

MINUTES

MONTANA SENATE
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAY AND TRANSPORTATION

Call to Order: By CHAIRMAN TVEIT, on FEBRUARY 9, 1989, at 1:00 p.m. in Room 410 of the State Capitol.

ROLL CALL

Members Present: SENATORS: Larry Tveit, Darryl Meyer, Hubert Abrams, William Farrell, Cecil Weeding, Jerry Noble, Lawrence Stimatz, John Harp, Bob Williams

Members Excused: None

Members Absent: None

Staff Present: Lee Heiman, Legislative Council

Announcements/Discussion: CHAIRMAN TVEIT announced that there are four bills being heard and they would go in this order: Senate Bills 316, 216, 221 and 345.

HEARING ON SENATE BILL 316

Presentation and Opening Statement by Sponsor: SENATOR KEATING, District 48 stated that this would be new in the law with regard to standardization of emergency tow trucks. The administrative rules have required that the highway patrol have the tow-car rotation system. If there is an accident on a highway and is a hazard to other traffic, if the owner did not know of a tow service, the highway patrol is directed by the rule to call out the nearest tow truck. He went through the bill with the Committee Members and explained that the Statement of Intent is a rule-making authority for the Department of Justice and the Department of Highways to coordinate in establishing the rules. Senator Keating stated that this legislation does not affect all of the towing vehicles or towing companies in this state, it affects only those tow operators who wish to place their names on the rotation system to be called out in the case of an emergency. Law enforcement rotation system is addressed in the administrative rules, but it is not applicable when the owner or operator of the disabled vehicle wants to call somebody of their own choice.

Senator Keating expressed concern for a highway patrol under the rules, being required to call out some vehicle on a rotation system. If it is not equipped to do the job and there is an accident, under the joint and civil liabilities, he stated he was not sure if the state could avoid being held liable in that situation. If we are going to assume that risk of liability for the state, than it would be imperative that they take a look at standardizing the tow truck industry as it pertains to the rotation system.

List of Testifying Proponents and What Group they Represent:

Ralph Hanser, Hanser Inc., Chairman of the Montana Tow Truck Association
Harold Hanser, Yellowstone County Attorney
Mike Schafer, Yellowstone County Sheriffs Office

List of Testifying Opponents and What Group They Represent:

Henry Lohr
Bob Griffith, Montana Highway Patrol
Milo Casagrande, President of the Montana Tow Truck Association
Myron Mackey, Ace Towing in Helena
Larry Tobiason
Rick Tucker

Testimony:

RALPH HANSER, Chairman of the Montana Tow Truck Association stated that he supported Senate Bill 316. SEE EXHIBIT 1.

HERALD HANSER, Yellowstone County Attorney gave a handout to the Committee Members. SEE EXHIBIT 2. The other states have developed a classification system for light, medium and heavy duty. They have also developed a new classification called roll-back for handling specialized equipment like for motor homes, etc. The rotation systems are then set up around this classified equipment. Looking at the handout, the highlighted portions deal with qualifications. The next page is a copy of the broom and shovel law. He stated that he felt the Montana Highway Patrol has the worst rotation system in the United States, because the only qualification is the broom and shovel statute. The last portion of the handout is from the Tennessee Highway Patrol.

MIKE SCHAFER, Yellowstone County Sherrif's Office stated that about two and a half years ago the dispatch center from the City of Billings took a look at a system whereby they had a rotation for wreckers. At that time, they looked at the statutes and felt they should start doing something to make sure that when that Officer calls for assistance, that adequate service be available. There are some good wreckers on that system, but as far as liability, there is nothing in there that says they must have insurance.

TIM STOLTZ, Frank's Body Shop stood up in support of Senate Bill 316.

Testimony:

HENRY LOHR representing the Montana Volunteer Fireman's Association opposing Senate Bill 316, gave his testimony. SEE EXHIBIT 3.

LIEUTENANT BOB GRIFFITH, Montana Highway Patrol stated that the administrative rules that have been discussed were written up because some of the wreckers were saying they were not getting their fair share of the tow. He stated that they are not having any problems with the rotation system. The Helena, Great Falls and Butte rotation system is handled by the Wrecker Association and in Billings the Highway Patrol handles the rotation system. If wreckers have to be regulated, give it to someone who regulates business and not give the Highway Patrol another means of doing something they probably aren't capable of doing.

MILO CASAGRANDE, President of the Montana Tow Truck Association and owner of a wrecker business in Butte stated that this bill is ahead of the times for Montana. He is opposed to Senate Bill 316.

MYRON MACKEY, Ace Towing in Helena, Member of the Board of Directors for the Montana Tow Truck Association said he had a few questions. For instance, why is it that every tow business in the State of Montana is opposed to Senate Bill 316, with the exception of the two who testified for the bill. The other is what it would cost if the highway patrol is to govern this. He stated that the way this bill is written, there may be only two tow companies in this state that would qualify.

LARRY TOBIASON, Triple A stated that they represent a little over 20% of the licensed drivers of tow trucks who provide service to their members. Last year these operators made some thirty thousand servicing tow trucks in Montana. Assuming there is a wreck out of Wise River, if the closest tow truck owner does not qualify under this particular law, someone would have to be dispatched out of Anaconda or Butte, that accident could be sitting there a long time.

RICK TUCKER, who has been associated with the wrecker service in Helena for some time, stated that the requirement for liability insurance should be there. There is room for improvement in the broom and shovel law, but this bill, in its present state, does not answer that.

MILO CASAGRANDE explained that he had worked hard with Ralph Hanser on this bill, the whole state was for it, but then it took a little turn. Maybe the members did not really understand what was going on, but it then turned and went the other way. Ralph did try to get the bill the way the members wanted, but somewhere along the way it began to slip.

RALPH HANSER referred to the by laws and stated that the only thing that was not in there and has been added in is the required use of safety chains. Statistically, there are more accidents caused because of the lack of using safety chains. It is a federal law for intrastate, but not for interstate.

Questions From Committee Members: SENATOR WEEDING asked Ralph Hanser if there membership is selective.

RALPH HANSER stated that for at least 8 years, they have followed the by laws of the Montana Tow Truck Association and you have to meet the criteria of the by laws.

SENATOR HARP stated that they need to all get together and come back in 2 years as a group.

Closing by Sponsor: SENATOR KEATING closed by saying that some of the fears about the bill are unfounded. He pointed out where the bill covers those areas which were questioned. He also cautioned the Committee that the state, because of the rotation system is at risk. In the event of an accident, the liability is still there. Until something is done to standardize and make towing safer, we will be at that risk.

HEARING ON SENATE BILL 216

Presentation and Opening Statement by Sponsor: SENATOR

MANNING, District 18 stated that Senate Bill 216 is a simple bill that would solve many problems that were created by a federal act. He explained that they are amending "apparatisse" out of the law. There are plenty of volunteer fireman who would not have enough time to take all the required courses necessary to meet the federal specifications for the new driving codes.

List of Testifying Proponents and What Group they Represent:

Lyle Nagel, Montana State Fire Fighters Association
Henry Lohr
Myrl Rose
Duane Tooley
Ed Flies

List of Testifying Opponents and What Group They Represent:

Richard Seddon, Secretary-Treasurer for the Montana State Fireman's Association

Testimony:

LYLE NAGEL representing the Montana State Fire Fighters Association stated that this bill came about because of the Commercial Motor Vehicle Act 1986 when the Highway Administration decided they would institute this drivers license program and was made tentative. The last session of the legislature passed the CDL bill in Montana and it had not been made definite whether or not it would include fire fighters. A hearing was held last fall with the Federal Highway Administration. SEE EXHIBIT 4 & 4A.

HENRY LOHR, Montana State Volunteer Fireman Association expressed support for Senate Bill 216.

MRYL ROSE, Trustee on the West Helena Valley Fire Department explained that it would be a burden on the young people who are just coming up to training. He stated that he supports Senate Bill 216.

DUANE TOOLEY, Chief of the Driver Services Bureau of the Justice Department stated that they support the change in the law to exempt fire trucks. This will remove any conflict between their statutes and the federal regulations.

ED FLIES, Montana State Council of Professional Fire Fighters and the City of Helena Fire Department are in support of Senate Bill 216.

RICHARD SEDDON, Secretary-Treasurer of the Montana State Fireman Association stated that they stand in favor of Senate Bill 216.

Questions From Committee Members: SENATOR NOBLE questioned why, a fire truck as big as it is, as well as, having some very complex equipment, wouldn't need to require some driving skill to conform to today's highways.

RICHARD SEDDON explained that the Commercial Vehicle Act does apply to vehicles in the 26,000 pound and most of the volunteer units are not in that weight category. There are some fire units that are, but most are not.

Closing by Sponsor: SENATOR MANNING closed the hearing on Senate Bill 216.

VICE CHAIRMAN MEYER took over the chair.

HEARING ON SENATE BILL 221

Presentation and Opening Statement by Sponsor: SENATOR TVEIT explained that Senate Bill 221 deals with speed limits and safety on the highways. On page 2, line 5 when roads are under construction, the people have the right to put up slow-moving signs. This bill will add on if they are being surveyed. He stated that there is a problem out there with surveyors. The Highway Department has requested that something be done in this area and to slow down traffic when going around surveyors on the road. This is a safety measure.

List of Testifying Proponents and What Group they Represent:

Beate Galda, Attorney for the Department of Highways

List of Testifying Opponents and What Group They Represent:

None

Testimony:

BEATE GALDA, Attorney for the Department of Highways explained that this bill will put the survey crews under the same protection that maintenance crews and construction crews have at the present time. Right now, the survey crews post a orange and black 35 mile per hour sign. It advises people to go that speed, but is not enforceable. If they could put up the black and white signs, rather than orange and black signs, than if an highway patrol is in the area they would be allow to ticket violators.

Questions From Committee Members: SENATOR WILLIAMS asked Senator Tveit, if this were to become law, how would it be in effect during lunch hours.

SENATOR TVEIT stated that the signs would be up where they are surveying for the time they are there.

Closing by Sponsor: SENATOR TVEIT closed the hearing on Senate Bill 221.

HEARING ON SENATE BILL 345

Presentation and Opening Statement by Sponsor: SENATOR VAN VALKENBURG, District 30 stated that the way we presently register motor homes, the registrations expire at the end of December. The majority of owners of motor homes are out of state during that month. It is a real hassle for those people to get a registration renewed. He suggested that it be put on the staggered system like other registrations. There is also another bill, which was drawn up by Representative Darko, with the similar idea only a bit broader application to some other vehicles besides motor homes and setting a fixed date in May. It is a service we could change and would make many people happy.

List of Testifying Proponents and What Group they Represent:

Bonnie Tippy, Montana Manufactured Housing and
Recreational Vehicles Association
Bob Robinson, /Administrator of the Motor Vehicle
Division

List of Testifying Opponents and What Group They Represent:

None

Testimony:

BONNIE TIPPY, Montana Manufactured Housing and Recreational Vehicles Association stated that she was not there to be for or against the bill, but for information purposes. Representative Darko's bill, House Bill 392 is an act to change the annual registration date for mobile homes, travel trailers, and campers to May 31st. As of today, has made it through the second reading. She stated that they support of House Bill 392.

