

MINUTES

MONTANA SENATE
54th LEGISLATURE - REGULAR SESSION
COMMITTEE ON HIGHWAYS & TRANSPORTATION

Call to Order: By CHAIRMAN LARRY TVEIT, on February 11, 1995, at
11:50 a.m.

ROLL CALL

Members Present:

Sen. Larry J. Tveit, Chairman (R)
Sen. Mack Cole (R)
Sen. Ric Holden (R)
Sen. Reiny Jabs (R)
Sen. Arnie A. Mohl (R)
Sen. Greg Jergeson (D)
Sen. Linda J. Nelson (D)
Sen. Barry "Spook" Stang (D)

Members Excused:

Sen. Charles "Chuck" Swysgood, Vice Chairman (R)

Members Absent: None

Staff Present: Connie Erickson, Legislative Council
Carla Turk, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: SB 355
Executive Action: none

HEARING ON SB 355

Opening Statement by Sponsor:

SENATOR GARY FORRESTER, SD 8, Billings, stated SB 355 would
change and clarify classifications of tow trucks, specify which
tow trucks were for hire, and set requirements for liability
insurance.

Proponents' Testimony:

Bob Gilbert, representing the Montana Tow Truck Association, (MTTA), said he appeared in support of SB 355. He handed out (EXHIBITS # 1 & # 2) and explained that SB 355 was a product of a number of years work by the MTTA. He stated the intent of the Bill was public safety and professionalism in the industry. He explained tow trucks had a tremendous responsibility to not only retrieve and recover vehicles but to ensure the public was not put in jeopardy while the tow truck did its job. He reported SB 355 would be the first major change in tow truck law since its origination in 1937. He stated current law that referred to equipment a tow truck was required to carry was quite antiquated. He said SB 355 made minor changes in that area and **Colonel Reap** of the Montana Highway Patrol had agreed to update that section during the interim.

Mr. Gilbert said the handouts explained what the Bill did. He referred to the two proposed commercial operators in **EXHIBIT 2** and identified them as being for hire on the law enforcement rotation system and for hire not on the rotation system. He reported the law enforcement rotation system was where law enforcement, whether it be local or state, called tow truck operators out on a rotation system giving everyone an equal opportunity. He said the Bill primarily classified vehicles for this rotation system. He explained classifications were not actually classification of tow truck equipment so much as it was a classification of tow truck companies. He further explained the classifications would enable law enforcement personnel to determine which classification was necessary based on the specific needs and size of the accident. He reported that the companies on the law enforcement rotation system would be required to have their equipment classified, carry liability insurance and provide storage. He said storage was currently required by the Montana Highway Patrol (MHP) and only those businesses on the rotation system were required to have it. **Mr. Gilbert** reported current state law requirements for tow truck liability insurance was \$10,000 just as it was for personal automobiles. He said most towers carried liability insurance far in excess of the requirement. He said current requirements could lead to consumers suffering significant loss if a tower did \$30,000 worth of damage. He said that with the value of newer cars this could also be considered a consumer protection act. He explained the desire to have all Montana towers, who towed for hire, to carry an adequate level of insurance. **Mr. Gilbert** explained there would be three levels of insurance based on classification. He maintained that even though \$750,000 was the federal standard for motor carriers they were concerned that smaller tow truck operators in rural communities were not going to be handling the real expensive equipment. He said it was not the intent to burden the smaller towers with insurance requirements which were unaffordable because of their limited business. **Mr. Gilbert** stated the towers on the law enforcement

rotation would be required to have their vehicles safety-inspected annually, exactly the same as commercial truckers. He explained the inspection would be done either by the Highway Patrol, the Motor Carrier Services Division of the Montana Department of Transportation, or operators could go to a school and become certified to do their own inspections. He added that for-hire tow trucks not on the law enforcement rotation system would be required to carry liability insurance and have annual safety inspections but there would be no storage requirements. **Mr. Gilbert** stated not-for-hire, private, towers would not have to meet the requirements of the Bill. He explained that would allow a person who breaks down to still be able to tow their own vehicle as long as they were within the limits of other state laws.

