



# Transportation Interim Committee

69th Montana Legislature

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April 24, 2026

Commissioner James Brown  
The Office of the Montana State Auditor  
Commissioner of Securities and Insurance  
840 Helena Ave.  
Helena, MT 59601

Dear Commissioner Brown,

The Transportation Interim Committee (TIC) of the 69<sup>th</sup> Montana Legislature writes to request an advisory memo from the Commissioner of Securities and Insurance (CSI) to lay out the current landscape regarding insurance coverage for, and payment toward, debris cleanup by tow operators required pursuant to section 61-9-416(2)(e), MCA.<sup>1</sup> Additionally, the TIC requests that the CSI be present at the TIC meeting on July 8, 2026 for discussion on this topic.

During the 2025 legislative session, the Senate Highways and Transportation (HIS) committee heard House Bill 223 (Schillinger)<sup>2</sup> on February 21, 2025.<sup>3,4</sup> Proponent testimony indicated that there is some confusion among insurance and towing stakeholders about which liabilities are covered, especially when nobody "owns" the damage or debris on a public roadway. One example given described debris in a ditch on a state right-of-way. How is fault or ownership determined in these cases? Some tow operators have had a difficult time getting reimbursed for the debris cleanup they are required to perform, and are sometimes told they are a "third party" with no insurable interest.

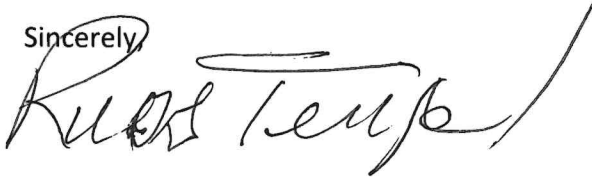
At the TIC meeting on January 23, 2026,<sup>5,6</sup> during a discussion on tow trucks and wreckers, the issue was raised again. Discussion in January also touched on the topic of underinsured drivers. When there isn't adequate insurance coverage, who is the party responsible for covering the costs? Additionally, who is responsible for finding and charging the responsible party? Finally, does the CSI have guidance on adequate coverage for motorists who are purchasing insurance?

Most recently, at the TIC meeting on March 13, 2026,<sup>7</sup> Senator Andrea Olsen made a motion<sup>8</sup> for staff to draft a committee letter to the CSI requesting an advisory memo to clarify the landscape of this issue under current Montana law and to request that the CSI participate in future TIC meetings to address this topic. Discussion in March centered around the fact that both tow operators and insurance companies are lacking clarity in this area of law. Insurance companies need clarity on what should be covered by an insurance policy and when or when

not to pay. Tow operators need clarity on how and when they will receive reimbursement for debris cleanup that they are required to perform.<sup>1</sup>

Thank you for your guidance through these muddy waters. The TIC looks forward to receiving your advisory memo, and invites you to the TIC meeting at 8:30am on July 8, 2026, in Room 154 of the Capitol for further discussion.

Sincerely,



Senator Russ Tempel, Chair



Representative Chip Fitzpatrick, Vice Chair

**Notes:**

1. Section 61-9-416(2)(e) of the MCA:  
[https://mca.legmt.gov/bills/mca/title\\_0610/chapter\\_0090/part\\_0040/section\\_0160/0610-0090-0040-0160.html](https://mca.legmt.gov/bills/mca/title_0610/chapter_0090/part_0040/section_0160/0610-0090-0040-0160.html)
2. HB 223 (2025) introduced by J. Schillinger (died in process) – bill text:  
[https://bills.legmt.gov/#/laws/bill/2/LC0263?open\\_tab=bill](https://bills.legmt.gov/#/laws/bill/2/LC0263?open_tab=bill)
3. HB 223 (2025) bill hearing in Senate Highways and Transportation standing committee, February 21, 2025 – video recording: <https://sg001-harmony.sliq.net/00309/Harmony/en/PowerBrowser/PowerBrowserV2/20250221/-1/52612#>
4. Senate Highways and Transportation standing committee, February 21, 2025 – meeting minutes: <https://docs.legmt.gov/download-ticket?ticketId=9b3e3ddc-047d-479e-aaeb-29f5f3c658fe>
5. TIC meeting on January 23, 2026 – video recording: <https://sg001-harmony.sliq.net/00309/Harmony/en/PowerBrowser/PowerBrowserV2/20260123/-1/57083#>
6. TIC meeting on January 23, 2026 – meeting minutes: [https://archive.legmt.gov/content/Committees/Interim/2025-2026/TIC/January\\_23\\_2026/TIC\\_Minutes.pdf](https://archive.legmt.gov/content/Committees/Interim/2025-2026/TIC/January_23_2026/TIC_Minutes.pdf)
7. TIC meeting on March 13, 2026 – video recording: <https://sg001-harmony.sliq.net/00309/Harmony/en/PowerBrowser/PowerBrowserV2/20260313/-1/57084#>
8. TIC meeting on March 13, 2026 – meeting minutes: <https://docs.legmt.gov/download-ticket?ticketId=173f0c49-5614-4fdf-880a-c333a3c81ea1>