



ADMINISTRATIVE RULES OF MONTANA



23.6.106 TOW TRUCK COMPLAINT RESOLUTION COMMITTEE - JURISDICTION AND PROCEDURE

- (1) Pursuant to 61-8-912, MCA, the committee shall review and resolve complaints about tow truck issues, including towing charges.
- (2) The committee shall have the authority to act as a hearing examiner in contested cases with the powers set forth in 2-4-611, MCA.
- (3) Complaints must be signed and submitted in writing to the Office of Consumer Protection (OCP) at P.O. Box 200151, Helena, MT 59620-0151, or to a member of the committee. The complaint must identify the tow truck operator against whom it is filed and include a description of the underlying facts giving rise to the complaint.
- (4) After receiving a written complaint, the OCP shall forward a copy of the complaint to the tow truck operator complained of, who has 20 days to respond in writing to the OCP. If the tow truck operator fails to respond within 20 days, beginning on the 21st day, the tow truck operator shall be suspended from participating in the state and local rotation system for a period of 30 days. The tow truck operator shall remain suspended from participating in the state and local rotation system until the tow truck operator responds to the OCP.
- (5) The OCP will forward the complaint(s) to the full committee if:
 - (a) the tow truck operator fails to respond to the complaint;
 - (b) the tow truck operator lacks the proper registration, licensing, endorsements, equipment, or any other requirement provided by law;
 - (c) the OCP is unable to resolve the complaint; or
 - (d) the OCP believes it to be in the best interests of the public.
- (6) If the complaint is forwarded to the committee, the committee will:
 - (a) give all parties to the dispute reasonable notice of the date, time, and location at which the committee will hear the complaint;
 - (b) request notification by any party of its desire to call witnesses, and the proposed subject of the witnesses' testimony;
 - (c) provide the complaining party an opportunity to address the committee regarding his or her complaint;
 - (d) provide the responding party an opportunity to answer the complaining party;
 - (e) provide any other party an opportunity to address the committee regarding the complaint;

- (f) provide any witness the committee deems relevant an opportunity to address the committee; and
 - (g) keep a tape recording of the hearing that may be copied or transcribed at the request of any person who pays the cost thereof.
- (7) With a majority vote, the committee may:
- (a) dismiss the complaint; or
 - (b) treat the matter as a contested case under 2-4-611, MCA.
- (8) If after a hearing the committee finds the complaint to have merit, the committee may:
- (a) issue a warning;
 - (b) suspend the operator from participating in the state rotation system for six months;
 - (c) permanently suspend the operator from participating in the state rotation system; or
 - (d) issue some other sanction that a majority of the committee agrees is appropriate.
- (9) The committee's decision is subject to judicial review under 2-4-702, MCA.

Authorizing statute(s): 61-8-912, MCA

Implementing statute(s): 61-8-908, 61-8-912, MCA

History: NEW, 1996 MAR p. 3134, Eff. 12/6/96; AMD, 2003 MAR p. 2628, Eff. 11/27/03; AMD, 2008 MAR p. 2054, Eff. 9/26/08.