.

6 (5) A commercial tow truck operator may petition the department in writing for a waiver of one or more
7 of the requirements of subsection (2). Except as provided in subsection (6), the department may grant a waiver
8 if it finds that:

9 (a) the towing service otherwise available within the rotation area is inadequate to meet the needs of
10 the public;

11 (b) the request has the highway patrol district commander's approval; and

12 (c) the petition is otherwise reasonable.

13 (6) (a) ~~In~~ Except as provided in subsection (6)(b), in the event a commercial tow truck operator meets
14 all the requirements of this section and receives a letter of appointment in the same rotation area as a qualified
15 tow truck operator that had earlier been granted a waiver pursuant to subsection (5), the department shall
16 rescind the waiver.

17 (b) The department may grant an exception to the waiver requirement in subsection (6)(a) based on a
18 majority vote to grant the exception by the district captain, the liaison for the Montana highway patrol, and the
19 members of the tow truck complaint resolution committee provided for in 61-8-912.

20 (7) A letter of appointment must be issued in the name of the applicant and is not transferable to any
21 other person or business.

22 (8) A letter of appointment is valid until suspended, superseded, or revoked by the department. A
23 violation of any requirement under this section or a misrepresentation of a material fact may result in a
24 suspension or permanent revocation of the letter of appointment."

25 - END -