BOB ROBINSON, Administrator of the Motor Vehicle Division stated that they support Senate Bill 345 and the whole concept of staggered registration. The people get hung up having to take this stuff to the treasurer's office. Representative Darko's bill has a problem of taking the bulge that happens in January and shoving it back to May. It is the Division's opinion that, once that bill is in this Committee, they will be back to talk about putting it all on the staggered system and allow people to register their vehicles in whatever month they are comfortable with. He suggested that the Committee take a look at some language that would allow those people to register either at the month that comes up at the tail end of their plate or take action that will allow them to register at the same time they do their automobiles.

Questions From Committee Members: SENATOR FARRELL asked if it is harder to register a motor home, than to register a car.

BOB ROBINSON stated that to register a motor home, they have to go to the assessor to get the value. They do not get the mail notification.

Closing by Sponsor: SENATOR VAN VALKENBURG informed the Committee that another alternative might be a staggered system that is for a shorter part of the year for these kind of vehicles.

ADJOURNMENT

Adjournment At: 2:40 p.m.



SENATOR LARRY TVEIT, Chairman

LT/pb
senmin.209

ROLL CALL

HIGHWAY COMMITTEE

DATE February 9, 1989

51st
LEGISLATIVE SESSION

NAME	PRESENT	ABSENT	EXCUSED
CHAIRMAN TVEIT	✓		
VICE CHAIRMAN MEYER	✓		
SENATOR ABRAMS	✓		
SENATOR FARRELL	✓		
SENATOR WEEDING	✓		
SENATOR NOBLE	✓		
SENATOR STIMATZ	✓		
SENATOR HARP	✓		
SENATOR WILLIAMS	✓		

Each day attach to minutes.



**montana
tow truck
association**

SENATE HIGHWAYS
EXHIBIT NO. 1
DATE 2-9-89
BILL NO. 5B316

Committee Members,

In 1979, the Montana tow truckers formed their association with the hopes of coming up with criteria that classified wreckers into four groups: those qualified for towing light duty, those qualified for towing heavy duty, those qualified for light duty recovery, and those qualified for heavy duty recovery. We recognized, in our industry, that better equipment and more knowledge was necessary to be in the recovery end of our business. We came up with decals and issued them to all the members of our association so that, at a glance, everyone could see what each individual company was capable of doing, and these decals renewed annually.

As the years went on, it became apparent we could not police our own industry. So, we asked the Highway Patrol to use our criteria on wrecker companies that they used for people that were broken down or in accidents. This proved futile. The Highway Patrol was neither willing to consider using these standards or enforcing them. So, for the past three years, the association worked on getting our by-laws updated so that we could introduce them into legislature where a law would become effective that required the Highway Patrol to set standards. In 1987, at a meeting of The Montana Tow Truck Association, by unanimous vote, Ralph Hanser was nominated to carry on with the by-laws to legislature. This takes us to where we are today. With over 30 attempts at writing and rewriting the proposed bill, we feel, with the help of the GVW people, the Montana Highway Patrol, with Mike McGovern, Executive Director and Legal Counsel of the Towing and Recovery Association of America, and with our own association members, that this is finally at a point where this is as good a criteria as there is in The United States.

People breaking down or having accidents on highways in Montana are at the mercy of whoever the Highway Patrol or local law enforcement agencies may request to that scene. This is especially true for out-of-state travelers. The problem becomes complex when the law enforcement agencies do not have strict enough criteria and companies with not enough equipment or expertise are sent to the scene, and, as a result, the unsuspecting traveler receives damage to the unit being towed or recovered. Or, in the cases of large trucks, precious cargo can be damaged or destroyed.

America has succeeded and will continue to succeed because we are a nation of progress. The towing industry is no exception. Cars and trucks today require equipment that was not heard of even three years ago. Motor homes, new cars and trucks, open up an entirely new challenge to the wrecker industry. Some of these units cannot be towed by conventional means. Opposition feels that sometimes homemade wreckers are as good as commercially manufactured wreckers, and a statement like that simply cannot hold true because engineering is engineering. You are either in the business of running equipment or in the business of making equipment.

It is the duty of law enforcement to insure the motoring public that when they use a particular service, that that service is like a Best Western Motel - it is the best available in the area. People say equipment costs are a consideration, and this is true. However, no one can lose money with good equipment unless that equipment is purchased when there is not a need for it.

In summary, the law that we have today is inadequate. It allows virtually anyone with a broom, a shovel, and a winch, to be in the wrecker recovery business. Naturally, anyone guaranteed every other, every third, or every fourth call from law enforcement is certainly not going to upgrade their equipment unless there is no alternative.

Today we see trucks on the road carrying hazardous waste that can pollute streams and literally, destroy the environment for miles around, if it is not properly handled. We see traffic problems that did not exist a few years ago. Whenever wrecker companies block highways, they had best be sure that the motoring public is well aware of the hazard ahead of them.

They say that there is a time for everything, and the time is now that the wrecker industry upgrade equipment and their education to meet the demands that the motoring industry has placed on them.

Sincerely,

Ralph E. Hanser

WERNER Enterprises
Omaha, Neb.

JUNE, 14, 1988
Worked by HANSEN'S ON
I-90 by Crow Agency, MT

MR. SH00000000
09:25 06/15/88 00053
09:25 06/15/88 00058 MTMHP0400
*BRINEY

TXT
HAZMAT ON-LINE :
RESPONSE TO INQUIRY ON HAZMAT UN NUMBER: 1428
CHEMICAL NAME(S)

SODIUM, METAL
THE FOLLOWING INFORMATION IS PROVIDED BY THE NATIONAL SHERIFFS ASSOCIATION
FROM DATA SUPPLIED BY THE U.S. DEPT OF TRANSPORTATION, OFFICE OF HAZARDOUS
MATERIALS TRANSPORTATION

ERG GUIDE NUMBER: 40
F I R E O R E X P L O S I O N
MAY IGNITE ITSELF IF EXPOSED TO AIR.
MAY RE-IGNITE AFTER FIRE IS EXTINGUISHED.
MAY IGNITE IN PRESENCE OF MOISTURE.
VIOLENT REACTION WITH WATER PRODUCES FLAMMABLE GAS.
RUNOFF TO SEWER MAY CREATE FIRE OR EXPLOSION HAZARD.

H E A L T H H A Z A R D S
IF INHALED, MAY BE HARMFUL.
CONTACT MAY CAUSE BURNS TO SKIN AND EYES.
FIRE MAY PRODUCE IRRITATING OR POISONOUS GASES.

E M E R G E N C Y A C T I O N
KEEP UNNECESSARY PEOPLE AWAY; ISOLATE HAZARD AREA AND DENY ENTRY.
STAY UPWIND; KEEP OUT OF LOW AREAS.
WEAR SELF-CONTAINED (POSITIVE PRESSURE IF AVAILABLE) BREATHING APPARATUS
FULL PROTECTIVE CLOTHING.
FOR EMERGENCY ASSISTANCE CALL CHEMTREC (800) 424-9300.
IF WATER POLLUTION OCCURS, NOTIFY APPROPRIATE AUTHORITIES.

F I R E
DO NOT USE WATER OR FOAM.
SMALL FIRES: DRY CHEMICAL, SODA ASH OR LIME.
LARGE FIRES: WITHDRAW FROM AREA AND LET FIRE BURN.
MAGNESIUM FIRES: USE DRY SAND, MET-L-X POWDER OR G-1 GRAPHITE POWDER;
DO NOT USE WATER.
MOVE CONTAINER FROM FIRE AREA IF YOU CAN DO IT WITHOUT RISK.

S P I L L O R L E A K
SHUT OFF IGNITION SOURCES; NO FLARES, SMOKING OR FLAMES IN HAZARD AREA
DO NOT TOUCH SPILLED MATERIAL; STOP LEAK IF YOU CAN DO IT WITHOUT RISK.
-NO WATER ON SPILLED MATERIAL; DO NOT GET WATER INSIDE CONTAINER.
SMALL DRY SPILLS: WITH CLEAN SHOVEL PLACE MATERIAL INTO CLEAN, DRY CONTAINER
AND COVER; MOVE CONTAINERS FROM SPILL AREA.
SMALL SPILLS: TAKE UP WITH SAND OR OTHER NONCOMBUSTIBLE ABSORBENT MATERIAL
AND PLACE INTO CONTAINERS FOR LATER DISPOSAL.
LARGE SPILLS: DIKE SPILL FOR LATER DISPOSAL.
COVER POWDER SPILL WITH PLASTIC SHEET OR TARP TO MINIMIZE SPREADING.

F I R S T A I D
MOVE VICTIM TO FRESH AIR; CALL EMERGENCY MEDICAL CARE.
WIPE MATERIAL FROM SKIN IMMEDIATELY; FLUSH SKIN OR EYES WITH
RUNNING WATER FOR AT LEAST 15 MINUTES.
REMOVE AND ISOLATE CONTAMINATED CLOTHING AND SHOES AT THE SITE.
IF YOU HAVE AN ACTUAL INCIDENT - CONTACT CHEMTREC AT 1-800-424-9300



montana tow truck association

ANNUAL MEETING NEWSLETTER

Dear Members,

As you know, we held our annual meeting in Helena at the Park Plaza Hotel on May 30th-31st. From the 45 members, a total of 25 members were represented. The following topics were discussed & voted on by the members on the enclosed list.

Saturday's meeting opened with our guest speaker from the G.V.W., Sonny Frickel. He spoke on the G.V.W.'s set standards & the new changes they have given to towers. We appreciate the letter from Mike McGovern, T.R.A.A. to the G.V.W. in Montana for responding to our over weight problems. We feel we need all the help we can get when trying to sway the State Government.

The discussion of the By-laws followed. The new By-laws were presented by Ralph Hanser but the Association did not have the funds to put them through Legislation. A motion was made by Frank Stoltz-Miles City to have Ralph Hanser continue spearheading the By-laws through Legislation. The motion was seconded by Pat Gilboy-Butte. The vote was unanimous for Ralph. It was also agreed that Ralph will report to the Association when there is any development.

A motion was made by Art Morrow-Bozeman that all members donate \$100.00 to the Legislation Fund to raise money for the Legislation Process. The motion was seconded by Frank Stoltz-Miles City. This was also an unanimous vote.

Fred Burgess, Sec/Treasurer, read the Treasury Report. With 45 members, only 29 members had paid their dues to date. 1987 Dues can be paid to Fred's Towing. 1988 Dues will be billed in Jan-88. It was voted to keep the membership dues at \$50.00 per year.

The Election of Officers remained the same: Milo Casagrande-President, Morris Quanbeck-Vice-President, & Fred Burgess-Sec/Treasurer. Five new Directors were voted & their Districts were established.

