

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

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 22-0063.02 Jery Payne x2157

HOUSE BILL 22-1314

HOUSE SPONSORSHIP

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SENATE SPONSORSHIP

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A BILL FOR AN ACT

101 **CONCERNING THE RIGHTS OF A PERSON WITH OWNERSHIP INTEREST IN**
102 **A VEHICLE THAT HAS BEEN TOWED FROM PRIVATE PROPERTY**
103 **WITHOUT THE PERSON'S CONSENT, AND, IN CONNECTION**
104 **THEREWITH, MAKING AN APPROPRIATION.**

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>.)

Current law requires a towing carrier (carrier) to notify law enforcement, within 30 minutes after towing an abandoned vehicle, of the carrier's name and the storage location and description of the vehicle. The

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.

SENATE
Amended 2nd Reading
May 6, 2022

HOUSE
3rd Reading Unamended
April 29, 2022

HOUSE
Amended 2nd Reading
April 28, 2022

bill clarifies that the carrier is deemed to have complied if:

- The carrier gave the location of the storage facility to law enforcement when obtaining authorization for the tow; or
- The carrier made 2 or more attempts within the 30 minutes after the tow to notify a law enforcement agency but was unsuccessful for reasons beyond the control of the carrier.

When a carrier tows a vehicle without the owner's or lienholder's consent, current law requires the carrier to notify the department of revenue, the owner, and the lienholder of the tow between 2 and 10 days after the tow, thus imposing a 2-day waiting period before notification. The bill repeals this waiting period and instead requires notice within 10 days after the tow. The carrier is authorized to use a telephone to notify the owner or lienholder. Current law also denies the carrier daily storage fees if the carrier fails to reasonably notify the owner and lienholder. The bill forbids daily storage fees until the carrier has sent the required notice to the owner and lienholder.

The bill requires that carriers that are towing a vehicle from private property without the owner's, operator's, or lienholder's consent:

- Charge the same fees for tows made without the owner's consent as the carrier charges for tows made with the owner's consent. These fees must be filed with the public utilities commission (PUC) and posted at the carrier's storage location.
- Accept cash and major credit cards, as defined by rule of the PUC, and, upon request, disclose the accepted forms of payment;
- Not charge storage fees for a day on which the carrier did not store the vehicle;
- Before connecting to a vehicle, photographically document the vehicle's condition and the reason for the tow. Failure to produce documentation of the vehicle's condition or the reason for the tow creates a rebuttable presumption that any damages to the vehicle were caused by the carrier or that the tow was not authorized.
- Maintain an area at each storage facility with lighting adequate to inspect a vehicle for damage;
- Upon demand of the owner, retrieve the vehicle or the contents of the towed vehicle or allow the owner to retrieve the vehicle or the contents;
- Obtain authorization from the property owner, leaseholder, or common interest community within 24 hours before towing a vehicle from private property;
- Give 24 hours' written notice before removing a vehicle from a parking spot or the common areas of a condominium, cooperative, apartment, or mobile home

- park;
- Upon request, provide evidence of the carrier's insurance coverages;
- Have a sign at storage facilities that states the name, telephone number, and hours of operation of the carrier's business;
- Upon request, provide an itemized bill showing each charge and the rate for each fee that the person has incurred;
- Give a written notice of the ability to make a complaint to the PUC;
- To perform a nonconsensual tow, other than for an abandoned motor vehicle, from private property normally used for parking, the property owner must have provided adequate signs communicating the parking regulations that subject a vehicle to being towed; and
- Unless ordered by a peace officer, not tow a vehicle from private property because the rear license plate shows the vehicle registration is expired.

A carrier's mechanic's lien is abolished if the carrier tows a vehicle from private property without the owner's, operator's, or lienholder's consent.

If a carrier fails to comply with the provisions of the bill, the carrier may not charge or retain any fees or charges for the services performed with respect to the vehicle and must return any fees it collected with respect to the vehicle. It is an affirmative defense in any action to collect towing fees that the carrier failed to comply with these provisions. If a carrier damages a vehicle or violates these provisions in a manner that causes damages and refuses to reimburse the owner, operator, or lienholder, the owner or lienholder may recover attorney fees.

The carrier and an owner or lienholder may use mediation to resolve disputes involving nonconsensual tows. Any mediated agreement may be submitted to the office of tow hearings (office), which is created in the bill, and a court, both of which are authorized to enforce the agreement.

The office is created within the PUC to adjudicate disputes between carriers and owners or lienholders when a vehicle is towed from private property without the owner's or lienholder's consent. The office will employ hearing officers or use administrative law judges to govern proceedings and to hold hearings to determine whether a carrier violated the law or caused damages. The office may order carriers to reimburse owners or lienholders, and this reimbursement may include attorney fees. The final actions of the office are subject to judicial review in accordance with the "State Administrative Procedure Act".

Carriers are required to record certain information about each

nonconsensual tow, retain the information in their records for 3 years, and produce the records within 48 hours upon request.

A carrier is prohibited from paying money or other valuable consideration to a landowner or business for the privilege of nonconsensually towing vehicles.

It is a deceptive trade practice to violate the provisions of the bill, and the attorney general is responsible for enforcement.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-4-2103, **amend**
3 (2), (3)(a), (3)(c)(I)(A), (3)(c)(I)(D), (3)(c)(II), and (4) introductory
4 portion; and **repeal** (4)(b) as follows:

5 **42-4-2103. Abandonment and nonconsensual towing of motor**
6 **vehicles - private property - rules.** (2) (a) (I) Any operator ~~having in his~~
7 ~~or her possession any~~ POSSESSING A motor vehicle that was abandoned on
8 private property shall notify, within thirty minutes, the department, the
9 sheriff, or the sheriff's designee, of the county in which the motor vehicle
10 is located or the chief of police, or the chief's designee, of the
11 municipality in which the motor vehicle is located. THE NOTICE MUST
12 INCLUDE:

13 (A) ~~as to~~ The name of the operator; ~~and~~

14 (B) The location of the ~~impound lot~~ STORAGE FACILITY where the
15 vehicle is located; and

16 (C) A description of the abandoned motor vehicle, including the
17 make, model, color, and year; the number, issuing state, and expiration
18 date of the license plate; and the vehicle identification number.

19 (II) AN OPERATOR IS DEEMED TO HAVE COMPLIED WITH
20 SUBSECTION (2)(a)(I) OF THIS SECTION IF:

21 (A) THE OPERATOR GAVE THE LOCATION OF THE STORAGE
22 FACILITY TO THE LAW ENFORCEMENT AGENCY WHEN OBTAINING

1 AUTHORIZATION FOR THE TOW; OR

2 (B) THE OPERATOR MADE TWO OR MORE ATTEMPTS, WITHIN THE
3 THIRTY MINUTES REQUIRED IN SUBSECTION (2)(a)(I) OF THIS SECTION, TO
4 NOTIFY THE RESPONSIBLE LAW ENFORCEMENT AGENCY BUT WAS
5 UNSUCCESSFUL FOR REASONS BEYOND THE CONTROL OF THE OPERATOR.

6 (b) Upon ~~such notification~~ RECEIVING THE NOTICE REQUIRED IN
7 SUBSECTION (2)(a) OF THIS SECTION, the law enforcement agency that
8 receives ~~such~~ THE notice shall:

9 (I) Assign the vehicle a tow report number immediately;

10 (II) ~~shall~~ Enter the vehicle and the fact that it has been towed in
11 the Colorado crime information center computer system; and

12 (III) ~~shall~~ Ascertain, if possible, whether ~~or not~~ the vehicle has
13 been reported stolen, and, if so, ~~reported, such~~ THE agency shall:

14 (A) Recover and secure the motor vehicle;

15 (B) ~~and~~ Notify its rightful owner; and

16 (C) Terminate the abandonment proceedings under this part 21.

17 (c) Upon the release of the vehicle to the owner or lienholder, the
18 operator shall notify the responsible law enforcement agent, who shall
19 adjust or delete the entry in the Colorado crime information center
20 computer system. The responsible law enforcement agency and operator
21 ~~shall~~ have the right to recover from the owner their reasonable fees for
22 recovering and securing the vehicle. Nothing in this section ~~shall be~~
23 ~~construed to authorize~~ AUTHORIZES fees for services that were not
24 provided or that were provided by another person or entity.

25 (3) (a) NOT MORE THAN TEN DAYS AFTER A MOTOR VEHICLE HAS
26 BEEN TOWED, an operator shall ~~no less than two days, but no more than~~
27 ~~ten days after a motor vehicle has been towed or abandoned,~~ report such

1 THE motor vehicle tow to the department by first-class or certified mail,
2 by personal delivery, or by internet communication. ~~which~~ THE report
3 ~~shall~~ MUST be on a form prescribed and supplied by the department.

