

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23R-0085TO

IN THE MATTER OF THE PROPOSED AMENDMENTS TO THE COMMISSION’S RULES REGULATING TOWING CARRIERS, 4 CODE OF COLORADO REGULATIONS 723-6, TO IMPLEMENT HB 22-1314.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
ALENKA HAN
AMENDING RULES**

Mailed Date: October 24, 2023

TABLE OF CONTENTS

I. STATEMENT.....	3
A. Background.....	3
B. Transmission of Record and Decision.....	10
II. DISCUSSION, FINDINGS AND CONCLUSIONS	10
A. Introduction	10
B. General Comments	10
1. Jurisdiction	10
2. Anecdotal Public Experiences.....	14
3. Towing Task Force.....	16
4. Public Comments Addressing Towing Policies	17
C. Proposed Changes to the Towing Rules.....	18
1. Rule 6001 — General Provisions — Definitions:.....	18
2. Rule 6500 — Applicability of Towing Carrier Rules:	18
a. Rule 6500(a).....	19
b. Rule 6500(c).....	19
3. Rule 6501 – Definitions	19
a. Rule 6501(e) – Definition of “Authorized Operator of a Motor Vehicle”.....	19

b. Rule 6501(f) – Definition of “Authorized or Interested Person”20

c. Rule 6501(h) – Definition of “Common Parking Area”21

d. Rule 6501(i) – Definition of “Drop Fee” or “Drop Charge”21

e. Rule 6501(k) – Definition of “Insurance Company”22

f. Rule 6501(m) – Definition of “Law Enforcement-Ordered Tow”.....23

g. Rule 6501(o) – Definition of “Lienholder of the Motor Vehicle”23

h. Rule 6501(q) – Definition of “Nonconsensual Tow”, “Nonconsensual Towing”, “Towed Nonconsensually”, “Nonconsensually Tow”, or “Towed Without Consent”24

i. Rule 6501(t) – Definition of “Private Property Impound or ‘PPI’”25

j. Rule 6501(u)(IV) – Addition to Definition of “Property Owner”27

k. Rule 6501(y) – Definition of “Storage Facility” or “Towing Facility”27

l. Rule 6501(bb) – Definition of “Tow Invoice”27

m. Rule 6501(hh) – Definition of “Vehicle Owner”28

4. Rule 6503 – Towing Carrier Permit Application30

5. Rule 6504 – Criminal History Checks and Good Cause Determinations30

6. Rule 6505 – Kickbacks Prohibited.....32

7. Rule 6506 – Equipment and Accessories33

 a. Rule 6506(a)(III)(C)(iii).....33

 b. Rule 6506(e).....34

8. Rule 6507 – Storage Facilities34

 a. Rule 6507(a) – Disclosure of storage facility location.....34

 b. Rule 6507(d) – Signage at Storage Facility35

9. Rule 6508 – Authorization for Towing of Motor Vehicles.....35

 a. Rule 6508(a)(I) and (V) – Prohibition Against Acting as Authorized Agents .35

 b. Rule 6508(c) – Expired vehicle registration37

 c. Rule 6508(d) – 24-Hour Notice37

 d. Rule 6508(e) - Photographs39

10. Rule 6509 – Tow Record/Invoice, Charge Notification, and Warning Signage.....39

11. Rule 6510 – Disclosure of Rates and Charges40

12. Rule 6511 – Rates and Charges.....40

 a. Rule 6511(a) – Drop Charge40

b. Rule 6511(d) – Storage for Nonconsensual and Law Enforcement-Ordered Tows.....	41
13. Rule 6512 – Release of Motor Vehicle and Personal Property.....	42
a. Rule 6512(a) (Payment Options)	42
b. Rule 6512(b) (Timing of Release)	43
c. Rule 6512(d) (Release of Personal Property).....	43
d. Rule 6512(l) (Immediate Retrieval of Vehicle Upon Payment of Reduced Fee)44	44
e. Rule 6512(l)(III) (Time Period to Pay Balance)	46
f. Rule 6512(l)(IV) (Prohibition Against any Other Obligations).....	48
14. Rule 6513 – Notice.....	49
15. Rule 6514 – Towing Violations and Civil Penalty Assessments	50
D. Conclusion.....	50
III. ORDER.....	51
A. It Is Ordered That:	51

I. STATEMENT

A. Background

1. On February 22, 2023, the Colorado Public Utilities Commission (PUC or Commission) initiated this proceeding by issuing a Notice of Proposed Rulemaking (NOPR) to amend the Commission’s Rules Regulating Towing Carriers, 4 *Code of Colorado Regulations* (CCR) 723-6 (Towing Rules).¹ The Commission issued the NOPR “to review, examine, and consider revisions to its rules regarding towing carriers, as it pertains mostly to legislative and statutory changes incorporated by bills passed by the Colorado Legislature during the 2022 session.”² House Bill (HB) 22-1314, signed by Governor Jared Polis on June 7, 2022, “made

¹ Decision No. C23-0118, issued February 22, 2023.

² *Id.* at ¶ 2, p. 3.

substantial changes to the towing industry in Colorado, most significantly as it pertains to nonconsensual tows originating from residential private properties.”³

2. On September 26, 2022, Wyatt’s Towing filed a Petition for Rulemaking and Request for Forbearance, requesting that the Commission promulgate rules necessitated by the enactment of HB 22-1314.⁴ By Decision No. C22-0605-I, issued October 6, 2022, the Commission provided notice of the Petition filed by Wyatt’s Towing and established a comment period through October 20, 2022, during which interested persons could submit comments regarding whether to grant or deny the Petition, as well as provide comment on issues for consideration in the requested rulemaking and any specific proposed redline rule language.⁵ Having received no comments concerning the Wyatt’s Towing Petition, the Commission granted the request to commence a rulemaking proceeding, but denied the concurrent request for forbearance.⁶

3. The Commission subsequently initiated this rulemaking proceeding through the NOPR at issue here. The NOPR proposed changes to the Towing Rules, described those changes in detail and the justification therefor, attached the proposed amended Towing Rules in legislative (*i.e.*, strikeout/underline) format and in a clean version, and scheduled a remote public comment hearing for April 20, 2023, at 11:30 a.m., for oral comments regarding the proposed Towing Rules. The NOPR also referred this proceeding to an Administrative Law Judge (ALJ). The proceeding was then assigned to the undersigned ALJ.

³ *Id.* at ¶ 5, p. 4.

⁴ *Id.* at ¶ 6, p. 4; *see also* Petition for Rulemaking and Request for Forbearance, Proc. No. 22M-0412TO, filed Sept. 26, 2022.

⁵ Decision No. C22-0605-I issued Oct. 6, 2022, in Proceeding No. 22M-0412TO.

⁶ Decision No. C22-0705, issued Nov. 9, 2022, in Proceeding No. 22M-0412TO.

4. Prior to the first scheduled public comment hearing, the Commission received a number of written comments. Among the comments received were statements from members of the public, who shared their experiences engaging with the towing industry.⁷ In addition, a report by the Towing Task Force was submitted into the record, in advance of the first public comment hearing⁸, as were comments submitted by towing carriers, including Wyatt's Towing⁹ and Towing and Recovery Professionals of Colorado (TRPC).¹⁰

5. The ALJ held the remote public comment hearing on April 20, 2023, as scheduled. Participants at the first public comment hearing included towing carriers and Nathan Riley, Transportation Section Chief for the PUC. The proposed changes were discussed, and Mr. Riley explained the intent and scope of the proposed changes in detail.

6. At the conclusion of the public comment hearing on April 20, 2023, it was announced that the hearing would continue on May 30, 2023, at 11:30 a.m., as memorialized in Decision No. R23-0287-I, issued May 2, 2023. In the Decision, the undersigned ALJ invited interested persons to submit additional written comments, in advance of the May 30, 2023 public comment hearing.

7. Subsequent to the April 20, 2023, public comment hearing, Wyatt's Towing¹¹ and TRPC¹² each submitted their second set of written comments. Three sponsors of HB 22-1314 — State Senator Julie Gonzales; State Representative Naquetta Ricks; and Former State

⁷ See, e.g., Comment from Zachary Parchman, dated August 18, 2022, filed March 24, 2023; Comment from Tim Littrell, dated and filed March 23, 2023; Comment from Dan Prizner, dated September 8, 2022, filed March 24, 2023; Letter from George Miller, dated Jan. 29, 2022, filed Mar. 24, 2023.

⁸ See Towing Task Force Report, dated October 26, 2022, filed Mar. 10, 2023.

⁹ Wyatt's Towing's Initial Comments, filed March 24, 2023.

¹⁰ Towing and Recovery Professionals of Colorado Initial Comments, filed March 24, 2023.

¹¹ Wyatt's Towing Second Comments, filed May 15, 2023.

¹² Towing and Recovery Professionals of Colorado Second Set of Comments, filed May 12, 2023.

Representative Edie Hooten — wrote letters to the Commission expressing concern that the proposed rules would not capture those individuals’ intent in supporting the passage of HB 22-1314.¹³ Finally, several consumer advocacy groups submitted comments expressing concern that the rules, as proposed, would not adequately protect consumer interests: the Colorado Center on Law and Policy;¹⁴ Community Economic Defense Project;¹⁵ United for a New Economy Colorado;¹⁶ 9to5 Colorado;¹⁷ and the Colorado Office of the Attorney General, Consumer Protection Section.¹⁸

8. In anticipation of the second public comment hearing, the ALJ issued Decision No. R23-0354-I on May 25, 2023. Decision No. R23-0354-I attached and disseminated Hearing Exhibit 3 — the red-lined and clean versions of the proposed rules attached to the NOPR, with additional draft changes based upon the discussion and comments received at the April 20, 2023, public comment hearing.

9. The undersigned ALJ held the second public comment hearing on May 30, 2023, as scheduled. Hearing Exhibit 3, as well as Hearing Exhibits 1 and 2 — the red-lined and clean versions of the Towing Rules attached to the NOPR — were admitted into the record.

¹³ See Letter from State Senator Julie Gonzales to Colorado Public Utilities Commission, dated May 11, 2023, filed May 13, 2023; Letter from Former State Representative Edie Hooten, dated May 12, 2023, filed May 13, 2023; and Letter from State Senator Julie Gonzales and State Representative Naquetta Ricks, dated May 19, 2023, filed May 20, 2023.

¹⁴ Letter from Ellen K. Giarratana, Interim Legal Director, Colorado Center on Law and Policy, dated May 12, 2023, filed May 13, 2023.

¹⁵ Letter from Spencer Bailey & Zach Neumann, Community Economic Defense Project, dated May 11, 2023, filed May 13, 2023.

¹⁶ Comment from Desiree Westlund, United for a New Economy, dated May 12, 2023, filed May 13, 2023.

¹⁷ Comment from Cesiah Guadarrama Trejo, 9to5 Colorado, dated May 12, 2023, filed May 13, 2023.

¹⁸ Letter from Nathan Blake, Deputy Attorney General, to Colorado Public Utilities Commission, dated and filed May 19, 2023.

10. The May 30, 2023, public comment hearing was attended by numerous individuals. Public comments were received from industry representatives, including Trevor Forbes and Troy Porras of Wyatt's Towing; John Connolly of Connolly's Towing; members of the general public who shared their personal towing experiences; representatives of the above-named consumer advocacy groups; as well as Representative Ricks and Former Representative Hooten. Mr. Riley also commented and provided clarifications regarding numerous issues posed by participants. The legislators and consumer advocates participating in the hearing pushed for a broader scope of individuals authorized under the proposed revised Towing Rules to retrieve nonconsensually towed vehicles from a towing carrier's storage facility. The towing carriers and their representatives attending the hearing did not voice significant objection to this proposal.

11. Because the discussion had been robust and resulted in additional proposed changes to the Towing Rules, at the end of the May 30, 2023, public comment hearing it was announced that the public comment hearing would continue on July 25, 2023, at 11:30 a.m., as memorialized in Decision No. R23-0393-I, issued June 12, 2023. Decision No. R23-0393-I also incorporated additional proposed draft changes to the Towing Rules and invited interested persons to submit written comments discussing the further proposed changes. In response, several interested persons and entities filed additional written comments.¹⁹

12. The ALJ held the public comment hearing, as scheduled, on July 25, 2023, at 11:30 a.m. Participants in the hearing, including industry representatives, consumer advocates, attorneys with the Office of the Attorney General, and Commission Staff, offered their comments

¹⁹ See, e.g., Comment from Linda Kilis, received Jun. 13, 2023, filed Jun. 14, 2023; Wyatt's Towing Third Comments, filed Jun. 14, 2023; and Letter from Nathan Blake, Deputy Attorney General, Colorado Office of the Attorney General, Consumer Protection Section, to Public Utilities Commission, dated and filed Jul. 17, 2023.

concerning the scope of terms defined in the proposed Towing Rules. The discussion during the July 25, 2023, public comment hearing focused on proposed revisions to the definitions of Private Property Impound (PPI), including “Commercial PPI” and “Residential PPI”, designed to simplify the terms; a limitation on the interest rate, if any, a towing carrier may seek to collect as part of the process to recover the unpaid balances due for a tow, after the vehicle has been retrieved by its owner or authorized operator; as well as a prohibition against the imposition of “compulsory loans” before a vehicle owner or authorized operator may retrieve the vehicle.

13. Based on the extensive nature of the proposed changes to the Towing Rules and the desire expressed by participants, the undersigned ALJ announced at the end of the July 25, 2023, hearing that the hearing would continue on August 31, 2023, as memorialized in Decision No. R23-0502-I, issued August 2, 2023. In Decision No. R23-0502-I, the ALJ also solicited additional written comments to further address the proposed changes to the Towing Rules.

14. Further written comments were received from members of the public, detailing their experiences with the towing industry;²⁰ from the Office of the Attorney General, Consumer Protection Section, offering alternative language to address a suggested prohibition against compulsory loans;²¹ and from a group of nineteen legislators voicing concern that proposed Towing Rules permitting flexibility in signage language and creating a window within which an

²⁰ See, e.g., Comment from Aiden Greco, dated Aug. 29, 2023, filed Aug. 30, 2023; Comment from Margarita Ford, dated Aug. 29, 2023, filed Aug. 30, 2023.

²¹ Letter from Nathan Blake, Deputy Attorney General, Colorado Office of the Attorney General, Consumer Protection Section, to Public Utilities Commission, dated and filed Aug. 11, 2023.

outstanding towing balance must be paid contradict their intent and the specific language of HB 22-1314.²² The legislators suggested that the Commission would exceed its authority by amending the Towing Rules without an express finding of harm to the public interest. Therefore, the legislators proposed that this Rulemaking Proceeding be suspended or closed, to provide them the opportunity to further amend the towing statutes beyond the revisions implemented by HB 22-1314.

15. To facilitate discussion at the August 31, 2023, public comment hearing, the ALJ issued Decision No. R23-0559-I on August 22, 2023, which attached and disseminated Hearing Exhibit 4, a further draft revision to the Towing Rules that incorporated additional suggested modifications. Hearing Exhibit 4 was admitted into the record at the August 31, 2023, public comment hearing.

16. On August 31, 2023, the ALJ heard public comment from some of the legislators who signed the joint letter to the PUC. The following legislators participated in the hearing: Senator Julie Gonzales; Representative Steven Woodrow; Representative Naquetta Ricks; and Representative Andrew Boesenecker. In addition, industry representatives, Commission Staff, and representatives of consumer advocacy groups participated in the August 31, 2023, public comment hearing.

17. At the close of the August 31, 2023, public comment hearing, the undersigned ALJ concluded that she had received sufficient comment addressing the proposed changes to the Towing Rules and took the matter under advisement.

²² See Letter from Nineteen Members of the General Assembly, State of Colorado, to the Hon. Alenka Han, Aug. 30, 2023.

B. Transmission of Record and Decision

18. Being fully advised in this matter and consistent with the discussion below, in accordance with § 40-6-109, C.R.S., the ALJ now transmits to the Commission the record and exhibits in this proceeding, along with a written recommended decision.

II. DISCUSSION, FINDINGS AND CONCLUSIONS**A. Introduction**

19. In rendering this Decision, the undersigned ALJ has carefully reviewed and considered all the comments filed in this Proceeding and provided at the four public comment hearings, even if this Decision does not specifically address every comment, or every nuance of every comment.

B. General Comments

20. The Commission received nearly thirty written comments, in addition to the comments offered during the four days of public comment hearings on April 20, May 30, July 25, and August 31, 2023.

21. Comments relevant to specific provisions of, or proposed changes to, the Towing Rules will be addressed below, in conjunction with the Rule to which the comments apply. Some comments, though, were of relevance to the Towing Rules generally.

1. Jurisdiction

22. In their joint letter to the undersigned ALJ, filed August 30, 2023, nineteen legislators contended that this Rulemaking Proceeding exceeds the Commission's jurisdiction

because no finding of public harm has been made.²³ In addition, the legislators contend, both in their letter and during the August 31, 2023, public comment hearing, that because the towing statutes will be reviewed again during the 2024 legislative session — they noted that a bill number has already been pulled indicating an intent to introduce a bill during the next legislative session — this Proceeding should be suspended or concluded, to allow the legislature space to further amend the statutory provisions. The ALJ is not persuaded to do so.

23. First, jurisdiction to initiate a Rulemaking Proceeding lies with the Commission. As the legislators note, the Commission is granted rulemaking authority under §§ 40-2-108, C.R.S.; 40-10.1-106(1), C.R.S.; and 40-10.1-410, C.R.S. The legislators point specifically to § 40-10.1-410, C.R.S., which provides that if the Commission finds “that a towing practice harms the public interest,” the Commission “may promulgate rules . . . to stop or change the towing practice that harms the public interest.” They contend that because the Commission did not make an express finding of public harm in the NOPR, the Commission lacks jurisdiction to proceed with this Rulemaking Proceeding.

24. However, the undersigned ALJ notes that the NOPR discusses the implementation of the statutes with respect to “certain consumer protection provisions” by extrapolating rules that protect “the safety and security of a towed motor vehicle” while in the towing carrier’s control to law-enforcement-ordered tows and nonconsensual tows from commercial private properties, even though the statutory amendments enacted by HB 22-1314 largely apply to

²³ See Letter from Nineteen Members of the General Assembly, State of Colorado, to the Hon. Alenka Han, Aug. 30, 2023. See Letter from Nineteen Members of the General Assembly, State of Colorado, to the Hon. Alenka Han, Aug. 30, 2023.

nonconsensual tows from residential properties.²⁴ The Commission noted that it did “not believe” it was the legislature’s intent to strip such a critical consumer protection from other forms of regulated tows, so it could be applied only to residential private property tows. Thus, the Commission made an implicit finding that this Rulemaking is necessary to protect against a potential harm to the public.

25. Moreover, HB 22-1314 contains an explicit mandate to the Commission to “promulgate a rule defining what qualifies as a major credit card.”²⁵ Even if a rulemaking was not necessary to protect against a potential harm to the public, § 40-10.1-405(1)(b)(II), C.R.S., expressly directs the Commission to initiate a rulemaking proceeding to address the issue of payment options. As discussed below, with respect to Rule 6512(a), this Rulemaking includes the issue of payment options and acceptable credit cards, as mandated by the Legislature.

26. Second, even if it is argued that the above findings in the NOPR are inadequate to meet the public harm criteria implemented through § 40-10.1-410, C.R.S., the Commission is also granted general towing rulemaking authority under § 40-10.1-106, C.R.S. In particular, the Commission is authorized to adopt rules covering the operations of motor carriers as may be necessary for the effective administration of Article 10.1 of Title 40, including:

- (a) Ensuring public safety, financial responsibility, consumer protection, service quality, and the provision of services to the public; [and]
- (b) The circumstances under which a towing carrier may perform a nonconsensual tow of a motor vehicle, the responsibilities and facilities of the towing carrier for the care or storage of the motor vehicle and its contents, and the minimum and maximum rates and charges to be collected by the towing carrier for the nonconsensual towing and storage of the motor vehicle. In setting the rates and charges pursuant to this section, the commission may require

²⁴ NOPR, ¶ 13, pp. 7-8.

²⁵ § 40-10.1-405(1)(b)(II), C.R.S.

towing carriers performing nonconsensual tows to submit financial statements or other financial information to determine the costs associated with the performance of nonconsensual towing and any motor vehicle storage incident thereto.²⁶

Further, the legislative mandate in Article 10.1 of Title 40 states that the Commission “has the authority and *duty* to prescribe such reasonable rules covering the operations of motor carriers as may be necessary for the effective administration of this article.”²⁷ The Commission adhered to this existing statutory mandate when it issued the NOPR initiating this Rulemaking Proceeding.

27. Third, the statutory amendments made by the enactment of HB 22-1314 necessitated the initiation of this Rulemaking Proceeding. As the Commission noted in the NOPR, several provisions of the Towing Rules, in their currently-adopted form, do not comport with all the provisions of HB 22-1314. For example, the NOPR noted that the proposed Towing Rules include multiple amendments to the definitions in Rule 6501 “based on statutory changes,”²⁸ such as the addition of new definitions for “Authorized or interested person”, and “Common parking area,” which would be added “to reflect a new statutory definition for the same term.”²⁹ One of the Commission’s goals in initiating this Proceeding is to ensure the Towing Rules are “congruent” and consistent with the statutory changes adopted by HB 22-1314.³⁰

²⁶ § 40-10.1-106(1)(a) and (b), C.R.S.

²⁷ § 40-10.1-106(1), C.R.S. (emphasis added).

²⁸ NOPR, ¶ 18, p. 9.

²⁹ *Id.*, ¶¶ 21-22, p. 10.

³⁰ *Id.*, ¶ 2, p. 3.

28. Fourth, and as the Commission also noted in the NOPR, Wyatt's Towing requested the initiation of this Rulemaking Proceeding because they claimed that "certain provisions" of HB 22-1314 "could be interpreted in different ways."³¹ With that in mind, the Commission stated that one goal of this Rulemaking Proceeding is to incorporate the statutory changes into the existing Towing Rules "with the goal that the resulting rules will be easier and less confusing for towing carriers to incorporate into their established practices and operations."³² The ALJ notes that simplifying the Towing Rules to make them easier for towing carriers to put into practice, and to follow the new statutory provisions implemented through HB 22-1314, should have the net effect of improving public safety and rectifying a public harm by lessening the negative impact of nonconsensual tows.

29. Finally, to the extent commenting legislators intend to introduce further amendments to the towing statutes during the 2024 legislative session, the ALJ notes that the Commission's rules must be amended to reflect the law as currently in effect. Should the Legislature further amend the statutes, further rulemaking can occur to ensure the Commission fulfills the intent of any passed legislation. In the meantime, the Towing Rules must be brought into congruence with HB 22-1314, which has already been adopted and enacted.

2. Anecdotal Public Experiences

30. Although some written and verbal comments offered by the general public pertain to specific Towing Rules, many comprised general anecdotes describing an individual's interaction with the towing industry and expressed desire that certain towing practices be

³¹ *Id.*, ¶ 6, p. 4.

³² *Id.*, ¶ 7, p. 5.

changed. A common thread running through many of these comments was the contention that a vehicle had been wrongly towed for failing to display a requisite permit or placard.

31. An example of comments of this nature were the verbal and written comments offered by Linda Kilis who described the circumstances leading to the towing of her husband's vehicle.³³ Ms. Kilis explained that her husband is memory compromised and on one occasion forgot to replace the handicapped placard on the rearview mirror of his vehicle. Ms. Kilis and her husband reside in an apartment complex. When Ms. Kilis' husband went outside to check the weather, he noted that his vehicle was not parked where he had left it, in a handicapped parking space on the complex's grounds. They later learned that the vehicle had been towed from the handicapped spot because it did not display the appropriate placard. Ms. Kilis stated that when they retrieved the vehicle, the placard was noticeably "sticking out from the visor." She questioned why the towing carrier failed to notice the placard and did not take the time to look in the vehicle to determine whether a placard had been misplaced. She emphasized that law enforcement, including her husband who served as a volunteer with the Colorado Springs Police Department, routinely take such steps before ticketing a vehicle parked in a handicapped spot without a placard and stated that, in those circumstances, the ticket is dismissed if the authorized operator of the vehicle demonstrates rightful possession of a handicapped placard. Ms. Kilis suggested that vehicle owners should be afforded the same courtesies before being towed from private property for failure to display a handicapped placard. Mr. Riley responded that, unfortunately, the Commission does not "really have any control over what the property owner does or doesn't do."

³³See written comments from Linda Kilis, dated Jun. 13, 2023, and filed Jun. 14, 2023, and verbal comments offered by Linda Kilis at the May 30, 2023, public comment hearing.

32. Verbal comments received from Michelle Clemons during the May 30, 2023 public comment hearing similarly addressed the towing of a vehicle that did not display a required permit. Ms. Clemons described how her vehicle was towed nonconsensually on four separate occasions from a parking lot in an apartment complex where her brother resides, while she was staying with him. Signage in the lot stated that a permit was required to park there, but the permits were hard to acquire because permits would be “sold out” and had to be obtained through a QR code posted on a sign in the lot or would have to be renewed overnight. She also relayed her impression that towing operators would circle parking lots looking for wrongfully parked vehicles to tow, such as hers. She conveyed that the expense and inconvenience of the tows had negatively impacted her budget — both because of the towing fees and the cost of rides to get to the towing lot —making it more difficult for her to save money for her own apartment.

33. The Commission also received written comments from individuals complaining specifically about Wyatt’s Towing. Aiden Greco submitted a written comment describing being towed from a lot, despite having made and paid for a parking reservation. However, Mr. Greco states a driver for Wyatt’s Towing informed him that his reservation was for an adjacent lot, even though the building serving the lots displayed the addresses of both lots. Margarita Ford wrote that Wyatt’s Towing “harassed” her son, even towing him while he was “dropping off items” for her “in the back where there are” no signs prohibiting parking.

3. Towing Task Force

34. The Towing Task Force’s report, dated October 26, 2022, was also included as part of the record in this Proceeding. The Colorado Legislature created the Towing Task Force in 2014, pursuant to HB 14-1031, to make “comprehensive recommendations to the PUC about the maximum rates that may be charged for the recovery, towing, and storage of a vehicle that has

been towed without the owner's consent."³⁴ The Towing Task Force submitted its written recommendations before the commencement of this Rulemaking Proceeding, suggesting some overarching proposals that could be incorporated into the Towing Rules.

35. First, the Towing Task Force recommended the Commission consider the use of alternative indices — such as the Personal Consumption Expenditures; Producer Price Index; or Consumer Price Index-Transportation — when applying annual inflation adjustments.³⁵

36. Second, the Towing Task Force expressly recommended against “any changes to nonconsensual tow rates based on consensual tow rates,” but did suggest additional research and analysis to determine “cost differences between consensual and nonconsensual tows.”³⁶

37. Finally, the Towing Task Force recommended that the Commission begin collecting data from towing carriers to better analyze the cost differences between consensual and nonconsensual tows.³⁷

4. Public Comments Addressing Towing Policies

38. The Commission also received comments and feedback asking that the Towing Rules address specific issues. Tim Littrell expressed concern that his vehicle was towed while his dog was inside. He suggested a policy mandating towing operators “check for dogs” before towing a vehicle.

39. Dan Prizner suggested the implementation of a hotline for voicing towing concerns and clarifying the statutory and regulatory requirements.

³⁴ Towing Task Force Report, pp. 1-2, Oct. 26, 2022.

³⁵ *Id.* at p. 12.

³⁶ *Id.* at p. 13.

³⁷ *Id.*

40. George Miller recommended mandating towing operators clean up debris from the roadway before departing from an accident scene.

C. Proposed Changes to the Towing Rules

41. Turning to the Towing Rules and the proposed amendments to specific rules, the undersigned ALJ will address the proposed changes in sequential order. However, edits to grammar, punctuation, and capitalization, as well as corrections of any typographical errors or minor language updating, will not be addressed. No discussion of such changes is warranted, considering such edits are minor, do not affect the substance of any rule, and were not raised by any commenter, either verbally or in writing. To review minor edits for grammar, punctuation, capitalization, and typographical errors, please see the attached red-lined version of the Towing Rules, appended as Attachment A.

1. Rule 6001 — General Provisions — Definitions:

42. The proposed amendments correct a statutory reference in Rule 6001(uuu), the definition of “Towing Carrier.” The rule currently reads, “...pursuant to part 4 of Article 10.5 of Title 40, C.R.S. and rule 6500, et seq.” The proposed amendment is to update the referenced statute to correctly reflect “Article 10.1”. This is a simple language error correction. No comments were received — either written or verbal — regarding this proposed change.

2. Rule 6500 — Applicability of Towing Carrier Rules:

43. Proposed changes to Rule 6500 included the addition of new terms and the amendment of some definitions to ensure internal language consistency as well as congruity with HB 22-1314.

a. Rule 6500(a)

44. It is proposed to update Rule 6500(a) by adding the phrase “and tow truck drivers” at the end of a series identifying to whom the Towing Rules apply. The addition clarifies that Rules 6500 to 6599 apply to “tow truck drivers”, in addition to towing carriers, applicants for a towing carrier permit, and employees of towing carriers.

b. Rule 6500(c)

45. The proposed change to Rule 6500(c) eliminates a reference to Rule 6511(f), to reflect a re-lettering of the subparagraphs addressing tow rates, which are now covered by Rule 6511(a) – (e), rather than 6511(a) – (f), in the prior version of the Towing Rules.

3. Rule 6501 – Definitions

46. The newly adopted Towing Rules include many changes and additions to the definitions. Each affected provision will be addressed below. Changes to the subparagraph lettering, which was affected by the addition of several new definitions, will not be addressed, but can be viewed in the attached red-lined and clean versions of the new Towing Rules. The subparagraphs referred to below reflect the newly-assigned subparagraph lettering.

47. The proposed changes to Rule 6501 did not elicit significant discussion or comments, either written or verbal, except as noted below.

a. Rule 6501(e) – Definition of “Authorized Operator of a Motor Vehicle”

48. The definition of “authorized operator” or “authorized operator of a motor vehicle” was expanded to include a reference to Rule 6512(f), which provides that an individual seeking to retrieve a nonconsensually-towed motor vehicle may demonstrate that they are authorized to operate the vehicle by producing any “two of the following”: keys to the vehicle,

proof of insurance, vehicle registration; the VIN number; and/or knowledge of the location from where the vehicle was towed. This expansion consequently expands the definition of “authorized operator” to include anyone who can show a right to drive the towed vehicle and codifies towing carriers’ asserted practice of requesting two of the above-listed criteria to establish entitlement to the vehicle.

49. Cross-referencing the definition of “authorized operator” with Rule 6512(f) lessens the burden on vehicle operators seeking to retrieve a nonconsensually towed vehicle by minimizing the documents necessary to establish entitlement to a vehicle, while still maintaining that proof of such entitlement be established.

50. Some commenters suggested that merely stating authority to retrieve a vehicle should be sufficient, but the undersigned ALJ disagrees. Requiring no proof whatsoever — other than the verbal statement of an individual attempting to retrieve a vehicle — exposes the vehicle owner or authorized operator to theft and the towing company to liability. Therefore, the ALJ concludes that the requirement of two forms of proof, establishing entitlement to retrieve a vehicle and status as an “authorized operator” of the vehicle, is appropriate.

b. Rule 6501(f) – Definition of “Authorized or Interested Person”

51. This is a new definition that has been added to Rule 6501. The definition was added to mirror the addition of a definition for “Authorized or interested person” incorporated into § 40-10.1-101(1.5), C.R.S., by HB 22-1314. Rule 6501(f) parrots the language of new subparagraph § 40-10.1-101(1.5), C.R.S. Absent the addition of Rule 6501(f), the Towing Rules would not comport with the statutory definitions applied to the towing industry by HB 22-1314.

c. Rule 6501(h) – Definition of “Common Parking Area”

52. Like Rule 6501(f), Rule 6501(h) incorporates a new definition and term into the Towing Rules. The definition of “common parking area” was added to mirror the definition of “common parking area” incorporated into § 40-10.1-101(4.5), C.R.S., by HB 22-1314. The new definition was necessitated by the introduction of the term into the statutory scheme by HB 22-1314. If this new definition were not incorporated into the newly-adopted Towing Rules, they would be in conflict with the applicable statutes, which could lead to confusion for towing carriers.

53. To remedy this discrepancy, the language of new Rule 6501(h) follows that adopted into § 40-10.1-101(4.5), C.R.S., but does not restate the statutory definition verbatim. Rather, the language of new Rule 6501(h) incorporates the concepts woven into § 40-10.1-101(4.5), C.R.S., while clarifying the language to eliminate the grammatical negatives adopted into the statute. A representative of TRPC, Mark Valentine, commented that clarifying the definition of “common parking area” in the Towing Rules would assist towing carriers in understanding which parking areas constitute “common parking areas.”

54. The undersigned ALJ concludes that Rule 6501(h), in its adopted form, reasonably achieves the commenter’s request for clarity, as well as the Commission’s stated goal of simplifying the Towing Rules wherever possible.

d. Rule 6501(i) – Definition of “Drop Fee” or “Drop Charge”

55. A new definition is proposed in the Towing Rules necessitated by the addition of a definition for “drop fee” added to the applicable statutes by HB 22-1314. This new definition in the Towing Rules precisely tracks the language adopted by HB 22-1314 to define “drop fee” in

§ 40-10.1-101(6.5), C.R.S. The new rule cross-references the statutory definition to clearly indicate that the definitions in the statute and in the Towing Rules comport.

56. Trevor Forbes, CEO of Wyatt's Towing, expressed his support for including a definition of "drop fee" in the Towing Rules at the April 20, 2023, public comment hearing. As Mr. Forbes noted, the term "drop fee" or "drop charge" appears several times in the applicable statutes and the Towing Rules. He suggested that, for clarity's sake and to aid towing carriers working in the field, a definition for "drop fee" or "drop charge" be included in the Towing Rules. The ALJ agrees that defining "drop fee" and/or "drop charge" in the Towing Rules is appropriate and warranted.

e. Rule 6501(k) – Definition of "Insurance Company"

57. Like the definitions of "drop fee," "common parking area," and "authorized or interested person" discussed above, the definition of "insurance company" is a new addition to the Towing Rules. The term was added to the definitions set out in Rule 6501 to clarify provisions contained in HB 22-1314.

58. HB 22-1314 expressly refers to "insurance company" in at least three statutory subsections: §§ 40-10.1-101(1.5)(c), 40-10.1-101(13)(c), and 40-10.1-405(5)(c)(II), C.R.S. However, HB 22-1314 did not include a definition for the term "insurance company." Examining § 40-10.1-405(5)(c)(II), C.R.S., illustrates why defining the term "insurance company" is crucial to ensuring the smooth application of the Towing Rules. Section § 40-10.1-405(5)(c), C.R.S., permits an "authorized or interested person" to retrieve a nonconsensually towed vehicle if the individual pays either fifteen percent of the tow fees or \$60.00 to the towing operator (whichever is less) and signs a form "affirming that the authorized or interested person owes the towing carrier payment for fees that comply with this article 10.1 . .

.”³⁸ But, § 40-10.1-405(c)(II) expressly excludes lienholders and insurance companies from the scope of “authorized or interested person,” thus explicitly excluding “insurance companies” from those individuals who may retrieve a nonconsensually towed vehicle by paying the statutory minimum. Although “insurance company” may commonly be understood to mean an entity that issues insurance policies, it is beneficial to precisely define the term “insurance company” to minimize confusion and conflict, as towing carriers apply the Towing Rules and HB 22-1314 in the field.

59. Therefore, the ALJ concludes that it is appropriate and reasonable to define “insurance company” in the newly-adopted Towing Rules.

f. Rule 6501(m) – Definition of “Law Enforcement-Ordered Tow”

60. A minor change was made to the language of the definition to comport with the statutory amendments enacted by HB 22-1314. The definition previously limited law enforcement tows to those tows which were ordered by a law enforcement officer and could not be terminated by the “owner or operator” of the vehicle. The rule will be amended to include any law enforcement-ordered tow that cannot be terminated by the “authorized or interested person” of the motor vehicle, reflecting the expansion of individuals with authority to retrieve a motor vehicle enacted by HB 22-1314.

g. Rule 6501(o) – Definition of “Lienholder of the Motor Vehicle”

61. The insertion of a definition for the term “lienholder of the motor vehicle” was necessitated by the inclusion of this term in HB 22-1314. As with the statutory exclusion of “insurance company[ies]” from individuals permitted to a retrieve a vehicle by paying the

³⁸ § 40-10.1-405(5)(d), C.R.S.

minimum amount of \$60.00 or fifteen percent of the tow fees, § 40-10.1-405(5)(c)(II), C.R.S., also prohibits “lienholders” from retrieving a nonconsensually towed vehicle by paying the minimum amount of \$60.00 or fifteen percent. The addition of this term to the definitional section of the Towing Rules is intended to guide towing carriers in determining to whom they are required to release vehicles for the minimum statutory payment.

62. The ALJ finds and concludes that adding a definition for “lienholder of the motor vehicle” to the Towing Rules is reasonable and appropriate.

h. Rule 6501(q) – Definition of “Nonconsensual Tow”, “Nonconsensual Towing”, “Towed Nonconsensually”, “Nonconsensually Tow”, or “Towed Without Consent”

63. The definition of a nonconsensual tow, and similar terms, is amended to reflect changes propounded by the enactment of HB 22-1314. Rule 6501(q) was amended to reflect that nonconsensual tows originate on private property, to mirror the addition of this same condition to the statutory definition of “nonconsensual tow” by HB 22-1314 and codified at § 40-10.1-101(13), C.R.S. Unless Rule 6501(q) is amended to specify that “nonconsensual tows” originate on private property, the Rule would not comport with the current statutory definition. The ALJ finds and concludes that it is reasonable to amend Rule 6501(q) to ensure symmetry and consistency, rather than discrepancy, with the statutory definition of “nonconsensual tow.”

64. Rule 6501(q) was also amended to expand the scope of individuals who may consent to the towing of a vehicle. Specifically, § 40-10.1-101(13), C.R.S., defines “nonconsensual tow” as a tow that was not authorized by the owner or authorized operator of the vehicle, an agent of the owner, a lienholder of the vehicle, or an insurance company insuring the vehicle if the “owner signs a release authorizing an insurance company” to act on their behalf.

Rule 6501(q) has likewise been amended to mirror these changes to the statutory definition of “nonconsensual tow,” to broaden the scope of individuals and entities who may consent to a tow — authorized operators and agents, lienholders, and insurance companies — such that a “nonconsensual tow” is a tow that has *not* been authorized by any of these individuals or entities. The ALJ finds and concludes that this change is also reasonable to ensure consistency with the statutory definition as adopted by HB 22-1314.

i. Rule 6501(t) – Definition of “Private Property Impound or ‘PPI’”

65. Although existing Towing Rules define “private property impound,” or “PPI”, the definition has been substantially updated to maintain consistency in the Towing Rules. Other provisions of the Towing Rules, which refer to private property impounds, were amended to reflect statutory changes adopted by HB 22-1314. Under § 40-10.1-101(13), C.R.S., nonconsensual tows can only originate from private property. The changes to Rule 6501(t) reflect the reality that private property can be either commercial or residential, or possibly exhibit elements of both commercial and residential properties, either simultaneously or at different times of the day. The ALJ finds and concludes that a definition of the term “private property impound” will assist towing carriers in determining whether a property constitutes a commercial or residential property at the time of the tow. The distinction is essential because, under § 40-10.1-405(9), C.R.S., a towing carrier must follow different procedures for a tow originating on commercial versus residential private property.

66. A version of revised Rule 6501(t) was contained in the attachment to the NOPR. That version referred to the definition of “commercial real estate” set forth in § 38-22.5-102(2), C.R.S. However, the statutory cross-reference in this earlier version relied heavily on the

statutory reference, rather than describing the distinction between residential and commercial property in Rule 6501(t) itself.

67. During the public comment hearings, multiple commenters from the towing industry expressed concern that referring exclusively to the statutory provision, without additional explanation in the rule, could lead to confusion in the field. Troy Porras of Wyatt's Towing and Mr. Valentine, speaking on behalf of TRPC, urged the undersigned ALJ to adopt a definition of "private property impound" that did not rely upon a statutory cross-reference, but would instead offer a "self-contained" definition. Mr. Porras and Mr. Valentine both pointed out that towing carriers are unlikely to have the ability to search for a statutory provision, when out in the field. Instead, they argued, the Towing Rules, and in particular the definitions contained in the Towing Rules, should contain all the rules a towing carrier needs in order to comply with the towing statutes. Such a construction, they suggested, would further the Commission's stated goal of simplifying the Towing Rules.

68. The newly-adopted version of Rule 6501(t) achieves this goal by defining "Commercial PPI" as a nonconsensual tow from commercial private property that is not in a common parking area, while defining "Residential PPI" as a nonconsensual tow from residential private property that *can* include a common parking area. The ALJ finds and concludes that this iteration of the definition of "private property impound", contained in Rule 6501(t), adequately defines the term, comports with the statutory amendments enacted by HB 22-1314, and simplifies the Towing Rules. The ALJ finds and concludes that this amendment to the Towing Rules is warranted, appropriate, and reasonable.

j. Rule 6501(u)(IV) – Addition to Definition of “Property Owner”

69. Subparagraph (IV) was added to the definition of “property owner”, contained in Rule 6501(u), to reflect the inclusion of individuals subject to the “Colorado Common Interest Ownership Act” within the scope of persons who may give permission for the nonconsensual tow of a motor vehicle. Absent this addition to the Towing Rules, the Rules’ definition of “property owner” would be inconsistent with the statutory standards.

k. Rule 6501(y) – Definition of “Storage Facility” or “Towing Facility”

70. A definition of the term “storage facility” was added to align the Towing Rules with language changes adopted in HB 22-1314 and to clarify a term commonly used in the towing industry. HB 22-1314 references the term “storage facility” in several provisions: §§ 40-10.1-405(2)(d) and (4)(b), C.R.S.; 40-10.1-407(1)(c), C.R.S.; and 42-4-2103(2)(a)(I)(B) and (II)(A), C.R.S. However, the term is not defined in HB 22-1314. It was therefore necessary to add the definition to the Towing Rules to implement HB 22-1314 and to maintain consistency with the statutory provisions.

71. For convenience and ease of reference, Rule 6501(y) will be amended to define “towing facility.” The two terms are defined identically and, in order to minimize confusion, the separate definition of “towing facility,” in prior versions of the Towing Rules, specifically Rule 6501(aa), has been eliminated and instead combined with the definitional entry for “storage facility.”

l. Rule 6501(bb) – Definition of “Tow Invoice”

72. The definition of “tow invoice” in the Towing Rules has been updated to reflect that it is an invoice given to an “authorized or interested person,” rather than to the “vehicle

owner or authorized agent” of the owner. The amendment aligns the definition with language now incorporated into the towing statutes by HB 22-1314.

m. Rule 6501(hh) – Definition of “Vehicle Owner”

73. The definition of “vehicle owner” in the Towing Rules is new. The term was added to the definitional section to reflect the use of the term in the recently enacted towing statutes. “Vehicle owner” and/or “owner” appears several times in HB 22-1314, but most prominently in §§ 40-10.1-101(1.5) and (13), C.R.S., which refer to vehicle owners to define “authorized or interested person” and “nonconsensual tow,” respectively. The new definition set out in Rule 6501(hh) looks to the “vehicle’s registration, title,” or the State’s electronic vehicle registration information system, as described in § 42-4-2103(3)(c)(III), C.R.S, to identify the owner of a vehicle.

74. At the public comment hearing on May 30, 2023, several legislators voiced their concerns that the definition of “vehicle owner” was not broad enough to encapsulate all those individuals whom the legislators believed should have access to a towed vehicle. Nathan Blake, Deputy Attorney General with Colorado’s Attorney General’s Office, echoed this concern when he wrote that limiting “vehicle owner” to individuals who appear on the title or registration of a vehicle could impact “the lowest income Coloradans”, who may be using a car owned by someone else or may not have access to a vehicle’s title or registration for a variety of reasons.

75. The ALJ acknowledges these concerns but determined that an expansion of the definition of “vehicle owner” was not warranted for several reasons. To be the owner of a vehicle carries with it a particular meaning. While it is true that others may be authorized to operate or otherwise have access to a vehicle, such individuals are not “owners” within the plain meaning of that term. The ALJ believes that it is necessary to continue drawing a distinction

between “vehicle owners” and “authorized operators”, as those individuals may have different rights and relationships to a particular vehicle.

76. That said, the ALJ notes that the concerns expressed by legislators and the Consumer Protection Section of the Attorney General’s Office are addressed and assuaged by other provisions in the Towing Rules. The legislators explained that they wanted to ensure individuals with authority to retrieve a vehicle could do so. The adopted rule expands the scope of the definition of “authorized or interested person”, in Rule 6501(f), to allay those concerns. Under amended Rule 6501(f), as discussed above, an “authorized or interested person” includes the vehicle owner, any authorized operators of the vehicle, an authorized agent of the vehicle’s owner, a lienholder of the vehicle, or the insurance company. Amended Rule 6512(b) and (d), which covers the release of a motor vehicle and personal property, permits the release of a towed motor vehicle “to an authorized or interested person.” More importantly, amended Rule 6512(l) permits “the vehicle owner or authorized operator to retrieve” the towed vehicle by paying an amount less than the full cost of the tow and executing a Commission-approved form acknowledging additional payment is owed to the towing carrier. Thus, although the definition of “vehicle owner” was not expanded as suggested, the adopted rules achieve the legislators’ stated goal of ensuring that any “authorized or interested person” may retrieve a nonconsensually towed motor vehicle.

77. The ALJ finds and concludes that the addition of a definition of “vehicle owner” was reasonable, warranted, and appropriate to minimize confusion and to ensure towing carriers are aware that vehicle ownership can be established through several different documents.

4. Rule 6503 – Towing Carrier Permit Application

78. The changes to this Rule are not extensive and did not garner any comments. The adopted rule specifies the actions an *applicant* must take to secure a towing permit, deletes the prior set application fee of \$150.00 and provides that the application fee will instead be set “administratively . . . by the Commission,” and adds a requirement that at least one of the applicant’s principals must have a valid Colorado driver’s license.

79. The ALJ finds these changes reasonable and adopts them.

5. Rule 6504 – Criminal History Checks and Good Cause Determinations

80. In contrast to Rule 6503, the amendments to Rule 6504 garnered considerable discussion and comments. Representatives of the towing industry expressed concern that the scope of the rule’s application — to directors, officers, and/or principals of towing carriers — was unclear because the terms were inadequately defined. In addition, the representatives of towing carriers objected to the inclusion of a “good cause determination” as a basis for denying an application for a towing permit. For the reasons discussed below, however, the Towing Rules will be amended to incorporate both of these changes.

81. Rule 6504(a) clarifies the scope of its applicability, specifying that it applies to “principals” of a towing carrier, as that term is defined by Rule 6001(iii). Rule 6001(iii) defines “principal” as a person who:

- (I) participates directly or indirectly in a firm, partnership, corporation, company, association, joint stock association, or other legal entity taking an action as an entity;
- (II) is authorized to act on behalf of an entity;
- (III) participates in the election, appointment, or hiring of Persons that are authorized to act on behalf of an entity; and

- (IV) through his/her conduct or activity, directly or indirectly controls an entity subject to the Commission's jurisdiction, irrespective of his/her formal title or financial interest in the entity.

Examples of Principals include the owner of a sole proprietorship, a member or manager of a limited liability company, a partner in a partnership, and an officer, director, or shareholder of a corporation.

82. The incorporation by reference of this definition is intended to provide clarity and minimize any confusion that may arise, regarding which individuals may be considered the "principal" of a towing carrier.

83. TRPC, through its representative, Mr. Valentine, voiced concern that earlier drafts of Rule 6504(a) did not adequately clarify to whom the rule applied. The ALJ finds and concludes that cross-referencing to the definition of "principal", applicable to all transportation rules, addresses TRPC's expressed concern and minimizes the risk of confusion.

84. The addition of a "good cause determination" to Rule 6504(d) raised objections from the towing industry, including arguments that it grants too much leeway to the Commission to deny towing applications. However, Mr. Riley, speaking on behalf of Commission Staff, offered his view that including such a "catch all" provision in the Rule would give the Commission needed latitude to deny towing permit applications to problematic individuals or companies.

85. Public comments received from members of the public and the legislature describing the actions of certain towing carriers — some of which are described in detail above — support the notion that some towing carriers may not always act in the best interests of the public. If some bad actors can be screened from the towing industry, it could have the effect of lessening harm to the public, even if by only a small margin.

86. Indeed, the Legislature recognized the need for such a provision when it enacted HB 22-1314. Section 40-10.1-401(2)(b), C.R.S., which the Legislature added as part of HB 22-1314, the Commission now has the authority to “deny an application or refuse to renew a permit of a towing carrier . . . based on a determination that there is good cause to believe the issuance of or renewal of the permit is not in the public interest.” Amended Rule 6504(d) simply mirrors and incorporates into the Towing Rules authority now expressly granted to the Commission by the Legislature.

87. The ALJ believes that the Commission will not arbitrarily and unjustifiably invoke the good cause determination contained in Rule 6504(d) or § 40-10.1-401(2)(b), C.R.S. Moreover, the ALJ is persuaded that a good cause determination will give Commission Staff needed latitude to deny an application if, in their sound opinion, doing so would be in the best interests of the public. Further, in the event an applicant believes a towing permit was improperly denied, the applicant may seek review by the Commission. The ALJ therefore finds and concludes that the proposed changes to Rule 6504 are reasonable and appropriate.

6. Rule 6505 – Kickbacks Prohibited

88. Rule 6505 has been added to the Towing Rules to mirror the addition of a similar provision to the towing statutes, at § 40-10.1-408, C.R.S. The statutory prohibition against kickbacks — essentially a prohibition against “pay to play”— did not exist until the adoption of HB 22-1314, and, consequently, no such prohibition previously existed in the Towing Rules. The adopted rules have added this prohibition to ensure the Towing Rules align with the statute, and provide an additional regulatory basis, in addition to any statutory violation, upon which anyone wrongfully accepting or paying kickbacks can be pursued for violations or other enforcement actions.

89. Towing carriers commenting on this rule indicated that they “agree wholeheartedly” with the concept of prohibiting kickbacks. However, they expressed some confusion as to what constitutes a “kickback.” The language of the rule was amended from an earlier version to clarify that no towing carrier may accept “money or other valuable consideration including, but not limited to gifts and gratuities” from anyone for the “privilege of nonconsensually towing vehicles.” The ALJ is persuaded that this clarification is broad enough, while still allowing room for latitude and discretion, to make clear the types of activities that constitute kickbacks that are prohibited under Rule 6505 and § 40-10.1-408, C.R.S. The ALJ therefore finds that the inclusion of a rule prohibiting kickbacks is reasonable and appropriate.

7. Rule 6506 – Equipment and Accessories

a. Rule 6506(a)(III)(C)(iii)

90. A provision specifying the types, placement, and colors of warning and overhead lights on towing vehicles has been added to Rule 6506(a)(III)(C)(iii). Although some towing carriers expressed a desire to use red warning lights, such lights must be reserved for emergency vehicles. The rule further explains that only vehicles authorized by the Commission to serve as emergency vehicles will be recognized as emergency vehicles authorized to operate warning and overhead lights in any color(s) except “yellow, opaque white, or clear white.” No commenters objected to the inclusion of a provision specifying the color and location of warning and overhead lights on towing vehicles. The ALJ therefore finds and concludes that the inclusion of a rule setting standards for the color and location of warning and overhead lights on towing vehicles is reasonable and appropriate.

b. Rule 6506(e)

91. A version of this Rule 6506(e) — requiring that vehicles being towed be secured to the towing truck in accordance with applicable federal and state statutes — was previously contained in Rule 6508(b)(III)(F), which covers authorization for the towing of motor vehicles. Since Commission Staff determined that this provision fits more neatly with the provision governing tow truck equipment, this updated version was inserted at the end of Rule 6506. No objections to this move have been received. The amendment to Rule 6506(e) is reasonable and will be adopted.

8. Rule 6507 – Storage Facilities**a. Rule 6507(a) – Disclosure of storage facility location**

92. Rule 6507(a) previously mandated disclosure of a storage facility’s location. The rule is amended to mandate that the disclosure include a full description of the towed vehicle, the location of the storage facility, and the name and permit number of the towing carrier. Notifying law enforcement of the location of the storage facility when the tow is authorized or making two or more “documented attempts” to contact law enforcement within thirty minutes of the nonconsensual tow satisfies the disclosure requirement.

93. Representatives of towing carriers pointed out that law enforcement does not always provide the towing carrier with all the details now mandated to fully describe the towed vehicle. However, as Commission Staff replied, requiring towing carriers to provide identifying vehicle information simply aligns Rule 6507 with § 42-4-2103(2)(a), C.R.S., as amended by HB 22-1314. Rule 6507(a) did not previously require the extensive identifying information now mandated by Rule 6507(a). Had the rule not been likewise amended, creating a discrepancy

between the statutory and regulatory provisions, confusion would have ensued. The ALJ finds and concludes that amending Rule 6507(a), to eliminate any discrepancy between the Rule and the statute, is reasonable and warranted.

b. Rule 6507(d) – Signage at Storage Facility

94. Rule 6507(d) is amended to incorporate a new signage requirement mandating that a storage facility housing vehicles nonconsensually towed from residential private property must display a sign notifying vehicle owners that they may retrieve the contents of their vehicle without paying any fee and may retrieve the vehicle itself “after paying a reduced fee.” The precise language to be included on the signs is set out in Rule 6507(d)(II)(E). Although some towing carriers expressed concern over the cost of ordering and displaying additional signs, the mandate to display such a sign, as well as the precise language that the sign must convey, is part of new statutory criteria under § 40-10.1-405(4)(b)(II), C.R.S, enacted by HB 22-1314. Because it is a statutory requirement, the Towing Rules must adhere to the precise language and display requirements. The ALJ acknowledges that although such new signage may impose additional costs on towing carriers, they are still statutorily required to comply with the signage requirements and the amended rule reasonably incorporates that requirement.

9. Rule 6508 – Authorization for Towing of Motor Vehicles

95. Significant amendments have been made to Rule 6508, most of which are necessary to comport with statutory changes enacted by HB 22-1314.

a. Rule 6508(a)(I) and (V) – Prohibition Against Acting as Authorized Agents

96. Section 40-10.1-405(3)(a)(IV)(C), C.R.S., essentially prohibits towing carriers from acting as agents of the private property owners, for the purposes of authorizing

nonconsensual tows. The statute states that a towing carrier may not act “as an agent with authority to grant permission under this subsection (3)(a)” to tow a vehicle. As the legislators explained their understanding in comments, the provision minimizes the circumstances in which a towing carrier acts as both the towing carrier and the authorizing agent, thereby effectively authorizing their own tows from private property.

97. Rule 6508(a)(V) was also added to the Towing Rules to expand on the intent behind this provision in HB 22-1314, by prohibiting “any company owned or operated by a towing carrier” or persons having “a controlling financial interest in a towing carrier” from acting as an authorized agent for a Residential PPI. As Commission Staff persuasively expressed, this expansion of the rule’s scope ensures that the legislative intent — to prohibit towing carriers from also authorizing tows — is accomplished.

98. Towing carriers voiced concern that an earlier version of Rule 6508(a)(I), attached to the NOPR, was unclear and ambiguous. In particular, the earlier draft referred to individuals “directly affiliated” with a property owner. In response to their concerns, Rule 6508(a)(I) was further amended to prohibit towing carriers from “acting as the authorized agent for the property owner for a Residential PPI.” “Authorized agent for the property owner” is defined by Rule 6501(c). This simplification of the language and cross-reference to a term defined by the Towing Rules reasonably addresses the concerns towing carriers raised about ambiguous or unclear terms. The ALJ finds and concludes that the current regulatory language adopted in Rule 6508(a)(I) and (V) carry out the intent of HB 22-1314, to bar towing carriers from acting as agents with authority to grant permission to tow vehicles.

b. Rule 6508(c) – Expired vehicle registration

99. A prohibition against towing any vehicle, solely on the basis of an expired license plate — unless so ordered by a law enforcement officer — was added to Rule 6508(c) to reflect a change enacted by HB 22-1314. Prior to the changes enacted by HB 22-1314, Rule 6508(c) permitted the towing of a vehicle for expired plates if certain statutory criteria, as set out in §§ 42-3-114, and 42-3-203, C.R.S., were met. HB 22-1314, codified at § 40-10.1-405(7), C.R.S., imposes a total prohibition against towing vehicles for expired plates on residential private property, unless ordered by a law enforcement officer. Unless the Towing Rules were updated to reflect this complete prohibition, Rule 6508(c) would not be in compliance with § 40-10.1-405(7), C.R.S. The ALJ finds and concludes that the amendment to Rule 6508(c) is therefore reasonable and appropriate.

c. Rule 6508(d) – 24-Hour Notice

100. The 24-hour notice provision is a new subsection added to mirror a similar provision added to § 40-10.1-405(3)(b), C.R.S., by HB 22-1314. Section 40-10.1-405(3)(b) mandates that, except in certain enumerated circumstances, the owner or operator of a vehicle must be given 24-hours' notice of an impending, nonconsensual tow. Because this was an entirely new statutory provision, the Towing Rules did not previously provide this notice requirement. No commenters objected to the inclusion of a 24-hour notice provision.