#1 - Kalispell area	Maynard Bolster	Kalispell
#2 - Missoula area	Jack Brown	Missoula
#3 - Helena/G.Falls	Myron Mackey	Avon
#4 - Butte area	Ted Rickey	Boulder
#5 - Billings	Mike Penne	Laurel

BYLAWS OF
MONTANA TOW TRUCK ASSOCIATION

COPIED

ARTICLE I

NAME AND LOCATION

Pursuant to the Articles of Incorporation dated October 7, 1978, the name of the corporation is the Montana Tow Truck Association, (hereafter referred to as the Association). The Association is organized as a non-profit Corporation pursuant to the laws of the State of Montana, with its central offices in Missoula County, Montana, the corporate purposes as set forth in the Articles of Incorporation, such Corporation having been organized exclusively as a business league for the promotion of general business purposes of tow truck operators in the State of Montana, pursuant to applicable provisions of the Internal Revenue Code of 1954.

ARTICLE II

DEFINITIONS

The following definitions shall be applied to the provisions of the Bylaws set forth herein, and shall be used to classify the various members of the Association:

1. Towing Wrecker Service--those wrecker service companies which tow disabled cars and trucks from points of breakdown to points of repair;
2. Recovery Wrecker Service--those wrecker companies which specialize in the recovery area. "Specialized recovery" is the field of specialized endeavor concerned with the various aspects of recovery and/or salvaging an item, object, or thing under the workmanship of recovery specialist, utilizing a vehicle equipped with a hoisting apparatus as well as winches and supportive equipment designed for a particular lifting and winching capacity;
3. Recovery Specialist--a person who has become qualified in this special area. His training encompasses the various stress points and amount of stress of objects being recovered under his

workmanship, the various strengths of wire ropes and chains, the varying sheave reductions, the use of scotch blocks, the various ways to position his equipment for retrieving an object, and the proper way to maintain and inspect all of his equipment. A test may added to insure that the operator does possess the knowledge necessary to safely qualify as a recovery specialist. Those companies that are capable of towing disabled cars and trucks and wish to expand to the recovery wrecker service must meet the following:

4. Light Duty Recovery--the following minimum requirements shall be met to qualify for this classification.
 - (a) The outlet shall be on property properly zoned and have a storage lot fenced and capable of holding at least five cars and five light trucks. It shall be lighted and be able to offer secured storage when necessary.
 - (b) Shall have at least two wreckers available for calls 24 hours a day, seven days a week, with a certified rating of four-ton capacity (or Class A). In small population area (500 or less) where it is not economically feasible to own two wreckers, if another wrecker that belongs to the MTTA is accessible to them within a 30 minute response time, this will qualify them as having a second wrecker.
 - (c) Shall have at least \$300,000.00 of liability insurance coverage for each occurrence, or what ever the state requirements are.
 - (d) Shall use equipment that is of a factory manufactured type and that has a factory certified rating capacity which is posted directly upon said equipment. This rule applies to areas with a population of 10,000 or more. Companies affected by this rule will have 3 years from December 31, 1986 to update their equipment and comply.
 - (e) Shall have its own two way radio system unless in a small area where it is economically unfeasible.
 - (f) Shall provide flagmen any time a roadway is blocked while providing recovery service, and shall provide legally required lighting, flashers, and signs to insure the safe flow of traffic and minimum disruptions for passing vehicles.
 - (g) Shall have a minimum of at least two years of wrecker business experience enforced, or be a graduate of an approved school for the recovery business.
 - (h) Shall meet all legal and safety requirements set forth by the Montana Highway Patrol and the GWV Division of the State of Montana and any applicable standards of the Department of Health and Environmental Sciences.

5. Heavy Duty Recovery--the following minimum requirements shall be met to qualify for this classification:
- (a) The outlet shall be on property properly zoned and have a storage lot fenced and capable of holding at least five trucks of 2-ton capacity and two tractor-trailer combinations. It shall be lighted and be able to offer secured storage when necessary.
 - (b) Shall have at least two wreckers available for calls 24 hours a day, seven days a week with a certified rating of 25-ton capacity (or Class C). Or shall have two wreckers of a certified rating of 16-ton capacity (or Class B).
 - (c) Shall have at least \$500,000.00 of liability insurance coverage and shall have at least \$200,000.00 in cargo liability insurance. If additional equipment must be used for the recovery it must be registered with an insurance carrier. If additional equipment necessary for the recovery is rented from a sub-contractor or if equipment is sub-leased the contractor must be able to show proof that insurance is in force to cover the sub-leased equipment.
 - (d) Shall use equipment that is of a factory manufactured type and that has a factory certified rating capacity which is posted directly upon said equipment. This rule applies to areas with a population of 10,000 or more. Companies affected by this rule will have 3 years from December 31, 1986 to update their equipment and comply.
 - (e) Shall have its own two way radio system unless in a small area where it is economically unfeasible.
 - (f) Shall provide flagmen any time a roadway is blocked while providing recovery service, and shall provide legally required lighting, flashers, and signs to insure the safe flow of traffic and minimum disruption for passing vehicles.
 - (g) Shall have a minimum of at least two years of wrecker business experience and be able to pass a test certifying him as a recovery specialist.
 - (h) Shall possess or have immediate access to additional equipment for the purpose of completing recovery when necessary. This equipment must meet the insurance requirements specified in (c) above.
 - (i) Shall meet all legal and safety requirements set forth by the Montana Highway Patrol and the GVW Division of the State of Montana, and any applicable standards of the Department of Health and Environmental Science.

6. Wrecker Qualifications and Classifications--the following classes shall apply to all wreckers:

Class A: (Light Duty Class)

- (a) Shall meet all qualifications of light duty recovery service.
- (b) Shall have trucks with manufacturer's capacity of at least 10,000 GVW.
- (c) Shall have boom capacity of at least four tons.
- (d) Shall have power winch pulling of at least four tons.
- (e) Shall have at least 100 feet of 3/8-inch cable.
- (f) Shall have tow sling or wheel-lift wrecker to meet manufacturer's rating for this towing class.
- (g) Shall have tow lights to hook up to disabled vehicles.
- (h) Shall have two snatch blocks (four ton rating) and two scotch blocks or anti-skid devices.
- (i) Shall have towing dollies.

Class B: (Medium Duty Class)

- (a) Shall meet all qualifications of light duty recovery service.
- (b) Shall have manufacturer's capacity of not less than 24,000 GVW.
- (c) Shall have boom capacity of not less than sixteen tons independently or jointly.
- (d) Shall have two power winches of not less than 7½ tons each or one winch of 15-ton capacity.
- (e) Shall have at least 150 feet of steel cable, 9/16 inch or greater.

- (f) Shall have tow sling capable of towing trucks or wheel-lift wrecker.
- (g) Shall have dual wheels.
- (h) Shall have two snatch blocks and two scotch blocks or anti-skid devices.
- (i) Shall have tow lights to hook up to disabled vehicles.
- (j) Shall have air brakes so constructed as to lock the rear wheels automatically upon failure.
- (k) Shall have air lines capable of reaching a disabled truck or trailer to provide brakes when towing.

Class C: (Heavy Duty Class)

- (a) Shall meet all qualifications of heavy duty recovery service.
- (b) Shall have manufacturer's capacity of not less than 30,000 GVW.
- (c) Shall have boom capacity of not less than 12½ tons independently or 25 tons jointly.
- (d) Shall have two power winches pulling capacity of not less than 12½ tons each.
- (e) Shall have at least 200 feet of cable on each drum of at least 9/16 inch each or use manufacturer's specifications.
- (f) Shall have air brakes so constructed as to lock the rear wheels automatically upon failure.
- (g) Shall have air lines capable of reaching a disabled truck or trailer to provide brakes when towing.
- (h) Shall have tow bar or wheel-lift wrecker.
- (i) Shall have dual wheels or tandem axles.

- (k) Shall have tow lights to hook up to disabled vehicles.
- (l) Shall have at least two 15-ton snatch blocks and two scotch blocks or anti-skid devices.

Class D: Car Carrier (Light Duty Class)

- (a) Shall have manufacturer's rating capacity of not less than 10,000 GVW or larger with 60 inch C.A. Dimension or larger.
- (b) Shall have one winch of not less than four ton capacity.
- (c) Shall have fifty feet of 3/8 inch cable.
- (d) Shall have one snatch block, four ton capacity.
- (e) Shall comply with all applicable state and local laws, rules and regulations.

Class E: Air Cushion Recovery (Heavy Duty Class)

In those cases where a tractor-trailer combination is rolled over and the trailer is not broken open and the cargo is still contained in the trailer or is still on the trailer and has not come loose, the owner or operator of the tractor-trailer shall be advised of the possibility of the damage-free air cushion recovery system. For an operator to qualify for Air Cushion Recovery, he must meet the following criteria and have completed schooling in air cushion recovery or worked at least a 6-month apprenticeship for a certified air cushion recovery company:

- (a) Have at least 2-6,000 lb. air cushions (or starter cushion).
- (b) Have 4-12,000 lb. air cushions or have 2-12,000 lb. air cushions and 2-20,500 lb. air cushions.
- (c) Have a four or six bank valve assembly.
- (d) Have 10-20 foot feed hoses with connectors.
- (e) Have one air compressor.
- (f) Have two 20-ton nylon straps, each 6 inch by 26 feet in length.
- (g) Have four angle protectors for the sides of the trailer or van.

The above definitions, categories and classes of members are designed to provide better information to the general public through appropriate advertising and listings which will present each member's qualifications. The definitions, categories, and class of members will be reviewed on an annual basis by the Association pursuant to these Bylaws.

TOWING AND RECOVERY ASSOCIATION OF AMERICA, INC.

Administration:
Post Office Box 2517
Winter Park, FL 32790
(305) 788-6909

Government Affairs:
818 Connecticut Ave., N.W.
Washington, D.C. 20006
(800) 327-8542

August 28, 1986

COPY

Ralph E. Hanser
Hanser's Wrecker Company
430 S. Billings Blvd.
Billings, Montana 59101

Re: Tow truck qualifications for highway patrol

Dear Ralph:

I would like to reiterate my comments to you yesterday regarding the necessity of strict qualification for tow trucks which provide emergency response service for state highway patrols:

1. Emergency response towing service is a specialized area of the towing profession, just as brain surgery is a specialized area of the medical profession. The highway patrol generally demands prompt and efficient service by a towing company with the proper equipment and training to perform every imaginable recovery job or towing service. Any company which qualifies to meet those demands necessarily must have expertise and equipment beyond that of a "standard" towing company, just as the brain surgeon must have training and equipment beyond that of a general practitioner.

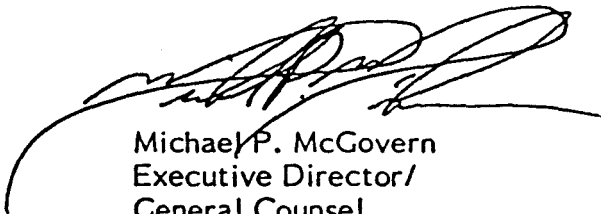
2. To pre-qualify towing companies for highway patrol work is in the best interest of both the highway patrol and the motoring public. The highway patrol is assured that the responding towing company will be available 24 hours a day, will have the necessary equipment to do a proper job, and will represent the highway patrol in a professional manner. The motoring public is likewise protected.

3. Most state highway patrols recognize the need for competent, professional emergency towing, and have adopted rules and regulations which specify certain requirements in order for a towing company to be considered for emergency highway patrol service. Enclosed is a copy of the new rules and regulations which the Florida Highway Patrol adopted late last year.