4 (c) (I) (A) NOT MORE THAN TEN DAYS AFTER A MOTOR VEHICLE
5 HAS BEEN TOWED, an operator or its agent shall ~~no less than two days, but~~
6 ~~no more than ten days after a motor vehicle has been towed or abandoned,~~
7 determine who the owner is and ~~if~~ WHETHER there is a lienholder and
8 ~~send~~ NOTIFY THE OWNER AND ANY LIENHOLDER ~~BY~~ BY SENDING a notice
9 by certified mail, return receipt requested, to the address of the owner and
10 any lienholder as determined from records of the department or from the
11 national search performed by the department IN ACCORDANCE WITH
12 SUBSECTION (3)(c)(IV) OF THIS SECTION. ~~AN OPERATOR SHOULD WAIT~~
13 ~~TWENTY-FOUR HOURS AFTER THE TOW TO NOTIFY THE OWNER AND ANY~~
14 ~~LIENHOLDER AND SEND THE NOTICE AS SOON AS REASONABLY PRACTICAL~~
15 ~~AFTER THE TWENTY-FOUR HOURS. AN OPERATOR SHALL NOT CHARGE~~
16 ~~MORE THAN SEVENTY-FIVE DOLLARS TO SEND THE NOTICE.~~

17 (D) The cost of complying with this ~~paragraph (c)~~ SUBSECTION
18 (3)(c) is a cost of towing. ~~except that the total of all costs of complying~~
19 ~~with this section shall not exceed one hundred fifty dollars.~~ The tow
20 operator shall send the notice to the owner and lienholder within five days
21 after receiving the information from the department IN ACCORDANCE WITH
22 SUBSECTION (3)(c)(I)(A) OF THIS SECTION.

23 (II) The operator ~~shall~~ IS not ~~be~~ entitled to recover any daily
24 storage fees from the day the vehicle is towed until the day the OPERATOR
25 SENDS THE owner and ANY lienholder ~~are notified, unless the operator~~
26 ~~reasonably attempts to notify the owner and lienholder by the date~~
27 ~~specified in subparagraph (I) of this paragraph (c).~~ Sending a notice by

1 certified mail, return receipt requested, to the owner and the lienholder as
2 represented in department records shall be deemed a reasonable attempt
3 to notify the owner and the lienholder. Failure to notify the owner and the
4 lienholder due to the receipt of erroneous information from the
5 department shall not cause the loss of such storage fees accrued from the
6 date the vehicle is towed until the owner and the lienholder receive such
7 ~~notice~~ THE NOTICE REQUIRED IN SUBSECTION (3)(c)(I) OF THIS SECTION;
8 EXCEPT THAT THE OPERATOR MAY CHARGE FOR THE FIRST TWENTY-FOUR
9 HOURS OF STORAGE IN ACCORDANCE WITH SECTION 40-10.1-405 (1)(c)(I).

10 (4) Within three days after the receipt of the records set forth in
11 subsection (3)(c) of this section from the department, the operator shall
12 notify [REDACTED] by certified mail the owner of record, including an out-of-state
13 owner of record. The operator shall make a reasonable effort to ascertain
14 the address of the owner of record. The notice must contain the following
15 information:

16 (b) ~~The claim of any lien under section 42-4-2105;~~

17 **SECTION 2.** In Colorado Revised Statutes, 42-4-2104, **amend**
18 (1)(a) and (4) as follows:

19 **42-4-2104. Appraisal of abandoned motor vehicles - sale.**

20 (1) (a) TO SELL A motor vehicles that are VEHICLE THAT WAS abandoned
21 on private property, shall be appraised and sold by the operator MUST
22 SELL THE MOTOR VEHICLE in a commercially reasonable manner at a
23 public or private sale held not less than thirty days nor more than sixty
24 days after the postmarked date the notice was mailed pursuant to section
25 42-4-2103 (4) or the date the operator receives notice that no record exists
26 for such vehicle. ~~Such sale shall be made~~ THE OPERATOR MUST MAKE THE
27 SALE to a licensed motor vehicle dealer or wholesaler, or wholesale motor

1 vehicle auction dealer, or through a classified newspaper advertisement
2 published in Colorado. THE APPRAISAL MUST BE PERFORMED BY AN
3 INDEPENDENT THIRD PERSON. For purposes of this section, a sale ~~shall not~~
4 ~~be considered~~ IS NOT commercially reasonable if:

5 (I) The vehicle's appraisal value is more than three hundred fifty
6 dollars and the vehicle is sold to an officer or partner of the operator that
7 has possession of the vehicle or to any other person with a proprietary
8 interest in ~~such~~ THE operator; OR

9 (II) THE OPERATOR FAILS TO SET THE SALE PRICE AT THE TIME OF
10 SALE, LIST THE FAIR MARKET PRICE AT THE TIME OF SALE, OR REPORT THE
11 SALE; OR REPORT THE SALE PRICE TO THE DEPARTMENT WITHIN FIVE
12 BUSINESS DAYS AFTER THE SALE.

13 (4) Transferring the title of a motor vehicle to an operator to
14 satisfy a debt ~~covered by a lien created pursuant to this part 21~~ shall
15 INCURRED IN TOWING AN ABANDONED VEHICLE IS ~~not be~~ deemed to be the
16 sale of a motor vehicle.

17 **SECTION 3.** In Colorado Revised Statutes, 42-4-2105, **amend**
18 (1) and (3) as follows:

19 **42-4-2105. Liens upon towed motor vehicles.** (1) (a) ~~Whenever~~
20 ~~IN ACCORDANCE WITH THE ATTACHMENT SCHEDULE IN SUBSECTION (1)(b)~~
21 ~~OF THIS SECTION,~~ an operator who is registered with the department in
22 accordance with subsection (2) of this section recovers, removes, or stores
23 a motor vehicle upon instructions from the owner of record OR any other
24 legally authorized person in control of ~~such~~ THE motor vehicle, or from
25 the owner or lessee of real property upon which a motor vehicle is
26 illegally parked or ~~such~~ ABANDONED OR THE owner's or lessee's agent
27 authorized in writing, ~~such~~ THE operator ~~shall have~~ HAS a possessory lien,

1 subject to the provisions of section 42-4-2103 (3), upon ~~such~~ THE motor
2 vehicle ~~and its attached accessories, equipment, and personal property~~ for
3 all the costs and fees for recovering, towing, and storage as authorized in
4 section 42-4-2108. ~~Such~~ THE lien ~~shall be~~ IS a first and prior lien on the
5 motor vehicle, and ~~such lien shall be~~ IS satisfied before all other charges
6 against ~~such~~ THE motor vehicle. ~~This subsection (1) shall not apply to~~
7 ~~personal property if subsection (3) of this section applies to such personal~~
8 ~~property.~~

9 (b) THE LIEN GRANTED IN SUBSECTION (1)(a) OF THIS SECTION
10 ATTACHES TO THE MOTOR VEHICLE IN ACCORDANCE WITH THE FOLLOWING
11 SCHEDULE:

12 (I) IF THE OPERATOR RECOVERED, REMOVED, OR STORED THE
13 MOTOR VEHICLE UPON INSTRUCTIONS FROM THE OWNER OF RECORD OR
14 ANY OTHER LEGALLY AUTHORIZED PERSON IN CONTROL OF THE MOTOR
15 VEHICLE, THE LIEN ATTACHES TO THE MOTOR VEHICLE WHEN THE
16 OPERATOR TAKES POSSESSION OF THE MOTOR VEHICLE; OR

17 (II) IF THE OPERATOR RECOVERED, REMOVED, OR STORED THE
18 MOTOR VEHICLE UPON INSTRUCTIONS OF THE OWNER OR LESSEE OF REAL
19 PROPERTY UPON WHICH A MOTOR VEHICLE WAS ILLEGALLY PARKED OR
20 ABANDONED OR UPON THE OWNER'S OR LESSEE'S AGENT AUTHORIZED IN
21 WRITING, THE LIEN ATTACHES TO THE MOTOR VEHICLE THIRTY DAYS AFTER
22 THE POSTMARKED DATE THE NOTICE WAS MAILED IN ACCORDANCE WITH
23 SECTION 42-4-2103 (4) OR THE DATE THE OPERATOR RECEIVED NOTICE
24 THAT NO RECORD EXISTS FOR THE MOTOR VEHICLE.

25 (3) If the operator obtains personal property from an abandoned
26 vehicle that has been towed pursuant to this part 21 and if the serial or
27 identification number of such property has been visibly altered or

1 removed, the operator shall not have a lien upon such property and shall
2 destroy or discard such property within five days after disposing of such
3 THE vehicle pursuant to sections 42-4-2104 and 42-4-2107.

4 **SECTION 4.** In Colorado Revised Statutes, **amend** 42-4-2106 as
5 follows:

6 **42-4-2106. Perfection of lien.** The lien provided for in section
7 42-4-2105 shall be IS perfected by taking physical possession of the motor
8 vehicle and its attached accessories, equipment, or personal property and
9 by sending to the department, within ten working days after the time
10 possession was taken, a notice containing the information required in the
11 report to be made under the provisions of section 42-4-2103. In addition,
12 ~~such~~ THE LIEN IS NOT PERFECTED UNTIL THE LIEN ATTACHES IN
13 ACCORDANCE WITH THE SCHEDULE DESCRIBED IN SECTION 42-4-2105
14 (1)(b). THE report shall MUST contain a declaration by the operator that a
15 possessory lien is claimed for all past, present, and future charges, up to
16 the date of redemption, and that the lien is enforceable and may be
17 foreclosed pursuant to the provisions of this part 21.