101. However, an earlier draft of Rule 6508(d) contained cross-references to the applicable statutory provisions, indicating the types of properties to which the 24-hour notice provision applied. Pursuant to comments received from towing carriers, concerned that such cross-references would be confusing in the field, Rule 6508(d) was further amended to specify that the 24-hour notice requirement applied to a Residential PPI, as that term is now defined in

Rule 6501(t). The towing carriers indicated that this further amendment adequately addressed their concerns.

102. Several members of the public commented about anecdotes that, although the 24-hour notice provision is now codified at § 40-10.1-405(3)(b), C.R.S., towing carriers were violating the statute by not giving 24-hours' notice before conducting a tow. While this anecdotal information could not be confirmed, the ALJ has no reason to doubt the commenters' veracity.

103. If true, the anecdotes highlight the importance of incorporating a 24-hour notice provision — and indeed to incorporate all the changes wrought by the adoption of HB 22-1314 — into the Towing Rules. The towing carriers commented that it is difficult and cumbersome for them to carry a copy of the applicable statutes with them in the field. Rather, they asked that the Towing Rules be updated to provide towing carriers with one resource on which to rely. Anecdotal evidence that towing carriers are ignoring the 24-hour notice requirement illustrates the need for a single, reliable source to which towing carriers and operators can turn to educate themselves on the applicable towing regulations and statutes.

104. Despite the implementation of this Rule, the ALJ acknowledges that towing carriers may nonetheless violate the 24-hour notice provision. In such circumstances, the Commission has the authority to seek penalties against towing carriers who violate this or any other provision of the Towing Rules. Rule 6508(d) will provide another ground, in addition to § 40-10.1-405(3)(b), C.R.S., upon which a civil penalty can be issued and assessed.

d. Rule 6508(e) - Photographs

105. Rule 6508(e) is likewise a completely new addition to the Towing Rules. In compliance with § 40-10.1-405(2)(a) – (c), C.R.S., also enacted as part of HB 22-1314, Rule 6508€ mandates that a towing carrier take several photographs of a towed vehicle, to establish the condition of the vehicle and the reason for the tow. No one objected to or offered comments about the proposed rule. Rule 6508(e) is reasonable and will be adopted.

106. Based on the above discussion, the ALJ finds the amendments to Rule 6508 warranted, appropriate, and reasonable.

10. Rule 6509 – Tow Record/Invoice, Charge Notification, and Warning Signage

107. Rule 6509 provides that a towing carrier shall include certain, specific information and notices in a tow invoice, shall retain copies of invoices bearing original signatures, shall deliver a copy of the invoice to the towed vehicle’s authorized operator within 48 hours of a request for a copy, and shall itemize the charges incurred for nonconsensual tows from Residential PPIs or a charge notification card for tows from Commercial PPIs.

108. Like Rule 6501(t) previously amended Rule 6509, as attached, the NOPR incorporated statutory cross-references to indicate which tows required itemized charge disclosure and which required a charge card. After towing carriers voiced concerns about the clarity of Rule 6509, and the possible confusion caused by statutory cross-references to § 40-10.1-405(6) and (9), C.R.S., Rule 6509 was further amended to remove those statutory citations and instead refer to the defined terms “Residential PPI” and “Commercial PPI.” The changes were made in conjunction with the further revisions to the definition of private property

impound in Rule 6501(t). The towing carriers expressed their approval of the additional amendments to Rule 6509 and no further comments were received about this rule.

109. As found above with respect to Rule 6501(t), this further revision is reasonable and appropriate and advances the Commission's stated goal of simplifying the Towing Rules for use by towing carriers in the field.

11. Rule 6510 – Disclosure of Rates and Charges

110. Rule 6510 mandates the disclosure of rates and charges to the authorized operator of a motor vehicle before any tow is performed. Rule 6510(c) also specifies the precise language that a towing carrier must “prominently display” current maximum rates at the business location of any towing carrier performing Residential PPIs. With a further revision incorporating the term “Residential PPIs” — rather than cross-references to § 40-10.1-405(1)(a), C.R.S., similar to the earlier version of Rule 6509 — towing carriers voiced their approval of Rule 6510, as adopted. No other commenters addressed the provision of Rule 6510. Rule 6510, as amended, is reasonable and will be adopted.

12. Rule 6511 – Rates and Charges

111. Rule 6511 sets forth the maximum amounts that can be charged for various towing services. The rates set out in Rule 6511 remain largely unchanged. Towing rates were not within the scope of the NOPR. However, some minor changes were made to other portions of Rule 6511.

a. Rule 6511(a) – Drop Charge

112. Drop charges were prohibited by HB 22-1314, codified at § 40-10.1-405(6), C.R.S., when towing from residential private property. As with several subsections discussed above, the Towing Rules had to be amended to reflect the Legislature's

prohibition against “drop charges.” Some towing carriers expressed confusion as to the meaning of “drop charges,” but the ALJ notes that the term is defined in Rule 6501(i), as “a fee a towing operator charges to unhook a vehicle from a tow truck.” The inclusion of a definition for “drop fee” or “drop charge” adequately addresses any concerns about the meaning of the term, as expressed by the towing industry.

b. Rule 6511(d) – Storage for Nonconsensual and Law Enforcement-Ordered Tows

113. Rule 6511(d) was likewise revised to reflect statutory changes enacted by HB 22-1314, which distinguishes between the storage charges assessed for Residential PPIs versus Commercial PPIs and law enforcement tows. The version of Rule 6511(d) contained in the current Towing Rules is replaced in its entirety by this newly-adopted Rule 6511(d). Section 40-10.1-405(1)(c)(I), C.R.S., adopted by HB 22-1314, permits a towing carrier to charge a prorated storage fee for “any part of a twenty-four-hour period the towing carrier stored the vehicle.” Towing carriers may not, however, charge for a full twenty-four-hour period, if the vehicle was not stored for that amount of time.

114. To implement this statutory amendment, the Towing Rules create a distinction between Commercial PPIs and law enforcement-ordered tows on the one hand, and Residential PPIs on the other. For Commercial PPIs and law enforcement-ordered tows, Rule 6511(d)(I)(D) specifies that storage charges may be assessed for each “24-hour period or any portion of a 24-hour period.” In contrast, Rule 6511(d)(I)(E) provides that storage charges for Residential PPIs “must be prorated, on an hourly basis, with the combined hourly rate not to exceed the maximum rate for an entire 24-hour period.” No commenters objected to this distinction and, indeed, stated on the record that the revised Rule seems “clear.”

115. Finally, Rule 6511(d)(IV) carves out an exception to the applicability of Rule 6511(d) for tows from private property that subject to a “hold” imposed by a court, district attorney, law enforcement agency, or law enforcement officer.

116. Rule 6511 is reasonable and will be adopted, as revised.

13. Rule 6512 – Release of Motor Vehicle and Personal Property

117. Rule 6512 was substantially amended to reflect changes resulting from the enactment of HB 22-1314. In particular, Rule 6512 encapsulates the principal change brought by HB 22-1314: the requirement that a towed vehicle be released to the vehicle owner or an authorized operator of the vehicle, if the individual seeking to retrieve the vehicle fills out a Commission-approved form and pays either fifteen percent of the overall towing fees or \$60.00, whichever amount is less. Rule 6512 was the subject of considerable discussion and comments from the towing industry, legislators, and the Attorney General’s Office. The various comments will be addressed in conjunction with the subpart of Rule 6512, to which they pertain.

a. Rule 6512(a) (Payment Options)

118. Rule 6512(a) identifies the forms of payment a towing carrier must accept as payment — in full or in part — for a tow. Section 40-10.1-405(1)(b), C.R.S., specifies that a towing carrier must accept as payment “cash,” “major credit cards,” and any other forms of payment required by the Towing Rules. Adhering to the options enumerated in § 40-10.1-405(1)(b), Rule 6512(a) likewise permits payments in cash or by “major credit cards.”

119. In compliance with § 40-10.1-405(1)(b)(II), C.R.S., and at the legislature’s direction, Rule 6512(a) also clarifies that a “major credit card includes MasterCard and Visa.”

120. Finally, Rule 6512(a) requires towing carriers to release a towed vehicle to an “authorized or interested person.” Legislators and the representatives of the Attorney General’s Office both expressed concern related to this provision, commenting that any provision which restricts release of a vehicle to the “vehicle owner” violates the intent and scope of HB 22-1314. However, Rule 6512(a), as adopted, does not impose such a limit. Rather, it mandates the release of a nonconsensually towed motor vehicle to any “authorized or interested person.” As that term is defined by Rule 6501(f), it encompasses the vehicle owner, an authorized operator of the vehicle, an authorized agent of the vehicle’s owner, a lienholder, or an insurance company. Rule 6501(f) and Rule 6512(a), when read together, effectively mandate the release of a motor vehicle to anyone who can establish entitlement to drive the vehicle.

b. Rule 6512(b) (Timing of Release)

121. Rule 6512(b) fleshes out the release mandate contained in Rule 6512(a) by requiring a towing carrier to release a nonconsensually towed vehicle to “an authorized or interested person” on demand during a towing carrier’s normal business hours or within one hour of a request to release the vehicle outside of the towing carrier’s normal business hours. No commenters objected to or addressed this Rule. Rule 6512(b) is reasonable and will be adopted.

c. Rule 6512(d) (Release of Personal Property)

122. Rule 6512(d) has been amended to comport with § 40-10.1-405(5)(b), C.R.S., as enacted by HB 22-1314. Like § 40-10.1-405(5)(b), C.R.S., Rule 6512(d) requires towing carriers to release any personal property contained in a towed vehicle “to an authorized or interested person,” “upon request,” if the request is made within thirty (30) days of a towing carrier’s notification requirements, pursuant to § 42-4-2103, C.R.S.

123. Rule 6512(d) also addresses the charges a towing carrier can impose, if any, for retrieving personal property from a vehicle. Specifically, Rule 6512(d)(II) clarifies that no fees can be charged for the retrieval of personal property related to a Residential PPI, but permits a towing carrier to charge a fee for retrieval of personal property related to a Commercial PPI. Also, under Rule 6512(d)(III), a towing carrier may charge the base hourly rate “for the removal of personal property” from a vehicle towed under a law enforcement order.

124. Thus, Rule 6512(d) aligns with § 40-10.1-405(5)(b), C.R.S., and is intended to alleviate concerns and reports of individuals unable to retrieve items contained in towed vehicles. This Rule, as amended, appropriately achieves this goal and its adoption is therefore reasonable and appropriate.

d. Rule 6512(l) (Immediate Retrieval of Vehicle Upon Payment of Reduced Fee)

125. Rule 6512(l) garnered the most discussion of any subsection of the Towing Rules. Legislators submitted written comments and offered verbal comments at two of the public comment hearings, expressing their respective deep reservations about the effect of Rule 6512(l). The legislators unequivocally stated that it was their personal intent, when supporting adoption of HB 22-1314, to enable an “authorized or interested person” to retrieve a towed vehicle with the payment of fifteen percent of the overall tow charges or \$60.00, whichever amount is less, and the execution of the Commission-approved form entitled “Towed Vehicle Release Notice: Retrieval with Payment Owed,” and *nothing else*.

126. Proposed Rule 6512(l), attached to the NOPR, stated that a towing carrier must permit “a vehicle owner” to retrieve a nonconsensually towed vehicle if “the vehicle owner” paid

the applicable fees and completed the form. This language adhered to the language of § 40-10.1-405(5)(c), C.R.S., which expressly states that:

The towing carrier shall immediately retrieve a vehicle that has been nonconsensually towed or allow *the owner* to retrieve the vehicle if:

(I) *The owner* pays fifteen percent of the fees, not to exceed sixty dollars, owed the towing carrier for the nonconsensual tow; and

(II) The authorized or interested person is not a lienholder or insurance company.

(Emphasis added).

127. However, legislators and counsel with the Colorado Attorney General’s Office correctly pointed out that limiting the application of Rule 6512(l) to “the vehicle owner” would not allow anyone entitled to operate the vehicle to retrieve it.

128. In response to their voiced concerns, Rule 6512(l) has been further amended to permit “the vehicle owner or authorized operator to retrieve the motor vehicle if” the vehicle owner or authorized operator pays the applicable statutory amount and completes the Commission-approved form. This change ensures that, even though § 40-10.1-405(5)(c), C.R.S., contains language that appears to limit retrieval to the vehicle owner, authorized operators will now also be granted that opportunity by the corresponding Rule. At the final public comment hearing on August 31, 2023, a representative of a consumer advocacy group, Zach Neumann of Community Economic Defense Project, stated that he “appreciates this change” and is “happy with it.” The ALJ is persuaded by the legislators’ verbal and written comments that any “authorized operator” — not just a vehicle’s owner — be able to retrieve a vehicle by paying the applicable statutory amount and completing the Commission-approved form. The ALJ finds and concludes that further modifications to proposed Rule 6512(l) are reasonable and will be adopted, consistent with the aforementioned discussion.

e. **Rule 6512(I)(III) (Time Period to Pay Balance)**

129. Section § 40-10.1-405(5)(d), C.R.S., sets the framework for the Commission-approved form titled “Towed Vehicle Release Notice: Retrieval with Payment Owed.” Under § 40-10.1-405(5)(d), the legislature provided that “an authorized or interested person” seeking to retrieve a nonconsensually towed vehicle “must sign a form affirming that the authorized or interested person owes the towing carrier payment for fees” that comprise the balance of the towing fees due, over the applicable statutory amount the “authorized or interested person” paid to retrieve the towed vehicle. By incorporating this subsection, the legislature acknowledged, in part, that the applicable statutory fees paid to retrieve a vehicle is not the full amount owed for a nonconsensual tow.

130. Proposed Rule 6512(1), attached to the NOPR, included no provision addressing how or when the remaining balance was due to be paid. Towing carriers expressed frustration with this omission from the Towing Rules and § 40-10.1-405(5)(d), C.R.S. They explained that without a set deadline by which the remaining balance is due, the remaining debt is essentially uncollectable. No collection agency can go after a debt unless the debt is actually past due. The net result, towing carriers pointed out, was that the Legislature had effectively and unintentionally created “the \$60 tow.” To make matters worse, they expounded, unless some time frame is incorporated into the Towing Rules, bad towing actors may attempt to take advantage of consumers by demanding payment of the remaining balance within a very short period of time, such as a week to ten days. A payment timeframe would, they said, ameliorate these perceived deficiencies in the statute.

131. Commission Staff proposed addressing towing carriers’ concerns by incorporating a “payment window” of sixty-to-ninety days, within which remaining balances should be paid.

In other words, under Commission Staff's proposed version of Rule 6512(1)(III), towing carriers could not demand payment of the balance until thirty days after a vehicle is retrieved, but the balance should be fully paid within ninety days.

132. However, legislators who sponsored and/or supported HB 22-1314 vehemently objected to Commission Staff's proposal. In their August 30, 2023, comments, a group of nineteen legislators opined that the bill "did not establish any payment deadline" and urged the undersigned ALJ to reject any payment timeframe. They reiterated these concerns at the August 31, 2023, public comment hearing.

133. During the ensuing discussion at the August 31, 2023, public comment hearing, John Connolly, a representative of the towing industry, offered a third option: incorporating a minimum of ninety days before any remaining balance could be made due. As Mr. Connolly explained, such a provision would prohibit "bad actor" towing carriers from demanding payment of any balance sooner than ninety days, while effectively building into the Towing Rules a debt deadline to assist towing carriers in collecting any unpaid balance.

134. The ALJ is persuaded that Mr. Connolly's compromise proposal adequately and effectively addresses the legislators' concerns, while also paving an avenue by which towing carriers can collect any unpaid debt. Rule 6512(1)(III), as adopted, strikes an appropriate balance by specifying that any "remaining balance owed to the towing carrier shall be due *no sooner than* 90 days after the motor vehicle has been released to the vehicle owner or authorized operator." (Emphasis added.) The ALJ finds and concludes that the inclusion of Rule 6512(1)(III), in its revised form, is reasonable and warranted to provide towing carriers with an avenue by which to collect any remaining balance, but banning the potential practice of seeking to collect a debt in a burdensomely short time frame.

f. Rule 6512(I)(IV) (Prohibition Against any Other Obligations)

135. Nathan Blake, Deputy Attorney General with the Colorado Attorney General's Office, also submitted several comments and suggestions to address "compulsory loans." Mr. Blake conveyed reports of towing carriers refusing to release towed vehicles for less than the full amount due, unless the owner or authorized operator seeking to retrieve the vehicle signed a "compulsory loan" to pay for the outstanding balance. He argued that such "compulsory loans" violated both the language and the spirit of HB 22-1314.

136. To address this issue, Mr. Blake suggested adding language expressly prohibiting towing carriers from requiring "a consumer to enter into a loan or lending agreement as a condition of releasing a vehicle."³⁹ The ALJ agrees that such conditions may not be imposed upon consumers seeking to retrieve vehicles but is concerned that the language proposed by Mr. Blake is too narrowly focused.

137. Instead, the ALJ has determined that a better approach — one that should minimize the risk of other burdens being improperly foisted on those retrieving a nonconsensually towed vehicle — is to broadly state that no obligations or requirements beyond the two enumerated in Rule 6512(I)(I) and (II) are permitted. To achieve this goal, an additional provision, Rule 6512(I)(IV), has been added, which states that a "towing carrier must strictly comply with this rule and shall not impose any additional obligations or requirements, as a condition of releasing a motor vehicle, on the vehicle owner or authorized operator."

³⁹ July 17, 2023, letter from Mr. Blake to the Commission, p. 2.

138. The ALJ finds and concludes that the inclusion of Rule 6512(1)(IV) addresses the concerns Mr. Blake raised about compulsory loans and, indeed, takes protections a step further than even Mr. Blake proposed by setting forth, in explicit terms, that no other obligations are permitted. With the inclusion of this broad subsection, any towing carrier who imposes any obligations, other than payment of the applicable statutory amount and completion of the Commission-approved form, will be violating the Commission's rules. The inclusion of this subsection is therefore both reasonable and appropriate.

139. The ALJ finds and concludes that Rule 6512(1), as further modified, is reasonable and appropriate and will be adopted.

14. Rule 6513 – Notice

140. Rule 6513 previously required the posting of signage and notices on private property, from which vehicles could be nonconsensually towed. HB 22-1314 codified many of those existing regulatory provisions at § 40-10.1-405(4)(f)(III), C.R.S. Most of the requirements were not controversial and generated little to no discussion. However, a provision in Rule 6513(d)(IV), which provided that a displayed sign could state "Authorized Parking Only" or display "a similar statement" garnered legislators' ire.

141. As legislators correctly pointed out, § 40-10.1-405(4)(f)(III)(D), C.R.S., directs towing carriers to post signs at properties, from which they are permitted to nonconsensually tow vehicles, to read "Authorized Parking Only." The statute does not provide for any other related or similar language. Instead, signs complying with § 40-10.1-405(f)(III)(D), C.R.S., must read "Authorized Parking Only."

142. Having reviewed the statute carefully, at the legislators' urging, the undersigned ALJ agrees that the plain language of § 40-10.1-405(4)(f)(III)(D), C.R.S., leaves no room for towing carriers to incorporate any statements similar to "Authorized Parking Only." Rather, towing carriers' signs must use that language.

143. The undersigned ALJ has therefore further amended Rule 6513(d)(IV) to permit the display of "Authorized Parking Only," but no other similar language. The change is reasonable and appropriate to ensure that Rule 6513 aligns with HB 22-1314.

15. Rule 6514 – Towing Violations and Civil Penalty Assessments

144. Rule 6514 underwent minor revisions to ensure regulatory references in the rule correspond to the subsection designations of the amended rules. No commenters addressed or objected to these changes. The amendments to Rule 6514 are found to be reasonable, appropriate, and warranted and will therefore be adopted.

D. Conclusion

145. Attachment A to this Recommended Decision represents the rule amendments adopted by this Recommended Decision, with modifications to the prior rules being indicated in red-lined and strikeout format (including modifications in accordance with this Recommended Decision). Attachments A and B are available through the Commission's E-Filings system in this proceeding (23R-0085TO) at:

https://www.dora.state.co.us/pls/efi/EFI.Show_Docket?p_session_id=&p_docket_id=23R-0085TO.

146. Attachment B to this Recommended Decision represents the amendments to the Towing Rules adopted by this Recommended Decision in final form.

147. It is found and concluded that the proposed Towing Rules, as modified by this Recommended Decision, are reasonable and should be adopted.

148. Pursuant to the provisions of § 40-6-109, C.R.S., it is recommended that the Commission adopt the attached rules.

III. ORDER

A. It Is Ordered That:

1. The Commission's Rules Regulating Towing Carriers, 4 *Code of Colorado Regulations* (CCR) 723-6, contained in red-lined and strikeout format, attached to this Recommended Decision as Attachment A, and in final format, attached as Attachment B, are adopted.

2. Proceeding No. 23R-0085TO is closed.

3. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if that is the case, and is entered as of the date above.

4. As provided by § 40-6-109, C.R.S., copies of this Recommended Decision shall be served upon interested persons, who may file exceptions to it.

- a. If no exceptions are filed within 20 days after service or within any extended period of time authorized, or unless the decision is stayed by the Commission upon its own motion, the recommended decision shall become the decision of the Commission and subject to the provisions of § 40-6-114, C.R.S.
- b. If a party seeks to amend, modify, annul, or reverse basic findings of fact in its exceptions, that party must request and pay for a transcript to be filed, or the parties may stipulate to portions of the transcript according to the procedure stated in § 40-6-113, C.R.S. If no transcript or stipulation is filed, the Commission is bound by the facts set out by the administrative law judge and the parties cannot challenge these facts. This will limit what the Commission can review if exceptions are filed.

5. If exceptions to this Decision are filed, they shall not exceed 30 pages in length, unless the Commission for good cause shown permits this limit to be exceeded.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ALENKA HAN

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Rebecca E. White".

Rebecca E. White,
Director

COLORADO DEPARTMENT OF REGULATORY AGENCIES

Public Utilities Commission

4 CODE OF COLORADO REGULATIONS (CCR) 723-6

PART 6

RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE

GENERAL PROVISIONS

6000. Scope and Applicability.

All rules in this Part 6, the "6000" series, shall apply to all Commission proceedings and operations concerning regulated entities providing transportation by Motor Vehicle, unless a specific statute or rule provides otherwise. Rules 6000 – 6099 apply to all Common Carriers, Contract Carriers, Limited Regulation Carriers, Towing Carriers, Movers, UCR registrants, Large Market Taxicab Service carriers, and Drivers as defined herein. Rules 6700 – 6724 apply to all Transportation Network Companies. Specific provisions regarding the applicability of this Part 6 can be found in rules 6100, 6200, 6250, 6300, 6400, 6500, 6600, and 6700.

6001. Definitions.

The following definitions apply throughout this Part 6, except where a specific rule or statute provides otherwise:

* * * *

[indicates omission of unaffected rules]

(uuu) "Towing ~~c~~Carrier" means a Motor Carrier that provides towing of Motor Vehicles pursuant to a Towing Permit granted by the Commission pursuant to part 4 of Article 10.15 of Title 40, C.R.S. and rule 6500, et seq.

* * * *

[indicates omission of unaffected rules]

TOWING CARRIER RULES

6500. Applicability of Towing Carrier Rules.

- (a) Rules 6500 through 6599 apply to all towing carriers and to all Commission proceedings and operations concerning towing carriers, applicants for a towing carrier permit, ~~and~~ employees of towing carriers, and tow truck drivers.
- (b) For a tow and storage of a motor vehicle performed under a written agreement between a towing carrier and a municipal, county, state, or federal agency, nothing in these towing carrier rules shall be construed to prohibit such agency, to the extent permitted by law, from adopting and enforcing additional or more stringent requirements relating to towing carrier operations within their jurisdiction with regard to rules 6506; 6507(a), (c), (e), and (f); 6508; 6509; 6510; and 6512(a), (b), (e), (f), and (g).
- (c) A written agreement between a towing carrier and a property owner to perform a nonconsensual tow may set rates for the tow less than, but not higher than, the rates established in paragraphs 6511(a), (b), (c), (d), and (e), ~~and (f)~~. In the event rates are not set through a written agreement, the Commission's rules will prevail and rates shall default to those established in these rules. For purposes of this rule, a written agreement setting rates for the tow does not include a tow authorization by a law enforcement officer given to a towing carrier with whom the law enforcement officer's agency does not itself have a written agreement.

6501. Definitions.

In addition to the general definitions in rule 6001, the following definitions apply to all towing carriers and to all Commission proceedings and operations concerning towing carriers, applicants for a towing carrier permit, employees of towing carriers, and tow truck drivers.

- (a) "Abandoned motor vehicle" means an "abandoned motor vehicle" as defined by § 42-4-1802(1), C.R.S., for motor vehicles left unattended on public property, and § 42-4-2102(1), C.R.S., for motor vehicles left unattended on private property.
- (b) "Address" means the particulars of the physical location of a business or residence, including the street name, number, city, state, and zip code.
- (c) "Authorized agent for the property owner" means a person acting as agent of a property owner.
- (d) "Authorized agent of the owner of the motor vehicle" means a person, including a towing carrier, who has been given written or oral permission by the owner, lessee, lienholder, or insurance company of a motor vehicle to act as agent for the disposition of said motor vehicle.
- (e) "Authorized operator of a motor vehicle" or "authorized operator" means a person who has been given written or oral permission to drive a motor vehicle by the owner or lessee of said motor vehicle. A person may demonstrate that they are an authorized operator, as set forth in rule 6512(f).
- (f) "Authorized or interested person" means the vehicle owner, authorized operator, authorized agent of the owner of the motor vehicle, the lienholder of the motor vehicle, or the insurance company, as defined in § 40-10.1-101(1.5), C.R.S.

- (gf) “Business hours” means 8:00 AM to 5:00 PM, Monday through Friday, excluding legal holidays, and any additional hours and days the towing carrier may designate.
- (h) “Common parking area” means any part of the following areas that are normally used for parking, such as the side of a street or parking spaces, that an owner does not have the right to exclude other residents of the following from using for parking: a condominium, as defined in § 38-33.3-103(9), C.R.S.; a cooperative, as defined in § 38-33.3-103(10), C.R.S.; a multifamily building, which is also known as an apartment complex, with separate living quarters that are rented or leased separately; or a mobile home park, as defined in §§ 38-12-201.5(6) and 40-10.1-101(4.5), C.R.S.
- (i) “Drop fee” or “drop charge” means a fee a towing operator charges to unhook a vehicle from a tow truck, as defined in § 40-10.1-101(6.5), C.R.S.
- (ig) “Gross Vehicle Weight Rating” or “GVWR” is the maximum operating weight of a motor vehicle, as specified by the manufacturer.
- (k) “Insurance company” means an insurance company providing coverage on the motor vehicle, or their agent, if the vehicle owner signs a release authorizing the insurance company to act on the owner’s behalf.
- (lh) “Law enforcement officer” means any sheriff, police officer, Colorado State Patrol officer, municipal code enforcement officer, or other such person acting in his or her official governmental capacity for enforcement of motor vehicle laws.
- (mi) “Law enforcement-ordered tow” means a tow ordered by a law enforcement officer. Law enforcement-ordered tows are subject to these rules, even when the authorized or interested person owner of operator of the motor vehicle consents to a law enforcement officer ordering a tow. A tow shall not be considered a law enforcement-ordered tow if the authorized or interested person of the motor vehicle owner of operator has the ability or opportunity to terminate the tow and contact a towing carrier of his or her own choosing.
- (nj) “Legal disability” means the condition of a trailer or semi-trailer that, due to its weight, height, or other size characteristics, is unable to be transported when attached to the motor vehicle that was pulling it.
- (o) “Lienholder of the motor vehicle” means a person or company, or their agent, having a financial interest or legal claim related to the motor vehicle.
- (pk) “Name” means a word or phrase that constitutes the distinctive designation of a person or thing and includes printed, legible words and includes the first and last name, as applicable.
- (qt) “Nonconsensual tow”, “nonconsensual towing”, “towed nonconsensually”, “nonconsensually tow”, or “towed without consent” means the transportation of a motor vehicle by tow truck from private property, including a trailer, if the such transportation is performed without the prior consent or authorization of: the vehicle owner; or authorized operator; authorized agent of the owner of the motor vehicle; the lienholder of the motor vehicle, unless the motor vehicle is being towed for the purpose of repossession under a lien agreement; or the insurance company, as defined in of the motor vehicle. Law enforcement-ordered tows are considered nonconsensual tows. § 40-10.1-101(13), C.R.S.

- (~~rm~~) “Parking lot” means any place, lot, parcel, yard, structure, building, or enclosure used, in whole or in part, for storing or parking five or more motor vehicles.
- (~~sn~~) “Private property” means any real property that is not public property.
- (~~te~~) “Private Property Impound” (or “PPI”) means a nonconsensual tow from private property upon authorization of the property owner. A PPI can be a “Commercial PPI” or a “Residential PPI”, as follows:
- (I) “Commercial PPI” is a nonconsensual tow from commercial private property that is not in a common parking area.
- (II) “Residential PPI” is a nonconsensual tow from residential private property, including from a common parking area.
- (~~up~~) “Property owner” means:
- (I) the owner or lessee of the private property or public property;
- (II) a person who has been authorized to act as an authorized agent for the property owner or lessee of the private property or public property; or
- (III) a federal, state, county, municipal, or other government entity that is the owner or lessee of the private property or public property, or such entity's employees responsible for such property.
- (IV) A person, pursuant to §§ 40-10.1-405(3)(a)(IV)(B) and (C), C.R.S., may be considered a property owner, for purposes of authorizing a nonconsensual tow.
- (~~ve~~) “Public property” means any real property having its title, ownership, use, or possession held by the federal government; this state; or any county, municipality, or other governmental entity of this state.
- (~~wf~~) “Recovery” means winching, hoisting, up-righting, removing, or otherwise relocating a motor vehicle when the motor vehicle is found in such a location, state, or position in which it could not be removed from the location, state, or position using only the motor vehicle's own power, even if it were in complete operating condition. Waiting and site clean-up time are included in recovery services.
- (~~xs~~) “Signature” means the name of the person written in his or her own handwriting or submitted~~entered~~ by that person electronically.
- (~~y~~) “Storage facility” or “towing facility” means any place used for the storage of motor vehicles or records, in conjunction with the operations of a towing carrier.
- (~~zt~~) “Tow agreement” means a written agreement between a towing carrier and a property owner or law enforcement authorizing the towing carrier to perform tows and meeting the minimum requirements for tow agreements set forth in subparagraph 6508(a)(I) or by law enforcement.
- (~~aa~~) “Towing” is the act of transporting a motor vehicle or trailer on or behind a tow truck.

- (~~bbv~~) “Tow invoice” means a written invoice provided to the authorized or interested person, vehicle owner or authorized agent of the vehicle owner in accordance with rule 6509.
- (~~ccw~~) “Tow record” means a complete record of the tow as maintained by the tow carrier, in accordance with rule 6509.
- (~~ddx~~) “Tow truck” means a motor vehicle specially designed or equipped for transporting another motor vehicle by means of winches, cables, pulleys, or other equipment for towing, pulling, or lifting such other motor vehicle from one place to another.
- (~~eev~~) “Towing carrier” means a motor carrier that provides, as one of its primary functions, the towing of motor vehicles by use of a tow truck and may also provide storage of towed motor vehicles.
- (~~ffz~~) “Towing carrier permit” means the permit issued by the Commission to a towing carrier, pursuant to § 40-10.1-401, C.R.S.
- ~~(aa) “Towing facility” means any place used for the storage of motor vehicles or records in conjunction with the operations of a towing carrier.~~
- (~~ggbb~~) “Trailer” means any wheeled vehicle, without motive power, which is designed to be drawn by a motor vehicle and to carry its cargo load wholly, or in part, upon its own structure and that is generally and commonly used to carry and transport property over the public highways.
- (~~hh~~) “Vehicle owner” means the owner of a motor vehicle, as determined by the motor vehicle’s registration, title, or the record obtained using the system described in § 42-4-2103(3)(c)(III), C.R.S.
- (~~iiee~~) “VIN” means the unique vehicle identification number used to identify a motor vehicle.

6502. [Reserved].

6503. Towing Carrier Permit Application.

- (a) In addition to completing the Commission-prescribed permit application form available on the Commission’s website, an applicant~~person~~ must:
- (I) pay an application fee, as administratively set by the Commission~~of \$150.00~~;
 - (II) cause to be filed the required proof of financial responsibility; ~~and~~
 - (III) pay the required annual fees or, if applicable, shall be in compliance with the UCR Agreement; ~~and~~
 - (IV) have at least one principal who possesses a valid Colorado driver’s license.

6504. Criminal History Checks and Good Cause Determinations.

- (a) This rule applies to principals, as defined in rule 6001(iii), of a towing carrier, ~~including without limitation, directors and officers.~~
- (b) Qualification determination for towing carrier permit.

- (I) Upon the Commission's receipt of results obtained from a criminal history record check, Commission staff shall make a qualification determination regarding the applicant's qualification status. In making this determination, Commission staff is authorized to request from the applicant, and the applicant shall provide, additional information that will assist Commission staff in making the determination. If an applicant either does not provide such additional information requested by Commission staff, or explain why it is unavailable, within 15 days of the request, Commission staff may deny the application.
 - (II) An application for a towing carrier permit shall be denied, if the applicant has:
 - (A) a conviction in the state of Colorado, within the five years preceding the date the criminal history record check is completed, of any felony under any Title of C.R.S. or any towing-related offense; or
 - (B) an offense in any other state or in the United States that is comparable to any offense listed in subparagraph (A) within the same time periods as listed in subparagraph (A).
 - (III) For purposes of this rule, a deferred judgment and sentence pursuant to § 18-1.3-102, C.R.S., shall be deemed to be a conviction during the period of the deferred judgment and sentence.
 - (IV) The Commission and Commission staff may consult and use any commercially or governmentally available information source in conducting criminal history record checks.
- (c) Commission staff shall not issue a towing carrier permit to the applicant if a disqualifying criminal history record is found for a person subject to this rule.
- (d) The Commission may deny an application for a towing carrier permit based on a determination that there is good cause to believe the issuance of the permit is not in the public interest.
- (e) If a disqualifying criminal history record or good cause determination is found for a person subject to this rule, the associated applicant may file a petition to qualify the applicant within 60 days of Commission staff's notification.
- (I) Upon the filing of a petition for qualification, Commission staff shall be an indispensable party.
 - (II) The applicant shall bear the burden of proving that disqualification is not supported by fact or law. If the Commission qualifies an applicant upon petition, paragraph (b) shall be waived as to qualification determinations for future applications regarding the events upon which Commission staff's disqualification was based.

6505. Kickbacks Prohibited~~Reserved~~.

Pursuant to § 40-10.1-408, C.R.S., a towing carrier shall not pay money or other valuable consideration including, but not limited to gifts and gratuities, for the privilege of nonconsensually towing vehicles.

6506. Equipment and Accessories.

In addition to complying with all applicable safety regulations, all tow trucks shall meet the following minimum requirements.

- (a) Basic tow truck requirements.
- (I) A towing carrier shall equip its tow truck(s) with engines, transmissions, differentials, driveline components, brake systems, frames, steering components, and suspensions of sufficiently heavy construction to safely winch, lift, tow, load, and transport the towed motor vehicle.
 - (II) A towing carrier shall maintain its tow truck(s) in a manner ensuring the safe winching, lifting, towing, loading, and transporting of the towed motor vehicle.
 - (III) A towing carrier shall ensure its tow truck(s) have each of the following:
 - (A) a GVWR of at least 10,000 pounds;
 - (B) fender coverings for front and rear wheels;
 - (C) the following operational electric lights:
 - (i) one spotlight, mounted behind the cab, capable of lighting the scene of legal disability and/or the motor vehicle to be moved (reverse/back-up lights of the tow truck shall not be used in lieu of the spotlight); and
 - (ii) one portable, combination light system capable of being securely attached on the rear of the towed motor vehicle; consisting of (with an equal number on each side) two tail lamps, two stop lamps, and two turn signals; and operated in conjunction with analogous lights on the tow truck;
 - (iii) Warning lights or overhead lighting. A towing carrier shall use yellow, opaque white, or clear white warning and overhead lights only and no other color, unless the tow truck has been approved as an authorized emergency vehicle, as set forth in § 42-1-102(6)(b), C.R.S. In order to be approved as an authorized emergency vehicle, the towing carrier must have a Colorado Department of Revenue Form DR2490 for this classification, approved by the Director of the Commission or the Director's designee, and must follow the requirements of §§ 42-4-213 and 42-4-214(2), C.R.S., and any other requirements the Commission may deem necessary.
 - (D) one steering wheel tying device free from cracks, fraying, or deterioration; and
 - (E) for any towing carrier that performs tows from accident scenes:
 - (i) one shovel; and
 - (ii) one broom.
- (b) Winching, lifting, towing, and carrying equipment shall be maintained in a manner to ensure the safe winching, lifting, towing, loading, and transporting of the towed motor vehicle, and shall include at least one of the following:

- (I) Winch and crane: A power-driven winch and crane with a capacity of not less than 6,000 pounds with a winch cable capable of withstanding a test of not less than 10,000 pounds at breaking point or hydraulic system vehicle lift and a cradle, with a tow plate or sling, equipped with safety chains and chains with J-hooks of sufficiently heavy construction to ensure the safe lifting of the motor vehicle;
 - (II) Wheel-lift system: A wheel-lift system with a stinger, L arm brackets, safety chains and tie-down straps, or a mechanical wheel retainer device forming an integral part of the L-arm bracket, of sufficiently heavy construction to secure the motor vehicle to the wheel-lift unit and to ensure the safe lifting and towing of the motor vehicle; or
 - (III) Rollback system: A rollback system with a winch and cable as described in subparagraph (I) of this paragraph, safety chains, tie-down equipment, and truck bed of sufficiently heavy construction to ensure the safe loading and transporting of the motor vehicle.
- (c) A towing carrier shall not tow a motor vehicle that is so extensively damaged as to be unmovable on its own wheels, unless the tow truck is equipped with dollies, a wheel-lift system, or a rollback system of sufficiently heavy construction to ensure the safe loading and towing of the damaged motor vehicle.
- (d) A towing carrier shall not tow a motor vehicle without attaching required operational electric lights on the rear of the towed motor vehicle. This requirement does not apply to motor vehicles placed on a flatbed or trailer, as long as the motor vehicle being towed does not extend four feet beyond the rear of the tow truck.
- (e) A towed motor vehicle shall be secured to the tow truck, in accordance with the C.R.S. and the Code of Federal Regulations, for the purpose of transporting the vehicle.

6507. Storage Facilities.

- (a) Disclosure of storage facility location. For nonconsensual tows of a motor vehicle, within 30 minutes of moving the towed motor vehicle from its location, or such lesser time as may be required by law, a towing carrier shall notify ~~disclose~~ the responsible law enforcement agency having jurisdiction over the place from where the motor vehicle was towed. The notification shall contain the following information: the name and permit number of the towing carrier; the location of the storage facility where the towed motor vehicle is located; and a description of the towed motor vehicle, including the make, model, color, year, VIN, and license plate information, including the number, issuing state, and expiration date. A towing carrier is deemed to have complied with this requirement if: ~~by notifying the responsible law enforcement agency having jurisdiction over the place from which the motor vehicle was towed.~~
- (I) ~~Compliance with paragraph (a) will be considered accomplished if~~ the location of the storage facility was provided to the responsible law enforcement agency ~~when in conjunction with~~ obtaining authorization for the tow; ~~or-~~
 - (II) ~~If the towing carrier makes two or more documented attempts to notify the responsible law enforcement agency were made,~~ within the 30-minute time period ~~to notify the responsible law enforcement agency,~~ but ~~were~~ unsuccessful for reasons beyond the control of the towing carrier. The towing carrier must still notify the responsible law enforcement agency as soon as possible, after the unsuccessful attempts, ~~the notice will not be considered late for purposes of paragraph (a).~~

- (b) Disclosure for abandoned motor vehicles. A towing carrier which places an abandoned motor vehicle in a storage facility shall also disclose the location of the storage facility by complying with the procedure for abandoned motor vehicles in Parts 18 and 21 of Article 4 of Title 42, C.R.S.
- (c) Disclosure for all towed motor vehicles. Upon request of the authorized or interested personowner, authorized operator, or authorized agent of the owner of the ~~of~~ motor vehicle, a towing carrier which places a motor vehicle in a storage facility shall also disclose the location of the storage facility, the total amount of the charges, and accepted forms of payment, as provided in rule 6512.
- (d) Signage at storage facility.
- (I) A towing carrier shall maintain a clearly visible sign at the entrance to any storage facility where a motor vehicle has been towed as a nonconsensual tow. Such sign shall state the name of the business, telephone number, and hours of operation.
- (II) All signs posted to provide notice pursuant to this rule shall comply with any applicable municipal ordinance, ~~to the extent not inconsistent with this rule, applicable ordinance,~~ Signs shall also, at a minimum:
- (A) be no less than two square feet in size;
- (B) have lettering not less than two inches in height;
- (C) have lettering that contrasts sharply in color with the background on which the letters are placed; and
- (D) be printed in English.
- (E) If the storage facility contains motor vehicles that were towed as a Residential PPI, the signs must also contain the following statement:
- “If a vehicle is nonconsensually towed from private property, the owner may retrieve the contents of the vehicle even if the owner does not pay the towing carrier’s fees. If the owner fills out the appropriate form, the owner may retrieve the vehicle after paying a reduced fee, but the owner still owes the towing carrier the balance of those fees.”
- (e) Lighting for release. A towing carrier shall maintain an area at each storage facility location on file with the Commission with illumination levels during all hours adequate to inspect a motor vehicle for damage prior to its release from storage.
- (f) Towing Ccarrier responsibility. After a nonconsensual or law enforcement-ordered tow, the towing carrier is responsible for the security and safety of the towed motor vehicle until it is released to an authorized or interested personin accordance with these rules. Evidence of the towing carriers’ commercial liability insurance coverage, including cargo liability coverage, garage keeper’s liability coverage, if applicable, and motor vehicle liability coverage shall be provided, upon request, to an authorized or interested personthe person to whom the motor vehicle is being released.

6508. Authorization for Towing of Motor Vehicles.

- (a) Towing carrier acting as authorized agent for the property owner.
- (I) A towing carrier is prohibited from acting as the authorized agent for the property owner for a Residential PPI. For a Commercial PPI, aA towing carrier may act as the authorized agent for the property owner under a written tow agreement to that effect, provided the tow agreement is compliant with this paragraph (a). The tow agreement shall contain at least the following information in order for the tow to be properly authorized:
- (A) the name, physical address, telephone number, email address, if applicable, and towing carrier permit number of the towing carrier;
 - (B) the name, address, email address, if applicable, and telephone number of the property owner;
 - (C) the address of the property from which the tows will originate;
 - (D) the name of each individual person who is authorized to sign the tow authorization except tow carrier drivers where the carrier is authorized to act as the property owner agent under this rule;
 - (E) the address and phone number of the storage facility where the ~~motor~~ vehicle owner may retrieve the motor vehicle;
 - (F) the beginning date and ending date of the tow agreement. Provisions that provide for automatic renewal of the tow agreement are permissible provided all signature parties on the original tow agreement remain the same and are still valid at the time of renewal;
 - (G) a statement that “the maximum rates for a nonconsensual tow from private property, and the maximum drop charge if the motor vehicle is retrieved before removal from the private property, are set by rule of the Public Utilities Commission;”
 - (H) the name, title, phone number, and signature of the person entering into the tow agreement on behalf of the property owner and on behalf of the towing carrier; and
 - (I) the date the tow agreement is signed.
- (II) Nothing in this paragraph (a) shall preclude a towing carrier who has been paid for the tow by the property owner at proper rates from collecting the towing charges from the ~~motor~~ vehicle owner and reimbursing said charges to the property owner.
- (III) No agency provided for in this paragraph (a) shall affect any obligation, liability, or responsibility of the property owner to any third party. Any provision attempting to affect such obligation, liability, or responsibility shall be void.
- (IV) Nothing in this paragraph (a) shall preclude a towing carrier or property owner from adding addendums to the tow agreement that modify any term of the tow agreement, so long as the addendums are in compliance with these rules and agreed upon by both the

tow company and the property owner. Each addendum must be signed by both the tow company and the property owner and are required to be maintained with the original tow agreement.

(V) For purposes of this rule, any company owned or operated by a towing carrier, or having principals or owners with a controlling financial interest in a towing carrier, is prohibited from acting as the authorized agent for the property owner for a Residential PPI.

(b) Authorization to perform ~~anonconsensual~~ tow.

- (I) A towing carrier shall not tow any motor vehicle unless one of the following conditions is met:
 - (A) the towing carrier is directed to perform a tow by a law enforcement officer;
 - (B) the towing carrier is requested to perform a tow by an authorized or interested person~~the owner, authorized operator, or authorized agent of the owner~~ of the motor vehicle; or
 - (C) the towing carrier is requested to perform a tow upon the authorization of the property owner.
- (II) A towing carrier may not come in contact with, hook-up to, or tow a motor vehicle that is occupied, unless the towing carrier is performing rescue or recovery operations for said occupant(s).
- (III) Property owner authorization. The authorization from the property owner, or authorized agent for the property owner, shall be in writing; shall identify by make, license plate number (if available), and VIN (if available), the motor vehicle to be towed; and shall include the date, time, and place of removal.
 - (A) The authorization shall be filled out in full, signed by the property owner, and given to the towing carrier before the motor vehicle is removed from the property. The property owner may sign using a verifiable employee identification number or code name in lieu of the person's proper name. If the authorization is signed by the towing carrier as agent for the property owner, then a verifiable employee identification number or code name shall not be used. Documentation of such authority must be carried in the tow truck at all times while performing the tow. At a minimum, such documentation shall contain:
 - (i) the name, address, email address (if applicable), and telephone number of the property owner;
 - (ii) the address of the property from which the tows will originate; and
 - (iii) the name of each individual person who is authorized to sign the tow authorization.
 - (B) A towing carrier shall not have in his or her possession, accept, or use blank authorizations pre-signed by the property owner.

- (C) The written authorization may be incorporated into the tow record/invoice required by rule 6509 or on any other document.
- (D) With the exception of law enforcement-ordered tows, a towing carrier that is requested to perform a tow upon the authorization of a property owner, or authorized agent for the property owner, must immediately deliver the towed motor vehicle that is being removed from the property to a storage facility location on file with the Commission without delay. No motor vehicle may be relocated off of the private property from which it is towed to a location other than to such a storage facility.
- (E) In the case of law enforcement-ordered tows, a towing carrier may relocate a motor vehicle to another location at the order of a law enforcement officer.

~~(F) A motor vehicle towed as a nonconsensual tow shall be secured to the tow truck in accordance with the C.R.S. and the Code of Federal Regulations for the purpose of transporting the vehicle to the tow carrier's storage lot.~~

(c) ~~Expired vehicle registration. For a Residential PPI, unless the tow is ordered by a peace officer, a towing carrier shall not tow a motor vehicle from private property because the rear license plate of the vehicle, or the record obtained using the system described in § 42-4-2103(3)(c)(III), C.R.S., indicates that the motor vehicle's registration has expired. A towing carrier may not perform a nonconsensual tow of a motor vehicle for reason of expired vehicle registration as reflected on the vehicle license plate, unless the vehicle registration has expired pursuant to the terms of §§ 42-3-114 and 42-3-203, C.R.S.~~

(d) 24-hour notice.

(l) For a Residential PPI, a towing carrier shall not perform a nonconsensual tow of a motor vehicle from a parking space or common parking area without the towing carrier or property owner giving the vehicle owner or authorized operator 24-hours' written notice, unless:

(A) the vehicle owner or authorized operator has received two previous notices for parking inappropriately, as defined by § 40-10.1-405(3)(b)(V), C.R.S., in the same manner, within the past six months;

(B) the motor vehicle blocks a driveway or roadway enough to effectively obstruct a person's access to the driveway or roadway;

(C) the motor vehicle is parked in violation of § 42-4-1208(4), C.R.S. or is parked in reserved parking for people with disabilities without displaying an identifying placard or an identifying plate, as those terms are defined in §§ 42-3-204(1)(f), and (g), C.R.S., that is currently valid or has been expired for no more than 60 days;

(D) the motor vehicle is parked in or effectively obstructing a designated and marked fire zone;

(E) the motor vehicle is occupying, without permission, or effectively obstructing access to or from an individually designated, rented, or purchased parking space of a resident; or

- (F) the motor vehicle is parked without displaying valid authorization in a parking lot marked for the exclusive use of residents.
- (II) If a motor vehicle is being towed without 24-hours' notice, pursuant to subparagraphs 6508(d)(I)(E) or 6508(d)(I)(F), additional signage is required, as described in § 40-10.1-405(3)(c), C.R.S. If this additional signage is not present, 24-hours' written notice must be provided, consistent with this rule.
- (III) The towing carrier or property owner shall provide the 24-hours' written notice, as described in this rule, by placing it on the windshield of the motor vehicle at least 24 hours before towing the motor vehicle. At its discretion, a towing carrier may place the notice on other areas of the vehicle, such as the driver-side window, so long as it is in addition to, not in lieu of, the windshield placement. The notice must clearly state:

 - (A) that the motor vehicle will be towed without consent if the motor vehicle remains parked inappropriately;
 - (B) a description of the inappropriate parking that has caused the notice to be given;
 - (C) the time the motor vehicle will be towed if it is not moved to appropriate parking or the inappropriate parking has been corrected; and
 - (D) that continuing to park inappropriately in the same manner may lead to the motor vehicle being towed without notice.
- (e) Photographs.

 - (I) For a Residential PPI, a towing carrier shall document the motor vehicle's condition and the reason for the tow before connecting to the motor vehicle.
 - (II) In order to properly document the motor vehicle's condition, a towing carrier shall take at least four photographs, as follows:

 - (A) from the front of the motor vehicle;
 - (B) from the rear of the motor vehicle;
 - (C) from the driver-side of the motor vehicle; and
 - (D) from the passenger-side of the motor vehicle.
 - (E) These photographs must show the entire motor vehicle from the required angles, have the motor vehicle fill at least three-fourths of the photograph, measured from side-to-side, be rendered in a resolution of at least 2,000 pixels by 2,000 pixels, and contain the date and time the photographs were taken.
 - (III) In order to properly document the reason for the tow, a towing carrier shall take at least one photograph, that meets the following requirements:

 - (A) identifies the specific reason for the tow;

- (B) shows the position of the vehicle in relation to the reason, including any sign, that the vehicle was towed;
- (C) can be rendered in a resolution of at least 2,000 pixels by 2,000 pixels; and
- (D) contains the date and time the photograph was taken.
- (IV) Upon demand by an authorized or interested person, a towing carrier shall provide copies of the photographs, as described in this rule. The copies of the photographs may be provided in physical or digital format. A towing carrier may not assess any fees associated with providing copies of the photographs.
- (V) If a towing carrier fails to produce a photograph of the reason for the tow, as described in this rule, it creates a rebuttable presumption that the towing carrier did not have authorization to tow the motor vehicle.

6509. Tow Record/Invoice, Charge Notification, and Warning Signage.

- (a) ~~A T~~towing carriers shall use and complete all applicable portions of a tow record/invoice form for all nonconsensual tows, whether the motor vehicle is removed from private property or retrieved before removal (commonly known as a drop), and law enforcement-ordered tows. The tow record/invoice form shall contain the following information:
 - (I) the unique serial number of the tow record/invoice;
 - (II) the name, address, towing carrier permit number, and telephone number of the towing carrier that is on file with the Commission;
 - (III) the address of the storage facility used by the towing carrier that is on file with the Commission, including the telephone number for that storage facility if the number is different than the telephone number of the towing carrier;
 - (IV) the date and time of the drop, the date and time of commencement of the tow, the date and time of completion of the tow, the date and time notice was given to the appropriate law enforcement agency, the date and time the towed motor vehicle was placed in storage, and the date and time the towed motor vehicle was released from storage, as applicable;
 - (V) the make, model, year, complete VIN (if available), and license plate number (if available) of the towed motor vehicle;
 - (VI) the origin address of the tow, the destination address of the tow, and the one-way mileage between such addresses;
 - (VII) unless incorporated into the authorization in subparagraph 6508(b)(III),
 - (A) the printed name, address, and telephone number of the person property owner authorizing the tow; and
 - (B) the full, legal signature of the property owner authorizing the tow;
 - (VIII) the unit number or license number of the tow truck;

- (IX) the printed name and signature of the tow truck driver;
 - (X) an itemized invoice of all towing charges assessed;
 - (XI) the signature of the ~~authorized or interested person~~owner, authorized operator, or other authorized person to whom the motor vehicle is released. The towing carrier may write “refused to sign” on the tow record/invoice if the ~~authorized or interested~~ person to whom the motor vehicle is released is provided opportunity to sign the tow/record invoice, but refuses to do so;
 - (XII) on at least the ~~authorized or interested person’s~~customer’s copy of the tow record/invoice, the following notice in a font size of at least ten: “Report problems to the Public Utilities Commission at (303) 894-2070”. For a Residential PPI, this notice must not be in a type face or font that is smaller than the other numbers or words on the tow record/invoice, as applicable; and
 - (XIII) for all nonconsensual tows, the case report number or other identifiable entry provided by the law enforcement agency to which the tow was reported, in accordance with the requirements in § 42-4-2103(2) C.R.S., and paragraph 6507(a).
- (b) The tow invoice, as provided to the ~~authorized or interested person~~vehicle owner or authorized agent of the vehicle owner, shall include, at a minimum, the items listed in subparagraphs 6509(a)(I) through (VIII) and (X) through (XIII). The towing carrier shall retain the copy of the tow record/invoice bearing all required original signatures for authorization and release for three years after the tow commenced, whether it is maintained in electronic or multi-copy paper form.
 - (c) The tow record/invoice must be filled out to contain the information required in ~~sub~~subparagraphs 6509(a)(I), (II), (III), (V), (VI), (VII), and (VIII) by the tow truck driver, prior to the tow truck leaving the location of the tow origination with the towed motor vehicle, unless impracticable due to safety concerns. If safety concerns delay recording the information, the towing carrier shall record the information as soon as reasonably possible.
 - (d) The towing carrier shall deliver a copy of the tow record/invoice to the ~~authorized or interested person~~owner, authorized operator, or authorized agent of the owner of the motor vehicle immediately upon request, but no later than 48 hours after the request is made. For a Residential PPI, the tow record/invoice must also show each charge and the rate for each fee that has been incurred as a result of a nonconsensual tow, at the time of the release of the towed motor vehicle from a storage facility or where dropped for a drop fee, regardless of whether the towing carrier received in full payment of applicable charges.
 - (e) For a Commercial PPI, the T~~o~~wing carriers shall provide a charge notification card to the ~~authorized or interested person~~owner, authorized operator, or authorized agent of the owner of the motor vehicle to be towed, if ~~such~~the authorized or interested person is on the property prior to or after commencement of the tow, but before the motor vehicle has been ~~removed from~~towed off the property. The charge notification card shall contain all the information listed on the Commission-prescribed form available on the Commission’s website.
 - (f) A towing carrier may place a warning sign on the driver-side window of a motor vehicle to be towed or, if window placement is impracticable, in another location on the driver-side of the motor vehicle, prior to commencement of the tow. The ~~tow-truck~~ warning sign shall be at least eight inches by eight inches square or diameter, yellow or orange in color, and state the following:

“WARNING: This vehicle is in tow. Attempting to operate or operating this vehicle may result in criminal prosecution and may lead to injury or death to you or another person.”

