

## HOUSE BILL NO. 476

INTRODUCED BY K. WHITMAN, D. BEDEY, M. BINKLEY, L. BREWSTER, S. GALLOWAY, F. GARNER, E.

HILL, C. HINKLE, S. KERNS, D. LOGE, J. TREBAS

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING COMMERCIAL TOW TRUCK CLASSIFICATION STANDARDS; INCREASING MINIMUM BOOM AND MANUFACTURER'S GROSS VEHICLE WEIGHT RATING REQUIREMENTS; ALLOWING A TOW TRUCK OPERATOR TO CONTINUE PARTICIPATING WITH EXISTING CLASSIFIED EQUIPMENT UNTIL EQUIPMENT IS UPGRADED OR REPLACED; AND AMENDING SECTION 61-8-905, MCA."

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

**Section 1.** Section 61-8-905, MCA, is amended to read:

**"61-8-905. Classification standards.** (1) Commercial tow trucks are divided into the following five classes based on the manufacturer's rating:

(a) Class A tow truck equipment must have a minimum manufacturer's boom or combined boom rating of ~~4-8~~ tons and must be mounted on a straight truck chassis with DUAL REAR WHEELS AND a minimum manufacturer's rating of ~~40,000 pounds~~ 17,500 pound gross vehicle weight rating.

(b) Class B tow truck equipment must have a minimum manufacturer's boom or combined boom rating of ~~8-12~~ tons and must be mounted on a straight truck chassis with a minimum manufacturer's rating of ~~48,000 pounds~~ 25,500 pound gross vehicle weight rating.

(c) Class C tow truck equipment must have a minimum manufacturer's boom or combined boom rating of ~~16-25~~ tons and must be mounted on a straight truck chassis ~~that has~~ with a minimum manufacturer's rating of ~~32,000 pounds~~ 46,000 pound gross vehicle weight rating.

(d) Class D tow truck equipment includes manufactured rollbacks ~~and car carriers~~ with manufacturer's gross vehicle weight ratings of ~~40,000~~ 19,500 pounds and over. The rollbacks ~~and car carriers~~ must be mounted on a ~~truck-trailer chassis that, at a minimum, is equal to the minimum gross weight of the rollback or~~ ear carrier straight truck chassis. Class D also includes: ~~any piece of towing equipment without a boom~~

1 (i) a class A tow truck with only an under reach/lift that is mounted on a straight truck chassis with a  
2 minimum manufacturer's rating of 16,000 pound gross vehicle weight rating; and

3 (ii) a class C tow truck with only a chassis-mounted or detachable under reach/lift that is mounted on a  
4 straight truck chassis with a minimum manufacturer's rating of 46,000 pound gross vehicle weight rating.

5 (e) Class E includes two or more tow trucks working together ~~with a combined manufacturer's rating~~  
6 ~~of a minimum of 80,000 pounds from different companies~~ with access to supportive equipment, such as  
7 forklifts, banders, and air bags, for the recovery of rollovers and wrecked, disabled, and abandoned vehicles  
8 ~~whose when~~ cargo requires special handling. Class E refers to tow truck companies and not to tow truck  
9 equipment.

10 (2) An operator of noncommercially manufactured or modified tow truck equipment in use on  
11 October 1, 1995, that wishes to participate in the law enforcement rotation system must have its equipment  
12 classified by the department within a time period set by the department. Once the equipment is classified,  
13 further modifications may not be made.

14 (3) An operator of new noncommercially manufactured or modified tow truck equipment must have its  
15 equipment independently certified before participating in the law enforcement rotation system. Once the  
16 equipment is classified, further modifications to the equipment must be recertified.

17 ~~(4) A commercial tow truck operator whose equipment was classified under this section before [the~~  
18 ~~effective date of this act] JANUARY 1, 2022, may continue under the existing classification, PROVIDED THAT THE~~  
19 ~~EQUIPMENT HAS CONTINUOUSLY COMPLIED WITH 61-8-906, 61-8-907, AND 61-9-416. Equipment that is acquired or~~  
20 ~~upgraded on or after [the effective date of this act] DECEMBER 31, 2021, THAT HAS NOT BEEN INSPECTED BY THE~~  
21 ~~HIGHWAY PATROL FOR COMPLIANCE WITH 61-8-906, 61-8-907, AND 61-9-416 must be classified in accordance with~~  
22 ~~this section.~~"

23 - END -