Mr. Gilbert said garage keepers legal liability insurance was also included in SB 355. He explained there was a great deal of confusion as to what garage keepers legal liability insurance covered and clarified that this type of insurance did not cover the vehicle in-tow but did cover other vehicles which may be damaged if the vehicle in-tow were to fall off and hit them. Insurance would be required if a tower was going to work for hire. He explained there would also be requirements for cargo. He said they had left the numbers out of the Bill, primarily because the contract between the towing company and insurance agent should be based on the size of the tow truck company's cargo. He added only the company would be familiar with how much cargo was involved in the accidents they handled and should adjust their coverage accordingly.

Mr. Gilbert related there was currently a variety of equipment on the road due to no inspections. He handed out pictures of homemade equipment and related that some of the homemade equipment was good but was not certified, as the commercially manufactured equipment was. He said commercially manufactured equipment was certified to do a certain job, while homemade equipment was not. He said SB 355 was intended to grandfather all homemade equipment currently operating in the State of Montana, and the effective date of the Bill was October 1, 1995. He maintained the homemade equipment would be grandfathered forever as long as the owners obtained classification the first year, kept up their annual safety-inspection, and wanted to be in law enforcement. He stated that companies not wishing to be on the rotation system would not have to be inspected annually or classified. He reported that after October 1, 1995, any new equipment, whether it was commercially manufactured or homemade, would have to be certified by the manufacturer or an independent certification process.

Mr. Gilbert reported that the Bill defined who tow truck operators were. He said the Bill did not allow for people who went looking for drivers in the ditch and offering to help for \$20. He stated that type of situation was a real safety hazard as chains broke and caused damage; highways could be dangerously

blocked; and no flags, signs or warning lights were used. He explained there currently was no legal statute to prevent such activity, but SB 355 would state you could not tow for hire unless you met the criteria within.

Mr. Gilbert summarized Section 5 as providing for the classification of tow trucks. He said Section 6 covered the three levels of liability insurance, the garage keepers legal liability insurance, and stated that if you wanted to be on the law enforcement rotation system you would be required to have a storage area for abandoned vehicles. He explained that the state could be left at risk as a deep pocket, for vehicles towed on rotation by request of law enforcement, if the tower was without the proper liability insurance. He stated Section 7 provided for safety inspections and procedures and said there was a clause included to cover fees for the inspections. He said that even though they had been reassured there would currently be no fees, the clause provided language that would allow for fees to cover direct cost incurred by the Montana Highway Patrol in the event it was needed in the future.

Mr. Gilbert stated there were two law enforcement rotation systems and Section 8 set up how state and local government law enforcement rotations. He stated Section 9 was a new section on good faith immunity that provided for cases where there was an accident on the highway and a passerby rendered assistance before law enforcement arrived. He explained Section 9 would protect the passerby from liability for civil damages during emergency action. He said they felt the good faith immunity was very important to protecting people who were willing to help in instances such as life-saving situations, but feared they could be otherwise sued.

Mr. Gilbert stated Section 10 was a penalty provision and provided for the Department of Justice to adapt rules. He said Section 13 was a unique section of the law. He explained that under current law, if law enforcement called a tow truck operator to haul away an abandoned vehicle and the tower invested considerable time and still could not find out who the vehicle belonged to, the tower would not be paid. He explained that under Section 13 abandonment would create a prima facie presumption that the last registered owner was the person responsible for paying for the services. He stated that the filing of a record of sale, transfer of motor vehicle, or a verified theft report would take the responsibility off the last registered owner.

Mr. Gilbert stated Section 14 was a definition of tow trucks and updated the antiquated items. He said Section 15 provided for insurance filing with the Public Service Commission (PSC). **Mr. Gilbert** explained Section 16 raised the value of a junk motor vehicle from \$100 to \$500. He stated Section 17 was codification and Section 18 would not be necessary if **SENATOR CHUCK SWYSGOOD** amended his bill which conflicted with SB 355.

Milo Casagrande, Butte, President of Montana Tow Truck Association, represented small towers unable to attend the hearing and expressed their support for the Bill. He listed the towers as six from Silver Bow County, four from the Dillon area, two from Anaconda and two from Deer Lodge.