6510. Disclosure of Rates and Charges.

- (a) Prior to performing any tow, a towing carrier shall disclose to the authorized or interested personowner, authorized operator, or authorized agent of the owner of the motor vehicle all rates and charges to be assessed. This rule does not apply to a nonconsensual tow authorized by the property owner ~~or authorized agent for the property owner~~. Rates for law enforcement-ordered tows must be disclosed to the authorized or interested person of the motor vehicle ~~operator~~ prior to commencement of the tow, except when ~~n~~fe not feasible for reasons including, but not limited to, arrest, incapacitation, or order of a law enforcement officer.
- (b) This disclosure may either be written or oral and shall include, but is not limited to, the following information:
- (I) ~~any~~ extra charges made necessary because, at the time of the tow, the towing carrier would be unable to deliver the motor vehicle to a repair or body shop during the normal working hours of such repair or body shop;
- (II) any extra charges made necessary because, at the time of the tow, the towing carrier would be unable to deliver the motor vehicle to a location and at a time agreed upon by the authorized or interested personowner, authorized operator, or authorized agent of the owner of the motor vehicle to take delivery of the motor vehicle and pay the tow charges; and
- (III) the estimated charges for mileage and storage.
- (c) If performing Residential PPIs, a towing carrier shall prominently display at their place of business, and on any website of the towing carrier, the current maximum rates permitted by rule of the Commission for each tow service provided by the towing carrier. The sign must include the following statement:

“The maximum permitted rate is based upon rules of the Public Utilities Commission. If there are concerns or questions about these rates or about the towing carrier, call the Public Utilities Commission Consumer Affairs’ hotline at 303-894-2070.”

6511. Rates and Charges.

- (a) Drop Charge. A towing carrier is prohibited from assessing a drop charge for a Residential PPI. For a Commercial PPI, Aa towing carrier may assess a drop charge if the authorized or interested personowner, authorized operator, or authorized agent of the owner of the motor vehicle that is parked without the authorization of the property owner appears in person to retrieve the motor vehicle prior to or after commencement of the tow ~~the motor vehicle is hooked up to the tow truck,~~ but before the motor vehicle is has been removed from the property.
- (I) The maximum drop charge is as follows for each vehicle weight classification:
- (A) \$79.40 for motor vehicles with a GVWR less than or equal to 10,000 pounds;
- (B) \$102.08 for motor vehicles with a GVWR greater than 10,000 pounds and less than or equal to 19,000 pounds;

- (C) \$136.11 for motor vehicles with a GVWR greater than 19,000~~4~~ pounds and less than or equal to 33,000 pounds; and
 - (D) \$158.79 for motor vehicles with a GVWR greater than 33,000 pounds.
 - (E) Maximum drop charges may be less than these amounts if required by municipal ordinance or by the tow agreement with the property owner and shall be enforced by the Commission pursuant to this rule.
- (II) The maximum drop charge shall be adjusted for inflation annually, starting March 15, 2022, and effective March 15 of each year thereafter, based upon the annual percentage change in the United States Bureau of Labor Statistics Consumer Price Index – Denver-Aurora-Lakewood, as published by the Colorado Department of Local Affairs for the immediately preceding calendar year. These adjustments shall be compounded annually. For reference by towing carriers and the general public, the Commission will post a notice on its website by March 15 of each year reporting the annual inflation adjustments applicable pursuant to this rule.
 - (III) The minimum drop charge is \$0.00.
 - (IV) The towing carrier shall halt any tow in progress, including preparation therefor, prior to removal from the private property, and advise the ~~authorized or interested personowner, authorized operator, or authorized agent of the owner~~ of the motor vehicle that he or she may offer payment of the towing carrier's drop charge. The towing carrier shall concurrently advise the ~~authorized or interested personowner, authorized operator, or authorized agent of the owner~~ of the motor vehicle of acceptable forms of payment under rule 6512. Such advisements shall be provided via delivery of a charge notification card, in addition to any other means desired by the towing carrier.
 - (V) If the towing carrier does not advise the ~~authorized or interested personowner, authorized operator, or authorized agent of the owner~~ of the motor vehicle of the acceptable forms of payment under rule 6512 or accept such forms of payment, the towing carrier shall not charge or retain any fees or charges for the services it performs. Any money collected must be returned to the ~~authorized or interested personowner, authorized operator, or authorized agent of the owner~~ of the motor vehicle.
- (b) The towing rates for PPI tows ~~include the followingconsists of up to four~~ elements: a base rate for the tow; a mileage charge, including any applicable fuel surcharge; a charge for motor vehicle storage; ~~and~~ a charge for release from storage pursuant to paragraph 6511(~~ef~~), if applicable; ~~and any other charges allowed by state statute or Commission rule.~~
 - (I) The base rates for PPI tows are as follows for each vehicle weight classification:
 - (A) \$203.90 for motor vehicles with a GVWR less than or equal to 10,000 pounds;
 - (B) \$234.48 for motor vehicles with a GVWR greater than 10,000~~4~~ pounds and less than or equal to 19,000 pounds;
 - (C) \$316.05 for motor vehicles with a GVWR greater than 19,000~~4~~ pounds and less than or equal to 33,000 pounds; and
 - (D) \$356.83 for motor vehicles with a GVWR greater than 33,000 pounds.

- (II) The base rates shall be adjusted for inflation annually, starting March 15, 2022, and effective March 15 of each year thereafter, based upon the annual percentage change in the United States Bureau of Labor Statistics Consumer Price Index – Denver-Aurora-Lakewood, as published by the Colorado Department of Local Affairs for the immediately preceding calendar year. These adjustments shall be compounded annually. For reference by towing carriers and the general public, the Commission will post a notice on its website by March 15 of each year reporting the annual inflation adjustments applicable pursuant to this rule.
 - (III) The maximum mileage charge a towing carrier may assess for a PPI tow of a motor vehicle is \$3.80 per mile for each mile that the motor vehicle is towed, subject to the following limits: The maximum mileage that may be charged for a PPI tow is 12 miles for tows within ten miles of either side of U.S. Interstate Highway 25, and 16.5 miles for mountain areas and eastern plains communities that lie farther than ten miles from U.S. Interstate Highway 25.
 - (IV) An additional fuel surcharge may be assessed when the price per gallon of diesel fuel exceeds a base rate of \$2.60. The Commission shall, each month, adjust the maximum mileage charge when the price per gallon of diesel fuel exceeds the base rate. The surcharge shall be based on the United States Department of Energy “weekly retail on-highway diesel prices” for the Rocky Mountain region (DOE’s Weekly Diesel Price). The fuel surcharge adjustment shall provide a one-percent increase in the mileage rate for every ten-cent increase in the DOE’s Weekly Diesel Price, or a one-percent decrease in the mileage rate for every ten-cent decrease in the DOE’s Weekly Diesel Price, but in no event decreasing below the base rate.
 - (V) A towing carrier shall not charge or retain any additional fees not identified in state statute or these Commission rules for the nonconsensual tow of a motor vehicle from private property.
- (c) Maximum towing rates for law enforcement-ordered tows and recovery operations are to be calculated on an hourly basis, per required tow truck, as follows, with no additional fees, charges, or surcharges permitted, except as allowed by state statute or Commission rule.
- (I) The maximum hourly rates for tow truck and driver, billable in ¼ hour increments after the first hour, for the towing or recovery of motor vehicles, are as follows for each vehicle weight classification:
 - (A) \$232.52 per hour for motor vehicles with a GVWR less than or equal to 10,000 pounds;
 - (B) \$277.89 per hour for motor vehicles with a GVWR greater than 10,000 pounds and less than or equal to 19,000 pounds;
 - (C) \$362.96 per hour for motor vehicles with a GVWR greater than 19,000~~0~~4 pounds and less than or equal to 33,000 pounds; and
 - (D) \$419.67 per hour for motor vehicles with a GVWR greater than 33,000 pounds.
 - (E) The recovery of a motor vehicle requiring the use of a Heavy Rotator (60+ tons) shall not exceed \$663.53 per hour.

- (II) The maximum hourly rates for tow truck and driver shall be adjusted for inflation annually, starting March 15, 2022, and effective March 15 of each year thereafter, based upon the annual percentage change in the United States Bureau of Labor Statistics Consumer Price Index – Denver-Aurora-Lakewood, as published by the Colorado Department of Local Affairs for the immediately preceding calendar year. These adjustments shall be compounded annually. For reference by towing carriers and the general public, the Commission will post a notice on its website by March 15 of each year reporting the annual inflation adjustments applicable pursuant to this rule.
 - (III) Mileage and fuel surcharges authorized elsewhere in rule 6511 do not apply to law enforcement-ordered tows or recovery operations.
 - (IV) Any towing carrier billing greater than one hour for any tow truck and driver for a given tow shall:
 - (A) include, in addition to requirements of rule 6509, the following information on the tow record/invoice, recorded at the time of occurrence: the time of dispatch; the time the tow truck leaves the yard or other staging location; the time the tow truck arrives on scene; the time the tow truck leaves the scene, and the time the towed motor vehicle is unhooked from the tow truck;
 - (B) include an advisement on the tow record/invoice that documentation of costs billed in excess of one hour for any tow truck and driver for such tow are available, upon request, from the towing carrier;
 - (C) only begin billing from a time not earlier than the towing carrier leaves their yard or staging area en route to the scene of the requested tow until the towed motor vehicle is unhooked;
 - (D) not bill more than the reasonable time necessary to perform the tow at hourly rates for one tow truck and driver, plus the towing carrier's actual and reasonable cost of recovery equipment and labor in excess of one tow truck and driver, plus an additional twenty-five percent of those actual and reasonable costs;
 - (E) provide ~~an-the authorized or interested personowner, authorized operator, or authorized agent of the owner~~ of the motor vehicle documentation of the actual and reasonable costs billed in excess of one hour for any tow truck and driver for such tow, upon request; and
 - (F) not, under any circumstances, bill rates and charges provided in paragraph (b) for a PPI tow.
- ~~(d) — The maximum rates for a tow from a storage facility, when directed by a law enforcement officer who is performing an accident reconstruction or stolen vehicle investigation, are as follows:~~
- ~~(I) — \$91.00 for one additional hookup;~~
 - ~~(II) — \$91.00 per hour waiting time; and~~
 - ~~(III) — mileage charges as provided in paragraph (b).~~
- ~~(de)~~ Storage for nonconsensual and law enforcement-ordered tows.

- (I) Storage charges ~~may accrue from the time a motor vehicle is placed in storage and~~ shall not exceed the following maximum rates, based on a 24-hour period ~~or any portion of a 24-hour period~~, for the following weight classifications:
- (A) \$39.18 for motor vehicles ~~with having~~ a GVWR of less than or equal to 10,000 pounds;
 - (B) \$48.32 for motor vehicles ~~with having~~ a GVWR ~~of greater than~~ 10,000 pounds ~~or more~~; or
 - (C) in lieu of the storage rates provided above, and at the option of the towing carrier, storage may be charged according to the motor vehicle's length, including the tongue of a trailer, at \$1.50 per foot or portion thereof.
 - (D) For a Commercial PPI or law enforcement-ordered tow ~~the purposes of this rule, storage charges may be assessed for each 24-hour period or any portion of a 24-hour period.~~ ~~‡~~The 24-hour time period commences when the motor vehicle enters the towing carrier's storage facility. The second day of storage, for ~~the~~ purposes of charges, shall not begin until 24 hours after the motor vehicle entered the towing carrier's storage facility.
 - (E) For a Residential PPI, storage charges must be prorated, on an hourly basis, with the combined hourly rate not to exceed the maximum rate for an entire 24-hour period.
- (II) The storage charges shall be adjusted for inflation annually, starting March 15, 2022, and effective March 15 of each year thereafter, based upon the annual percentage change in the United States Bureau of Labor Statistics Consumer Price Index – Denver-Aurora-Lakewood, as published by the Colorado Department of Local Affairs for the immediately preceding calendar year. These adjustments shall be compounded annually. For reference by towing carriers and the general public, the Commission will post a notice on its website by March 15 of each year reporting the annual inflation adjustments applicable pursuant to this rule.
- (III) Storage charges shall not be charged, collected, or retained for any time during which garage keeper's liability insurance coverage is not kept in force.
- (IV) ~~For tows originating from private property, only the first 24 hours of storage, prorated on an hourly basis, may be assessed until such time as the notification, pursuant to § 42-4-2103, C.R.S., has been completed. Storage fees may not be assessed retroactively once notification has been completed, except for the first 24 hours of storage. Maximum storage charges for abandoned motor vehicles towed from private property.~~
- (V) Storage charges after the tow and storage of an abandoned motor vehicle subject to Part 21 of Title 42, C.R.S., shall not be accumulated beyond 120 days after the notification has been completed, mailing date of the report required by ~~pursuant to~~ § 42-4-2103(4), C.R.S.
- (ef) For ~~a~~ nonconsensual and law enforcement-ordered tows, the maximum additional charge for release of a motor vehicle from storage at any time other than the towing carrier's business hours is \$86.19. The release charge shall be adjusted for inflation annually, starting March 15, 2022, and effective March 15 of each year thereafter, based upon the annual percentage change in the

United States Bureau of Labor Statistics Consumer Price Index – Denver-Aurora-Lakewood, as published by the Colorado Department of Local Affairs for the immediately preceding calendar year. These adjustments shall be compounded annually. For reference by towing carriers and the general public, the Commission will post a notice on its website by March 15 of each year reporting the annual inflation adjustments applicable pursuant to this rule.

- (fg) Noncompliance. If a tow is performed, or storage is provided, in violation of state statute or Commission rule, the towing carrier may not charge or retain any fees or charges for the services it performs. Any motor vehicle that is held in storage ~~and that was towed without proper authorization may~~ must be released, without charge, to an authorized or interested person ~~the persons authorized in paragraph 6512(a)~~. Any money collected must be returned to the authorized or interested person ~~owner, authorized operator, or authorized agent of the owner~~ of the motor vehicle.
- (gH) Abandoned motor vehicles.
- (I) Notifications. The charges for notification(s) to the vehicle owner(s) and the lien-holder(s) of the motor vehicle held in storage shall be in accordance with §§ 42-4-1804 and 42-4-2103, C.R.S., and the rules of the Colorado Department of Revenue. For purposes of notification, any motor vehicle in possession of the towing carrier, including motor vehicles incidental to the tow (for example, loaded on a trailer when the trailer was towed) shall comply with the notification requirements of Parts 18 and 21 of Article 4 of Title 42, C.R.S., and § 42-5-109, C.R.S.
- (II) Consequences of failure to notify. A towing carrier holding a motor vehicle in storage who cannot demonstrate that it has made a good faith effort, as set forth in §§ 42-4-1804 and 42-4-2103, C.R.S., to comply with the notification requirements of Parts 18 and 21 of Article 4 of Title 42, C.R.S., and § 42-5-109, C.R.S., shall not charge, collect, or retain any fees associated with the tow or storage of the motor vehicle.
- (III) Sale of an abandoned motor vehicle to cover the outstanding towing and storage charges must be done in accordance with the notice and procedural requirements of Parts 18 and 21 of Article 4 of Title 42, C.R.S., and § 42-5-109, C.R.S.
- (IV) Additional costs that may be charged when a stored motor vehicle is sold.
- (A) When a stored motor vehicle is sold, a towing carrier may charge the costs of maintaining that motor vehicle while in storage in accordance with § 38-20-109, C.R.S.
- (B) When a stored motor vehicle that does not come within the provisions of § 38-20-109, C.R.S., is sold, a towing carrier may charge the costs of maintaining that motor vehicle, up to a maximum of \$90.00.
- (C) “Cost of maintaining a motor vehicle” means a documented cost that is incurred by the towing carrier and that keeps a motor vehicle in safe and operable condition.
- (D) Certified VIN verification procedure. When an abandoned motor vehicle that is less than five model years old and that the Colorado Department of Revenue cannot find in its records must be sold, the towing carrier may charge for all

~~documented expenses of obtaining the certified VIN verification, maximum rates that may be charged for a certified VIN verification are as follows:~~

~~(i) rates as provided in paragraph (d); and~~

~~(ii) in addition, the towing carrier may charge for all other documented expenses of obtaining the VIN verification.~~

~~(h)~~ Trailers.

- (I) No additional fees may be charged for the towing of a power unit and trailer in combination as a single motor vehicle.
- (II) A vehicle in or on a trailer is considered in combination as a single unit.
- (III) No additional fees may be charged for the towing of cargo in combination; however, additional fees may be charged for towing a trailer when reasonably and actually conducted as a separate tow from a power unit.

6512. Release of Motor Vehicle and Personal Property.

(a) The towing carrier shall immediately accept payment of the drop charge, towing, storage, ~~and~~ release charges, and any other appropriate charges, if payment is offered by an authorized or interested person. The towing carrier must accept payments in cash or by valid major credit card. For purposes of this rule, a major credit card includes MasterCard and Visa. Accepted forms of payment may be annotated on the tow record/invoice, so long as the required options noted in this rule are offered to the authorized or interested person to whom the motor vehicle is being released. ~~The towing carrier may accept other forms of payment, but must accept payment by both MasterCard and Visa. A towing carrier shall not require "cash only" for a drop charge or to release a motor vehicle from its storage facility.~~ The towing carrier shall release the motor vehicle to an authorized or interested person:

~~(I) the motor vehicle owner, authorized operator, or authorized agent of the owner of the motor vehicle;~~

~~(II) the lienholder or agent of the lienholder of the motor vehicle; or~~

~~(III) the insurance company or agent of the insurance company providing coverage on the motor vehicle, if released to the insurance company by the owner.~~

(b) A towing carrier that accepts for storage a motor vehicle that has been towed as a nonconsensual or law enforcement-ordered tow shall provide access to or release of the motor vehicle to ~~the~~ persons authorized for release an authorized or interested person of the motor vehicle ~~in paragraph (a) of this rule~~ either:

(I) with one hour's notice during all times other than the towing carrier's business hours that occur within the first 24 hours of storage; or

(II) upon demand during the carrier's business hours.

(c) Failure to notify. A towing carrier holding a motor vehicle in storage who cannot demonstrate that it has made a good faith effort, as set forth in §§ 42-4-1804 and 42-4-2103, C.R.S., to comply with

the notification requirements of Parts 18 and 21 of Article 4 of Title 42, C.R.S., and § 42-5-109, C.R.S., shall release the motor vehicle at no charge to an authorized or interested person~~the persons authorized for release of the motor vehicle in paragraph (a) of this rule.~~

- (d) Release of personal property for nonconsensual and law enforcement-ordered tows. A towing carrier shall release personal property, upon request, to an authorized or interested person, if such request is made at any point after the vehicle has been towed, but no later than 30 days after notification, as set forth in §§ 42-4-1804 and 42-4-2103, C.R.S. Requests made outside of business hours shall follow the standards in paragraph 6512(b). The towing carrier may charge up to the maximum rate for a nonconsensual tow established in paragraph 6511(b) for the removal of personal property that is not attached to or part of the equipment of the motor vehicle. The towing carrier shall release such personal property upon request from the owner, authorized operator, or authorized agent of the owner of the motor vehicle. This fee shall not be assessed for any of the items addressed under paragraphs 6512(g), (h), (i), and (j).
- (I) For purposes of this rule, personal property includes any items that are not attached to or part of the equipment of the motor vehicle.
- (II) For a Commercial PPI, the towing carrier may charge up to the appropriate maximum base rate, as established in subparagraph 6511(b)(I), for the removal of personal property. For a Residential PPI, the towing carrier may not charge for the removal of personal property.
- (III) For law enforcement-ordered tows, the towing carrier may charge up to the appropriate maximum hourly rate, as established in subparagraph 6511(c)(I), for the removal of personal property.
- (IV) The provisions of this rule shall not apply during any period when the personal property is subject to a hold order issued by a court, district attorney, law enforcement agency, or law enforcement officer.
- (V) Any fees allowable under this rule shall not be assessed for any of the items addressed under paragraphs 6512(g), (h), (i), and (j).
- (e) The towing carrier, at its discretion, need not comply with paragraphs 6512(a) through (d) to release a motor vehicle or allow for removal of personal property if:
- (I) the towing carrier is reasonably certain that, at the time the motor vehicle is to be released from storage, the driver of the motor vehicle is not capable of safely driving the motor vehicle due to the influence of drugs or alcohol;
- (II) the towing carrier that is to remove the motor vehicle from storage does not have a valid towing carrier permit;
- (III) a hold order is in place on the motor vehicle by a court, district attorney, law enforcement agency, or law enforcement officer;
- (IV) the release of the motor vehicle does not comply with the release procedures agreed to, in writing, between the towing carrier and the applicable law enforcement agency; or
- (V) the towing carrier, upon notification for the release of or access to a motor vehicle at other than the carrier's business hours, has immediately contacted an appropriate law

enforcement agency and, in the interest of public order, has requested a law enforcement officer's presence during the release of the motor vehicle. This exception is applicable when the towing carrier has reason to believe that the person to whom the motor vehicle or personal property is to be released may disrupt the public order.

- (f) A towing carrier shall release a motor vehicle held in storage to a person presenting a current driver's license who attests to being the authorized operator of the motor vehicle and produces two of the following: keys to the motor vehicle; proof of insurance; vehicle registration; VIN; and knowledge of the location from where the motor vehicle was towed. Such attestation must be provided on the "Vehicle Release Form" available on the Commission's website, which the towing carrier shall provide to the authorized operator, upon request.
- (g) Whether on the property where the tow originates or at the towing carrier's storage facility, a towing carrier shall not refuse to relinquish prescription medicines, medical equipment, medical devices, or any child restraint system. The towing carrier shall immediately relinquish such items to an authorized or interested person~~persons authorized for release~~ of the motor vehicle ~~in paragraph (a) of this rule,~~ without requiring payment and without additional charge, upon demand during business hours and, during the first 24 hours after commencement of the tow, within one hour's notice outside of business hours.
- (h) Whether on the property where the tow originates or at the towing carrier's storage facility, a towing carrier shall not refuse to relinquish credit cards and cash for immediate payment of the amount due to the towing carrier. The towing carrier shall immediately relinquish such items to an authorized or interested person~~persons authorized for release~~ of the motor vehicle ~~in paragraph (a) of this rule,~~ without requiring payment and without additional charge, upon demand during business hours and, during the first 24 hours after commencement of the tow, within one hour's notice outside of business hours.
- (i) Whether on the property where the tow originates or at the towing carrier's storage facility, a towing carrier shall not refuse to relinquish state or federal issued identification to the owner of the identification or to an authorized or interested person~~persons authorized for release~~ of the motor vehicle ~~in paragraph (a) of this rule.~~ The towing carrier shall immediately relinquish such items, without requiring payment and without additional charge, upon demand during business hours and, during the first 24 hours after commencement of the tow, within one hour's notice outside of business hours.
- (j) Whether on the property where the tow originates or at the towing carrier's storage facility, a towing carrier shall not refuse to relinquish a cellular telephone to an authorized or interested person~~persons authorized for release~~ of the motor vehicle ~~in paragraph (a) of this rule.~~ The towing carrier shall immediately relinquish such item, without requiring payment and without additional charge, upon demand during business hours and, during the first 24 hours after commencement of the tow, within one hour's notice outside of business hours.
- (k) For nonconsensual and law enforcement-ordered tows, Aa towing carrier shall not assess any additional fees or charges not specifically identified in state statute or Commission rule~~these towing carrier rules.~~
- (l) For a Residential PPI, a towing carrier shall immediately retrieve the motor vehicle that has been nonconsensually towed or allow the vehicle owner or authorized operator to retrieve the motor vehicle if the following conditions have been met:

- (I) ~~the vehicle owner or authorized operator pays 15 percent of the fees, not to exceed \$60.00, owed to the towing carrier for the nonconsensual tow; and~~
- (II) ~~the vehicle owner or authorized operator completes and signs the “Towed Vehicle Release Notice: Retrieval with Payment Owed” form available on the Commission’s website, which the towing carrier shall provide to the vehicle owner, upon request.~~
- (III) ~~The remaining balance owed to the towing carrier shall be due no sooner than 90 days after the motor vehicle has been released to the vehicle owner or authorized operator.~~
- (IV) ~~A towing carrier must strictly comply with this rule and shall not impose any additional obligations or requirements, as a condition of releasing a motor vehicle, on the vehicle owner or authorized operator.~~

6513. Notice.

- (a) A towing carrier may not perform a nonconsensual tow of a motor vehicle, other than an abandoned motor vehicle, from private property unless:
 - (I) notice of the applicable parking limitations, regulations, restrictions, and prohibitions was provided to the motor vehicle operator at the time the motor vehicle entered the private property and parked; and
 - (II) notice that any motor vehicle parked in violation of the applicable parking limitations, regulations, restrictions, and prohibitions is subject to tow at the ~~motor~~ vehicle owner’s expense was provided to the motor vehicle operator at the time the motor vehicle entered the private property and parked. The towing carrier must retain evidence that such notice was provided for three years from the date of completion of the tow and provide it to the Commission or an enforcement official upon request.
- (b) Abandoned motor vehicles. A towing carrier may not perform a nonconsensual tow of an abandoned motor vehicle from private property unless the motor vehicle was left unattended for a period of 24 hours or more and is presumed to be abandoned pursuant to § 42-4-2102(1), C.R.S.
- (c) The notice required in paragraph (a) is presumed to be met through signage if a permanent sign is conspicuously posted visibly at each point of entrance to the private property.;
 - ~~(I) a permanent sign is conspicuously posted visibly at each point of entrance to the private property; and~~
 - ~~(II) if the private property is not provided for residential parking and has more than ten free-standing lampposts on the property, a number of signs equal to the number of lampposts must be posted. Such signs must be posted on each lamppost or posted upright in conspicuous locations which are evenly distributed.~~
- (d) A towing carrier that enters into a tow agreement with a property owner to nonconsensually tow motor vehicles shall post signage at the applicable private property from where the tows will originate. The signs shall~~All signs posted to provide the notice required in paragraph (a) shall comply with any applicable municipal ordinance. To the extent consistent with applicable municipal ordinance, signs shall also,~~ at a minimum:
 - (I) be no less than one square foot in size;

- (II) have lettering not less than one inch in height;
- (III) have lettering that contrasts sharply in color with the background on which the letters are placed;
- (IV) state “Authorized Parking Only”;
- (V) include the name and telephone number of the towing carrier authorized to perform tows from the private property;
- (VI) be printed in English;
- (VII) at the entrance to the private property, face outward toward the street and be visible prior to and upon entering the private property;
- (VIII) inside the private property, face outward toward the parking area;
- (IX) not be obstructed or placed in such a manner that prevents visibility; and
- (X) not be placed higher than eighteen feet or lower than three feet from the ground surface closest to the sign’s placement.

6514. Towing Violations and Civil Penalty Assessments.

- (a) A violation of any of the following provisions may result in the assessment of a civil penalty of up to \$1,100.00 for each violation:
 - (I) § 40-10.1-401(1)(a), C.R.S.;
 - (II) rule 6505;
 - (III) subparagraph (a)(I), (a)(V), (b)(I), (b)(II), and (b)(III), paragraph (c), or (d) of rule 6508; or
 - (IV) paragraph (fg) of rule 6511.
- (b) A violation of paragraph (a), (b), (c), (d), (e), (g)f, (h), or (hi) of rule 6511 may result in the assessment of a civil penalty as follows for each violation:
 - (I) up to \$275.00 for an overcharge \$25.00 or less;
 - (II) up to \$550.00 for an overcharge greater than \$25.00 but less than or equal to \$150.00; and
 - (III) up to \$1,100.00 for an overcharge greater than \$150.00.
- (c) A violation of any of the following provisions may result in the assessment of a civil penalty of up to \$550.00 for each violation:
 - (I) rule 6507;
 - (II) paragraph (ee) of rule 6508;

- (III) paragraph (a) of rule 6510;
 - (IV) paragraph (d), (f), or (l) of rule 6512; or
 - (V) rule 6513.
- (d) A violation of rule 6506 may result in the assessment of a civil penalty of up to \$100.00 for each violation.
 - (e) Except as provided in paragraph (a) through (d) of this rule, a violation of any provision of Title 40, § 42-3-235.5, C.R.S., pertaining to towing carriers, or any provision of rules 6500 through 6513, may result in the assessment of a civil penalty of up to \$275.00 for each violation.
 - (f) Civil penalty assessments are in addition to any other penalties provided by law.

6515. - 6599. [Reserved].

COLORADO DEPARTMENT OF REGULATORY AGENCIES

Public Utilities Commission

4 CODE OF COLORADO REGULATIONS (CCR) 723-6

PART 6

RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE

GENERAL PROVISIONS

6000. Scope and Applicability.

All rules in this Part 6, the "6000" series, shall apply to all Commission proceedings and operations concerning regulated entities providing transportation by Motor Vehicle, unless a specific statute or rule provides otherwise. Rules 6000 – 6099 apply to all Common Carriers, Contract Carriers, Limited Regulation Carriers, Towing Carriers, Movers, UCR registrants, Large Market Taxicab Service carriers, and Drivers as defined herein. Rules 6700 – 6724 apply to all Transportation Network Companies. Specific provisions regarding the applicability of this Part 6 can be found in rules 6100, 6200, 6250, 6300, 6400, 6500, 6600, and 6700.

6001. Definitions.

The following definitions apply throughout this Part 6, except where a specific rule or statute provides otherwise:

* * * *

[indicates omission of unaffected rules]

- (uuu) "Towing carrier" means a Motor Carrier that provides towing of Motor Vehicles pursuant to a Towing Permit granted by the Commission pursuant to part 4 of Article 10.1 of Title 40, C.R.S. and rule 6500, et seq.

* * * *

[indicates omission of unaffected rules]

TOWING CARRIER RULES

6500. Applicability of Towing Carrier Rules.

- (a) Rules 6500 through 6599 apply to all towing carriers and to all Commission proceedings and operations concerning towing carriers, applicants for a towing carrier permit, employees of towing carriers, and tow truck drivers.
- (b) For a tow and storage of a motor vehicle performed under a written agreement between a towing carrier and a municipal, county, state, or federal agency, nothing in these towing carrier rules shall be construed to prohibit such agency, to the extent permitted by law, from adopting and enforcing additional or more stringent requirements relating to towing carrier operations within their jurisdiction with regard to rules 6506; 6507(a), (c), (e), and (f); 6508; 6509; 6510; and 6512(a), (b), (e), (f), and (g).
- (c) A written agreement between a towing carrier and a property owner to perform a nonconsensual tow may set rates for the tow less than, but not higher than, the rates established in paragraphs 6511(a), (b), (c), (d), and (e). In the event rates are not set through a written agreement, the Commission's rules will prevail and rates shall default to those established in these rules. For purposes of this rule, a written agreement setting rates for the tow does not include a tow authorization by a law enforcement officer given to a towing carrier with whom the law enforcement officer's agency does not itself have a written agreement.

6501. Definitions.

In addition to the general definitions in rule 6001, the following definitions apply to all towing carriers and to all Commission proceedings and operations concerning towing carriers, applicants for a towing carrier permit, employees of towing carriers, and tow truck drivers.

- (a) "Abandoned motor vehicle" means an "abandoned motor vehicle" as defined by § 42-4-1802(1), C.R.S., for motor vehicles left unattended on public property, and § 42-4-2102(1), C.R.S., for motor vehicles left unattended on private property.
- (b) "Address" means the particulars of the physical location of a business or residence, including the street name, number, city, state, and zip code.
- (c) "Authorized agent for the property owner" means a person acting as agent of a property owner.
- (d) "Authorized agent of the owner of the motor vehicle" means a person, including a towing carrier, who has been given written or oral permission by the owner, lessee, lienholder, or insurance company of a motor vehicle to act as agent for the disposition of said motor vehicle.
- (e) "Authorized operator of a motor vehicle" or "authorized operator" means a person who has been given written or oral permission to drive a motor vehicle by the owner or lessee of said motor vehicle. A person may demonstrate that they are an authorized operator, as set forth in rule 6512(f).
- (f) "Authorized or interested person" means the vehicle owner, authorized operator, authorized agent of the owner of the motor vehicle, the lienholder of the motor vehicle, or the insurance company, as defined in § 40-10.1-101(1.5), C.R.S.

- (g) “Business hours” means 8:00 AM to 5:00 PM, Monday through Friday, excluding legal holidays, and any additional hours and days the towing carrier may designate.
- (h) “Common parking area” means any part of the following areas that are normally used for parking, such as the side of a street or parking spaces, that an owner does not have the right to exclude other residents of the following from using for parking: a condominium, as defined in § 38-33.3-103(9), C.R.S.; a cooperative, as defined in § 38-33.3-103(10), C.R.S.; a multifamily building, which is also known as an apartment complex, with separate living quarters that are rented or leased separately; or a mobile home park, as defined in §§ 38-12-201.5(6) and 40-10.1-101(4.5), C.R.S.
- (i) “Drop fee” or “drop charge” means a fee a towing operator charges to unhook a vehicle from a tow truck, as defined in § 40-10.1-101(6.5), C.R.S.
- (j) “Gross Vehicle Weight Rating” or “GVWR” is the maximum operating weight of a motor vehicle, as specified by the manufacturer.
- (k) “Insurance company” means an insurance company providing coverage on the motor vehicle, or their agent, if the vehicle owner signs a release authorizing the insurance company to act on the owner’s behalf.
- (l) “Law enforcement officer” means any sheriff, police officer, Colorado State Patrol officer, municipal code enforcement officer, or other such person acting in his or her official governmental capacity for enforcement of motor vehicle laws.
- (m) “Law enforcement-ordered tow” means a tow ordered by a law enforcement officer. Law enforcement-ordered tows are subject to these rules, even when the authorized or interested person of the motor vehicle consents to a law enforcement officer ordering a tow. A tow shall not be considered a law enforcement-ordered tow if the authorized or interested person of the motor vehicle has the ability or opportunity to terminate the tow and contact a towing carrier of his or her own choosing.
- (n) “Legal disability” means the condition of a trailer or semi-trailer that, due to its weight, height, or other size characteristics, is unable to be transported when attached to the motor vehicle that was pulling it.
- (o) “Lienholder of the motor vehicle” means a person or company, or their agent, having a financial interest or legal claim related to the motor vehicle.
- (p) “Name” means a word or phrase that constitutes the distinctive designation of a person or thing and includes printed, legible words and includes the first and last name, as applicable.
- (q) “Nonconsensual tow”, “nonconsensual towing”, “towed nonconsensually”, “nonconsensually tow”, or “towed without consent” means the transportation of a motor vehicle by tow truck from private property, if the transportation is performed without the prior consent of: the vehicle owner; authorized operator; authorized agent of the owner of the motor vehicle; the lienholder of the motor vehicle, unless the motor vehicle is being towed for the purpose of repossession under a lien agreement; or the insurance company, as defined in § 40-10.1-101(13), C.R.S.
- (r) “Parking lot” means any place, lot, parcel, yard, structure, building, or enclosure used, in whole or in part, for storing or parking five or more motor vehicles.

- (s) “Private property” means any real property that is not public property.
- (t) “Private Property Impound” or “PPI” means a nonconsensual tow from private property upon authorization of the property owner. A PPI can be a “Commercial PPI” or a “Residential PPI”, as follows:
 - (I) “Commercial PPI” is a nonconsensual tow from commercial private property that is not in a common parking area.
 - (II) “Residential PPI” is a nonconsensual tow from residential private property, including from a common parking area.
- (u) “Property owner” means:
 - (I) the owner or lessee of the private property or public property;
 - (II) a person who has been authorized to act as an authorized agent for the property owner or lessee of the private property or public property; or
 - (III) a federal, state, county, municipal, or other government entity that is the owner or lessee of the private property or public property, or such entity's employees responsible for such property.
 - (IV) A person, pursuant to §§ 40-10.1-405(3)(a)(IV)(B) and (C), C.R.S., may be considered a property owner, for purposes of authorizing a nonconsensual tow.
- (v) “Public property” means any real property having its title, ownership, use, or possession held by the federal government; this state; or any county, municipality, or other governmental entity of this state.
- (w) “Recovery” means winching, hoisting, up-righting, removing, or otherwise relocating a motor vehicle when the motor vehicle is found in such a location, state, or position in which it could not be removed from the location, state, or position using only the motor vehicle's own power, even if it were in complete operating condition. Waiting and site clean-up time are included in recovery services.
- (x) “Signature” means the name of the person written in his or her own handwriting or submitted by that person electronically.
- (y) “Storage facility” or “towing facility” means any place used for the storage of motor vehicles or records, in conjunction with the operations of a towing carrier.
- (z) “Tow agreement” means a written agreement between a towing carrier and a property owner or law enforcement authorizing the towing carrier to perform tows and meeting the minimum requirements for tow agreements set forth in subparagraph 6508(a)(I) or by law enforcement.
- (aa) “Towing” is the act of transporting a motor vehicle or trailer on or behind a tow truck.
- (bb) “Tow invoice” means a written invoice provided to the authorized or interested person, in accordance with rule 6509.

- (cc) “Tow record” means a complete record of the tow as maintained by the tow carrier, in accordance with rule 6509.
- (dd) “Tow truck” means a motor vehicle specially designed or equipped for transporting another motor vehicle by means of winches, cables, pulleys, or other equipment for towing, pulling, or lifting such other motor vehicle from one place to another.
- (ee) “Towing carrier” means a motor carrier that provides, as one of its primary functions, the towing of motor vehicles by use of a tow truck and may also provide storage of towed motor vehicles.
- (ff) “Towing carrier permit” means the permit issued by the Commission to a towing carrier, pursuant to § 40-10.1-401, C.R.S.
- (gg) “Trailer” means any wheeled vehicle, without motive power, which is designed to be drawn by a motor vehicle and to carry its cargo load wholly, or in part, upon its own structure and that is generally and commonly used to carry and transport property over the public highways.
- (hh) “Vehicle owner” means the owner of a motor vehicle, as determined by the motor vehicle’s registration, title, or the record obtained using the system described in § 42-4-2103(3)(c)(III), C.R.S.
- (ii) “VIN” means the unique vehicle identification number used to identify a motor vehicle.

6502. [Reserved].

6503. Towing Carrier Permit Application.

- (a) In addition to completing the Commission-prescribed permit application form available on the Commission’s website, an applicant must:
 - (I) pay an application fee, as administratively set by the Commission;
 - (II) cause to be filed the required proof of financial responsibility;
 - (III) pay the required annual fees or, if applicable, shall be in compliance with the UCR Agreement; and
 - (IV) have at least one principal who possesses a valid Colorado driver’s license.

6504. Criminal History Checks and Good Cause Determinations.

- (a) This rule applies to principals, as defined in rule 6001(iii), of a towing carrier.
- (b) Qualification determination for towing carrier permit.
 - (I) Upon the Commission’s receipt of results obtained from a criminal history record check, Commission staff shall make a qualification determination regarding the applicant’s qualification status. In making this determination, Commission staff is authorized to request from the applicant, and the applicant shall provide, additional information that will assist Commission staff in making the determination. If an applicant either does not provide such additional information requested by Commission staff, or explain why it is unavailable, within 15 days of the request, Commission staff may deny the application.

- (II) An application for a towing carrier permit shall be denied, if the applicant has:
 - (A) a conviction in the state of Colorado, within the five years preceding the date the criminal history record check is completed, of any felony under any Title of C.R.S. or any towing-related offense; or
 - (B) an offense in any other state or in the United States that is comparable to any offense listed in subparagraph (A) within the same time periods as listed in subparagraph (A).
- (III) For purposes of this rule, a deferred judgment and sentence pursuant to § 18-1.3-102, C.R.S., shall be deemed to be a conviction during the period of the deferred judgment and sentence.
- (IV) The Commission and Commission staff may consult and use any commercially or governmentally available information source in conducting criminal history record checks.
- (c) Commission staff shall not issue a towing carrier permit to the applicant if a disqualifying criminal history record is found for a person subject to this rule.
- (d) The Commission may deny an application for a towing carrier permit based on a determination that there is good cause to believe the issuance of the permit is not in the public interest.
- (e) If a disqualifying criminal history record or good cause determination is found for a person subject to this rule, the associated applicant may file a petition to qualify the applicant within 60 days of Commission staff's notification.
 - (I) Upon the filing of a petition for qualification, Commission staff shall be an indispensable party.
 - (II) The applicant shall bear the burden of proving that disqualification is not supported by fact or law. If the Commission qualifies an applicant upon petition, paragraph (b) shall be waived as to qualification determinations for future applications regarding the events upon which Commission staff's disqualification was based.

6505. Kickbacks Prohibited.

Pursuant to § 40-10.1-408, C.R.S., a towing carrier shall not pay money or other valuable consideration including, but not limited to gifts and gratuities, for the privilege of nonconsensually towing vehicles.

6506. Equipment and Accessories.

In addition to complying with all applicable safety regulations, all tow trucks shall meet the following minimum requirements.

- (a) Basic tow truck requirements.
 - (I) A towing carrier shall equip its tow truck(s) with engines, transmissions, differentials, driveline components, brake systems, frames, steering components, and suspensions of sufficiently heavy construction to safely winch, lift, tow, load, and transport the towed motor vehicle.

- (II) A towing carrier shall maintain its tow truck(s) in a manner ensuring the safe winching, lifting, towing, loading, and transporting of the towed motor vehicle.
 - (III) A towing carrier shall ensure its tow truck(s) have each of the following:
 - (A) a GVWR of at least 10,000 pounds;
 - (B) fender coverings for front and rear wheels;
 - (C) the following operational electric lights:
 - (i) one spotlight, mounted behind the cab, capable of lighting the scene of legal disability and/or the motor vehicle to be moved (reverse/back-up lights of the tow truck shall not be used in lieu of the spotlight); and
 - (ii) one portable, combination light system capable of being securely attached on the rear of the towed motor vehicle; consisting of (with an equal number on each side) two tail lamps, two stop lamps, and two turn signals; and operated in conjunction with analogous lights on the tow truck.
 - (iii) Warning lights or overhead lighting. A towing carrier shall use yellow, opaque white, or clear white warning and overhead lights only and no other color, unless the tow truck has been approved as an authorized emergency vehicle, as set forth in § 42-1-102(6)(b), C.R.S. In order to be approved as an authorized emergency vehicle, the towing carrier must have a Colorado Department of Revenue Form DR2490 for this classification, approved by the Director of the Commission or the Director's designee, and must follow the requirements of §§ 42-4-213 and 42-4-214(2), C.R.S., and any other requirements the Commission may deem necessary.
 - (D) one steering wheel tying device free from cracks, fraying, or deterioration; and
 - (E) for any towing carrier that performs tows from accident scenes:
 - (i) one shovel; and
 - (ii) one broom.
- (b) Winching, lifting, towing, and carrying equipment shall be maintained in a manner to ensure the safe winching, lifting, towing, loading, and transporting of the towed motor vehicle, and shall include at least one of the following.
- (I) Winch and crane: A power-driven winch and crane with a capacity of not less than 6,000 pounds with a winch cable capable of withstanding a test of not less than 10,000 pounds at breaking point or hydraulic system vehicle lift and a cradle, with a tow plate or sling, equipped with safety chains and chains with J-hooks of sufficiently heavy construction to ensure the safe lifting of the motor vehicle;
 - (II) Wheel-lift system: A wheel-lift system with a stinger, L arm brackets, safety chains and tie-down straps, or a mechanical wheel retainer device forming an integral part of the L-

arm bracket, of sufficiently heavy construction to secure the motor vehicle to the wheel-lift unit and to ensure the safe lifting and towing of the motor vehicle; or

- (III) Rollback system: A rollback system with a winch and cable as described in subparagraph (I) of this paragraph, safety chains, tie-down equipment, and truck bed of sufficiently heavy construction to ensure the safe loading and transporting of the motor vehicle.
- (c) A towing carrier shall not tow a motor vehicle that is so extensively damaged as to be unmovable on its own wheels, unless the tow truck is equipped with dollies, a wheel-lift system, or a rollback system of sufficiently heavy construction to ensure the safe loading and towing of the damaged motor vehicle.
- (d) A towing carrier shall not tow a motor vehicle without attaching required operational electric lights on the rear of the towed motor vehicle. This requirement does not apply to motor vehicles placed on a flatbed or trailer, as long as the motor vehicle being towed does not extend four feet beyond the rear of the tow truck.
- (e) A towed motor vehicle shall be secured to the tow truck, in accordance with the C.R.S. and the Code of Federal Regulations, for the purpose of transporting the vehicle.

6507. Storage Facilities.

- (a) Disclosure of storage facility location. For nonconsensual tows of a motor vehicle, within 30 minutes of moving the towed motor vehicle from its location, or such lesser time as may be required by law, a towing carrier shall notify the responsible law enforcement agency having jurisdiction over the place from where the motor vehicle was towed. The notification shall contain the following information: the name and permit number of the towing carrier; the location of the storage facility where the towed motor vehicle is located; and a description of the towed motor vehicle, including the make, model, color, year, VIN, and license plate information, including the number, issuing state, and expiration date. A towing carrier is deemed to have complied with this requirement if:
 - (I) the location of the storage facility was provided to the responsible law enforcement agency when obtaining authorization for the tow; or
 - (II) two or more documented attempts to notify the responsible law enforcement agency were made, within the 30-minute time period, but were unsuccessful for reasons beyond the control of the towing carrier. The towing carrier must still notify the responsible law enforcement agency as soon as possible, after the unsuccessful attempts.
- (b) Disclosure for abandoned motor vehicles. A towing carrier which places an abandoned motor vehicle in a storage facility shall also disclose the location of the storage facility by complying with the procedure for abandoned motor vehicles in Parts 18 and 21 of Article 4 of Title 42, C.R.S.
- (c) Disclosure for all towed motor vehicles. Upon request of the authorized or interested person of the motor vehicle, a towing carrier which places a motor vehicle in a storage facility shall also disclose the location of the storage facility, the total amount of the charges, and accepted forms of payment, as provided in rule 6512.
- (d) Signage at storage facility.

- (I) A towing carrier shall maintain a clearly visible sign at the entrance to any storage facility where a motor vehicle has been towed as a nonconsensual tow. Such sign shall state the name of the business, telephone number, and hours of operation.
- (II) All signs posted to provide notice pursuant to this rule shall comply with any applicable municipal ordinance, to the extent not inconsistent with this rule. Signs shall also, at a minimum:
 - (A) be no less than two square feet in size;
 - (B) have lettering not less than two inches in height;
 - (C) have lettering that contrasts sharply in color with the background on which the letters are placed; and
 - (D) be printed in English.
 - (E) If the storage facility contains motor vehicles that were towed as a Residential PPI, the signs must also contain the following statement:

“If a vehicle is nonconsensually towed from private property, the owner may retrieve the contents of the vehicle even if the owner does not pay the towing carrier’s fees. If the owner fills out the appropriate form, the owner may retrieve the vehicle after paying a reduced fee, but the owner still owes the towing carrier the balance of those fees.”
- (e) Lighting for release. A towing carrier shall maintain an area at each storage facility location on file with the Commission with illumination levels during all hours adequate to inspect a motor vehicle for damage prior to its release from storage.
- (f) Towing carrier responsibility. After a nonconsensual or law enforcement-ordered tow, the towing carrier is responsible for the security and safety of the towed motor vehicle until it is released to an authorized or interested person. Evidence of the towing carriers’ commercial liability insurance coverage, including cargo liability coverage, garage keeper’s liability coverage, if applicable, and motor vehicle liability coverage shall be provided, upon request, to an authorized or interested person.

6508. Authorization for Towing of Motor Vehicles.

- (a) Towing carrier acting as authorized agent for the property owner.
 - (I) A towing carrier is prohibited from acting as the authorized agent for the property owner for a Residential PPI. For a Commercial PPI, a towing carrier may act as the authorized agent for the property owner under a written tow agreement to that effect, provided the tow agreement is compliant with this paragraph (a). The tow agreement shall contain at least the following information in order for the tow to be properly authorized:
 - (A) the name, physical address, telephone number, email address, if applicable, and towing carrier permit number of the towing carrier;
 - (B) the name, address, email address, if applicable, and telephone number of the property owner;

- (C) the address of the property from which the tows will originate;
 - (D) the name of each individual person who is authorized to sign the tow authorization except tow carrier drivers where the carrier is authorized to act as the property owner agent under this rule;
 - (E) the address and phone number of the storage facility where the vehicle owner may retrieve the motor vehicle;
 - (F) the beginning date and ending date of the tow agreement. Provisions that provide for automatic renewal of the tow agreement are permissible provided all signature parties on the original tow agreement remain the same and are still valid at the time of renewal;
 - (G) a statement that the maximum rates for a nonconsensual tow from private property, and the maximum drop charge if the motor vehicle is retrieved before removal from the private property, are set by rule of the Public Utilities Commission;
 - (H) the name, title, phone number, and signature of the person entering into the tow agreement on behalf of the property owner and on behalf of the towing carrier; and
 - (I) the date the tow agreement is signed.
- (II) Nothing in this paragraph (a) shall preclude a towing carrier who has been paid for the tow by the property owner at proper rates from collecting the towing charges from the vehicle owner and reimbursing said charges to the property owner.
 - (III) No agency provided for in this paragraph (a) shall affect any obligation, liability, or responsibility of the property owner to any third party. Any provision attempting to affect such obligation, liability, or responsibility shall be void.
 - (IV) Nothing in this paragraph (a) shall preclude a towing carrier or property owner from adding addendums to the tow agreement that modify any term of the tow agreement, so long as the addendums are in compliance with these rules and agreed upon by both the tow company and the property owner. Each addendum must be signed by both the tow company and the property owner and are required to be maintained with the original tow agreement.
 - (V) For purposes of this rule, any company owned or operated by a towing carrier, or having principals or owners with a controlling financial interest in a towing carrier, is prohibited from acting as the authorized agent for the property owner for a Residential PPI.
- (b) Authorization to perform a tow.
- (I) A towing carrier shall not tow any motor vehicle unless one of the following conditions is met:
 - (A) the towing carrier is directed to perform a tow by a law enforcement officer;

- (B) the towing carrier is requested to perform a tow by an authorized or interested person of the motor vehicle; or
 - (C) the towing carrier is requested to perform a tow upon the authorization of the property owner.
- (II) A towing carrier may not come in contact with, hook-up to, or tow a motor vehicle that is occupied, unless the towing carrier is performing rescue or recovery operations for said occupant(s).
- (III) Property owner authorization. The authorization from the property owner, or authorized agent for the property owner, shall be in writing; shall identify by make, license plate number (if available), and VIN (if available), the motor vehicle to be towed; and shall include the date, time, and place of removal.
- (A) The authorization shall be filled out in full, signed by the property owner, and given to the towing carrier before the motor vehicle is removed from the property. The property owner may sign using a verifiable employee identification number or code name in lieu of the person's proper name. If the authorization is signed by the towing carrier as agent for the property owner, then a verifiable employee identification number or code name shall not be used. Documentation of such authority must be carried in the tow truck at all times while performing the tow. At a minimum, such documentation shall contain:
 - (i) the name, address, email address (if applicable), and telephone number of the property owner;
 - (ii) the address of the property from which the tows will originate; and
 - (iii) the name of each individual person who is authorized to sign the tow authorization.
 - (B) A towing carrier shall not have in his or her possession, accept, or use blank authorizations pre-signed by the property owner.
 - (C) The written authorization may be incorporated into the tow record/invoice required by rule 6509 or on any other document.
 - (D) With the exception of law enforcement-ordered tows, a towing carrier that is requested to perform a tow upon the authorization of a property owner, or authorized agent for the property owner, must immediately deliver the towed motor vehicle that is being removed from the property to a storage facility location on file with the Commission without delay. No motor vehicle may be relocated off of the private property from which it is towed to a location other than to such a storage facility.
 - (E) In the case of law enforcement-ordered tows, a towing carrier may relocate a motor vehicle to another location at the order of a law enforcement officer.
- (c) Expired vehicle registration. For a Residential PPI, unless the tow is ordered by a peace officer, a towing carrier shall not tow a motor vehicle from private property because the rear license plate

of the vehicle, or the record obtained using the system described in § 42-4-2103(3)(c)(III), C.R.S., indicates that the motor vehicle's registration has expired.

- (d) 24-hour notice.
- (I) For a Residential PPI, a towing carrier shall not perform a nonconsensual tow of a motor vehicle from a parking space or common parking area without the towing carrier or property owner giving the vehicle owner or authorized operator 24-hours' written notice, unless:
- (A) the vehicle owner or authorized operator has received two previous notices for parking inappropriately, as defined by § 40-10.1-405(3)(b)(V), C.R.S., in the same manner, within the past six months;
 - (B) the motor vehicle blocks a driveway or roadway enough to effectively obstruct a person's access to the driveway or roadway;
 - (C) the motor vehicle is parked in violation of § 42-4-1208(4), C.R.S. or is parked in reserved parking for people with disabilities without displaying an identifying placard or an identifying plate, as those terms are defined in §§ 42-3-204(1)(f), and (g), C.R.S., that is currently valid or has been expired for no more than 60 days;
 - (D) the motor vehicle is parked in or effectively obstructing a designated and marked fire zone;
 - (E) the motor vehicle is occupying, without permission, or effectively obstructing access to or from an individually designated, rented, or purchased parking space of a resident; or
 - (F) the motor vehicle is parked without displaying valid authorization in a parking lot marked for the exclusive use of residents.
- (II) If a motor vehicle is being towed without 24-hours' notice, pursuant to subparagraphs 6508(d)(I)(E) or 6508(d)(I)(F), additional signage is required, as described in § 40-10.1-405(3)(c), C.R.S. If this additional signage is not present, 24-hours' written notice must be provided, consistent with this rule.
- (III) The towing carrier or property owner shall provide the 24-hours' written notice, as described in this rule, by placing it on the windshield of the motor vehicle at least 24 hours before towing the motor vehicle. At its discretion, a towing carrier may place the notice on other areas of the vehicle, such as the driver-side window, so long as it is in addition to, not in lieu of, the windshield placement. The notice must clearly state:
- (A) that the motor vehicle will be towed without consent if the motor vehicle remains parked inappropriately;
 - (B) a description of the inappropriate parking that has caused the notice to be given;
 - (C) the time the motor vehicle will be towed if it is not moved to appropriate parking or the inappropriate parking has been corrected; and

- (D) that continuing to park inappropriately in the same manner may lead to the motor vehicle being towed without notice.
- (e) Photographs.
- (I) For a Residential PPI, a towing carrier shall document the motor vehicle's condition and the reason for the tow before connecting to the motor vehicle.
 - (II) In order to properly document the motor vehicle's condition, a towing carrier shall take at least four photographs, as follows:
 - (A) from the front of the motor vehicle;
 - (B) from the rear of the motor vehicle;
 - (C) from the driver-side of the motor vehicle; and
 - (D) from the passenger-side of the motor vehicle.
 - (E) These photographs must show the entire motor vehicle from the required angles, have the motor vehicle fill at least three-fourths of the photograph, measured from side-to-side, be rendered in a resolution of at least 2,000 pixels by 2,000 pixels, and contain the date and time the photographs were taken.
 - (III) In order to properly document the reason for the tow, a towing carrier shall take at least one photograph, that meets the following requirements:
 - (A) identifies the specific reason for the tow;
 - (B) shows the position of the vehicle in relation to the reason, including any sign, that the vehicle was towed;
 - (C) can be rendered in a resolution of at least 2,000 pixels by 2,000 pixels; and
 - (D) contains the date and time the photograph was taken.
 - (IV) Upon demand by an authorized or interested person, a towing carrier shall provide copies of the photographs, as described in this rule. The copies of the photographs may be provided in physical or digital format. A towing carrier may not assess any fees associated with providing copies of the photographs.
 - (V) If a towing carrier fails to produce a photograph of the reason for the tow, as described in this rule, it creates a rebuttable presumption that the towing carrier did not have authorization to tow the motor vehicle.

