

17.50.213 PAYMENT REQUESTS (1) Payment requests shall consist of:

(a) standard billing document; and  
(b) a completed authorization to remove the vehicle and request for reimbursement for each vehicle for which a claim for payment is made. The authorization and request must be on a form provided by the department.

(2) The authorization to tow and request for reimbursement form must be signed by a representative designated pursuant to ARM 17.50.211. If the form is not signed, the form must be considered incomplete and payment must be denied. The claim may be resubmitted.

(3) The department shall pay each claim at the flat rate of ~~\$125~~ \$175 per vehicle removed.

(4) When a vehicle is sold pursuant to 61-12-404, MCA, the sheriff or the police department must notify the department and identify the vehicle sold.

(5) Each hired vehicle remover is encouraged to report to the department all abandoned vehicles hauled, even if no claim for payment is submitted.

(6) Proceeds from the sale of a vehicle at a sheriff's sale pursuant to 61-12-407(2), MCA, must be used to reimburse the department for the hired removal charge paid by the department.

(7) If an abandoned vehicle is reclaimed by the owner and the hired vehicle remover has received payment from the department for the hauling charge, the hired vehicle remover shall reimburse the department the paid removal charge.

(8) If a hired vehicle remover fails to report to the department that an owner has reclaimed an abandoned vehicle or fails to make a reimbursement required by (7), the department may declare the hired vehicle remover to be ineligible for future reimbursements for removal costs. (History: 75-10-503, MCA; IMP, 75-10-532, MCA; NEW, 1999 MAR p. 2452, Eff. 10/22/99; AMD, 2006 MAR p. 2961, Eff. 12/8/06; AMD, 2011 MAR p. 379, Eff. 3/25/11; AMD, 2019 MAR p. 2098, Eff. 11/23/19.)

**Reason:**

Section 75-10-503(3), MCA, authorizes the department to adopt rules for reimbursement of charges by tow truck drivers for removing abandoned vehicles at the request of law enforcement in accordance with 61-12-401, MCA. ARM 17.50.213 establishes the amount of the reimbursement payment for each abandoned vehicle removed with a valid claim for payment. The money for reimbursement is contained in the junk vehicle fund authorized under 15-1-122(2), MCA.

DEQ proposes to revise ARM 17.50.213(3) to increase the flat rate reimbursement amount from \$125 per abandoned vehicle removed to \$175 per abandoned vehicle removed. The most recent increase for the removal of abandoned vehicles was in 2019. Since that time, costs of goods and services have continued to rise, fuel and maintenance costs have increased, and the Bureau of Labor and Statistics Consumer Price Index indicates a 2019 \$125 reimbursement amount now equates to \$153 in 2023. To facilitate an equitable raise in reimbursements the department proposes the rise slightly above the index rate. During the past legislative session, the department engaged with the Montana Towers Association and other

stakeholders on a rate increase that would help offset their costs associated with towing abandoned vehicles.

Fiscal analysis prepared during the past legislative session showed that yearly towing reimbursement requests ranged from 845 to 975 in 2020-2022, averaging 895 requests for reimbursement annually. In 2023, 27 towing companies sought reimbursement from the department. Based on the average number of requests, the department estimates that the total yearly reimbursement payments would increase by \$44,750, from \$111,875 to \$156,625, annually. Sufficient funds are available in the junk vehicle fund authorized by 15-1-122(2), MCA, to pay for the proposed increase in reimbursement payments.

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ADMINISTRATIVE RULES OF MONTANA