Bill Sparr, Sparr's Towing, Missoula, represented the Missoula and Ravalli area towers who all supported SB 355.

Don Cerovski, Gallatin Valley Area, represented many towers from his area. He expressed support for the Bill and its classification of tow trucks and provision for insurance minimums both of which would provide an even basis for all operators.

Myron Mackey, Ace Towing, rose in support of SB 355 and expressed it was time to upgrade the industry, tower responsibility, and safety standards.

Mike Penne, Modern Auto, Laurel, expressed his support of SB 355 as well as the support of 10 additional towers from his area.

SENATOR MIKE SPRAGUE, SD 6, Billings, rose in support of SB 355 and noted the Bill was a prime example of private business solving its own problems.

Dennis Frownfelter, Bolster's Towing, Kalispell, represented 25 towers in Lincoln and Lake Counties and professed support for SB 355. He presented his witness statement (**EXHIBIT # 3**).

Dan Allen, City Towing, Billings, explained the general public made certain assumptions when seeking a towing service. He added the public took for granted the towing industry met certain requirements to be in business. He explained the insurance requirements in the Bill would help the insurance industry to understand what types of insurance they need to provide to tow truck operators. He further explained the motoring public was misled by motor clubs; motor clubs did not actively enforce their insurance requirements on towing companies. He declared there was an extreme amount of hassle involved with junk vehicles. He reported the Bill's raising the amount from \$100 to \$500 would help the industry immensely.

Scott Hanser, Billings, supported making the tow truck industry professional. He reported the problem had been a lack of an equal playing field since some operators employed professional rules and some did not. He added SB 355 would require all equipment to be certified, it would protect the motoring public, and would require towers to carry enough insurance to cover themselves and the consumers.

Ralph Hanser, Hanser's Wrecker and Salvage, Billings, explained there was currently no criteria for the system of rotation and there would be no way to set up a system without regulation. He

reported the public was at risk because wreckers were not required to carry insurance and may have faulty equipment. He referred to the abandoned vehicle clause and asked the Committee to give it special consideration. He reported his company dealt with thousands of abandoned cars and disposed of over 400 abandoned vehicles in the last year. He estimated 50% of the vehicles towed in were abandoned and current law made it nearly impossible to dispose of them. He explained his company had been pushed to go into the salvage business due to the overflow of abandoned vehicles. He handed out pictures of accidents and illustrated how the proper equipment could limit the losses of the people involved in the accident. He related the industry had moved ahead on its own. He insisted, however, the companies who invested in large equipment would not be able to continue under current law.

Colonel Craig Reap, Montana Highway Patrol, reported he had been involved in the development of SB 355. He related as a patrol officer he had witnessed many problems involving wrecker operation in Montana and expressed the importance of laws regulating the rotation system. He explained current law provided little guidance for the rotation system and left too much room for disagreements between companies and law enforcement. He related law enforcement needed laws to fall back on in cases where their decisions regarding rotation were challenged.

Dave Galt, Administrator, Motor Carrier Services Division of the Montana Department of Transportation, reported the Division as standing ready to inspect the tow trucks at weigh stations. He maintained having been involved with the Tow Truck Association for a number of years and termed them a great group to work with. He urged the Committee's favorable consideration of SB 355.

Dean Roberts, Administrator of Motor Vehicles, Department of Justice, expressed support for SB 355. He sought to clarify page 7, line 16, regarding abandoned vehicles and the filing of a record of a sale or transfer of a motor vehicle. He explained there was some confusion where the filing of a record of a sale or transfer of a motor vehicle was to be done. He said that if the filing was to be done with the Motor Vehicle Division, it would be required that a person transferring a vehicle would have to transfer the title and registration and would have to send something to the Motor Vehicle Division to clarify they were no longer the registered owner. He explained Section 3 would require the seller to file proof twice. He suggested striking line 16 up to 'or'. He expounded Section 2 already covered the fact that if a previous owner could prove in court they no longer owned the vehicle they would not be held responsible.

Opponents' Testimony:

Henry Lohr, Hank's Salvage, Townsend, reported the Legislature was moving to deregulating the trucking industry and SB 355 sought to regulate the tow trucks. He stated SB 355 would make it hard to modify or even perform simple maintenance on trucks. He added the Bill also created more government.

