

SENATE BILL NO. 297

INTRODUCED BY E. ARNTZEN

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE USE OF TOW TRUCK DISPATCH AND TOWING SERVICES; PROHIBITING THE USE OF CERTAIN TOWING DISPATCH SERVICES; AND PROHIBITING THE OFFERING OR ACCEPTING OF INCENTIVES FOR USE OF CERTAIN TOW TRUCK DISPATCH AND TOWING SERVICES."

WHEREAS, a contract entered into with a third-party towing dispatch service could result in the third-party towing dispatch service controlling rates, levels of service, and use of the rotation system; and

WHEREAS, the only incentive to request or authorize the towing or removal of a parked, wrecked, disabled, or abandoned vehicle from the public right-of-way or private property is that the vehicle is towed or removed; and

WHEREAS, Montana consumers should be protected from inflated and unnecessary costs associated with third-party towing dispatch services and certain incentives related to towing vehicles and impounding, recovering, and storing towed vehicles.

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

**NEW SECTION. Section 1. Third-party towing dispatch contracts prohibited -- incentives for use of services prohibited -- exceptions.** (1) A private entity that offers third-party towing dispatch services may not enter into a contract for the provision of those services with a public agency or private person or entity authorized to request removal of a vehicle.

(2) A commercial tow truck operator may not:

(a) offer to a public agency or private person or entity authorized to request removal of a vehicle a reward or other benefit, other than removal of the vehicle, for using the commercial tow truck operator's services;

(b) offer to an owner or person in lawful possession or control of private property a reward or other benefit, other than removal of a vehicle, for using the commercial tow truck operator's services; or

(c) accept a reward or other benefit for using the services of a private entity that offers third-party towing dispatch services.



1 (3) For the purposes of this section, "reward or other benefit" means a monetary or nonmonetary  
2 incentive for use of a particular service.

3 (4) This section may not be construed to prohibit:

4 (a) a commercial tow truck operator or group of commercial tow truck operators from entering into a  
5 contract or agreement in which the operator or group of operators compensates a private entity for providing  
6 dispatch services;

7 (b) a commercial tow truck operator from receiving compensation owed to the operator for services  
8 provided and all charges incurred for the towing, impoundment, recovery, and storage of a parked, wrecked,  
9 disabled, or abandoned vehicle or for the removal of another object creating a hazard on the public roadways or  
10 private property.

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12 NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an  
13 integral part of Title 61, chapter 8, part 9, and the provisions of Title 61, chapter 8, part 9, apply to [section 1].

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