6509. Tow Record/Invoice, Charge Notification, and Warning Signage.

- (a) A towing carrier shall use and complete all applicable portions of a tow record/invoice form for all nonconsensual tows, whether the motor vehicle is removed from private property or retrieved before removal (commonly known as a drop), and law enforcement-ordered tows. The tow record/invoice form shall contain the following information:

- (I) the unique serial number of the tow record/invoice;
 - (II) the name, address, towing carrier permit number, and telephone number of the towing carrier that is on file with the Commission;
 - (III) the address of the storage facility used by the towing carrier that is on file with the Commission, including the telephone number for that storage facility if the number is different than the telephone number of the towing carrier;
 - (IV) the date and time of the drop, the date and time of commencement of the tow, the date and time of completion of the tow, the date and time notice was given to the appropriate law enforcement agency, the date and time the towed motor vehicle was placed in storage, and the date and time the towed motor vehicle was released from storage, as applicable;
 - (V) the make, model, year, complete VIN (if available), and license plate number (if available) of the towed motor vehicle;
 - (VI) the origin address of the tow, the destination address of the tow, and the one-way mileage between such addresses;
 - (VII) unless incorporated into the authorization in subparagraph 6508(b)(III),
 - (A) the printed name, address, and telephone number of the property owner authorizing the tow; and
 - (B) the full, legal signature of the property owner authorizing the tow;
 - (VIII) the unit number or license number of the tow truck;
 - (IX) the printed name and signature of the tow truck driver;
 - (X) an itemized invoice of all towing charges assessed;
 - (XI) the signature of the authorized or interested person to whom the motor vehicle is released. The towing carrier may write “refused to sign” on the tow record/invoice if the authorized or interested person to whom the motor vehicle is released is provided opportunity to sign the tow/record invoice, but refuses to do so;
 - (XII) on at least the authorized or interested person’s copy of the tow record/invoice, the following notice in a font size of at least ten: “Report problems to the Public Utilities Commission at (303) 894-2070”. For a Residential PPI, this notice must not be in a type face or font that is smaller than the other numbers or words on the tow record/invoice, as applicable; and
 - (XIII) for all nonconsensual tows, the case report number or other identifiable entry provided by the law enforcement agency to which the tow was reported, in accordance with the requirements in § 42-4-2103(2) C.R.S., and paragraph 6507(a).
- (b) The tow invoice, as provided to the authorized or interested person, shall include, at a minimum, the items listed in subparagraphs 6509(a)(I) through (VIII) and (X) through (XIII). The towing carrier shall retain the copy of the tow record/invoice bearing all required original signatures for

authorization and release for three years after the tow commenced, whether it is maintained in electronic or multi-copy paper form.

- (c) The tow record/invoice must be filled out to contain the information required in paragraph 6509(a) by the tow truck driver, prior to the tow truck leaving the location of the tow origination with the towed motor vehicle, unless impracticable due to safety concerns. If safety concerns delay recording the information, the towing carrier shall record the information as soon as reasonably possible.
- (d) The towing carrier shall deliver a copy of the tow record/invoice to the authorized or interested person immediately upon request, but no later than 48 hours after the request is made. For a Residential PPI, the tow record/invoice must also show each charge and the rate for each fee that has been incurred as a result of a nonconsensual tow.
- (e) For a Commercial PPI, the towing carrier shall provide a charge notification card to the authorized or interested person of the motor vehicle to be towed, if the authorized or interested person is on the property prior to or after commencement of the tow, but before the motor vehicle has been removed from the property. The charge notification card shall contain all the information listed on the Commission-prescribed form available on the Commission's website.
- (f) A towing carrier may place a warning sign on the driver-side window of a motor vehicle to be towed or, if window placement is impracticable, in another location on the driver-side of the motor vehicle, prior to commencement of the tow. The warning sign shall be at least eight inches by eight inches square or diameter, yellow or orange in color, and state the following: "WARNING: This vehicle is in tow. Attempting to operate or operating this vehicle may result in criminal prosecution and may lead to injury or death to you or another person."

6510. Disclosure of Rates and Charges.

- (a) Prior to performing any tow, a towing carrier shall disclose to the authorized or interested person of the motor vehicle all rates and charges to be assessed. This rule does not apply to a nonconsensual tow authorized by the property owner. Rates for law enforcement-ordered tows must be disclosed to the authorized or interested person of the motor vehicle prior to commencement of the tow, except when not feasible for reasons including, but not limited to, arrest, incapacitation, or order of a law enforcement officer.
- (b) This disclosure may either be written or oral and shall include, but is not limited to, the following information:
 - (I) any extra charges made necessary because, at the time of the tow, the towing carrier would be unable to deliver the motor vehicle to a repair or body shop during the normal working hours of such repair or body shop;
 - (II) any extra charges made necessary because, at the time of the tow, the towing carrier would be unable to deliver the motor vehicle to a location and at a time agreed upon by the authorized or interested person of the motor vehicle to take delivery of the motor vehicle and pay the tow charges; and
 - (III) the estimated charges for mileage and storage.
- (c) If performing Residential PPIs, a towing carrier shall prominently display at their place of business, and on any website of the towing carrier, the current maximum rates permitted by rule

of the Commission for each tow service provided by the towing carrier. The sign must include the following statement:

“The maximum permitted rate is based upon rules of the Public Utilities Commission. If there are concerns or questions about these rates or about the towing carrier, call the Public Utilities Commission Consumer Affairs’ hotline at 303-894-2070.”

6511. Rates and Charges.

- (a) Drop Charge. A towing carrier is prohibited from assessing a drop charge for a Residential PPI. For a Commercial PPI, a towing carrier may assess a drop charge if the authorized or interested person of the motor vehicle that is parked without the authorization of the property owner appears in person to retrieve the motor vehicle prior to or after commencement of the tow, but before the motor vehicle has been removed from the property.
- (I) The maximum drop charge is as follows for each vehicle weight classification:
- (A) \$79.40 for motor vehicles with a GVWR less than or equal to 10,000 pounds;
 - (B) \$102.08 for motor vehicles with a GVWR greater than 10,000 pounds and less than or equal to 19,000 pounds;
 - (C) \$136.11 for motor vehicles with a GVWR greater than 19,000 pounds and less than or equal to 33,000 pounds; and
 - (D) \$158.79 for motor vehicles with a GVWR greater than 33,000 pounds.
 - (E) Maximum drop charges may be less than these amounts if required by municipal ordinance or by the tow agreement with the property owner and shall be enforced by the Commission pursuant to this rule.
- (II) The maximum drop charge shall be adjusted for inflation annually, starting March 15, 2022, and effective March 15 of each year thereafter, based upon the annual percentage change in the United States Bureau of Labor Statistics Consumer Price Index – Denver-Aurora-Lakewood, as published by the Colorado Department of Local Affairs for the immediately preceding calendar year. These adjustments shall be compounded annually. For reference by towing carriers and the general public, the Commission will post a notice on its website by March 15 of each year reporting the annual inflation adjustments applicable pursuant to this rule.
- (III) The minimum drop charge is \$0.00.
- (IV) The towing carrier shall halt any tow in progress, including preparation therefor, prior to removal from the private property, and advise the authorized or interested person of the motor vehicle that he or she may offer payment of the towing carrier's drop charge. The towing carrier shall concurrently advise the authorized or interested person of the motor vehicle of acceptable forms of payment under rule 6512. Such advisements shall be provided via delivery of a charge notification card, in addition to any other means desired by the towing carrier.
- (V) If the towing carrier does not advise the authorized or interested person of the motor vehicle of the acceptable forms of payment under rule 6512 or accept such forms of

payment, the towing carrier shall not charge or retain any fees or charges for the services it performs. Any money collected must be returned to the authorized or interested person of the motor vehicle.

- (b) The towing rates for PPI tows include the following elements: a base rate for the tow; a mileage charge, including any applicable fuel surcharge; a charge for motor vehicle storage; a charge for release from storage pursuant to paragraph 6511(e), if applicable; and any other charges allowed by state statute or Commission rule.
- (I) The base rates for PPI tows are as follows for each vehicle weight classification:
- (A) \$203.90 for motor vehicles with a GVWR less than or equal to 10,000 pounds;
 - (B) \$234.48 for motor vehicles with a GVWR greater than 10,000 pounds and less than or equal to 19,000 pounds;
 - (C) \$316.05 for motor vehicles with a GVWR greater than 19,000 pounds and less than or equal to 33,000 pounds; and
 - (D) \$356.83 for motor vehicles with a GVWR greater than 33,000 pounds.
- (II) The base rates shall be adjusted for inflation annually, starting March 15, 2022, and effective March 15 of each year thereafter, based upon the annual percentage change in the United States Bureau of Labor Statistics Consumer Price Index – Denver-Aurora-Lakewood, as published by the Colorado Department of Local Affairs for the immediately preceding calendar year. These adjustments shall be compounded annually. For reference by towing carriers and the general public, the Commission will post a notice on its website by March 15 of each year reporting the annual inflation adjustments applicable pursuant to this rule.
- (III) The maximum mileage charge a towing carrier may assess for a PPI tow of a motor vehicle is \$3.80 per mile for each mile that the motor vehicle is towed, subject to the following limits: The maximum mileage that may be charged for a PPI tow is 12 miles for tows within ten miles of either side of U.S. Interstate Highway 25, and 16.5 miles for mountain areas and eastern plains communities that lie farther than ten miles from U.S. Interstate Highway 25.
- (IV) An additional fuel surcharge may be assessed when the price per gallon of diesel fuel exceeds a base rate of \$2.60. The Commission shall, each month, adjust the maximum mileage charge when the price per gallon of diesel fuel exceeds the base rate. The surcharge shall be based on the United States Department of Energy “weekly retail on-highway diesel prices” for the Rocky Mountain region (DOE’s Weekly Diesel Price). The fuel surcharge adjustment shall provide a one-percent increase in the mileage rate for every ten-cent increase in the DOE’s Weekly Diesel Price, or a one-percent decrease in the mileage rate for every ten-cent decrease in the DOE’s Weekly Diesel Price, but in no event decreasing below the base rate.
- (V) A towing carrier shall not charge or retain any additional fees not identified in state statute or Commission rule for the nonconsensual tow of a motor vehicle from private property.

- (c) Maximum towing rates for law enforcement-ordered tows and recovery operations are to be calculated on an hourly basis, per required tow truck, as follows, with no additional fees, charges, or surcharges permitted, except as allowed by state statute or Commission rule.
- (I) The maximum hourly rates for tow truck and driver, billable in $\frac{1}{4}$ hour increments after the first hour, for the towing or recovery of motor vehicles, are as follows for each vehicle weight classification:
- (A) \$232.52 per hour for motor vehicles with a GVWR less than or equal to 10,000 pounds;
 - (B) \$277.89 per hour for motor vehicles with a GVWR greater than 10,000 pounds and less than or equal to 19,000 pounds;
 - (C) \$362.96 per hour for motor vehicles with a GVWR greater than 19,000 pounds and less than or equal to 33,000 pounds; and
 - (D) \$419.67 per hour for motor vehicles with a GVWR greater than 33,000 pounds.
 - (E) The recovery of a motor vehicle requiring the use of a Heavy Rotator (60+ tons) shall not exceed \$663.53 per hour.
- (II) The maximum hourly rates for tow truck and driver shall be adjusted for inflation annually, starting March 15, 2022, and effective March 15 of each year thereafter, based upon the annual percentage change in the United States Bureau of Labor Statistics Consumer Price Index – Denver-Aurora-Lakewood, as published by the Colorado Department of Local Affairs for the immediately preceding calendar year. These adjustments shall be compounded annually. For reference by towing carriers and the general public, the Commission will post a notice on its website by March 15 of each year reporting the annual inflation adjustments applicable pursuant to this rule.
- (III) Mileage and fuel surcharges authorized elsewhere in rule 6511 do not apply to law enforcement-ordered tows or recovery operations.
- (IV) Any towing carrier billing greater than one hour for any tow truck and driver for a given tow shall:
- (A) include, in addition to requirements of rule 6509, the following information on the tow record/invoice, recorded at the time of occurrence: the time of dispatch; the time the tow truck leaves the yard or other staging location; the time the tow truck arrives on scene; the time the tow truck leaves the scene, and the time the towed motor vehicle is unhooked from the tow truck;
 - (B) include an advisement on the tow record/invoice that documentation of costs billed in excess of one hour for any tow truck and driver for such tow are available, upon request, from the towing carrier;
 - (C) only begin billing from a time not earlier than the towing carrier leaves their yard or staging area en route to the scene of the requested tow until the towed motor vehicle is unhooked;

- (D) not bill more than the reasonable time necessary to perform the tow at hourly rates for one tow truck and driver, plus the towing carrier's actual and reasonable cost of recovery equipment and labor in excess of one tow truck and driver, plus an additional twenty-five percent of those actual and reasonable costs;
 - (E) provide the authorized or interested person of the motor vehicle documentation of the actual and reasonable costs billed in excess of one hour for any tow truck and driver for such tow, upon request; and
 - (F) not, under any circumstances, bill rates and charges provided in paragraph (b) for a PPI tow.
- (d) Storage for nonconsensual and law enforcement-ordered tows.
- (I) Storage charges shall not exceed the following maximum rates, based on a 24-hour period, for the following weight classifications:
 - (A) \$39.18 for motor vehicles with a GVWR of less than or equal to 10,000 pounds;
 - (B) \$48.32 for motor vehicles with a GVWR greater than 10,000 pounds; or
 - (C) in lieu of the storage rates provided above, and at the option of the towing carrier, storage may be charged according to the motor vehicle's length, including the tongue of a trailer, at \$1.50 per foot or portion thereof.
 - (D) For a Commercial PPI or law enforcement-ordered tow, storage charges may be assessed for each 24-hour period or any portion of a 24-hour period. The 24-hour time period commences when the motor vehicle enters the towing carrier's storage facility. The second day of storage, for purposes of charges, shall not begin until 24 hours after the motor vehicle entered the towing carrier's storage facility.
 - (E) For a Residential PPI, storage charges must be prorated, on an hourly basis, with the combined hourly rate not to exceed the maximum rate for an entire 24-hour period.
 - (II) The storage charges shall be adjusted for inflation annually, starting March 15, 2022, and effective March 15 of each year thereafter, based upon the annual percentage change in the United States Bureau of Labor Statistics Consumer Price Index – Denver-Aurora-Lakewood, as published by the Colorado Department of Local Affairs for the immediately preceding calendar year. These adjustments shall be compounded annually. For reference by towing carriers and the general public, the Commission will post a notice on its website by March 15 of each year reporting the annual inflation adjustments applicable pursuant to this rule.
 - (III) Storage charges shall not be charged, collected, or retained for any time during which garage keeper's liability insurance coverage is not kept in force.
 - (IV) For tows originating from private property, only the first 24 hours of storage, prorated on an hourly basis, may be assessed until such time as the notification, pursuant to § 42-4-2103, C.R.S., has been completed. Storage fees may not be assessed retroactively once notification has been completed, except for the first 24 hours of storage.

- (V) Storage charges after the tow and storage of an abandoned motor vehicle subject to Part 21 of Title 42, C.R.S., shall not be accumulated beyond 120 days after the notification has been completed, pursuant to § 42-4-2103, C.R.S.
- (e) For nonconsensual and law enforcement-ordered tows, the maximum additional charge for release of a motor vehicle from storage at any time other than the towing carrier's business hours is \$86.19. The release charge shall be adjusted for inflation annually, starting March 15, 2022, and effective March 15 of each year thereafter, based upon the annual percentage change in the United States Bureau of Labor Statistics Consumer Price Index – Denver-Aurora-Lakewood, as published by the Colorado Department of Local Affairs for the immediately preceding calendar year. These adjustments shall be compounded annually. For reference by towing carriers and the general public, the Commission will post a notice on its website by March 15 of each year reporting the annual inflation adjustments applicable pursuant to this rule.
- (f) Noncompliance. If a tow is performed, or storage is provided, in violation of state statute or Commission rule, the towing carrier may not charge or retain any fees or charges for the services it performs. Any motor vehicle that is held in storage must be released, without charge, to an authorized or interested person. Any money collected must be returned to the authorized or interested person of the motor vehicle.
- (g) Abandoned motor vehicles.
- (I) Notifications. The charges for notification(s) to the vehicle owner(s) and the lienholder(s) of the motor vehicle held in storage shall be in accordance with §§ 42-4-1804 and 42-4-2103, C.R.S., and the rules of the Colorado Department of Revenue. For purposes of notification, any motor vehicle in possession of the towing carrier, including motor vehicles incidental to the tow (for example, loaded on a trailer when the trailer was towed) shall comply with the notification requirements of Parts 18 and 21 of Article 4 of Title 42, C.R.S., and § 42-5-109, C.R.S.
- (II) Consequences of failure to notify. A towing carrier holding a motor vehicle in storage who cannot demonstrate that it has made a good faith effort, as set forth in §§ 42-4-1804 and 42-4-2103, C.R.S., to comply with the notification requirements of Parts 18 and 21 of Article 4 of Title 42, C.R.S., and § 42-5-109, C.R.S., shall not charge, collect, or retain any fees associated with the tow or storage of the motor vehicle.
- (III) Sale of an abandoned motor vehicle to cover the outstanding towing and storage charges must be done in accordance with the notice and procedural requirements of Parts 18 and 21 of Article 4 of Title 42, C.R.S., and § 42-5-109, C.R.S.
- (IV) Additional costs that may be charged when a stored motor vehicle is sold.
- (A) When a stored motor vehicle is sold, a towing carrier may charge the costs of maintaining that motor vehicle while in storage in accordance with § 38-20-109, C.R.S.
- (B) When a stored motor vehicle that does not come within the provisions of § 38-20-109, C.R.S., is sold, a towing carrier may charge the costs of maintaining that motor vehicle, up to a maximum of \$90.00.

- (C) “Cost of maintaining a motor vehicle” means a documented cost that is incurred by the towing carrier and that keeps a motor vehicle in safe and operable condition.
 - (D) Certified VIN verification procedure. When an abandoned motor vehicle that is less than five model years old and that the Colorado Department of Revenue cannot find in its records must be sold, the towing carrier may charge for all documented expenses of obtaining the certified VIN verification.
- (h) Trailers.
- (I) No additional fees may be charged for the towing of a power unit and trailer in combination as a single motor vehicle.
 - (II) A vehicle in or on a trailer is considered in combination as a single unit.
 - (III) No additional fees may be charged for the towing of cargo in combination; however, additional fees may be charged for towing a trailer when reasonably and actually conducted as a separate tow from a power unit.

6512. Release of Motor Vehicle and Personal Property.

- (a) The towing carrier shall immediately accept payment of the drop charge, towing, storage, release charges, and any other appropriate charges, if payment is offered by an authorized or interested person. The towing carrier must accept payments in cash or by valid major credit card. For purposes of this rule, a major credit card includes MasterCard and Visa. Accepted forms of payment may be annotated on the tow record/invoice, so long as the required options noted in this rule are offered to the authorized or interested person to whom the motor vehicle is being released. The towing carrier shall release the motor vehicle to an authorized or interested person.
- (b) A towing carrier that accepts for storage a motor vehicle that has been towed as a nonconsensual or law enforcement-ordered tow shall provide access to or release of the motor vehicle to an authorized or interested person of the motor vehicle either:
 - (I) with one hour’s notice during all times other than the towing carrier’s business hours that occur within the first 24 hours of storage; or
 - (II) upon demand during the carrier’s business hours.
- (c) Failure to notify. A towing carrier holding a motor vehicle in storage who cannot demonstrate that it has made a good faith effort, as set forth in §§ 42-4-1804 and 42-4-2103, C.R.S., to comply with the notification requirements of Parts 18 and 21 of Article 4 of Title 42, C.R.S., and § 42-5-109, C.R.S., shall release the motor vehicle at no charge to an authorized or interested person.
- (d) Release of personal property for nonconsensual and law enforcement-ordered tows. A towing carrier shall release personal property, upon request, to an authorized or interested person, if such request is made at any point after the vehicle has been towed, but no later than 30 days after notification, as set forth in §§ 42-4-1804 and 42-4-2103, C.R.S. Requests made outside of business hours shall follow the standards in paragraph 6512(b).

- (I) For purposes of this rule, personal property includes any items that are not attached to or part of the equipment of the motor vehicle.
 - (II) For a Commercial PPI, the towing carrier may charge up to the appropriate maximum base rate, as established in subparagraph 6511(b)(I), for the removal of personal property. For a Residential PPI, the towing carrier may not charge for the removal of personal property.
 - (III) For law enforcement-ordered tows, the towing carrier may charge up to the appropriate maximum hourly rate, as established in subparagraph 6511(c)(I), for the removal of personal property.
 - (IV) The provisions of this rule shall not apply during any period when the personal property is subject to a hold order issued by a court, district attorney, law enforcement agency, or law enforcement officer.
 - (V) Any fees allowable under this rule shall not be assessed for any of the items addressed under paragraphs 6512(g), (h), (i), and (j).
- (e) The towing carrier, at its discretion, need not comply with paragraphs 6512(a) through (d) to release a motor vehicle or allow for removal of personal property if:
- (I) the towing carrier is reasonably certain that, at the time the motor vehicle is to be released from storage, the driver of the motor vehicle is not capable of safely driving the motor vehicle due to the influence of drugs or alcohol;
 - (II) the towing carrier that is to remove the motor vehicle from storage does not have a valid towing carrier permit;
 - (III) a hold order is in place on the motor vehicle by a court, district attorney, law enforcement agency, or law enforcement officer;
 - (IV) the release of the motor vehicle does not comply with the release procedures agreed to, in writing, between the towing carrier and the applicable law enforcement agency; or
 - (V) the towing carrier, upon notification for the release of or access to a motor vehicle at other than the carrier's business hours, has immediately contacted an appropriate law enforcement agency and, in the interest of public order, has requested a law enforcement officer's presence during the release of the motor vehicle. This exception is applicable when the towing carrier has reason to believe that the person to whom the motor vehicle or personal property is to be released may disrupt the public order.
- (f) A towing carrier shall release a motor vehicle held in storage to a person presenting a current driver's license who attests to being the authorized operator of the motor vehicle and produces two of the following: keys to the motor vehicle; proof of insurance; vehicle registration; VIN; and knowledge of the location from where the motor vehicle was towed. Such attestation must be provided on the "Vehicle Release Form" available on the Commission's website, which the towing carrier shall provide to the authorized operator, upon request.
- (g) Whether on the property where the tow originates or at the towing carrier's storage facility, a towing carrier shall not refuse to relinquish prescription medicines, medical equipment, medical devices, or any child restraint system. The towing carrier shall immediately relinquish such items

to an authorized or interested person of the motor vehicle, without requiring payment and without additional charge, upon demand during business hours and, during the first 24 hours after commencement of the tow, within one hour's notice outside of business hours.

- (h) Whether on the property where the tow originates or at the towing carrier's storage facility, a towing carrier shall not refuse to relinquish credit cards and cash for immediate payment of the amount due to the towing carrier. The towing carrier shall immediately relinquish such items to an authorized or interested person of the motor vehicle, without requiring payment and without additional charge, upon demand during business hours and, during the first 24 hours after commencement of the tow, within one hour's notice outside of business hours.
- (i) Whether on the property where the tow originates or at the towing carrier's storage facility, a towing carrier shall not refuse to relinquish state or federal issued identification to the owner of the identification or to an authorized or interested person of the motor vehicle. The towing carrier shall immediately relinquish such items, without requiring payment and without additional charge, upon demand during business hours and, during the first 24 hours after commencement of the tow, within one hour's notice outside of business hours.
- (j) Whether on the property where the tow originates or at the towing carrier's storage facility, a towing carrier shall not refuse to relinquish a cellular telephone to an authorized or interested person of the motor vehicle. The towing carrier shall immediately relinquish such item, without requiring payment and without additional charge, upon demand during business hours and, during the first 24 hours after commencement of the tow, within one hour's notice outside of business hours.
- (k) For nonconsensual and law enforcement-ordered tows, a towing carrier shall not assess any additional fees or charges not specifically identified in state statute or Commission rule.
- (l) For a Residential PPI, a towing carrier shall immediately retrieve the motor vehicle that has been nonconsensually towed or allow the vehicle owner or authorized operator to retrieve the motor vehicle if the following conditions have been met:
 - (I) the vehicle owner or authorized operator pays 15 percent of the fees, not to exceed \$60.00, owed to the towing carrier for the nonconsensual tow; and
 - (II) the vehicle owner or authorized operator completes and signs the "Towed Vehicle Release Notice: Retrieval with Payment Owed" form available on the Commission's website, which the towing carrier shall provide to the vehicle owner, upon request.
 - (III) The remaining balance owed to the towing carrier shall be due no sooner than 90 days after the motor vehicle has been released to the vehicle owner or authorized operator.
 - (IV) A towing carrier must strictly comply with this rule and shall not impose any additional obligations or requirements, as a condition of releasing a motor vehicle, on the vehicle owner or authorized operator.

6513. Notice.

- (a) A towing carrier may not perform a nonconsensual tow of a motor vehicle, other than an abandoned motor vehicle, from private property unless:

- (I) notice of the applicable parking limitations, regulations, restrictions, and prohibitions was provided to the motor vehicle operator at the time the motor vehicle entered the private property and parked; and
 - (II) notice that any motor vehicle parked in violation of the applicable parking limitations, regulations, restrictions, and prohibitions is subject to tow at the vehicle owner's expense was provided to the motor vehicle operator at the time the motor vehicle entered the private property and parked. The towing carrier must retain evidence that such notice was provided for three years from the date of completion of the tow and provide it to the Commission or an enforcement official upon request.
- (b) Abandoned motor vehicles. A towing carrier may not perform a nonconsensual tow of an abandoned motor vehicle from private property unless the motor vehicle was left unattended for a period of 24 hours or more and is presumed to be abandoned pursuant to § 42-4-2102(1), C.R.S.
- (c) The notice required in paragraph (a) is presumed to be met through signage if a permanent sign is conspicuously posted visibly at each point of entrance to the private property.
- (d) A towing carrier that enters into a tow agreement with a property owner to nonconsensually tow motor vehicles shall post signage at the applicable private property from where the tows will originate. The signs shall, at a minimum:
- (I) be no less than one square foot in size;
 - (II) have lettering not less than one inch in height;
 - (III) have lettering that contrasts sharply in color with the background on which the letters are placed;
 - (IV) state "Authorized Parking Only";
 - (V) include the name and telephone number of the towing carrier authorized to perform tows from the private property;
 - (VI) be printed in English;
 - (VII) at the entrance to the private property, face outward toward the street and be visible prior to and upon entering the private property;
 - (VIII) inside the private property, face outward toward the parking area;
 - (IX) not be obstructed or placed in such a manner that prevents visibility; and
 - (X) not be placed higher than eight feet or lower than three feet from the ground surface closest to the sign's placement.

6514. Towing Violations and Civil Penalty Assessments.

- (a) A violation of any of the following provisions may result in the assessment of a civil penalty of up to \$1,100.00 for each violation:
- (I) § 40-10.1-401(1)(a), C.R.S.;

- (II) rule 6505;
 - (III) subparagraph (a)(I), (a)(V), (b)(I), (b)(II), (b)(III), paragraph (c), or (d) of rule 6508; or
 - (IV) paragraph (f) of rule 6511.
- (b) A violation of paragraph (a), (b), (c), (d), (e), (g), or (h) of rule 6511 may result in the assessment of a civil penalty as follows for each violation:
- (I) up to \$275.00 for an overcharge \$25.00 or less;
 - (II) up to \$550.00 for an overcharge greater than \$25.00 but less than or equal to \$150.00; and
 - (III) up to \$1,100.00 for an overcharge greater than \$150.00.
- (c) A violation of any of the following provisions may result in the assessment of a civil penalty of up to \$550.00 for each violation:
- (I) rule 6507;
 - (II) paragraph (e) of rule 6508;
 - (III) paragraph (a) of rule 6510;
 - (IV) paragraph (d), (f), or (l) of rule 6512; or
 - (V) rule 6513.
- (d) A violation of rule 6506 may result in the assessment of a civil penalty of up to \$100.00 for each violation.
- (e) Except as provided in paragraph (a) through (d) of this rule, a violation of any provision of Title 40, § 42-3-235.5, C.R.S., pertaining to towing carriers, or any provision of rules 6500 through 6513, may result in the assessment of a civil penalty of up to \$275.00 for each violation.
- (f) Civil penalty assessments are in addition to any other penalties provided by law.

6515. - 6599. [Reserved].

Decision No. C23-0740-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23R-0085TO

IN THE MATTER OF THE PROPOSED AMENDMENTS TO THE COMMISSION'S RULES REGULATING TOWING CARRIERS, 4 CODE OF COLORADO REGULATIONS 723-6, TO IMPLEMENT HB 22-1314.

**INTERIM COMMISSION DECISION STAYING
RECOMMENDED DECISION NO. R23-0721**

Mailed Date: November 1, 2023

Adopted Date: November 1, 2023

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On October 24, 2023, Administrative Law Judge (ALJ) Alenka Han issued Recommended Decision No. R23-0721 adopting amendments to the Commission's Rules Regulating Towing Carriers, 4 *Code of Colorado Regulations* 723-6.

2. Pursuant to § 40-6-109(2), C.R.S., the Recommended Decision will become a decision of the Commission if no exceptions are filed within 20 days, unless the Commission acts upon its own motion to stay the Recommended Decision.

3. We stay the Recommended Decision on our motion because of the press of business and to allow for a full review of the recommendations made by the ALJ and interested persons. We will review the Recommended Decision along with any exceptions and responses.

4. Notwithstanding the stay of the Recommended Decision, exceptions to the Recommended Decision remain due by November 13, 2023, consistent with the timing provisions in § 40-6-109(2), C.R.S. Responses are due within 14 days following service of the exceptions.

II. ORDER

A. The Commission Orders That:

1. Pursuant to Rule 1505(a) of the Commission’s Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1, and consistent with § 40-6-109(2), C.R.S., Recommended Decision No. 23-0721, mailed October 24, 2023, is stayed.

2. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS’ WEEKLY MEETING
November 1, 2023**

(S E A L)



ATTEST: A TRUE COPY

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ERIC BLANK

MEGAN M. GILMAN

TOM PLANT

Commissioners

Decision No. C24-0077

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23R-0085TO

IN THE MATTER OF THE PROPOSED AMENDMENTS TO THE COMMISSION'S RULES REGULATING TOWING CARRIERS, 4 CODE OF COLORADO REGULATIONS 723-6, TO IMPLEMENT HB 22-1314.

**COMMISSION DECISION DENYING EXCEPTIONS
TO RECOMMENDED DECISION NO. R23-0721
AND ADOPTING RULE AMENDMENTS,
WITH MODIFICATION**

Mailed Date: February 7, 2024

Adopted Date: January 31, 2024

I. BY THE COMMISSION

A. Statement

1. Through this Decision, the Commission denies the exceptions filed on November 13, 2023, by Wyatts Towing to Recommended Decision No. R23-0721, issued October 24, 2023, by Administrative Law Judge (ALJ) Alenka Han (Recommended Decision). The Commission adopts amendments to the Rules Regulating Towing Carriers, 4 *Code of Colorado Regulations* (CCR) 723-6 (Towing Rules), as recommended by the ALJ with one modification, which is discussed below. Among other updates and revisions, the adopted rule amendments revise the Towing Rules to reflect statutory changes enacted in recent legislation, including House Bill 22-1314. The adopted rules are attached to this Decision in legislative (*i.e.*, ~~strikeout~~ and underline) format (Attachment A) and final format (Attachment B).

B. Background

2. The Commission initiated this matter on February 22, 2023, by issuing a Notice of Proposed Rulemaking (NOPR) and referred the matter to an ALJ for disposition. The NOPR was published in the March 10, 2023, edition of the *Colorado Register* and on the Commission's website.

3. The purpose of this rulemaking is to amend the Commission's Towing Rules. The statutory authority for adoption of these rules is found at §§ 40-2-108, 40-10.1-106, and 40-10.1-410, C.R.S.

4. Multiple public comment hearings were conducted by the ALJ on the proposed rules, with a hearing convened on April 20, 2023, and continued to May 30, 2023, July 25, 2023, and August 31, 2023, for additional comment.

5. On October 24, 2023, the ALJ issued the Recommended Decision and recommended adoption of the amended Towing Rules that were provided in the attachments to the ALJ's decision.

6. By Interim Decision No. C23-0740-I, issued November 1, 2023, the Commission stayed the Recommended Decision on its own motion because of the press of business and to allow for a full review of the recommendations made by the ALJ.

7. On November 13, 2023, Wyatts Towing filed exceptions to the Recommended Decision, pursuant to § 40-6-109(2), C.R.S., requesting that the Commission consider certain revisions to the ALJ's recommended rules. No responses were filed to the exceptions.

8. The Commission deliberated at its December 13, 2023, and January 31, 2024, Commissioners' Weekly Meetings. The Commission denied the exceptions and adopted the

amended Towing Rules, as recommended by the ALJ, with the one modification discussed below.

C. Discussion

9. Under § 40-6-109(2), C.R.S., and Rule 1505(a) of the Commission's Rules of Practice and Procedure, 4 CCR 723-1, whenever an ALJ issues a recommended decision, the record is transmitted to the Commission and parties to the proceeding (or in the case of rulemaking, the participants) may file exceptions. When ruling on exceptions, the Commission may adopt, reject, or modify the ALJ's findings of fact and conclusions and may enter its own decision.

10. Below, we address the modifications to the recommended rules requested in the exceptions filed by Wyatts Towing. We also discuss the Commission's interest in collecting relevant data from towing carriers to develop a better understanding of this regulated industry and the resulting additional rule amendment that we adopt by this Decision. Any arguments in the exceptions that are not specifically addressed in the discussion below, have been considered and rejected.

1. Exceptions to Recommended Decision

a. Authorization Information Required on Tow Invoice

11. Wyatts Towing requests the Commission modify the language in Recommended Rule 6509(VII),¹ 4 CCR 723-6, regarding the information that a towing carrier must record on each tow invoice, specifically concerning the name and address of the property owner authorizing the tow. Wyatts Towing states the property owner is not in all cases the person

¹ We construe this exception as referring to Recommended Rule 6509(a)(VII).

authorizing the tow and it may be that the property owner has arranged for an authorized agent to perform this function on their behalf. Wyatts Towing's exceptions acknowledge that, in practice, Commission transportation staff has understood this distinction when auditing tow invoices for required information. Nonetheless, Wyatts Towing urges that the potential role of an authorized agent should be explicitly reflected in the rules. Wyatts Towing also argues that requiring the towing carrier to include in the tow invoice the specific name and address of the authorizing party can create personal risk for that individual, while at the same time providing no additional consumer protection. Wyatts Towing requests the Commission consider the following alternative rule language for the minimum information that must be recorded on a tow invoice:

- (VII) unless incorporated in the authorization in subparagraph 6508(b)(III),
 - (A) the printed name address, and telephone number of the property owner's or the property owner's authorized agent authorizing the tow; and
 - (B) the full legal signature of the property owners or the property owner's authorized agent authorizing the tow;
 - (C) tow carriers may provide the phrase "On File" on the tow invoice in place of the information in Paragraph 6509(VIII)(A) and (B) for safety reasons.² However, tow carriers must retain this information and provide to staff or law enforcement upon request.

12. The Commission denies this exception. Wyatts Towing's concerns about this rule referring to the "property owner" authorizing the tow are already addressed in the defined terms section of the rules, which expressly define "property owner" to include any *authorized agent for* the property owner. Specifically, Recommended Rule 6501(u)(II), 4 CCR 723-6, defines the term "property owner" to include "a person who has been authorized to act as an authorized agent for the property owner..." Thus, the plain meaning of "property owner" under the rules

² We construe this exception as referring to Recommended Rule 6509(a)(VII)(A) and (B).

already includes any authorized agent of the property owner and no revisions are needed to address this concern. We also decline to make any adjustments regarding disclosure of identifying information for the person authorizing the tow. The Commission has long recognized a distinction between the tow invoice document and the broader tow record that is retained by the towing carrier documenting all relevant information for the tow. This distinction remains unchanged. The towing carrier may continue to record the name of the person authorizing the tow as part of the tow record that it maintains for all aspects of the tow. However, the towing carrier must provide that information upon request. This is consistent with the newly enacted requirements in House Bill 22-1314, codified at §§ 40-10.1-407(1)(f) and (4), C.R.S., that now specifically require towing carriers to record certain information for each tow they perform, including the “name, address, telephone number, and signature of the person authorizing the tow” and provide that information to an authorized or interested person within 48 hours of a request.

b. Required Signage

13. Wyatts Towing urges the Commission to revert to broader language regarding the required signage that a towing carrier must post at a private property to alert drivers that their parked vehicles may be subject to tow. Wyatts Towing contends that an earlier version of Rule 6513(d)(IV), 4 CCR 723-6, that was considered during the rulemaking took a better approach. This prior version required that posted signage:

(IV) ... state “Authorized Parking Only”, or a similar statement of parking limitations or restrictions;

14. Wyatts Towing maintains the best approach to signage is adopting a flexible requirement in rule that would allow towing carriers more leeway to post the signage at private

properties that they believe is most descriptive for drivers, including statements such as: “*Tenant or registered guest parking only from 10 pm – 8 am.*” Wyatts Towing adds that flexibility in the rule would also afford more flexibility to Commission transportation staff when making enforcement decisions, so that they could make common sense judgements on whether the language contained on posted signage is sufficient to provide notice to vehicle owners.

15. The Commission denies this exception. The legislature enacted in House Bill 22-1314, codified at § 40-10.1-405(4)(f)(III)(D), C.R.S., a prescriptive requirement for the language that must be contained on signage; the Commission cannot waive or alter a statutory requirement by rule. Although we understand the concern raised by Wyatts Towing, in this circumstance, the statute controls, so we will adopt the rule as recommended by the ALJ. However, we clarify that nothing in the law or our implementing rule limits towing carriers to providing only the prescribed language and, thus, towing carriers can certainly include additional language, at their discretion, that advises drivers of specific parking policies or restrictions for the property, so long as the requisite language (“Authorized Parking Only”) is also present.

2. Collection of Towing Data

16. The Commission has determined that it requires additional information regarding the Colorado towing industry that it regulates, in order to carry out its regulatory function. Among other interests, we are mindful of the directive in Senate Bill 21-272 and its requirements that we more directly consider equity issues in our decision-making. We therefore have begun, and will continue, collecting and analyzing data concerning the sale of abandoned motor vehicles by towing carriers. We expect that this data, when considered as a whole, may provide us valuable insight into the various equity and disproportionate impact variables that the

Commission is considering across all its regulated industries. Consequently, we have requested that our transportation staff coordinate with the Colorado Department of Revenue to arrange for appropriate data sharing of sale details. We also adopt the following modification to the language in Rule 6511(g)(III), 4 CCR 723-6, with the new language shown in **bold text**:

Sale of an abandoned motor vehicle to cover the outstanding towing and storage charges must be done in accordance with the notice and procedural requirements of Parts 18 and 21 of Article 4 of Title 42, C.R.S., and § 42-5-109, C.R.S. **Upon the effective date of a future Commission decision providing further guidance under this subparagraph 6511(g)(III), all towing carriers may be required to provide to the Commission a copy of the completed Private Tow Vehicle Information Request and Motor Vehicle Bill of Sale forms within 30 days of abandoned motor vehicle sales resulting from a nonconsensual tow.**

17. We request that transportation staff continue this work and report to the Commission on or around April 15, 2024, on its progress and analysis of this data and any further action required by the Commission to facilitate the continued efforts in this area.

II. ORDER

A. It Is Ordered That:

1. The Commission's Rules Regulating Towing Carriers, 4 *Code of Colorado Regulations* (CCR) 723-6, contained in Attachment A and Attachment B to this Decision, are adopted, consistent with the discussion above.

2. The adopted rules are available through the Commission's E-Filings system at:

https://www.dora.state.co.us/pls/efi/EFI.Show_Docket?p_session_id=&p_docket_id=23R-0085TO

3. The exceptions to Recommended Decision No. R23-0721, filed by Wyatts Towing on November 13, 2023, are denied.

4. The Commission adopts the amendments to the Rules Regulating Towing Carriers, 4 CCR 723-6, recommended by the Administrative Law Judge in Recommended

Decision No. R23-0721, in their entirety, except for the modification identified in this Decision and shown in the attachments to this Decision.

5. The 20-day period provided for in § 40-6-114, C.R.S., within which to file applications for rehearing, reargument, or reconsideration begins on the first day following the effective date of this Decision.

6. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
December 13, 2023 and January 31, 2024.**

(SEAL)



ATTEST: A TRUE COPY

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ERIC BLANK

MEGAN M. GILMAN

TOM PLANT

Commissioners

COLORADO DEPARTMENT OF REGULATORY AGENCIES

Public Utilities Commission

4 CODE OF COLORADO REGULATIONS (CCR) 723-6

PART 6

RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE

GENERAL PROVISIONS

6000. Scope and Applicability.

All rules in this Part 6, the "6000" series, shall apply to all Commission proceedings and operations concerning regulated entities providing transportation by Motor Vehicle, unless a specific statute or rule provides otherwise. Rules 6000 – 6099 apply to all Common Carriers, Contract Carriers, Limited Regulation Carriers, Towing Carriers, Movers, UCR registrants, Large Market Taxicab Service carriers, and Drivers as defined herein. Rules 6700 – 6724 apply to all Transportation Network Companies. Specific provisions regarding the applicability of this Part 6 can be found in rules 6100, 6200, 6250, 6300, 6400, 6500, 6600, and 6700.

6001. Definitions.

The following definitions apply throughout this Part 6, except where a specific rule or statute provides otherwise:

* * * *

[indicates omission of unaffected rules]

(uuu) "Towing ~~c~~Carrier" means a Motor Carrier that provides towing of Motor Vehicles pursuant to a Towing Permit granted by the Commission pursuant to part 4 of Article 10.15 of Title 40, C.R.S. and rule 6500, et seq.

* * * *

[indicates omission of unaffected rules]

TOWING CARRIER RULES

6500. Applicability of Towing Carrier Rules.

- (a) Rules 6500 through 6599 apply to all towing carriers and to all Commission proceedings and operations concerning towing carriers, applicants for a towing carrier permit, ~~and~~ employees of towing carriers, and tow truck drivers.
- (b) For a tow and storage of a motor vehicle performed under a written agreement between a towing carrier and a municipal, county, state, or federal agency, nothing in these towing carrier rules shall be construed to prohibit such agency, to the extent permitted by law, from adopting and enforcing additional or more stringent requirements relating to towing carrier operations within their jurisdiction with regard to rules 6506; 6507(a), (c), (e), and (f); 6508; 6509; 6510; and 6512(a), (b), (e), (f), and (g).
- (c) A written agreement between a towing carrier and a property owner to perform a nonconsensual tow may set rates for the tow less than, but not higher than, the rates established in paragraphs 6511(a), (b), (c), (d), and (e), ~~and (f)~~. In the event rates are not set through a written agreement, the Commission's rules will prevail and rates shall default to those established in these rules. For purposes of this rule, a written agreement setting rates for the tow does not include a tow authorization by a law enforcement officer given to a towing carrier with whom the law enforcement officer's agency does not itself have a written agreement.

6501. Definitions.

In addition to the general definitions in rule 6001, the following definitions apply to all towing carriers and to all Commission proceedings and operations concerning towing carriers, applicants for a towing carrier permit, employees of towing carriers, and tow truck drivers.

- (a) "Abandoned motor vehicle" means an "abandoned motor vehicle" as defined by § 42-4-1802(1), C.R.S., for motor vehicles left unattended on public property, and § 42-4-2102(1), C.R.S., for motor vehicles left unattended on private property.
- (b) "Address" means the particulars of the physical location of a business or residence, including the street name, number, city, state, and zip code.
- (c) "Authorized agent for the property owner" means a person acting as agent of a property owner.
- (d) "Authorized agent of the owner of the motor vehicle" means a person, including a towing carrier, who has been given written or oral permission by the owner, lessee, lienholder, or insurance company of a motor vehicle to act as agent for the disposition of said motor vehicle.
- (e) "Authorized operator of a motor vehicle" or "authorized operator" means a person who has been given written or oral permission to drive a motor vehicle by the owner or lessee of said motor vehicle. A person may demonstrate that they are an authorized operator, as set forth in paragraph 6512(f).
- (f) "Authorized or interested person" means the vehicle owner, authorized operator, authorized agent of the owner of the motor vehicle, the lienholder of the motor vehicle, or the insurance company, as defined in § 40-10.1-101(1.5), C.R.S.

- (gf) “Business hours” means 8:00 AM to 5:00 PM, Monday through Friday, excluding legal holidays, and any additional hours and days the towing carrier may designate.
- (h) “Common parking area” means any part of the following areas that are normally used for parking, such as the side of a street or parking spaces, that an owner does not have the right to exclude other residents of the following from using for parking: a condominium, as defined in § 38-33.3-103(9), C.R.S.; a cooperative, as defined in § 38-33.3-103(10), C.R.S.; a multifamily building, which is also known as an apartment complex, with separate living quarters that are rented or leased separately; or a mobile home park, as defined in §§ 38-12-201.5(6) and 40-10.1-101(4.5), C.R.S.
- (i) “Drop fee” or “drop charge” means a fee a towing operator charges to unhook a vehicle from a tow truck, as defined in § 40-10.1-101(6.5), C.R.S.
- (ig) “Gross Vehicle Weight Rating” or “GVWR” is the maximum operating weight of a motor vehicle, as specified by the manufacturer.
- (k) “Insurance company” means an insurance company providing coverage on the motor vehicle, or their agent, if the vehicle owner signs a release authorizing the insurance company to act on the owner’s behalf.
- (lh) “Law enforcement officer” means any sheriff, police officer, Colorado Sstate Ppatrol officer, municipal code enforcement officer, or other such person acting in his or her official governmental capacity for enforcement of motor vehicle laws.
- (mi) “Law enforcement-ordered tow” means a tow ordered by a law enforcement officer. Law enforcement-ordered tows are subject to these rules, even when the authorized or interested person owner of operator of the motor vehicle consents to a law enforcement officer ordering a tow. A tow shall not be considered a law enforcement-ordered tow if the authorized or interested person of the motor vehicle owner of operator has the ability or opportunity to terminate the tow and contact a towing carrier of his or her own choosing.
- (nj) “Legal disability” means the condition of a trailer or semi-trailer that, due to its weight, height, or other size characteristics, is unable to be transported when attached to the motor vehicle that was pulling it.
- (o) “Lienholder of the motor vehicle” means a person or company, or their agent, having a financial interest or legal claim related to the motor vehicle.
- (pk) “Name” means a word or phrase that constitutes the distinctive designation of a person or thing and includes printed, legible words and includes the first and last name, as applicable.
- (qt) “Nonconsensual tow”, “nonconsensual towing”, “towed nonconsensually”, “nonconsensually tow”, or “towed without consent” means the transportation of a motor vehicle by tow truck from private property, including a trailer, if the such transportation is performed without the prior consent or authorization of: the vehicle owner; or authorized operator; authorized agent of the owner of the motor vehicle; the lienholder of the motor vehicle, unless the motor vehicle is being towed for the purpose of repossession under a lien agreement; or the insurance company, as defined in of the motor vehicle. Law enforcement-ordered tows are considered nonconsensual tows. § 40-10.1-101(13), C.R.S.

- (~~rm~~) “Parking lot” means any place, lot, parcel, yard, structure, building, or enclosure used, in whole or in part, for storing or parking five or more motor vehicles.
- (~~sn~~) “Private property” means any real property that is not public property.
- (~~te~~) “Private Property Impound” (or “PPI”) means a nonconsensual tow from private property upon authorization of the property owner. A PPI can be a “Commercial PPI” or a “Residential PPI”, as follows.
- (I) “Commercial PPI” is a nonconsensual tow from commercial private property that is not in a common parking area.
- (II) “Residential PPI” is a nonconsensual tow from residential private property, including from a common parking area.
- (~~up~~) “Property owner” means:
- (I) the owner or lessee of the private property or public property;
- (II) a person who has been authorized to act as an authorized agent for the property owner or lessee of the private property or public property; or
- (III) a federal, state, county, municipal, or other government entity that is the owner or lessee of the private property or public property, or such entity's employees responsible for such property.
- (IV) A person, pursuant to §§ 40-10.1-405(3)(a)(IV)(B) and (C), C.R.S., may be considered a property owner, for purposes of authorizing a nonconsensual tow.
- (~~ve~~) “Public property” means any real property having its title, ownership, use, or possession held by the federal government; this state; or any county, municipality, or other governmental entity of this state.
- (~~wf~~) “Recovery” means winching, hoisting, up-righting, removing, or otherwise relocating a motor vehicle when the motor vehicle is found in such a location, state, or position in which it could not be removed from the location, state, or position using only the motor vehicle's own power, even if it were in complete operating condition. Waiting and site clean-up time are included in recovery services.
- (~~xs~~) “Signature” means the name of the person written in his or her own handwriting or submitted~~entered~~ by that person electronically.
- (~~y~~) “Storage facility” or “towing facility” means any place used for the storage of motor vehicles or records, in conjunction with the operations of a towing carrier.
- (~~zt~~) “Tow agreement” means a written agreement between a towing carrier and a property owner or law enforcement authorizing the towing carrier to perform tows and meeting the minimum requirements for tow agreements set forth in subparagraph 6508(a)(I) or by law enforcement.
- (~~aa~~) “Towing” is the act of transporting a motor vehicle or trailer on or behind a tow truck.

- (~~bbv~~) “Tow invoice” means a written invoice provided to the authorized or interested person, vehicle owner or authorized agent of the vehicle owner in accordance with rule 6509.
- (~~ccw~~) “Tow record” means a complete record of the tow as maintained by the tow carrier, in accordance with rule 6509.
- (~~ddx~~) “Tow truck” means a motor vehicle specially designed or equipped for transporting another motor vehicle by means of winches, cables, pulleys, or other equipment for towing, pulling, or lifting such other motor vehicle from one place to another.
- (~~eev~~) “Towing carrier” means a motor carrier that provides, as one of its primary functions, the towing of motor vehicles by use of a tow truck and may also provide storage of towed motor vehicles.
- (~~ffz~~) “Towing carrier permit” means the permit issued by the Commission to a towing carrier, pursuant to § 40-10.1-401, C.R.S.
- ~~(aa) “Towing facility” means any place used for the storage of motor vehicles or records in conjunction with the operations of a towing carrier.~~
- (~~ggbb~~) “Trailer” means any wheeled vehicle, without motive power, which is designed to be drawn by a motor vehicle and to carry its cargo load wholly, or in part, upon its own structure and that is generally and commonly used to carry and transport property over the public highways.
- (~~hh~~) “Vehicle owner” means the owner of a motor vehicle, as determined by the motor vehicle’s registration, title, or the record obtained using the system described in § 42-4-2103(3)(c)(III), C.R.S.
- (~~iiee~~) “VIN” means the unique vehicle identification number used to identify a motor vehicle.

6502. [Reserved].

6503. Towing Carrier Permit Application.

- (a) In addition to completing the Commission-prescribed permit application form available on the Commission’s website, an applicant~~person~~ must:
- (I) pay an application fee, as administratively set by the Commission~~of \$150.00~~;
 - (II) cause to be filed the required proof of financial responsibility; ~~and~~
 - (III) pay the required annual fees or, if applicable, shall be in compliance with the UCR Agreement;~~;~~ and
 - (IV) have at least one principal who possesses a valid Colorado driver’s license.

6504. Criminal History Checks and Good Cause Determinations.

- (a) This rule applies to principals, as defined in paragraph 6001(iii), of a towing carrier, ~~including without limitation, directors and officers.~~
- (b) Qualification determination for towing carrier permit.

- (I) Upon the Commission's receipt of results obtained from a criminal history record check, Commission staff shall make a qualification determination regarding the applicant's qualification status. In making this determination, Commission staff is authorized to request from the applicant, and the applicant shall provide, additional information that will assist Commission staff in making the determination. If an applicant either does not provide such additional information requested by Commission staff, or explain why it is unavailable, within 15 days of the request, Commission staff may deny the application.
- (II) An application for a towing carrier permit shall be denied, if the applicant has:
 - (A) a conviction in the state of Colorado, within the five years preceding the date the criminal history record check is completed, of any felony under any Title of C.R.S. or any towing-related offense; or
 - (B) an offense in any other state or in the United States that is comparable to any offense listed in subparagraph (A) within the same time periods as listed in subparagraph (A).
- (III) For purposes of this rule, a deferred judgment and sentence pursuant to § 18-1.3-102, C.R.S., shall be deemed to be a conviction during the period of the deferred judgment and sentence.
- (IV) The Commission and Commission staff may consult and use any commercially or governmentally available information source in conducting criminal history record checks.
- (c) Commission staff shall not issue a towing carrier permit to the applicant if a disqualifying criminal history record is found for a person subject to this rule.
- (d) The Commission may deny an application for a towing carrier permit based on a determination that there is good cause to believe the issuance of the permit is not in the public interest.
- (e) If a disqualifying criminal history record or good cause determination is found for a person subject to this rule, the associated applicant may file a petition to qualify the applicant within 60 days of Commission staff's notification.
 - (I) Upon the filing of a petition for qualification, Commission staff shall be an indispensable party.
 - (II) The applicant shall bear the burden of proving that disqualification is not supported by fact or law. If the Commission qualifies an applicant upon petition, paragraph (b) shall be waived as to qualification determinations for future applications regarding the events upon which Commission staff's disqualification was based.

6505. Kickbacks Prohibited~~Reserved~~.

Pursuant to § 40-10.1-408, C.R.S., a towing carrier shall not pay money or other valuable consideration including, but not limited to gifts and gratuities, for the privilege of nonconsensually towing vehicles.

6506. Equipment and Accessories.

In addition to complying with all applicable safety regulations, all tow trucks shall meet the following minimum requirements.

- (a) Basic tow truck requirements.
- (I) A towing carrier shall equip its tow truck(s) with engines, transmissions, differentials, driveline components, brake systems, frames, steering components, and suspensions of sufficiently heavy construction to safely winch, lift, tow, load, and transport the towed motor vehicle.
 - (II) A towing carrier shall maintain its tow truck(s) in a manner ensuring the safe winching, lifting, towing, loading, and transporting of the towed motor vehicle.
 - (III) A towing carrier shall ensure its tow truck(s) have each of the following:
 - (A) a GVWR of at least 10,000 pounds;
 - (B) fender coverings for front and rear wheels;
 - (C) the following operational electric lights:
 - (i) one spotlight, mounted behind the cab, capable of lighting the scene of legal disability and/or the motor vehicle to be moved (reverse/back-up lights of the tow truck shall not be used in lieu of the spotlight); and
 - (ii) one portable, combination light system capable of being securely attached on the rear of the towed motor vehicle; consisting of (with an equal number on each side) two tail lamps, two stop lamps, and two turn signals; and operated in conjunction with analogous lights on the tow truck;
 - (iii) Warning lights or overhead lighting. A towing carrier shall use yellow, opaque white, or clear white warning and overhead lights only and no other color, unless the tow truck has been approved as an authorized emergency vehicle, as set forth in § 42-1-102(6)(b), C.R.S. In order to be approved as an authorized emergency vehicle, the towing carrier must have a Colorado Department of Revenue Form DR2490 for this classification, approved by the Director of the Commission or the Director's designee, and must follow the requirements of §§ 42-4-213 and 42-4-214(2), C.R.S., and any other requirements the Commission may deem necessary.
 - (D) one steering wheel tying device free from cracks, fraying, or deterioration; and
 - (E) for any towing carrier that performs tows from accident scenes:
 - (i) one shovel; and
 - (ii) one broom.
- (b) Winching, lifting, towing, and carrying equipment shall be maintained in a manner to ensure the safe winching, lifting, towing, loading, and transporting of the towed motor vehicle, and shall include at least one of the following:

- (I) Winch and crane: A power-driven winch and crane with a capacity of not less than 6,000 pounds with a winch cable capable of withstanding a test of not less than 10,000 pounds at breaking point or hydraulic system vehicle lift and a cradle, with a tow plate or sling, equipped with safety chains and chains with J-hooks of sufficiently heavy construction to ensure the safe lifting of the motor vehicle;
 - (II) Wheel-lift system: A wheel-lift system with a stinger, L arm brackets, safety chains and tie-down straps, or a mechanical wheel retainer device forming an integral part of the L-arm bracket, of sufficiently heavy construction to secure the motor vehicle to the wheel-lift unit and to ensure the safe lifting and towing of the motor vehicle; or
 - (III) Rollback system: A rollback system with a winch and cable as described in subparagraph (I) of this paragraph, safety chains, tie-down equipment, and truck bed of sufficiently heavy construction to ensure the safe loading and transporting of the motor vehicle.
- (c) A towing carrier shall not tow a motor vehicle that is so extensively damaged as to be unmovable on its own wheels, unless the tow truck is equipped with dollies, a wheel-lift system, or a rollback system of sufficiently heavy construction to ensure the safe loading and towing of the damaged motor vehicle.
- (d) A towing carrier shall not tow a motor vehicle without attaching required operational electric lights on the rear of the towed motor vehicle. This requirement does not apply to motor vehicles placed on a flatbed or trailer, as long as the motor vehicle being towed does not extend four feet beyond the rear of the tow truck.
- (e) A towed motor vehicle shall be secured to the tow truck, in accordance with the C.R.S. and the Code of Federal Regulations, for the purpose of transporting the vehicle.

