

**First Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 21-0945.01 Jery Payne x2157

**HOUSE BILL 21-1283**

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**HOUSE SPONSORSHIP**

**Ricks and Hooton,**

**SENATE SPONSORSHIP**

**(None),**

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**House Committees**  
Business Affairs & Labor

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING MEASURES TO ADDRESS CONSUMER PROTECTION**  
102 **CONCERNS REGARDING VEHICLE TOWING.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill requires the department of regulatory agencies (department) to conduct a sunset review of the public utilities commission's (commission) regulation of towing carriers in 2023 and moves up the department's sunset review of the towing task force (task force) from 2024 to 2023. As part of its sunset review of the commission's regulation of towing carriers, the department is required to

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

review complaints against towing carriers; whether the towing industry and consumers would benefit from dispute resolution of complaints; the reasonableness of rates for recovery, towing, and storage fees; and the reasonableness of towing contracts that towing companies enter into with property owners.

The composition of the task force is changed to replace a member who represents towing carriers but is not a representative of a towing association with a member who represents mobile home owners and to replace a member who represents an association of motor carriers with a member who represents common interest community unit owners. The bill adds 2 members to the task force to represent communities that might be disproportionately affected by nonconsensual towing, such as communities of color, immigrant communities, elderly communities, and rural communities.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 2-3-1203, **repeal**  
3 (15)(a)(I); and **add** (14)(a)(XII) as follows:

4 **2-3-1203. Sunset review of advisory committees - legislative**  
5 **declaration - definition - repeal.** (14) (a) The following statutory  
6 authorizations for the designated advisory committees are scheduled for  
7 repeal on September 1, 2023:

8 (XII) THE TOWING TASK FORCE CREATED IN SECTION 40-10.1-403.

9 (15) (a) The following statutory authorizations for the designated  
10 advisory committees are scheduled for repeal on September 1, 2024:

11 (I) ~~The towing task force created in section 40-10.1-403, C.R.S.;~~

12 **SECTION 2.** In Colorado Revised Statutes, 24-34-104, **add**  
13 (24)(a)(XIII) as follows:

14 **24-34-104. General assembly review of regulatory agencies**  
15 **and functions for repeal, continuation, or reestablishment - legislative**  
16 **declaration - repeal.** (24) (a) The following agencies, functions, or both,  
17 are scheduled for repeal on September 1, 2023:

1 (XIII) THE PUBLIC UTILITIES COMMISSION'S REGULATION OF  
2 TOWING CARRIERS UNDER PART 4 OF ARTICLE 10.1 OF TITLE 40.

3 **SECTION 3.** In Colorado Revised Statutes, 40-10.1-403, **amend**  
4 (2), (3)(a), and (6); and **add** (2.5) as follows:

5 **40-10.1-403. Towing task force - creation - rules - repeal.**

6 (2) (a) THROUGH OCTOBER 31, 2021, the task force consists of nine  
7 members, appointed as follows:

8 (a) (I) One member, or the member's designee, appointed by the  
9 governor to represent the commission;

10 (b) (II) One member, or the member's designee, appointed by the  
11 chief of the Colorado state patrol;

12 (c) (III) One member, or the member's designee, appointed by the  
13 governor to represent a towing association within the state;

14 (d) (IV) One member, or the member's designee, appointed by the  
15 governor to represent towing carriers within the state but who does not  
16 represent a towing association;

17 (e) (V) One member, or the member's designee, appointed by the  
18 governor to represent an association of automobile owners within the  
19 state;

20 (f) (VI) One member who insures towing operations, or the  
21 member's designee, appointed by the governor to represent insurance  
22 companies within the state;

23 (g) (VII) One member, or the member's designee, appointed by the  
24 governor to represent an association of motor carriers within Colorado;

25 (h) (VIII) One member, or the member's designee, appointed by  
26 the governor to represent local law enforcement agencies; and

27 (i) (IX) One member who owns private property and contracts for

1 towing services, or the member's designee, appointed by the governor to  
2 represent consumers of towing services.