18 **SECTION 5.** In Colorado Revised Statutes, **amend** 42-4-2107 as
19 follows:

20 **42-4-2107. Sale of abandoned vehicle.** (1) AN OPERATOR MAY
21 SELL any motor vehicle and its attached accessories and equipment or
22 personal property within or attached to ~~such~~ THE vehicle that are not
23 redeemed by the last-known owner of record or lienholder after ~~such~~
24 ~~owner or lienholder has been sent notice of such lien by the operator shall~~
25 ~~be sold in accordance with the provisions of section 42-4-2104~~ THE
26 NOTICE WAS SENT IN ACCORDANCE WITH SECTION 42-4-2104 (1).

27 (2) ~~Within five days after foreclosure of the lien pursuant to this~~

1 ~~section~~ AT LEAST FIVE DAYS BEFORE A VEHICLE IS SOLD IN ACCORDANCE
2 WITH SUBSECTION (1) OF THIS SECTION, the operator shall send a notice to
3 the law enforcement agency having jurisdiction over the operator. ~~Such~~
4 ~~notice shall~~ THE NOTICE MUST contain a list of personal property found
5 within the abandoned vehicle that has an intact serial or identification
6 number and ~~such~~ EACH serial or identification number. ~~Such notification~~
7 ~~shall be made~~ THE OPERATOR SHALL DELIVER THE NOTICE by certified
8 mail, facsimile machine, or personal delivery.

9 **SECTION 6.** In Colorado Revised Statutes, 42-4-2108, **amend**
10 **(1), (2) introductory portion, and (2)(c); and repeal (2)(b)** as follows:

11 **42-4-2108. Proceeds of sale.** (1) (a) If the sale of any motor
12 vehicle, personal property, and attached accessories or equipment under
13 the provisions of section 42-4-2104 produces an amount less than or
14 equal to the sum of all charges of the operator, ~~who has perfected his or~~
15 ~~her lien,~~ then the operator ~~shall have~~ HAS a valid claim against the owner
16 for the full amount of ~~such~~ THE charges, less the amount received upon
17 the sale of such motor vehicle. AN OPERATOR DOES NOT HAVE A VALID
18 CLAIM IF THE OPERATOR HAS VIOLATED SECTION 40-10.1-405.

19 (b) Failure to register ~~such~~ A vehicle in accordance with this title
20 ~~shall constitute~~ TITLE 42 IS DEEMED a waiver of ~~such~~ THE owner's right to
21 be notified pursuant to this part 21. ~~for the purposes of foreclosure of the~~
22 ~~lien pursuant to section 42-4-2107. Such Charges shall be~~ SPECIFIED IN
23 SUBSECTION (1)(a) OF THIS SECTION ARE assessed ~~in the manner provided~~
24 ~~for in paragraph (a) of subsection (2)~~ IN ACCORDANCE WITH SUBSECTION
25 (2)(a) of this section.

26 (2) If the sale of any motor vehicle and its attached accessories or
27 equipment under the provisions of section 42-4-2104 produces an amount

1 greater than the sum of all charges of the operator who has perfected his
2 or her THE OPERATOR'S lien:

3 (b) ~~Any balance remaining after payment pursuant to paragraphs~~
4 ~~(a) and (a.5) of this subsection (2) shall be forwarded to the department,~~
5 ~~and the department may recover from such balance any taxes, fees, and~~
6 ~~penalties due to it with respect to such motor vehicle. The department~~
7 ~~shall provide a receipt to the operator within seven days after receiving~~
8 ~~the money if the operator provides the department with a postage-paid,~~
9 ~~self-addressed envelope.~~

10 (c) (I) THE OPERATOR SHALL PAY any balance remaining after
11 payment pursuant to paragraph (b) of this subsection (2) shall be paid by
12 the department: MAKING THE PAYMENT REQUIRED IN SUBSECTION (2)(a.5)
13 OF THIS SECTION IN ACCORDANCE WITH THE FOLLOWING:

14 (A) First, to any lienholder of record as the lienholder's interest
15 may appear upon the records of the department;

16 (B) Second, to any owner of record as the owner's interest may so
17 appear; and

18 (C) ~~then~~ THIRD, to any person submitting proof of ~~such~~ THE
19 person's interest in ~~such~~ THE motor vehicle upon the application of ~~such~~
20 THE lienholder, owner, or person.

21 (II) ~~If such payments are not requested and made within One~~
22 ~~hundred twenty days after the sale of the abandoned motor vehicle, the~~
23 ~~OPERATOR SHALL TRANSFER THE balance, shall be transmitted~~ AFTER
24 ~~MAKING THE PAYMENT REQUIRED UNDER SUBSECTIONS (2)(a) TO (2)(c)(I)~~
25 ~~OF THIS SECTION, to the state treasurer, who shall credit the same to the~~
26 ~~highway users tax fund for allocation and expenditure as specified in~~
27 ~~section 43-4-205 (5.5)(e), C.R.S. UNCLAIMED PROPERTY TRUST FUND,~~

1 CREATED IN SECTION 38-13-801, AND DISPOSED OF IN ACCORDANCE WITH
2 ARTICLE 13 OF TITLE 38.

3 **SECTION 7.** In Colorado Revised Statutes, 40-10.1-101, **amend**
4 (13); and **add** (1.5), (4.5), and (6.5) as follows:

5 **40-10.1-101. Definitions.** As used in this article 10.1, unless the
6 context otherwise requires:

7 (1.5) "AUTHORIZED OR INTERESTED PERSON" MEANS:

8 (a) THE VEHICLE OWNER, AUTHORIZED OPERATOR, OR AUTHORIZED
9 AGENT OF THE OWNER OF THE VEHICLE;

10 (b) THE LIENHOLDER OF THE VEHICLE OR AGENT OF THE
11 LIENHOLDER OF THE VEHICLE; OR

12 (c) IF THE OWNER SIGNS A RELEASE AUTHORIZING AN INSURANCE
13 COMPANY TO ACT ON BEHALF OF THE OWNER, THE INSURANCE COMPANY
14 OR AGENT OF THE INSURANCE COMPANY PROVIDING INSURANCE
15 COVERAGE ON THE VEHICLE.

16 (4.5) "COMMON PARKING AREA" MEANS ANY PART OF THE
17 FOLLOWING AREAS THAT ARE NORMALLY USED FOR PARKING, SUCH AS THE
18 SIDE OF A STREET OR PARKING SPACES, THAT AN OWNER DOES NOT HAVE
19 THE RIGHT TO EXCLUDE OTHER RESIDENTS OF THE FOLLOWING FROM USING
20 FOR PARKING:

21 (a) A CONDOMINIUM, AS DEFINED IN SECTION 38-33.3-103 (9);

22 (b) A COOPERATIVE, AS DEFINED IN SECTION 38-33.3-103 (10);

23 (c) A MULTIFAMILY BUILDING, WHICH IS ALSO KNOWN AS AN
24 APARTMENT COMPLEX, WITH SEPARATE LIVING QUARTERS THAT ARE
25 RENTED OR LEASED SEPARATELY; OR

26 (d) A MOBILE HOME PARK, AS DEFINED IN SECTION 38-12-201.5 (6).

27 (6.5) "DROP FEE" MEANS A FEE A TOWING OPERATOR CHARGES TO

1 UNHOOK A VEHICLE FROM A TOW TRUCK.

2 (13) "Nonconsensual towing", ~~or~~ "nonconsensual tow", "TOWED
3 NONCONSENSUALLY", "NONCONSENSUALLY TOW", OR "TOWED WITHOUT
4 CONSENT" means the transportation of a ~~motor~~ vehicle by tow truck FROM
5 PRIVATE PROPERTY if ~~such~~ THE transportation is performed without the
6 prior consent ~~or authorization~~ of:

7 (a) The owner ~~or~~ OF THE VEHICLE, AUTHORIZED operator OF THE
8 VEHICLE, OR AGENT OF THE OWNER of the ~~motor~~ vehicle;

9 (b) THE LIENHOLDER OF THE VEHICLE OR AGENT OF THE
10 LIENHOLDER, UNLESS THE VEHICLE IS BEING TOWED FOR THE PURPOSE OF
11 REPOSSESSION UNDER A LIEN AGREEMENT; OR

12 (c) IF THE OWNER SIGNS A RELEASE AUTHORIZING AN INSURANCE
13 COMPANY TO ACT ON BEHALF OF THE OWNER, THE INSURANCE COMPANY
14 OR AGENT OF THE INSURANCE COMPANY PROVIDING INSURANCE
15 COVERAGE ON THE VEHICLE.