6507. Storage Facilities.

- (a) Disclosure of storage facility location. For nonconsensual tows of a motor vehicle, within 30 minutes of moving the towed motor vehicle from its location, or such lesser time as may be required by law, a towing carrier shall notify ~~disclose~~ the responsible law enforcement agency having jurisdiction over the place from where the motor vehicle was towed. The notification shall contain the following information: the name and permit number of the towing carrier; the location of the storage facility where the towed motor vehicle is located; and a description of the towed motor vehicle, including the make, model, color, year, VIN, and license plate information, including the number, issuing state, and expiration date. A towing carrier is deemed to have complied with this requirement if: ~~by notifying the responsible law enforcement agency having jurisdiction over the place from which the motor vehicle was towed.~~
- (I) ~~Compliance with paragraph (a) will be considered accomplished if~~ the location of the storage facility was provided to the responsible law enforcement agency ~~when in conjunction with~~ obtaining authorization for the tow; or;
 - (II) ~~If the towing carrier makes~~ two or more documented attempts to notify the responsible law enforcement agency were made, within the 30-minute time period ~~to notify the responsible law enforcement agency~~, but ~~were~~ is unsuccessful for reasons beyond the control of the towing carrier. The towing carrier must still notify the responsible law enforcement agency as soon as possible, after the unsuccessful attempts, the notice will not be considered late for purposes of paragraph (a).

- (b) Disclosure for abandoned motor vehicles. A towing carrier which places an abandoned motor vehicle in a storage facility shall also disclose the location of the storage facility by complying with the procedure for abandoned motor vehicles in Parts 18 and 21 of Article 4 of Title 42, C.R.S.
- (c) Disclosure for all towed motor vehicles. Upon request of the authorized or interested personowner, authorized operator, or authorized agent of the owner of the ~~of~~ motor vehicle, a towing carrier which places a motor vehicle in a storage facility shall also disclose the location of the storage facility, the total amount of the charges, and accepted forms of payment, as provided in rule 6512.
- (d) Signage at storage facility.
- (I) A towing carrier shall maintain a clearly visible sign at the entrance to any storage facility where a motor vehicle has been towed as a nonconsensual tow. Such sign shall state the name of the business, telephone number, and hours of operation.
- (II) All signs posted to provide notice pursuant to this rule shall comply with any applicable municipal ordinance, ~~to the extent not inconsistent with this rule, applicable ordinance,~~ Signs shall also, at a minimum:
- (A) be no less than two square feet in size;
- (B) have lettering not less than two inches in height;
- (C) have lettering that contrasts sharply in color with the background on which the letters are placed; and
- (D) be printed in English.
- (E) If the storage facility contains motor vehicles that were towed as a Residential PPI, the signs must also contain the following statement:
- “If a vehicle is nonconsensually towed from private property, the owner may retrieve the contents of the vehicle even if the owner does not pay the towing carrier’s fees. If the owner fills out the appropriate form, the owner may retrieve the vehicle after paying a reduced fee, but the owner still owes the towing carrier the balance of those fees.”
- (e) Lighting for release. A towing carrier shall maintain an area at each storage facility location on file with the Commission with illumination levels during all hours adequate to inspect a motor vehicle for damage prior to its release from storage.
- (f) Towing Ccarrier responsibility. After a nonconsensual or law enforcement-ordered tow, the towing carrier is responsible for the security and safety of the towed motor vehicle until it is released to an authorized or interested person~~in accordance with these rules~~. Evidence of the towing carriers’ commercial liability insurance coverage, including cargo liability coverage, garage keeper’s liability coverage, if applicable, and motor vehicle liability coverage shall be provided, upon request, to an authorized or interested person~~the person to whom the motor vehicle is being released~~.

6508. Authorization for Towing of Motor Vehicles.

- (a) Towing carrier acting as authorized agent for the property owner.
- (I) A towing carrier is prohibited from acting as the authorized agent for the property owner for a Residential PPI. For a Commercial PPI, aA towing carrier may act as the authorized agent for the property owner under a written tow agreement to that effect, provided the tow agreement is compliant with this paragraph (a). The tow agreement shall contain at least the following information in order for the tow to be properly authorized:
- (A) the name, physical address, telephone number, email address, if applicable, and towing carrier permit number of the towing carrier;
 - (B) the name, address, email address, if applicable, and telephone number of the property owner;
 - (C) the address of the property from which the tows will originate;
 - (D) the name of each individual person who is authorized to sign the tow authorization except tow carrier drivers where the carrier is authorized to act as the property owner agent under this rule;
 - (E) the address and phone number of the storage facility where the ~~motor~~ vehicle owner may retrieve the motor vehicle;
 - (F) the beginning date and ending date of the tow agreement. Provisions that provide for automatic renewal of the tow agreement are permissible provided all signature parties on the original tow agreement remain the same and are still valid at the time of renewal;
 - (G) a statement that ~~“the maximum rates for a nonconsensual tow from private property, and the maximum drop charge if the motor vehicle is retrieved before removal from the private property, are set by rule of the Public Utilities Commission;”~~
 - (H) the name, title, phone number, and signature of the person entering into the tow agreement on behalf of the property owner and on behalf of the towing carrier; and
 - (I) the date the tow agreement is signed.
- (II) Nothing in this paragraph (a) shall preclude a towing carrier who has been paid for the tow by the property owner at proper rates from collecting the towing charges from the ~~motor~~ vehicle owner and reimbursing said charges to the property owner.
- (III) No agency provided for in this paragraph (a) shall affect any obligation, liability, or responsibility of the property owner to any third party. Any provision attempting to affect such obligation, liability, or responsibility shall be void.
- (IV) Nothing in this paragraph (a) shall preclude a towing carrier or property owner from adding addendums to the tow agreement that modify any term of the tow agreement, so long as the addendums are in compliance with these rules and agreed upon by both the

tow company and the property owner. Each addendum must be signed by both the tow company and the property owner and are required to be maintained with the original tow agreement.

(V) For purposes of this rule, any company owned or operated by a towing carrier, or having principals or owners with a controlling financial interest in a towing carrier, is prohibited from acting as the authorized agent for the property owner for a Residential PPI.

(b) Authorization to perform ~~anonconsensual~~ tow.

- (I) A towing carrier shall not tow any motor vehicle unless one of the following conditions is met:
 - (A) the towing carrier is directed to perform a tow by a law enforcement officer;
 - (B) the towing carrier is requested to perform a tow by an authorized or interested person~~the owner, authorized operator, or authorized agent of the owner~~ of the motor vehicle; or
 - (C) the towing carrier is requested to perform a tow upon the authorization of the property owner.
- (II) A towing carrier may not come in contact with, hook-up to, or tow a motor vehicle that is occupied, unless the towing carrier is performing rescue or recovery operations for said occupant(s).
- (III) Property owner authorization. The authorization from the property owner, or authorized agent for the property owner, shall be in writing; shall identify by make, license plate number (if available), and VIN (if available), the motor vehicle to be towed; and shall include the date, time, and place of removal.
 - (A) The authorization shall be filled out in full, signed by the property owner, and given to the towing carrier before the motor vehicle is removed from the property. The property owner may sign using a verifiable employee identification number or code name in lieu of the person's proper name. If the authorization is signed by the towing carrier as agent for the property owner, then a verifiable employee identification number or code name shall not be used. Documentation of such authority must be carried in the tow truck at all times while performing the tow. At a minimum, such documentation shall contain:
 - (i) the name, address, email address (if applicable), and telephone number of the property owner;
 - (ii) the address of the property from which the tows will originate; and
 - (iii) the name of each individual person who is authorized to sign the tow authorization.
 - (B) A towing carrier shall not have in his or her possession, accept, or use blank authorizations pre-signed by the property owner.

- (C) The written authorization may be incorporated into the tow record/invoice required by rule 6509 or on any other document.
- (D) With the exception of law enforcement-ordered tows, a towing carrier that is requested to perform a tow upon the authorization of a property owner, or authorized agent for the property owner, must immediately deliver the towed motor vehicle that is being removed from the property to a storage facility location on file with the Commission without delay. No motor vehicle may be relocated off of the private property from which it is towed to a location other than to such a storage facility.
- (E) In the case of law enforcement-ordered tows, a towing carrier may relocate a motor vehicle to another location at the order of a law enforcement officer.
- ~~(F) A motor vehicle towed as a nonconsensual tow shall be secured to the tow truck in accordance with the C.R.S. and the Code of Federal Regulations for the purpose of transporting the vehicle to the tow carrier's storage lot.~~

(c) Expired vehicle registration. ~~For a Residential PPI, unless the tow is ordered by a peace officer, a towing carrier shall not tow a motor vehicle from private property because the rear license plate of the vehicle, or the record obtained using the system described in § 42-4-2103(3)(c)(III), C.R.S., indicates that the motor vehicle's registration has expired. A towing carrier may not perform a nonconsensual tow of a motor vehicle for reason of expired vehicle registration as reflected on the vehicle license plate, unless the vehicle registration has expired pursuant to the terms of §§ 42-3-114 and 42-3-203, C.R.S.~~

(d) 24-hour notice.

(l) For a Residential PPI, a towing carrier shall not perform a nonconsensual tow of a motor vehicle from a parking space or common parking area without the towing carrier or property owner giving the vehicle owner or authorized operator 24-hours' written notice, unless:

(A) the vehicle owner or authorized operator has received two previous notices for parking inappropriately, as defined by § 40-10.1-405(3)(b)(V), C.R.S., in the same manner, within the past six months;

(B) the motor vehicle blocks a driveway or roadway enough to effectively obstruct a person's access to the driveway or roadway;

(C) the motor vehicle is parked in violation of § 42-4-1208(4), C.R.S. or is parked in reserved parking for people with disabilities without displaying an identifying placard or an identifying plate, as those terms are defined in §§ 42-3-204(1)(f), and (g), C.R.S., that is currently valid or has been expired for no more than 60 days;

(D) the motor vehicle is parked in or effectively obstructing a designated and marked fire zone;

(E) the motor vehicle is occupying, without permission, or effectively obstructing access to or from an individually designated, rented, or purchased parking space of a resident; or

- (F) the motor vehicle is parked without displaying valid authorization in a parking lot marked for the exclusive use of residents.
- (II) If a motor vehicle is being towed without 24-hours' notice, pursuant to subparagraphs 6508(d)(I)(E) or 6508(d)(I)(F), additional signage is required, as described in § 40-10.1-405(3)(c), C.R.S. If this additional signage is not present, 24-hours' written notice must be provided, consistent with this rule.
- (III) The towing carrier or property owner shall provide the 24-hours' written notice, as described in this rule, by placing it on the windshield of the motor vehicle at least 24 hours before towing the motor vehicle. At its discretion, a towing carrier may place the notice on other areas of the vehicle, such as the driver-side window, so long as it is in addition to, not in lieu of, the windshield placement. The notice must clearly state:

 - (A) that the motor vehicle will be towed without consent if the motor vehicle remains parked inappropriately;
 - (B) a description of the inappropriate parking that has caused the notice to be given;
 - (C) the time the motor vehicle will be towed if it is not moved to appropriate parking or the inappropriate parking has been corrected; and
 - (D) that continuing to park inappropriately in the same manner may lead to the motor vehicle being towed without notice.
- (e) Photographs.

 - (I) For a Residential PPI, a towing carrier shall document the motor vehicle's condition and the reason for the tow before connecting to the motor vehicle.
 - (II) In order to properly document the motor vehicle's condition, a towing carrier shall take at least four photographs, as follows:

 - (A) from the front of the motor vehicle;
 - (B) from the rear of the motor vehicle;
 - (C) from the driver-side of the motor vehicle; and
 - (D) from the passenger-side of the motor vehicle.
 - (E) These photographs must show the entire motor vehicle from the required angles, have the motor vehicle fill at least three-fourths of the photograph, measured from side-to-side, be rendered in a resolution of at least 2,000 pixels by 2,000 pixels, and contain the date and time the photographs were taken.
 - (III) In order to properly document the reason for the tow, a towing carrier shall take at least one photograph, that meets the following requirements:

 - (A) identifies the specific reason for the tow;

- (B) shows the position of the vehicle in relation to the reason, including any sign, that the vehicle was towed;
- (C) can be rendered in a resolution of at least 2,000 pixels by 2,000 pixels; and
- (D) contains the date and time the photograph was taken.
- (IV) Upon demand by an authorized or interested person, a towing carrier shall provide copies of the photographs, as described in this rule. The copies of the photographs may be provided in physical or digital format. A towing carrier may not assess any fees associated with providing copies of the photographs.
- (V) If a towing carrier fails to produce a photograph of the reason for the tow, as described in this rule, it creates a rebuttable presumption that the towing carrier did not have authorization to tow the motor vehicle.

6509. Tow Record/Invoice, Charge Notification, and Warning Signage.

- (a) ~~A T~~towing carriers shall use and complete all applicable portions of a tow record/invoice form for all nonconsensual tows, whether the motor vehicle is removed from private property or retrieved before removal (commonly known as a drop), and law enforcement-ordered tows. The tow record/invoice form shall contain the following information:
 - (I) the unique serial number of the tow record/invoice;
 - (II) the name, address, towing carrier permit number, and telephone number of the towing carrier that is on file with the Commission;
 - (III) the address of the storage facility used by the towing carrier that is on file with the Commission, including the telephone number for that storage facility if the number is different than the telephone number of the towing carrier;
 - (IV) the date and time of the drop, the date and time of commencement of the tow, the date and time of completion of the tow, the date and time notice was given to the appropriate law enforcement agency, the date and time the towed motor vehicle was placed in storage, and the date and time the towed motor vehicle was released from storage, as applicable;
 - (V) the make, model, year, complete VIN (if available), and license plate number (if available) of the towed motor vehicle;
 - (VI) the origin address of the tow, the destination address of the tow, and the one-way mileage between such addresses;
 - (VII) unless incorporated into the authorization in subparagraph 6508(b)(III),
 - (A) the printed name, address, and telephone number of the person property owner authorizing the tow; and
 - (B) the full, legal signature of the property owner authorizing the tow;
 - (VIII) the unit number or license number of the tow truck;

- (IX) the printed name and signature of the tow truck driver;
 - (X) an itemized invoice of all towing charges assessed;
 - (XI) the signature of the ~~authorized or interested person~~owner, authorized operator, or other authorized person to whom the motor vehicle is released. The towing carrier may write “refused to sign” on the tow record/invoice if the ~~authorized or interested~~ person to whom the motor vehicle is released is provided opportunity to sign the tow/record invoice, but refuses to do so;
 - (XII) on at least the ~~authorized or interested person’s~~customer’s copy of the tow record/invoice, the following notice in a font size of at least ten: “Report problems to the Public Utilities Commission at (303) 894-2070”. For a Residential PPI, this notice must not be in a type face or font that is smaller than the other numbers or words on the tow record/invoice, as applicable; and
 - (XIII) for all nonconsensual tows, the case report number or other identifiable entry provided by the law enforcement agency to which the tow was reported, in accordance with the requirements in § 42-4-2103(2) C.R.S., and paragraph 6507(a).
- (b) The tow invoice, as provided to the ~~authorized or interested person~~vehicle owner or authorized agent of the vehicle owner, shall include, at a minimum, the items listed in subparagraphs 6509(a)(I) through (VIII) and (X) through (XIII). The towing carrier shall retain the copy of the tow record/invoice bearing all required original signatures for authorization and release for three years after the tow commenced, whether it is maintained in electronic or multi-copy paper form.
 - (c) The tow record/invoice must be filled out to contain the information required in ~~sub~~subparagraphs 6509(a)(I), (II), (III), (V), (VI), (VII), and (VIII) by the tow truck driver, prior to the tow truck leaving the location of the tow origination with the towed motor vehicle, unless impracticable due to safety concerns. If safety concerns delay recording the information, the towing carrier shall record the information as soon as reasonably possible.
 - (d) The towing carrier shall deliver a copy of the tow record/invoice to the ~~authorized or interested person~~owner, authorized operator, or authorized agent of the owner of the motor vehicle immediately upon request, but no later than 48 hours after the request is made. For a Residential PPI, the tow record/invoice must also show each charge and the rate for each fee that has been incurred as a result of a nonconsensual tow, at the time of the release of the towed motor vehicle from a storage facility or where dropped for a drop fee, regardless of whether the towing carrier received in full payment of applicable charges.
 - (e) For a Commercial PPI, the T~~o~~wing carriers shall provide a charge notification card to the ~~authorized or interested person~~owner, authorized operator, or authorized agent of the owner of the motor vehicle to be towed, if ~~such~~the authorized or interested person is on the property prior to or after commencement of the tow, but before the motor vehicle has been ~~removed from~~towed off the property. The charge notification card shall contain all the information listed on the Commission-prescribed form available on the Commission’s website.
 - (f) A towing carrier may place a warning sign on the driver-side window of a motor vehicle to be towed or, if window placement is impracticable, in another location on the driver-side of the motor vehicle, prior to commencement of the tow. The ~~tow-truck~~ warning sign shall be at least eight inches by eight inches square or diameter, yellow or orange in color, and state the following:

“WARNING: This vehicle is in tow. Attempting to operate or operating this vehicle may result in criminal prosecution and may lead to injury or death to you or another person.”

6510. Disclosure of Rates and Charges.

- (a) Prior to performing any tow, a towing carrier shall disclose to the authorized or interested personowner, authorized operator, or authorized agent of the owner of the motor vehicle all rates and charges to be assessed. This rule does not apply to a nonconsensual tow authorized by the property owner ~~or authorized agent for the property owner~~. Rates for law enforcement-ordered tows must be disclosed to the authorized or interested person of the motor vehicle ~~operator~~ prior to commencement of the tow, except when ~~n~~fe not feasible for reasons including, but not limited to, arrest, incapacitation, or order of a law enforcement officer.
- (b) This disclosure may either be written or oral and shall include, but is not limited to, the following information:
- (I) ~~-~~any extra charges made necessary because, at the time of the tow, the towing carrier would be unable to deliver the motor vehicle to a repair or body shop during the normal working hours of such repair or body shop;
- (II) any extra charges made necessary because, at the time of the tow, the towing carrier would be unable to deliver the motor vehicle to a location and at a time agreed upon by the authorized or interested personowner, authorized operator, or authorized agent of the owner of the motor vehicle to take delivery of the motor vehicle and pay the tow charges; and
- (III) the estimated charges for mileage and storage.
- (c) If performing Residential PPIs, a towing carrier shall prominently display at their place of business, and on any website of the towing carrier, the current maximum rates permitted by rule of the Commission for each tow service provided by the towing carrier. The sign must include the following statement:

“The maximum permitted rate is based upon rules of the Public Utilities Commission. If there are concerns or questions about these rates or about the towing carrier, call the Public Utilities Commission Consumer Affairs’ hotline at 303-894-2070.”

6511. Rates and Charges.

- (a) Drop Charge. A towing carrier is prohibited from assessing a drop charge for a Residential PPI. For a Commercial PPI, A towing carrier may assess a drop charge if the authorized or interested personowner, authorized operator, or authorized agent of the owner of the motor vehicle that is parked without the authorization of the property owner appears in person to retrieve the motor vehicle prior to or after commencement of the tow ~~the motor vehicle is hooked up to the tow truck,~~ but before the motor vehicle is has been removed from the property.
- (I) The maximum drop charge is as follows for each vehicle weight classification:
- (A) \$79.40 for motor vehicles with a GVWR less than or equal to 10,000 pounds;
- (B) \$102.08 for motor vehicles with a GVWR greater than 10,000 pounds and less than or equal to 19,000 pounds;

- (C) \$136.11 for motor vehicles with a GVWR greater than 19,000~~4~~ pounds and less than or equal to 33,000 pounds; and
 - (D) \$158.79 for motor vehicles with a GVWR greater than 33,000 pounds.
 - (E) Maximum drop charges may be less than these amounts if required by municipal ordinance or by the tow agreement with the property owner and shall be enforced by the Commission pursuant to this rule.
- (II) The maximum drop charge shall be adjusted for inflation annually, starting March 15, 2022, and effective March 15 of each year thereafter, based upon the annual percentage change in the United States Bureau of Labor Statistics Consumer Price Index – Denver-Aurora-Lakewood, as published by the Colorado Department of Local Affairs for the immediately preceding calendar year. These adjustments shall be compounded annually. For reference by towing carriers and the general public, the Commission will post a notice on its website by March 15 of each year reporting the annual inflation adjustments applicable pursuant to this rule.
- (III) The minimum drop charge is \$0.00.
- (IV) The towing carrier shall halt any tow in progress, including preparation therefor, prior to removal from the private property, and advise the ~~authorized or interested personowner, authorized operator, or authorized agent of the owner~~ of the motor vehicle that he or she may offer payment of the towing carrier's drop charge. The towing carrier shall concurrently advise the ~~authorized or interested personowner, authorized operator, or authorized agent of the owner~~ of the motor vehicle of acceptable forms of payment under rule 6512. Such advisements shall be provided via delivery of a charge notification card, in addition to any other means desired by the towing carrier.
- (V) If the towing carrier does not advise the ~~authorized or interested personowner, authorized operator, or authorized agent of the owner~~ of the motor vehicle of the acceptable forms of payment under rule 6512 or accept such forms of payment, the towing carrier shall not charge or retain any fees or charges for the services it performs. Any money collected must be returned to the ~~authorized or interested personowner, authorized operator, or authorized agent of the owner~~ of the motor vehicle.
- (b) The towing rates for PPI tows ~~include the followingconsists of up to four~~ elements: a base rate for the tow; a mileage charge, including any applicable fuel surcharge; a charge for motor vehicle storage; ~~and~~ a charge for release from storage pursuant to paragraph 6511(~~ef~~), if applicable; ~~and any other charges allowed by state statute or Commission rule.~~
- (I) The base rates for PPI tows are as follows for each vehicle weight classification:
 - (A) \$203.90 for motor vehicles with a GVWR less than or equal to 10,000 pounds;
 - (B) \$234.48 for motor vehicles with a GVWR greater than 10,000~~4~~ pounds and less than or equal to 19,000 pounds;
 - (C) \$316.05 for motor vehicles with a GVWR greater than 19,000~~4~~ pounds and less than or equal to 33,000 pounds; and
 - (D) \$356.83 for motor vehicles with a GVWR greater than 33,000 pounds.

- (II) The base rates shall be adjusted for inflation annually, starting March 15, 2022, and effective March 15 of each year thereafter, based upon the annual percentage change in the United States Bureau of Labor Statistics Consumer Price Index – Denver-Aurora-Lakewood, as published by the Colorado Department of Local Affairs for the immediately preceding calendar year. These adjustments shall be compounded annually. For reference by towing carriers and the general public, the Commission will post a notice on its website by March 15 of each year reporting the annual inflation adjustments applicable pursuant to this rule.
 - (III) The maximum mileage charge a towing carrier may assess for a PPI tow of a motor vehicle is \$3.80 per mile for each mile that the motor vehicle is towed, subject to the following limits: The maximum mileage that may be charged for a PPI tow is 12 miles for tows within ten miles of either side of U.S. Interstate Highway 25, and 16.5 miles for mountain areas and eastern plains communities that lie farther than ten miles from U.S. Interstate Highway 25.
 - (IV) An additional fuel surcharge may be assessed when the price per gallon of diesel fuel exceeds a base rate of \$2.60. The Commission shall, each month, adjust the maximum mileage charge when the price per gallon of diesel fuel exceeds the base rate. The surcharge shall be based on the United States Department of Energy “weekly retail on-highway diesel prices” for the Rocky Mountain region (DOE’s Weekly Diesel Price). The fuel surcharge adjustment shall provide a one-percent increase in the mileage rate for every ten-cent increase in the DOE’s Weekly Diesel Price, or a one-percent decrease in the mileage rate for every ten-cent decrease in the DOE’s Weekly Diesel Price, but in no event decreasing below the base rate.
 - (V) A towing carrier shall not charge or retain any additional fees not identified in state statute or these Commission rules for the nonconsensual tow of a motor vehicle from private property.
- (c) Maximum towing rates for law enforcement-ordered tows and recovery operations are to be calculated on an hourly basis, per required tow truck, as follows, with no additional fees, charges, or surcharges permitted, except as allowed by state statute or Commission rule.
- (I) The maximum hourly rates for tow truck and driver, billable in ¼ hour increments after the first hour, for the towing or recovery of motor vehicles, are as follows for each vehicle weight classification:
 - (A) \$232.52 per hour for motor vehicles with a GVWR less than or equal to 10,000 pounds;
 - (B) \$277.89 per hour for motor vehicles with a GVWR greater than 10,000 pounds and less than or equal to 19,000 pounds;
 - (C) \$362.96 per hour for motor vehicles with a GVWR greater than 19,000~~0~~4 pounds and less than or equal to 33,000 pounds; and
 - (D) \$419.67 per hour for motor vehicles with a GVWR greater than 33,000 pounds.
 - (E) The recovery of a motor vehicle requiring the use of a Heavy Rotator (60+ tons) shall not exceed \$663.53 per hour.

- (II) The maximum hourly rates for tow truck and driver shall be adjusted for inflation annually, starting March 15, 2022, and effective March 15 of each year thereafter, based upon the annual percentage change in the United States Bureau of Labor Statistics Consumer Price Index – Denver-Aurora-Lakewood, as published by the Colorado Department of Local Affairs for the immediately preceding calendar year. These adjustments shall be compounded annually. For reference by towing carriers and the general public, the Commission will post a notice on its website by March 15 of each year reporting the annual inflation adjustments applicable pursuant to this rule.
 - (III) Mileage and fuel surcharges authorized elsewhere in rule 6511 do not apply to law enforcement-ordered tows or recovery operations.
 - (IV) Any towing carrier billing greater than one hour for any tow truck and driver for a given tow shall:
 - (A) include, in addition to requirements of rule 6509, the following information on the tow record/invoice, recorded at the time of occurrence: the time of dispatch; the time the tow truck leaves the yard or other staging location; the time the tow truck arrives on scene; the time the tow truck leaves the scene, and the time the towed motor vehicle is unhooked from the tow truck;
 - (B) include an advisement on the tow record/invoice that documentation of costs billed in excess of one hour for any tow truck and driver for such tow are available, upon request, from the towing carrier;
 - (C) only begin billing from a time not earlier than the towing carrier leaves their yard or staging area en route to the scene of the requested tow until the towed motor vehicle is unhooked;
 - (D) not bill more than the reasonable time necessary to perform the tow at hourly rates for one tow truck and driver, plus the towing carrier's actual and reasonable cost of recovery equipment and labor in excess of one tow truck and driver, plus an additional twenty-five percent of those actual and reasonable costs;
 - (E) provide ~~an-the authorized or interested personowner, authorized operator, or authorized agent of the owner~~ of the motor vehicle documentation of the actual and reasonable costs billed in excess of one hour for any tow truck and driver for such tow, upon request; and
 - (F) not, under any circumstances, bill rates and charges provided in paragraph (b) for a PPI tow.
- ~~(d) — The maximum rates for a tow from a storage facility, when directed by a law enforcement officer who is performing an accident reconstruction or stolen vehicle investigation, are as follows:~~
- ~~(i) — \$91.00 for one additional hookup;~~
 - ~~(ii) — \$91.00 per hour waiting time; and~~
 - ~~(iii) — mileage charges as provided in paragraph (b).~~
- ~~(de)~~ Storage for nonconsensual and law enforcement-ordered tows.

- (I) Storage charges ~~may accrue from the time a motor vehicle is placed in storage and~~ shall not exceed the following maximum rates, based on a 24-hour period ~~or any portion of a 24-hour period~~, for the following weight classifications:
- (A) \$39.18 for motor vehicles ~~with having~~ a GVWR of less than or equal to 10,000 pounds;
 - (B) \$48.32 for motor vehicles ~~with having~~ a GVWR ~~of greater than~~ 10,000 pounds ~~or more~~; or
 - (C) in lieu of the storage rates provided above, and at the option of the towing carrier, storage may be charged according to the motor vehicle's length, including the tongue of a trailer, at \$1.50 per foot or portion thereof.
 - (D) For a Commercial PPI or law enforcement-ordered tow ~~the purposes of this rule, storage charges may be assessed for each 24-hour period or any portion of a 24-hour period.~~ ~~‡~~The 24-hour time period commences when the motor vehicle enters the towing carrier's storage facility. The second day of storage, for ~~the~~ purposes of charges, shall not begin until 24 hours after the motor vehicle entered the towing carrier's storage facility.
 - (E) For a Residential PPI, storage charges must be prorated, on an hourly basis, with the combined hourly rate not to exceed the maximum rate for an entire 24-hour period.
- (II) The storage charges shall be adjusted for inflation annually, starting March 15, 2022, and effective March 15 of each year thereafter, based upon the annual percentage change in the United States Bureau of Labor Statistics Consumer Price Index – Denver-Aurora-Lakewood, as published by the Colorado Department of Local Affairs for the immediately preceding calendar year. These adjustments shall be compounded annually. For reference by towing carriers and the general public, the Commission will post a notice on its website by March 15 of each year reporting the annual inflation adjustments applicable pursuant to this rule.
- (III) Storage charges shall not be charged, collected, or retained for any time during which garage keeper's liability insurance coverage is not kept in force.
- (IV) ~~For tows originating from private property, only the first 24 hours of storage, prorated on an hourly basis, may be assessed until such time as the notification, pursuant to § 42-4-2103, C.R.S., has been completed. Storage fees may not be assessed retroactively once notification has been completed, except for the first 24 hours of storage. Maximum storage charges for abandoned motor vehicles towed from private property.~~
- (V) Storage charges after the tow and storage of an abandoned motor vehicle subject to Part 21 of Title 42, C.R.S., shall not be accumulated beyond 120 days after the notification has been completed, mailing date of the report required by pursuant to § 42-4-2103(4), C.R.S.
- (ef) For ~~a~~ nonconsensual and law enforcement-ordered tows, the maximum additional charge for release of a motor vehicle from storage at any time other than the towing carrier's business hours is \$86.19. The release charge shall be adjusted for inflation annually, starting March 15, 2022, and effective March 15 of each year thereafter, based upon the annual percentage change in the

United States Bureau of Labor Statistics Consumer Price Index – Denver-Aurora-Lakewood, as published by the Colorado Department of Local Affairs for the immediately preceding calendar year. These adjustments shall be compounded annually. For reference by towing carriers and the general public, the Commission will post a notice on its website by March 15 of each year reporting the annual inflation adjustments applicable pursuant to this rule.

- (f) Noncompliance. If a tow is performed, or storage is provided, in violation of state statute or Commission rule, the towing carrier may not charge or retain any fees or charges for the services it performs. Any motor vehicle that is held in storage ~~and that was towed without proper authorization may~~ must be released, without charge, to an authorized or interested person ~~the persons authorized in paragraph 6512(a). Any money collected must be returned to the authorized or interested person~~ owner, authorized operator, or authorized agent of the owner of the motor vehicle.
- (g) Abandoned motor vehicles.
- (I) Notifications. The charges for notification(s) to the vehicle owner(s) and the lien-holder(s) of the motor vehicle held in storage shall be in accordance with §§ 42-4-1804 and 42-4-2103, C.R.S., and the rules of the Colorado Department of Revenue. For purposes of notification, any motor vehicle in possession of the towing carrier, including motor vehicles incidental to the tow (for example, loaded on a trailer when the trailer was towed) shall comply with the notification requirements of Parts 18 and 21 of Article 4 of Title 42, C.R.S., and § 42-5-109, C.R.S.
- (II) Consequences of failure to notify. A towing carrier holding a motor vehicle in storage who cannot demonstrate that it has made a good faith effort, as set forth in §§ 42-4-1804 and 42-4-2103, C.R.S., to comply with the notification requirements of Parts 18 and 21 of Article 4 of Title 42, C.R.S., and § 42-5-109, C.R.S., shall not charge, collect, or retain any fees associated with the tow or storage of the motor vehicle.
- (III) Sale of an abandoned motor vehicle to cover the outstanding towing and storage charges must be done in accordance with the notice and procedural requirements of Parts 18 and 21 of Article 4 of Title 42, C.R.S., and § 42-5-109, C.R.S. Upon the effective date of a future Commission decision providing further guidance under this subparagraph 6511(g)(III), all towing carriers may be required to provide to the Commission a copy of the completed Private Tow Vehicle Information Request and Motor Vehicle Bill of Sale forms within 30 days of abandoned motor vehicle sales resulting from a nonconsensual tow.
- (IV) Additional costs that may be charged when a stored motor vehicle is sold.
- (A) When a stored motor vehicle is sold, a towing carrier may charge the costs of maintaining that motor vehicle while in storage in accordance with § 38-20-109, C.R.S.
- (B) When a stored motor vehicle that does not come within the provisions of § 38-20-109, C.R.S., is sold, a towing carrier may charge the costs of maintaining that motor vehicle, up to a maximum of \$90.00.
- (C) “Cost of maintaining a motor vehicle” means a documented cost that is incurred by the towing carrier and that keeps a motor vehicle in safe and operable condition.

(D) Certified VIN verification procedure. When an abandoned motor vehicle that is less than five model years old and that the Colorado Department of Revenue cannot find in its records must be sold, the towing carrier may charge for all documented expenses of obtaining the certified VIN verification. maximum rates that may be charged for a certified VIN verification are as follows:

~~(i) rates as provided in paragraph (d); and~~

~~(ii) in addition, the towing carrier may charge for all other documented expenses of obtaining the VIN verification.~~

~~(hi)~~ Trailers.

(I) No additional fees may be charged for the towing of a power unit and trailer in combination as a single motor vehicle.

(II) A vehicle in or on a trailer is considered in combination as a single unit.

(III) No additional fees may be charged for the towing of cargo in combination; however, additional fees may be charged for towing a trailer when reasonably and actually conducted as a separate tow from a power unit.

6512. Release of Motor Vehicle and Personal Property.

(a) The towing carrier shall immediately accept payment of the drop charge, towing, storage, ~~and~~ release charges, and any other appropriate charges, if payment is offered by an authorized or interested person. The towing carrier must accept payments in cash or by valid major credit card. For purposes of this rule, a major credit card includes MasterCard and Visa. Accepted forms of payment may be annotated on the tow record/invoice, so long as the required options noted in this rule are offered to the authorized or interested person to whom the motor vehicle is being released. ~~The towing carrier may accept other forms of payment, but must accept payment by both MasterCard and Visa. A towing carrier shall not require "cash only" for a drop charge or to release a motor vehicle from its storage facility.~~ The towing carrier shall release the motor vehicle to an authorized or interested person.:

~~(I) the motor vehicle owner, authorized operator, or authorized agent of the owner of the motor vehicle;~~

~~(II) the lienholder or agent of the lienholder of the motor vehicle; or~~

~~(III) the insurance company or agent of the insurance company providing coverage on the motor vehicle, if released to the insurance company by the owner.~~

(b) A towing carrier that accepts for storage a motor vehicle that has been towed as a nonconsensual or law enforcement-ordered tow shall provide access to or release of the motor vehicle to ~~the~~ persons authorized for release an authorized or interested person of the motor vehicle ~~in~~ paragraph (a) of this rule either:

(I) with one hour's notice during all times other than the towing carrier's business hours that occur within the first 24 hours of storage; or

(II) upon demand during the carrier's business hours.

- (c) Failure to notify. A towing carrier holding a motor vehicle in storage who cannot demonstrate that it has made a good faith effort, as set forth in §§ 42-4-1804 and 42-4-2103, C.R.S., to comply with the notification requirements of Parts 18 and 21 of Article 4 of Title 42, C.R.S., and § 42-5-109, C.R.S., shall release the motor vehicle at no charge to an authorized or interested person~~the persons authorized for release of the motor vehicle in paragraph (a) of this rule.~~
- (d) Release of personal property for nonconsensual and law enforcement-ordered tows. A towing carrier shall release personal property, upon request, to an authorized or interested person, if such request is made at any point after the vehicle has been towed, but no later than 30 days after notification, as set forth in §§ 42-4-1804 and 42-4-2103, C.R.S. Requests made outside of business hours shall follow the standards in paragraph 6512(b). The towing carrier may charge up to the maximum rate for a nonconsensual tow established in paragraph 6511(b) for the removal of personal property that is not attached to or part of the equipment of the motor vehicle. The towing carrier shall release such personal property upon request from the owner, authorized operator, or authorized agent of the owner of the motor vehicle. This fee shall not be assessed for any of the items addressed under paragraphs 6512(g), (h), (i), and (j).
- (I) For purposes of this rule, personal property includes any items that are not attached to or part of the equipment of the motor vehicle.
- (II) For a Commercial PPI, the towing carrier may charge up to the appropriate maximum base rate, as established in subparagraph 6511(b)(I), for the removal of personal property. For a Residential PPI, the towing carrier may not charge for the removal of personal property.
- (III) For law enforcement-ordered tows, the towing carrier may charge up to the appropriate maximum hourly rate, as established in subparagraph 6511(c)(I), for the removal of personal property.
- (IV) The provisions of this rule shall not apply during any period when the personal property is subject to a hold order issued by a court, district attorney, law enforcement agency, or law enforcement officer.
- (V) Any fees allowable under this rule shall not be assessed for any of the items addressed under paragraphs 6512(g), (h), (i), and (j).
- (e) The towing carrier, at its discretion, need not comply with paragraphs 6512(a) through (d) to release a motor vehicle or allow for removal of personal property if:
- (I) the towing carrier is reasonably certain that, at the time the motor vehicle is to be released from storage, the driver of the motor vehicle is not capable of safely driving the motor vehicle due to the influence of drugs or alcohol;
- (II) the towing carrier that is to remove the motor vehicle from storage does not have a valid towing carrier permit;
- (III) a hold order is in place on the motor vehicle by a court, district attorney, law enforcement agency, or law enforcement officer;
- (IV) the release of the motor vehicle does not comply with the release procedures agreed to, in writing, between the towing carrier and the applicable law enforcement agency; or

- (V) the towing carrier, upon notification for the release of or access to a motor vehicle at other than the carrier's business hours, has immediately contacted an appropriate law enforcement agency and, in the interest of public order, has requested a law enforcement officer's presence during the release of the motor vehicle. This exception is applicable when the towing carrier has reason to believe that the person to whom the motor vehicle or personal property is to be released may disrupt the public order.
- (f) A towing carrier shall release a motor vehicle held in storage to a person presenting a current driver's license who attests to being the authorized operator of the motor vehicle and produces two of the following: keys to the motor vehicle; proof of insurance; vehicle registration; VIN; and knowledge of the location from where the motor vehicle was towed. Such attestation must be provided on the "Vehicle Release Form" available on the Commission's website, which the towing carrier shall provide to the authorized operator, upon request.
- (g) Whether on the property where the tow originates or at the towing carrier's storage facility, a towing carrier shall not refuse to relinquish prescription medicines, medical equipment, medical devices, or any child restraint system. The towing carrier shall immediately relinquish such items to an authorized or interested person~~persons authorized for release~~ of the motor vehicle ~~in paragraph (a) of this rule~~, without requiring payment and without additional charge, upon demand during business hours and, during the first 24 hours after commencement of the tow, within one hour's notice outside of business hours.
- (h) Whether on the property where the tow originates or at the towing carrier's storage facility, a towing carrier shall not refuse to relinquish credit cards and cash for immediate payment of the amount due to the towing carrier. The towing carrier shall immediately relinquish such items to an authorized or interested person~~persons authorized for release~~ of the motor vehicle ~~in paragraph (a) of this rule~~, without requiring payment and without additional charge, upon demand during business hours and, during the first 24 hours after commencement of the tow, within one hour's notice outside of business hours.
- (i) Whether on the property where the tow originates or at the towing carrier's storage facility, a towing carrier shall not refuse to relinquish state or federal issued identification to the owner of the identification or to an authorized or interested person~~persons authorized for release~~ of the motor vehicle ~~in paragraph (a) of this rule~~. The towing carrier shall immediately relinquish such items, without requiring payment and without additional charge, upon demand during business hours and, during the first 24 hours after commencement of the tow, within one hour's notice outside of business hours.
- (j) Whether on the property where the tow originates or at the towing carrier's storage facility, a towing carrier shall not refuse to relinquish a cellular telephone to an authorized or interested person~~persons authorized for release~~ of the motor vehicle ~~in paragraph (a) of this rule~~. The towing carrier shall immediately relinquish such item, without requiring payment and without additional charge, upon demand during business hours and, during the first 24 hours after commencement of the tow, within one hour's notice outside of business hours.
- (k) For nonconsensual and law enforcement-ordered tows, Aa towing carrier shall not assess any additional fees or charges not specifically identified in state statute or Commission rule~~these towing carrier rules~~.
- (l) For a Residential PPI, a towing carrier shall immediately retrieve the motor vehicle that has been nonconsensually towed or allow the vehicle owner or authorized operator to retrieve the motor vehicle if the following conditions have been met:

- (I) the vehicle owner or authorized operator pays 15 percent of the fees, not to exceed \$60.00, owed to the towing carrier for the nonconsensual tow; and
- (II) the vehicle owner or authorized operator completes and signs the “Towed Vehicle Release Notice: Retrieval with Payment Owed” form available on the Commission’s website, which the towing carrier shall provide to the vehicle owner, upon request.
- (III) The remaining balance owed to the towing carrier shall be due no sooner than 90 days after the motor vehicle has been released to the vehicle owner or authorized operator.
- (IV) A towing carrier must strictly comply with this rule and shall not impose any additional obligations or requirements, as a condition of releasing a motor vehicle, on the vehicle owner or authorized operator.

6513. Notice.

- (a) A towing carrier may not perform a nonconsensual tow of a motor vehicle, other than an abandoned motor vehicle, from private property unless:
 - (I) notice of the applicable parking limitations, regulations, restrictions, and prohibitions was provided to the motor vehicle operator at the time the motor vehicle entered the private property and parked; and
 - (II) notice that any motor vehicle parked in violation of the applicable parking limitations, regulations, restrictions, and prohibitions is subject to tow at the ~~motor~~ vehicle owner’s expense was provided to the motor vehicle operator at the time the motor vehicle entered the private property and parked. The towing carrier must retain evidence that such notice was provided for three years from the date of completion of the tow and provide it to the Commission or an enforcement official upon request.
- (b) Abandoned motor vehicles. A towing carrier may not perform a nonconsensual tow of an abandoned motor vehicle from private property unless the motor vehicle was left unattended for a period of 24 hours or more and is presumed to be abandoned pursuant to § 42-4-2102(1), C.R.S.
- (c) The notice required in paragraph (a) is presumed to be met through signage if a permanent sign is conspicuously posted visibly at each point of entrance to the private property.;
 - ~~(I) a permanent sign is conspicuously posted visibly at each point of entrance to the private property; and~~
 - ~~(II) if the private property is not provided for residential parking and has more than ten free-standing lampposts on the property, a number of signs equal to the number of lampposts must be posted. Such signs must be posted on each lamppost or posted upright in conspicuous locations which are evenly distributed.~~
- (d) A towing carrier that enters into a tow agreement with a property owner to nonconsensually tow motor vehicles shall post signage at the applicable private property from where the tows will originate. The signs shall~~All signs posted to provide the notice required in paragraph (a) shall comply with any applicable municipal ordinance. To the extent consistent with applicable municipal ordinance, signs shall also,~~ at a minimum:
 - (I) be no less than one square foot in size;

- (II) have lettering not less than one inch in height;
- (III) have lettering that contrasts sharply in color with the background on which the letters are placed;
- (IV) state “Authorized Parking Only”;
- (V) include the name and telephone number of the towing carrier authorized to perform tows from the private property;
- (VI) be printed in English;
- (VII) at the entrance to the private property, face outward toward the street and be visible prior to and upon entering the private property;
- (VIII) inside the private property, face outward toward the parking area;
- (IX) not be obstructed or placed in such a manner that prevents visibility; and
- (X) not be placed higher than eighteen feet or lower than three feet from the ground surface closest to the sign’s placement.

6514. Towing Violations and Civil Penalty Assessments.

- (a) A violation of any of the following provisions may result in the assessment of a civil penalty of up to \$1,100.00 for each violation:
 - (I) § 40-10.1-401(1)(a), C.R.S.;
 - (II) rule 6505;
 - ~~(III) _____~~ subparagraph (a)(I), ~~(a)(V)~~, (b)(I), (b)(II), ~~and~~ (b)(III), paragraph (c) or (d) of rule 6508; or
 - ~~(IV) _____~~ paragraph ~~(fg)~~ of rule 6511.
- (b) A violation of paragraph (a), (b), (c), (d), (e), ~~(g)(f), (h)~~, or ~~(hi)~~ of rule 6511 may result in the assessment of a civil penalty as follows for each violation:
 - (I) up to \$275.00 for an overcharge \$25.00 or less;
 - (II) up to \$550.00 for an overcharge greater than \$25.00 but less than or equal to \$150.00; and
 - (III) up to \$1,100.00 for an overcharge greater than \$150.00.
- (c) A violation of any of the following provisions may result in the assessment of a civil penalty of up to \$550.00 for each violation:
 - (I) rule 6507;
 - (II) paragraph ~~(ee)~~ of rule 6508;

- (III) paragraph (a) of rule 6510;
 - (IV) paragraph (d), (f), or (l) of rule 6512; or
 - (V) rule 6513.
- (d) A violation of rule 6506 may result in the assessment of a civil penalty of up to \$100.00 for each violation.
 - (e) Except as provided in paragraph (a) through (d) of this rule, a violation of any provision of Title 40, § 42-3-235.5, C.R.S., pertaining to towing carriers, or any provision of rules 6500 through 6513, may result in the assessment of a civil penalty of up to \$275.00 for each violation.
 - (f) Civil penalty assessments are in addition to any other penalties provided by law.

6515. - 6599. [Reserved].

COLORADO DEPARTMENT OF REGULATORY AGENCIES

Public Utilities Commission

4 CODE OF COLORADO REGULATIONS (CCR) 723-6

PART 6

RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE

GENERAL PROVISIONS

6000. Scope and Applicability.

All rules in this Part 6, the "6000" series, shall apply to all Commission proceedings and operations concerning regulated entities providing transportation by Motor Vehicle, unless a specific statute or rule provides otherwise. Rules 6000 – 6099 apply to all Common Carriers, Contract Carriers, Limited Regulation Carriers, Towing Carriers, Movers, UCR registrants, Large Market Taxicab Service carriers, and Drivers as defined herein. Rules 6700 – 6724 apply to all Transportation Network Companies. Specific provisions regarding the applicability of this Part 6 can be found in rules 6100, 6200, 6250, 6300, 6400, 6500, 6600, and 6700.

6001. Definitions.

The following definitions apply throughout this Part 6, except where a specific rule or statute provides otherwise:

* * * *

[indicates omission of unaffected rules]

(uuu) "Towing carrier" means a Motor Carrier that provides towing of Motor Vehicles pursuant to a Towing Permit granted by the Commission pursuant to part 4 of Article 10.1 of Title 40, C.R.S. and rule 6500, et seq.

* * * *

[indicates omission of unaffected rules]

TOWING CARRIER RULES

6500. Applicability of Towing Carrier Rules.

- (a) Rules 6500 through 6599 apply to all towing carriers and to all Commission proceedings and operations concerning towing carriers, applicants for a towing carrier permit, employees of towing carriers, and tow truck drivers.
- (b) For a tow and storage of a motor vehicle performed under a written agreement between a towing carrier and a municipal, county, state, or federal agency, nothing in these towing carrier rules shall be construed to prohibit such agency, to the extent permitted by law, from adopting and enforcing additional or more stringent requirements relating to towing carrier operations within their jurisdiction with regard to rules 6506; 6507(a), (c), (e), and (f); 6508; 6509; 6510; and 6512(a), (b), (e), (f), and (g).
- (c) A written agreement between a towing carrier and a property owner to perform a nonconsensual tow may set rates for the tow less than, but not higher than, the rates established in paragraphs 6511(a), (b), (c), (d), and (e). In the event rates are not set through a written agreement, the Commission's rules will prevail and rates shall default to those established in these rules. For purposes of this rule, a written agreement setting rates for the tow does not include a tow authorization by a law enforcement officer given to a towing carrier with whom the law enforcement officer's agency does not itself have a written agreement.

6501. Definitions.

In addition to the general definitions in rule 6001, the following definitions apply to all towing carriers and to all Commission proceedings and operations concerning towing carriers, applicants for a towing carrier permit, employees of towing carriers, and tow truck drivers.

- (a) "Abandoned motor vehicle" means an "abandoned motor vehicle" as defined by § 42-4-1802(1), C.R.S., for motor vehicles left unattended on public property, and § 42-4-2102(1), C.R.S., for motor vehicles left unattended on private property.
- (b) "Address" means the particulars of the physical location of a business or residence, including the street name, number, city, state, and zip code.
- (c) "Authorized agent for the property owner" means a person acting as agent of a property owner.
- (d) "Authorized agent of the owner of the motor vehicle" means a person, including a towing carrier, who has been given written or oral permission by the owner, lessee, lienholder, or insurance company of a motor vehicle to act as agent for the disposition of said motor vehicle.
- (e) "Authorized operator of a motor vehicle" or "authorized operator" means a person who has been given written or oral permission to drive a motor vehicle by the owner or lessee of said motor vehicle. A person may demonstrate that they are an authorized operator, as set forth in paragraph 6512(f).
- (f) "Authorized or interested person" means the vehicle owner, authorized operator, authorized agent of the owner of the motor vehicle, the lienholder of the motor vehicle, or the insurance company, as defined in § 40-10.1-101(1.5), C.R.S.

- (g) “Business hours” means 8:00 AM to 5:00 PM, Monday through Friday, excluding legal holidays, and any additional hours and days the towing carrier may designate.
- (h) “Common parking area” means any part of the following areas that are normally used for parking, such as the side of a street or parking spaces, that an owner does not have the right to exclude other residents of the following from using for parking: a condominium, as defined in § 38-33.3-103(9), C.R.S.; a cooperative, as defined in § 38-33.3-103(10), C.R.S.; a multifamily building, which is also known as an apartment complex, with separate living quarters that are rented or leased separately; or a mobile home park, as defined in §§ 38-12-201.5(6) and 40-10.1-101(4.5), C.R.S.
- (i) “Drop fee” or “drop charge” means a fee a towing operator charges to unhook a vehicle from a tow truck, as defined in § 40-10.1-101(6.5), C.R.S.
- (j) “Gross Vehicle Weight Rating” or “GVWR” is the maximum operating weight of a motor vehicle, as specified by the manufacturer.
- (k) “Insurance company” means an insurance company providing coverage on the motor vehicle, or their agent, if the vehicle owner signs a release authorizing the insurance company to act on the owner’s behalf.
- (l) “Law enforcement officer” means any sheriff, police officer, Colorado State Patrol officer, municipal code enforcement officer, or other such person acting in his or her official governmental capacity for enforcement of motor vehicle laws.
- (m) “Law enforcement-ordered tow” means a tow ordered by a law enforcement officer. Law enforcement-ordered tows are subject to these rules, even when the authorized or interested person of the motor vehicle consents to a law enforcement officer ordering a tow. A tow shall not be considered a law enforcement-ordered tow if the authorized or interested person of the motor vehicle has the ability or opportunity to terminate the tow and contact a towing carrier of his or her own choosing.
- (n) “Legal disability” means the condition of a trailer or semi-trailer that, due to its weight, height, or other size characteristics, is unable to be transported when attached to the motor vehicle that was pulling it.
- (o) “Lienholder of the motor vehicle” means a person or company, or their agent, having a financial interest or legal claim related to the motor vehicle.
- (p) “Name” means a word or phrase that constitutes the distinctive designation of a person or thing and includes printed, legible words and includes the first and last name, as applicable.
- (q) “Nonconsensual tow”, “nonconsensual towing”, “towed nonconsensually”, “nonconsensually tow”, or “towed without consent” means the transportation of a motor vehicle by tow truck from private property, if the transportation is performed without the prior consent of: the vehicle owner; authorized operator; authorized agent of the owner of the motor vehicle; the lienholder of the motor vehicle, unless the motor vehicle is being towed for the purpose of repossession under a lien agreement; or the insurance company, as defined in § 40-10.1-101(13), C.R.S.
- (r) “Parking lot” means any place, lot, parcel, yard, structure, building, or enclosure used, in whole or in part, for storing or parking five or more motor vehicles.

- (s) “Private property” means any real property that is not public property.
- (t) “Private Property Impound” or “PPI” means a nonconsensual tow from private property upon authorization of the property owner. A PPI can be a “Commercial PPI” or a “Residential PPI”, as follows.
 - (I) “Commercial PPI” is a nonconsensual tow from commercial private property that is not in a common parking area.
 - (II) “Residential PPI” is a nonconsensual tow from residential private property, including from a common parking area.
- (u) “Property owner” means:
 - (I) the owner or lessee of the private property or public property;
 - (II) a person who has been authorized to act as an authorized agent for the property owner or lessee of the private property or public property; or
 - (III) a federal, state, county, municipal, or other government entity that is the owner or lessee of the private property or public property, or such entity's employees responsible for such property.
 - (IV) A person, pursuant to §§ 40-10.1-405(3)(a)(IV)(B) and (C), C.R.S., may be considered a property owner, for purposes of authorizing a nonconsensual tow.
- (v) “Public property” means any real property having its title, ownership, use, or possession held by the federal government; this state; or any county, municipality, or other governmental entity of this state.
- (w) “Recovery” means winching, hoisting, up-righting, removing, or otherwise relocating a motor vehicle when the motor vehicle is found in such a location, state, or position in which it could not be removed from the location, state, or position using only the motor vehicle's own power, even if it were in complete operating condition. Waiting and site clean-up time are included in recovery services.
- (x) “Signature” means the name of the person written in his or her own handwriting or submitted by that person electronically.
- (y) “Storage facility” or “towing facility” means any place used for the storage of motor vehicles or records, in conjunction with the operations of a towing carrier.
- (z) “Tow agreement” means a written agreement between a towing carrier and a property owner or law enforcement authorizing the towing carrier to perform tows and meeting the minimum requirements for tow agreements set forth in subparagraph 6508(a)(I) or by law enforcement.
- (aa) “Towing” is the act of transporting a motor vehicle or trailer on or behind a tow truck.
- (bb) “Tow invoice” means a written invoice provided to the authorized or interested person, in accordance with rule 6509.

- (cc) “Tow record” means a complete record of the tow as maintained by the tow carrier, in accordance with rule 6509.
- (dd) “Tow truck” means a motor vehicle specially designed or equipped for transporting another motor vehicle by means of winches, cables, pulleys, or other equipment for towing, pulling, or lifting such other motor vehicle from one place to another.
- (ee) “Towing carrier” means a motor carrier that provides, as one of its primary functions, the towing of motor vehicles by use of a tow truck and may also provide storage of towed motor vehicles.
- (ff) “Towing carrier permit” means the permit issued by the Commission to a towing carrier, pursuant to § 40-10.1-401, C.R.S.
- (gg) “Trailer” means any wheeled vehicle, without motive power, which is designed to be drawn by a motor vehicle and to carry its cargo load wholly, or in part, upon its own structure and that is generally and commonly used to carry and transport property over the public highways.
- (hh) “Vehicle owner” means the owner of a motor vehicle, as determined by the motor vehicle’s registration, title, or the record obtained using the system described in § 42-4-2103(3)(c)(III), C.R.S.
- (ii) “VIN” means the unique vehicle identification number used to identify a motor vehicle.

6502. [Reserved].

