

Second Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO

**PREAMENDED**

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

LLS NO. 24-0240.01 Jery Payne x2157

**HOUSE BILL 24-1051**

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**HOUSE SPONSORSHIP**

**Boesenecker and Mauro,**

**SENATE SPONSORSHIP**

**Cutter and Priola,**

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**House Committees**

Transportation, Housing & Local Government  
Finance  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE REGULATION OF BUSINESSES THAT OBTAIN A PERMIT**  
102 **FROM THE PUBLIC UTILITIES COMMISSION TO TOW MOTOR**  
103 **VEHICLES, AND, IN CONNECTION THEREWITH, MAKING AN**  
104 **APPROPRIATION.**

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**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/>.)*

**Transportation Legislation Review Committee.** The bill requires a driver of tow trucks to undergo a fingerprint-based criminal history record check (check). If the check produces a criminal history that

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing law.  
Dashes through the words or numbers indicate deletions from existing law.

the public utilities commission (commission) determines is inappropriate to drive a tow truck, the driver will not be permitted to drive the tow truck.

Current law authorizes the commission to deny or refuse to renew a towing carrier permit if:

- The towing carrier was convicted within the last 5 years of a felony or a towing-related offense or has failed to satisfy a civil penalty imposed by the commission; or
- The commission determines that it is not in the public interest for the towing carrier to hold a towing carrier permit.

The bill:

- Authorizes the commission to suspend or revoke a permit for each of these specified violations;
- Authorizes the commission to suspend or revoke a permit if it is not in the public interest for the towing carrier to hold a towing permit; and
- Sets a rebuttable presumption that it is not in the public interest for a towing carrier to hold a permit if the towing carrier has violated the towing laws.

The bill prohibits a member of the towing task force in the department of regulatory agencies, which advises the commission on towing matters, from voting on a matter that will financially benefit the member or if the member is the subject of a complaint about which the task force is advising the commission.

Current law requires the commission to report certain towing issues and financial information to certain committees of the Senate and House of Representatives of the general assembly. The bill requires the commission to promulgate a rule to require towing carriers to provide:

- Any information needed to prepare the report;
- Audited financial statements; and
- Any other information required by the commission.

The bill directs the commission to aggregate and anonymize the financial statements and make the aggregated and anonymized data publicly available.

A towing carrier is forbidden from patrolling or monitoring property to enforce parking restrictions on behalf of the property owner.

Currently, the owner of a motor vehicle pays to retrieve the motor vehicle when the vehicle has been nonconsensually towed from another person's property. The bill requires certain property owners to pay for the removal of the vehicle from their property and for any storage for the first 30 days. The towing carrier is required to notify the vehicle owner that the vehicle owner can retrieve the vehicle free of charge for the first 30 days.

If a motor vehicle is nonconsensually towed in violation of the

rights granted in state statute, the towing carrier must, within 48 hours after the determination of a statutory violation, return the vehicle to the place it was towed from.

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

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

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

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

18 (b) The commission may deny an application FOR or SUSPEND,  
19 REVOKE, OR refuse to renew a permit of a towing carrier under this part  
20 4 based on a determination that ~~there is good cause to believe the~~  
21 ~~issuance of or renewal of the permit~~ IT is not in the public interest FOR  
22 THE TOWING CARRIER TO POSSESS A PERMIT. The determination is subject  
23 to appeal in accordance with commission rules. IT IS REBUTTABLY  
24 PRESUMED THAT A TOWING CARRIER'S POSSESSION OF A PERMIT IS NOT IN

1 THE PUBLIC INTEREST IF THE TOWING CARRIER HAS WILLFULLY AND  
2 REPEATEDLY FAILED TO COMPLY WITH THIS ARTICLE 10.1 OR PART 18 OR  
3 21 OF ARTICLE 4 OF TITLE 42.

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

6 **40-10.1-403. Towing task force - creation - conflict of interest**  
7 **- rules - report - repeal.** (3.5) (a) A MEMBER SHALL NOTIFY THE TASK  
8 FORCE AND ABSTAIN FROM VOTING IF:

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

12 (II) THE TASK FORCE IS ADVISING THE COMMISSION ABOUT A  
13 COMPLAINT, AND THE MEMBER IS THE SUBJECT OF THE COMPLAINT OR HAS  
14 A FINANCIAL INTEREST IN A PERSON THAT IS THE SUBJECT OF THE  
15 COMPLAINT.

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

20 (4) (d) (II) This subsection (4)(d) is repealed, effective ~~July 1,~~  
21 ~~2026~~ SEPTEMBER 1, 2026.