The problems which you face in Billings are not at all unique. In fact, the circumstances were at one time common throughout all fifty states. Most, however, have taken the proper step of enacting qualifying rules and regulations for emergency towing service.

Please let me know if I can be of further assistance.

Sincerely yours,



Michael P. McGovern
Executive Director/
General Counsel

MPM/cef
Enclosures

cc: Milo Casagrande, T.R.A.A. District Director (Montana)

TOWING AND RECOVERY ASSOCIATION
OF AMERICA, INC.

Administration:
Post Office Box 2517
Winter Park, FL 32790
(407) 260-0088

Government Affairs:
1924 N Street, N.W.
Washington, D.C. 20036
(800) 327-8542

December 29, 1988

Senator Thomas Keating
Montana Senate
2003 Willow Brook Way
Billings, Montana 59102

Re: Montana Commercial Tow Truck Act (Proposed)

Dear Senator Keating:

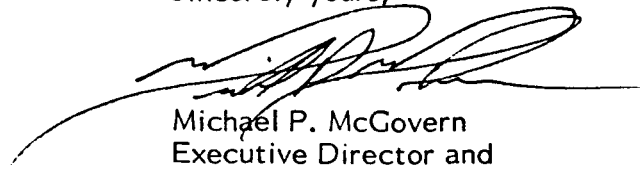
I have been in recent communication with Ralph Hanser regarding the above-referenced legislation concerning emergency towing service. As you can see from the enclosed copy of my letter to Mr. Hanser dated August 28, 1986, I am a staunch advocate of strict criteria for tow companies which choose to provide towing and recovery work on behalf of law enforcement agencies.

It is my understanding that efforts to amend the Administrative Rules of Montana, §23.3.401, et. seq., in order to more thoroughly detail specifications for emergency tow work performed on behalf of Montana Highway Patrol, have proven futile. As a result, legislation is being proposed, which you intend to introduce in 1989. The tow truck bill is reportedly in the drafting stage at this time.

I have been furnished with a copy of the initial draft of the bill and have been asked to comment on it. It is obvious that a great deal of time and effort has already been expended on the bill, so I hesitate to enter the process at this point and suggest changes. I do so, however, with the intent of supplementing, and perhaps improving upon, the fine work that has been done thus far. I have many years of experience with the towing industry, the past six years with the national towing association, and I trust my suggestions and comments will be received in the constructive nature in which they are delivered. My general comments are enclosed.

Finally, I have offered to travel to Billings and meet with the appropriate parties in January to review the legislative draft and help with the specific language of the bill. I hope we can finalize such a meeting within the next couple of weeks.

Sincerely yours,



Michael P. McGovern
Executive Director and
General Counsel

cc: Ralph Hanser, Hanser's Wrecker Company
Harold Hanser, Yellowstone County Attorney
Milo Casagrande, President, Montana Tow Truck Association

TRAFFIC

23.3.401 EMERGENCY VEHICLES When a Highway Patrol officer observes a vehicle equipped with audible or visual signals which would identify such vehicle as an authorized emergency vehicle or police vehicle, and the officer has probable cause to believe that the vehicle does not have authorization for emergency vehicle status, enforcement action should be taken. (History: Sec. 44-1-103 MCA, 61-9-226 and 227, and 61-9-401 and 402 MCA, Eff. 12/31/72; AMD, Eff. 12/5/76; AMD, 1980 MAR P. 1702, Eff. 6/27/80.)

23.3.402 SPECIFIC AMBULANCE OR TOW CAR SERVICE REQUESTED Whenever a Highway Patrol officer investigates an accident where the owner or operator is contacted at the scene, the officer shall inquire of the owner and/or operator as to what tow car he or she desires and attempt to secure the same. If the owner and/or operator requests a tow car from a considerable distance and another tow car can be obtained much closer and in the officer's judgment, should be, because of the hazardous situation created by wrecked vehicles, then it will be the officer's responsibility to explain to the owner and/or operator the importance of eliminating the hazard created by the wrecked vehicles by requesting the nearest tow car. When the owner and/or operator requests a tow car from a considerable distance and of the wrecked vehicle can be pushed off the travelled portion of the highway with the assistance of persons at the scene, this should be done instead of calling a local tow car just to remove the vehicle from the travelled portion of the highway, and in such instances the owner and/or operator shall be informed that it is his or her responsibility to guard the wrecked vehicle until the arrival of the requested tow car. (History: Sec. 44-1-103 MCA; IMP, 44-1-102 MCA, Eff. 12/31/72.)

23.3.403 OFFICER TO REQUEST AMBULANCE OR TOW CAR SERVICE The Highway Patrol officer shall call the nearest qualified tow car service whenever the owner and/or operator:

- (1) is absent from the accident scene;
 - (2) is injured to the extent of being incapable of normal conversation;
 - (3) is impaired by intoxication to the extent of being incapable of making a reasonable decision; or
 - (4) requests the member to select the tow car service.
- (History: Sec. 44-1-103 MCA; IMP, 44-1-102 MCA, Eff. 12/31/72.)

ADMINISTRATIVE RULES OF MONTANA

7/1/80

23-175

23.3.404 QUALIFIED TOW CAR SERVICE In selecting the nearest tow car service the officer shall be governed by his or her past experience in securing prompt and adequate service, and his or her knowledge as to the availability of storage facilities to protect the vehicle, its accessories and its contents. In order to be qualified, towing services must meet the requirements of section 61-9-416 MCA. (History: Sec. 44-1-103 MCA; IMP, 44-1-102 MCA, Eff. 12/31/72.)

23.3.405 TOW CAR SERVICE ROTATION SYSTEM In localities where there are two or more tow car services, officers shall distribute tow car service calls on an equitable basis by an established "Tow Car Rotation System." The "Tow Car Rotation System" must be used when all tow car services are approximately the same distance from services requested. In establishing the rotation system officers must be assured by the participating agencies that:

- (1) Service will be prompt;
- (2) The agency has adequate equipment to properly, safely and quickly perform the services; 24 hours per day, 7 days a week and will accept service calls on that basis; and
- (3) The agency is subject to call on that basis; and
- (4) The agency has equipment to qualify under section 61-9-416 MCA. (History: 44-1-103 MCA; IMP, 44-1-102 MCA, Eff. 12/31/72.)

23.3.406 ACCEPTING AUTOMOBILE CLUB CARDS IN LIEU OF BOND (1) For purposes of this rule, "card" means an Automobile Club Card or Guaranteed Arrest Bond Certificate. (2) Officers may accept an authentic official card issued by any of the agencies recognized by the state auditor in lieu of cash bond.

(3) Prior to accepting a card in lieu of a cash bond, an officer shall ascertain that:

- (a) It is an authentic and official card. AAA cards must carry the AAA symbol;
- (b) The name on the card represents the person who possesses it. (Compare with the driver's license);
- (c) The card has not expired; and
- (d) In accepting the card in lieu of a cash bond,

officers, shall make a notation on the traffic citation in the blank, "Received \$ _____" such as: Name of club - member number in lieu of (amount of bond). In such cases the appearance date should be set ahead at least 10 days for the processing of the card through the various offices. (History: Sec. 44-1-103 MCA; IMP 44-1-1101 and 1102, and 46-9-414 MCA, Eff. 12/31/72.)

23-176

7/1/80

ADMINISTRATIVE RULES OF MONTANA

SENATE HIGHWAYS

EXHIBIT NO. 2DATE 2-9-89BILL NO. SB 316

61-9-416. Commercial tow car requirements. (1) Every commercial tow car used to tow a vehicle by means of a crane, hoist, towbar, towline, or dolly shall be:

(a) equipped with and carry not less than two red flares or two red lanterns or two warning lights or reflectors, which reflectors shall be of a type approved by the department;

(b) equipped with at least two highway warning signs of a uniform type prescribed by the department and shall be so designed as to be visible both day and night. The operator of a commercial tow car used for the purpose of rendering assistance to other vehicles shall, when the rendering of assistance necessitates the obstruction of any portion of the roadway outside a business or residence district, place a highway warning sign 200 feet in advance of and 200 feet to the rear of the disabled vehicle, except as otherwise provided in this section. When a motor vehicle is disabled on the highway, such tow car operator called to render assistance during the hours of darkness shall immediately upon arrival place warning signs upon the highway as prescribed in this section and in addition thereto shall place not less than one red flare, red lantern, or warning light or reflector in close proximity to each warning sign.

(c) equipped with and carry a fire extinguisher of at least 2 quart capacity of a type capable of extinguishing a fire;

(d) equipped with a lamp emitting a flashing or steady red light mounted on top of the cab of the tow car or on the top of the crane or hoist if such light can be seen from the front of the tow car. The light from such lamp must be visible for a distance of 1,000 feet under normal atmospheric conditions, and shall be mounted in such a manner that it can be securely fastened with the lens of the lamp facing the rear of the tow car upon which it is mounted. When standing at the location from which the disabled vehicle is to be towed, the operator of the tow car may unfasten the red light and place it in any position deemed advisable to warn approaching drivers. When the disabled vehicle is ready for towing the red light must be turned to rear of the tow car upon which it is mounted and securely locked in this position. Additional red lights of an approved type may be displayed at either or both sides of the tow car as the case may warrant during the period of preparation at the location from which the disabled vehicle is to be towed.

(e) equipped with one or more brooms, and the operator of the tow car engaged to remove a disabled vehicle from the scene of an accident shall remove all glass and debris deposited upon the roadway by the disabled vehicle which is to be towed;

(f) equipped with and carry a shovel, and whenever practical the tow car operator engaged to remove any disabled vehicle shall spread dirt upon that portion of the roadway where oil or grease has been deposited by such disabled vehicle;

(g) equipped with and carry a portable electrical extension cord for use in displaying a light on the rear of the disabled vehicle. The length of such extension cord shall not be less than the length of the combined vehicles, and whenever a disabled vehicle is towed during the hours of darkness and the rear lamp or lamps on the disabled vehicle cannot be lighted, the tow car operator shall provide for such rear light by means of the extension cord herein referred to.

(2) The owner or operator of a commercial tow car who complies with the requirements of this section may stop or park such tow car upon a highway for the purpose of rendering assistance to a disabled vehicle, notwithstanding other provisions of this code.

History: En. Sec. 1, Ch. 201, L. 1959; R.C.M. 1947, 32-21-161; amd. Sec. 1, Ch. 503, L. 1985.

Cross-References

"Emergency service vehicles" defined, 61-1-120.

Violation of towing requirements — penalty,

61-9-517.



GENERAL ORDER

Number: 465-1 Page 1 of 1

Subject: Wrecker Service
Standards

Date: 1 July 1988

Distribution: All
Commissioned Members

I. PURPOSE:

To establish policy, procedures, and regulations for members of the Tennessee Department of Safety concerning the above captioned subject.

II. POLICY:

It is the policy of the Department of Safety to utilize only those wrecker services whose equipment, procedures and services conform to the following rules and regulations. The Commissioner shall be the final authority in all policies, procedures, and regulations governed by this order.

