



# MONTANA LEGISLATIVE AUDIT DIVISION

## PERFORMANCE AUDIT

# Montana Professional Tow Truck Act

Department of Justice

SEPTEMBER 2010

09P-15

REPORT SUMMARY

Because the Montana Highway Patrol dispatched private tow truck companies nearly 6,300 times last year to remove abandoned or damaged cars, SUVs, trucks, semitrailers and other obstructions from state roadways, the agency should ensure participation rules for these companies are followed and consumer assurances are strengthened.

### Context

The Montana Highway Patrol is responsible for administering provisions of the Montana Professional Tow Truck Act, or what is commonly known as the rotational system. The highway patrol often requires companies to respond and work quickly, so the act establishes standards for those participating.

The rotational system includes a series of requirements for approximately 274 participating tow truck companies, including equipment classification, liability insurance, truck inspections and business office and storage yard standards. This audit reviewed how the agency manages the rotational system, how it enforces provisions of the act, and identified potential improvements for consumers.

Audit work included review of highway patrol dispatch records and highway patrol district office records; interviews with highway patrol staff, tow truck drivers and others; observations of tow truck operations; research of applicable laws and regulations; and comparisons with similar systems in other states.

### Results

The Audit work found the Montana Highway Patrol is fairly administering the tow truck rotation system. However, the highway patrol could create further efficiencies and should better enforce rules for participating companies.

Some of this audit's recommendations have been or are being implemented, such as written policies and

procedures for centralized dispatch staff and enhancements to the dispatch staff's incident database. Other recommendations – such as expanded oversight of private answering services (who relay calls from the centralized dispatchers to tow truck drivers in Billings, Butte and Great Falls) or how tow trucks are assigned by area to incidents – may require expanded oversight or development of criteria. Expanded use of dispatch's incident database will create efficiencies.

The highway patrol must also improve its enforcement of rules for participating companies. Compliance falls short of rules for company satellite operations, storage yards or drivers' licensing and experience. The patrol should develop an enforcement strategy to increase compliance.

In addition, the department can improve consumer assurances, specifically regarding rates, by requiring tow truck companies to submit a rate schedule. This may diminish consumer complaints handled by the Office of Consumer Protection. The tow truck complaint process has evolved under an expanded role for the Tow Truck Complaint Resolution Committee.

| Recommendation Concurrence                              |   |
|---|---|
| Concur  | 8 |
| Partially Concur  | 1 |
| Do Not Concur   | 0 |
| Source: Agency audit response included in final report. |   |

For a complete copy of the report or for further information, contact the Legislative Audit Division at 406-444-3122; e-mail to [lad@mt.gov](mailto:lad@mt.gov); or check the website at <http://leg.mt.gov/audit>. Report Fraud, Waste, and Abuse to the Legislative Auditor's FRAUD HOTLINE Call toll-free 1-800-222-4446 or e-mail [lad@mt.gov](mailto:lad@mt.gov).