16 **SECTION 8. In Colorado Revised Statutes, 40-10.1-111, amend**
17 **(1)(c)(I) as follows:**

18 **40-10.1-111. Filing, issuance, and annual fees. (1) A motor**
19 **carrier shall pay the commission the following fees in amounts prescribed**
20 **in this section or, if not prescribed in this section, as set administratively**
21 **by the commission with approval of the executive director of the**
22 **department of regulatory agencies:**

23 **(c) (I) The filing fee for a permit to operate under part 4 or part 8**
24 **of this article 10.1 is ~~one hundred fifty dollars~~ ADMINISTRATIVELY SET BY**
25 **THE COMMISSION TO COVER THE DIRECT AND INDIRECT COST OF**
26 **IMPLEMENTING PARTS 4 AND 8 OF THIS ARTICLE 10.1, BUT THE FEE**
27 **AMOUNT MUST BE APPROVED BY THE EXECUTIVE DIRECTOR OF THE**

1 DEPARTMENT OF REGULATORY AGENCIES.

2

3 **SECTION 9.** In Colorado Revised Statutes, 40-10.1-401, **amend**
4 (2) as follows:

5 **40-10.1-401. Permit requirements.** (2) (a) The commission may
6 deny an application OR REFUSE TO RENEW A PERMIT under this part 4 of
7 a person who has, within the immediately preceding five years, been
8 convicted of, or pled guilty or nolo contendere to, a felony OR A
9 TOWING-RELATED OFFENSE. The commission may also deny an
10 application under this part 4 or refuse to renew the permit of a towing
11 carrier based upon a determination that the towing carrier or any of its
12 owners, principals, officers, members, partners, or directors has not
13 satisfied a civil penalty arising out of any administrative or enforcement
14 action brought by the commission.

15 (b) THE COMMISSION MAY DENY AN APPLICATION OR REFUSE TO
16 RENEW A PERMIT OF A TOWING CARRIER UNDER THIS PART 4 BASED ON A
17 DETERMINATION THAT THERE IS GOOD CAUSE TO BELIEVE THE ISSUANCE
18 OF OR RENEWAL OF THE PERMIT IS NOT IN THE PUBLIC INTEREST. THE
19 DETERMINATION IS SUBJECT TO APPEAL IN ACCORDANCE WITH
20 COMMISSION RULES.

21 **SECTION 10.** In Colorado Revised Statutes, 40-10.1-403,
22 **amend** (5)(a); and **add** (4)(d)(I)(C), (4)(d)(I)(D), (4)(d)(I)(E),
23 (4)(d)(I)(F), (4)(d)(I)(G), (4)(d)(I)(H), and (5)(c) as follows:

24 **40-10.1-403. Towing task force - creation - rules - repeal.**
25 (4) (d) (I) By December 1 of each year, the commission shall make a
26 report to the house of representatives transportation and local government
27 committee, the house of representatives business affairs and labor

1 committee, the senate business, labor, and technology committee, and the
2 senate transportation and energy committee, or any successor committees.

3 The report must:

4 (C) INCLUDE THE ANALYSIS REQUIRED IN SUBSECTION (5)(C) OF
5 THIS SECTION;

6 (D) INCLUDE THE TASK FORCE'S DEFINITION OF CONSENSUAL TOW
7 AND NONCONSENSUAL TOW;

8 (E) INCLUDE THE RANGE OF DOLLAR AMOUNTS CONSIDERED WHEN
9 SETTING ALL RATES RELATED TO CHARGES BY TOWING CARRIERS FOR
10 NONCONSENSUAL TOWS, INCLUDING INFORMATION CONSIDERED FOR THE
11 MINIMUM AND MAXIMUM RATES FOR ALL FEES CHARGED, THE FORMULAS
12 FOR DETERMINING THE ACTUAL COST AND MARKET RATE FOR THE FINAL
13 FEES SET FOR ALL RATES, A SUMMARY OF ANY PUBLIC COMMENT OR
14 FEEDBACK PROVIDED RELATED TO THE RATES SET, AND ANY OTHER
15 INFORMATION THE TASK FORCE TOOK INTO CONSIDERATION WHEN
16 ESTABLISHING ALL RATES;

17 (F) INCLUDE THE TIMES, INCLUDING THE SHORTEST, MEAN,
18 MEDIAN, MODE, AND LONGEST, TO SETTLE COMPLAINTS MADE TO THE
19 COMMISSION;

20 (G) INCLUDE THE CATEGORIES OF COMPLAINTS AND THE NUMBER
21 OF COMPLAINTS IN EACH CATEGORY; AND

22 (H) INCLUDE A LIST OF THE TOWING CARRIERS THAT HAVE BEEN
23 ISSUED A PERMIT, THE NUMBER OF VALID COMPLAINTS AGAINST EACH
24 CARRIER, AND THE ACTION TAKEN BY THE COMMISSION IN RESPONSE TO
25 EACH VALID COMPLAINT.

26 (5) The task force has the following duties and powers:

27 (a) To make comprehensive recommendations to the commission

1 about the maximum rates that may be charged for the recovery, towing,
2 and storage of a vehicle that has been towed without the owner's consent.
3 The task force shall make comprehensive recommendations to the
4 commission about the maximum rates after July 1, 2022, but no later than
5 ~~September 1, 2022~~ November 1, 2022.

6 (c) TO ANALYZE AND MAKE RECOMMENDATIONS TO THE
7 COMMISSION ABOUT NONCONSENSUAL TOWING RATES CHARGED TO THE
8 PUBLIC. IN ANALYZING NONCONSENSUAL RATES, THE TASK FORCE SHALL
9 TAKE INTO ACCOUNT CURRENT CONSENSUAL TOWING MARKET RATES AND
10 THEIR RELATIONSHIP TO NONCONSENSUAL TOWING RATES.

11 **SECTION 11.** In Colorado Revised Statutes, **add** 40-10.1-405,
12 40-10.1-406, 40-10.1-407, 40-10.1-408, 40-10.1-409, and 40-10.1-410 as
13 follows:

14 **40-10.1-405. Nonconsensual tows - rights of owners, operators,**
15 **and lienholders - rules. (1) Towing fees. (a) TOWING CARRIERS SHALL**
16 **PROMINENTLY DISPLAY AT THEIR PLACE OF BUSINESS AND ON ANY**
17 **WEBSITE OF THE TOWING CARRIER THE CURRENT MAXIMUM RATES**
18 **PERMITTED BY RULE OF THE COMMISSION FOR EACH TOW SERVICE**
19 **PROVIDED BY THE TOWING CARRIER. THE SIGN MUST INCLUDE THE**
20 **FOLLOWING STATEMENT: "THE MAXIMUM PERMITTED RATE IS BASED UPON**
21 **RULES OF THE PUBLIC UTILITIES COMMISSION, AND IF THERE ARE**
22 **CONCERNS OR QUESTIONS ABOUT THESE RATES OR THE TOWING CARRIER,**
23 **THEN CALL THE PUBLIC UTILITIES COMMISSION CONSUMER AFFAIRS**
24 **HOTLINE AT 303-894-2070.**

25 (b) (I) A TOWING CARRIER SHALL ACCEPT:
26 (A) CASH;
27 (B) MAJOR CREDIT CARDS; AND

1 (C) OTHER FORMS OF PAYMENT REQUIRED BY RULE OF THE
2 COMMISSION.

3 (II) THE COMMISSION SHALL PROMULGATE A RULE DEFINING WHAT
4 QUALIFIES AS A MAJOR CREDIT CARD FOR THE PURPOSES OF THIS
5 SUBSECTION (1)(b).

6 (c) A TOWING CARRIER SHALL NOT:

7 (I) CHARGE STORAGE FEES FOR ANY TWENTY-FOUR-HOUR PERIOD
8 DURING WHICH THE TOWING CARRIER DID NOT STORE THE VEHICLE, BUT
9 THE TOWING CARRIER MAY CHARGE, IN ACCORDANCE WITH SECTION
10 42-4-2103 (3)(c), A PRORATED FEE FOR ANY PART OF A
11 TWENTY-FOUR-HOUR PERIOD THE TOWING CARRIER STORED THE VEHICLE;
12 AND

13 (II) CHARGE OR RETAIN ANY FEES NOT IDENTIFIED IN THE RULES OF
14 THE COMMISSION FOR THE NONCONSENSUAL TOW OF A VEHICLE FROM
15 PRIVATE PROPERTY.

16 (2) **Towing carrier document vehicle's condition and reason**
17 **for tow - adequate illumination.** (a) BEFORE A TOWING CARRIER
18 CONNECTS A TOWING VEHICLE TO A VEHICLE WITHOUT CONSENT, THE
19 TOWING CARRIER SHALL DOCUMENT THE VEHICLE'S CONDITION AND THE
20 REASON FOR THE TOW BY:

21 (I) TAKING AT LEAST FOUR PHOTOGRAPHS OF THE VEHICLE, WITH
22 AT LEAST ONE PHOTOGRAPH TAKEN FROM THE FRONT, ONE PHOTOGRAPH
23 TAKEN FROM THE REAR, ONE PHOTOGRAPH TAKEN FROM THE DRIVER'S
24 SIDE, AND ONE PHOTOGRAPH TAKEN FROM THE PASSENGER'S SIDE. THESE
25 PHOTOGRAPHS MUST:

26 (A) SHOW THE ENTIRE VEHICLE FROM THE REQUIRED ANGLE;

27 (B) HAVE THE VEHICLE FILL AT LEAST THREE-FOURTHS OF THE

1 PHOTOGRAPH, MEASURED FROM SIDE TO SIDE; AND

2 (C) BE RENDERED IN A RESOLUTION OF AT LEAST TWO THOUSAND
3 PIXELS BY AT LEAST TWO THOUSAND PIXELS.

