

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

February 6, 2024
Date

Committee on Transportation, Housing & Local Government.

After consideration on the merits, the Committee recommends the following:

HB24-1051 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

- 1 Amend printed bill, page 3, strike lines 2 through 16.
- 2 Renumber succeeding sections accordingly.
- 3 Page 4, strike lines 6 through 10 and substitute "PERSON THAT IS
4 IDENTIFIED AS A PRINCIPAL IN RULES PROMULGATED BY THE
5 COMMISSION."
- 6 Page 4, line 19, after "WILLFULLY" insert "AND REPEATEDLY".
- 7 Page 4, line 21, after "HAS" insert "WILLFULLY AND REPEATEDLY".
- 8 Page 5, strike lines 14 through 25 and substitute:
9 "(e) BY SEPTEMBER 1, 2025, THE COMMISSION SHALL
10 PROMULGATE RULES REQUIRING EACH TOWING CARRIER TO PROVIDE, AS
11 A CONDITION OF PERMIT ISSUANCE OR RENEWAL ON OR AFTER A DATE
12 SPECIFIED IN THE RULES, ANY INFORMATION NEEDED TO PREPARE THE
13 REPORT REQUIRED BY SUBSECTION (4)(d)(I) OF THIS SECTION."
- 14 Page 6, line 3, strike "CONSENSUAL AND".
- 15 Page 6, after line 5, insert:
16 "**SECTION 3.** In Colorado Revised Statutes, 40-10.1-405, **add**
17 **(2)(a)(III)** as follows:
18 **40-10.1-405. Nonconsensual tows - rights of owners, operators,**
19 **and lienholders - rules. (2) Towing carrier document vehicle's**

1 **condition and reason for tow - adequate illumination.** (a) Before a
2 towing carrier connects a towing vehicle to a vehicle without consent, the
3 towing carrier shall document the vehicle's condition and the reason for
4 the tow by:
5 (III) RECORDING IN WRITING WHETHER THE VEHICLE WAS TOWED
6 UNDER SUBSECTION (3)(b)(I)(A), (3)(b)(I)(D), (3)(b)(I)(F), OR (3)(b)(I)(G)
7 OF THIS SECTION."

8 Renumber succeeding sections accordingly.

9 Page 6, line 6, after "**amend**" insert "(3)(b)(I)(H), (3)(c),".

10 Page 6, line 8, after "(8);" insert "**repeal** (4)(f)(III) and (9)(b)(I);".

11 Page 6, strike line 11 and substitute "**required for tows from private**
12 **property.** (b) (I) Except as provided in subsection (3)(b)(IV) of this
13 section, a towing carrier shall not nonconsensually tow a vehicle from a
14 parking space or common parking area without the towing carrier or
15 property owner giving the vehicle owner or operator twenty-four hours'
16 written 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 TWO INCHES 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) STATES "NO PARKING AT ALL TIMES" OR STATES THE
35 APPLICABLE HOURS AND DAYS THAT A VEHICLE MAY BE
36 NONCONSENSUALLY TOWED;
37 (V) CONTAINS THE FOLLOWING INFORMATION IN THE ORDER
38 LISTED BELOW:
39 (A) THE RESTRICTION OR PROHIBITION ON PARKING; AND

- 1 (B) THE TIMES OF THE DAY AND DAYS THAT THE RESTRICTION IS
2 APPLICABLE; BUT, IF THE RESTRICTION APPLIES TWENTY-FOUR HOURS A
3 DAY, SEVEN DAYS A WEEK, THE SIGN MUST SAY "AUTHORIZED PARKING
4 ONLY"; AND
- 5 (C) THE NAME AND TELEPHONE NUMBER OF THE TOWING CARRIER
6 AUTHORIZED TO PERFORM TOWS FROM THE PRIVATE PROPERTY;
- 7 (VI) IS PRINTED IN ENGLISH AND SPANISH;
- 8 (VII) IS PERMANENTLY MOUNTED BOTH:
- 9 (A) AT THE ENTRANCE TO THE PRIVATE PROPERTY SO THAT THE
10 SIGN FACES OUTWARD TOWARD THE STREET AND IS VISIBLE BEFORE AND
11 UPON ENTERING THE PRIVATE PROPERTY; AND
- 12 (B) INSIDE THE PRIVATE PROPERTY SO THAT THE SIGN FACES
13 OUTWARD TOWARD THE PARKING AREA;
- 14 (VIII) IS NOT OBSTRUCTED FROM VIEW OR PLACED IN A MANNER
15 THAT PREVENTS DIRECT VISIBILITY; AND
- 16 (IX) IS NOT PLACED HIGHER THAN TEN FEET OR LOWER THAN
17 THREE FEET FROM THE SURFACE CLOSEST TO THE SIGN'S PLACEMENT.
- 18 (d) A TOWING CARRIER".

