



ADMINISTRATIVE RULES OF MONTANA



23.6.109 SAFETY INSPECTION PROCESS

- (1) All operators of commercial tow truck equipment in the state of Montana must have an annual safety inspection.
- (2) The department hereby adopts by reference the CVSA level 1 inspection, 49 CFR Chapter III, Subchapter B, Appendix G, as standards for the chassis portion of the safety inspections required by 61-8-907, MCA. Copies of these regulations may be obtained from the Montana Highway Patrol, 2550 Prospect Avenue, P.O. Box 201419, Helena, Montana 59620-1419. Compliance with the CVSA level 1 standards must be determined before the tow truck is placed in the state rotation system. The inspector need not complete the CVSA level 1 form unless the tow truck operator requests CVSA certification, but all applicable standards must be met.
- (3) Standards for the safety inspection of the towing and recovery equipment that is mounted on the chasses are set forth in ARM 23.6.110.
- (4) Standards for the safety inspection of the equipment that a commercial tow truck must carry are set forth in 61-9-411 and 61-9-416, MCA.
- (5) As part of the annual inspection process, each tow truck operator shall provide the Montana Highway Patrol with an active driver roster including proof of each driver's towing certification or towing experience and proof of valid driver's license for each driver for the class of vehicle operated. A list of nationally recognized certification programs for tow truck operators that are acceptable to meet the requirements for a qualified tow truck operator under 61-8-903(b)(i) and (ii), MCA, is maintained by the Montana Tow Truck Association.
- (6) All safety inspectors must have a CVSA level 1 inspector's certification before being qualified to inspect tow trucks.
- (7) A Montana Highway Patrol-approved inspection form will be completed by an assigned trooper. If minimum standards are met, a Montana Highway Patrol-approved decal will be affixed to the lower right hand corner of the windshield indicating passage of the inspection. The decal will indicate the date of the inspection and the class and license plate number of the tow truck.
- (8) The safety certification is effective for one year, beginning September 1 of each year. There will be a grace period extending to December 31 at the expiration of the certification to allow for scheduling an inspection of the tow truck. It is the responsibility of the tow truck operator to complete the entire inspection process by December 31. The tow truck must be taken out of service for both commercial and rotation system towing if the inspection process is incomplete by December 31.
- (9) It is the responsibility of the tow truck operator to contact the Montana Highway Patrol and Montana Department of Transportation Motor Carrier Services District Captain to request the

inspection. The inspection site must be relatively flat and of a hard surface to allow for movement of the inspector under the tow truck.

- (10) The department may inspect any tow truck when questions or concerns arise as to the safety or serviceability of the tow truck and there are reasonable grounds for those concerns. The operator must be given advance written notice of such an inspection, and the notice must specify the alleged defects.
- (11) Any additional tow truck placed into service by an operator must be qualified and classified prior to answering any commercial towing calls or calls from the law enforcement rotation system.
- (12) If any commercial tow truck is sold, the tow truck is not qualified until it is reinspected by the department. In addition, the seller must remove the tow truck's certification decal.
- (13) Failure to provide true and accurate information, or failure to supply updated information, required by these rules to the Montana Highway Patrol will result in immediate suspension from commercial towing for a minimum of 30 days. A tow truck operator may not commence commercial towing until complete, accurate, and updated information is provided. Following suspension, a tow truck operator must resubmit all information required by the annual safety inspection and reapply for a letter of appointment to participate in the state rotation system.
- (14) This rule is subject to the following qualifications:
 - (a) if the inspection identifies a defect of any type, the operator is entitled to request a second inspection by another inspector;
 - (b) if the inspection identifies a non-safety-related defect or deficiency, the operator will be informed of the defect or deficiency and requested to correct it. Failure to correct the defect or deficiency within 30 days of notice will result in suspension from the state rotation system until the defect or deficiency is corrected;
 - (c) if the inspection identifies a safety-related defect or deficiency, the tow truck will be immediately taken out of service. The tow truck cannot be used in the state rotation system until the reinspection confirms that the defect or deficiency has been corrected; and
 - (d) if either the inspection form or certification decal is lost, removed, rendered unreadable, or destroyed, the operator must immediately notify the nearest Montana Highway Patrol office that can provide a copy of the inspection report from its files and/or reissue a certification decal.
- (15) Once a successful inspection is completed, the inspector will provide a copy of the approved inspection report to the tow truck operator and affix the certification decal to the windshield. A copy of the safety certification must be carried in the tow truck at all times.

Authorizing statute(s): 61-8-911, MCA

Implementing statute(s): 61-8-907, MCA

History: NEW, 1996 MAR p. 3134, Eff. 12/6/96; AMD, 2003 MAR p. 2628, Eff. 11/27/03; AMD, 2011 MAR p. 2396, Eff. 11/11/11.