

# Montana Code Annotated 2023

TITLE 61. MOTOR VEHICLES

CHAPTER 8. TRAFFIC REGULATION

Part 9. Professional Tow Trucks

## Rotation System -- Letter Of Appointment -- Requirements

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

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

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

(b) If the operator owns more than one towing business, each business must have a different identifiable name, address, and telephone number that is answered at the business location during normal business hours. An after-hours central dispatch center may receive calls for multiple businesses if the dispatch center is capable of acknowledging each individual call by the applicable company name.

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

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

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

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

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

(h) The operator shall maintain at least one truck meeting the minimum classification standards set out in **61-8-905**.

(3) A qualified tow truck operator may have only one letter of appointment for a business location in a single rotation area. A request for an additional letter of appointment must be for a complete and separate business location that is capable of operating independently within the same or another rotation area and that meets the requirements of subsection (2).

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

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

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

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

(c) the petition is otherwise reasonable.

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

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

(8) A letter of appointment is valid until suspended, superseded, or revoked by the department.

**History: En. Sec. 1, Ch. 143, L. 2011.**