3 (b) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE NOVEMBER 1,  
4 2021.

5 (2.5) (a) BEGINNING NOVEMBER 1, 2021, THE TASK FORCE  
6 CONSISTS OF ELEVEN MEMBERS, APPOINTED AS FOLLOWS:

7 (I) ONE MEMBER APPOINTED BY THE GOVERNOR TO REPRESENT  
8 THE COMMISSION;

9 (II) ONE MEMBER APPOINTED BY THE CHIEF OF THE COLORADO  
10 STATE PATROL;

11 (III) ONE MEMBER APPOINTED BY THE GOVERNOR TO REPRESENT  
12 A TOWING ASSOCIATION WITHIN THE STATE;

13 (IV) ONE MEMBER APPOINTED BY THE GOVERNOR TO REPRESENT  
14 MOBILE HOME OWNERS IN THE STATE;

15 (V) ONE MEMBER APPOINTED BY THE GOVERNOR TO REPRESENT AN  
16 ASSOCIATION OF AUTOMOBILE OWNERS WITHIN THE STATE;

17 (VI) ONE MEMBER WHO INSURES TOWING OPERATIONS APPOINTED  
18 BY THE GOVERNOR TO REPRESENT INSURANCE COMPANIES WITHIN THE  
19 STATE;

20 (VII) ONE MEMBER APPOINTED BY THE GOVERNOR TO REPRESENT  
21 UNIT OWNERS IN COMMON INTEREST COMMUNITIES;

22 (VIII) ONE MEMBER APPOINTED BY THE GOVERNOR TO REPRESENT  
23 LOCAL LAW ENFORCEMENT AGENCIES;

24 (IX) ONE MEMBER WHO OWNS PRIVATE PROPERTY AND  
25 CONTRACTS FOR TOWING SERVICES APPOINTED BY THE GOVERNOR TO  
26 REPRESENT CONSUMERS OF TOWING SERVICES; AND

27 (X) TWO MEMBERS APPOINTED BY THE GOVERNOR TO REPRESENT

1 COMMUNITIES THAT MIGHT BE DISPROPORTIONATELY AFFECTED BY  
2 NONCONSENSUAL TOWING, SUCH AS COMMUNITIES OF COLOR, IMMIGRANT  
3 COMMUNITIES, ELDERLY COMMUNITIES, AND RURAL COMMUNITIES.

4 (b) A MEMBER APPOINTED TO THE TASK FORCE BEFORE NOVEMBER  
5 1, 2021, MAY CONTINUE TO SERVE ON THE TASK FORCE ON AND AFTER  
6 NOVEMBER 1, 2021, TO SERVE THE REMAINDER OF THE MEMBER'S TERM IF  
7 THE MEMBER CONTINUES TO REPRESENT ONE OF THE GROUPS REQUIRED TO  
8 BE REPRESENTED ON THE TASK FORCE AS OF NOVEMBER 1, 2021, IN  
9 ACCORDANCE WITH SUBSECTION (2.5)(a) OF THIS SECTION.

10 (c) IF A MEMBER IS UNABLE TO ATTEND A MEETING OF THE TASK  
11 FORCE, THE MEMBER MAY DESIGNATE A PERSON TO FULFILL THE MEMBER'S  
12 DUTIES IN LIEU OF THE MEMBER FOR THE MEETING.

13 (3) (a) The members of the task force serve four-year terms;  
14 except that the members appointed OR REAPPOINTED under paragraphs (a)  
15 to (d) of subsection (2) SUBSECTIONS (2.5)(a)(I) TO (2.5)(a)(V) of this  
16 section serve initial terms of two years.