4 (II) TAKING A PHOTOGRAPH THAT SHOWS THE REASON FOR THE
5 VEHICLE BEING TOWED WITHOUT CONSENT. THE PHOTOGRAPH MUST:

6 (A) SHOW THE POSITION OF THE VEHICLE IN RELATION TO THE
7 REASON, INCLUDING ANY SIGN, THAT THE VEHICLE WAS TOWED; AND

8 (B) BE RENDERED IN A RESOLUTION OF AT LEAST TWO THOUSAND
9 PIXELS BY AT LEAST TWO THOUSAND PIXELS.

10 (b) UPON DEMAND BY AN AUTHORIZED OR INTERESTED PERSON,
11 THE TOWING CARRIER SHALL PROVIDE COPIES OF THE PHOTOGRAPHS
12 REQUIRED TO BE TAKEN PURSUANT TO SUBSECTION (2)(a)(I) OR (2)(a)(II)
13 OF THIS SECTION.

14 (c) (I) A REBUTTABLE PRESUMPTION THAT A TOWING CARRIER
15 DAMAGED A VEHICLE IS CREATED BY EVIDENCE THAT:

16 (A) THE TOWING CARRIER HAS FAILED TO PRODUCE PHOTOGRAPHS
17 OF THE VEHICLE'S CONDITION IN COMPLIANCE WITH SUBSECTION (2)(b) OF
18 THIS SECTION; AND

19 (B) A VEHICLE HAS SUFFERED DAMAGE.

20 (II) A TOWING CARRIER'S FAILURE TO PRODUCE A PHOTOGRAPH OF
21 THE REASON FOR THE TOW IN COMPLIANCE WITH SUBSECTION (2)(b) OF
22 THIS SECTION CREATES A REBUTTABLE PRESUMPTION THAT THE TOWING
23 CARRIER DID NOT HAVE AUTHORIZATION TO TOW A VEHICLE.

24 (d) DURING BUSINESS HOURS OR WHEN A VEHICLE IS BEING
25 RELEASED, A TOWING CARRIER SHALL MAINTAIN AN AREA AT EACH
26 STORAGE FACILITY WITH LIGHTING THAT IS ADEQUATE TO ALLOW A
27 PERSON TO INSPECT A VEHICLE FOR DAMAGE PRIOR TO ITS RELEASE FROM

1 STORAGE.

2 (3) **Authorization and notice required for tows from private**
3 **property.** (a) A TOWING CARRIER SHALL NOT NONCONSENSUALLY TOW

4 A VEHICLE FROM PRIVATE PROPERTY UNLESS:

5 (I) THE VEHICLE IS BEING REPOSSESSED BY A CREDITOR WITH A
6 LIEN OR SECURITY INTEREST IN THE VEHICLE;

7 (II) THE REMOVAL IS EXPRESSLY ORDERED OR AUTHORIZED BY A
8 COURT ORDER, AN ADMINISTRATIVE ORDER, OR A PEACE OFFICER OR BY
9 OPERATION OF LAW;

10 (III) THE VEHICLE BLOCKS A DRIVEWAY OR ROADWAY ENOUGH TO
11 EFFECTIVELY OBSTRUCT A PERSON'S ACCESS TO THE DRIVEWAY OR
12 ROADWAY; OR

13 (IV) THE TOWING CARRIER HAS RECEIVED PERMISSION TO TOW THE
14 VEHICLE, WITHIN THE TWENTY-FOUR HOURS IMMEDIATELY PRECEDING THE
15 TOW, FROM:

16 (A) THE OWNER OF OR LEASE HOLDER OF THE PRIVATE PROPERTY;

17 (B) A PERSON SUBJECT TO THE "COLORADO COMMON INTEREST
18 OWNERSHIP ACT", ARTICLE 33.3 OF TITLE 38, IF THE PRIVATE PROPERTY
19 IS LOCATED WITHIN THE BOUNDARIES OF THE PERSON'S AREA OF
20 OPERATION; OR

21 (C) AN AGENT OF A PERSON DESCRIBED IN SUBSECTION
22 (3)(a)(IV)(A) OR (3)(a)(IV)(B) OF THIS SECTION; EXCEPT THAT THE
23 TOWING CARRIER DOES NOT QUALIFY AS AN AGENT WITH AUTHORITY TO
24 GRANT PERMISSION UNDER THIS SUBSECTION (3)(a).

25 (b) (I) EXCEPT AS PROVIDED IN SUBSECTION (3)(b)(IV) OF THIS
26 SECTION, A TOWING CARRIER SHALL NOT NONCONSENSUALLY TOW A
27 VEHICLE FROM A PARKING SPACE OR COMMON PARKING AREA WITHOUT

1 THE TOWING CARRIER OR PROPERTY OWNER GIVING THE VEHICLE OWNER
2 OR OPERATOR TWENTY-FOUR HOURS' WRITTEN NOTICE, UNLESS:

3 (A) THE VEHICLE OWNER OR OPERATOR HAS RECEIVED TWO
4 PREVIOUS NOTICES FOR PARKING INAPPROPRIATELY IN THE SAME MANNER;

5 (B) THE VEHICLE IS BEING REPOSSESSED BY A CREDITOR WITH A
6 LIEN OR SECURITY INTEREST IN THE VEHICLE;

7 (C) THE REMOVAL IS EXPRESSLY ORDERED OR AUTHORIZED BY A
8 COURT ORDER, AN ADMINISTRATIVE ORDER, OR A PEACE OFFICER OR BY
9 OPERATION OF LAW; [REDACTED]

10 (D) THE VEHICLE BLOCKS A DRIVEWAY OR ROADWAY ENOUGH TO
11 EFFECTIVELY OBSTRUCT A PERSON'S ACCESS TO THE DRIVEWAY OR
12 ROADWAY;

13 (E) THE VEHICLE IS PARKED IN VIOLATION OF SECTION 42-4-1208
14 (4) OR IN RESERVED PARKING FOR PEOPLE WITH DISABILITIES WITHOUT
15 DISPLAYING AN IDENTIFYING PLACARD OR AN IDENTIFYING PLATE, AS
16 THOSE TERMS ARE DEFINED IN SECTION 42-3-204 (1)(f) AND (1)(g), THAT
17 IS CURRENTLY VALID OR HAS BEEN EXPIRED FOR NO MORE THAN SIXTY
18 DAYS;

19 (F) THE VEHICLE IS PARKED IN OR EFFECTIVELY OBSTRUCTING A
20 DESIGNATED AND MARKED FIRE ZONE;

21 (G) THE VEHICLE IS OCCUPYING WITHOUT PERMISSION OR
22 EFFECTIVELY OBSTRUCTING ACCESS TO OR FROM AN INDIVIDUALLY
23 DESIGNATED, RENTED, OR PURCHASED PARKING SPACE OF A RESIDENT; OR

24 (H) THE VEHICLE IS PARKED WITHOUT DISPLAYING VALID
25 AUTHORIZATION IN A PARKING LOT MARKED FOR THE EXCLUSIVE USE OF
26 RESIDENTS.

27 (II) THE TOWING CARRIER OR PROPERTY OWNER SHALL PROVIDE

1 THE NOTICE DESCRIBED IN SUBSECTION (3)(b)(I) OF THIS SECTION BY
2 PLACING A WRITTEN NOTICE ON THE WINDSHIELD OF THE VEHICLE AT
3 LEAST TWENTY-FOUR HOURS BEFORE TOWING THE VEHICLE.

4 (III) THE NOTICE MUST STATE CLEARLY:

5 (A) THAT THE VEHICLE WILL BE TOWED WITHOUT CONSENT IF THE
6 VEHICLE REMAINS PARKED INAPPROPRIATELY;

7 (B) A DESCRIPTION OF THE INAPPROPRIATE PARKING THAT HAS
8 CAUSED THE NOTICE TO BE GIVEN;

9 (C) THE TIME THE VEHICLE WILL BE TOWED IF IT IS NOT MOVED TO
10 APPROPRIATE PARKING OR THE INAPPROPRIATE PARKING HAS BEEN
11 CORRECTED; AND

12 (D) THAT CONTINUING TO PARK INAPPROPRIATELY IN THE SAME
13 MANNER MAY LEAD TO THE VEHICLE BEING TOWED WITHOUT NOTICE.

14 (IV) IF THE VEHICLE IS PARKED A THIRD OR SUBSEQUENT TIME IN
15 THE SAME INAPPROPRIATE MANNER THAT CAUSED IT TO RECEIVE PREVIOUS
16 NOTICES, THE TOWING CARRIER OR PROPERTY OWNER NEED NOT GIVE THE
17 NOTICE REQUIRED IN SUBSECTION (3)(b)(I) OF THIS SECTION BEFORE
18 TOWING THE VEHICLE.

19 (V) FOR PURPOSES OF THIS SUBSECTION (3)(b), A VEHICLE IS
20 PARKED INAPPROPRIATELY WHEN IT IS PARKED IN A MANNER THAT:

21 (A) VIOLATES THE PROCEDURES NECESSARY TO OBTAIN
22 AUTHORIZATION TO PARK IN THE LOT OR SPACE;

23 (B) FAILS TO COMPLY WITH THE PROPERTY OWNER'S SIGNS OR THE
24 AGREEMENTS OF THE TENANTS; OR

25 (C) VIOLATES A STATUTE, RULE, ORDINANCE, OR RESOLUTION OF
26 THE STATE OR A POLITICAL SUBDIVISION OF THE STATE.

