

03/04/2021

Trent Hanson
2134 Arroyo Ridge Dr. NW
Albany, OR 97321

To Whom it May Concern;

In 2011, while living in Missoula, MT, I parked my vehicle in a private lot on a Friday evening. After having some drinks with dinner, I decided to get a ride home and left the vehicle where it was parked. The next morning when I returned, I discovered it had been towed. I went to the impound lot, and after an inspection of the vehicle, I noticed that there were indents and scratches in the hood. They were a circular shape. I realized that the vehicle would have to have been towed from the rear, as it was parked facing a wall. The indents and scratches were consistent with what magnetic lights would leave if forcefully placed on the vehicle.

I first tried to resolve my complaint with the towing company and asked them to have the vehicle repaired. They claimed that it was pre-existing damage and that they would not cover it. In doing some more research, I became aware of the Montana Department of Justice's Tow Truck Complaint Resolution Committee. I turned in a complaint regarding the damages to my vehicle. The Office of Consumer Protection made the tow company aware of the complaint and asked if they would like to appeal. Eventually, the office contacted me and asked me, as well as the towing company to attend a meeting of the Tow Truck Complaint Resolution Committee where we could both be heard.

I went to the meeting, prepared with photos, estimates and other pertinent information. When I sat in front of the committee, I learned that it consists of members from Highway Patrol, General Public, Tow Truck Industry in the western part of the state, Tow Truck Industry in the eastern part of the state, Commercial Motor Carrier Industry, and the Insurance Industry.

They listened to my complaint thoroughly and asked if I had driven the vehicle there, which I had. In inspecting the vehicle, the members from the Tow Truck Industry agreed the damage was consistent with the magnetic lights. The committee asked me what I thought a fair resolution would be, to which I replied I did not expect to be reimbursed for the tow. I was parked in a marked spot. I told them I would simply like to have my vehicle repaired. Within the next week, they issued an order to allow the specific damages to be repaired. If the towing company refused to comply, they would face disciplinary action including but not limited to being taken off the police Rotation. The damages were repaired by a local body shop, and the towing company paid in full. We both made our report back to the committee and the process was complete.

As someone who has witnessed it first hand, I believe in the process that the State of Montana has put in place. It gives the consumer and the tow company a fair hearing before a committee made up of law enforcement professionals, towing professionals, the general public and insurance professionals. It then gives the committee the tools to come to a fair and final resolution in handling complaints. I believe it would exponentially benefit the consumers of Oregon to have access to a similar committee. I am including a redacted copy of the letter submitted to the tow company by the State of Montana.

If you have any questions or would like me to elaborate further on my experience, please do not hesitate to contact me at 541-760-9154 or trent_hanson@comcast.net. Thank you.

Sincerely,



Trent Hanson

ATTORNEY GENERAL
STATE OF MONTANA

Steve Bullock
Attorney General



Department of Justice
215 North Sanders
PO Box 201401
Helena, MT 59620-1401

April 11, 2011

Sent via 1st Class and Certified Mail

Dear _____,

I am in receipt of your April 6, 2011 letter and other documents generally supporting defense against the complaint filed by Trent Hanson. A contested case hearing before the Tow Truck Complaint Resolution Committee (Committee) on the matter has been scheduled for April 27, 2011. It is _____ responsibility to attend the contested case hearing and present your testimony, witnesses and evidence in that forum.

As we discussed briefly on the phone, Montana law recognizes the importance of the right of confrontation and effective cross-examination to parties in dispute. Additionally, the finder of fact, which in this case is the Committee, must be able to observe the parties and the witnesses in order to assess the credibility of those presenting evidence. See Bean v. Montana Board of Labor Appeals, 1998 MT 222, ¶ 35, 290 Mont. 496, 965 P.2d 256 (citing In re the marriage of Judith A. Bonamarte v. Mark J. Bonamarte, 263 Mont. 170, 866 P.2d 1132 (1994)). Therefore, unfortunately, the written materials you provided will not be provided to the Committee in lieu of your participation in the contested case hearing. You may, however, present these materials to the Committee through witnesses and testimony at the hearing.

Please remember that any witnesses you intend to call in your defense and any materials you wish to submit as evidence must be disclosed in writing to me no later than April 14, 2011. Only matters disclosed in the witness and exhibit list provided in writing will be allowed to be presented at the hearing. See Mont. Rail Link v. Byard, 260 Mont. 331, 860 P.2d 121 (1993).

Finally, if you fail to appear for this hearing, the matter may be dismissed or it may be decided in a manner adverse to your position. Thank you for your attention to this matter. If you have any questions, please contact me at (406) 444-2026 or khubbard@mt.gov.

Sincerely,

Handwritten signature of Kelley L. Hubbard in cursive script.

KELLEY L. HUBBARD
Assistant Attorney General