III. TWP CALL LISTS:

A. Each District Communications Section shall maintain a call list for each wrecker class. (A, B, C, & D).

1. Class "B" wreckers may be listed on both "A" and "B" class list upon request.
2. Class "C" wreckers may be listed on all three (3) lists (A, B, & C) upon request if the wrecker meets the standards for that class.
3. Class "D" vehicles will be listed only as a Class "D". Class "D" vehicles can not be substituted for a Class "A" wrecker except in special cases or owner's request (G.O. 465, III. E.).

B. Original applications.

* This order supersedes General Order No. 465-1, 1 Feb 86

1. Wrecker service proprietors wishing to have their service included on the THP Call List shall submit a request to the District Captain.
2. Any wrecker service utilized by the Department shall be properly licensed and insured.
3. Wrecker service owners with a felony record will not be allowed on the THP Call List.
4. All wrecker and storage facilities shall be inspected by the Department and a certificate of insurance filed before being placed on the THP Call List.
5. Insurance must be sufficient to compensate for any loss of or damage to property entrusted to the wrecker service.
 - a. Minimum Vehicle liability amounts:
 1. Class A and D \$300,000
 2. Class B \$500,000
 3. Class C \$750,000
 - b. Garage keepers liability - to cover loss by fire, theft, etc.
6. Wrecker service operators shall have insurance agents submit a certificate of coverage to the District Captain of the THP in their area.

C. Annual renewal.

1. Certificates of insurance must be submitted to the District Captain prior to the renewal date.
2. Insurance carriers shall notify the District Captain immediately if a policy is cancelled.

3. The owner of the wrecker service shall make written notification of any changes in insurance coverage (i.e., changing companies, vehicles, etc.), to the District Captain within ten (10) days prior to the change.

D. Inspection.

1. The District Captain shall insure that all wreckers and storage facilities are inspected annually prior to expiration of insurance certificates. This inspection shall include the checking of equipment, insurance, tow and storage rates, etc.
2. The District Captain may inspect wrecker services any time circumstances warrant an inspection.
3. After the completion of each inspection, the District Captain shall inform the Communications Supervisor whether the wrecker service will be added to or deleted from the call list.

IV. EQUIPMENT:

- A. Preferably, wrecker services will have at least two (2) units capable of highly efficient performance at the scene of an accident.
- B. Emergency Equipment.
 1. At least one (1) functional, amber-colored, rotor-beam type light shall be mounted on the top of the wrecker. No other color will be approved by the Department. All emergency flashers and directional lights showing to the front must be amber in color.

2. Sirens on wreckers or service trucks are prohibited.
- C. The following additional equipment is required:
1. At least one (1) heavy-duty push broom;
 2. Flood lights mounted at a height sufficient to illuminate the scene at night;
 3. One (1) shovel;
 4. One (1) axe;
 5. One (1) pinchbar, prybar, or crowbar;
 6. One (1) set of bolt cutters;
 7. Minimum of one (1) 20 lbs. Class ABC Underwriter Laboratory approved fire extinguisher.
- D. The appearance of wreckers shall be reasonably good with equipment painted.
- E. All tow trucks shall display the firm's name, address, and phone number. Such information shall be painted on or permanently affixed to both sides. All lettering shall be at least three (3) inches high.
1. Magnetic signs will not be permitted.
- F. Wrecker services shall be responsible for carrying the equipment necessary for removal of glass and other debris from highways following each accident. The wrecker operator is responsible for utilizing the equipment for such removals (TCA 55-8-170).

- G. A "grandfather clause" will be implemented for those wrecker services carried on the call list prior to July 1, 1988. This provision allows existing services to observe former requirements on equipment.
- H. The "grandfather clause" does not relieve wrecker companies from the requirements of minimum insurance standards or other revisions mandated by this order.
- I. Effective July 1, 1988, any new wrecker company applying for placement on a THP Call List, or any service removed from the list for a period of more than thirty (30) days and requesting reinstatement, will be regulated by all requirements set forth in this order.
- J. Effective January 1, 1989, ALL wrecker companies on the call list shall be regulated by the requirements set forth in this order. Wrecker Services not complying with these requirements shall be removed or refused placement on the call list.

V. WRECKER CLASSIFICATION:

- A: CLASS A - For towing passenger cars, pick-up trucks, small trailers, etc.
 - 1. The tow truck chassis shall have a minimum manufacturer's capacity of one (1) ton (10,000 lbs. G.V.W.R.);
 - 2. Individual boom capacity of not less than four (4) tons;
 - 3. Individual power winch pulling capacity of not less than four (4) tons;
 - 4. One-hundred (100) feet or more of 3/8 inch cable on each drum;

5. Belt-type cradle tow plate or tow sling to pick up vehicles; cradle of tow plate to be equipped with safety chain;
 6. Dollies.
- B. CLASS B - For towing medium size trucks, trailers, etc.
1. The tow truck chassis shall have a minimum manufacture's capacity of one and one-half (1-1/2) tons (18,000 G.V.W.R.).
 2. Boom Specifications.
 - a. Double booms so constructed as to permit splitting; each boom to operate independently or jointly; individual boom capacity of no less than eight (8) tons and individual power winch pulling capacity of no less than eight (8) tons; or,
 - b. Single boom with no less than a sixteen (16) ton capacity and a power winch pulling capacity of no less than sixteen (16) tons.
 3. Two-hundred (200) feet or more of 7/16 inch or larger cable on each drum.
 4. Cradle tow plate or tow sling to pick up vehicle; cradle of tow plate to be equipped with safety chain.
- C. CLASS C - For towing large trucks, road tractors and trailers.
1. The tow truck chassis shall have a minimum manufacture's capacity of not less than three (3) tons (30,000 G.V.W.R.).

2. Boom Specifications.

- a. Double boom so constructed as to permit splitting; each boom to operate independently or jointly; individual boom capacity of no less than twelve and one-half (12 1/2) tons and individual power winch pulling capacity of no less than twelve and one-half (12 1/2) tons; or,
- b. Single boom with no less than a twenty-five (25) ton capacity and a power winch pulling capacity of no less than twenty-five (25) tons.

3. Two hundred (200) feet or more of 9/16 inch or larger cable on each drum.

4. Airbrakes so constructed as to lock wheels automatically upon failure.

D. CLASS D - Vehicle transporters designed to tow or carry passenger cars, pick-up trucks, small trailer, etc., "damage - free". This classification includes "Wheel Lift" and "Car Carrier" or "Rollback" type vehicle transporters.

1. Wheel Lift: wreckers possessing equipment capable of lifting the vehicle by the wheels only, with nothing touching the vehicle body.

- a. Wheel lift wreckers shall meet all Class "A" requirements (Section V, part A), excluding the belt-type cradle tow plate or tow sling.
- b. Safety restraint straps (nylon straps with ratchets or the equivalent), shall be provided to secure the towed vehicle tires into the wheel lift forks.

2. Car Carrier vehicle transporters:
 - a. The truck chassis shall have minimum manufacture's capacity of one (1) ton (10,000 lbs G.V.W.R.);
 - b. Two (2) lift cylinders, minimum three (3) inch bore;
 - c. Individual power winch pulling capacity of not less than four (4) tons;
 - d. Fifty (50) feet or more of 5/16 inch or larger cable on winch drum;
 - e. Two (2) safety chains for securing vehicle to carrier bed;
 - f. Carrier bed shall be a minimum of sixteen (16) feet in length and a minimum of eighty-four (84) inches in width inside side rails.
 - g. Cab protector, constructed of solid steel or aluminum, that extends a minimum of ten (10) inches above the height of the bed.

VI. STORAGE FACILITIES:

- A. Wrecker services must be equipped to provide a lot or building for proper, safe, and secure storage.
 1. The storage facility must be located in close proximity to the wrecker service.
 2. The wrecker service shall be responsible for the storage, safekeeping, and prevention of vandalism of all vehicles and contents towed for the Department of Safety.
 3. The storage facility shall be secured by a fence or natural barrier sufficient to deter trespassing or vandalism.

4. The storage facility shall be staffed, or available for access, between the hours of 8 a.m. and 5 p.m., Monday through Friday, excluding legal holidays.
 5. The storage area shall be of sufficient size to accommodate all vehicles towed by the wrecker service for the Department of Safety.
- B. The District Captain, or his designated representative, will be notified of all vehicles which are towed at the request of the Department that are held over thirty (30) days.
- C. Violation of any of the above requirements or regulations shall be cause for suspension or removal from the THP Call List.

VII. SERVICES AND PROCEDURES:

- A. Wreckers shall be available for immediate response twenty-four (24) hours a day.
1. They must respond in a reasonable length of time (as determined by the requesting officer), or the next scheduled wrecker will be called and the first one will lose his turn.
 2. The responding wrecker(s) must be one displaying the firm's name as called for by the THP dispatcher.
 3. Wrecker services cannot refer a call to another wrecker company or substitute another company's wrecker to avoid a turn on the THP Call List.
- B. Wrecker services shall accept "collect calls" from the THP dispatcher or lose their place on rotation.
- C. Wrecker service operators shall not perform repair work on towed vehicles without the owner's written request.

- D. Hold orders placed by commissioned Department of Safety members on vehicles stored for any reason shall be honored by the wrecker establishment.
- E. When no hold order is placed, the vehicle shall be released to the owner upon proof of ownership and when the necessary financial transactions between vehicle owner and wrecker service are completed.
- F. Wrecker service operators shall transport a vehicle to any location requested by the owner/operator after financial obligations have been finalized.
- G. Calls received by wreckers shall be cleared through the THP before the wrecker proceeds to the scene even if the owner calls the wrecker direct. No wrecker shall remove a wrecked vehicle without it being investigated by a law enforcement agency.
- H. Soliciting at the scene is prohibited by the owner, operator, or representative of any wrecker service.
- I. Amber lights may be used while proceeding to, at, and when towing from the scene. When and how the lights are to be used is left to the discretion of the wrecker operator or the policy of the wrecker service.
- J. When a wrecker company receives a call for a Class "C" wrecker, it will not affect the wrecker service's status on either the "A" or "B" class lists.
- K. All wreckers shall be prohibited from chasing or running wrecks without a bona fide call from THP dispatcher or request from the owner.
- L. If wrecker operators desire to be off-duty for any length of time, they shall inform the THP dispatcher to avoid losing their turn on the call list.

1. Upon returning, the wrecker operator will be placed back on the rotating list.
- M. Wrecker operators who fail to answer a call will lose the call. If two (2) calls are missed, an investigation will be made by the THP District Captain and suspension or removal will be considered.
- N. Wrecker companies are restricted to a maximum of two (2) telephone numbers on the THP Call List. "Call-waiting" and "Call-forwarding" are recommended; pagers and beepers are not allowed.
- O. Operators refusing a call, or failing to respond promptly to a call, may be removed from the call list.
- P. When multiple cars are involved and multiple wreckers are called:
1. The first wrecker arriving at the scene will tow the car causing the greatest traffic hazard which will be determined by the member of the Tennessee Department of Safety.
 2. If a requested wrecker arrives first, the wrecker will help remove vehicles causing traffic hazard from roadway, then pick up the requested tow.
 3. If a wrecker service has two (2) wreckers, two (2) vehicles may be towed without loss of turn on the rotation, provided both wreckers can respond simultaneously.
- R. Only one (1) wrecker service shall be called to any one (1) vehicle accident. If additional equipment or recovery vehicles are needed to adequately complete a tow (e.i. tractor-trailer rollover or difficult auto recovery), discretion of the responding wrecker service should be used in deciding what and whose additional equipment will be required.