27 (c) IN ORDER FOR A TOWING CARRIER TO CONDUCT A

1 NONCONSENSUAL TOW UNDER SUBSECTION (3)(b)(I)(G) OR (3)(b)(I)(H) OF
2 THIS SECTION, THE PROPERTY OWNER MUST HAVE POSTED SIGNAGE VISIBLE
3 AND FACING THE DRIVER AT EACH ENTRY WAY INTO A PARKING AREA
4 INDICATING THAT PARKING SPACES ARE DESIGNATED FOR ONE OR MORE
5 SPECIFIED RESIDENTS AND THAT A VEHICLE PARKED WITHOUT
6 AUTHORIZATION IS SUBJECT TO BEING TOWED. THE SIGN MUST ALSO
7 CONTAIN THE INTERNATIONAL TOWING SYMBOL NO SMALLER THAN FOUR
8 INCHES BY FOUR INCHES AND BE PERMANENTLY MOUNTED IN A POSITION
9 THAT IS NO LOWER THAN FIVE FEET AND NO HIGHER THAN EIGHT FEET.

10

11 (4) **Notice, disclosures, and signs.** (a) IN CONNECTION WITH A
12 NONCONSENSUAL TOW, THE TOWING CARRIER SHALL PROVIDE, UPON
13 REQUEST, EVIDENCE OF THE TOWING CARRIER'S COMMERCIAL LIABILITY
14 INSURANCE COVERAGE, INCLUDING CARGO LIABILITY COVERAGE, GARAGE
15 KEEPER'S LIABILITY COVERAGE, IF APPLICABLE, AND MOTOR VEHICLE
16 LIABILITY COVERAGE, TO AN AUTHORIZED OR INTERESTED PERSON.

17 (b) A TOWING CARRIER SHALL MAINTAIN A CLEARLY VISIBLE SIGN
18 AT THE ENTRANCE TO THE STORAGE FACILITY HOLDING A
19 NONCONSENSUALLY TOWED VEHICLE. THE SIGN MUST:

20 (I) STATE THE NAME OF THE BUSINESS, TELEPHONE NUMBER, AND
21 HOURS OF OPERATION;

22 (II) STATE: "IF A VEHICLE IS NONCONSENSUALLY TOWED FROM
23 PRIVATE PROPERTY, THE OWNER MAY RETRIEVE THE CONTENTS OF THE
24 VEHICLE EVEN IF THE OWNER DOES NOT PAY THE TOWING CARRIER'S FEES.
25 IF THE OWNER FILLS OUT THE APPROPRIATE FORM, THE OWNER MAY
26 RETRIEVE THE VEHICLE AFTER PAYING A REDUCED FEE, BUT THE OWNER
27 STILL OWES THE TOWING CARRIER THE BALANCE OF THOSE FEES."

- 1 (III) BE NO LESS THAN TWO SQUARE FEET IN SIZE;
- 2 (IV) HAVE LETTERING NOT LESS THAN TWO INCHES IN HEIGHT;
- 3 (V) HAVE LETTERING THAT CONTRASTS SHARPLY IN COLOR WITH
- 4 THE BACKGROUND ON WHICH THE LETTERS ARE PLACED; AND
- 5 (VI) BE PRINTED IN ENGLISH.

6 (c) UPON REQUEST, A TOWING CARRIER SHALL PROVIDE TO AN
7 AUTHORIZED OR INTERESTED PERSON AN ITEMIZED BILL SHOWING EACH
8 CHARGE AND THE RATE FOR EACH FEE THAT THE AUTHORIZED OR
9 INTERESTED PERSON HAS INCURRED AS A RESULT OF A NONCONSENSUAL
10 TOW.

11 (d) UPON REQUEST, A TOWING CARRIER SHALL DISCLOSE ACCEPTED
12 FORMS OF PAYMENT, INCLUDING THOSE REQUIRED TO BE ACCEPTED IN
13 ACCORDANCE WITH SUBSECTION (1)(b) OF THIS SECTION.

14 (e) IF A TOWING CARRIER HAS NONCONSENSUALLY TOWED A
15 VEHICLE FROM PRIVATE PROPERTY, THE TOWING CARRIER SHALL GIVE THE
16 AUTHORIZED OR INTERESTED PERSON THAT IS RETRIEVING THE VEHICLE A
17 WRITTEN NOTICE OF THE PERSON'S ABILITY TO MAKE A COMPLAINT TO THE
18 COMMISSION. THE NOTICE:

19 (I) MUST BE WRITTEN IN A CONSPICUOUS TYPE FACE AND FONT ON
20 THE INVOICE, THE RECEIPT, AND THE BILL FOR THE TOW; AND

21 (II) MUST NOT BE IN A TYPE FACE OR FONT THAT IS SMALLER THAN
22 THE OTHER NUMBERS OR WORDS ON THE RECEIPT OR BILL, AS APPLICABLE.

23 (f) (I) A TOWING CARRIER SHALL NOT PERFORM A
24 NONCONSENSUAL TOW OF A VEHICLE, OTHER THAN AN ABANDONED
25 MOTOR VEHICLE AS DEFINED IN SECTION 42-4-2102 (1), FROM PRIVATE
26 PROPERTY NORMALLY USED FOR PARKING UNLESS:

27 (A) NOTICE OF THE PARKING REGULATIONS WAS PROVIDED TO THE

1 VEHICLE OPERATOR WHEN THE VEHICLE ENTERED THE PRIVATE PROPERTY
2 AND PARKED; AND

3 (B) NOTICE THAT ANY VEHICLE PARKED IN VIOLATION OF THE
4 REGULATIONS IS SUBJECT TO TOW AT THE VEHICLE OWNER'S EXPENSE WAS
5 PROVIDED TO THE VEHICLE OPERATOR WHEN THE VEHICLE ENTERED THE
6 PRIVATE PROPERTY AND PARKED.

7 (II) A PROPERTY OWNER WITH TENANTS SHALL PROVIDE THE
8 NOTICE DESCRIBED IN THIS SUBSECTION (4)(f) BY ISSUING EACH TENANT
9 A WRITTEN DOCUMENT CONTAINING ANY APPLICABLE PARKING
10 REGULATIONS BEFORE THE REGULATIONS ARE ADOPTED OR AMENDED OR
11 BEFORE THE PERSON AGREES TO BE A TENANT.

12 (III) A TOWING CARRIER THAT ENTERS INTO AN AGREEMENT WITH
13 A PROPERTY OWNER TO NONCONSENSUALLY TOW VEHICLES FROM THE
14 PROPERTY SHALL POST SIGNS THAT:

15 (A) ARE NO LESS THAN ONE SQUARE FOOT IN SIZE;

16 (B) HAVE LETTERING NOT LESS THAN ONE INCH IN HEIGHT;

17 (C) HAVE LETTERING THAT CONTRASTS WITH THE BACKGROUND
18 ON WHICH THE LETTERS ARE PLACED;

19 (D) STATE: "AUTHORIZED PARKING ONLY";

20 (E) INCLUDE THE NAME AND TELEPHONE NUMBER OF THE TOWING
21 CARRIER AUTHORIZED TO PERFORM TOWS FROM THE PRIVATE PROPERTY;

22 (F) ARE PRINTED IN ENGLISH;

23 (G) ARE PLACED AT THE ENTRANCE TO THE PRIVATE PROPERTY,
24 FACE OUTWARD TOWARD THE STREET, AND ARE VISIBLE PRIOR TO
25 ENTERING AND UPON ENTERING THE PRIVATE PROPERTY;

26 (H) ARE PLACED INSIDE THE AREA USED FOR PARKING, FACE
27 TOWARD THE PARKING SPACES, AND, IF THE PRIVATE PROPERTY IS NOT

1 PROVIDED FOR RESIDENTIAL PARKING AND HAS MORE THAN TEN
2 FREESTANDING LAMPPOSTS ON THE PROPERTY, ARE POSTED ON EACH
3 LAMPPOST OR POSTED UPRIGHT NEAR EACH LAMPPOST;

4 (I) ARE NOT OBSTRUCTED OR PLACED IN SUCH A MANNER THAT
5 PREVENTS VISIBILITY; AND

6 (J) ARE NOT PLACED HIGHER THAN EIGHT FEET OR LOWER THAN
7 THREE FEET FROM THE GROUND SURFACE CLOSEST TO THE SIGN'S
8 PLACEMENT.

9 (g) THE TOWING CARRIER SHALL RETAIN EVIDENCE, INCLUDING
10 PHOTOGRAPHS OF THE RELEVANT SIGNS, OF GIVING THE NOTICES AND
11 DISCLOSURES REQUIRED IN SUBSECTION (4)(f) OF THIS SECTION FOR THREE
12 YEARS AFTER THE DATE OF COMPLETION OF A NONCONSENSUAL TOW AND
13 PROVIDE THE EVIDENCE TO THE COMMISSION OR AN ENFORCEMENT
14 OFFICIAL UPON REQUEST.

15 (5) **No mechanic's liens on vehicle or contents.**

16 (a) NOTWITHSTANDING SECTION 38-20-105, A TOWING CARRIER THAT
17 NONCONSENSUALLY TOWS A VEHICLE DOES NOT HAVE A MECHANIC'S LIEN
18 ON THE CONTENTS OF THE VEHICLE TO COVER THE COST OF TOWING THE
19 VEHICLE.

