

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 21-0945.01 Jery Payne x2157

HOUSE BILL 21-1283

HOUSE SPONSORSHIP

Ricks and Hooton,

SENATE SPONSORSHIP

(None),

House Committees
Business Affairs & Labor

Senate Committees

A BILL FOR AN ACT

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

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.

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), (4)(c), (5)(a), and (6); and **add** (2.5) and (4)(d) 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 FOURTEEN 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 WITH EXPERIENCE IN
13 CONSENSUAL TOWING;

14 (IV) ONE MEMBER APPOINTED BY THE GOVERNOR TO REPRESENT
15 NONCONSENSUAL TOWING CARRIERS;

16 (V) ONE MEMBER APPOINTED BY THE GOVERNOR TO REPRESENT
17 MOBILE HOME OWNERS IN THE STATE;

18 (VI) ONE MEMBER APPOINTED BY THE GOVERNOR TO REPRESENT
19 AN ASSOCIATION OF MOTOR CARRIERS WITHIN COLORADO AS CONSUMERS
20 OF TOWING SERVICES;

21 (VII) ONE MEMBER APPOINTED BY THE ATTORNEY GENERAL WITH
22 EXPERIENCE ENFORCING THE "COLORADO CONSUMER PROTECTION ACT",
23 ARTICLE 1 OF TITLE 6;

24 (VIII) ONE MEMBER APPOINTED BY THE GOVERNOR TO REPRESENT
25 PEOPLE WITH DISABILITIES;

26 (IX) ONE MEMBER WHO INSURES TOWING OPERATIONS APPOINTED
27 BY THE GOVERNOR TO REPRESENT INSURANCE COMPANIES WITHIN THE

1 STATE;

2 (X) ONE MEMBER APPOINTED BY THE GOVERNOR TO REPRESENT
3 COMMON INTEREST COMMUNITIES;

4 (XI) ONE MEMBER APPOINTED BY THE GOVERNOR TO REPRESENT
5 LOCAL LAW ENFORCEMENT AGENCIES;

6 (XII) ONE MEMBER WHO OWNS PRIVATE PROPERTY AND
7 CONTRACTS FOR TOWING SERVICES APPOINTED BY THE GOVERNOR TO
8 REPRESENT CONSUMERS OF TOWING SERVICES; AND

9 (XIII) TWO MEMBERS APPOINTED BY THE GOVERNOR TO
10 REPRESENT COMMUNITIES THAT MIGHT BE DISPROPORTIONATELY
11 AFFECTED BY NONCONSENSUAL TOWING, SUCH AS COMMUNITIES OF
12 COLOR, IMMIGRANT COMMUNITIES, ELDERLY COMMUNITIES, AND RURAL
13 COMMUNITIES.

14 (b) A MEMBER APPOINTED TO THE TASK FORCE BEFORE NOVEMBER
15 1, 2021, MAY CONTINUE TO SERVE ON THE TASK FORCE ON AND AFTER
16 NOVEMBER 1, 2021, TO SERVE THE REMAINDER OF THE MEMBER'S TERM IF
17 THE MEMBER CONTINUES TO REPRESENT ONE OF THE GROUPS REQUIRED TO
18 BE REPRESENTED ON THE TASK FORCE AS OF NOVEMBER 1, 2021, IN
19 ACCORDANCE WITH SUBSECTION (2.5)(a) OF THIS SECTION.

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

23 (3) (a) The members of the task force serve four-year terms;
24 except that the members appointed OR REAPPOINTED under paragraphs (a)
25 to (d) of subsection (2) SUBSECTIONS (2.5)(a)(I) TO (2.5)(a)(VII) of this
26 section serve initial terms of two years.

27 (b) The members shall elect a chair from among their

1 membership. The chair shall set the times and frequency of the task
2 force's meetings; EXCEPT THAT THE TASK FORCE SHALL MEET NO FEWER
3 THAN TWO TIMES PER YEAR.

4 (4) (c) The commission ~~need not accept~~ SHALL CONSIDER the
5 recommendations of the task force.