The severity of the situation and the estimated response time of additional equipment will be weighed by the officer at the scene, who is the deciding authority.

- S. Current tow and storage rates shall be posted in a conspicuous place at the wrecker service location and listed with the District Captain. Any change of rates shall be forwarded to the District Captain no later than ten (10) days prior to the proposed change.
 - 1. A chronological record of vehicles towed and charges of calls given from THP rotation list shall be maintained and opened to the District Captains or a designated representative for inspection.
- T. Towing rates of each class will be stipulated (A wrecker operator who uses a Class "C" or Class "B" wrecker to tow a vehicle in a lower classification must charge towing rates equitable to other wrecker services towing in that classification).
- U. The District Captain shall remove from the THP Call List any wrecker service whose tow rates are excessive when compared against other wrecker services providing the same services in the same general area.
- V. The vehicle owner/operator shall be responsible for payment of towing and related service charges. Payment shall be rendered prior to delivery or release of the vehicle by the towing company.

VIII. GENERAL REGULATIONS:

- A. Owners will not be permitted to operate wrecker equipment under more than one company name out of the same location.

- B. Wrecker companies shall not be permitted to operate more than one (1) wrecker service in the same zone.
- C. All wrecker service operators are expected to be familiar with and comply with the traffic laws of the State of Tennessee.
- D. Wrecker services shall abide by all rules and regulations of the Tennessee Department of Safety.
- E. Failure to meet the foregoing requirements will prevent wreckers from being placed on the THP Call List.
- F. Violation of any of the above requirements or regulations shall be cause for suspension or removal from the THP Call List after investigation is made by this Department.
- G. The THP District Captain shall investigate all complaints of services not requested and/or unfair charges.
 - 1. Any valid complaints will result in suspension of towing privileges for a period determined by the District Captain or removal from the THP Call List.
 - 2. Copies of complaints, investigative reports, and recommended action will be forwarded to the Colonel's office.
 - 3. Owners/operators of wrecker services will be advised in writing of suspension or removal by the District Captain or a designated representative.
 - 4. Wrecker services desiring an appeal of a decision may do so through the Colonel's office.

- H. If the owner of a vehicle believes that the vehicle was towed and/or charged unjustly, a complaint may be filed with the District Captain. The District Captain shall conduct an investigation into the complaint. If the investigation reveals that the said vehicle was towed and/or charged unjustly, the owner shall have his vehicle released to him without charge or for an amount established by the District Captain.
- I. This policy should not be construed in any way to conflict with state law.

Robert D. Lawson

Robert D. Lawson
COMMISSIONER

All Personnel:

I have read the above Order and fully understand it.

(Signature)

(Date)

S.B. # 316

1. Would the Department of Justice (Highway Patrol) be liable if it classified a tow truck in the wrong category? For example: it classified a class B tow truck as a class C and the tow truck failed in attempting to move wrecked truck causing injury or death. Could the state be sued for this mistake.
2. Could the state or a county be sued if a law enforcement officer called for a class B tow truck when he should have called for a class C truck, and the class B truck failed, causing injuries or death?
3. Subsection (3)(b) of Section 3, page 4, lines 16 thru 19 will result in a loss of tow trucks statewide. Many tow trucks are re-builds that have been built by the tow truck operator, and most of these operators will not be able afford a commercially built truck. If this Bill passes, after 1991 much of rural Montana will be without tow truck service, and the rest of Montana will have few tow trucks in service. This Bill will create a monopoly in the tow truck industry and will not encourage competition.
4. Section 4 (2), page 5, lines 17 thru 25 and page 6, lines 1 & 2 are too restrictive. Some tow truck operators only provide a towing service and should not be required to provide

a storage service. This Bill would force the ~~business~~ operator ~~of~~ who provides only a Towing service out of business, again Reducing competition.

5. There is no provision concerning the costs for the inspections. The Highway Patrol will have to charge for the inspections and for the Decals. How much such fees will be is any body's guess, but what ever its amount, it is just another burden the business men and women in this state.

6. there does not seem to be a need for this legislation in Montana. the Towing system is working satisfactorily ~~is~~ now, and this Bill will merely create more government paper work and reduce competition and will result in large areas of our state without Towing service.

Dept of Y contact
Bill Furois
ext 3290

SENATE HIGHWAYS
EXHIBIT NO. 4
DATE 2-9-89
BILL NO. SB 216

COMMERCIAL DRIVER LICENSE; WAIVERS

NOTICE OF FINAL DISPOSITION

49 CFR PARTS 383 AND 391
RIN 2125-AB68

*Received
10/13/88
Fire Marshal Bureau*



U.S. Department
of Transportation
Federal Highway
Administration

RECEIVED

SEP 30 1988

DIVISION OF
MOTOR VEHICLES

DEPARTMENT OF TRANSPORTATION
Federal Highway Administration

49 CFR Parts 383 and 391
[FHWA Docket No.]
RIN 2125-AB68

COMMERCIAL DRIVER'S LICENSE PROGRAM; WAIVERS; NOTICE OF FINAL
DISPOSITION

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of final disposition.

SUMMARY: A variety of parties requested exemptions from the commercial driver testing and licensing standards (49 CFR 383), and other provisions of the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. L. 99-570, 100 Stat. 3207-170). The specific waiver requests considered were for drivers of six different groups:

- (1) Farm vehicles;
- (2) Firefighting equipment;
- (3) Military vehicles;
- (4) Transit buses;
- (5) Certain vehicles used by railway companies; and
- (6) Public utility vehicles.

The FHWA has decided that it is not contrary to the public interest to grant waivers to firefighters and certain farmers from the Federal commercial driver's license regulations (49 CFR Part 383). The effect of this action is to allow States the option to exclude these groups in State implementation of the Federal regulations.

The FHWA also finds that it not contrary to the public interest to waive non-civilian operators of military equipment owned or operated by the Department of Defense (DoD), including the National Guard, from the requirements of 49 CFR Part 383. For the other groups, (transit buses, certain railway vehicles and public utility vehicles) the FHWA has determined that waivers from the requirements will not be granted, at this time, so as to lessen the possibility of diminishing commercial vehicle safety and assuring that the public interest continues to be served.

EFFECTIVE DATE: (Upon the date of publication in the Federal Register).

FOR FURTHER INFORMATION CONTACT: Ms. Jill L. Hochman, Office of Motor Carrier Standards, (202) 366-4001; or Mr. Paul L. Brennan, Office of the Chief Counsel, HCC-20, (202) 366-1350, Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m., ET, Monday through Friday, except legal holidays.

SUPPLEMENTARY INFORMATION:

BACKGROUND:

The Commercial Driver's License (CDL) program was established by the Commercial Motor Vehicle Safety Act of 1986 (Act). The Act requires that the driver of a commercial motor vehicle (1) have a single driver's license, (2) be tested for the knowledge and skills needed to drive a commercial motor vehicle, and (3) be disqualified from driving a commercial vehicle if the driver commits certain criminal or traffic violations.

The provisions of the Act apply both to interstate and intrastate drivers involved in trade, traffic, and transportation. The Act includes many persons and vehicles, particularly those in intrastate commerce, not previously covered by Federal Motor Carrier Safety Regulations (FMCSRs).

Waiver Procedures

Section 12013 of the Act provides the Secretary with the authority to waive any class of drivers or vehicles from any or all of the provisions of the Act or the implementing regulations, if the Secretary determines that the waiver is not contrary to the public interest and does not diminish the safe operation of commercial vehicles. Under Federal regulations (49 CFR 383.7), a person may petition the Federal Highway Administrator for a waiver. The Administrator may deny the petition if it is determined to be without merit. If the Administrator determines that the petition may have merit, the FHWA will publish a notice in the Federal Register to provide opportunity for comment. After analyzing the comments, the Administrator may grant or deny the waiver. The FHWA will then publish a notice of its decision on the petition in the Federal Register.

Response to Notice

In response to the notice published in the Federal Register on April 14, 1988 (53 FR 12504), the FHWA received over 1,700 comments regarding commercial driver's license waivers. The majority were from individual farmers or firefighters supporting the waiver. Over 140 letters from members of the Congress also expressed support for waivers for these two groups. Most of the information presented referred to the issue of whether or not the public interest would be served by allowing waivers.

Farmers - The FHWA has determined that it is not contrary to the public interest to allow States, at their discretion, to waive certain farmers from the requirements of the CDL program. Absent a waiver, all farmer operators of commercial vehicles of over 26,000 pounds and of vehicles carrying hazardous material in amounts sufficient to be placarded would be subject to the CDL program. Based on the farm vehicle operations safety data available to FHWA at this time, comments to the docket, and the potential burdens imposed on the farmers, FHWA believes that a waiver for farmers involved in small scale farm to market transportation movements is appropriate. The FHWA believes that it is contrary to public interest to waive long haul farm vehicle movements, as well as persons that provide for-hire trucking services to the farm community.

To ensure that any waiver is focused on legitimate farm to market operations by farmers, the group of farm vehicle operators the State may waive is limited to those operators of a farm vehicle which is:

- controlled and operated by a farmer;
- used to transport either agricultural products, farm machinery, farm supplies or both to or from a farm;
- not used in the operations of a common or contract motor carrier; and
- used within 150 miles of the person's farm.

This limited exemption will provide States with the flexibility to address the concern of farmers, yet retain the safety enhancements included in the Act and implementing regulations for commercial motor vehicles drivers.

In response to the petitions and the subsequent notice, over 700 comments were submitted from either individual farmers or groups, such as the American Farm Bureau, which represent farmers. Of these, the vast majority were in favor of waiving farmers from the CDL requirements and believe that farm operations are generally different from typical "over the road" business. They note that farm vehicles are used for shorter, more localized trips and farm vehicles are used seasonally. Also, farm vehicles are usually driven by family members or seasonal employees who drive only incidentally, i.e., to pick-up and deliver supplies, or during the harvest season, to farming. The FHWA traditionally has recognized these differences in farm operations and has included exceptions in the Federal Motor Carrier Safety Regulations for certain farm operations.

In response to the petitions requesting waivers for farmers, the FHWA, in cooperation with the Department of Agriculture (DOA), requested the University of Michigan Transportation Research Institute (UMTRI) to examine the data relating to farm truck safety. The UMTRI study developed farm and non-farm safety estimates for vehicles in weight classes of 10,000 pounds Gross Vehicle Weight Ratings (GVWR) and higher. These estimates were developed using the

information in the Census Bureau's Transportation Inventory and Use Survey (TIUS) along with samples of the original TIUS vehicle registration data from R. L. Polk Company, information developed by UMTRI through their own surveys and data in the Trucks Involved in Fatal Accidents File (TIFA), and recent UMTRI nationwide studies of truck operations.