20 (b) IF AN AUTHORIZED OR INTERESTED PERSON REQUESTS THAT A
21 TOWING CARRIER RETURN THE CONTENTS OF A VEHICLE THAT WAS
22 TOWED WITHOUT CONSENT WITHIN THIRTY DAYS AFTER THE POSTMARKED
23 DATE THE NOTICE WAS MAILED IN ACCORDANCE WITH SECTION 42-4-2103
24 (4) OR THE DATE THE OPERATOR RECEIVED NOTICE THAT NO RECORD
25 EXISTS FOR THE MOTOR VEHICLE, THE TOWING CARRIER SHALL
26 IMMEDIATELY RETRIEVE OR ALLOW THE AUTHORIZED OR INTERESTED
27 PERSON TO RETRIEVE THE VEHICLE'S CONTENTS. THIS SUBSECTION (5)(b)

1 DOES NOT APPLY TO THE CONTENTS OF A VEHICLE IF THE CONTENTS
2 OF THE VEHICLE ARE SUBJECT TO A HOLD ORDER ISSUED BY A COURT,
3 DISTRICT ATTORNEY, LAW ENFORCEMENT AGENCY, OR PEACE OFFICER.

4 (c) THE TOWING CARRIER SHALL IMMEDIATELY RETRIEVE A
5 VEHICLE THAT HAS BEEN NONCONSENSUALLY TOWED OR ALLOW THE
6 OWNER TO RETRIEVE THE VEHICLE IF:

7 (I) THE OWNER PAYS FIFTEEN PERCENT OF THE FEES, NOT TO
8 EXCEED SIXTY DOLLARS, OWED THE TOWING CARRIER FOR THE
9 NONCONSENSUAL TOW; AND

10 (II) THE AUTHORIZED OR INTERESTED PERSON IS NOT A
11 LIENHOLDER OR INSURANCE COMPANY.

12 (d) FOR AN AUTHORIZED OR INTERESTED PERSON TO RETRIEVE A
13 VEHICLE WITHOUT PAYING THE TOWING CARRIER THE TOTAL AMOUNT
14 OWED TO THE TOWING CARRIER, THE AUTHORIZED OR INTERESTED PERSON
15 MUST SIGN A FORM AFFIRMING THAT THE AUTHORIZED OR INTERESTED
16 PERSON OWES THE TOWING CARRIER PAYMENT FOR FEES THAT COMPLY
17 WITH THIS ARTICLE 10.1, PART 21 OF ARTICLE 4 OF TITLE 42, OR ARTICLE
18 20 OF TITLE 38. KNOWINGLY PROVIDING FALSE INFORMATION ON THE
19 FORM IS UNLAWFUL. SIGNING THIS FORM DOES NOT PROHIBIT A VEHICLE
20 OWNER FROM FILING A COMPLAINT WITH THE COMMISSION OR PURSUING
21 OTHER REMEDIES. THE TOWING CARRIER MAY USE THE FORM TO TAKE
22 REASONABLE ACTIONS TO COLLECT THE DEBT, INCLUDING INITIATING A
23 COURT ACTION OR USING A COLLECTION AGENCY. THE DEPARTMENT
24 SHALL:

25 (I) CREATE THE FORM;

26 (II) GIVE THE FORM THE FOLLOWING TITLE: "TOWED VEHICLE
27 RELEASE NOTICE: RETRIEVAL WITH PAYMENT OWED"; AND

1 (III) PROVIDE THE FORM ON THE PUBLIC UTILITIES COMMISSION
2 WEBSITE FOR TOWING CARRIERS TO RETRIEVE AND USE.

3 (6) **Releasing the vehicle upon request.** (a) A TOWING CARRIER
4 SHALL RELEASE A NONCONSENTUALLY TOWED VEHICLE IN ACCORDANCE
5 WITH SUBSECTION (5)(c) OF THIS SECTION.

6 (b) A TOWING CARRIER SHALL NOT ASSESS A DROP CHARGE TO
7 RELEASE THE VEHICLE AFTER THE VEHICLE IS HOOKED UP TO THE TOW
8 TRUCK BUT BEFORE THE VEHICLE IS REMOVED FROM THE PROPERTY.

9 (c) IF APPROACHED BY AN AUTHORIZED OR INTERESTED PERSON
10 BEFORE THE VEHICLE IS REMOVED FROM PRIVATE PROPERTY, THE TOWING
11 CARRIER SHALL NOTIFY THE AUTHORIZED OR INTERESTED PERSON THAT
12 THE TOWING CARRIER IS REQUIRED TO RELEASE THE VEHICLE UPON
13 REQUEST OF THE AUTHORIZED OR INTERESTED PERSON.

14 (d) UPON REQUEST BY THE AUTHORIZED OR INTERESTED PERSON,
15 THE TOWING CARRIER SHALL STOP ANY TOW IN PROGRESS BEFORE THE
16 VEHICLE IS REMOVED FROM PRIVATE PROPERTY.

17 (7) **No towing for expired registration.** UNLESS THE TOW IS
18 BASED ON AN ORDER GIVEN BY A PEACE OFFICER, A TOWING CARRIER
19 SHALL NOT TOW A VEHICLE FROM PRIVATE PROPERTY BECAUSE THE REAR
20 LICENSE PLATE OF THE VEHICLE OR THE RECORD OBTAINED USING THE
21 SYSTEM DESCRIBED IN SECTION 42-4-2103 (3)(c)(III) INDICATES THAT THE
22 VEHICLE'S REGISTRATION HAS EXPIRED.

23 (8) **Towing carrier responsibility.** FOR A NONCONSENSUAL TOW,
24 THE TOWING CARRIER IS RESPONSIBLE FOR THE SECURITY AND SAFETY OF
25 THE TOWED VEHICLE UNTIL IT IS RELEASED TO AN AUTHORIZED OR
26 INTERESTED PERSON.

27 (9) **Applicability.** THIS SECTION DOES NOT APPLY TO:

1 (a) A TOW ORDERED BY A PEACE OFFICER OR TECHNICIAN
2 DIRECTED BY A PEACE OFFICER IN THE COURSE AND SCOPE OF THE
3 OFFICER'S OR TECHNICIAN'S DUTIES; OR

4 (b) A TOW FROM A PARKING SPACE THAT SERVES A BUSINESS IF:
5 (I) THE PARKING SPACE IS NOT IN A COMMON PARKING AREA; AND
6 (II) THE PARKING SPACE IS ON COMMERCIAL REAL ESTATE, AS
7 DEFINED IN SECTION 38-22.5-102 (2).

8
9 **40-10.1-406. Failure to comply. (1) No fees.** (a) IF A TOWING
10 CARRIER FAILS TO COMPLY WITH THIS ARTICLE 10.1, ARTICLE 20 OF TITLE
11 38, OR PART 18 OR 21 OF ARTICLE 4 OF TITLE 42 OR ANY RULE
12 PROMULGATED UNDER THIS ARTICLE 10.1 OR PART 18 OR 21 OF ARTICLE
13 4 OF TITLE 42, THE TOWING CARRIER:

14 (I) SHALL NOT CHARGE OR RETAIN ANY FEES OR CHARGES FOR THE
15 SERVICES PERFORMED WITH RESPECT TO THE VEHICLE; AND

16 (II) SHALL RETURN TO THE AUTHORIZED OR INTERESTED PERSON
17 ANY FEES IT COLLECTED WITH RESPECT TO THE VEHICLE.

18 (b) IT IS AN AFFIRMATIVE DEFENSE IN ANY ACTION TO COLLECT
19 TOWING FEES THAT:

20 (I) THE VEHICLE WAS TOWED NONCONSENSUALLY; AND
21 (II) THE TOWING CARRIER FAILED TO COMPLY WITH SECTION
22 40-10.1-405.

23 (2) **Attorney fees.** AN AUTHORIZED OR INTERESTED PERSON
24 SEEKING REIMBURSEMENT FOR DAMAGES MAY RECOVER FROM THE
25 TOWING CARRIER REASONABLE ATTORNEY FEES IF:

26 (a) THE VEHICLE WAS TOWED NONCONSENSUALLY;
27 (b) A COURT HOLDS THAT:

1 (I) THE TOWING CARRIER FAILED TO COMPLY WITH THIS ARTICLE
2 10.1, ARTICLE 20 OF TITLE 38, OR PART 18 OR 21 OF ARTICLE 4 OF TITLE 42
3 OR ANY RULE PROMULGATED UNDER THIS ARTICLE 10.1 OR PART 18 OR 21
4 OF ARTICLE 4 OF TITLE 42, AND THIS FAILURE CAUSED DAMAGES,
5 INCLUDING ECONOMIC DAMAGES, TO THE VEHICLE OWNER OR
6 LIENHOLDER; OR

7 (II) THE TOWING CARRIER DAMAGED A VEHICLE WHILE
8 CONNECTING IT TO A TOWING VEHICLE, WHILE POSSESSING THE VEHICLE,
9 OR WHILE RETURNING THE VEHICLE TO AN AUTHORIZED OR INTERESTED
10 PERSON; AND

11 (c) THE AUTHORIZED OR INTERESTED PERSON DEMANDED
12 REIMBURSEMENT FOR THE SUFFERED DAMAGES AND THE TOWING CARRIER
13 REFUSED TO REIMBURSE THE AUTHORIZED OR INTERESTED PERSON FOR
14 THE DAMAGES.

