

CHAPTER 472

PUBLIC UTILITIES

HOUSE BILL 21-1283

BY REPRESENTATIVE(S) Ricks and Hooton, Amabile, Bernett, Bird, Boesenecker, Cutter, Duran, Esgar, Exum, Froelich, Gonzales-Gutierrez, Gray, Jackson, Lontine, Mullica, Ortiz, Sirota, Titone, Valdez A., Woodrow, Herod, Michaelson Jenet, Snyder;
also SENATOR(S) Fields, Bridges, Buckner, Moreno, Priola.

AN ACT

CONCERNING MEASURES TO ADDRESS CONSUMER PROTECTION CONCERNS REGARDING VEHICLE TOWING, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 2-3-1203, **repeal** (15)(a)(I); and **add** (16)(a)(VI) as follows:

2-3-1203. Sunset review of advisory committees - legislative declaration - definition - repeal. (15) (a) The following statutory authorizations for the designated advisory committees are scheduled for repeal on September 1, 2024:

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

(16) (a) The following statutory authorizations for the designated advisory committees will repeal on September 1, 2025:

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

SECTION 2. In Colorado Revised Statutes, 24-34-104, **add** (26)(a)(XIII) as follows:

24-34-104. General assembly review of regulatory agencies and functions for repeal, continuation, or reestablishment - legislative declaration - repeal. (26) (a) The following agencies, functions, or both, are scheduled for repeal on September 1, 2025:

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

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

SECTION 3. In Colorado Revised Statutes, 40-10.1-403, **amend** (2), (3), (4)(c), (5)(a), and (6); and **add** (2.5) and (4)(d) as follows:

40-10.1-403. Towing task force - creation - rules - repeal. (2) (a) THROUGH OCTOBER 31, 2021, the task force consists of nine members, appointed as follows:

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

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

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

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

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

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

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

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

~~(i)~~ (IX) One member who owns private property and contracts for towing services, or the member's designee, appointed by the governor to represent consumers of towing services.

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

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

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

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

(III) ONE MEMBER APPOINTED BY THE GOVERNOR TO REPRESENT A TOWING ASSOCIATION WITHIN THE STATE WITH EXPERIENCE IN CONSENSUAL TOWING;

(IV) ONE MEMBER APPOINTED BY THE GOVERNOR TO REPRESENT

NONCONSENSUAL TOWING CARRIERS;

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

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

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

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

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

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

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

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

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

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

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

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

(b) The members shall elect a chair from among their membership. The chair shall set the times and frequency of the task force's meetings; EXCEPT THAT THE TASK FORCE SHALL MEET NO FEWER THAN TWO TIMES PER YEAR.

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

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

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

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

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

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

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

(6) This section is repealed, effective September 1, ~~2024. Prior to~~ 2025. BEFORE the repeal, ~~the department of regulatory agencies shall review the task force~~ THE TASK FORCE IS SCHEDULED FOR REVIEW in accordance with section 2-3-1203. ~~C.R.S.~~

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

40-10.1-404. Repeal of part - subject to review - definitions. (1) THIS PART 4 IS REPEALED, EFFECTIVE SEPTEMBER 1, 2025. BEFORE THE REPEAL, THIS PART 4 IS SCHEDULED FOR REVIEW IN ACCORDANCE WITH SECTION 24-34-104 AND SUBSECTION (2) OF THIS SECTION.

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

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

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

(II) HOW THE COMMISSION HANDLES THE COMPLAINTS AND HOW THE COMPLAINTS

ARE RESOLVED; AND

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

(3) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "COMMON INTEREST COMMUNITY" HAS THE MEANING SET FORTH IN SECTION 38-33.3-103 (8).

SECTION 5. Appropriation. For the 2021-22 state fiscal year, \$20,029 is appropriated to the department of regulatory agencies for use by the public utilities commission. This appropriation is from the public utilities commission motor carrier fund created in section 40-2-110.5 (6), C.R.S., and is based on an assumption that the commission will require an additional 0.3 FTE. To implement this act, the commission may use this appropriation for personal services.

SECTION 6. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: July 7, 2021