The UMTRI estimates show that farmers constitute a very small proportion of fatal truck accidents and are significantly under-involved in such accidents for the vehicle weight classes for which data is readily available., i.e., classes of 10,000 pounds GVWR and higher. For example, in 1982 (the most recent year the TIUS is available), fatal farm accident involvement for various vehicle weight classes compared to fatal non-farm accident involvement as follows:

Involvements in Fatal Accidents
(Fatalities per hundred million miles traveled - 1982)

	<u>FARM VEHICLES</u>	<u>NON-FARM VEHICLES</u>
Vehicles above 10,000 pounds GVWR	2.95	6.64
Vehicles above 26,000 pounds GVWR	2.81	7.25

Thus, the accident rate for farm vehicles in 1982 was less than one half of the rate for non-farm vehicles. The FHWA has no information which would indicate a change in these accident rates for more recent years. (The FHWA will continue to monitor and re-evaluate data and information related to farm vehicle safety to determine whether the waiver for such operation continues to be justified on a safety basis.)

Data available from the Research and Special Programs Administration's Hazardous Materials Information System indicates that there have been no fatalities reported by farmers related to light or heavy vehicles, which carry hazardous materials. Also, the 1982 farm vehicle fatal accident involvement rate is about the same as that for passenger vehicles. Thus, the FHWA believes that farm vehicle operations, both for small and heavy vehicles, have a better safety record than average non-farm commercial motor vehicle operations. The FHWA concludes that a waiver of this group would not result in a reduction in the safe operation of a commercial motor vehicle. The FHWA will continue to monitor the data to ensure that the waiver continues to be warranted from a safety standpoint. More specifically, the FHWA will re-evaluate farm vehicle accident rates when the 1987 TIUS data becomes available. That data collection is now underway, and processing should be completed by early 1990.

Several commenters suggested that inclusion of farmers in the CDL system may impede the overall effectiveness of the CDL program or overburden many States' administrative processes. The National Transportation Safety Board (NTSB) also recognized the potential problem of adding farmers to the CDL program in its comments to the docket. The NTSB stated:

"If the presence of a large number of farmers in the commercial driver's license system (CDL) causes the testing and licensing standards to be less stringent, then the overall safety impact could be reduced."

The FHWA estimates that there may be 1.1 million farm vehicles included in the definition of a commercial motor vehicle. Of these, only 178,000 vehicles are believed to be heavy vehicles above 26,000 pounds GVWR. The majority of the farm vehicles included in the definition are pick-up trucks or other light weight trucks (under 26,001 pounds GVWR) which are used to transport pesticides, fertilizers, or other products integral to farming; but which are defined as hazardous materials. Based on this number of vehicles, the FHWA estimates that there may be as many as 1.8 to 3.0 million drivers that may from time to time operate a vehicle meeting the definition of a commercial motor vehicle.

The FHWA believes that the imposition of the CDL program on the entire farm community, even spread over the next four years, could be contrary to the public interest. As indicated at the time of the request for comments on the CDL waivers, the Department indicated that it wanted to take a reasonable common-sense approach in implementing the CDL legislation. Thus, the FHWA endorses an exemption that would be allowed for short haul farm to market movements. The waiver would not be available to operators of farm vehicles who operate over long distances, operate to further a commercial enterprise, or operate under contract or for-hire for farm cooperatives or other farm groups. Such operators drive for a living and do not drive only incidentally to farming.

Firefighters and Operators of Emergency Equipment- Over 900 comments were from groups or individuals who addressed waivers for firefighters. Of these, most supported a waiver and stated that firefighters, especially volunteers, would find the financial burden imposed by the commercial driver license requirements onerous. Most firefighting organizations have extensive initial training as well as retraining requirements for their equipment operators.

Therefore, the FHWA believes it not contrary to the public interest to waive operators of firefighting and other emergency equipment from the requirements of the Act. Drivers who operate emergency or fire equipment which is necessary to the preservation of life or property or the execution of emergency governmental functions perform under emergency conditions and are not subject to normal traffic regulation. These vehicles are equipped with audible and visual signals and are operated by a person in the employ of a

volunteer or paid fire organization. Emergency equipment such as a fire truck, hook and ladder truck, foam or water transporter or other vehicles used only in response to emergencies are included.

Military Personnel - FHWA has determined that military vehicles when operated by military personnel in pursuit of military purposes are beyond the intended coverage of the Act. Virtually all states currently make no effort to regulate operators of military vehicles, and FHWA finds no public interest or safety benefit to be gained by requiring such state regulations at present. The DoD administers the Defense Traffic Safety Program which assures adequate training and supervision of military drivers.

Although the FHWA does not collect data for civilian versus non-civilian accidents, the DoD provided some information in its docket submission. These data show that during 1987 approximately 10,500 DoD vehicles of commercial design (i.e., vehicles which would meet the definition of a commercial motor vehicle) traveled 52 million miles on and off military installations. These vehicles were involved in 3 fatal accidents.

The FHWA believes that commercial vehicle safety will not be diminished if all non-civilian operators of equipment owned or operated by the Department of Defense are waived from the Act's requirements. This waiver applies to any active duty military personnel, and members of the reserves and national guard on active duty including personnel on full time national guard duty, personnel on part-time training and national guard military technicians (civilians who are required to wear military uniforms and are subject to the code of military justice).

Transit Operators, Railroad Employees, Public Utility Employees and Other Groups - The information available to the FHWA at this time indicates that these commercial motor vehicle operations are conducted by a wide variety of business entities, which are subject to varying degrees of regulation by Federal, State, and local authorities. These groups do not specifically deal with the protection of life and property. Moreover, these groups operate a large number of vehicles nationwide under all types of conditions (i.e., in urban, suburban, and rural areas; on highways and other roads; with varying speeds and traffic congestion; and in all weather conditions and at all times of day). For example, transit buses carry millions of passengers each day with the ever present threat of an accident involving a high loss of life. Public utility and railroad employees both operate large or hazardous material laden vehicles both day and night throughout the year, sometimes under the most adverse weather conditions. Finally, these vehicles are operated by drivers who tend to be highly trained to provide other services and who may receive extensive job safety training, but who oftentimes have limited opportunities to acquire knowledge of, and develop skills for, the safe operation of commercial motor vehicles. Accordingly, the FHWA is unable to conclude that granting waivers to these groups at this time will not be contrary to the public interest or will not diminish the safe operations of commercial motor vehicles.

Further, many of the commenters requested waivers because of misunderstandings about the requirements of the CDL program. Some of the major areas of confusion that were reflected in the comments to the docket relate to the price of the CDL, age requirements to obtain a CDL and the inter-relationship(s) between the new CDL requirements and the more traditional Federal requirements found in Parts 390-399. With respect to the price for a CDL, many commenters believe the CDL will cost \$450.00. Under Part 383, each State will establish its own fee structure. One State, which currently has a classified licensing and testing system in place that is very similar to the types of licensing and testing required under the CDL program, charges between \$38.00 and \$42.00 for a license which is good for four years. The FHWA does not expect that a \$450.00 fee or an almost 10-fold increase in the price of a similar license is likely. With respect to the minimum age to obtain a CDL, many commenters believe all CDL holders need to be 21 years of age under Part 383. However, drivers who do not operate in interstate commerce and even certain interstate farm vehicle drivers do not have to be 21 years old unless that is the minimum age their State requires. Finally, many commenters seem to believe that CDL holders need to keep log books or that vehicles operated by a CDL holder automatically become subject to the Federal vehicle inspection requirements. Under the CDL program, this is not the case unless the driver or the vehicle is already subject to such requirements. Thus, the FHWA believes that when such groups gain a complete understanding of the requirements as included in the Final Rule issued on July 21, 1988, many of their concerns may be resolved.

When the promulgation of all requirements of the Act is completed, FHWA intends to amend the regulation to reflect these waivers.

AUTHORITY: Title XII of Pub. L. 99-570, 100 Stat. 3207
170; 49 U.S.C. 3102; 49 U.S.C. App. 2505; 49 CFR 1.48.

Issued on:

SEPTEMBER 20, 1988

DEPARTMENT OF TRANSPORTATION
Federal Highway Administration49 CFR Parts 383 and 391
[FEWA Docket No.]
RIN 2125-AB68COMMERCIAL DRIVER'S LICENSE PROGRAM; WAIVERS; NOTICE OF FINAL
DISPOSITION

AGENCY: Federal Highway Administration (FEWA), DOT.

ACTION: Notice of final disposition.

SUMMARY: A variety of parties requested exemptions from the commercial driver testing and licensing standards (49 CFR 383), and other provisions of the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. L. 99-570, 100 Stat. 3207-170). The specific waiver requests considered were for drivers of six different groups:

- (1) Farm vehicles;
- (2) Firefighting equipment;
- (3) Military vehicles;
- (4) Transit buses;
- (5) Certain vehicles used by railway companies; and
- (6) Public utility vehicles.

The FHWA has decided that it is not contrary to the public interest to grant waivers to firefighters and certain farmers from the Federal commercial driver's license regulations (49 CFR Part 383). The effect of this action is to allow States the option to exclude these groups in State implementation of the Federal regulations.

Firefighters and Operators of Emergency Equipment- Over 900 comments were from groups or individuals who addressed waivers for firefighters. Of these, most supported a waiver and stated that firefighters, especially volunteers, would find the financial burden imposed by the commercial driver license requirements onerous. Most firefighting organizations have extensive initial training as well as retraining requirements for their equipment operators.

Therefore, the FEWA believes it not contrary to the public interest to waive operators of firefighting and other emergency equipment from the requirements of the Act. Drivers who operate emergency or fire equipment which is necessary to the preservation of life or property or the execution of emergency governmental functions perform under emergency conditions and are not subject to normal traffic regulation. These vehicles are equipped with audible and visual signals and are operated by a person in the employ of a

volunteer or paid fire organization. Emergency equipment such as a fire truck, hook and ladder truck, foam or water transporter or other vehicles used only in response to emergencies are included.

SB 219
2/9/89

Feb 9, 1989 1:25 p

Mr. Larry Tveit

Re: SB 216

I have to be back at work before 2 pm.

Please mark me as a proponent of SB 216.

I represent the West Helms Valley Fire District and feel our firemen and fire fighting efforts would be hampered if the commercial status of Fire Trucks is kept in place.

Vern Evans

HAVE him
state his
name again

Myrl & Mona Rose

NAME: Richard Rose, Cynthia Rose DATE: 2-9-89ADDRESS: 5320 No. Mont., Helena, Mt. 59601PHONE: 458-9510REPRESENTING WHOM? Myrl Rose Garages & Wrecker ServiceAPPEARING ON WHICH PROPOSAL: Bill # 316DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? _____

COMMENTS: This bill, if passed, would put us out of business. We cannot afford to buy new equipment all the time and not be able to repair or modify our own equipment. Inspections take time and money. The highway patrol hardly needs another job. Rotation systems already in place in most cities are operating well. Ask any law enforcement people. Adequate laws are in place now which govern the wrecker business. Section 3 part 3 and section 4 are designed to put the majority of tow truck operators in Montana OUT of business. Arent we supposed to be putting the economy back on its feet, or are we the few remaining workers paying taxes to join welfare status.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

WITNESS STATEMENT

NAME: Mrs. Al Rose DATE: 2-9-89

ADDRESS: 2801 N. Cooke

PHONE: 442-3400

REPRESENTING WHOM? Al Rose Garage & Wrecker Serv^{Helena}

APPEARING ON WHICH PROPOSAL: Tow Truck Act SB316

DO YOU: SUPPORT? AMEND? OPPOSE? X

COMMENTS: We are a small business & work on a small budget in a small city where the economy is depressed. If we had to comply with all the requirements set forth in this proposal, we would have to charge outrageous fees for towing & storage, which is completely out of line with our location. I don't think Montana people in general could afford the costs of what you want us to provide.