Questions From Committee Members and Responses:

SENATOR ARNIE MOHL asked **Mr. Gilbert** why tow truck owners could not modify the truck to bring it up to standards? **Mr. Gilbert** replied modifications would be fine if the truck was brought up to standards. He explained **Mr. Lohr** had misinterpreted the Bill. **Mr. Gilbert** clarified changing a light bulb would be considered maintenance, not modification. He interpreted that SB 355 only applied when modifications were done, then the equipment would need to be certified. He cited an example of boom equipment that was not quite right so the owner modified it; that equipment would then need to be certified.

SENATOR MOHL asked if a tow truck owner had a homemade tow truck could he bring it up to safety standards, have it inspected, and use it legally? **Mr. Gilbert** replied that would be legal.

SENATOR MOHL inquired about fees for inspection and asked when the GVW or Highway Patrol found it necessary to begin charging fees could they do that under SB 355 or would they have to come back to the Legislature? **Mr. Gilbert** replied he had discussed the fees with the Department of Justice and the Montana Highway Patrol and had requested a negotiated rulemaking process be done for SB 355. He explained that would provide for the involved parties to participate when the rules were written. He stated **Colonel Reap** had advised the omission of any reference to fees in the Bill but the drafter had suggested that in the future a fee could be necessary. **Mr. Gilbert** stated the fees could be amended out as the Bill provided owners the ability to do their own inspections, as well as having assurances from **Colonel Reap** and **Dave Galt** that they would not be charging for the inspections.

SENATOR MOHL asked what process tow truck owners used to recover their costs on abandoned vehicles which were not worth \$100?

{Tape: 1; Side: B}

Mr. Cassagrande replied as a general rule the costs were never recovered. He estimated 3 of every 5 cars towed in were abandoned. He explained the companies lost their towing costs and were only allowed to claim 90 days storage under state law. He stated only about 2 owners a year came back, paid the towing and storage, and took their car. **Ralph Hanser** said the cost of cleaning a vehicle before disposal, a requirement of the EPA, was

\$150 to \$250 and remarked the only way to recover a small portion of the cost was to sell the car to a junk yard.

SENATOR RIC HOLDEN asked what procedure a person would have to follow under the new law if the individual's vehicle broke down on the side of the road? **Mr. Gilbert** replied the person could still call a friend to pull the vehicle home and added the person also had the option of calling a tow company of their choice regardless of the company's status on the rotation system. He further noted a person had that choice at the scene of an accident as long as the tower chosen had the equipment to handle the wreck.

SENATOR HOLDEN noted there was already a rotation system in place and queried why the system needed to be included in statute? **Mr. Gilbert** replied the rotation system was currently provided for by rule and the rules were so broad that law enforcement had requested provision in statute to alleviate disagreements with towing companies.

SENATOR HOLDEN referred to the safety inspections and stated safety inspections and additional requirements squeeze out the smaller businesses and asked if that was the intent of the Bill? **Mr. Gilbert** replied that was not the intent of SB 355. He explained that since tow truckers deal with the public and are traveling down the road and possibly exposing the motoring public to faulty equipment, there was need to make every effort to insure safe equipment and safety for the public and their property. He insisted it would not require that much to make a vehicle safe and in reality the owner should not be operating if the vehicle was unsafe.

SENATOR HOLDEN referred to page 4, section 6, the requirements for insurance. He claimed he would be hesitant as a business owner to invite the State to mandate the type and amount of insurance his business needed. He noted it was incumbent upon business owners to analyze their own assets and purchase the insurance they felt was necessary to protect themselves and their business. He asked why they felt the Legislature should decide whether or not \$300,000; \$500,000; or \$750,000 would be enough to cover different segments of the industry? **Mr. Gilbert** replied federal law required tow trucks crossing state borders to carry a minimum of \$750,000 in liability insurance. He explained every commercial trucker in the State of Montana was required to carry the Public Service Commission's minimum of \$500,000 liability insurance. He clarified the insurance was not to protect their assets, but to protect the public they worked for. **Mr. Gilbert** explained the concern was having a Class C wrecker with \$10,000 in liability insurance towing a truck worth \$130,000; should the tower wreck the truck, the owner of the truck would have to pay the cost. He added the owner of the truck could sue the towing company but if the company had no assets there would not be much the owner of the truck could do. He explained the insurance had

been divided into three classes to avoid excess pressure on the owners of smaller tow trucks.