15 (3) **Damages recovered for party in interest.** IN A COURT
16 ACTION ARISING FROM A NONCONSENSUAL TOW, ANY AUTHORIZED OR
17 INTERESTED PERSON MAY RECOVER THE DAMAGES SUFFERED BY ANOTHER
18 AUTHORIZED OR INTERESTED PERSON FROM A TOWING CARRIER IF THE
19 PERSON WHO RECOVERS THE DAMAGES REIMBURSES THE OTHER
20 AUTHORIZED OR INTERESTED PERSON FOR THE DAMAGES SUFFERED BY THE
21 AUTHORIZED OR INTERESTED PERSON. A COURT MAY ISSUE AN ORDER
22 IMPLEMENTING THIS SUBSECTION (3).

23 **40-10.1-407. Records.** (1) A TOWING CARRIER SHALL RECORD
24 THE FOLLOWING INFORMATION FOR EACH NONCONSENSUAL TOW:

- 25 (a) THE UNIQUE SERIAL NUMBER OF THE TOW RECORD OR INVOICE;
- 26 (b) THE NAME, ADDRESS, TOWING CARRIER PERMIT NUMBER, AND
27 TELEPHONE NUMBER OF THE TOWING CARRIER;

1 (c) THE ADDRESS AND TELEPHONE NUMBER OF THE STORAGE
2 FACILITY USED BY THE TOWING CARRIER;

3 (d) THE MAKE, MODEL, YEAR, COMPLETE VEHICLE IDENTIFICATION
4 NUMBER, AND LICENSE PLATE NUMBER, IF AVAILABLE, OF THE TOWED
5 VEHICLE;

6 (e) THE ORIGIN ADDRESS OF THE TOW, THE DESTINATION ADDRESS
7 OF THE TOW, AND THE ONE-WAY MILEAGE BETWEEN THE TWO ADDRESSES;

8 (f) THE PRINTED NAME, ADDRESS, TELEPHONE NUMBER, AND
9 SIGNATURE OF THE PERSON AUTHORIZING THE TOW;

10 (g) THE PRINTED NAME AND SIGNATURE OF THE TOW TRUCK
11 DRIVER;

12 (h) AN ITEMIZED INVOICE OF ALL TOWING CHARGES ASSESSED;

13 (i) THE SIGNATURE OF THE PERSON TO WHOM THE VEHICLE IS
14 RELEASED; EXCEPT THAT THE TOWING CARRIER MAY WRITE "REFUSED TO
15 SIGN" IF THE PERSON TO WHOM THE VEHICLE IS RELEASED REFUSES TO SIGN
16 THE RELEASE DOCUMENT; ■■■

17 (j) THE DATE AND TIME OF ANY OF THE FOLLOWING, IF PERFORMED:

18 (I) HOOKING THE VEHICLE TO THE TOW TRUCK;

19 (II) UNHOOKING THE VEHICLE FROM THE TOW TRUCK;

20 (III) COMPLETING THE TOW;

21 (IV) NOTIFYING THE APPROPRIATE LAW ENFORCEMENT AGENCY;

22 (V) PLACING THE VEHICLE IN STORAGE; AND

23 (VI) RELEASING THE TOWED VEHICLE FROM STORAGE; AND

24 (k) ANY OTHER INFORMATION REQUIRED BY RULE OF THE
25 COMMISSION.

26 (2) A TOWING CARRIER SHALL RECORD THE INFORMATION
27 REQUIRED TO BE RECORDED BY SUBSECTION (1) OF THIS SECTION BEFORE

1 THE ACTION TO WHICH IT REFERS IS PERFORMED, UNLESS IMPRACTICABLE
2 DUE TO SAFETY CONCERNS. IF THE SAFETY CONCERNS DELAY RECORDING
3 THE INFORMATION REQUIRED BY SUBSECTION (1) OF THIS SECTION, THE
4 TOWING CARRIER SHALL RECORD THE INFORMATION AS SOON AS
5 REASONABLY POSSIBLE.

6 (3) A TOWING CARRIER SHALL RETAIN THE INFORMATION
7 REQUIRED IN SUBSECTION (1) OF THIS SECTION FOR THREE YEARS AFTER
8 THE TOW COMMENCED.

9 (4) WITHIN FORTY-EIGHT HOURS AFTER A REQUEST, A TOWING
10 CARRIER SHALL PROVIDE THE INFORMATION REQUIRED TO BE RECORDED
11 BY SUBSECTION (1) OF THIS SECTION TO AN AUTHORIZED OR INTERESTED
12 PERSON.

13 **40-10.1-408. Kickbacks prohibited.** A TOWING CARRIER SHALL
14 NOT PAY MONEY OR OTHER VALUABLE CONSIDERATION FOR THE
15 PRIVILEGE OF NONCONSENSUALLY TOWING VEHICLES.

16 **40-10.1-409. Violators subject to penalties.** (1) A TOWING
17 CARRIER THAT VIOLATES THIS PART 4 IS SUBJECT TO THE PENALTIES
18 PROVIDED IN SECTION 40-10.1-114.

19 (2) A VIOLATION OF THIS PART 4 IS A DECEPTIVE TRADE PRACTICE
20 UNDER SECTION 6-1-105 (1)(ooo) AND IS SUBJECT TO ENFORCEMENT BY
21 THE ATTORNEY GENERAL'S OFFICE IN ADDITION TO THE ENFORCEMENT
22 DESCRIBED IN THIS SECTION.

23
24 **40-10.1-410. Towing rules.** UPON MAKING A FINDING THAT A
25 TOWING PRACTICE HARMS THE PUBLIC INTEREST, THE COMMISSION MAY
26 PROMULGATE RULES, AS NECESSARY, TO STOP OR CHANGE THE TOWING
27 PRACTICE THAT HARMS THE PUBLIC INTEREST.

1 **SECTION 12.** In Colorado Revised Statutes, 6-1-105, **add**
2 (1)(ooo) as follows:

3 **6-1-105. Unfair or deceptive trade practices.** (1) A person
4 engages in a deceptive trade practice when, in the course of the person's
5 business, vocation, or occupation, the person:

6 (ooo) VIOLATES PART 4 OF ARTICLE 10.1 OF TITLE 40.

7 **SECTION 13.** In Colorado Revised Statutes, **amend** 38-20-105
8 as follows:

9 **38-20-105. Lien of common carrier.** (1) EXCEPT AS PROVIDED
10 IN SUBSECTION (2) OF THIS SECTION, every common carrier of goods or
11 passengers who, at the request of the owner of any personal goods,
12 carries, conveys, or transports the same from one place to another and
13 every other person who safely keeps or stores any personal property at the
14 request of the owner or person lawfully in possession ~~thereof shall have~~
15 OF THE PERSONAL PROPERTY HAS a lien upon ~~all such~~ THE personal
16 property for ~~his~~ reasonable charges for the transportation, storage, or
17 keeping ~~thereof~~ OF THE PERSONAL PROPERTY and for all reasonable and
18 proper advances made ~~thereon~~ by ~~him~~ THE COMMON CARRIER OR
19 WAREHOUSE, in accordance with the usage and custom of common
20 carriers and ~~warehousemen~~ WAREHOUSES.

21 (2) IN ACCORDANCE WITH SECTION 40-10.1-405 (5)(a), THIS
22 SECTION DOES NOT GRANT A TOWING CARRIER A LIEN ON [REDACTED] THE
23 CONTENTS OF A VEHICLE IF THE VEHICLE WAS TOWED NONCONSENSUALLY,
24 AS DEFINED IN SECTION 40-10.1-101 (13).

25 **SECTION 14. Appropriation.** (1) For the 2022-23 state fiscal
26 year, \$109,475 is appropriated to the department of regulatory agencies
27 for use by the public utilities commission. This appropriation is from the

1 public utilities commission motor carrier fund created in section
2 40-2-110.5 (6), C.R.S. To implement this act, the commission may use
3 this appropriation as follows:

4 (a) \$85,981 for personal services, which amount is based on an
5 assumption that the commission will require an additional 1.4 FTE;

6 (b) \$17,761 for operating expenses; and

7 (c) \$5,733 for the purchase of vehicle lease services.

8 (2) For the 2022-23 state fiscal year, \$5,733 is appropriated to the
9 department of personnel. This appropriation is from reappropriated funds
10 received from the department of regulatory agencies under subsection
11 (1)(c) of this section. To implement this act, the department of personnel
12 may use this appropriation for vehicle replacement lease/purchase
13 services to the department of regulatory agencies.

14 **SECTION 15. Act subject to petition - effective date.** This act
15 takes effect at 12:01 a.m. on the day following the expiration of the
16 ninety-day period after final adjournment of the general assembly; except
17 that, if a referendum petition is filed pursuant to section 1 (3) of article V
18 of the state constitution against this act or an item, section, or part of this
19 act within such period, then the act, item, section, or part will not take
20 effect unless approved by the people at the general election to be held in
21 November 2022 and, in such case, will take effect on the date of the
22 official declaration of the vote thereon by the governor.