I agree with above & simply want to add that the purpose & effect this proposal sets forth would not benefit the state, nor enhance wrecker service to

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.
the public. It would cause more problems than a state our size w/ sparse population could handle. It would only create more wrecker businesses to go out of business - then you will hear an out-cry from both City Police & Highway

NAME: Al Rose DATE: 2-9-89

ADDRESS: 2801 N. Cooke

PHONE: 442-3400

REPRESENTING WHOM? Al Rose Garage & Wrecker Service Helena

APPEARING ON WHICH PROPOSAL: Tow Truck Act SB 316

DO YOU: SUPPORT? AMEND? OPPOSE? X

COMMENTS: We are a small business & work on a small budget in a small city where the economy is depressed. If we had to comply with all the requirements set forth in this proposal, we would have to charge outrageous fees for towing & storage, which is completely out of line with our location. I don't think Montana people in general could afford the costs of what you want us to provide.

I have been in the business over 30 yrs. & have a very good record of service & experience.

Montana is too large, & space between services prohibits a statewide rotation system to work.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Al Rose

WITNESS STATEMENT

NAME: Ira A. Keefer MGR. DATE: 2-9-89

ADDRESS: PO Box 4776, Helena, Mont. 59604

PHONE: 458-5524

REPRESENTING WHOM? AL + BUZZ Rose Wrecking Yard

APPEARING ON WHICH PROPOSAL: SB 316

DO YOU: SUPPORT? AMEND? OPPOSE? oppose

COMMENTS: We are a small business operating in
an area of lesser population and abiding
by this phony measure drawn up would
put a lot of small businesses out of work
and cause rates to become exorbitant.
also, and more important, the more rules
and governing done by the state is a clear
case of "communism" and Montana & the
United States don't need that

Thank You
Ira A. Keefer

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

WITNESS STATEMENT

NAME: Donald E. Pare (Pare's Wrecker Service) DATE: February 9, 1969

ADDRESS: 1806 N. Harris Street Helena, Montana 59601

PHONE: 442-3165

REPRESENTING WHOM? PARE'S WRECKER SERVICE

APPEARING ON WHICH PROPOSAL: SB316

DO YOU: SUPPORT? AMEND? OPPOSE? XXXXXXX

COMMENTS: One of our units was manufactured in a local shop, no size
or load rating exist,yet it performes every task required of it.
Unit two was manufactured by Holms Co. We have modified it to
meet our needs.
To replace these units with factory made, approved and rated
units would put our company out of business, and also put
two full time and three part time operators out of work.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

WITNESS STATEMENT

NAME: Lois M. Pare (Pare's Wrecker Service) DATE: February 9, 1989

ADDRESS: 1806 N. Harris St. Helena, Montana 59601

PHONE: 442-3165

REPRESENTING WHOM? PARE'S WRECKER SERVICE

APPEARING ON WHICH PROPOSAL: SB316

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? XXXXXXXXXX

COMMENTS: If the standards for being qualified are only Factory Manufactured
Wreckers, are all Manufacturers willing to be liable for any
malfunction on these units which may cause damage to anything
being towed?

Are they willing to foot the bill for a unit being tied up for
weeks because they have to be repaired by Manufacturer?

Can the State of Montana afford to hire twelve or more patrolmen
to do the inspections on these units, and how much is the education
of these men to make them qualified going to cost the State?

How many Small Business people will this put of Business?

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

WITNESS STATEMENT

NAME: Robert J. Pare (Pare's Wrecker Service) DATE: February 9, 1989

ADDRESS: 418 State St. Helena, Montana 59601

PHONE: 442-2932

REPRESENTING WHOM? PARE'S WRECKER SERVICE

APPEARING ON WHICH PROPOSAL: SB316

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? XXXXXXXXXX

COMMENTS: Who is going to qualify the inspectors for hoisting and towing equipment?

The fire extinguisher section should be agreeable to U.L. Ratings rather than 2 qt. capacity for which there is no type of rating.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Richard Proul DATE: Feb 9-89

ADDRESS: 1415 Summit

PHONE: 442-2662

REPRESENTING WHOM? R + R Diesel Repair

APPEARING ON WHICH PROPOSAL: SB 316

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? oppose

COMMENTS: I thought your main goal was to create jobs & put people to work. This bill would put every wrecker in Helena out of business & probably most every one in MT. for the simple reason that not every one has a factory manufactured or modified wrecker & very few can afford to pay 40,000 a more for a new one, the calls you get don't satisfy or justify it. I think we already have a good Rotation system in Helena, it has made it possible for the Hwy patrol to call just one # instead of looking for one themselves. I also think the ratings for Class A + B wreckers are + High

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

WITNESS STATEMENT

NAME: Joe Brustkern DATE: 2-9-89

ADDRESS: Box 453N Helena 59604

PHONE: 449-1061

REPRESENTING WHOM? A-1 Towing

APPEARING ON WHICH PROPOSAL: SB 310

DO YOU: SUPPORT? AMEND? OPPOSE? X

COMMENTS: Its just a bad bill

I thought you were suppose to
create jobs & put people to work
all's this bill is gonna do is
put every wrecker in Helena
out of business & that's at least
30 more people out of jobs

No one can afford factory manufactures
or modified wreckers the business
just doesn't justifye buying 40,000
or wreckers the way the economy is now
& it'll be worse if you put at least
30 people out of business

WAKE UP-

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

WITNESS STATEMENT

NAME: Yvonne Prone DATE: 2.9.89

ADDRESS: Box 4733 Helena 59604

PHONE: 449-1061

REPRESENTING WHOM? A-1 Towing

APPEARING ON WHICH PROPOSAL: SB 316

DO YOU: SUPPORT? AMEND? OPPOSE? X

COMMENTS: The only thing you're gonna do
with this bill is put every worker
in Helena out of business & who knows
how many in the state. You're suppose
to be putting people to work not
putting them out of work, but I
guess you have lots of food
stamps welfare & unemployment
why not

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Michael W. Allen DATE: 1-

ADDRESS: 8410 Green Meadow Dr.

PHONE: 458-9515 - 442-2170

REPRESENTING WHOM? Earlswood Helena

APPEARING ON WHICH PROPOSAL: SB 316

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: This Bill would actively
put EVERYONE but the Big Services
out of business - A small station
such as we are cannot afford
such.

Thank you.
Michael W. Allen

NAME: Cliff Rogge DATE: 2/9/89

ADDRESS: 1011 Butte Ave, Helena, Mt. 59601

PHONE: 442-9141

REPRESENTING WHOM? Cliff's Wrecker Service

APPEARING ON WHICH PROPOSAL: SB 316

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE?

COMMENTS: There is several parts of this Bill that would put the Majority of the wrecker Services in Montana out of Business. Section 4, 8, 9, and some of the others are no good for Montana Also Section 3.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

COMMITTEE ON HIGHWAY AND TRANSPORTATION

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Judy J Rose	Myrl Rose Garage & Wrecker	SB316		<input checked="" type="checkbox"/>
Bruce Galla	Dept. of Highways	SB221	<input checked="" type="checkbox"/>	
"	"	SB316		
Russell G. McDonald	Dept of HWYS.	316		
William C. Sparr	Sparr's Towing - Mela	316		<input checked="" type="checkbox"/>
Frank	SPARR'S TOWING Mela	316		<input checked="" type="checkbox"/>
Tom	Smith auto Body	316		<input checked="" type="checkbox"/>
June Pare	All Towing	316		<input checked="" type="checkbox"/>
Joe Brubaker	A-1 Towing	316		<input checked="" type="checkbox"/>
William Johnson	J. H Motors	316		<input checked="" type="checkbox"/>
Ludi the Allen	Pare's Wrecker	316		<input checked="" type="checkbox"/>
Don Pare	Pare's Wrecker	316		<input checked="" type="checkbox"/>
Jim Pare	Pare's Wrecker	316		<input checked="" type="checkbox"/>
Marianne Rose	Al Rose Wrecker	316		<input checked="" type="checkbox"/>
Al Rose	Al Rose Wrecker	316		<input checked="" type="checkbox"/>
Sra A. Keeler	al Rose Wrecking	316		<input checked="" type="checkbox"/>
Smith auto wrecking	Eugene Smith	716		<input checked="" type="checkbox"/>
Tom Duggan	Duggan Wrecker	316		<input checked="" type="checkbox"/>
Mark Gore	Gore's WRECKER	316		<input checked="" type="checkbox"/>
Mike Schuler	Yellowstone Co. S.O	316	<input checked="" type="checkbox"/>	
late Negel	mt. st. vol firefighters	216	<input checked="" type="checkbox"/>	
Henry E. John	MT St. Vol. Firefighters Ass.	216	<input checked="" type="checkbox"/>	
Henry E. John	Hank's Salvage & Recycling			<input checked="" type="checkbox"/>
Rick Tucker	lobbyist	316		<input checked="" type="checkbox"/>

DATE FEBRUARY 9, 1989

COMMITTEE ON HIGHWAY AND TRANSPORTATION

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppos
Harold Hansen	ye ll county	SB 316	✓	
Shelley Lane	City of Helena	SB 316		✓
Patricia Prout	R & R Diesel Repriv	SB 316		✓
Mona Rose	Mopel Rose Storage Wrecker	SB 316		✓
Maryl Rose	" "	SB 316		✓
Richard Prout	R & R Diesel	SB 316		✓
Robert ^(Mills) Prout	Modern Auto	SB 316		✓
Frank Prout	M. To's Inc	SB 316		✓
Scott Prout	Cliff's Wrecker Service	316		✓
Norm S. Prout	Auto Wrecker	316		✓
Myron C. Mackey	Acc towing	316		✓
Linda M. Mackey	Acc towing	SB 316		✓
Michie Mackey	Mackey and Son Towing	316		✓
Vern Evans	West Hln Valley F.D.	216	✓	
Lin Stoltz	Frank's Body Shop	316	✓	
Frank Stoltz	Frank's Body Shop	316	✓	
Edward L. Stoltz	St. Coun of Professional Firefighters	216	✓	
Richard Seddon	Mont. State Paramedics Assoc	216	✓	
Duane Tesley	5335 N Mont Helena	216	✓	
Lyle Nagel	mt. St. Vol Firefighters	216	✓	
Ralph Lasser	Kansas's Joe	316	✓	
Richard Manning	Sponzo	216	✓	
Bob Bruff	Mont Highway Patrol	316		✓
Mona Rose	West Hel Valley Fire Dept	216	✓	
Maryl Rose	" "	216	✓	
Cindy Rose	West Helena Valley Fire Dept	216	✓	

(Please leave prepared statement with Secretary)