SENATOR HOLDEN queried if the owner of the vehicle in-tow could not make a claim on his own vehicular insurance if the tow truck owner were to wreck the car in-tow? **Mr. Gilbert** stated the owner of the vehicle in-tow could make a claim on his individual insurance if the tow truck owner had no insurance and added the insurance carrier would then sue the tow truck owner.

SENATOR HOLDEN remarked that was exactly his point. He said businesses buy insurance to protect their assets in the event someone sues them and attempts to seize the company's assets. The concern at that point was not the consumer's assets it was the assets of the company. **Mr. Gilbert** suggested they were delving too far into the insurance. He related the bottom line was the industry did not want customers having to jump through hoops to recover damages caused by someone else. He reported the damages did not occur very often but when they did the industry did not want to be considered an industry which does not protect its customers. He insisted SB 355 was not government intrusion; it was an industry requesting equal standards for all tow truck owners. He stated the Bill would set professional standards.

SENATOR HOLDEN noted there were many new sections of law included in SB 355. He stated some form of the Bill would pass but he saw too much room in the Bill for government to step in and take over the tow truck industry. **Mr. Gilbert** stated he did not feel there was any intent of government to do that. He noted the federal government had stepped in and taken control of several industries because of their lack of desire to control themselves.

CHAIRMAN TVEIT asked about the liability insurance requirement of the Class C trucks? He noted that if an \$800,000 or \$900,000 truck being towed was totalled during the tow, \$750,000 worth of insurance would not pay for the truck in-tow let alone the tow truck. **Mr. Gilbert** stated SB 355 simply set minimums for insurance.

CHAIRMAN TVEIT asked if the language requiring a fence around storage areas was a new requirement? **Mr. Gilbert** replied most trucks on the rotation currently have a fence even though it was not law. He said it is common practice because law enforcement is hesitant to turn a vehicle over to a company who could not safeguard it. He explained the requirement only applied to companies on the law enforcement rotation.

CHAIRMAN TVEIT asked about the garage keepers legal liability insurance and wondered if that was included in the \$300,000; \$500,000; and \$750,000 requirements of the Bill. **Mr. Gilbert** replied the garage keepers legal liability was in addition to those figures. **Dan Allen** explained insurance companies traditionally sold tow truck owners on-hook insurance which had short falls in that it did not cover situations attributed to the

operator's negligence. He said garage keepers legal liability held the tow truck owner responsible for everything they were legally negligent for. He explained that if an incident ended up in court and the tow truck driver was found negligent, the legal liability insurance would cover the damages. garage keepers legal liability did not vary by interpretation from carrier to carrier as on-hook insurance did; garage keepers legal liability was a standard and covered professional negligence.

CHAIRMAN TVEIT asked if garage keepers legal liability was required in addition to the on-hook insurance? **Mr. Allen** replied garage keepers legal liability would be in lieu of the on-hook. He added the Bill would give insurance carriers a standard to go by when selling insurance to tow truck owners.

CHAIRMAN TVEIT asked how the law enforcement rotation system handled accidents in rural areas where the accident was 40 miles from the towing company next on the rotation and only 3 miles from another towing company who was not next on the rotation? He asked if the cost to the consumer was taken into consideration when calling a towing company? **Mr. Gilbert** stated the intention of the rotation system was to take into consideration the distances, and rotation lists should not be expanded far enough to allow that particular situation. **Colonel Reap** stated the MHP divided the state into areas and took into consideration the amount of business, population, and distances. He explained it was hard to be exactly fair but the MHP hoped everyone would be involved in the rulemaking process to help improve the fairness.

CHAIRMAN TVEIT referred to the good faith immunity in Section 9 and asked if it would provide immunity to someone who came upon an accident scene, did not know what to do and ended up placing a life in peril? **Colonel Reap** stated Section 9 was based on the good samaritan law that applied to medical care. He explained that someone trying to do something to help when they didn't know any better would not be found at fault.

