

# Montana Code Annotated 2023

TITLE 61. MOTOR VEHICLES

CHAPTER 8. TRAFFIC REGULATION

Part 9. Professional Tow Trucks

## State Law Enforcement Rotation System -- Letter Of Appointment -- Local Government Rotation System

**61-8-908. State law enforcement rotation system -- letter of appointment -- local government rotation system.** (1) The department shall establish and maintain an equitable rotation system among qualified tow truck operators that apply to the department in writing to be placed on the system and receive a letter of appointment under **61-8-920**. The rotation system:

- (a) must be administered by the highway patrol in a manner that will give priority to public safety;
- (b) must be based on the classification of equipment as provided in **61-8-905**; and
- (c) may include only qualified tow truck operators.

(2) Each qualified tow truck operator participating in the rotation system shall have available and show upon the request of a law enforcement officer:

- (a) all Montana motor vehicle identification numbers or department of transportation numbers for the operator's tow trucks operating in the rotation system;
- (b) the operator's federal tax identification number;
- (c) the operator's company phone number and street address; and
- (d) the operator's letter of appointment as issued under **61-8-920**.

(3) The operator shall display on both sides of each tow truck the operator's business name and location and the numbers required by subsection (2)(a). The information required by this subsection must be plainly seen and able to be read at all times.

(4) Any charges for towing service must be calculated from the operator's business location, as it is assigned on the operator's letter of appointment.

(5) The rotation system is not applicable when the owner or driver of a wrecked or disabled vehicle obstructing a public roadway requests a tow truck operator of the owner's or driver's choice and the operator meets the insurance requirements provided in **61-8-906** and the safety inspection requirements provided in **61-8-907**.

(6) (a) (i) The law enforcement officer at the scene of the wreck shall call the qualified tow truck operator that is next on the rotation list if:

- (A) a request for a tow truck is not made by the owner or driver;
- (B) the requested tow truck cannot respond in a timely manner; or
- (C) the law enforcement officer determines that the requested tow truck is unable to handle the wrecked or disabled vehicle.

(ii) If the qualified tow truck operator is not classified to handle the wrecked or disabled vehicle, the officer shall call the qualified tow truck operator next on the rotation list that is classified to handle the wrecked or disabled vehicle.

(b) If a qualified tow truck operator classified to handle the wrecked or disabled vehicle is not reasonably available, the law enforcement officer may request other equipment to remove the hazard.

(7) The department shall administer the state law enforcement rotation system. A qualified tow truck operator may examine the rotation system schedule established by the department in order to determine if the system is being administered in an equitable manner.

(8) A qualified tow truck operator gives implied consent to a reasonable inspection during normal business hours of its premises, vehicles, and equipment by the department of transportation, highway patrol, or a local government to ensure compliance with this part.

(9) A local law enforcement agency may adopt and administer a local law enforcement rotation system that complies with the provisions of this part. A tow truck operator desiring to be placed on the local law enforcement rotation system must be a qualified tow truck operator as provided in this part.

(10) The highway patrol or local law enforcement shall provide upon request a record of rotation system calls for all classes of tow trucks.

(11) Complaints about the rotation system must be referred in writing to the complaint resolution committee established in [61-8-912](#).

**History:** En. Sec. 8, Ch. 283, L. 1995; amd. Sec. 7, Ch. 88, L. 2003; amd. Sec. 4, Ch. 143, L. 2011.