19 Page 7, line 6, strike "THE TOWING" and substitute "IF A VEHICLE WAS
20 TOWED UNDER SUBSECTION (3)(b)(I)(A), (3)(b)(I)(D), (3)(b)(I)(F), OR
21 (3)(b)(I)(G) OF THIS SECTION, THE TOWING".

22 Page 7, line 9, strike "THIRTY" and substitute "FIVE".

23 Page 7, after line 10 insert:

- 24 ~~"(III) A towing carrier that enters into an agreement with a~~
25 ~~property owner to nonconsensually tow vehicles from the property shall~~
26 ~~post signs that:~~
- 27 ~~(A) Are no less than one square foot in size;~~
28 ~~(B) Have lettering not less than one inch in height;~~
29 ~~(C) Have lettering that contrasts with the background on which~~
30 ~~the letters are placed;~~
- 31 ~~(D) State: "Authorized Parking Only";~~
32 ~~(E) Include the name and telephone number of the towing carrier~~
33 ~~authorized to perform tows from the private property;~~
34 ~~(F) Are printed in English;~~
35 ~~(G) Are placed at the entrance to the private property, face~~
36 ~~outward toward the street, and are visible prior to entering and upon~~
37 ~~entering the private property;~~
38 ~~(H) Are placed inside the area used for parking, face toward the~~
39 ~~parking spaces, and, if the private property is not provided for residential~~

1 ~~parking and has more than ten freestanding lampposts on the property, are~~
2 ~~posted on each lamppost or posted upright near each lamppost;~~
3 ~~(I) Are not obstructed or placed in such a manner that prevents~~
4 ~~visibility; and~~
5 ~~(J) Are not placed higher than eight feet or lower than three feet~~
6 ~~from the ground surface closest to the sign's placement."~~

7 Page 7, line 13, strike "NONCONSENSUALLY TOWED VEHICLE," and
8 substitute "VEHICLE TOWED UNDER SUBSECTION (3)(b)(I)(A), (3)(b)(I)(D),
9 (3)(b)(I)(F), OR (3)(b)(I)(G) OF THIS SECTION,".

10 Page 7, line 15, strike "THIRTY" and substitute "FIVE".

11 Page 8, strike lines 4 through 7 and substitute "vehicle WITHIN THE FIRST
12 FIVE DAYS FOLLOWING A TOW AUTHORIZED UNDER SUBSECTION
13 (3)(b)(I)(A), (3)(b)(I)(D), (3)(b)(I)(F), OR (3)(b)(I)(G) OF THIS SECTION,
14 BUT FOR ANY OTHER NONCONSENSUAL TOW THE TOWING CARRIER SHALL
15 IMMEDIATELY RETRIEVE THE VEHICLE OR ALLOW THE AUTHORIZED OR
16 INTERESTED PERSON TO RETRIEVE THE VEHICLE if:".

17 Page 8, after line 17 insert:

18 "(9) **Applicability.** This section does not apply to:
19 (b) A tow from a parking space that serves a business if:
20 (I) ~~The parking space is not in a common parking area; and"~~.

21 Page 8, strike lines 18 through 27.

22 Page 9, strike lines 1 and 2.

23 Renumber succeeding section accordingly.

24 Strike "owner" and substitute "~~owner~~ AUTHORIZED OR INTERESTED
25 PERSON" on: **Page 6**, lines 18, 19, 20, and 21 two times; **Page 8**, line 3.

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