6 (d) (I) BY DECEMBER 1 OF EACH YEAR, THE COMMISSION SHALL
7 MAKE A REPORT TO THE HOUSE OF REPRESENTATIVES TRANSPORTATION
8 AND LOCAL GOVERNMENT COMMITTEE, THE HOUSE OF REPRESENTATIVES
9 BUSINESS AFFAIRS AND LABOR COMMITTEE, THE SENATE BUSINESS, LABOR,
10 AND TECHNOLOGY COMMITTEE, AND THE SENATE TRANSPORTATION AND
11 ENERGY COMMITTEE, OR ANY SUCCESSOR COMMITTEES. THE REPORT
12 MUST:

13 (A) ADDRESS THE FEES CHARGED FOR AND COMPLAINTS ARISING
14 FROM NONCONSENSUAL TOWS;

15 (B) CONTAIN THE RECOMMENDATIONS, INCLUDING RULE CHANGES,
16 OF THE TASK FORCE, WHETHER THE RECOMMENDATIONS WERE
17 IMPLEMENTED WITH OR WITHOUT MODIFICATION, AND AN ANALYSIS OF
18 THE REASONS WHY THE COMMISSION MADE THESE DECISIONS.

19 (II) THIS SUBSECTION (4)(d) IS REPEALED, EFFECTIVE JULY 1, 2026.

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

21 (a) To make comprehensive recommendations to the commission
22 about the maximum rates that may be charged for the recovery, towing,
23 and storage of a vehicle that has been towed without the owner's consent.
24 The task force shall make ~~its first~~ comprehensive recommendations to the
25 commission about the maximum rates ~~by~~ AFTER JULY 1, 2022, BUT NO
26 LATER THAN September 1, ~~2015~~ 2022.

27 (6) This section is repealed, effective September 1, 2024. ~~Prior to~~

1 2023. BEFORE the repeal, ~~the department of regulatory agencies shall~~
2 ~~review the task force~~ THE TASK FORCE IS SCHEDULED FOR REVIEW in
3 accordance with section 2-3-1203. ~~C.R.S.~~

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

6 **40-10.1-404. Repeal of part - subject to review - definitions.**

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

10 (2) IN CONDUCTING ITS REVIEW IN ACCORDANCE WITH SECTION
11 24-34-104 (5) AND IN CONSIDERING THE FACTORS SET FORTH IN SECTION
12 24-34-104 (6)(b), THE DEPARTMENT OF REGULATORY AGENCIES SHALL
13 CONSIDER THE FOLLOWING IN EVALUATING THE PERFORMANCE OF THE
14 COMMISSION WITH REGARD TO REGULATING TOWING CARRIERS:

15 (a) WITH REGARD TO COMPLAINTS FILED WITH THE COMMISSION
16 ABOUT TOWING SERVICES:

17 (I) THE NUMBER AND NATURE OF COMPLAINTS FILED EACH YEAR;
18 AND

19 (II) HOW THE COMMISSION HANDLES THE COMPLAINTS AND HOW
20 THE COMPLAINTS ARE RESOLVED;

21 (b) WHETHER THE TOWING INDUSTRY AND CONSUMERS WOULD
22 BENEFIT FROM DISPUTE RESOLUTION REGARDING COMPLAINTS AND
23 WHETHER SUCH DISPUTE RESOLUTION IS BEING USED IN ANY OTHER
24 STATES;

25 (c) THE REASONABLENESS OF RATES FOR RECOVERY, TOWING, AND
26 STORAGE FEES, ESPECIALLY WITH REGARD TO NONCONSENSUAL TOWING,
27 FOR VARIOUS COMMUNITIES, INCLUDING COMMUNITIES THAT MIGHT BE

1 DISPROPORTIONATELY IMPACTED BY NONCONSENSUAL TOWING, SUCH AS
2 MOBILE HOME PARK COMMUNITIES, COMMON INTEREST COMMUNITIES,
3 COMMUNITIES OF COLOR, IMMIGRANT COMMUNITIES, ELDERLY
4 COMMUNITIES, AND RURAL COMMUNITIES; AND

5 (d) THE REASONABLENESS OF TOWING CONTRACTS THAT TOWING
6 COMPANIES ENTER INTO WITH PROPERTY OWNERS WITH REGARD TO THE
7 EFFECTS THAT THE CONTRACTS HAVE ON TENANTS OF, UNIT OWNERS IN,
8 AND VISITORS TO THE PROPERTY WHO, BECAUSE OF THE CONTRACTS,
9 MIGHT BE DISPROPORTIONATELY SUBJECTED TO NONCONSENSUAL TOWING,
10 ESPECIALLY WITH REGARD TO THE EFFECTS ON MOBILE HOME PARK
11 COMMUNITIES AND COMMON INTEREST COMMUNITIES.

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

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

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

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