CHAIRMAN TVEIT referred to section 13 and asked if the owner of a stolen or abandoned car along the roadside would be responsible for paying the towing charges? **Colonel Roberts** stated that if the owner filed a stolen vehicle report with law enforcement the owner would have no liability for the charges. He explained the law was modified so owners could no longer claim a vehicle was stolen simply because there was a towing bill on the vehicle.

SENATOR MACK COLE asked if SB 355 was comparable to what was discussed at the meeting he had attended in Billings? **Mr. Gilbert** replied the Bill was close to the same thing. He explained the Bill had gone farther clarifying grandfathering, requiring classification, and certification of homemade tow trucks.

SENATOR REINY JABS asked if it was illegal to pull someone out of the ditch? **Colonel Reap** replied it was legal as long as there was no charge, but if it was for hire it was illegal.

SENATOR ARNIE MOHL asked for clarification of the law governing accidents and when the Highway Patrol needed to investigate before a car could be moved from the scene of the accident? **Colonel Reap** stated the law depended on the circumstances. He stated if a vehicle went off the road and got stuck and there was no damage then the Highway Patrol did not need to investigate.

SENATOR MOHL posed a situation where a car was in the ditch, a person pulled them out without checking the driver's sobriety, then the driver went down the road and killed someone. Would the person who pulled the driver out of the ditch be liable in any way? **Colonel Reap** stated the person who helped could be named in a civil action but he was not sure what the outcome would be.

SENATOR JABS asked if a tow operator towed a person out of the ditch and noticed they were drunk, what would the tow truck operator's responsibility be in that situation. **Mr. Gilbert** stated he would take the keys and stall the person until the Highway Patrol showed up.

CHAIRMAN TVEIT referred to the coordination section of the bill and asked if passage of the deregulation bill would affect SB 355. **Mr. Gilbert** stated that originally **SENATOR SWYSGOOD's** Bill would have deregulated the trucking industry and the Public Service Commission would no longer have been filing insurance. He explained the coordination section of SB 355 would have provided an alternate means for tow truck owners to file their insurance. He further explained that since SB 355 had been drafted **SENATOR SWYSGOOD** had changed his Bill and Section 18 was no longer needed and could be struck from the Bill.

{Tape: 2; Side: A}

Ms. Erickson stated an amendment would not be necessary. She explained Section 18 was a coordination instruction which would be automatically void if **SENATOR SWYSGOOD'S** Bill did not conflict with SB 355.

Closing by Sponsor:


SENATOR FORRESTER stated everyone testifying at the hearing was a small business. He reiterated that the tow truck industry had worked for years on this legislation and was requesting the legislative body to regulate them. He stressed the towers wanted their industry standardized. **SENATOR FORRESTER** noted SB 355 involved no cost to the state.

ADJOURNMENT

Adjournment: CHAIRMAN LARRY TVEIT adjourned the meeting at 1:30
p.m.



CHAIRMAN LARRY TVEIT, Chairman



Carla Turk, Secretary

LJT\cmt

MONTANA SENATE
1995 LEGISLATURE
HIGHWAYS AND TRANSPORTATION COMMITTEE

ROLL CALL

DATE 2/11/95

NAME	PRESENT	ABSENT	EXCUSED
MACK COLE	X		
RIC HOLDEN	X		
REINY JABS	X		
GREG JERGESON	X		
ARNIE MOHL	X		
LINDA NELSON	X		
BARRY "SPOOK" STANG	X		
CHUCK SWYSGOOD, VICE CHAIRMAN			X
LARRY TVEIT, CHAIRMAN	X		

" THE MONTANA TOW TRUCK PROFESSIONALS "

OUR GOALS:

PUBLIC SAFETY AND PROFESSIONALISM

PROPOSED STEPS TO ACHIEVE THIS GOAL:

1. Classify tow trucks based on size and capability of equipment so they are matched to their intended use. We propose five classifications ranging from units needed to tow or recover automobiles to very specialized units with very specialized auxillary equipment to handle mishaps involving large trucks and even including the handling of hazardous materials.