6503. Towing Carrier Permit Application.

- (a) In addition to completing the Commission-prescribed permit application form available on the Commission’s website, an applicant must:
 - (I) pay an application fee, as administratively set by the Commission;
 - (II) cause to be filed the required proof of financial responsibility;
 - (III) pay the required annual fees or, if applicable, shall be in compliance with the UCR Agreement; and
 - (IV) have at least one principal who possesses a valid Colorado driver’s license.

6504. Criminal History Checks and Good Cause Determinations.

- (a) This rule applies to principals, as defined in paragraph 6001(iii), of a towing carrier.
- (b) Qualification determination for towing carrier permit.
 - (I) Upon the Commission’s receipt of results obtained from a criminal history record check, Commission staff shall make a qualification determination regarding the applicant’s qualification status. In making this determination, Commission staff is authorized to request from the applicant, and the applicant shall provide, additional information that will assist Commission staff in making the determination. If an applicant either does not provide such additional information requested by Commission staff, or explain why it is unavailable, within 15 days of the request, Commission staff may deny the application.

- (II) An application for a towing carrier permit shall be denied, if the applicant has:
 - (A) a conviction in the state of Colorado, within the five years preceding the date the criminal history record check is completed, of any felony under any Title of C.R.S. or any towing-related offense; or
 - (B) an offense in any other state or in the United States that is comparable to any offense listed in subparagraph (A) within the same time periods as listed in subparagraph (A).
- (III) For purposes of this rule, a deferred judgment and sentence pursuant to § 18-1.3-102, C.R.S., shall be deemed to be a conviction during the period of the deferred judgment and sentence.
- (IV) The Commission and Commission staff may consult and use any commercially or governmentally available information source in conducting criminal history record checks.
- (c) Commission staff shall not issue a towing carrier permit to the applicant if a disqualifying criminal history record is found for a person subject to this rule.
- (d) The Commission may deny an application for a towing carrier permit based on a determination that there is good cause to believe the issuance of the permit is not in the public interest.
- (e) If a disqualifying criminal history record or good cause determination is found for a person subject to this rule, the associated applicant may file a petition to qualify the applicant within 60 days of Commission staff's notification.
 - (I) Upon the filing of a petition for qualification, Commission staff shall be an indispensable party.
 - (II) The applicant shall bear the burden of proving that disqualification is not supported by fact or law. If the Commission qualifies an applicant upon petition, paragraph (b) shall be waived as to qualification determinations for future applications regarding the events upon which Commission staff's disqualification was based.

6505. Kickbacks Prohibited.

Pursuant to § 40-10.1-408, C.R.S., a towing carrier shall not pay money or other valuable consideration including, but not limited to gifts and gratuities, for the privilege of nonconsensually towing vehicles.

6506. Equipment and Accessories.

In addition to complying with all applicable safety regulations, all tow trucks shall meet the following minimum requirements.

- (a) Basic tow truck requirements.
 - (I) A towing carrier shall equip its tow truck(s) with engines, transmissions, differentials, driveline components, brake systems, frames, steering components, and suspensions of sufficiently heavy construction to safely winch, lift, tow, load, and transport the towed motor vehicle.

- (II) A towing carrier shall maintain its tow truck(s) in a manner ensuring the safe winching, lifting, towing, loading, and transporting of the towed motor vehicle.
 - (III) A towing carrier shall ensure its tow truck(s) have each of the following:
 - (A) a GVWR of at least 10,000 pounds;
 - (B) fender coverings for front and rear wheels;
 - (C) the following operational electric lights:
 - (i) one spotlight, mounted behind the cab, capable of lighting the scene of legal disability and/or the motor vehicle to be moved (reverse/back-up lights of the tow truck shall not be used in lieu of the spotlight); and
 - (ii) one portable, combination light system capable of being securely attached on the rear of the towed motor vehicle; consisting of (with an equal number on each side) two tail lamps, two stop lamps, and two turn signals; and operated in conjunction with analogous lights on the tow truck.
 - (iii) Warning lights or overhead lighting. A towing carrier shall use yellow, opaque white, or clear white warning and overhead lights only and no other color, unless the tow truck has been approved as an authorized emergency vehicle, as set forth in § 42-1-102(6)(b), C.R.S. In order to be approved as an authorized emergency vehicle, the towing carrier must have a Colorado Department of Revenue Form DR2490 for this classification, approved by the Director of the Commission or the Director's designee, and must follow the requirements of §§ 42-4-213 and 42-4-214(2), C.R.S., and any other requirements the Commission may deem necessary.
 - (D) one steering wheel tying device free from cracks, fraying, or deterioration; and
 - (E) for any towing carrier that performs tows from accident scenes:
 - (i) one shovel; and
 - (ii) one broom.
- (b) Winching, lifting, towing, and carrying equipment shall be maintained in a manner to ensure the safe winching, lifting, towing, loading, and transporting of the towed motor vehicle, and shall include at least one of the following.
- (I) Winch and crane: A power-driven winch and crane with a capacity of not less than 6,000 pounds with a winch cable capable of withstanding a test of not less than 10,000 pounds at breaking point or hydraulic system vehicle lift and a cradle, with a tow plate or sling, equipped with safety chains and chains with J-hooks of sufficiently heavy construction to ensure the safe lifting of the motor vehicle;
 - (II) Wheel-lift system: A wheel-lift system with a stinger, L arm brackets, safety chains and tie-down straps, or a mechanical wheel retainer device forming an integral part of the L-

arm bracket, of sufficiently heavy construction to secure the motor vehicle to the wheel-lift unit and to ensure the safe lifting and towing of the motor vehicle; or

- (III) Rollback system: A rollback system with a winch and cable as described in subparagraph (I) of this paragraph, safety chains, tie-down equipment, and truck bed of sufficiently heavy construction to ensure the safe loading and transporting of the motor vehicle.
- (c) A towing carrier shall not tow a motor vehicle that is so extensively damaged as to be unmovable on its own wheels, unless the tow truck is equipped with dollies, a wheel-lift system, or a rollback system of sufficiently heavy construction to ensure the safe loading and towing of the damaged motor vehicle.
- (d) A towing carrier shall not tow a motor vehicle without attaching required operational electric lights on the rear of the towed motor vehicle. This requirement does not apply to motor vehicles placed on a flatbed or trailer, as long as the motor vehicle being towed does not extend four feet beyond the rear of the tow truck.
- (e) A towed motor vehicle shall be secured to the tow truck, in accordance with the C.R.S. and the Code of Federal Regulations, for the purpose of transporting the vehicle.

6507. Storage Facilities.

- (a) Disclosure of storage facility location. For nonconsensual tows of a motor vehicle, within 30 minutes of moving the towed motor vehicle from its location, or such lesser time as may be required by law, a towing carrier shall notify the responsible law enforcement agency having jurisdiction over the place from where the motor vehicle was towed. The notification shall contain the following information: the name and permit number of the towing carrier; the location of the storage facility where the towed motor vehicle is located; and a description of the towed motor vehicle, including the make, model, color, year, VIN, and license plate information, including the number, issuing state, and expiration date. A towing carrier is deemed to have complied with this requirement if:
 - (I) the location of the storage facility was provided to the responsible law enforcement agency when obtaining authorization for the tow; or
 - (II) two or more documented attempts to notify the responsible law enforcement agency were made, within the 30-minute time period, but were unsuccessful for reasons beyond the control of the towing carrier. The towing carrier must still notify the responsible law enforcement agency as soon as possible, after the unsuccessful attempts.
- (b) Disclosure for abandoned motor vehicles. A towing carrier which places an abandoned motor vehicle in a storage facility shall also disclose the location of the storage facility by complying with the procedure for abandoned motor vehicles in Parts 18 and 21 of Article 4 of Title 42, C.R.S.
- (c) Disclosure for all towed motor vehicles. Upon request of the authorized or interested person of the motor vehicle, a towing carrier which places a motor vehicle in a storage facility shall also disclose the location of the storage facility, the total amount of the charges, and accepted forms of payment, as provided in rule 6512.
- (d) Signage at storage facility.

- (I) A towing carrier shall maintain a clearly visible sign at the entrance to any storage facility where a motor vehicle has been towed as a nonconsensual tow. Such sign shall state the name of the business, telephone number, and hours of operation.
- (II) All signs posted to provide notice pursuant to this rule shall comply with any applicable municipal ordinance, to the extent not inconsistent with this rule. Signs shall also, at a minimum:
 - (A) be no less than two square feet in size;
 - (B) have lettering not less than two inches in height;
 - (C) have lettering that contrasts sharply in color with the background on which the letters are placed; and
 - (D) be printed in English.
 - (E) If the storage facility contains motor vehicles that were towed as a Residential PPI, the signs must also contain the following statement:

“If a vehicle is nonconsensually towed from private property, the owner may retrieve the contents of the vehicle even if the owner does not pay the towing carrier’s fees. If the owner fills out the appropriate form, the owner may retrieve the vehicle after paying a reduced fee, but the owner still owes the towing carrier the balance of those fees.”
- (e) Lighting for release. A towing carrier shall maintain an area at each storage facility location on file with the Commission with illumination levels during all hours adequate to inspect a motor vehicle for damage prior to its release from storage.
- (f) Towing carrier responsibility. After a nonconsensual or law enforcement-ordered tow, the towing carrier is responsible for the security and safety of the towed motor vehicle until it is released to an authorized or interested person. Evidence of the towing carriers’ commercial liability insurance coverage, including cargo liability coverage, garage keeper’s liability coverage, if applicable, and motor vehicle liability coverage shall be provided, upon request, to an authorized or interested person.

6508. Authorization for Towing of Motor Vehicles.

- (a) Towing carrier acting as authorized agent for the property owner.
 - (I) A towing carrier is prohibited from acting as the authorized agent for the property owner for a Residential PPI. For a Commercial PPI, a towing carrier may act as the authorized agent for the property owner under a written tow agreement to that effect, provided the tow agreement is compliant with this paragraph (a). The tow agreement shall contain at least the following information in order for the tow to be properly authorized:
 - (A) the name, physical address, telephone number, email address, if applicable, and towing carrier permit number of the towing carrier;
 - (B) the name, address, email address, if applicable, and telephone number of the property owner;

- (C) the address of the property from which the tows will originate;
 - (D) the name of each individual person who is authorized to sign the tow authorization except tow carrier drivers where the carrier is authorized to act as the property owner agent under this rule;
 - (E) the address and phone number of the storage facility where the vehicle owner may retrieve the motor vehicle;
 - (F) the beginning date and ending date of the tow agreement. Provisions that provide for automatic renewal of the tow agreement are permissible provided all signature parties on the original tow agreement remain the same and are still valid at the time of renewal;
 - (G) a statement that the maximum rates for a nonconsensual tow from private property, and the maximum drop charge if the motor vehicle is retrieved before removal from the private property, are set by rule of the Public Utilities Commission;
 - (H) the name, title, phone number, and signature of the person entering into the tow agreement on behalf of the property owner and on behalf of the towing carrier; and
 - (I) the date the tow agreement is signed.
- (II) Nothing in this paragraph (a) shall preclude a towing carrier who has been paid for the tow by the property owner at proper rates from collecting the towing charges from the vehicle owner and reimbursing said charges to the property owner.
 - (III) No agency provided for in this paragraph (a) shall affect any obligation, liability, or responsibility of the property owner to any third party. Any provision attempting to affect such obligation, liability, or responsibility shall be void.
 - (IV) Nothing in this paragraph (a) shall preclude a towing carrier or property owner from adding addendums to the tow agreement that modify any term of the tow agreement, so long as the addendums are in compliance with these rules and agreed upon by both the tow company and the property owner. Each addendum must be signed by both the tow company and the property owner and are required to be maintained with the original tow agreement.
 - (V) For purposes of this rule, any company owned or operated by a towing carrier, or having principals or owners with a controlling financial interest in a towing carrier, is prohibited from acting as the authorized agent for the property owner for a Residential PPI.
- (b) Authorization to perform a tow.
 - (I) A towing carrier shall not tow any motor vehicle unless one of the following conditions is met:
 - (A) the towing carrier is directed to perform a tow by a law enforcement officer;

- (B) the towing carrier is requested to perform a tow by an authorized or interested person of the motor vehicle; or
 - (C) the towing carrier is requested to perform a tow upon the authorization of the property owner.
- (II) A towing carrier may not come in contact with, hook-up to, or tow a motor vehicle that is occupied, unless the towing carrier is performing rescue or recovery operations for said occupant(s).
- (III) Property owner authorization. The authorization from the property owner, or authorized agent for the property owner, shall be in writing; shall identify by make, license plate number (if available), and VIN (if available), the motor vehicle to be towed; and shall include the date, time, and place of removal.
- (A) The authorization shall be filled out in full, signed by the property owner, and given to the towing carrier before the motor vehicle is removed from the property. The property owner may sign using a verifiable employee identification number or code name in lieu of the person's proper name. If the authorization is signed by the towing carrier as agent for the property owner, then a verifiable employee identification number or code name shall not be used. Documentation of such authority must be carried in the tow truck at all times while performing the tow. At a minimum, such documentation shall contain:
 - (i) the name, address, email address (if applicable), and telephone number of the property owner;
 - (ii) the address of the property from which the tows will originate; and
 - (iii) the name of each individual person who is authorized to sign the tow authorization.
 - (B) A towing carrier shall not have in his or her possession, accept, or use blank authorizations pre-signed by the property owner.
 - (C) The written authorization may be incorporated into the tow record/invoice required by rule 6509 or on any other document.
 - (D) With the exception of law enforcement-ordered tows, a towing carrier that is requested to perform a tow upon the authorization of a property owner, or authorized agent for the property owner, must immediately deliver the towed motor vehicle that is being removed from the property to a storage facility location on file with the Commission without delay. No motor vehicle may be relocated off of the private property from which it is towed to a location other than to such a storage facility.
 - (E) In the case of law enforcement-ordered tows, a towing carrier may relocate a motor vehicle to another location at the order of a law enforcement officer.
- (c) Expired vehicle registration. For a Residential PPI, unless the tow is ordered by a peace officer, a towing carrier shall not tow a motor vehicle from private property because the rear license plate

of the vehicle, or the record obtained using the system described in § 42-4-2103(3)(c)(III), C.R.S., indicates that the motor vehicle's registration has expired.

- (d) 24-hour notice.
- (I) For a Residential PPI, a towing carrier shall not perform a nonconsensual tow of a motor vehicle from a parking space or common parking area without the towing carrier or property owner giving the vehicle owner or authorized operator 24-hours' written notice, unless:
- (A) the vehicle owner or authorized operator has received two previous notices for parking inappropriately, as defined by § 40-10.1-405(3)(b)(V), C.R.S., in the same manner, within the past six months;
 - (B) the motor vehicle blocks a driveway or roadway enough to effectively obstruct a person's access to the driveway or roadway;
 - (C) the motor vehicle is parked in violation of § 42-4-1208(4), C.R.S. or is parked in reserved parking for people with disabilities without displaying an identifying placard or an identifying plate, as those terms are defined in §§ 42-3-204(1)(f), and (g), C.R.S., that is currently valid or has been expired for no more than 60 days;
 - (D) the motor vehicle is parked in or effectively obstructing a designated and marked fire zone;
 - (E) the motor vehicle is occupying, without permission, or effectively obstructing access to or from an individually designated, rented, or purchased parking space of a resident; or
 - (F) the motor vehicle is parked without displaying valid authorization in a parking lot marked for the exclusive use of residents.
- (II) If a motor vehicle is being towed without 24-hours' notice, pursuant to subparagraphs 6508(d)(I)(E) or 6508(d)(I)(F), additional signage is required, as described in § 40-10.1-405(3)(c), C.R.S. If this additional signage is not present, 24-hours' written notice must be provided, consistent with this rule.
- (III) The towing carrier or property owner shall provide the 24-hours' written notice, as described in this rule, by placing it on the windshield of the motor vehicle at least 24 hours before towing the motor vehicle. At its discretion, a towing carrier may place the notice on other areas of the vehicle, such as the driver-side window, so long as it is in addition to, not in lieu of, the windshield placement. The notice must clearly state:
- (A) that the motor vehicle will be towed without consent if the motor vehicle remains parked inappropriately;
 - (B) a description of the inappropriate parking that has caused the notice to be given;
 - (C) the time the motor vehicle will be towed if it is not moved to appropriate parking or the inappropriate parking has been corrected; and

- (D) that continuing to park inappropriately in the same manner may lead to the motor vehicle being towed without notice.
- (e) Photographs.
- (I) For a Residential PPI, a towing carrier shall document the motor vehicle's condition and the reason for the tow before connecting to the motor vehicle.
 - (II) In order to properly document the motor vehicle's condition, a towing carrier shall take at least four photographs, as follows:
 - (A) from the front of the motor vehicle;
 - (B) from the rear of the motor vehicle;
 - (C) from the driver-side of the motor vehicle; and
 - (D) from the passenger-side of the motor vehicle.
 - (E) These photographs must show the entire motor vehicle from the required angles, have the motor vehicle fill at least three-fourths of the photograph, measured from side-to-side, be rendered in a resolution of at least 2,000 pixels by 2,000 pixels, and contain the date and time the photographs were taken.
 - (III) In order to properly document the reason for the tow, a towing carrier shall take at least one photograph, that meets the following requirements:
 - (A) identifies the specific reason for the tow;
 - (B) shows the position of the vehicle in relation to the reason, including any sign, that the vehicle was towed;
 - (C) can be rendered in a resolution of at least 2,000 pixels by 2,000 pixels; and
 - (D) contains the date and time the photograph was taken.
 - (IV) Upon demand by an authorized or interested person, a towing carrier shall provide copies of the photographs, as described in this rule. The copies of the photographs may be provided in physical or digital format. A towing carrier may not assess any fees associated with providing copies of the photographs.
 - (V) If a towing carrier fails to produce a photograph of the reason for the tow, as described in this rule, it creates a rebuttable presumption that the towing carrier did not have authorization to tow the motor vehicle.

6509. Tow Record/Invoice, Charge Notification, and Warning Signage.

- (a) A towing carrier shall use and complete all applicable portions of a tow record/invoice form for all nonconsensual tows, whether the motor vehicle is removed from private property or retrieved before removal (commonly known as a drop), and law enforcement-ordered tows. The tow record/invoice form shall contain the following information:

- (I) the unique serial number of the tow record/invoice;
 - (II) the name, address, towing carrier permit number, and telephone number of the towing carrier that is on file with the Commission;
 - (III) the address of the storage facility used by the towing carrier that is on file with the Commission, including the telephone number for that storage facility if the number is different than the telephone number of the towing carrier;
 - (IV) the date and time of the drop, the date and time of commencement of the tow, the date and time of completion of the tow, the date and time notice was given to the appropriate law enforcement agency, the date and time the towed motor vehicle was placed in storage, and the date and time the towed motor vehicle was released from storage, as applicable;
 - (V) the make, model, year, complete VIN (if available), and license plate number (if available) of the towed motor vehicle;
 - (VI) the origin address of the tow, the destination address of the tow, and the one-way mileage between such addresses;
 - (VII) unless incorporated into the authorization in subparagraph 6508(b)(III),
 - (A) the printed name, address, and telephone number of the property owner authorizing the tow; and
 - (B) the full, legal signature of the property owner authorizing the tow;
 - (VIII) the unit number or license number of the tow truck;
 - (IX) the printed name and signature of the tow truck driver;
 - (X) an itemized invoice of all towing charges assessed;
 - (XI) the signature of the authorized or interested person to whom the motor vehicle is released. The towing carrier may write “refused to sign” on the tow record/invoice if the authorized or interested person to whom the motor vehicle is released is provided opportunity to sign the tow/record invoice, but refuses to do so;
 - (XII) on at least the authorized or interested person’s copy of the tow record/invoice, the following notice in a font size of at least ten: “Report problems to the Public Utilities Commission at (303) 894-2070”. For a Residential PPI, this notice must not be in a type face or font that is smaller than the other numbers or words on the tow record/invoice, as applicable; and
 - (XIII) for all nonconsensual tows, the case report number or other identifiable entry provided by the law enforcement agency to which the tow was reported, in accordance with the requirements in § 42-4-2103(2) C.R.S., and paragraph 6507(a).
- (b) The tow invoice, as provided to the authorized or interested person, shall include, at a minimum, the items listed in subparagraphs 6509(a)(I) through (VIII) and (X) through (XIII). The towing carrier shall retain the copy of the tow record/invoice bearing all required original signatures for

authorization and release for three years after the tow commenced, whether it is maintained in electronic or multi-copy paper form.

- (c) The tow record/invoice must be filled out to contain the information required in paragraph 6509(a) by the tow truck driver, prior to the tow truck leaving the location of the tow origination with the towed motor vehicle, unless impracticable due to safety concerns. If safety concerns delay recording the information, the towing carrier shall record the information as soon as reasonably possible.
- (d) The towing carrier shall deliver a copy of the tow record/invoice to the authorized or interested person immediately upon request, but no later than 48 hours after the request is made. For a Residential PPI, the tow record/invoice must also show each charge and the rate for each fee that has been incurred as a result of a nonconsensual tow.
- (e) For a Commercial PPI, the towing carrier shall provide a charge notification card to the authorized or interested person of the motor vehicle to be towed, if the authorized or interested person is on the property prior to or after commencement of the tow, but before the motor vehicle has been removed from the property. The charge notification card shall contain all the information listed on the Commission-prescribed form available on the Commission's website.
- (f) A towing carrier may place a warning sign on the driver-side window of a motor vehicle to be towed or, if window placement is impracticable, in another location on the driver-side of the motor vehicle, prior to commencement of the tow. The warning sign shall be at least eight inches by eight inches square or diameter, yellow or orange in color, and state the following: "WARNING: This vehicle is in tow. Attempting to operate or operating this vehicle may result in criminal prosecution and may lead to injury or death to you or another person."

6510. Disclosure of Rates and Charges.

- (a) Prior to performing any tow, a towing carrier shall disclose to the authorized or interested person of the motor vehicle all rates and charges to be assessed. This rule does not apply to a nonconsensual tow authorized by the property owner. Rates for law enforcement-ordered tows must be disclosed to the authorized or interested person of the motor vehicle prior to commencement of the tow, except when not feasible for reasons including, but not limited to, arrest, incapacitation, or order of a law enforcement officer.
- (b) This disclosure may either be written or oral and shall include, but is not limited to, the following information:
 - (I) any extra charges made necessary because, at the time of the tow, the towing carrier would be unable to deliver the motor vehicle to a repair or body shop during the normal working hours of such repair or body shop;
 - (II) any extra charges made necessary because, at the time of the tow, the towing carrier would be unable to deliver the motor vehicle to a location and at a time agreed upon by the authorized or interested person of the motor vehicle to take delivery of the motor vehicle and pay the tow charges; and
 - (III) the estimated charges for mileage and storage.
- (c) If performing Residential PPIs, a towing carrier shall prominently display at their place of business, and on any website of the towing carrier, the current maximum rates permitted by rule

of the Commission for each tow service provided by the towing carrier. The sign must include the following statement:

“The maximum permitted rate is based upon rules of the Public Utilities Commission. If there are concerns or questions about these rates or about the towing carrier, call the Public Utilities Commission Consumer Affairs’ hotline at 303-894-2070.”

6511. Rates and Charges.

- (a) Drop Charge. A towing carrier is prohibited from assessing a drop charge for a Residential PPI. For a Commercial PPI, a towing carrier may assess a drop charge if the authorized or interested person of the motor vehicle that is parked without the authorization of the property owner appears in person to retrieve the motor vehicle prior to or after commencement of the tow, but before the motor vehicle has been removed from the property.
- (I) The maximum drop charge is as follows for each vehicle weight classification:
- (A) \$79.40 for motor vehicles with a GVWR less than or equal to 10,000 pounds;
 - (B) \$102.08 for motor vehicles with a GVWR greater than 10,000 pounds and less than or equal to 19,000 pounds;
 - (C) \$136.11 for motor vehicles with a GVWR greater than 19,000 pounds and less than or equal to 33,000 pounds; and
 - (D) \$158.79 for motor vehicles with a GVWR greater than 33,000 pounds.
 - (E) Maximum drop charges may be less than these amounts if required by municipal ordinance or by the tow agreement with the property owner and shall be enforced by the Commission pursuant to this rule.
- (II) The maximum drop charge shall be adjusted for inflation annually, starting March 15, 2022, and effective March 15 of each year thereafter, based upon the annual percentage change in the United States Bureau of Labor Statistics Consumer Price Index – Denver-Aurora-Lakewood, as published by the Colorado Department of Local Affairs for the immediately preceding calendar year. These adjustments shall be compounded annually. For reference by towing carriers and the general public, the Commission will post a notice on its website by March 15 of each year reporting the annual inflation adjustments applicable pursuant to this rule.
- (III) The minimum drop charge is \$0.00.
- (IV) The towing carrier shall halt any tow in progress, including preparation therefor, prior to removal from the private property, and advise the authorized or interested person of the motor vehicle that he or she may offer payment of the towing carrier's drop charge. The towing carrier shall concurrently advise the authorized or interested person of the motor vehicle of acceptable forms of payment under rule 6512. Such advisements shall be provided via delivery of a charge notification card, in addition to any other means desired by the towing carrier.
- (V) If the towing carrier does not advise the authorized or interested person of the motor vehicle of the acceptable forms of payment under rule 6512 or accept such forms of

payment, the towing carrier shall not charge or retain any fees or charges for the services it performs. Any money collected must be returned to the authorized or interested person of the motor vehicle.

- (b) The towing rates for PPI tows include the following elements: a base rate for the tow; a mileage charge, including any applicable fuel surcharge; a charge for motor vehicle storage; a charge for release from storage pursuant to paragraph 6511(e), if applicable; and any other charges allowed by state statute or Commission rule.
- (I) The base rates for PPI tows are as follows for each vehicle weight classification:
- (A) \$203.90 for motor vehicles with a GVWR less than or equal to 10,000 pounds;
 - (B) \$234.48 for motor vehicles with a GVWR greater than 10,000 pounds and less than or equal to 19,000 pounds;
 - (C) \$316.05 for motor vehicles with a GVWR greater than 19,000 pounds and less than or equal to 33,000 pounds; and
 - (D) \$356.83 for motor vehicles with a GVWR greater than 33,000 pounds.
- (II) The base rates shall be adjusted for inflation annually, starting March 15, 2022, and effective March 15 of each year thereafter, based upon the annual percentage change in the United States Bureau of Labor Statistics Consumer Price Index – Denver-Aurora-Lakewood, as published by the Colorado Department of Local Affairs for the immediately preceding calendar year. These adjustments shall be compounded annually. For reference by towing carriers and the general public, the Commission will post a notice on its website by March 15 of each year reporting the annual inflation adjustments applicable pursuant to this rule.
- (III) The maximum mileage charge a towing carrier may assess for a PPI tow of a motor vehicle is \$3.80 per mile for each mile that the motor vehicle is towed, subject to the following limits: The maximum mileage that may be charged for a PPI tow is 12 miles for tows within ten miles of either side of U.S. Interstate Highway 25, and 16.5 miles for mountain areas and eastern plains communities that lie farther than ten miles from U.S. Interstate Highway 25.
- (IV) An additional fuel surcharge may be assessed when the price per gallon of diesel fuel exceeds a base rate of \$2.60. The Commission shall, each month, adjust the maximum mileage charge when the price per gallon of diesel fuel exceeds the base rate. The surcharge shall be based on the United States Department of Energy “weekly retail on-highway diesel prices” for the Rocky Mountain region (DOE’s Weekly Diesel Price). The fuel surcharge adjustment shall provide a one-percent increase in the mileage rate for every ten-cent increase in the DOE’s Weekly Diesel Price, or a one-percent decrease in the mileage rate for every ten-cent decrease in the DOE’s Weekly Diesel Price, but in no event decreasing below the base rate.
- (V) A towing carrier shall not charge or retain any additional fees not identified in state statute or Commission rule for the nonconsensual tow of a motor vehicle from private property.

- (c) Maximum towing rates for law enforcement-ordered tows and recovery operations are to be calculated on an hourly basis, per required tow truck, as follows, with no additional fees, charges, or surcharges permitted, except as allowed by state statute or Commission rule.
- (I) The maximum hourly rates for tow truck and driver, billable in $\frac{1}{4}$ hour increments after the first hour, for the towing or recovery of motor vehicles, are as follows for each vehicle weight classification:
- (A) \$232.52 per hour for motor vehicles with a GVWR less than or equal to 10,000 pounds;
 - (B) \$277.89 per hour for motor vehicles with a GVWR greater than 10,000 pounds and less than or equal to 19,000 pounds;
 - (C) \$362.96 per hour for motor vehicles with a GVWR greater than 19,000 pounds and less than or equal to 33,000 pounds; and
 - (D) \$419.67 per hour for motor vehicles with a GVWR greater than 33,000 pounds.
 - (E) The recovery of a motor vehicle requiring the use of a Heavy Rotator (60+ tons) shall not exceed \$663.53 per hour.
- (II) The maximum hourly rates for tow truck and driver shall be adjusted for inflation annually, starting March 15, 2022, and effective March 15 of each year thereafter, based upon the annual percentage change in the United States Bureau of Labor Statistics Consumer Price Index – Denver-Aurora-Lakewood, as published by the Colorado Department of Local Affairs for the immediately preceding calendar year. These adjustments shall be compounded annually. For reference by towing carriers and the general public, the Commission will post a notice on its website by March 15 of each year reporting the annual inflation adjustments applicable pursuant to this rule.
- (III) Mileage and fuel surcharges authorized elsewhere in rule 6511 do not apply to law enforcement-ordered tows or recovery operations.
- (IV) Any towing carrier billing greater than one hour for any tow truck and driver for a given tow shall:
- (A) include, in addition to requirements of rule 6509, the following information on the tow record/invoice, recorded at the time of occurrence: the time of dispatch; the time the tow truck leaves the yard or other staging location; the time the tow truck arrives on scene; the time the tow truck leaves the scene, and the time the towed motor vehicle is unhooked from the tow truck;
 - (B) include an advisement on the tow record/invoice that documentation of costs billed in excess of one hour for any tow truck and driver for such tow are available, upon request, from the towing carrier;
 - (C) only begin billing from a time not earlier than the towing carrier leaves their yard or staging area en route to the scene of the requested tow until the towed motor vehicle is unhooked;

- (D) not bill more than the reasonable time necessary to perform the tow at hourly rates for one tow truck and driver, plus the towing carrier's actual and reasonable cost of recovery equipment and labor in excess of one tow truck and driver, plus an additional twenty-five percent of those actual and reasonable costs;
 - (E) provide the authorized or interested person of the motor vehicle documentation of the actual and reasonable costs billed in excess of one hour for any tow truck and driver for such tow, upon request; and
 - (F) not, under any circumstances, bill rates and charges provided in paragraph (b) for a PPI tow.
- (d) Storage for nonconsensual and law enforcement-ordered tows.
- (I) Storage charges shall not exceed the following maximum rates, based on a 24-hour period, for the following weight classifications:
 - (A) \$39.18 for motor vehicles with a GVWR of less than or equal to 10,000 pounds;
 - (B) \$48.32 for motor vehicles with a GVWR greater than 10,000 pounds; or
 - (C) in lieu of the storage rates provided above, and at the option of the towing carrier, storage may be charged according to the motor vehicle's length, including the tongue of a trailer, at \$1.50 per foot or portion thereof.
 - (D) For a Commercial PPI or law enforcement-ordered tow, storage charges may be assessed for each 24-hour period or any portion of a 24-hour period. The 24-hour time period commences when the motor vehicle enters the towing carrier's storage facility. The second day of storage, for purposes of charges, shall not begin until 24 hours after the motor vehicle entered the towing carrier's storage facility.
 - (E) For a Residential PPI, storage charges must be prorated, on an hourly basis, with the combined hourly rate not to exceed the maximum rate for an entire 24-hour period.
 - (II) The storage charges shall be adjusted for inflation annually, starting March 15, 2022, and effective March 15 of each year thereafter, based upon the annual percentage change in the United States Bureau of Labor Statistics Consumer Price Index – Denver-Aurora-Lakewood, as published by the Colorado Department of Local Affairs for the immediately preceding calendar year. These adjustments shall be compounded annually. For reference by towing carriers and the general public, the Commission will post a notice on its website by March 15 of each year reporting the annual inflation adjustments applicable pursuant to this rule.
 - (III) Storage charges shall not be charged, collected, or retained for any time during which garage keeper's liability insurance coverage is not kept in force.
 - (IV) For tows originating from private property, only the first 24 hours of storage, prorated on an hourly basis, may be assessed until such time as the notification, pursuant to § 42-4-2103, C.R.S., has been completed. Storage fees may not be assessed retroactively once notification has been completed, except for the first 24 hours of storage.

- (V) Storage charges after the tow and storage of an abandoned motor vehicle subject to Part 21 of Title 42, C.R.S., shall not be accumulated beyond 120 days after the notification has been completed, pursuant to § 42-4-2103, C.R.S.
- (e) For nonconsensual and law enforcement-ordered tows, the maximum additional charge for release of a motor vehicle from storage at any time other than the towing carrier's business hours is \$86.19. The release charge shall be adjusted for inflation annually, starting March 15, 2022, and effective March 15 of each year thereafter, based upon the annual percentage change in the United States Bureau of Labor Statistics Consumer Price Index – Denver-Aurora-Lakewood, as published by the Colorado Department of Local Affairs for the immediately preceding calendar year. These adjustments shall be compounded annually. For reference by towing carriers and the general public, the Commission will post a notice on its website by March 15 of each year reporting the annual inflation adjustments applicable pursuant to this rule.
- (f) Noncompliance. If a tow is performed, or storage is provided, in violation of state statute or Commission rule, the towing carrier may not charge or retain any fees or charges for the services it performs. Any motor vehicle that is held in storage must be released, without charge, to an authorized or interested person. Any money collected must be returned to the authorized or interested person of the motor vehicle.
- (g) Abandoned motor vehicles.
 - (I) Notifications. The charges for notification(s) to the vehicle owner(s) and the lienholder(s) of the motor vehicle held in storage shall be in accordance with §§ 42-4-1804 and 42-4-2103, C.R.S., and the rules of the Colorado Department of Revenue. For purposes of notification, any motor vehicle in possession of the towing carrier, including motor vehicles incidental to the tow (for example, loaded on a trailer when the trailer was towed) shall comply with the notification requirements of Parts 18 and 21 of Article 4 of Title 42, C.R.S., and § 42-5-109, C.R.S.
 - (II) Consequences of failure to notify. A towing carrier holding a motor vehicle in storage who cannot demonstrate that it has made a good faith effort, as set forth in §§ 42-4-1804 and 42-4-2103, C.R.S., to comply with the notification requirements of Parts 18 and 21 of Article 4 of Title 42, C.R.S., and § 42-5-109, C.R.S., shall not charge, collect, or retain any fees associated with the tow or storage of the motor vehicle.
 - (III) Sale of an abandoned motor vehicle to cover the outstanding towing and storage charges must be done in accordance with the notice and procedural requirements of Parts 18 and 21 of Article 4 of Title 42, C.R.S., and § 42-5-109, C.R.S. Upon the effective date of a future Commission decision providing further guidance under this subparagraph 6511(g)(III), all towing carriers may be required to provide to the Commission a copy of the completed Private Tow Vehicle Information Request and Motor Vehicle Bill of Sale forms within 30 days of abandoned motor vehicle sales resulting from a nonconsensual tow.
 - (IV) Additional costs that may be charged when a stored motor vehicle is sold.
 - (A) When a stored motor vehicle is sold, a towing carrier may charge the costs of maintaining that motor vehicle while in storage in accordance with § 38-20-109, C.R.S.

- (B) When a stored motor vehicle that does not come within the provisions of § 38-20-109, C.R.S., is sold, a towing carrier may charge the costs of maintaining that motor vehicle, up to a maximum of \$90.00.
 - (C) “Cost of maintaining a motor vehicle” means a documented cost that is incurred by the towing carrier and that keeps a motor vehicle in safe and operable condition.
 - (D) Certified VIN verification procedure. When an abandoned motor vehicle that is less than five model years old and that the Colorado Department of Revenue cannot find in its records must be sold, the towing carrier may charge for all documented expenses of obtaining the certified VIN verification.
- (h) Trailers.
- (I) No additional fees may be charged for the towing of a power unit and trailer in combination as a single motor vehicle.
 - (II) A vehicle in or on a trailer is considered in combination as a single unit.
 - (III) No additional fees may be charged for the towing of cargo in combination; however, additional fees may be charged for towing a trailer when reasonably and actually conducted as a separate tow from a power unit.

6512. Release of Motor Vehicle and Personal Property.

- (a) The towing carrier shall immediately accept payment of the drop charge, towing, storage, release charges, and any other appropriate charges, if payment is offered by an authorized or interested person. The towing carrier must accept payments in cash or by valid major credit card. For purposes of this rule, a major credit card includes MasterCard and Visa. Accepted forms of payment may be annotated on the tow record/invoice, so long as the required options noted in this rule are offered to the authorized or interested person to whom the motor vehicle is being released. The towing carrier shall release the motor vehicle to an authorized or interested person.
- (b) A towing carrier that accepts for storage a motor vehicle that has been towed as a nonconsensual or law enforcement-ordered tow shall provide access to or release of the motor vehicle to an authorized or interested person of the motor vehicle either:
 - (I) with one hour’s notice during all times other than the towing carrier’s business hours that occur within the first 24 hours of storage; or
 - (II) upon demand during the carrier’s business hours.
- (c) Failure to notify. A towing carrier holding a motor vehicle in storage who cannot demonstrate that it has made a good faith effort, as set forth in §§ 42-4-1804 and 42-4-2103, C.R.S., to comply with the notification requirements of Parts 18 and 21 of Article 4 of Title 42, C.R.S., and § 42-5-109, C.R.S., shall release the motor vehicle at no charge to an authorized or interested person.
- (d) Release of personal property for nonconsensual and law enforcement-ordered tows. A towing carrier shall release personal property, upon request, to an authorized or interested person, if such request is made at any point after the vehicle has been towed, but no later than 30 days

after notification, as set forth in §§ 42-4-1804 and 42-4-2103, C.R.S. Requests made outside of business hours shall follow the standards in paragraph 6512(b).

- (I) For purposes of this rule, personal property includes any items that are not attached to or part of the equipment of the motor vehicle.
 - (II) For a Commercial PPI, the towing carrier may charge up to the appropriate maximum base rate, as established in subparagraph 6511(b)(I), for the removal of personal property. For a Residential PPI, the towing carrier may not charge for the removal of personal property.
 - (III) For law enforcement-ordered tows, the towing carrier may charge up to the appropriate maximum hourly rate, as established in subparagraph 6511(c)(I), for the removal of personal property.
 - (IV) The provisions of this rule shall not apply during any period when the personal property is subject to a hold order issued by a court, district attorney, law enforcement agency, or law enforcement officer.
 - (V) Any fees allowable under this rule shall not be assessed for any of the items addressed under paragraphs 6512(g), (h), (i), and (j).
- (e) The towing carrier, at its discretion, need not comply with paragraphs 6512(a) through (d) to release a motor vehicle or allow for removal of personal property if:
- (I) the towing carrier is reasonably certain that, at the time the motor vehicle is to be released from storage, the driver of the motor vehicle is not capable of safely driving the motor vehicle due to the influence of drugs or alcohol;
 - (II) the towing carrier that is to remove the motor vehicle from storage does not have a valid towing carrier permit;
 - (III) a hold order is in place on the motor vehicle by a court, district attorney, law enforcement agency, or law enforcement officer;
 - (IV) the release of the motor vehicle does not comply with the release procedures agreed to, in writing, between the towing carrier and the applicable law enforcement agency; or
 - (V) the towing carrier, upon notification for the release of or access to a motor vehicle at other than the carrier's business hours, has immediately contacted an appropriate law enforcement agency and, in the interest of public order, has requested a law enforcement officer's presence during the release of the motor vehicle. This exception is applicable when the towing carrier has reason to believe that the person to whom the motor vehicle or personal property is to be released may disrupt the public order.
- (f) A towing carrier shall release a motor vehicle held in storage to a person presenting a current driver's license who attests to being the authorized operator of the motor vehicle and produces two of the following: keys to the motor vehicle; proof of insurance; vehicle registration; VIN; and knowledge of the location from where the motor vehicle was towed. Such attestation must be provided on the "Vehicle Release Form" available on the Commission's website, which the towing carrier shall provide to the authorized operator, upon request.

- (g) Whether on the property where the tow originates or at the towing carrier's storage facility, a towing carrier shall not refuse to relinquish prescription medicines, medical equipment, medical devices, or any child restraint system. The towing carrier shall immediately relinquish such items to an authorized or interested person of the motor vehicle, without requiring payment and without additional charge, upon demand during business hours and, during the first 24 hours after commencement of the tow, within one hour's notice outside of business hours.
- (h) Whether on the property where the tow originates or at the towing carrier's storage facility, a towing carrier shall not refuse to relinquish credit cards and cash for immediate payment of the amount due to the towing carrier. The towing carrier shall immediately relinquish such items to an authorized or interested person of the motor vehicle, without requiring payment and without additional charge, upon demand during business hours and, during the first 24 hours after commencement of the tow, within one hour's notice outside of business hours.
- (i) Whether on the property where the tow originates or at the towing carrier's storage facility, a towing carrier shall not refuse to relinquish state or federal issued identification to the owner of the identification or to an authorized or interested person of the motor vehicle. The towing carrier shall immediately relinquish such items, without requiring payment and without additional charge, upon demand during business hours and, during the first 24 hours after commencement of the tow, within one hour's notice outside of business hours.
- (j) Whether on the property where the tow originates or at the towing carrier's storage facility, a towing carrier shall not refuse to relinquish a cellular telephone to an authorized or interested person of the motor vehicle. The towing carrier shall immediately relinquish such item, without requiring payment and without additional charge, upon demand during business hours and, during the first 24 hours after commencement of the tow, within one hour's notice outside of business hours.
- (k) For nonconsensual and law enforcement-ordered tows, a towing carrier shall not assess any additional fees or charges not specifically identified in state statute or Commission rule.
- (l) For a Residential PPI, a towing carrier shall immediately retrieve the motor vehicle that has been nonconsensually towed or allow the vehicle owner or authorized operator to retrieve the motor vehicle if the following conditions have been met:
 - (I) the vehicle owner or authorized operator pays 15 percent of the fees, not to exceed \$60.00, owed to the towing carrier for the nonconsensual tow; and
 - (II) the vehicle owner or authorized operator completes and signs the "Towed Vehicle Release Notice: Retrieval with Payment Owed" form available on the Commission's website, which the towing carrier shall provide to the vehicle owner, upon request.
 - (III) The remaining balance owed to the towing carrier shall be due no sooner than 90 days after the motor vehicle has been released to the vehicle owner or authorized operator.
 - (IV) A towing carrier must strictly comply with this rule and shall not impose any additional obligations or requirements, as a condition of releasing a motor vehicle, on the vehicle owner or authorized operator.

6513. Notice.

- (a) A towing carrier may not perform a nonconsensual tow of a motor vehicle, other than an abandoned motor vehicle, from private property unless:
 - (I) notice of the applicable parking limitations, regulations, restrictions, and prohibitions was provided to the motor vehicle operator at the time the motor vehicle entered the private property and parked; and
 - (II) notice that any motor vehicle parked in violation of the applicable parking limitations, regulations, restrictions, and prohibitions is subject to tow at the vehicle owner's expense was provided to the motor vehicle operator at the time the motor vehicle entered the private property and parked. The towing carrier must retain evidence that such notice was provided for three years from the date of completion of the tow and provide it to the Commission or an enforcement official upon request.
- (b) Abandoned motor vehicles. A towing carrier may not perform a nonconsensual tow of an abandoned motor vehicle from private property unless the motor vehicle was left unattended for a period of 24 hours or more and is presumed to be abandoned pursuant to § 42-4-2102(1), C.R.S.
- (c) The notice required in paragraph (a) is presumed to be met through signage if a permanent sign is conspicuously posted visibly at each point of entrance to the private property.
- (d) A towing carrier that enters into a tow agreement with a property owner to nonconsensually tow motor vehicles shall post signage at the applicable private property from where the tows will originate. The signs shall, at a minimum:
 - (I) be no less than one square foot in size;
 - (II) have lettering not less than one inch in height;
 - (III) have lettering that contrasts sharply in color with the background on which the letters are placed;
 - (IV) state "Authorized Parking Only";
 - (V) include the name and telephone number of the towing carrier authorized to perform tows from the private property;
 - (VI) be printed in English;
 - (VII) at the entrance to the private property, face outward toward the street and be visible prior to and upon entering the private property;
 - (VIII) inside the private property, face outward toward the parking area;
 - (IX) not be obstructed or placed in such a manner that prevents visibility; and
 - (X) not be placed higher than eight feet or lower than three feet from the ground surface closest to the sign's placement.

6514. Towing Violations and Civil Penalty Assessments.

- (a) A violation of any of the following provisions may result in the assessment of a civil penalty of up to \$1,100.00 for each violation:
 - (I) § 40-10.1-401(1)(a), C.R.S.;
 - (II) rule 6505;
 - (III) subparagraph (a)(I), (a)(V), (b)(I), (b)(II), (b)(III), paragraph (c) or (d) of rule 6508; or
 - (IV) paragraph (f) of rule 6511.
- (b) A violation of paragraph (a), (b), (c), (d), (e), (g), or (h) of rule 6511 may result in the assessment of a civil penalty as follows for each violation:
 - (I) up to \$275.00 for an overcharge \$25.00 or less;
 - (II) up to \$550.00 for an overcharge greater than \$25.00 but less than or equal to \$150.00; and
 - (III) up to \$1,100.00 for an overcharge greater than \$150.00.
- (c) A violation of any of the following provisions may result in the assessment of a civil penalty of up to \$550.00 for each violation:
 - (I) rule 6507;
 - (II) paragraph (e) of rule 6508;
 - (III) paragraph (a) of rule 6510;
 - (IV) paragraph (d), (f), or (l) of rule 6512; or
 - (V) rule 6513.
- (d) A violation of rule 6506 may result in the assessment of a civil penalty of up to \$100.00 for each violation.
- (e) Except as provided in paragraph (a) through (d) of this rule, a violation of any provision of Title 40, § 42-3-235.5, C.R.S., pertaining to towing carriers, or any provision of rules 6500 through 6513, may result in the assessment of a civil penalty of up to \$275.00 for each violation.
- (f) Civil penalty assessments are in addition to any other penalties provided by law.

6515. - 6599. [Reserved].

Decision No. C24-0141

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23R-0085TO

IN THE MATTER OF THE PROPOSED AMENDMENTS TO THE COMMISSION'S RULES REGULATING TOWING CARRIERS, 4 CODE OF COLORADO REGULATIONS 723-6, TO IMPLEMENT HB 22-1314.

COMMISSION DECISION DENYING APPLICATION FOR REHEARING, REARGUMENT, OR RECONSIDERATION

Mailed Date: March 12, 2024

Adopted Date: March 6, 2024

I. BY THE COMMISSION

A. Statement

1. Through this rulemaking, the Commission has adopted amendments to the Rules Regulating Towing Carriers, 4 Code of Colorado Regulations 723-6. By this Decision, we address the Application for Rehearing, Reargument, or Reconsideration (RRR) of Decision No. C24-0077, filed pursuant to § 40-6-114, C.R.S., on February 27, 2024, by Wyatts Towing. In its Application for RRR, Wyatts Towing requests the Commission postpone completion of this rulemaking in order to incorporate upcoming changes to Colorado statutes that are currently being considered by the legislature. As discussed below, the Commission denies the Application for RRR.

B. Discussion and Findings

2. Wyatts Towing requests that the Commission postpone completion of this rulemaking in order to incorporate what it describes as the significant upcoming changes to Colorado statutes that are now being considered by the legislature in House Bill 24-1051. Wyatts

Towing states that pending House Bill 24-1051 makes additional significant changes to the statutes impacting towing carriers and, and in some instances, directly contradicts the Commission's administrative rules adopted in this Proceeding. Wyatts Towing states the scenario of having new statutes that contradict a new regulatory framework put in place at nearly the exact same time will result in significant confusion on the part of vehicle owners, property owners, and towing carriers. Wyatts Towing states it believes these contradictions are not trivial and will significantly confuse consumers, resulting in increased and unnecessary frustrations for Coloradoans.

3. Wyatts Towing provides two examples of what it sees as direct contradictions between portions of House Bill 24-1051 and the rules adopted in this Proceeding. The first concerns contradictory signage requirements and the second concerns contradictory payment requirements.

4. The Commission denies this Application for RRR. Although we realize the legislature is indeed considering further changes to the statutory framework for towing in Colorado, we do not see cause to pause or re-start this rulemaking on the grounds alone that further statutory changes may be forthcoming. The rules adopted in this Proceeding duly implement the statutory changes enacted in a prior legislative session, specifically House Bill 22-1314, which took effect on August 10, 2022, and remains the currently effective law. To the extent any of the rules adopted here ultimately conflict with new statutory provisions enacted during the current legislative session, and in all other such cases, the conflicting rule would have no force and effect and the statute would control. § 24-4-103(8)(a), C.R.S. See *Hanlen v. Gessler*, 333 P.3d 41, 49 (Colo. 2014) (“A rule that conflicts with a statute is void.”) and *Colo. Consumer Health Initiative v. Colo. Bd. of Health*, 240 P.3d 525, 528 (Colo. App. 2010) (“A rule may not modify or contravene an existing statute, and any rule that is inconsistent with or contrary to a statute is void.”). If and

when new legislation is enacted, the Commission will open a rulemaking, as appropriate, to consider further amendments to its rules to reflect any changes in state law.

5. Because we deny the RRR, the rules previously adopted by Decision No. C24-0077 remain the adopted rules. For reference, the adopted rules are provided again as attachments to this Decision in legislative format (*i.e.*, ~~strikeout~~/underline) as Attachment A to this Decision, and in final format as Attachment B to this Decision. These attachments are publicly available through the Commission's E-Filings system at:

https://www.dora.state.co.us/pls/efi/EFI.Show_Docket?p_session_id=&p_docket_id=23R-0085TO

II. ORDER

A. The Commission Orders That:

1. The Application for Rehearing, Reargument, or Reconsideration of Decision No. C24-0077, filed by Wyatts Towing on February 27, 2024, is denied.

2. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
March 6, 2024.**

(S E A L)



ATTEST: A TRUE COPY

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ERIC BLANK

MEGAN M. GILMAN

TOM PLANT

Commissioners

COLORADO DEPARTMENT OF REGULATORY AGENCIES

Public Utilities Commission

4 CODE OF COLORADO REGULATIONS (CCR) 723-6

PART 6

RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE

GENERAL PROVISIONS

6000. Scope and Applicability.

All rules in this Part 6, the "6000" series, shall apply to all Commission proceedings and operations concerning regulated entities providing transportation by Motor Vehicle, unless a specific statute or rule provides otherwise. Rules 6000 – 6099 apply to all Common Carriers, Contract Carriers, Limited Regulation Carriers, Towing Carriers, Movers, UCR registrants, Large Market Taxicab Service carriers, and Drivers as defined herein. Rules 6700 – 6724 apply to all Transportation Network Companies. Specific provisions regarding the applicability of this Part 6 can be found in rules 6100, 6200, 6250, 6300, 6400, 6500, 6600, and 6700.

6001. Definitions.

The following definitions apply throughout this Part 6, except where a specific rule or statute provides otherwise:

* * * *

[indicates omission of unaffected rules]

(uuu) "Towing ~~c~~Carrier" means a Motor Carrier that provides towing of Motor Vehicles pursuant to a Towing Permit granted by the Commission pursuant to part 4 of Article 10.15 of Title 40, C.R.S. and rule 6500, et seq.

* * * *

[indicates omission of unaffected rules]

TOWING CARRIER RULES

6500. Applicability of Towing Carrier Rules.

- (a) Rules 6500 through 6599 apply to all towing carriers and to all Commission proceedings and operations concerning towing carriers, applicants for a towing carrier permit, ~~and~~ employees of towing carriers, and tow truck drivers.
- (b) For a tow and storage of a motor vehicle performed under a written agreement between a towing carrier and a municipal, county, state, or federal agency, nothing in these towing carrier rules shall be construed to prohibit such agency, to the extent permitted by law, from adopting and enforcing additional or more stringent requirements relating to towing carrier operations within their jurisdiction with regard to rules 6506; 6507(a), (c), (e), and (f); 6508; 6509; 6510; and 6512(a), (b), (e), (f), and (g).
- (c) A written agreement between a towing carrier and a property owner to perform a nonconsensual tow may set rates for the tow less than, but not higher than, the rates established in paragraphs 6511(a), (b), (c), (d), and (e), ~~and (f)~~. In the event rates are not set through a written agreement, the Commission's rules will prevail and rates shall default to those established in these rules. For purposes of this rule, a written agreement setting rates for the tow does not include a tow authorization by a law enforcement officer given to a towing carrier with whom the law enforcement officer's agency does not itself have a written agreement.

6501. Definitions.

In addition to the general definitions in rule 6001, the following definitions apply to all towing carriers and to all Commission proceedings and operations concerning towing carriers, applicants for a towing carrier permit, employees of towing carriers, and tow truck drivers.

- (a) "Abandoned motor vehicle" means an "abandoned motor vehicle" as defined by § 42-4-1802(1), C.R.S., for motor vehicles left unattended on public property, and § 42-4-2102(1), C.R.S., for motor vehicles left unattended on private property.
- (b) "Address" means the particulars of the physical location of a business or residence, including the street name, number, city, state, and zip code.
- (c) "Authorized agent for the property owner" means a person acting as agent of a property owner.
- (d) "Authorized agent of the owner of the motor vehicle" means a person, including a towing carrier, who has been given written or oral permission by the owner, lessee, lienholder, or insurance company of a motor vehicle to act as agent for the disposition of said motor vehicle.
- (e) "Authorized operator of a motor vehicle" or "authorized operator" means a person who has been given written or oral permission to drive a motor vehicle by the owner or lessee of said motor vehicle. A person may demonstrate that they are an authorized operator, as set forth in paragraph 6512(f).
- (f) "Authorized or interested person" means the vehicle owner, authorized operator, authorized agent of the owner of the motor vehicle, the lienholder of the motor vehicle, or the insurance company, as defined in § 40-10.1-101(1.5), C.R.S.

- (gf) “Business hours” means 8:00 AM to 5:00 PM, Monday through Friday, excluding legal holidays, and any additional hours and days the towing carrier may designate.
- (h) “Common parking area” means any part of the following areas that are normally used for parking, such as the side of a street or parking spaces, that an owner does not have the right to exclude other residents of the following from using for parking: a condominium, as defined in § 38-33.3-103(9), C.R.S.; a cooperative, as defined in § 38-33.3-103(10), C.R.S.; a multifamily building, which is also known as an apartment complex, with separate living quarters that are rented or leased separately; or a mobile home park, as defined in §§ 38-12-201.5(6) and 40-10.1-101(4.5), C.R.S.
- (i) “Drop fee” or “drop charge” means a fee a towing operator charges to unhook a vehicle from a tow truck, as defined in § 40-10.1-101(6.5), C.R.S.
- (ig) “Gross Vehicle Weight Rating” or “GVWR” is the maximum operating weight of a motor vehicle, as specified by the manufacturer.
- (k) “Insurance company” means an insurance company providing coverage on the motor vehicle, or their agent, if the vehicle owner signs a release authorizing the insurance company to act on the owner’s behalf.
- (lh) “Law enforcement officer” means any sheriff, police officer, Colorado State Patrol officer, municipal code enforcement officer, or other such person acting in his or her official governmental capacity for enforcement of motor vehicle laws.
- (mi) “Law enforcement-ordered tow” means a tow ordered by a law enforcement officer. Law enforcement-ordered tows are subject to these rules, even when the authorized or interested person owner or operator of the motor vehicle consents to a law enforcement officer ordering a tow. A tow shall not be considered a law enforcement-ordered tow if the authorized or interested person of the motor vehicle owner or operator has the ability or opportunity to terminate the tow and contact a towing carrier of his or her own choosing.
- (nj) “Legal disability” means the condition of a trailer or semi-trailer that, due to its weight, height, or other size characteristics, is unable to be transported when attached to the motor vehicle that was pulling it.
- (o) “Lienholder of the motor vehicle” means a person or company, or their agent, having a financial interest or legal claim related to the motor vehicle.
- (pk) “Name” means a word or phrase that constitutes the distinctive designation of a person or thing and includes printed, legible words and includes the first and last name, as applicable.
- (qt) “Nonconsensual tow”, “nonconsensual towing”, “towed nonconsensually”, “nonconsensually tow”, or “towed without consent” means the transportation of a motor vehicle by tow truck from private property, including a trailer, if the such transportation is performed without the prior consent or authorization of: the vehicle owner; or authorized operator; authorized agent of the owner of the motor vehicle; the lienholder of the motor vehicle, unless the motor vehicle is being towed for the purpose of repossession under a lien agreement; or the insurance company, as defined in of the motor vehicle. Law enforcement-ordered tows are considered nonconsensual tows. § 40-10.1-101(13), C.R.S.