17 (6) This section is repealed, effective September 1, 2024. Prior to  
18 2023. BEFORE the repeal, the department of regulatory agencies shall  
19 review the task force THE TASK FORCE IS SCHEDULED FOR REVIEW in  
20 accordance with section 2-3-1203. C.R.S.

21 **SECTION 4.** In Colorado Revised Statutes, **add** 40-10.1-404 as  
22 follows:

23 **40-10.1-404. Repeal of part - subject to review - definitions.**

24 (1) THIS PART 4 IS REPEALED, EFFECTIVE SEPTEMBER 1, 2023. BEFORE  
25 THE REPEAL, THIS PART 4 IS SCHEDULED FOR REVIEW IN ACCORDANCE  
26 WITH SECTION 24-34-104 AND SUBSECTION (2) OF THIS SECTION.

27 (2) IN CONDUCTING ITS REVIEW IN ACCORDANCE WITH SECTION

1 24-34-104 (5) AND IN CONSIDERING THE FACTORS SET FORTH IN SECTION  
2 24-34-104 (6)(b), THE DEPARTMENT OF REGULATORY AGENCIES SHALL  
3 CONSIDER THE FOLLOWING IN EVALUATING THE PERFORMANCE OF THE  
4 COMMISSION WITH REGARD TO REGULATING TOWING CARRIERS:

5 (a) WITH REGARD TO COMPLAINTS FILED WITH THE COMMISSION  
6 ABOUT TOWING SERVICES:

7 (I) THE NUMBER AND NATURE OF COMPLAINTS FILED EACH YEAR;  
8 AND

9 (II) HOW THE COMMISSION HANDLES THE COMPLAINTS AND HOW  
10 THE COMPLAINTS ARE RESOLVED;

11 (b) WHETHER THE TOWING INDUSTRY AND CONSUMERS WOULD  
12 BENEFIT FROM DISPUTE RESOLUTION REGARDING COMPLAINTS AND  
13 WHETHER SUCH DISPUTE RESOLUTION IS BEING USED IN ANY OTHER  
14 STATES;

15 (c) THE REASONABLENESS OF RATES FOR RECOVERY, TOWING, AND  
16 STORAGE FEES, ESPECIALLY WITH REGARD TO NONCONSENSUAL TOWING,  
17 FOR VARIOUS COMMUNITIES, INCLUDING COMMUNITIES THAT MIGHT BE  
18 DISPROPORTIONATELY IMPACTED BY NONCONSENSUAL TOWING, SUCH AS  
19 MOBILE HOME PARK COMMUNITIES, COMMON INTEREST COMMUNITIES,  
20 COMMUNITIES OF COLOR, IMMIGRANT COMMUNITIES, ELDERLY  
21 COMMUNITIES, AND RURAL COMMUNITIES; AND

22 (d) THE REASONABLENESS OF TOWING CONTRACTS THAT TOWING  
23 COMPANIES ENTER INTO WITH PROPERTY OWNERS WITH REGARD TO THE  
24 EFFECTS THAT THE CONTRACTS HAVE ON TENANTS OF, UNIT OWNERS IN,  
25 AND VISITORS TO THE PROPERTY WHO, BECAUSE OF THE CONTRACTS,  
26 MIGHT BE DISPROPORTIONATELY SUBJECTED TO NONCONSENSUAL TOWING,  
27 ESPECIALLY WITH REGARD TO THE EFFECTS ON MOBILE HOME PARK

1 COMMUNITIES AND COMMON INTEREST COMMUNITIES.

2 (3) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
3 REQUIRES:

4 (a) "COMMON INTEREST COMMUNITY" HAS THE MEANING SET  
5 FORTH IN SECTION 38-33.3-103 (8).

6 (b) "MOBILE HOME PARK" HAS THE MEANING SET FORTH IN  
7 SECTION 38-12-201.5 (6).

8 **SECTION 5. Safety clause.** The general assembly hereby finds,  
9 determines, and declares that this act is necessary for the immediate  
10 preservation of the public peace, health, or safety.