2. Establishing liability insurance and storage standards for Professional Tow Truck Operators. There are three levels of coverage proposed based on equipment classification and capability. Current liability requirements for Tow Trucks are the same as the liability that is carried on private automobiles.

3. Equipment safety standards to ensure the units can safely handle motor vehicle emergencies. After October 1, 1995 all new or modified equipment must be certified by the manufacturer or independently. Existing equipment in use as of October 1, 1995 may continue to be used under a "grandfather" clause as long as it passes an annual safety inspection. All For Hire equipment must pass an annual safety inspection.

4. A Law Enforcement rotation system will be established to ensure that the public safety is protected by using only qualified equipment for towing and recovery.

5. Training programs will be established so Law Enforcement officers and Tow Truck operators can work together to ensure that public safety is "job one" on all towing and recovery work.

6. A "good faith assistance" clause is included for emergency situations. This is similar to the medical "good faith assistance" provision in current law.

7. An "abandoned vehicle" section is proposed to address "owner liability" in abandoned vehicle situations. This is very important due to the EPA environmental regulations.

TYPES OF COMMERCIAL TOW TRUCK OPERATORS

1. FOR HIRE; ON THE LAW ENFORCEMENT ROTATION SYSTEM;

SHALL HAVE:

- A. Equipment Classified**
- B. Liability Insurance and storage**
- C. Annual Equipment Safety inspections**

2. FOR HIRE; NOT ON THE LAW ENFORCEMENT ROTATION SYSTEM;

SHALL HAVE:

- A. Liability Insurance**
- B. Annual Equipment Safety inspections**

OTHER:

NOT FOR HIRE -- PRIVATE

- A. Do not have to meet the requirements of this Chapter.**
- B. You may recover or tow your own equipment as you always have.**
Do not have to meet the requirements of this Chapter.

NAME Dennis & Margo FrownfelterADDRESS 693 Addison Square, Kalispell, MT 59901HOME PHONE 406-752-0792 WORK PHONE 406-752-4528REPRESENTING Bolster's TowingAPPEARING ON WHICH PROPOSAL? SB-355DO YOU: SUPPORT OPPOSE AMEND

COMMENTS:

We had a meeting in Kalispell including towers from Flathead, Lincoln, and Lake Counties to introduce this bill for comments. From 35 total on rotation, approx 80% showed. Others were contacted by phone. We are all small towing companies in these counties, and had very good support from everyone. This is a safety issue that we can all agree with. This is not a bill to put the little guy out of business.

Dennis Frownfelter
Margo Frownfelter

WITNESS STATEMENT

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE 2-11-95

SENATE COMMITTEE ON Senate Highways

BILLS BEING HEARD TODAY: SB 355

< ■ > PLEASE PRINT < ■ >

Check One

Name	Representing	Bill No.	Support	Oppose
RALPH E. HANSEN	HANSERS Wreckers	355	✓	
Don Cervuski	CERO Bros.	355	✓	
Dennis & Marga Frownfelter	Bolster's Towing	355	✓	
SCOTT Hansen	Glenn's Truck	355	✓	
Bill Sparr	Sparr's Towing	355	X	
Myron Mackey	Ace Towing	355		
Milo Casagrande	Milo's Towing	355	✓	
GARY FORRESTER	SD #8	355	✓	
Daniel Allen	Billings	355	✓	
Mike Penne	Laurel	355	✓	
Bob Gilbert	MT. TOW TRUCK ASSN.	355	X	
Rob Smith	MDOJ	355	✗	
Craig Reap	M&P	355	✓	
Mike Sprague	Sen Aist 6	355	✓	

Kathy McGowan MSPOA 355 ✓
 Dean Roberts Dept of Justice 355 ✓

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE 2-11-95

SENATE COMMITTEE ON Sen High Way

BILLS BEING HEARD TODAY: SB 355

< ■ > PLEASE PRINT < ■ >

Check One

Name	Representing	Bill No.	Support	Oppose
CURT LAINGEN	MT MOTOR CARRIERS ASSN	355		
Henry E. Lotz.	Hanks Salvage.	355		X

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY