

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Finance.

HB24-1051 be amended as follows:

1 Strike the Transportation, Housing and Local Government Committee  
2 Report, dated February 6, 2024, and substitute:

3 "Amend printed bill, strike everything below the enacting clause and  
4 substitute:

5 "SECTION 1. In Colorado Revised Statutes, 40-10.1-401, **amend**  
6 (2) as follows:

7 **40-10.1-401. Permit requirements - rules.** (2) (a) (I) The  
8 commission may deny an application FOR or SUSPEND, REVOKE, OR refuse  
9 to renew a permit under this part 4 of a person ~~who~~ THAT has, within the  
10 immediately preceding five years, been convicted of, or pled guilty or  
11 nolo contendere to, a felony or a towing-related offense. The commission  
12 may also deny an application under this part 4 or SUSPEND, REVOKE, OR  
13 refuse to renew the permit of a towing carrier based upon a determination  
14 that the towing carrier or any of its owners, principals, officers, members,  
15 partners, or directors has not satisfied a civil penalty arising out of ~~any~~ AN  
16 administrative or enforcement action brought by the commission.

17 (II) A TOWING CARRIER THAT APPLIES FOR A PERMIT OR THAT  
18 APPLIES TO RENEW A PERMIT SHALL DISCLOSE TO THE COMMISSION EACH  
19 PERSON THAT IS IDENTIFIED AS A PRINCIPAL IN ACCORDANCE WITH RULES  
20 PROMULGATED BY THE COMMISSION.

21 (b) The commission may deny an application FOR or SUSPEND,  
22 REVOKE, OR refuse to renew a permit of a towing carrier under this part  
23 4 based on a determination that ~~there is good cause to believe the issuance~~  
24 ~~of or renewal of the permit~~ IT is not in the public interest FOR THE TOWING  
25 CARRIER TO POSSESS A PERMIT. The determination is subject to appeal in  
26 accordance with commission rules. IT IS REBUTTABLY PRESUMED THAT A  
27 TOWING CARRIER'S POSSESSION OF A PERMIT IS NOT IN THE PUBLIC  
28 INTEREST IF THE TOWING CARRIER HAS WILLFULLY AND REPEATEDLY  
29 FAILED TO COMPLY WITH THIS ARTICLE 10.1 OR PART 18 OR 21 OF ARTICLE  
30 4 OF TITLE 42.

31 **SECTION 2.** In Colorado Revised Statutes, 40-10.1-403, **amend**  
32 (4)(d)(II); and **add** (3.5), (4)(e), and (4)(f) as follows:

33 **40-10.1-403. Towing task force - creation - conflict of interest**  
34 **- rules - report - repeal.** (3.5) (a) A MEMBER SHALL NOTIFY THE TASK  
35 FORCE AND ABSTAIN FROM VOTING IF:

36 (I) THE MEMBER WILL FINANCIALLY BENEFIT FROM, OR HAS A  
37 FINANCIAL INTEREST IN A PERSON THAT WILL BENEFIT FROM, A  
38 RATE-SETTING RECOMMENDATION MADE BY THE TASK FORCE; OR

1 (II) THE TASK FORCE IS ADVISING THE COMMISSION ABOUT A  
2 COMPLAINT, AND THE MEMBER IS THE SUBJECT OF THE COMPLAINT OR HAS  
3 A FINANCIAL INTEREST IN A PERSON THAT IS THE SUBJECT OF THE  
4 COMPLAINT.

5 (b) A MEMBER DOES NOT HAVE A CONFLICT OF INTEREST IF THE  
6 MEMBER BENEFITS MERELY FROM BELONGING TO A CLASS THAT IS  
7 AFFECTED BY THE RATE SETTING DESCRIBED IN SUBSECTION (3.5)(a)(I) OF  
8 THIS SECTION.

9 (4) (d) (II) This subsection (4)(d) is repealed, effective ~~July 1,~~  
10 ~~2026~~ SEPTEMBER 1, 2026.

11 (e) BY SEPTEMBER 1, 2025, THE COMMISSION SHALL PROMULGATE  
12 RULES REQUIRING EACH TOWING CARRIER TO PROVIDE, AS A CONDITION OF  
13 PERMIT ISSUANCE OR RENEWAL ON OR AFTER A DATE SPECIFIED IN THE  
14 RULES, ANY INFORMATION NEEDED TO PREPARE THE REPORT REQUIRED BY  
15 SUBSECTION (4)(d)(I) OF THIS SECTION.

16 (f) THE COMMISSION MAY PROMULGATE RULES TO COLLECT OTHER  
17 INFORMATION REQUIRED AS PART OF THE TOWING CARRIER PERMITTING  
18 PROCESS. THE INFORMATION REQUIRED BY RULE MAY INCLUDE THE  
19 ANNUAL VOLUME OF TOWS BY CATEGORY, THE CURRENT PRICING PER  
20 CATEGORY OF TOW FOR ALL FEES CHARGED, AND THE NUMBER OF TOW  
21 TRUCKS EACH TOWING CARRIER OPERATES.

22 **SECTION 3.** In Colorado Revised Statutes, 40-10.1-405, **amend**  
23 (3)(a)(IV) introductory portion, (3)(a)(IV)(A), (3)(a)(IV)(C), (3)(b)(I)(H),  
24 (3)(c), (4)(b)(II), (5)(b), (5)(c) introductory portion, (5)(d) introductory  
25 portion, and (8); **repeal** (4)(f)(III) and (9)(b)(I); and **add** (3)(a)(V), (3)(d),  
26 (3)(e), (4)(f)(I)(C), and (4)(h) as follows:

27 **40-10.1-405. Nonconsensual tows - rights of owners, operators,**  
28 **and lienholders - rules. (3) Authorization and notice required for**  
29 **tows from private property. (a)** A towing carrier shall not  
30 nonconsensually tow a vehicle from private property unless:

31 (IV) The towing carrier has received DOCUMENTED permission,  
32 ~~to~~ WHICH MUST NOT BE AUTOMATED OR GENERAL, FOR EACH INDIVIDUAL  
33 tow OF the vehicle, within the twenty-four hours immediately preceding  
34 the tow, from THE FOLLOWING PERSON THAT MUST DOCUMENT THE  
35 PERMISSION BY SIGNING THE FORM CREATED IN ACCORDANCE WITH  
36 SUBSECTION (3)(d)(I) OF THIS SECTION:

37 (A) The owner of or leaseholder of the private property; EXCEPT  
38 THAT, IF THE OWNER OR LEASEHOLDER WOULD EARN INCOME FROM THE  
39 NONCONSENSUAL TOW, THE TOWING CARRIER SHALL NOT PERFORM THE  
40 NONCONSENSUAL TOW BUT MAY AUTHORIZE ANOTHER TOWING CARRIER  
41 TO PERFORM THE NONCONSENSUAL TOW;

42 (C) An ~~agent~~ EMPLOYEE of a person described in subsection  
43 (3)(a)(IV)(A) or (3)(a)(IV)(B) of this section OR AN EMPLOYEE OF A

1 PROPERTY MANAGEMENT COMPANY RETAINED TO COLLECT RENT AND  
2 PERFORM RESIDENTIAL SERVICES; except that the ~~towing carrier does not~~  
3 ~~qualify as an agent with authority to grant permission under this~~  
4 ~~subsection (3)(a)~~ EMPLOYEE WHO HAS A FINANCIAL INTEREST IN OR  
5 RELATIONSHIP WITH THE TOWING CARRIER OR A PARKING LOT  
6 MANAGEMENT COMPANY THAT EARNS INCOME FROM MANAGING OR  
7 CONTROLLING PARKING OR PERMISSION TO PARK OR THAT EARNS INCOME  
8 FROM NONCONSENSUAL TOWS SHALL NOT GRANT PERMISSION TO  
9 AUTHORIZE THE TOW; OR  
10 (V) THE TOWING CARRIER HAS RECEIVED PERMISSION FOR EACH  
11 INDIVIDUAL TOW.  
12 (b) (I) Except as provided in subsection (3)(b)(IV) of this section,  
13 a towing carrier shall not nonconsensually tow a vehicle from a parking  
14 space or common parking area without the towing carrier or property  
15 owner giving the vehicle owner or operator twenty-four hours' written  
16 notice, unless:  
17 (H) The vehicle is parked without ~~displaying valid~~ authorization  
18 in a parking lot marked for the exclusive use of residents OR INVITED  
19 GUESTS.  
20 (c) In order for a towing carrier to conduct a nonconsensual tow  
21 under subsection (3)(b)(I)(G) or (3)(b)(I)(H) of this section, the property  
22 owner must have posted signage ~~visible and facing the driver at each~~  
23 ~~entryway into a parking area indicating that parking spaces are designated~~  
24 ~~for one or more specified residents and that a vehicle parked without~~  
25 ~~authorization is subject to being towed. The sign must also contain the~~  
26 ~~international towing symbol no smaller than four inches by four inches~~  
27 ~~and be permanently mounted in a position that is no lower than five feet~~  
28 ~~and no higher than eight feet~~ THAT:  
29 (I) IS NOT LESS THAN TWO SQUARE FEET IN SIZE;  
30 (II) HAS LETTERING NOT LESS THAN ONE INCH IN HEIGHT;  
31 (III) HAS LETTERING THAT CONTRASTS SHARPLY IN COLOR WITH  
32 THE BACKGROUND ON WHICH THE LETTERS ARE PLACED AND CONTRASTS  
33 SHARPLY WITH THE STRUCTURE THE SIGNS ARE PLACED ON;  
34 (IV) CONTAINS THE FOLLOWING INFORMATION IN THE ORDER  
35 LISTED BELOW:  
36 (A) THE RESTRICTION OR PROHIBITION ON PARKING;  
37 (B) THE TIMES OF THE DAY AND DAYS THAT THE RESTRICTION IS  
38 APPLICABLE; BUT, IF THE RESTRICTION APPLIES TWENTY-FOUR HOURS A  
39 DAY, SEVEN DAYS A WEEK, THE SIGN MUST SAY "AUTHORIZED PARKING  
40 ONLY"; AND  
41 (C) THE NAME AND TELEPHONE NUMBER OF THE TOWING CARRIER  
42 AUTHORIZED TO PERFORM TOWS FROM THE PRIVATE PROPERTY;  
43 (V) IS PRINTED IN ENGLISH AND SPANISH;

1 (VI) IS PERMANENTLY MOUNTED BOTH:  
2 (A) AT THE ENTRANCE TO THE PRIVATE PROPERTY SO THAT THE  
3 SIGN FACES OUTWARD TOWARD THE STREET AND IS VISIBLE BEFORE AND  
4 UPON ENTERING THE PRIVATE PROPERTY; AND  
5 (B) INSIDE THE PRIVATE PROPERTY SO THAT THE SIGN FACES  
6 OUTWARD TOWARD THE PARKING AREA;  
7 (VII) IS NOT OBSTRUCTED FROM VIEW OR PLACED IN A MANNER  
8 THAT PREVENTS DIRECT VISIBILITY; AND  
9 (VIII) IS NOT PLACED HIGHER THAN TEN FEET OR LOWER THAN  
10 THREE FEET FROM THE SURFACE CLOSEST TO THE SIGN'S PLACEMENT.  
11 (d) (I) THE COMMISSION SHALL CREATE A FORM THAT IMPLEMENTS  
12 SUBSECTION (3)(a)(IV) OF THIS SECTION.  
13 (II) THE TOWING CARRIER MUST RETAIN FOR THREE YEARS THE  
14 SIGNED FORM REQUIRED BY SUBSECTION (3)(a)(IV) OF THIS SECTION AND,  
15 UPON REQUEST, PROVIDE THE SIGNED FORM TO THE VEHICLE OWNER.  
16 (e) A TOWING CARRIER SHALL NOT PATROL OR MONITOR PROPERTY  
17 TO ENFORCE PARKING RESTRICTIONS ON BEHALF OF THE PROPERTY OWNER.  
18 (4) **Notice, disclosures, and signs.** (b) A towing carrier shall  
19 maintain a clearly visible sign at the entrance to the storage facility  
20 holding a nonconsensually towed vehicle. The sign must:  
21 (II) State: "If a vehicle is nonconsensually towed from private  
22 property, the ~~owner~~ AUTHORIZED OR INTERESTED PERSON may retrieve the  
23 contents of the vehicle even if the ~~owner~~ AUTHORIZED OR INTERESTED  
24 PERSON does not pay the towing carrier's fees. If the ~~owner~~ AUTHORIZED  
25 OR INTERESTED PERSON fills out the appropriate form, the ~~owner~~  
26 AUTHORIZED OR INTERESTED PERSON may retrieve the vehicle after paying  
27 a reduced fee, but the ~~owner~~ AUTHORIZED OR INTERESTED PERSON still  
28 owes the towing carrier the balance of those fees."  
29 ~~(f) (III) A towing carrier that enters into an agreement with a~~  
30 ~~property owner to nonconsensually tow vehicles from the property shall~~  
31 ~~post signs that:~~  
32 ~~(A) Are no less than one square foot in size;~~  
33 ~~(B) Have lettering not less than one inch in height;~~  
34 ~~(C) Have lettering that contrasts with the background on which~~  
35 ~~the letters are placed;~~  
36 ~~(D) State: "Authorized Parking Only";~~  
37 ~~(E) Include the name and telephone number of the towing carrier~~  
38 ~~authorized to perform tows from the private property;~~  
39 ~~(F) Are printed in English;~~  
40 ~~(G) Are placed at the entrance to the private property, face~~  
41 ~~outward toward the street, and are visible prior to entering and upon~~  
42 ~~entering the private property;~~  
43 ~~(H) Are placed inside the area used for parking, face toward the~~