- (~~rm~~) “Parking lot” means any place, lot, parcel, yard, structure, building, or enclosure used, in whole or in part, for storing or parking five or more motor vehicles.
- (~~sn~~) “Private property” means any real property that is not public property.
- (~~te~~) “Private Property Impound” (or “PPI”) means a nonconsensual tow from private property upon authorization of the property owner. A PPI can be a “Commercial PPI” or a “Residential PPI”, as follows.
- (I) “Commercial PPI” is a nonconsensual tow from commercial private property that is not in a common parking area.
- (II) “Residential PPI” is a nonconsensual tow from residential private property, including from a common parking area.
- (~~up~~) “Property owner” means:
- (I) the owner or lessee of the private property or public property;
- (II) a person who has been authorized to act as an authorized agent for the property owner or lessee of the private property or public property; or
- (III) a federal, state, county, municipal, or other government entity that is the owner or lessee of the private property or public property, or such entity's employees responsible for such property.
- (IV) A person, pursuant to §§ 40-10.1-405(3)(a)(IV)(B) and (C), C.R.S., may be considered a property owner, for purposes of authorizing a nonconsensual tow.
- (~~ve~~) “Public property” means any real property having its title, ownership, use, or possession held by the federal government; this state; or any county, municipality, or other governmental entity of this state.
- (~~wf~~) “Recovery” means winching, hoisting, up-righting, removing, or otherwise relocating a motor vehicle when the motor vehicle is found in such a location, state, or position in which it could not be removed from the location, state, or position using only the motor vehicle's own power, even if it were in complete operating condition. Waiting and site clean-up time are included in recovery services.
- (~~xs~~) “Signature” means the name of the person written in his or her own handwriting or submitted~~entered~~ by that person electronically.
- (~~y~~) “Storage facility” or “towing facility” means any place used for the storage of motor vehicles or records, in conjunction with the operations of a towing carrier.
- (~~zt~~) “Tow agreement” means a written agreement between a towing carrier and a property owner or law enforcement authorizing the towing carrier to perform tows and meeting the minimum requirements for tow agreements set forth in subparagraph 6508(a)(I) or by law enforcement.
- (~~aa~~) “Towing” is the act of transporting a motor vehicle or trailer on or behind a tow truck.

- (~~bbv~~) “Tow invoice” means a written invoice provided to the authorized or interested person, vehicle owner or authorized agent of the vehicle owner in accordance with rule 6509.
- (~~ccw~~) “Tow record” means a complete record of the tow as maintained by the tow carrier, in accordance with rule 6509.
- (~~ddx~~) “Tow truck” means a motor vehicle specially designed or equipped for transporting another motor vehicle by means of winches, cables, pulleys, or other equipment for towing, pulling, or lifting such other motor vehicle from one place to another.
- (~~eev~~) “Towing carrier” means a motor carrier that provides, as one of its primary functions, the towing of motor vehicles by use of a tow truck and may also provide storage of towed motor vehicles.
- (~~ffz~~) “Towing carrier permit” means the permit issued by the Commission to a towing carrier, pursuant to § 40-10.1-401, C.R.S.
- ~~(aa) “Towing facility” means any place used for the storage of motor vehicles or records in conjunction with the operations of a towing carrier.~~
- (~~ggbb~~) “Trailer” means any wheeled vehicle, without motive power, which is designed to be drawn by a motor vehicle and to carry its cargo load wholly, or in part, upon its own structure and that is generally and commonly used to carry and transport property over the public highways.
- (~~hh~~) “Vehicle owner” means the owner of a motor vehicle, as determined by the motor vehicle’s registration, title, or the record obtained using the system described in § 42-4-2103(3)(c)(III), C.R.S.
- (~~iiee~~) “VIN” means the unique vehicle identification number used to identify a motor vehicle.

6502. [Reserved].

6503. Towing Carrier Permit Application.

- (a) In addition to completing the Commission-prescribed permit application form available on the Commission’s website, an applicant~~person~~ must:
- (I) pay an application fee, as administratively set by the Commission~~of \$150.00~~;
 - (II) cause to be filed the required proof of financial responsibility; ~~and~~
 - (III) pay the required annual fees or, if applicable, shall be in compliance with the UCR Agreement; ~~and~~
 - (IV) have at least one principal who possesses a valid Colorado driver’s license.

6504. Criminal History Checks and Good Cause Determinations.

- (a) This rule applies to principals, as defined in paragraph 6001(iii), of a towing carrier, ~~including without limitation, directors and officers.~~
- (b) Qualification determination for towing carrier permit.

- (I) Upon the Commission's receipt of results obtained from a criminal history record check, Commission staff shall make a qualification determination regarding the applicant's qualification status. In making this determination, Commission staff is authorized to request from the applicant, and the applicant shall provide, additional information that will assist Commission staff in making the determination. If an applicant either does not provide such additional information requested by Commission staff, or explain why it is unavailable, within 15 days of the request, Commission staff may deny the application.
 - (II) An application for a towing carrier permit shall be denied, if the applicant has:
 - (A) a conviction in the state of Colorado, within the five years preceding the date the criminal history record check is completed, of any felony under any Title of C.R.S. or any towing-related offense; or
 - (B) an offense in any other state or in the United States that is comparable to any offense listed in subparagraph (A) within the same time periods as listed in subparagraph (A).
 - (III) For purposes of this rule, a deferred judgment and sentence pursuant to § 18-1.3-102, C.R.S., shall be deemed to be a conviction during the period of the deferred judgment and sentence.
 - (IV) The Commission and Commission staff may consult and use any commercially or governmentally available information source in conducting criminal history record checks.
- (c) Commission staff shall not issue a towing carrier permit to the applicant if a disqualifying criminal history record is found for a person subject to this rule.
- (d) The Commission may deny an application for a towing carrier permit based on a determination that there is good cause to believe the issuance of the permit is not in the public interest.
- (e) If a disqualifying criminal history record or good cause determination is found for a person subject to this rule, the associated applicant may file a petition to qualify the applicant within 60 days of Commission staff's notification.
- (I) Upon the filing of a petition for qualification, Commission staff shall be an indispensable party.
 - (II) The applicant shall bear the burden of proving that disqualification is not supported by fact or law. If the Commission qualifies an applicant upon petition, paragraph (b) shall be waived as to qualification determinations for future applications regarding the events upon which Commission staff's disqualification was based.

6505. Kickbacks Prohibited[Reserved].

Pursuant to § 40-10.1-408, C.R.S., a towing carrier shall not pay money or other valuable consideration including, but not limited to gifts and gratuities, for the privilege of nonconsensually towing vehicles.

6506. Equipment and Accessories.

In addition to complying with all applicable safety regulations, all tow trucks shall meet the following minimum requirements.

- (a) Basic tow truck requirements.
- (I) A towing carrier shall equip its tow truck(s) with engines, transmissions, differentials, driveline components, brake systems, frames, steering components, and suspensions of sufficiently heavy construction to safely winch, lift, tow, load, and transport the towed motor vehicle.
 - (II) A towing carrier shall maintain its tow truck(s) in a manner ensuring the safe winching, lifting, towing, loading, and transporting of the towed motor vehicle.
 - (III) A towing carrier shall ensure its tow truck(s) have each of the following:
 - (A) a GVWR of at least 10,000 pounds;
 - (B) fender coverings for front and rear wheels;
 - (C) the following operational electric lights:
 - (i) one spotlight, mounted behind the cab, capable of lighting the scene of legal disability and/or the motor vehicle to be moved (reverse/back-up lights of the tow truck shall not be used in lieu of the spotlight); and
 - (ii) one portable, combination light system capable of being securely attached on the rear of the towed motor vehicle; consisting of (with an equal number on each side) two tail lamps, two stop lamps, and two turn signals; and operated in conjunction with analogous lights on the tow truck;
 - (iii) Warning lights or overhead lighting. A towing carrier shall use yellow, opaque white, or clear white warning and overhead lights only and no other color, unless the tow truck has been approved as an authorized emergency vehicle, as set forth in § 42-1-102(6)(b), C.R.S. In order to be approved as an authorized emergency vehicle, the towing carrier must have a Colorado Department of Revenue Form DR2490 for this classification, approved by the Director of the Commission or the Director's designee, and must follow the requirements of §§ 42-4-213 and 42-4-214(2), C.R.S., and any other requirements the Commission may deem necessary.
 - (D) one steering wheel tying device free from cracks, fraying, or deterioration; and
 - (E) for any towing carrier that performs tows from accident scenes:
 - (i) one shovel; and
 - (ii) one broom.
- (b) Winching, lifting, towing, and carrying equipment shall be maintained in a manner to ensure the safe winching, lifting, towing, loading, and transporting of the towed motor vehicle, and shall include at least one of the following:

- (I) Winch and crane: A power-driven winch and crane with a capacity of not less than 6,000 pounds with a winch cable capable of withstanding a test of not less than 10,000 pounds at breaking point or hydraulic system vehicle lift and a cradle, with a tow plate or sling, equipped with safety chains and chains with J-hooks of sufficiently heavy construction to ensure the safe lifting of the motor vehicle;
 - (II) Wheel-lift system: A wheel-lift system with a stinger, L arm brackets, safety chains and tie-down straps, or a mechanical wheel retainer device forming an integral part of the L-arm bracket, of sufficiently heavy construction to secure the motor vehicle to the wheel-lift unit and to ensure the safe lifting and towing of the motor vehicle; or
 - (III) Rollback system: A rollback system with a winch and cable as described in subparagraph (I) of this paragraph, safety chains, tie-down equipment, and truck bed of sufficiently heavy construction to ensure the safe loading and transporting of the motor vehicle.
- (c) A towing carrier shall not tow a motor vehicle that is so extensively damaged as to be unmovable on its own wheels, unless the tow truck is equipped with dollies, a wheel-lift system, or a rollback system of sufficiently heavy construction to ensure the safe loading and towing of the damaged motor vehicle.
- (d) A towing carrier shall not tow a motor vehicle without attaching required operational electric lights on the rear of the towed motor vehicle. This requirement does not apply to motor vehicles placed on a flatbed or trailer, as long as the motor vehicle being towed does not extend four feet beyond the rear of the tow truck.
- (e) A towed motor vehicle shall be secured to the tow truck, in accordance with the C.R.S. and the Code of Federal Regulations, for the purpose of transporting the vehicle.

6507. Storage Facilities.

- (a) Disclosure of storage facility location. For nonconsensual tows of a motor vehicle, within 30 minutes of moving the towed motor vehicle from its location, or such lesser time as may be required by law, a towing carrier shall notify ~~disclose~~ the responsible law enforcement agency having jurisdiction over the place from where the motor vehicle was towed. The notification shall contain the following information: the name and permit number of the towing carrier; the location of the storage facility where the towed motor vehicle is located; and a description of the towed motor vehicle, including the make, model, color, year, VIN, and license plate information, including the number, issuing state, and expiration date. A towing carrier is deemed to have complied with this requirement if: ~~by notifying the responsible law enforcement agency having jurisdiction over the place from which the motor vehicle was towed.~~
- (I) ~~Compliance with paragraph (a) will be considered accomplished if~~ the location of the storage facility was provided to the responsible law enforcement agency ~~when~~ in conjunction with obtaining authorization for the tow; ~~or-~~
 - (II) ~~If the towing carrier makes two or more documented attempts to notify the responsible law enforcement agency were made,~~ within the 30-minute time period ~~to notify the responsible law enforcement agency,~~ but ~~were~~ is unsuccessful for reasons beyond the control of the towing carrier. The towing carrier must still notify the responsible law enforcement agency as soon as possible, after the unsuccessful attempts, -the notice will not be considered late for purposes of paragraph (a)-.

- (b) Disclosure for abandoned motor vehicles. A towing carrier which places an abandoned motor vehicle in a storage facility shall also disclose the location of the storage facility by complying with the procedure for abandoned motor vehicles in Parts 18 and 21 of Article 4 of Title 42, C.R.S.
- (c) Disclosure for all towed motor vehicles. Upon request of the authorized or interested personowner, authorized operator, or authorized agent of the owner of the ~~of~~ motor vehicle, a towing carrier which places a motor vehicle in a storage facility shall also disclose the location of the storage facility, the total amount of the charges, and accepted forms of payment, as provided in rule 6512.
- (d) Signage at storage facility.
- (I) A towing carrier shall maintain a clearly visible sign at the entrance to any storage facility where a motor vehicle has been towed as a nonconsensual tow. Such sign shall state the name of the business, telephone number, and hours of operation.
- (II) All signs posted to provide notice pursuant to this rule shall comply with any applicable municipal ordinance, ~~to the extent not inconsistent with this rule, applicable ordinance,~~ Signs shall also, at a minimum:
- (A) be no less than two square feet in size;
- (B) have lettering not less than two inches in height;
- (C) have lettering that contrasts sharply in color with the background on which the letters are placed; and
- (D) be printed in English.
- (E) If the storage facility contains motor vehicles that were towed as a Residential PPI, the signs must also contain the following statement:
- “If a vehicle is nonconsensually towed from private property, the owner may retrieve the contents of the vehicle even if the owner does not pay the towing carrier’s fees. If the owner fills out the appropriate form, the owner may retrieve the vehicle after paying a reduced fee, but the owner still owes the towing carrier the balance of those fees.”
- (e) Lighting for release. A towing carrier shall maintain an area at each storage facility location on file with the Commission with illumination levels during all hours adequate to inspect a motor vehicle for damage prior to its release from storage.
- (f) Towing Ccarrier responsibility. After a nonconsensual or law enforcement-ordered tow, the towing carrier is responsible for the security and safety of the towed motor vehicle until it is released to an authorized or interested personin accordance with these rules. Evidence of the towing carriers’ commercial liability insurance coverage, including cargo liability coverage, garage keeper’s liability coverage, if applicable, and motor vehicle liability coverage shall be provided, upon request, to an authorized or interested personthe person to whom the motor vehicle is being released.

6508. Authorization for Towing of Motor Vehicles.

- (a) Towing carrier acting as authorized agent for the property owner.
- (I) A towing carrier is prohibited from acting as the authorized agent for the property owner for a Residential PPI. For a Commercial PPI, aA towing carrier may act as the authorized agent for the property owner under a written tow agreement to that effect, provided the tow agreement is compliant with this paragraph (a). The tow agreement shall contain at least the following information in order for the tow to be properly authorized:
- (A) the name, physical address, telephone number, email address, if applicable, and towing carrier permit number of the towing carrier;
 - (B) the name, address, email address, if applicable, and telephone number of the property owner;
 - (C) the address of the property from which the tows will originate;
 - (D) the name of each individual person who is authorized to sign the tow authorization except tow carrier drivers where the carrier is authorized to act as the property owner agent under this rule;
 - (E) the address and phone number of the storage facility where the ~~motor~~ vehicle owner may retrieve the motor vehicle;
 - (F) the beginning date and ending date of the tow agreement. Provisions that provide for automatic renewal of the tow agreement are permissible provided all signature parties on the original tow agreement remain the same and are still valid at the time of renewal;
 - (G) a statement that ~~“the maximum rates for a nonconsensual tow from private property, and the maximum drop charge if the motor vehicle is retrieved before removal from the private property, are set by rule of the Public Utilities Commission;”~~
 - (H) the name, title, phone number, and signature of the person entering into the tow agreement on behalf of the property owner and on behalf of the towing carrier; and
 - (I) the date the tow agreement is signed.
- (II) Nothing in this paragraph (a) shall preclude a towing carrier who has been paid for the tow by the property owner at proper rates from collecting the towing charges from the ~~motor~~ vehicle owner and reimbursing said charges to the property owner.
- (III) No agency provided for in this paragraph (a) shall affect any obligation, liability, or responsibility of the property owner to any third party. Any provision attempting to affect such obligation, liability, or responsibility shall be void.
- (IV) Nothing in this paragraph (a) shall preclude a towing carrier or property owner from adding addendums to the tow agreement that modify any term of the tow agreement, so long as the addendums are in compliance with these rules and agreed upon by both the

tow company and the property owner. Each addendum must be signed by both the tow company and the property owner and are required to be maintained with the original tow agreement.

(V) For purposes of this rule, any company owned or operated by a towing carrier, or having principals or owners with a controlling financial interest in a towing carrier, is prohibited from acting as the authorized agent for the property owner for a Residential PPI.

(b) Authorization to perform ~~anonconsensual~~ tow.

- (I) A towing carrier shall not tow any motor vehicle unless one of the following conditions is met:
 - (A) the towing carrier is directed to perform a tow by a law enforcement officer;
 - (B) the towing carrier is requested to perform a tow by an authorized or interested person~~the owner, authorized operator, or authorized agent of the owner~~ of the motor vehicle; or
 - (C) the towing carrier is requested to perform a tow upon the authorization of the property owner.
- (II) A towing carrier may not come in contact with, hook-up to, or tow a motor vehicle that is occupied, unless the towing carrier is performing rescue or recovery operations for said occupant(s).
- (III) Property owner authorization. The authorization from the property owner, or authorized agent for the property owner, shall be in writing; shall identify by make, license plate number (if available), and VIN (if available), the motor vehicle to be towed; and shall include the date, time, and place of removal.
 - (A) The authorization shall be filled out in full, signed by the property owner, and given to the towing carrier before the motor vehicle is removed from the property. The property owner may sign using a verifiable employee identification number or code name in lieu of the person's proper name. If the authorization is signed by the towing carrier as agent for the property owner, then a verifiable employee identification number or code name shall not be used. Documentation of such authority must be carried in the tow truck at all times while performing the tow. At a minimum, such documentation shall contain:
 - (i) the name, address, email address (if applicable), and telephone number of the property owner;
 - (ii) the address of the property from which the tows will originate; and
 - (iii) the name of each individual person who is authorized to sign the tow authorization.
 - (B) A towing carrier shall not have in his or her possession, accept, or use blank authorizations pre-signed by the property owner.

- (C) The written authorization may be incorporated into the tow record/invoice required by rule 6509 or on any other document.
- (D) With the exception of law enforcement-ordered tows, a towing carrier that is requested to perform a tow upon the authorization of a property owner, or authorized agent for the property owner, must immediately deliver the towed motor vehicle that is being removed from the property to a storage facility location on file with the Commission without delay. No motor vehicle may be relocated off of the private property from which it is towed to a location other than to such a storage facility.
- (E) In the case of law enforcement-ordered tows, a towing carrier may relocate a motor vehicle to another location at the order of a law enforcement officer.
- ~~(F) A motor vehicle towed as a nonconsensual tow shall be secured to the tow truck in accordance with the C.R.S. and the Code of Federal Regulations for the purpose of transporting the vehicle to the tow carrier's storage lot.~~

(c) Expired vehicle registration. ~~For a Residential PPI, unless the tow is ordered by a peace officer, a towing carrier shall not tow a motor vehicle from private property because the rear license plate of the vehicle, or the record obtained using the system described in § 42-4-2103(3)(c)(III), C.R.S., indicates that the motor vehicle's registration has expired. A towing carrier may not perform a nonconsensual tow of a motor vehicle for reason of expired vehicle registration as reflected on the vehicle license plate, unless the vehicle registration has expired pursuant to the terms of §§ 42-3-114 and 42-3-203, C.R.S.~~

(d) 24-hour notice.

(l) For a Residential PPI, a towing carrier shall not perform a nonconsensual tow of a motor vehicle from a parking space or common parking area without the towing carrier or property owner giving the vehicle owner or authorized operator 24-hours' written notice, unless:

(A) the vehicle owner or authorized operator has received two previous notices for parking inappropriately, as defined by § 40-10.1-405(3)(b)(V), C.R.S., in the same manner, within the past six months;

(B) the motor vehicle blocks a driveway or roadway enough to effectively obstruct a person's access to the driveway or roadway;

(C) the motor vehicle is parked in violation of § 42-4-1208(4), C.R.S. or is parked in reserved parking for people with disabilities without displaying an identifying placard or an identifying plate, as those terms are defined in §§ 42-3-204(1)(f), and (g), C.R.S., that is currently valid or has been expired for no more than 60 days;

(D) the motor vehicle is parked in or effectively obstructing a designated and marked fire zone;

(E) the motor vehicle is occupying, without permission, or effectively obstructing access to or from an individually designated, rented, or purchased parking space of a resident; or

- (F) the motor vehicle is parked without displaying valid authorization in a parking lot marked for the exclusive use of residents.
- (II) If a motor vehicle is being towed without 24-hours' notice, pursuant to subparagraphs 6508(d)(I)(E) or 6508(d)(I)(F), additional signage is required, as described in § 40-10.1-405(3)(c), C.R.S. If this additional signage is not present, 24-hours' written notice must be provided, consistent with this rule.
- (III) The towing carrier or property owner shall provide the 24-hours' written notice, as described in this rule, by placing it on the windshield of the motor vehicle at least 24 hours before towing the motor vehicle. At its discretion, a towing carrier may place the notice on other areas of the vehicle, such as the driver-side window, so long as it is in addition to, not in lieu of, the windshield placement. The notice must clearly state:

 - (A) that the motor vehicle will be towed without consent if the motor vehicle remains parked inappropriately;
 - (B) a description of the inappropriate parking that has caused the notice to be given;
 - (C) the time the motor vehicle will be towed if it is not moved to appropriate parking or the inappropriate parking has been corrected; and
 - (D) that continuing to park inappropriately in the same manner may lead to the motor vehicle being towed without notice.
- (e) Photographs.

 - (I) For a Residential PPI, a towing carrier shall document the motor vehicle's condition and the reason for the tow before connecting to the motor vehicle.
 - (II) In order to properly document the motor vehicle's condition, a towing carrier shall take at least four photographs, as follows:

 - (A) from the front of the motor vehicle;
 - (B) from the rear of the motor vehicle;
 - (C) from the driver-side of the motor vehicle; and
 - (D) from the passenger-side of the motor vehicle.
 - (E) These photographs must show the entire motor vehicle from the required angles, have the motor vehicle fill at least three-fourths of the photograph, measured from side-to-side, be rendered in a resolution of at least 2,000 pixels by 2,000 pixels, and contain the date and time the photographs were taken.
 - (III) In order to properly document the reason for the tow, a towing carrier shall take at least one photograph, that meets the following requirements:

 - (A) identifies the specific reason for the tow;

- (B) shows the position of the vehicle in relation to the reason, including any sign, that the vehicle was towed;
- (C) can be rendered in a resolution of at least 2,000 pixels by 2,000 pixels; and
- (D) contains the date and time the photograph was taken.
- (IV) Upon demand by an authorized or interested person, a towing carrier shall provide copies of the photographs, as described in this rule. The copies of the photographs may be provided in physical or digital format. A towing carrier may not assess any fees associated with providing copies of the photographs.
- (V) If a towing carrier fails to produce a photograph of the reason for the tow, as described in this rule, it creates a rebuttable presumption that the towing carrier did not have authorization to tow the motor vehicle.

6509. Tow Record/Invoice, Charge Notification, and Warning Signage.

- (a) ~~A T~~towing carriers shall use and complete all applicable portions of a tow record/invoice form for all nonconsensual tows, whether the motor vehicle is removed from private property or retrieved before removal (commonly known as a drop), and law enforcement-ordered tows. The tow record/invoice form shall contain the following information:
 - (I) the unique serial number of the tow record/invoice;
 - (II) the name, address, towing carrier permit number, and telephone number of the towing carrier that is on file with the Commission;
 - (III) the address of the storage facility used by the towing carrier that is on file with the Commission, including the telephone number for that storage facility if the number is different than the telephone number of the towing carrier;
 - (IV) the date and time of the drop, the date and time of commencement of the tow, the date and time of completion of the tow, the date and time notice was given to the appropriate law enforcement agency, the date and time the towed motor vehicle was placed in storage, and the date and time the towed motor vehicle was released from storage, as applicable;
 - (V) the make, model, year, complete VIN (if available), and license plate number (if available) of the towed motor vehicle;
 - (VI) the origin address of the tow, the destination address of the tow, and the one-way mileage between such addresses;
 - (VII) unless incorporated into the authorization in subparagraph 6508(b)(III),
 - (A) the printed name, address, and telephone number of the person property owner authorizing the tow; and
 - (B) the full, legal signature of the property owner authorizing the tow;
 - (VIII) the unit number or license number of the tow truck;

- (IX) the printed name and signature of the tow truck driver;
 - (X) an itemized invoice of all towing charges assessed;
 - (XI) the signature of the ~~authorized or interested person~~owner, authorized operator, or other authorized person to whom the motor vehicle is released. The towing carrier may write “refused to sign” on the tow record/invoice if the ~~authorized or interested~~ person to whom the motor vehicle is released is provided opportunity to sign the tow/record invoice, but refuses to do so;
 - (XII) on at least the ~~authorized or interested person’s~~customer’s copy of the tow record/invoice, the following notice in a font size of at least ten: “Report problems to the Public Utilities Commission at (303) 894-2070”. For a Residential PPI, this notice must not be in a type face or font that is smaller than the other numbers or words on the tow record/invoice, as applicable; and
 - (XIII) for all nonconsensual tows, the case report number or other identifiable entry provided by the law enforcement agency to which the tow was reported, in accordance with the requirements in § 42-4-2103(2) C.R.S., and paragraph 6507(a).
- (b) The tow invoice, as provided to the ~~authorized or interested person~~vehicle owner or authorized agent of the vehicle owner, shall include, at a minimum, the items listed in subparagraphs 6509(a)(I) through (VIII) and (X) through (XIII). The towing carrier shall retain the copy of the tow record/invoice bearing all required original signatures for authorization and release for three years after the tow commenced, whether it is maintained in electronic or multi-copy paper form.
 - (c) The tow record/invoice must be filled out to contain the information required in ~~sub~~subparagraphs 6509(a)(I), (II), (III), (V), (VI), (VII), and (VIII) by the tow truck driver, prior to the tow truck leaving the location of the tow origination with the towed motor vehicle, unless impracticable due to safety concerns. If safety concerns delay recording the information, the towing carrier shall record the information as soon as reasonably possible.
 - (d) The towing carrier shall deliver a copy of the tow record/invoice to the ~~authorized or interested person~~owner, authorized operator, or authorized agent of the owner of the motor vehicle immediately upon request, but no later than 48 hours after the request is made. For a Residential PPI, the tow record/invoice must also show each charge and the rate for each fee that has been incurred as a result of a nonconsensual tow, at the time of the release of the towed motor vehicle from a storage facility or where dropped for a drop fee, regardless of whether the towing carrier received in full payment of applicable charges.
 - (e) For a Commercial PPI, the T~~o~~wing carriers shall provide a charge notification card to the ~~authorized or interested person~~owner, authorized operator, or authorized agent of the owner of the motor vehicle to be towed, if ~~such~~the authorized or interested person is on the property prior to or after commencement of the tow, but before the motor vehicle has been ~~removed from~~towed off the property. The charge notification card shall contain all the information listed on the Commission-prescribed form available on the Commission’s website.
 - (f) A towing carrier may place a warning sign on the driver-side window of a motor vehicle to be towed or, if window placement is impracticable, in another location on the driver-side of the motor vehicle, prior to commencement of the tow. The ~~tow-truck~~ warning sign shall be at least eight inches by eight inches square or diameter, yellow or orange in color, and state the following:

“WARNING: This vehicle is in tow. Attempting to operate or operating this vehicle may result in criminal prosecution and may lead to injury or death to you or another person.”

6510. Disclosure of Rates and Charges.

- (a) Prior to performing any tow, a towing carrier shall disclose to the authorized or interested personowner, authorized operator, or authorized agent of the owner of the motor vehicle all rates and charges to be assessed. This rule does not apply to a nonconsensual tow authorized by the property owner ~~or authorized agent for the property owner~~. Rates for law enforcement-ordered tows must be disclosed to the authorized or interested person of the motor vehicle ~~operator~~ prior to commencement of the tow, except when ~~n~~fe not feasible for reasons including, but not limited to, arrest, incapacitation, or order of a law enforcement officer.
- (b) This disclosure may either be written or oral and shall include, but is not limited to, the following information:
- (I) ~~-~~any extra charges made necessary because, at the time of the tow, the towing carrier would be unable to deliver the motor vehicle to a repair or body shop during the normal working hours of such repair or body shop;
- (II) any extra charges made necessary because, at the time of the tow, the towing carrier would be unable to deliver the motor vehicle to a location and at a time agreed upon by the authorized or interested personowner, authorized operator, or authorized agent of the owner of the motor vehicle to take delivery of the motor vehicle and pay the tow charges; and
- (III) the estimated charges for mileage and storage.
- (c) If performing Residential PPIs, a towing carrier shall prominently display at their place of business, and on any website of the towing carrier, the current maximum rates permitted by rule of the Commission for each tow service provided by the towing carrier. The sign must include the following statement:

“The maximum permitted rate is based upon rules of the Public Utilities Commission. If there are concerns or questions about these rates or about the towing carrier, call the Public Utilities Commission Consumer Affairs’ hotline at 303-894-2070.”

6511. Rates and Charges.

- (a) Drop Charge. A towing carrier is prohibited from assessing a drop charge for a Residential PPI. For a Commercial PPI, A towing carrier may assess a drop charge if the authorized or interested personowner, authorized operator, or authorized agent of the owner of the motor vehicle that is parked without the authorization of the property owner appears in person to retrieve the motor vehicle prior to or after commencement of the tow ~~the motor vehicle is hooked up to the tow truck,~~ but before the motor vehicle is has been removed from the property.
- (I) The maximum drop charge is as follows for each vehicle weight classification:
- (A) \$79.40 for motor vehicles with a GVWR less than or equal to 10,000 pounds;
- (B) \$102.08 for motor vehicles with a GVWR greater than 10,000 pounds and less than or equal to 19,000 pounds;

- (C) \$136.11 for motor vehicles with a GVWR greater than 19,000~~4~~ pounds and less than or equal to 33,000 pounds; and
 - (D) \$158.79 for motor vehicles with a GVWR greater than 33,000 pounds.
 - (E) Maximum drop charges may be less than these amounts if required by municipal ordinance or by the tow agreement with the property owner and shall be enforced by the Commission pursuant to this rule.
- (II) The maximum drop charge shall be adjusted for inflation annually, starting March 15, 2022, and effective March 15 of each year thereafter, based upon the annual percentage change in the United States Bureau of Labor Statistics Consumer Price Index – Denver-Aurora-Lakewood, as published by the Colorado Department of Local Affairs for the immediately preceding calendar year. These adjustments shall be compounded annually. For reference by towing carriers and the general public, the Commission will post a notice on its website by March 15 of each year reporting the annual inflation adjustments applicable pursuant to this rule.
- (III) The minimum drop charge is \$0.00.
- (IV) The towing carrier shall halt any tow in progress, including preparation therefor, prior to removal from the private property, and advise the ~~authorized or interested personowner, authorized operator, or authorized agent of the owner~~ of the motor vehicle that he or she may offer payment of the towing carrier's drop charge. The towing carrier shall concurrently advise the ~~authorized or interested personowner, authorized operator, or authorized agent of the owner~~ of the motor vehicle of acceptable forms of payment under rule 6512. Such advisements shall be provided via delivery of a charge notification card, in addition to any other means desired by the towing carrier.
- (V) If the towing carrier does not advise the ~~authorized or interested personowner, authorized operator, or authorized agent of the owner~~ of the motor vehicle of the acceptable forms of payment under rule 6512 or accept such forms of payment, the towing carrier shall not charge or retain any fees or charges for the services it performs. Any money collected must be returned to the ~~authorized or interested personowner, authorized operator, or authorized agent of the owner~~ of the motor vehicle.
- (b) The towing rates for PPI tows ~~include the followingconsists of up to four~~ elements: a base rate for the tow; a mileage charge, including any applicable fuel surcharge; a charge for motor vehicle storage; ~~and~~ a charge for release from storage pursuant to paragraph 6511(e~~f~~), if applicable; ~~and any other charges allowed by state statute or Commission rule.~~
- (I) The base rates for PPI tows are as follows for each vehicle weight classification:
 - (A) \$203.90 for motor vehicles with a GVWR less than or equal to 10,000 pounds;
 - (B) \$234.48 for motor vehicles with a GVWR greater than 10,000~~4~~ pounds and less than or equal to 19,000 pounds;
 - (C) \$316.05 for motor vehicles with a GVWR greater than 19,000~~4~~ pounds and less than or equal to 33,000 pounds; and
 - (D) \$356.83 for motor vehicles with a GVWR greater than 33,000 pounds.

- (II) The base rates shall be adjusted for inflation annually, starting March 15, 2022, and effective March 15 of each year thereafter, based upon the annual percentage change in the United States Bureau of Labor Statistics Consumer Price Index – Denver-Aurora-Lakewood, as published by the Colorado Department of Local Affairs for the immediately preceding calendar year. These adjustments shall be compounded annually. For reference by towing carriers and the general public, the Commission will post a notice on its website by March 15 of each year reporting the annual inflation adjustments applicable pursuant to this rule.
 - (III) The maximum mileage charge a towing carrier may assess for a PPI tow of a motor vehicle is \$3.80 per mile for each mile that the motor vehicle is towed, subject to the following limits: The maximum mileage that may be charged for a PPI tow is 12 miles for tows within ten miles of either side of U.S. Interstate Highway 25, and 16.5 miles for mountain areas and eastern plains communities that lie farther than ten miles from U.S. Interstate Highway 25.
 - (IV) An additional fuel surcharge may be assessed when the price per gallon of diesel fuel exceeds a base rate of \$2.60. The Commission shall, each month, adjust the maximum mileage charge when the price per gallon of diesel fuel exceeds the base rate. The surcharge shall be based on the United States Department of Energy “weekly retail on-highway diesel prices” for the Rocky Mountain region (DOE’s Weekly Diesel Price). The fuel surcharge adjustment shall provide a one-percent increase in the mileage rate for every ten-cent increase in the DOE’s Weekly Diesel Price, or a one-percent decrease in the mileage rate for every ten-cent decrease in the DOE’s Weekly Diesel Price, but in no event decreasing below the base rate.
 - (V) A towing carrier shall not charge or retain any additional fees not identified in state statute or these Commission rules for the nonconsensual tow of a motor vehicle from private property.
- (c) Maximum towing rates for law enforcement-ordered tows and recovery operations are to be calculated on an hourly basis, per required tow truck, as follows, with no additional fees, charges, or surcharges permitted, except as allowed by state statute or Commission rule.
- (I) The maximum hourly rates for tow truck and driver, billable in ¼ hour increments after the first hour, for the towing or recovery of motor vehicles, are as follows for each vehicle weight classification:
 - (A) \$232.52 per hour for motor vehicles with a GVWR less than or equal to 10,000 pounds;
 - (B) \$277.89 per hour for motor vehicles with a GVWR greater than 10,000 pounds and less than or equal to 19,000 pounds;
 - (C) \$362.96 per hour for motor vehicles with a GVWR greater than 19,000~~4~~ pounds and less than or equal to 33,000 pounds; and
 - (D) \$419.67 per hour for motor vehicles with a GVWR greater than 33,000 pounds.
 - (E) The recovery of a motor vehicle requiring the use of a Heavy Rotator (60+ tons) shall not exceed \$663.53 per hour.

- (II) The maximum hourly rates for tow truck and driver shall be adjusted for inflation annually, starting March 15, 2022, and effective March 15 of each year thereafter, based upon the annual percentage change in the United States Bureau of Labor Statistics Consumer Price Index – Denver-Aurora-Lakewood, as published by the Colorado Department of Local Affairs for the immediately preceding calendar year. These adjustments shall be compounded annually. For reference by towing carriers and the general public, the Commission will post a notice on its website by March 15 of each year reporting the annual inflation adjustments applicable pursuant to this rule.
 - (III) Mileage and fuel surcharges authorized elsewhere in rule 6511 do not apply to law enforcement-ordered tows or recovery operations.
 - (IV) Any towing carrier billing greater than one hour for any tow truck and driver for a given tow shall:
 - (A) include, in addition to requirements of rule 6509, the following information on the tow record/invoice, recorded at the time of occurrence: the time of dispatch; the time the tow truck leaves the yard or other staging location; the time the tow truck arrives on scene; the time the tow truck leaves the scene, and the time the towed motor vehicle is unhooked from the tow truck;
 - (B) include an advisement on the tow record/invoice that documentation of costs billed in excess of one hour for any tow truck and driver for such tow are available, upon request, from the towing carrier;
 - (C) only begin billing from a time not earlier than the towing carrier leaves their yard or staging area en route to the scene of the requested tow until the towed motor vehicle is unhooked;
 - (D) not bill more than the reasonable time necessary to perform the tow at hourly rates for one tow truck and driver, plus the towing carrier's actual and reasonable cost of recovery equipment and labor in excess of one tow truck and driver, plus an additional twenty-five percent of those actual and reasonable costs;
 - (E) provide ~~an-the authorized or interested personowner, authorized operator, or authorized agent of the owner~~ of the motor vehicle documentation of the actual and reasonable costs billed in excess of one hour for any tow truck and driver for such tow, upon request; and
 - (F) not, under any circumstances, bill rates and charges provided in paragraph (b) for a PPI tow.
- ~~(d) — The maximum rates for a tow from a storage facility, when directed by a law enforcement officer who is performing an accident reconstruction or stolen vehicle investigation, are as follows:~~
- ~~(i) — \$91.00 for one additional hookup;~~
 - ~~(ii) — \$91.00 per hour waiting time; and~~
 - ~~(iii) — mileage charges as provided in paragraph (b).~~
- ~~(de)~~ Storage for nonconsensual and law enforcement-ordered tows.

- (I) Storage charges ~~may accrue from the time a motor vehicle is placed in storage and~~ shall not exceed the following maximum rates, based on a 24-hour period ~~or any portion of a 24-hour period~~, for the following weight classifications:
- (A) \$39.18 for motor vehicles ~~with having~~ a GVWR of less than or equal to 10,000 pounds;
 - (B) \$48.32 for motor vehicles ~~with having~~ a GVWR ~~of greater than~~ 10,000 pounds ~~or more~~; or
 - (C) in lieu of the storage rates provided above, and at the option of the towing carrier, storage may be charged according to the motor vehicle's length, including the tongue of a trailer, at \$1.50 per foot or portion thereof.
 - (D) For a Commercial PPI or law enforcement-ordered tow ~~the purposes of this rule, storage charges may be assessed for each 24-hour period or any portion of a 24-hour period.~~ ~~‡~~The 24-hour time period commences when the motor vehicle enters the towing carrier's storage facility. The second day of storage, for ~~the~~ purposes of charges, shall not begin until 24 hours after the motor vehicle entered the towing carrier's storage facility.
 - (E) For a Residential PPI, storage charges must be prorated, on an hourly basis, with the combined hourly rate not to exceed the maximum rate for an entire 24-hour period.
- (II) The storage charges shall be adjusted for inflation annually, starting March 15, 2022, and effective March 15 of each year thereafter, based upon the annual percentage change in the United States Bureau of Labor Statistics Consumer Price Index – Denver-Aurora-Lakewood, as published by the Colorado Department of Local Affairs for the immediately preceding calendar year. These adjustments shall be compounded annually. For reference by towing carriers and the general public, the Commission will post a notice on its website by March 15 of each year reporting the annual inflation adjustments applicable pursuant to this rule.
- (III) Storage charges shall not be charged, collected, or retained for any time during which garage keeper's liability insurance coverage is not kept in force.
- (IV) ~~For tows originating from private property, only the first 24 hours of storage, prorated on an hourly basis, may be assessed until such time as the notification, pursuant to § 42-4-2103, C.R.S., has been completed. Storage fees may not be assessed retroactively once notification has been completed, except for the first 24 hours of storage. Maximum storage charges for abandoned motor vehicles towed from private property.~~
- (V) Storage charges after the tow and storage of an abandoned motor vehicle subject to Part 21 of Title 42, C.R.S., shall not be accumulated beyond 120 days after the notification has been completed, mailing date of the report required by pursuant to § 42-4-2103(4), C.R.S.
- (ef) For ~~a~~ nonconsensual and law enforcement-ordered tows, the maximum additional charge for release of a motor vehicle from storage at any time other than the towing carrier's business hours is \$86.19. The release charge shall be adjusted for inflation annually, starting March 15, 2022, and effective March 15 of each year thereafter, based upon the annual percentage change in the

United States Bureau of Labor Statistics Consumer Price Index – Denver-Aurora-Lakewood, as published by the Colorado Department of Local Affairs for the immediately preceding calendar year. These adjustments shall be compounded annually. For reference by towing carriers and the general public, the Commission will post a notice on its website by March 15 of each year reporting the annual inflation adjustments applicable pursuant to this rule.

- (f) Noncompliance. If a tow is performed, or storage is provided, in violation of state statute or Commission rule, the towing carrier may not charge or retain any fees or charges for the services it performs. Any motor vehicle that is held in storage ~~and that was towed without proper authorization may~~ must be released, without charge, to an authorized or interested person ~~the persons authorized in paragraph 6512(a). Any money collected must be returned to the authorized or interested person~~ owner, authorized operator, or authorized agent of the owner of the motor vehicle.
- (g) Abandoned motor vehicles.
- (I) Notifications. The charges for notification(s) to the vehicle owner(s) and the lien-holder(s) of the motor vehicle held in storage shall be in accordance with §§ 42-4-1804 and 42-4-2103, C.R.S., and the rules of the Colorado Department of Revenue. For purposes of notification, any motor vehicle in possession of the towing carrier, including motor vehicles incidental to the tow (for example, loaded on a trailer when the trailer was towed) shall comply with the notification requirements of Parts 18 and 21 of Article 4 of Title 42, C.R.S., and § 42-5-109, C.R.S.
- (II) Consequences of failure to notify. A towing carrier holding a motor vehicle in storage who cannot demonstrate that it has made a good faith effort, as set forth in §§ 42-4-1804 and 42-4-2103, C.R.S., to comply with the notification requirements of Parts 18 and 21 of Article 4 of Title 42, C.R.S., and § 42-5-109, C.R.S., shall not charge, collect, or retain any fees associated with the tow or storage of the motor vehicle.
- (III) Sale of an abandoned motor vehicle to cover the outstanding towing and storage charges must be done in accordance with the notice and procedural requirements of Parts 18 and 21 of Article 4 of Title 42, C.R.S., and § 42-5-109, C.R.S. Upon the effective date of a future Commission decision providing further guidance under this subparagraph 6511(g)(III), all towing carriers may be required to provide to the Commission a copy of the completed Private Tow Vehicle Information Request and Motor Vehicle Bill of Sale forms within 30 days of abandoned motor vehicle sales resulting from a nonconsensual tow.
- (IV) Additional costs that may be charged when a stored motor vehicle is sold.
- (A) When a stored motor vehicle is sold, a towing carrier may charge the costs of maintaining that motor vehicle while in storage in accordance with § 38-20-109, C.R.S.
- (B) When a stored motor vehicle that does not come within the provisions of § 38-20-109, C.R.S., is sold, a towing carrier may charge the costs of maintaining that motor vehicle, up to a maximum of \$90.00.
- (C) “Cost of maintaining a motor vehicle” means a documented cost that is incurred by the towing carrier and that keeps a motor vehicle in safe and operable condition.

(D) Certified VIN verification procedure. When an abandoned motor vehicle that is less than five model years old and that the Colorado Department of Revenue cannot find in its records must be sold, the towing carrier may charge for all documented expenses of obtaining the certified VIN verification. maximum rates that may be charged for a certified VIN verification are as follows:

~~(i) rates as provided in paragraph (d); and~~

~~(ii) in addition, the towing carrier may charge for all other documented expenses of obtaining the VIN verification.~~

~~(hi)~~ Trailers.

(I) No additional fees may be charged for the towing of a power unit and trailer in combination as a single motor vehicle.

(II) A vehicle in or on a trailer is considered in combination as a single unit.

(III) No additional fees may be charged for the towing of cargo in combination; however, additional fees may be charged for towing a trailer when reasonably and actually conducted as a separate tow from a power unit.

6512. Release of Motor Vehicle and Personal Property.

(a) The towing carrier shall immediately accept payment of the drop charge, towing, storage, ~~and~~ release charges, and any other appropriate charges, if payment is offered by an authorized or interested person. The towing carrier must accept payments in cash or by valid major credit card. For purposes of this rule, a major credit card includes MasterCard and Visa. Accepted forms of payment may be annotated on the tow record/invoice, so long as the required options noted in this rule are offered to the authorized or interested person to whom the motor vehicle is being released. ~~The towing carrier may accept other forms of payment, but must accept payment by both MasterCard and Visa. A towing carrier shall not require "cash only" for a drop charge or to release a motor vehicle from its storage facility.~~ The towing carrier shall release the motor vehicle to an authorized or interested person.:

~~(I) the motor vehicle owner, authorized operator, or authorized agent of the owner of the motor vehicle;~~

~~(II) the lienholder or agent of the lienholder of the motor vehicle; or~~

~~(III) the insurance company or agent of the insurance company providing coverage on the motor vehicle, if released to the insurance company by the owner.~~

(b) A towing carrier that accepts for storage a motor vehicle that has been towed as a nonconsensual or law enforcement-ordered tow shall provide access to or release of the motor vehicle to ~~the~~ persons authorized for release an authorized or interested person of the motor vehicle ~~in~~ paragraph (a) of this rule either:

(I) with one hour's notice during all times other than the towing carrier's business hours that occur within the first 24 hours of storage; or

(II) upon demand during the carrier's business hours.

- (c) Failure to notify. A towing carrier holding a motor vehicle in storage who cannot demonstrate that it has made a good faith effort, as set forth in §§ 42-4-1804 and 42-4-2103, C.R.S., to comply with the notification requirements of Parts 18 and 21 of Article 4 of Title 42, C.R.S., and § 42-5-109, C.R.S., shall release the motor vehicle at no charge to an authorized or interested person~~the persons authorized for release of the motor vehicle in paragraph (a) of this rule.~~
- (d) Release of personal property for nonconsensual and law enforcement-ordered tows. A towing carrier shall release personal property, upon request, to an authorized or interested person, if such request is made at any point after the vehicle has been towed, but no later than 30 days after notification, as set forth in §§ 42-4-1804 and 42-4-2103, C.R.S. Requests made outside of business hours shall follow the standards in paragraph 6512(b). The towing carrier may charge up to the maximum rate for a nonconsensual tow established in paragraph 6511(b) for the removal of personal property that is not attached to or part of the equipment of the motor vehicle. The towing carrier shall release such personal property upon request from the owner, authorized operator, or authorized agent of the owner of the motor vehicle. This fee shall not be assessed for any of the items addressed under paragraphs 6512(g), (h), (i), and (j).
- (I) For purposes of this rule, personal property includes any items that are not attached to or part of the equipment of the motor vehicle.
- (II) For a Commercial PPI, the towing carrier may charge up to the appropriate maximum base rate, as established in subparagraph 6511(b)(I), for the removal of personal property. For a Residential PPI, the towing carrier may not charge for the removal of personal property.
- (III) For law enforcement-ordered tows, the towing carrier may charge up to the appropriate maximum hourly rate, as established in subparagraph 6511(c)(I), for the removal of personal property.
- (IV) The provisions of this rule shall not apply during any period when the personal property is subject to a hold order issued by a court, district attorney, law enforcement agency, or law enforcement officer.
- (V) Any fees allowable under this rule shall not be assessed for any of the items addressed under paragraphs 6512(g), (h), (i), and (j).
- (e) The towing carrier, at its discretion, need not comply with paragraphs 6512(a) through (d) to release a motor vehicle or allow for removal of personal property if:
- (I) the towing carrier is reasonably certain that, at the time the motor vehicle is to be released from storage, the driver of the motor vehicle is not capable of safely driving the motor vehicle due to the influence of drugs or alcohol;
- (II) the towing carrier that is to remove the motor vehicle from storage does not have a valid towing carrier permit;
- (III) a hold order is in place on the motor vehicle by a court, district attorney, law enforcement agency, or law enforcement officer;
- (IV) the release of the motor vehicle does not comply with the release procedures agreed to, in writing, between the towing carrier and the applicable law enforcement agency; or

- (V) the towing carrier, upon notification for the release of or access to a motor vehicle at other than the carrier's business hours, has immediately contacted an appropriate law enforcement agency and, in the interest of public order, has requested a law enforcement officer's presence during the release of the motor vehicle. This exception is applicable when the towing carrier has reason to believe that the person to whom the motor vehicle or personal property is to be released may disrupt the public order.
- (f) A towing carrier shall release a motor vehicle held in storage to a person presenting a current driver's license who attests to being the authorized operator of the motor vehicle and produces two of the following: keys to the motor vehicle; proof of insurance; vehicle registration; VIN; and knowledge of the location from where the motor vehicle was towed. Such attestation must be provided on the "Vehicle Release Form" available on the Commission's website, which the towing carrier shall provide to the authorized operator, upon request.
- (g) Whether on the property where the tow originates or at the towing carrier's storage facility, a towing carrier shall not refuse to relinquish prescription medicines, medical equipment, medical devices, or any child restraint system. The towing carrier shall immediately relinquish such items to an authorized or interested person~~persons authorized for release~~ of the motor vehicle ~~in paragraph (a) of this rule~~, without requiring payment and without additional charge, upon demand during business hours and, during the first 24 hours after commencement of the tow, within one hour's notice outside of business hours.
- (h) Whether on the property where the tow originates or at the towing carrier's storage facility, a towing carrier shall not refuse to relinquish credit cards and cash for immediate payment of the amount due to the towing carrier. The towing carrier shall immediately relinquish such items to an authorized or interested person~~persons authorized for release~~ of the motor vehicle ~~in paragraph (a) of this rule~~, without requiring payment and without additional charge, upon demand during business hours and, during the first 24 hours after commencement of the tow, within one hour's notice outside of business hours.
- (i) Whether on the property where the tow originates or at the towing carrier's storage facility, a towing carrier shall not refuse to relinquish state or federal issued identification to the owner of the identification or to an authorized or interested person~~persons authorized for release~~ of the motor vehicle ~~in paragraph (a) of this rule~~. The towing carrier shall immediately relinquish such items, without requiring payment and without additional charge, upon demand during business hours and, during the first 24 hours after commencement of the tow, within one hour's notice outside of business hours.
- (j) Whether on the property where the tow originates or at the towing carrier's storage facility, a towing carrier shall not refuse to relinquish a cellular telephone to an authorized or interested person~~persons authorized for release~~ of the motor vehicle ~~in paragraph (a) of this rule~~. The towing carrier shall immediately relinquish such item, without requiring payment and without additional charge, upon demand during business hours and, during the first 24 hours after commencement of the tow, within one hour's notice outside of business hours.
- (k) For nonconsensual and law enforcement-ordered tows, Aa towing carrier shall not assess any additional fees or charges not specifically identified in state statute or Commission rule~~these towing carrier rules~~.
- (l) For a Residential PPI, a towing carrier shall immediately retrieve the motor vehicle that has been nonconsensually towed or allow the vehicle owner or authorized operator to retrieve the motor vehicle if the following conditions have been met:

- (I) the vehicle owner or authorized operator pays 15 percent of the fees, not to exceed \$60.00, owed to the towing carrier for the nonconsensual tow; and
- (II) the vehicle owner or authorized operator completes and signs the “Towed Vehicle Release Notice: Retrieval with Payment Owed” form available on the Commission’s website, which the towing carrier shall provide to the vehicle owner, upon request.
- (III) The remaining balance owed to the towing carrier shall be due no sooner than 90 days after the motor vehicle has been released to the vehicle owner or authorized operator.
- (IV) A towing carrier must strictly comply with this rule and shall not impose any additional obligations or requirements, as a condition of releasing a motor vehicle, on the vehicle owner or authorized operator.

6513. Notice.

- (a) A towing carrier may not perform a nonconsensual tow of a motor vehicle, other than an abandoned motor vehicle, from private property unless:
 - (I) notice of the applicable parking limitations, regulations, restrictions, and prohibitions was provided to the motor vehicle operator at the time the motor vehicle entered the private property and parked; and
 - (II) notice that any motor vehicle parked in violation of the applicable parking limitations, regulations, restrictions, and prohibitions is subject to tow at the ~~motor~~ vehicle owner’s expense was provided to the motor vehicle operator at the time the motor vehicle entered the private property and parked. The towing carrier must retain evidence that such notice was provided for three years from the date of completion of the tow and provide it to the Commission or an enforcement official upon request.
- (b) Abandoned motor vehicles. A towing carrier may not perform a nonconsensual tow of an abandoned motor vehicle from private property unless the motor vehicle was left unattended for a period of 24 hours or more and is presumed to be abandoned pursuant to § 42-4-2102(1), C.R.S.
- (c) The notice required in paragraph (a) is presumed to be met through signage if a permanent sign is conspicuously posted visibly at each point of entrance to the private property.;
 - ~~(I) a permanent sign is conspicuously posted visibly at each point of entrance to the private property; and~~
 - ~~(II) if the private property is not provided for residential parking and has more than ten free-standing lampposts on the property, a number of signs equal to the number of lampposts must be posted. Such signs must be posted on each lamppost or posted upright in conspicuous locations which are evenly distributed.~~
- (d) A towing carrier that enters into a tow agreement with a property owner to nonconsensually tow motor vehicles shall post signage at the applicable private property from where the tows will originate. The signs shall~~All signs posted to provide the notice required in paragraph (a) shall comply with any applicable municipal ordinance. To the extent consistent with applicable municipal ordinance, signs shall also,~~ at a minimum:
 - (I) be no less than one square foot in size;

- (II) have lettering not less than one inch in height;
- (III) have lettering that contrasts sharply in color with the background on which the letters are placed;
- (IV) state “Authorized Parking Only”;
- (V) include the name and telephone number of the towing carrier authorized to perform tows from the private property;
- (VI) be printed in English;
- (VII) at the entrance to the private property, face outward toward the street and be visible prior to and upon entering the private property;
- (VIII) inside the private property, face outward toward the parking area;
- (IX) not be obstructed or placed in such a manner that prevents visibility; and
- (X) not be placed higher than ~~eighteen~~ feet or lower than three feet from the ground surface closest to the sign’s placement.

6514. Towing Violations and Civil Penalty Assessments.

- (a) A violation of any of the following provisions may result in the assessment of a civil penalty of up to \$1,100.00 for each violation:
 - (I) § 40-10.1-401(1)(a), C.R.S.;
 - (II) rule 6505;
 - ~~(III) _____~~ subparagraph (a)(I), ~~(a)(V)~~, (b)(I), (b)(II), ~~and~~ (b)(III), paragraph (c) or (d) of rule 6508; or
 - ~~(IV) _____~~ paragraph ~~(fg)~~ of rule 6511.
- (b) A violation of paragraph (a), (b), (c), (d), (e), ~~(g)f~~, ~~(h)~~, or ~~(hi)~~ of rule 6511 may result in the assessment of a civil penalty as follows for each violation:
 - (I) up to \$275.00 for an overcharge \$25.00 or less;
 - (II) up to \$550.00 for an overcharge greater than \$25.00 but less than or equal to \$150.00; and
 - (III) up to \$1,100.00 for an overcharge greater than \$150.00.
- (c) A violation of any of the following provisions may result in the assessment of a civil penalty of up to \$550.00 for each violation:
 - (I) rule 6507;
 - (II) paragraph ~~(ee)~~ of rule 6508;

- (III) paragraph (a) of rule 6510;
 - (IV) paragraph (d), (f), or (l) of rule 6512; or
 - (V) rule 6513.
- (d) A violation of rule 6506 may result in the assessment of a civil penalty of up to \$100.00 for each violation.
 - (e) Except as provided in paragraph (a) through (d) of this rule, a violation of any provision of Title 40, § 42-3-235.5, C.R.S., pertaining to towing carriers, or any provision of rules 6500 through 6513, may result in the assessment of a civil penalty of up to \$275.00 for each violation.
 - (f) Civil penalty assessments are in addition to any other penalties provided by law.