1 parking spaces, and, if the private property is not provided for residential  
2 parking and has more than ten freestanding lampposts on the property, are  
3 posted on each lamppost or posted upright near each lamppost;  
4 (f) ~~Are not obstructed or placed in such a manner that prevents~~  
5 ~~visibility; and~~  
6 (j) ~~Are not placed higher than eight feet or lower than three feet~~  
7 ~~from the ground surface closest to the sign's placement.~~  
8 (h) A TOWING CARRIER SHALL NOT REQUIRE A PERSON TO  
9 UNDERGO AN APPROVAL PROCESS OTHER THAN SIGNING THE FORM  
10 CREATED PURSUANT TO SUBSECTION (5)(d) OF THIS SECTION.  
11 (5) **No mechanic's liens on contents.** (b) If an authorized or  
12 interested person requests that a towing carrier return the contents of a  
13 vehicle that was towed without consent within thirty days after the  
14 postmarked date the notice was mailed in accordance with section  
15 42-4-2103 (4) or the date the operator received notice that no record  
16 exists for the motor vehicle, the towing carrier shall ~~immediately retrieve~~  
17 ~~or~~ allow the authorized or interested person to retrieve the vehicle's  
18 contents. This subsection (5)(b) does not apply to the contents of a  
19 vehicle if the contents of the vehicle are subject to a hold order issued by  
20 a court, district attorney, law enforcement agency, or peace officer.  
21 (c) The towing carrier shall immediately retrieve a vehicle that has  
22 been nonconsensually towed or allow the ~~owner~~ AUTHORIZED OR  
23 INTERESTED PERSON to retrieve the vehicle if:  
24 (d) For an authorized or interested person to retrieve a vehicle  
25 without paying the towing carrier the total amount owed to the towing  
26 carrier, the authorized or interested person must sign a form affirming that  
27 the authorized or interested person owes the towing carrier payment for  
28 fees that comply with this article 10.1, part 21 of article 4 of title 42, or  
29 article 20 of title 38. Knowingly providing false information on the form  
30 is unlawful. Signing this form does not prohibit a vehicle owner from  
31 filing a complaint with the commission or pursuing other remedies. The  
32 towing carrier may use the form to take reasonable actions to collect the  
33 debt, including initiating a court action or using a collection agency. The  
34 ~~department~~ COMMISSION shall:  
35 (8) **Towing carrier responsibility.** (a) For a nonconsensual tow,  
36 the towing carrier is responsible for the security and safety of the towed  
37 vehicle until it is released to an authorized or interested person.  
38 (b) WITHIN FORTY-EIGHT HOURS AFTER A NONCONSENSUAL TOW  
39 IS DETERMINED TO HAVE BEEN PERFORMED IN VIOLATION OF THIS SECTION,  
40 THE TOWING CARRIER SHALL RETURN AN IMPROPERLY TOWED VEHICLE  
41 BACK TO THE LOCATION FROM WHERE IT WAS TOWED UNLESS THE  
42 AUTHORIZED OR INTERESTED PERSON NOTIFIES THE TOWING CARRIER THAT  
43 THE PERSON PREFERS TO RETRIEVE THE VEHICLE FROM THE TOWING

1 CARRIER'S IMPOUND LOT WITHOUT CHARGE.

2 (9) **Applicability.** This section does not apply to:

3 (b) A tow from a parking space that serves a business if:

4 (I) ~~The parking space is not in a common parking area; and~~

5 **SECTION 4.** In Colorado Revised Statutes, 40-10.1-409, **amend**

6 (2) as follows:

7 **40-10.1-409. Violators subject to penalties.** (2) A violation of

8 this part 4 is a deceptive trade practice under section 6-1-105 (1)(ttt) AND

9 (1)(eeee) and is subject to enforcement by the attorney general's office ~~in~~

10 ~~addition to the~~ OR A DISTRICT ATTORNEY OR enforcement AS described in

11 this section.

12 **SECTION 5.** In Colorado Revised Statutes, 6-1-105, **add**

13 (1)(eeee) as follows:

14 **6-1-105. Unfair or deceptive trade practices.** (1) A person

15 engages in a deceptive trade practice when, in the course of the person's

16 business, vocation, or occupation, the person:

17 (eeee) IS A TOWING CARRIER AND CONDUCTS A NONCONSENSUAL

18 TOW IN VIOLATION OF SECTION 40-10.1-405.

19 **SECTION 6. Act subject to petition - effective date -**

20 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following

21 the expiration of the ninety-day period after final adjournment of the

22 general assembly; except that, if a referendum petition is filed pursuant

23 to section 1 (3) of article V of the state constitution against this act or an

24 item, section, or part of this act within such period, then the act, item,

25 section, or part will not take effect unless approved by the people at the

26 general election to be held in November 2024 and, in such case, will take

27 effect on the date of the official declaration of the vote thereon by the

28 governor.

29 (2) This act applies to acts committed on or after the applicable

30 effective date of this act."."

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