6515. - 6599. [Reserved].

COLORADO DEPARTMENT OF REGULATORY AGENCIES

Public Utilities Commission

4 CODE OF COLORADO REGULATIONS (CCR) 723-6

PART 6

RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE

GENERAL PROVISIONS

6000. Scope and Applicability.

All rules in this Part 6, the "6000" series, shall apply to all Commission proceedings and operations concerning regulated entities providing transportation by Motor Vehicle, unless a specific statute or rule provides otherwise. Rules 6000 – 6099 apply to all Common Carriers, Contract Carriers, Limited Regulation Carriers, Towing Carriers, Movers, UCR registrants, Large Market Taxicab Service carriers, and Drivers as defined herein. Rules 6700 – 6724 apply to all Transportation Network Companies. Specific provisions regarding the applicability of this Part 6 can be found in rules 6100, 6200, 6250, 6300, 6400, 6500, 6600, and 6700.

6001. Definitions.

The following definitions apply throughout this Part 6, except where a specific rule or statute provides otherwise:

* * * *

[indicates omission of unaffected rules]

- (uuu) "Towing carrier" means a Motor Carrier that provides towing of Motor Vehicles pursuant to a Towing Permit granted by the Commission pursuant to part 4 of Article 10.1 of Title 40, C.R.S. and rule 6500, et seq.

* * * *

[indicates omission of unaffected rules]

TOWING CARRIER RULES

6500. Applicability of Towing Carrier Rules.

- (a) Rules 6500 through 6599 apply to all towing carriers and to all Commission proceedings and operations concerning towing carriers, applicants for a towing carrier permit, employees of towing carriers, and tow truck drivers.
- (b) For a tow and storage of a motor vehicle performed under a written agreement between a towing carrier and a municipal, county, state, or federal agency, nothing in these towing carrier rules shall be construed to prohibit such agency, to the extent permitted by law, from adopting and enforcing additional or more stringent requirements relating to towing carrier operations within their jurisdiction with regard to rules 6506; 6507(a), (c), (e), and (f); 6508; 6509; 6510; and 6512(a), (b), (e), (f), and (g).
- (c) A written agreement between a towing carrier and a property owner to perform a nonconsensual tow may set rates for the tow less than, but not higher than, the rates established in paragraphs 6511(a), (b), (c), (d), and (e). In the event rates are not set through a written agreement, the Commission's rules will prevail and rates shall default to those established in these rules. For purposes of this rule, a written agreement setting rates for the tow does not include a tow authorization by a law enforcement officer given to a towing carrier with whom the law enforcement officer's agency does not itself have a written agreement.

6501. Definitions.

In addition to the general definitions in rule 6001, the following definitions apply to all towing carriers and to all Commission proceedings and operations concerning towing carriers, applicants for a towing carrier permit, employees of towing carriers, and tow truck drivers.

- (a) "Abandoned motor vehicle" means an "abandoned motor vehicle" as defined by § 42-4-1802(1), C.R.S., for motor vehicles left unattended on public property, and § 42-4-2102(1), C.R.S., for motor vehicles left unattended on private property.
- (b) "Address" means the particulars of the physical location of a business or residence, including the street name, number, city, state, and zip code.
- (c) "Authorized agent for the property owner" means a person acting as agent of a property owner.
- (d) "Authorized agent of the owner of the motor vehicle" means a person, including a towing carrier, who has been given written or oral permission by the owner, lessee, lienholder, or insurance company of a motor vehicle to act as agent for the disposition of said motor vehicle.
- (e) "Authorized operator of a motor vehicle" or "authorized operator" means a person who has been given written or oral permission to drive a motor vehicle by the owner or lessee of said motor vehicle. A person may demonstrate that they are an authorized operator, as set forth in paragraph 6512(f).
- (f) "Authorized or interested person" means the vehicle owner, authorized operator, authorized agent of the owner of the motor vehicle, the lienholder of the motor vehicle, or the insurance company, as defined in § 40-10.1-101(1.5), C.R.S.

- (g) “Business hours” means 8:00 AM to 5:00 PM, Monday through Friday, excluding legal holidays, and any additional hours and days the towing carrier may designate.
- (h) “Common parking area” means any part of the following areas that are normally used for parking, such as the side of a street or parking spaces, that an owner does not have the right to exclude other residents of the following from using for parking: a condominium, as defined in § 38-33.3-103(9), C.R.S.; a cooperative, as defined in § 38-33.3-103(10), C.R.S.; a multifamily building, which is also known as an apartment complex, with separate living quarters that are rented or leased separately; or a mobile home park, as defined in §§ 38-12-201.5(6) and 40-10.1-101(4.5), C.R.S.
- (i) “Drop fee” or “drop charge” means a fee a towing operator charges to unhook a vehicle from a tow truck, as defined in § 40-10.1-101(6.5), C.R.S.
- (j) “Gross Vehicle Weight Rating” or “GVWR” is the maximum operating weight of a motor vehicle, as specified by the manufacturer.
- (k) “Insurance company” means an insurance company providing coverage on the motor vehicle, or their agent, if the vehicle owner signs a release authorizing the insurance company to act on the owner’s behalf.
- (l) “Law enforcement officer” means any sheriff, police officer, Colorado State Patrol officer, municipal code enforcement officer, or other such person acting in his or her official governmental capacity for enforcement of motor vehicle laws.
- (m) “Law enforcement-ordered tow” means a tow ordered by a law enforcement officer. Law enforcement-ordered tows are subject to these rules, even when the authorized or interested person of the motor vehicle consents to a law enforcement officer ordering a tow. A tow shall not be considered a law enforcement-ordered tow if the authorized or interested person of the motor vehicle has the ability or opportunity to terminate the tow and contact a towing carrier of his or her own choosing.
- (n) “Legal disability” means the condition of a trailer or semi-trailer that, due to its weight, height, or other size characteristics, is unable to be transported when attached to the motor vehicle that was pulling it.
- (o) “Lienholder of the motor vehicle” means a person or company, or their agent, having a financial interest or legal claim related to the motor vehicle.
- (p) “Name” means a word or phrase that constitutes the distinctive designation of a person or thing and includes printed, legible words and includes the first and last name, as applicable.
- (q) “Nonconsensual tow”, “nonconsensual towing”, “towed nonconsensually”, “nonconsensually tow”, or “towed without consent” means the transportation of a motor vehicle by tow truck from private property, if the transportation is performed without the prior consent of: the vehicle owner; authorized operator; authorized agent of the owner of the motor vehicle; the lienholder of the motor vehicle, unless the motor vehicle is being towed for the purpose of repossession under a lien agreement; or the insurance company, as defined in § 40-10.1-101(13), C.R.S.
- (r) “Parking lot” means any place, lot, parcel, yard, structure, building, or enclosure used, in whole or in part, for storing or parking five or more motor vehicles.

- (s) “Private property” means any real property that is not public property.
- (t) “Private Property Impound” or “PPI” means a nonconsensual tow from private property upon authorization of the property owner. A PPI can be a “Commercial PPI” or a “Residential PPI”, as follows.
 - (I) “Commercial PPI” is a nonconsensual tow from commercial private property that is not in a common parking area.
 - (II) “Residential PPI” is a nonconsensual tow from residential private property, including from a common parking area.
- (u) “Property owner” means:
 - (I) the owner or lessee of the private property or public property;
 - (II) a person who has been authorized to act as an authorized agent for the property owner or lessee of the private property or public property; or
 - (III) a federal, state, county, municipal, or other government entity that is the owner or lessee of the private property or public property, or such entity's employees responsible for such property.
 - (IV) A person, pursuant to §§ 40-10.1-405(3)(a)(IV)(B) and (C), C.R.S., may be considered a property owner, for purposes of authorizing a nonconsensual tow.
- (v) “Public property” means any real property having its title, ownership, use, or possession held by the federal government; this state; or any county, municipality, or other governmental entity of this state.
- (w) “Recovery” means winching, hoisting, up-righting, removing, or otherwise relocating a motor vehicle when the motor vehicle is found in such a location, state, or position in which it could not be removed from the location, state, or position using only the motor vehicle's own power, even if it were in complete operating condition. Waiting and site clean-up time are included in recovery services.
- (x) “Signature” means the name of the person written in his or her own handwriting or submitted by that person electronically.
- (y) “Storage facility” or “towing facility” means any place used for the storage of motor vehicles or records, in conjunction with the operations of a towing carrier.
- (z) “Tow agreement” means a written agreement between a towing carrier and a property owner or law enforcement authorizing the towing carrier to perform tows and meeting the minimum requirements for tow agreements set forth in subparagraph 6508(a)(I) or by law enforcement.
- (aa) “Towing” is the act of transporting a motor vehicle or trailer on or behind a tow truck.
- (bb) “Tow invoice” means a written invoice provided to the authorized or interested person, in accordance with rule 6509.

- (cc) “Tow record” means a complete record of the tow as maintained by the tow carrier, in accordance with rule 6509.
- (dd) “Tow truck” means a motor vehicle specially designed or equipped for transporting another motor vehicle by means of winches, cables, pulleys, or other equipment for towing, pulling, or lifting such other motor vehicle from one place to another.
- (ee) “Towing carrier” means a motor carrier that provides, as one of its primary functions, the towing of motor vehicles by use of a tow truck and may also provide storage of towed motor vehicles.
- (ff) “Towing carrier permit” means the permit issued by the Commission to a towing carrier, pursuant to § 40-10.1-401, C.R.S.
- (gg) “Trailer” means any wheeled vehicle, without motive power, which is designed to be drawn by a motor vehicle and to carry its cargo load wholly, or in part, upon its own structure and that is generally and commonly used to carry and transport property over the public highways.
- (hh) “Vehicle owner” means the owner of a motor vehicle, as determined by the motor vehicle’s registration, title, or the record obtained using the system described in § 42-4-2103(3)(c)(III), C.R.S.
- (ii) “VIN” means the unique vehicle identification number used to identify a motor vehicle.

6502. [Reserved].

6503. Towing Carrier Permit Application.

- (a) In addition to completing the Commission-prescribed permit application form available on the Commission’s website, an applicant must:
 - (I) pay an application fee, as administratively set by the Commission;
 - (II) cause to be filed the required proof of financial responsibility;
 - (III) pay the required annual fees or, if applicable, shall be in compliance with the UCR Agreement; and
 - (IV) have at least one principal who possesses a valid Colorado driver’s license.

6504. Criminal History Checks and Good Cause Determinations.

- (a) This rule applies to principals, as defined in paragraph 6001(iii), of a towing carrier.
- (b) Qualification determination for towing carrier permit.
 - (I) Upon the Commission’s receipt of results obtained from a criminal history record check, Commission staff shall make a qualification determination regarding the applicant’s qualification status. In making this determination, Commission staff is authorized to request from the applicant, and the applicant shall provide, additional information that will assist Commission staff in making the determination. If an applicant either does not provide such additional information requested by Commission staff, or explain why it is unavailable, within 15 days of the request, Commission staff may deny the application.

- (II) An application for a towing carrier permit shall be denied, if the applicant has:
 - (A) a conviction in the state of Colorado, within the five years preceding the date the criminal history record check is completed, of any felony under any Title of C.R.S. or any towing-related offense; or
 - (B) an offense in any other state or in the United States that is comparable to any offense listed in subparagraph (A) within the same time periods as listed in subparagraph (A).
- (III) For purposes of this rule, a deferred judgment and sentence pursuant to § 18-1.3-102, C.R.S., shall be deemed to be a conviction during the period of the deferred judgment and sentence.
- (IV) The Commission and Commission staff may consult and use any commercially or governmentally available information source in conducting criminal history record checks.
- (c) Commission staff shall not issue a towing carrier permit to the applicant if a disqualifying criminal history record is found for a person subject to this rule.
- (d) The Commission may deny an application for a towing carrier permit based on a determination that there is good cause to believe the issuance of the permit is not in the public interest.
- (e) If a disqualifying criminal history record or good cause determination is found for a person subject to this rule, the associated applicant may file a petition to qualify the applicant within 60 days of Commission staff's notification.
 - (I) Upon the filing of a petition for qualification, Commission staff shall be an indispensable party.
 - (II) The applicant shall bear the burden of proving that disqualification is not supported by fact or law. If the Commission qualifies an applicant upon petition, paragraph (b) shall be waived as to qualification determinations for future applications regarding the events upon which Commission staff's disqualification was based.

6505. Kickbacks Prohibited.

Pursuant to § 40-10.1-408, C.R.S., a towing carrier shall not pay money or other valuable consideration including, but not limited to gifts and gratuities, for the privilege of nonconsensually towing vehicles.

6506. Equipment and Accessories.

In addition to complying with all applicable safety regulations, all tow trucks shall meet the following minimum requirements.

- (a) Basic tow truck requirements.
 - (I) A towing carrier shall equip its tow truck(s) with engines, transmissions, differentials, driveline components, brake systems, frames, steering components, and suspensions of sufficiently heavy construction to safely winch, lift, tow, load, and transport the towed motor vehicle.

- (II) A towing carrier shall maintain its tow truck(s) in a manner ensuring the safe winching, lifting, towing, loading, and transporting of the towed motor vehicle.
 - (III) A towing carrier shall ensure its tow truck(s) have each of the following:
 - (A) a GVWR of at least 10,000 pounds;
 - (B) fender coverings for front and rear wheels;
 - (C) the following operational electric lights:
 - (i) one spotlight, mounted behind the cab, capable of lighting the scene of legal disability and/or the motor vehicle to be moved (reverse/back-up lights of the tow truck shall not be used in lieu of the spotlight); and
 - (ii) one portable, combination light system capable of being securely attached on the rear of the towed motor vehicle; consisting of (with an equal number on each side) two tail lamps, two stop lamps, and two turn signals; and operated in conjunction with analogous lights on the tow truck.
 - (iii) Warning lights or overhead lighting. A towing carrier shall use yellow, opaque white, or clear white warning and overhead lights only and no other color, unless the tow truck has been approved as an authorized emergency vehicle, as set forth in § 42-1-102(6)(b), C.R.S. In order to be approved as an authorized emergency vehicle, the towing carrier must have a Colorado Department of Revenue Form DR2490 for this classification, approved by the Director of the Commission or the Director's designee, and must follow the requirements of §§ 42-4-213 and 42-4-214(2), C.R.S., and any other requirements the Commission may deem necessary.
 - (D) one steering wheel tying device free from cracks, fraying, or deterioration; and
 - (E) for any towing carrier that performs tows from accident scenes:
 - (i) one shovel; and
 - (ii) one broom.
- (b) Winching, lifting, towing, and carrying equipment shall be maintained in a manner to ensure the safe winching, lifting, towing, loading, and transporting of the towed motor vehicle, and shall include at least one of the following.
- (I) Winch and crane: A power-driven winch and crane with a capacity of not less than 6,000 pounds with a winch cable capable of withstanding a test of not less than 10,000 pounds at breaking point or hydraulic system vehicle lift and a cradle, with a tow plate or sling, equipped with safety chains and chains with J-hooks of sufficiently heavy construction to ensure the safe lifting of the motor vehicle;
 - (II) Wheel-lift system: A wheel-lift system with a stinger, L arm brackets, safety chains and tie-down straps, or a mechanical wheel retainer device forming an integral part of the L-

arm bracket, of sufficiently heavy construction to secure the motor vehicle to the wheel-lift unit and to ensure the safe lifting and towing of the motor vehicle; or

- (III) Rollback system: A rollback system with a winch and cable as described in subparagraph (I) of this paragraph, safety chains, tie-down equipment, and truck bed of sufficiently heavy construction to ensure the safe loading and transporting of the motor vehicle.
- (c) A towing carrier shall not tow a motor vehicle that is so extensively damaged as to be unmovable on its own wheels, unless the tow truck is equipped with dollies, a wheel-lift system, or a rollback system of sufficiently heavy construction to ensure the safe loading and towing of the damaged motor vehicle.
- (d) A towing carrier shall not tow a motor vehicle without attaching required operational electric lights on the rear of the towed motor vehicle. This requirement does not apply to motor vehicles placed on a flatbed or trailer, as long as the motor vehicle being towed does not extend four feet beyond the rear of the tow truck.
- (e) A towed motor vehicle shall be secured to the tow truck, in accordance with the C.R.S. and the Code of Federal Regulations, for the purpose of transporting the vehicle.

6507. Storage Facilities.

- (a) Disclosure of storage facility location. For nonconsensual tows of a motor vehicle, within 30 minutes of moving the towed motor vehicle from its location, or such lesser time as may be required by law, a towing carrier shall notify the responsible law enforcement agency having jurisdiction over the place from where the motor vehicle was towed. The notification shall contain the following information: the name and permit number of the towing carrier; the location of the storage facility where the towed motor vehicle is located; and a description of the towed motor vehicle, including the make, model, color, year, VIN, and license plate information, including the number, issuing state, and expiration date. A towing carrier is deemed to have complied with this requirement if:
 - (I) the location of the storage facility was provided to the responsible law enforcement agency when obtaining authorization for the tow; or
 - (II) two or more documented attempts to notify the responsible law enforcement agency were made, within the 30-minute time period, but were unsuccessful for reasons beyond the control of the towing carrier. The towing carrier must still notify the responsible law enforcement agency as soon as possible, after the unsuccessful attempts.
- (b) Disclosure for abandoned motor vehicles. A towing carrier which places an abandoned motor vehicle in a storage facility shall also disclose the location of the storage facility by complying with the procedure for abandoned motor vehicles in Parts 18 and 21 of Article 4 of Title 42, C.R.S.
- (c) Disclosure for all towed motor vehicles. Upon request of the authorized or interested person of the motor vehicle, a towing carrier which places a motor vehicle in a storage facility shall also disclose the location of the storage facility, the total amount of the charges, and accepted forms of payment, as provided in rule 6512.
- (d) Signage at storage facility.

- (I) A towing carrier shall maintain a clearly visible sign at the entrance to any storage facility where a motor vehicle has been towed as a nonconsensual tow. Such sign shall state the name of the business, telephone number, and hours of operation.
- (II) All signs posted to provide notice pursuant to this rule shall comply with any applicable municipal ordinance, to the extent not inconsistent with this rule. Signs shall also, at a minimum:
 - (A) be no less than two square feet in size;
 - (B) have lettering not less than two inches in height;
 - (C) have lettering that contrasts sharply in color with the background on which the letters are placed; and
 - (D) be printed in English.
 - (E) If the storage facility contains motor vehicles that were towed as a Residential PPI, the signs must also contain the following statement:

“If a vehicle is nonconsensually towed from private property, the owner may retrieve the contents of the vehicle even if the owner does not pay the towing carrier’s fees. If the owner fills out the appropriate form, the owner may retrieve the vehicle after paying a reduced fee, but the owner still owes the towing carrier the balance of those fees.”
- (e) Lighting for release. A towing carrier shall maintain an area at each storage facility location on file with the Commission with illumination levels during all hours adequate to inspect a motor vehicle for damage prior to its release from storage.
- (f) Towing carrier responsibility. After a nonconsensual or law enforcement-ordered tow, the towing carrier is responsible for the security and safety of the towed motor vehicle until it is released to an authorized or interested person. Evidence of the towing carriers’ commercial liability insurance coverage, including cargo liability coverage, garage keeper’s liability coverage, if applicable, and motor vehicle liability coverage shall be provided, upon request, to an authorized or interested person.

6508. Authorization for Towing of Motor Vehicles.

- (a) Towing carrier acting as authorized agent for the property owner.
 - (I) A towing carrier is prohibited from acting as the authorized agent for the property owner for a Residential PPI. For a Commercial PPI, a towing carrier may act as the authorized agent for the property owner under a written tow agreement to that effect, provided the tow agreement is compliant with this paragraph (a). The tow agreement shall contain at least the following information in order for the tow to be properly authorized:
 - (A) the name, physical address, telephone number, email address, if applicable, and towing carrier permit number of the towing carrier;
 - (B) the name, address, email address, if applicable, and telephone number of the property owner;

- (C) the address of the property from which the tows will originate;
 - (D) the name of each individual person who is authorized to sign the tow authorization except tow carrier drivers where the carrier is authorized to act as the property owner agent under this rule;
 - (E) the address and phone number of the storage facility where the vehicle owner may retrieve the motor vehicle;
 - (F) the beginning date and ending date of the tow agreement. Provisions that provide for automatic renewal of the tow agreement are permissible provided all signature parties on the original tow agreement remain the same and are still valid at the time of renewal;
 - (G) a statement that the maximum rates for a nonconsensual tow from private property, and the maximum drop charge if the motor vehicle is retrieved before removal from the private property, are set by rule of the Public Utilities Commission;
 - (H) the name, title, phone number, and signature of the person entering into the tow agreement on behalf of the property owner and on behalf of the towing carrier; and
 - (I) the date the tow agreement is signed.
- (II) Nothing in this paragraph (a) shall preclude a towing carrier who has been paid for the tow by the property owner at proper rates from collecting the towing charges from the vehicle owner and reimbursing said charges to the property owner.
 - (III) No agency provided for in this paragraph (a) shall affect any obligation, liability, or responsibility of the property owner to any third party. Any provision attempting to affect such obligation, liability, or responsibility shall be void.
 - (IV) Nothing in this paragraph (a) shall preclude a towing carrier or property owner from adding addendums to the tow agreement that modify any term of the tow agreement, so long as the addendums are in compliance with these rules and agreed upon by both the tow company and the property owner. Each addendum must be signed by both the tow company and the property owner and are required to be maintained with the original tow agreement.
 - (V) For purposes of this rule, any company owned or operated by a towing carrier, or having principals or owners with a controlling financial interest in a towing carrier, is prohibited from acting as the authorized agent for the property owner for a Residential PPI.
- (b) Authorization to perform a tow.
 - (I) A towing carrier shall not tow any motor vehicle unless one of the following conditions is met:
 - (A) the towing carrier is directed to perform a tow by a law enforcement officer;

- (B) the towing carrier is requested to perform a tow by an authorized or interested person of the motor vehicle; or
 - (C) the towing carrier is requested to perform a tow upon the authorization of the property owner.
- (II) A towing carrier may not come in contact with, hook-up to, or tow a motor vehicle that is occupied, unless the towing carrier is performing rescue or recovery operations for said occupant(s).
- (III) Property owner authorization. The authorization from the property owner, or authorized agent for the property owner, shall be in writing; shall identify by make, license plate number (if available), and VIN (if available), the motor vehicle to be towed; and shall include the date, time, and place of removal.
- (A) The authorization shall be filled out in full, signed by the property owner, and given to the towing carrier before the motor vehicle is removed from the property. The property owner may sign using a verifiable employee identification number or code name in lieu of the person's proper name. If the authorization is signed by the towing carrier as agent for the property owner, then a verifiable employee identification number or code name shall not be used. Documentation of such authority must be carried in the tow truck at all times while performing the tow. At a minimum, such documentation shall contain:
 - (i) the name, address, email address (if applicable), and telephone number of the property owner;
 - (ii) the address of the property from which the tows will originate; and
 - (iii) the name of each individual person who is authorized to sign the tow authorization.
 - (B) A towing carrier shall not have in his or her possession, accept, or use blank authorizations pre-signed by the property owner.
 - (C) The written authorization may be incorporated into the tow record/invoice required by rule 6509 or on any other document.
 - (D) With the exception of law enforcement-ordered tows, a towing carrier that is requested to perform a tow upon the authorization of a property owner, or authorized agent for the property owner, must immediately deliver the towed motor vehicle that is being removed from the property to a storage facility location on file with the Commission without delay. No motor vehicle may be relocated off of the private property from which it is towed to a location other than to such a storage facility.
 - (E) In the case of law enforcement-ordered tows, a towing carrier may relocate a motor vehicle to another location at the order of a law enforcement officer.
- (c) Expired vehicle registration. For a Residential PPI, unless the tow is ordered by a peace officer, a towing carrier shall not tow a motor vehicle from private property because the rear license plate

of the vehicle, or the record obtained using the system described in § 42-4-2103(3)(c)(III), C.R.S., indicates that the motor vehicle's registration has expired.

- (d) 24-hour notice.
- (I) For a Residential PPI, a towing carrier shall not perform a nonconsensual tow of a motor vehicle from a parking space or common parking area without the towing carrier or property owner giving the vehicle owner or authorized operator 24-hours' written notice, unless:
- (A) the vehicle owner or authorized operator has received two previous notices for parking inappropriately, as defined by § 40-10.1-405(3)(b)(V), C.R.S., in the same manner, within the past six months;
 - (B) the motor vehicle blocks a driveway or roadway enough to effectively obstruct a person's access to the driveway or roadway;
 - (C) the motor vehicle is parked in violation of § 42-4-1208(4), C.R.S. or is parked in reserved parking for people with disabilities without displaying an identifying placard or an identifying plate, as those terms are defined in §§ 42-3-204(1)(f), and (g), C.R.S., that is currently valid or has been expired for no more than 60 days;
 - (D) the motor vehicle is parked in or effectively obstructing a designated and marked fire zone;
 - (E) the motor vehicle is occupying, without permission, or effectively obstructing access to or from an individually designated, rented, or purchased parking space of a resident; or
 - (F) the motor vehicle is parked without displaying valid authorization in a parking lot marked for the exclusive use of residents.
- (II) If a motor vehicle is being towed without 24-hours' notice, pursuant to subparagraphs 6508(d)(I)(E) or 6508(d)(I)(F), additional signage is required, as described in § 40-10.1-405(3)(c), C.R.S. If this additional signage is not present, 24-hours' written notice must be provided, consistent with this rule.
- (III) The towing carrier or property owner shall provide the 24-hours' written notice, as described in this rule, by placing it on the windshield of the motor vehicle at least 24 hours before towing the motor vehicle. At its discretion, a towing carrier may place the notice on other areas of the vehicle, such as the driver-side window, so long as it is in addition to, not in lieu of, the windshield placement. The notice must clearly state:
- (A) that the motor vehicle will be towed without consent if the motor vehicle remains parked inappropriately;
 - (B) a description of the inappropriate parking that has caused the notice to be given;
 - (C) the time the motor vehicle will be towed if it is not moved to appropriate parking or the inappropriate parking has been corrected; and

- (D) that continuing to park inappropriately in the same manner may lead to the motor vehicle being towed without notice.
- (e) Photographs.
- (I) For a Residential PPI, a towing carrier shall document the motor vehicle's condition and the reason for the tow before connecting to the motor vehicle.
 - (II) In order to properly document the motor vehicle's condition, a towing carrier shall take at least four photographs, as follows:
 - (A) from the front of the motor vehicle;
 - (B) from the rear of the motor vehicle;
 - (C) from the driver-side of the motor vehicle; and
 - (D) from the passenger-side of the motor vehicle.
 - (E) These photographs must show the entire motor vehicle from the required angles, have the motor vehicle fill at least three-fourths of the photograph, measured from side-to-side, be rendered in a resolution of at least 2,000 pixels by 2,000 pixels, and contain the date and time the photographs were taken.
 - (III) In order to properly document the reason for the tow, a towing carrier shall take at least one photograph, that meets the following requirements:
 - (A) identifies the specific reason for the tow;
 - (B) shows the position of the vehicle in relation to the reason, including any sign, that the vehicle was towed;
 - (C) can be rendered in a resolution of at least 2,000 pixels by 2,000 pixels; and
 - (D) contains the date and time the photograph was taken.
 - (IV) Upon demand by an authorized or interested person, a towing carrier shall provide copies of the photographs, as described in this rule. The copies of the photographs may be provided in physical or digital format. A towing carrier may not assess any fees associated with providing copies of the photographs.
 - (V) If a towing carrier fails to produce a photograph of the reason for the tow, as described in this rule, it creates a rebuttable presumption that the towing carrier did not have authorization to tow the motor vehicle.

6509. Tow Record/Invoice, Charge Notification, and Warning Signage.

- (a) A towing carrier shall use and complete all applicable portions of a tow record/invoice form for all nonconsensual tows, whether the motor vehicle is removed from private property or retrieved before removal (commonly known as a drop), and law enforcement-ordered tows. The tow record/invoice form shall contain the following information:

- (I) the unique serial number of the tow record/invoice;
 - (II) the name, address, towing carrier permit number, and telephone number of the towing carrier that is on file with the Commission;
 - (III) the address of the storage facility used by the towing carrier that is on file with the Commission, including the telephone number for that storage facility if the number is different than the telephone number of the towing carrier;
 - (IV) the date and time of the drop, the date and time of commencement of the tow, the date and time of completion of the tow, the date and time notice was given to the appropriate law enforcement agency, the date and time the towed motor vehicle was placed in storage, and the date and time the towed motor vehicle was released from storage, as applicable;
 - (V) the make, model, year, complete VIN (if available), and license plate number (if available) of the towed motor vehicle;
 - (VI) the origin address of the tow, the destination address of the tow, and the one-way mileage between such addresses;
 - (VII) unless incorporated into the authorization in subparagraph 6508(b)(III),
 - (A) the printed name, address, and telephone number of the property owner authorizing the tow; and
 - (B) the full, legal signature of the property owner authorizing the tow;
 - (VIII) the unit number or license number of the tow truck;
 - (IX) the printed name and signature of the tow truck driver;
 - (X) an itemized invoice of all towing charges assessed;
 - (XI) the signature of the authorized or interested person to whom the motor vehicle is released. The towing carrier may write “refused to sign” on the tow record/invoice if the authorized or interested person to whom the motor vehicle is released is provided opportunity to sign the tow/record invoice, but refuses to do so;
 - (XII) on at least the authorized or interested person’s copy of the tow record/invoice, the following notice in a font size of at least ten: “Report problems to the Public Utilities Commission at (303) 894-2070”. For a Residential PPI, this notice must not be in a type face or font that is smaller than the other numbers or words on the tow record/invoice, as applicable; and
 - (XIII) for all nonconsensual tows, the case report number or other identifiable entry provided by the law enforcement agency to which the tow was reported, in accordance with the requirements in § 42-4-2103(2) C.R.S., and paragraph 6507(a).
- (b) The tow invoice, as provided to the authorized or interested person, shall include, at a minimum, the items listed in subparagraphs 6509(a)(I) through (VIII) and (X) through (XIII). The towing carrier shall retain the copy of the tow record/invoice bearing all required original signatures for

authorization and release for three years after the tow commenced, whether it is maintained in electronic or multi-copy paper form.

- (c) The tow record/invoice must be filled out to contain the information required in paragraph 6509(a) by the tow truck driver, prior to the tow truck leaving the location of the tow origination with the towed motor vehicle, unless impracticable due to safety concerns. If safety concerns delay recording the information, the towing carrier shall record the information as soon as reasonably possible.
- (d) The towing carrier shall deliver a copy of the tow record/invoice to the authorized or interested person immediately upon request, but no later than 48 hours after the request is made. For a Residential PPI, the tow record/invoice must also show each charge and the rate for each fee that has been incurred as a result of a nonconsensual tow.
- (e) For a Commercial PPI, the towing carrier shall provide a charge notification card to the authorized or interested person of the motor vehicle to be towed, if the authorized or interested person is on the property prior to or after commencement of the tow, but before the motor vehicle has been removed from the property. The charge notification card shall contain all the information listed on the Commission-prescribed form available on the Commission's website.
- (f) A towing carrier may place a warning sign on the driver-side window of a motor vehicle to be towed or, if window placement is impracticable, in another location on the driver-side of the motor vehicle, prior to commencement of the tow. The warning sign shall be at least eight inches by eight inches square or diameter, yellow or orange in color, and state the following: "WARNING: This vehicle is in tow. Attempting to operate or operating this vehicle may result in criminal prosecution and may lead to injury or death to you or another person."

6510. Disclosure of Rates and Charges.

- (a) Prior to performing any tow, a towing carrier shall disclose to the authorized or interested person of the motor vehicle all rates and charges to be assessed. This rule does not apply to a nonconsensual tow authorized by the property owner. Rates for law enforcement-ordered tows must be disclosed to the authorized or interested person of the motor vehicle prior to commencement of the tow, except when not feasible for reasons including, but not limited to, arrest, incapacitation, or order of a law enforcement officer.
- (b) This disclosure may either be written or oral and shall include, but is not limited to, the following information:
 - (I) any extra charges made necessary because, at the time of the tow, the towing carrier would be unable to deliver the motor vehicle to a repair or body shop during the normal working hours of such repair or body shop;
 - (II) any extra charges made necessary because, at the time of the tow, the towing carrier would be unable to deliver the motor vehicle to a location and at a time agreed upon by the authorized or interested person of the motor vehicle to take delivery of the motor vehicle and pay the tow charges; and
 - (III) the estimated charges for mileage and storage.
- (c) If performing Residential PPIs, a towing carrier shall prominently display at their place of business, and on any website of the towing carrier, the current maximum rates permitted by rule

of the Commission for each tow service provided by the towing carrier. The sign must include the following statement:

“The maximum permitted rate is based upon rules of the Public Utilities Commission. If there are concerns or questions about these rates or about the towing carrier, call the Public Utilities Commission Consumer Affairs’ hotline at 303-894-2070.”

6511. Rates and Charges.

- (a) Drop Charge. A towing carrier is prohibited from assessing a drop charge for a Residential PPI. For a Commercial PPI, a towing carrier may assess a drop charge if the authorized or interested person of the motor vehicle that is parked without the authorization of the property owner appears in person to retrieve the motor vehicle prior to or after commencement of the tow, but before the motor vehicle has been removed from the property.
 - (I) The maximum drop charge is as follows for each vehicle weight classification:
 - (A) \$79.40 for motor vehicles with a GVWR less than or equal to 10,000 pounds;
 - (B) \$102.08 for motor vehicles with a GVWR greater than 10,000 pounds and less than or equal to 19,000 pounds;
 - (C) \$136.11 for motor vehicles with a GVWR greater than 19,000 pounds and less than or equal to 33,000 pounds; and
 - (D) \$158.79 for motor vehicles with a GVWR greater than 33,000 pounds.
 - (E) Maximum drop charges may be less than these amounts if required by municipal ordinance or by the tow agreement with the property owner and shall be enforced by the Commission pursuant to this rule.
 - (II) The maximum drop charge shall be adjusted for inflation annually, starting March 15, 2022, and effective March 15 of each year thereafter, based upon the annual percentage change in the United States Bureau of Labor Statistics Consumer Price Index – Denver-Aurora-Lakewood, as published by the Colorado Department of Local Affairs for the immediately preceding calendar year. These adjustments shall be compounded annually. For reference by towing carriers and the general public, the Commission will post a notice on its website by March 15 of each year reporting the annual inflation adjustments applicable pursuant to this rule.
 - (III) The minimum drop charge is \$0.00.
 - (IV) The towing carrier shall halt any tow in progress, including preparation therefor, prior to removal from the private property, and advise the authorized or interested person of the motor vehicle that he or she may offer payment of the towing carrier's drop charge. The towing carrier shall concurrently advise the authorized or interested person of the motor vehicle of acceptable forms of payment under rule 6512. Such advisements shall be provided via delivery of a charge notification card, in addition to any other means desired by the towing carrier.
 - (V) If the towing carrier does not advise the authorized or interested person of the motor vehicle of the acceptable forms of payment under rule 6512 or accept such forms of

payment, the towing carrier shall not charge or retain any fees or charges for the services it performs. Any money collected must be returned to the authorized or interested person of the motor vehicle.

- (b) The towing rates for PPI tows include the following elements: a base rate for the tow; a mileage charge, including any applicable fuel surcharge; a charge for motor vehicle storage; a charge for release from storage pursuant to paragraph 6511(e), if applicable; and any other charges allowed by state statute or Commission rule.
- (I) The base rates for PPI tows are as follows for each vehicle weight classification:
- (A) \$203.90 for motor vehicles with a GVWR less than or equal to 10,000 pounds;
 - (B) \$234.48 for motor vehicles with a GVWR greater than 10,000 pounds and less than or equal to 19,000 pounds;
 - (C) \$316.05 for motor vehicles with a GVWR greater than 19,000 pounds and less than or equal to 33,000 pounds; and
 - (D) \$356.83 for motor vehicles with a GVWR greater than 33,000 pounds.
- (II) The base rates shall be adjusted for inflation annually, starting March 15, 2022, and effective March 15 of each year thereafter, based upon the annual percentage change in the United States Bureau of Labor Statistics Consumer Price Index – Denver-Aurora-Lakewood, as published by the Colorado Department of Local Affairs for the immediately preceding calendar year. These adjustments shall be compounded annually. For reference by towing carriers and the general public, the Commission will post a notice on its website by March 15 of each year reporting the annual inflation adjustments applicable pursuant to this rule.
- (III) The maximum mileage charge a towing carrier may assess for a PPI tow of a motor vehicle is \$3.80 per mile for each mile that the motor vehicle is towed, subject to the following limits: The maximum mileage that may be charged for a PPI tow is 12 miles for tows within ten miles of either side of U.S. Interstate Highway 25, and 16.5 miles for mountain areas and eastern plains communities that lie farther than ten miles from U.S. Interstate Highway 25.
- (IV) An additional fuel surcharge may be assessed when the price per gallon of diesel fuel exceeds a base rate of \$2.60. The Commission shall, each month, adjust the maximum mileage charge when the price per gallon of diesel fuel exceeds the base rate. The surcharge shall be based on the United States Department of Energy “weekly retail on-highway diesel prices” for the Rocky Mountain region (DOE’s Weekly Diesel Price). The fuel surcharge adjustment shall provide a one-percent increase in the mileage rate for every ten-cent increase in the DOE’s Weekly Diesel Price, or a one-percent decrease in the mileage rate for every ten-cent decrease in the DOE’s Weekly Diesel Price, but in no event decreasing below the base rate.
- (V) A towing carrier shall not charge or retain any additional fees not identified in state statute or Commission rule for the nonconsensual tow of a motor vehicle from private property.

- (c) Maximum towing rates for law enforcement-ordered tows and recovery operations are to be calculated on an hourly basis, per required tow truck, as follows, with no additional fees, charges, or surcharges permitted, except as allowed by state statute or Commission rule.
- (I) The maximum hourly rates for tow truck and driver, billable in $\frac{1}{4}$ hour increments after the first hour, for the towing or recovery of motor vehicles, are as follows for each vehicle weight classification:
- (A) \$232.52 per hour for motor vehicles with a GVWR less than or equal to 10,000 pounds;
 - (B) \$277.89 per hour for motor vehicles with a GVWR greater than 10,000 pounds and less than or equal to 19,000 pounds;
 - (C) \$362.96 per hour for motor vehicles with a GVWR greater than 19,000 pounds and less than or equal to 33,000 pounds; and
 - (D) \$419.67 per hour for motor vehicles with a GVWR greater than 33,000 pounds.
 - (E) The recovery of a motor vehicle requiring the use of a Heavy Rotator (60+ tons) shall not exceed \$663.53 per hour.
- (II) The maximum hourly rates for tow truck and driver shall be adjusted for inflation annually, starting March 15, 2022, and effective March 15 of each year thereafter, based upon the annual percentage change in the United States Bureau of Labor Statistics Consumer Price Index – Denver-Aurora-Lakewood, as published by the Colorado Department of Local Affairs for the immediately preceding calendar year. These adjustments shall be compounded annually. For reference by towing carriers and the general public, the Commission will post a notice on its website by March 15 of each year reporting the annual inflation adjustments applicable pursuant to this rule.
- (III) Mileage and fuel surcharges authorized elsewhere in rule 6511 do not apply to law enforcement-ordered tows or recovery operations.
- (IV) Any towing carrier billing greater than one hour for any tow truck and driver for a given tow shall:
- (A) include, in addition to requirements of rule 6509, the following information on the tow record/invoice, recorded at the time of occurrence: the time of dispatch; the time the tow truck leaves the yard or other staging location; the time the tow truck arrives on scene; the time the tow truck leaves the scene, and the time the towed motor vehicle is unhooked from the tow truck;
 - (B) include an advisement on the tow record/invoice that documentation of costs billed in excess of one hour for any tow truck and driver for such tow are available, upon request, from the towing carrier;
 - (C) only begin billing from a time not earlier than the towing carrier leaves their yard or staging area en route to the scene of the requested tow until the towed motor vehicle is unhooked;

- (D) not bill more than the reasonable time necessary to perform the tow at hourly rates for one tow truck and driver, plus the towing carrier's actual and reasonable cost of recovery equipment and labor in excess of one tow truck and driver, plus an additional twenty-five percent of those actual and reasonable costs;
 - (E) provide the authorized or interested person of the motor vehicle documentation of the actual and reasonable costs billed in excess of one hour for any tow truck and driver for such tow, upon request; and
 - (F) not, under any circumstances, bill rates and charges provided in paragraph (b) for a PPI tow.
- (d) Storage for nonconsensual and law enforcement-ordered tows.
- (I) Storage charges shall not exceed the following maximum rates, based on a 24-hour period, for the following weight classifications:
 - (A) \$39.18 for motor vehicles with a GVWR of less than or equal to 10,000 pounds;
 - (B) \$48.32 for motor vehicles with a GVWR greater than 10,000 pounds; or
 - (C) in lieu of the storage rates provided above, and at the option of the towing carrier, storage may be charged according to the motor vehicle's length, including the tongue of a trailer, at \$1.50 per foot or portion thereof.
 - (D) For a Commercial PPI or law enforcement-ordered tow, storage charges may be assessed for each 24-hour period or any portion of a 24-hour period. The 24-hour time period commences when the motor vehicle enters the towing carrier's storage facility. The second day of storage, for purposes of charges, shall not begin until 24 hours after the motor vehicle entered the towing carrier's storage facility.
 - (E) For a Residential PPI, storage charges must be prorated, on an hourly basis, with the combined hourly rate not to exceed the maximum rate for an entire 24-hour period.
 - (II) The storage charges shall be adjusted for inflation annually, starting March 15, 2022, and effective March 15 of each year thereafter, based upon the annual percentage change in the United States Bureau of Labor Statistics Consumer Price Index – Denver-Aurora-Lakewood, as published by the Colorado Department of Local Affairs for the immediately preceding calendar year. These adjustments shall be compounded annually. For reference by towing carriers and the general public, the Commission will post a notice on its website by March 15 of each year reporting the annual inflation adjustments applicable pursuant to this rule.
 - (III) Storage charges shall not be charged, collected, or retained for any time during which garage keeper's liability insurance coverage is not kept in force.
 - (IV) For tows originating from private property, only the first 24 hours of storage, prorated on an hourly basis, may be assessed until such time as the notification, pursuant to § 42-4-2103, C.R.S., has been completed. Storage fees may not be assessed retroactively once notification has been completed, except for the first 24 hours of storage.

- (V) Storage charges after the tow and storage of an abandoned motor vehicle subject to Part 21 of Title 42, C.R.S., shall not be accumulated beyond 120 days after the notification has been completed, pursuant to § 42-4-2103, C.R.S.
- (e) For nonconsensual and law enforcement-ordered tows, the maximum additional charge for release of a motor vehicle from storage at any time other than the towing carrier's business hours is \$86.19. The release charge shall be adjusted for inflation annually, starting March 15, 2022, and effective March 15 of each year thereafter, based upon the annual percentage change in the United States Bureau of Labor Statistics Consumer Price Index – Denver-Aurora-Lakewood, as published by the Colorado Department of Local Affairs for the immediately preceding calendar year. These adjustments shall be compounded annually. For reference by towing carriers and the general public, the Commission will post a notice on its website by March 15 of each year reporting the annual inflation adjustments applicable pursuant to this rule.
- (f) Noncompliance. If a tow is performed, or storage is provided, in violation of state statute or Commission rule, the towing carrier may not charge or retain any fees or charges for the services it performs. Any motor vehicle that is held in storage must be released, without charge, to an authorized or interested person. Any money collected must be returned to the authorized or interested person of the motor vehicle.
- (g) Abandoned motor vehicles.
- (I) Notifications. The charges for notification(s) to the vehicle owner(s) and the lienholder(s) of the motor vehicle held in storage shall be in accordance with §§ 42-4-1804 and 42-4-2103, C.R.S., and the rules of the Colorado Department of Revenue. For purposes of notification, any motor vehicle in possession of the towing carrier, including motor vehicles incidental to the tow (for example, loaded on a trailer when the trailer was towed) shall comply with the notification requirements of Parts 18 and 21 of Article 4 of Title 42, C.R.S., and § 42-5-109, C.R.S.
- (II) Consequences of failure to notify. A towing carrier holding a motor vehicle in storage who cannot demonstrate that it has made a good faith effort, as set forth in §§ 42-4-1804 and 42-4-2103, C.R.S., to comply with the notification requirements of Parts 18 and 21 of Article 4 of Title 42, C.R.S., and § 42-5-109, C.R.S., shall not charge, collect, or retain any fees associated with the tow or storage of the motor vehicle.
- (III) Sale of an abandoned motor vehicle to cover the outstanding towing and storage charges must be done in accordance with the notice and procedural requirements of Parts 18 and 21 of Article 4 of Title 42, C.R.S., and § 42-5-109, C.R.S. Upon the effective date of a future Commission decision providing further guidance under this subparagraph 6511(g)(III), all towing carriers may be required to provide to the Commission a copy of the completed Private Tow Vehicle Information Request and Motor Vehicle Bill of Sale forms within 30 days of abandoned motor vehicle sales resulting from a nonconsensual tow.
- (IV) Additional costs that may be charged when a stored motor vehicle is sold.
- (A) When a stored motor vehicle is sold, a towing carrier may charge the costs of maintaining that motor vehicle while in storage in accordance with § 38-20-109, C.R.S.

- (B) When a stored motor vehicle that does not come within the provisions of § 38-20-109, C.R.S., is sold, a towing carrier may charge the costs of maintaining that motor vehicle, up to a maximum of \$90.00.
 - (C) “Cost of maintaining a motor vehicle” means a documented cost that is incurred by the towing carrier and that keeps a motor vehicle in safe and operable condition.
 - (D) Certified VIN verification procedure. When an abandoned motor vehicle that is less than five model years old and that the Colorado Department of Revenue cannot find in its records must be sold, the towing carrier may charge for all documented expenses of obtaining the certified VIN verification.
- (h) Trailers.
- (I) No additional fees may be charged for the towing of a power unit and trailer in combination as a single motor vehicle.
 - (II) A vehicle in or on a trailer is considered in combination as a single unit.
 - (III) No additional fees may be charged for the towing of cargo in combination; however, additional fees may be charged for towing a trailer when reasonably and actually conducted as a separate tow from a power unit.

6512. Release of Motor Vehicle and Personal Property.

- (a) The towing carrier shall immediately accept payment of the drop charge, towing, storage, release charges, and any other appropriate charges, if payment is offered by an authorized or interested person. The towing carrier must accept payments in cash or by valid major credit card. For purposes of this rule, a major credit card includes MasterCard and Visa. Accepted forms of payment may be annotated on the tow record/invoice, so long as the required options noted in this rule are offered to the authorized or interested person to whom the motor vehicle is being released. The towing carrier shall release the motor vehicle to an authorized or interested person.
- (b) A towing carrier that accepts for storage a motor vehicle that has been towed as a nonconsensual or law enforcement-ordered tow shall provide access to or release of the motor vehicle to an authorized or interested person of the motor vehicle either:
 - (I) with one hour’s notice during all times other than the towing carrier’s business hours that occur within the first 24 hours of storage; or
 - (II) upon demand during the carrier’s business hours.
- (c) Failure to notify. A towing carrier holding a motor vehicle in storage who cannot demonstrate that it has made a good faith effort, as set forth in §§ 42-4-1804 and 42-4-2103, C.R.S., to comply with the notification requirements of Parts 18 and 21 of Article 4 of Title 42, C.R.S., and § 42-5-109, C.R.S., shall release the motor vehicle at no charge to an authorized or interested person.
- (d) Release of personal property for nonconsensual and law enforcement-ordered tows. A towing carrier shall release personal property, upon request, to an authorized or interested person, if such request is made at any point after the vehicle has been towed, but no later than 30 days

after notification, as set forth in §§ 42-4-1804 and 42-4-2103, C.R.S. Requests made outside of business hours shall follow the standards in paragraph 6512(b).

- (I) For purposes of this rule, personal property includes any items that are not attached to or part of the equipment of the motor vehicle.
 - (II) For a Commercial PPI, the towing carrier may charge up to the appropriate maximum base rate, as established in subparagraph 6511(b)(I), for the removal of personal property. For a Residential PPI, the towing carrier may not charge for the removal of personal property.
 - (III) For law enforcement-ordered tows, the towing carrier may charge up to the appropriate maximum hourly rate, as established in subparagraph 6511(c)(I), for the removal of personal property.
 - (IV) The provisions of this rule shall not apply during any period when the personal property is subject to a hold order issued by a court, district attorney, law enforcement agency, or law enforcement officer.
 - (V) Any fees allowable under this rule shall not be assessed for any of the items addressed under paragraphs 6512(g), (h), (i), and (j).
- (e) The towing carrier, at its discretion, need not comply with paragraphs 6512(a) through (d) to release a motor vehicle or allow for removal of personal property if:
- (I) the towing carrier is reasonably certain that, at the time the motor vehicle is to be released from storage, the driver of the motor vehicle is not capable of safely driving the motor vehicle due to the influence of drugs or alcohol;
 - (II) the towing carrier that is to remove the motor vehicle from storage does not have a valid towing carrier permit;
 - (III) a hold order is in place on the motor vehicle by a court, district attorney, law enforcement agency, or law enforcement officer;
 - (IV) the release of the motor vehicle does not comply with the release procedures agreed to, in writing, between the towing carrier and the applicable law enforcement agency; or
 - (V) the towing carrier, upon notification for the release of or access to a motor vehicle at other than the carrier's business hours, has immediately contacted an appropriate law enforcement agency and, in the interest of public order, has requested a law enforcement officer's presence during the release of the motor vehicle. This exception is applicable when the towing carrier has reason to believe that the person to whom the motor vehicle or personal property is to be released may disrupt the public order.
- (f) A towing carrier shall release a motor vehicle held in storage to a person presenting a current driver's license who attests to being the authorized operator of the motor vehicle and produces two of the following: keys to the motor vehicle; proof of insurance; vehicle registration; VIN; and knowledge of the location from where the motor vehicle was towed. Such attestation must be provided on the "Vehicle Release Form" available on the Commission's website, which the towing carrier shall provide to the authorized operator, upon request.

- (g) Whether on the property where the tow originates or at the towing carrier's storage facility, a towing carrier shall not refuse to relinquish prescription medicines, medical equipment, medical devices, or any child restraint system. The towing carrier shall immediately relinquish such items to an authorized or interested person of the motor vehicle, without requiring payment and without additional charge, upon demand during business hours and, during the first 24 hours after commencement of the tow, within one hour's notice outside of business hours.
- (h) Whether on the property where the tow originates or at the towing carrier's storage facility, a towing carrier shall not refuse to relinquish credit cards and cash for immediate payment of the amount due to the towing carrier. The towing carrier shall immediately relinquish such items to an authorized or interested person of the motor vehicle, without requiring payment and without additional charge, upon demand during business hours and, during the first 24 hours after commencement of the tow, within one hour's notice outside of business hours.
- (i) Whether on the property where the tow originates or at the towing carrier's storage facility, a towing carrier shall not refuse to relinquish state or federal issued identification to the owner of the identification or to an authorized or interested person of the motor vehicle. The towing carrier shall immediately relinquish such items, without requiring payment and without additional charge, upon demand during business hours and, during the first 24 hours after commencement of the tow, within one hour's notice outside of business hours.
- (j) Whether on the property where the tow originates or at the towing carrier's storage facility, a towing carrier shall not refuse to relinquish a cellular telephone to an authorized or interested person of the motor vehicle. The towing carrier shall immediately relinquish such item, without requiring payment and without additional charge, upon demand during business hours and, during the first 24 hours after commencement of the tow, within one hour's notice outside of business hours.
- (k) For nonconsensual and law enforcement-ordered tows, a towing carrier shall not assess any additional fees or charges not specifically identified in state statute or Commission rule.
- (l) For a Residential PPI, a towing carrier shall immediately retrieve the motor vehicle that has been nonconsensually towed or allow the vehicle owner or authorized operator to retrieve the motor vehicle if the following conditions have been met:
 - (I) the vehicle owner or authorized operator pays 15 percent of the fees, not to exceed \$60.00, owed to the towing carrier for the nonconsensual tow; and
 - (II) the vehicle owner or authorized operator completes and signs the "Towed Vehicle Release Notice: Retrieval with Payment Owed" form available on the Commission's website, which the towing carrier shall provide to the vehicle owner, upon request.
 - (III) The remaining balance owed to the towing carrier shall be due no sooner than 90 days after the motor vehicle has been released to the vehicle owner or authorized operator.
 - (IV) A towing carrier must strictly comply with this rule and shall not impose any additional obligations or requirements, as a condition of releasing a motor vehicle, on the vehicle owner or authorized operator.

6513. Notice.

- (a) A towing carrier may not perform a nonconsensual tow of a motor vehicle, other than an abandoned motor vehicle, from private property unless:
 - (I) notice of the applicable parking limitations, regulations, restrictions, and prohibitions was provided to the motor vehicle operator at the time the motor vehicle entered the private property and parked; and
 - (II) notice that any motor vehicle parked in violation of the applicable parking limitations, regulations, restrictions, and prohibitions is subject to tow at the vehicle owner's expense was provided to the motor vehicle operator at the time the motor vehicle entered the private property and parked. The towing carrier must retain evidence that such notice was provided for three years from the date of completion of the tow and provide it to the Commission or an enforcement official upon request.
- (b) Abandoned motor vehicles. A towing carrier may not perform a nonconsensual tow of an abandoned motor vehicle from private property unless the motor vehicle was left unattended for a period of 24 hours or more and is presumed to be abandoned pursuant to § 42-4-2102(1), C.R.S.
- (c) The notice required in paragraph (a) is presumed to be met through signage if a permanent sign is conspicuously posted visibly at each point of entrance to the private property.
- (d) A towing carrier that enters into a tow agreement with a property owner to nonconsensually tow motor vehicles shall post signage at the applicable private property from where the tows will originate. The signs shall, at a minimum:
 - (I) be no less than one square foot in size;
 - (II) have lettering not less than one inch in height;
 - (III) have lettering that contrasts sharply in color with the background on which the letters are placed;
 - (IV) state "Authorized Parking Only";
 - (V) include the name and telephone number of the towing carrier authorized to perform tows from the private property;
 - (VI) be printed in English;
 - (VII) at the entrance to the private property, face outward toward the street and be visible prior to and upon entering the private property;
 - (VIII) inside the private property, face outward toward the parking area;
 - (IX) not be obstructed or placed in such a manner that prevents visibility; and
 - (X) not be placed higher than eight feet or lower than three feet from the ground surface closest to the sign's placement.

6514. Towing Violations and Civil Penalty Assessments.

- (a) A violation of any of the following provisions may result in the assessment of a civil penalty of up to \$1,100.00 for each violation:
 - (I) § 40-10.1-401(1)(a), C.R.S.;
 - (II) rule 6505;
 - (III) subparagraph (a)(I), (a)(V), (b)(I), (b)(II), (b)(III), paragraph (c) or (d) of rule 6508; or
 - (IV) paragraph (f) of rule 6511.
- (b) A violation of paragraph (a), (b), (c), (d), (e), (g), or (h) of rule 6511 may result in the assessment of a civil penalty as follows for each violation:
 - (I) up to \$275.00 for an overcharge \$25.00 or less;
 - (II) up to \$550.00 for an overcharge greater than \$25.00 but less than or equal to \$150.00; and
 - (III) up to \$1,100.00 for an overcharge greater than \$150.00.
- (c) A violation of any of the following provisions may result in the assessment of a civil penalty of up to \$550.00 for each violation:
 - (I) rule 6507;
 - (II) paragraph (e) of rule 6508;
 - (III) paragraph (a) of rule 6510;
 - (IV) paragraph (d), (f), or (l) of rule 6512; or
 - (V) rule 6513.
- (d) A violation of rule 6506 may result in the assessment of a civil penalty of up to \$100.00 for each violation.
- (e) Except as provided in paragraph (a) through (d) of this rule, a violation of any provision of Title 40, § 42-3-235.5, C.R.S., pertaining to towing carriers, or any provision of rules 6500 through 6513, may result in the assessment of a civil penalty of up to \$275.00 for each violation.
- (f) Civil penalty assessments are in addition to any other penalties provided by law.

6515. - 6599. [Reserved].