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

27 (f) THE COMMISSION MAY PROMULGATE RULES TO COLLECT OTHER

1 INFORMATION REQUIRED AS PART OF THE TOWING CARRIER PERMITTING  
2 PROCESS. THE INFORMATION REQUIRED BY RULE MAY INCLUDE THE  
3 ANNUAL VOLUME OF TOWS BY CATEGORY, THE CURRENT PRICING PER  
4 CATEGORY OF TOW FOR ALL FEES CHARGED, AND THE NUMBER OF TOW  
5 TRUCKS EACH TOWING CARRIER OPERATES.

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

11 **40-10.1-405. Nonconsensual tows - rights of owners,**  
12 **operators, and lienholders - rules. (3) Authorization and notice**  
13 **required for tows from private property.** (a) A towing carrier shall not  
14 nonconsensually tow a vehicle from private property unless:

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

21 (A) The owner of or leaseholder of the private property; EXCEPT  
22 THAT, IF THE OWNER OR LEASEHOLDER WOULD EARN INCOME FROM THE  
23 NONCONSENSUAL TOW, THE TOWING CARRIER SHALL NOT PERFORM THE  
24 NONCONSENSUAL TOW BUT MAY AUTHORIZE ANOTHER TOWING CARRIER  
25 TO PERFORM THE NONCONSENSUAL TOW;

26 (C) An **agent** EMPLOYEE of a person described in subsection  
27 (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

1 ~~and no higher than eight feet~~ THAT:

2 (I) IS NOT LESS THAN TWO SQUARE FEET IN SIZE;

3 (II) HAS LETTERING NOT LESS THAN ONE INCH IN HEIGHT;

4 (III) HAS LETTERING THAT CONTRASTS SHARPLY IN COLOR WITH

5 THE BACKGROUND ON WHICH THE LETTERS ARE PLACED AND CONTRASTS

6 SHARPLY WITH THE STRUCTURE THE SIGNS ARE PLACED ON;

7 (IV) CONTAINS THE FOLLOWING INFORMATION IN THE ORDER

8 LISTED BELOW:

9 (A) THE RESTRICTION OR PROHIBITION ON PARKING;

10 (B) THE TIMES OF THE DAY AND DAYS THAT THE RESTRICTION IS

11 APPLICABLE; BUT, IF THE RESTRICTION APPLIES TWENTY-FOUR HOURS A

12 DAY, SEVEN DAYS A WEEK, THE SIGN MUST SAY "AUTHORIZED PARKING

13 ONLY"; AND

14 (C) THE NAME AND TELEPHONE NUMBER OF THE TOWING CARRIER

15 AUTHORIZED TO PERFORM TOWS FROM THE PRIVATE PROPERTY;

16 (V) IS PRINTED IN ENGLISH AND SPANISH;

17 (VI) IS PERMANENTLY MOUNTED BOTH:

18 (A) AT THE ENTRANCE TO THE PRIVATE PROPERTY SO THAT THE

19 SIGN FACES OUTWARD TOWARD THE STREET AND IS VISIBLE BEFORE AND

20 UPON ENTERING THE PRIVATE PROPERTY; AND

21 (B) INSIDE THE PRIVATE PROPERTY SO THAT THE SIGN FACES

22 OUTWARD TOWARD THE PARKING AREA;

23 (VII) IS NOT OBSTRUCTED FROM VIEW OR PLACED IN A MANNER

24 THAT PREVENTS DIRECT VISIBILITY; AND

25 (VIII) IS NOT PLACED HIGHER THAN TEN FEET OR LOWER THAN

26 THREE FEET FROM THE SURFACE CLOSEST TO THE SIGN'S PLACEMENT.

27 (d) (I) THE COMMISSION SHALL CREATE A FORM THAT IMPLEMENTS

1 SUBSECTION (3)(a)(IV) OF THIS SECTION.

2 (II) THE TOWING CARRIER MUST RETAIN FOR THREE YEARS THE  
3 SIGNED FORM REQUIRED BY SUBSECTION (3)(a)(IV) OF THIS SECTION AND,  
4 UPON REQUEST, PROVIDE THE SIGNED FORM TO THE VEHICLE OWNER.

5 (e) A TOWING CARRIER SHALL NOT PATROL OR MONITOR PROPERTY  
6 TO ENFORCE PARKING RESTRICTIONS ON BEHALF OF THE PROPERTY  
7 OWNER.

8 (4) **Notice, disclosures, and signs.** (b) A towing carrier shall  
9 maintain a clearly visible sign at the entrance to the storage facility  
10 holding a nonconsensually towed vehicle. The sign must:

11 (II) State: "If a vehicle is nonconsensually towed from private  
12 property, the ~~owner~~ AUTHORIZED OR INTERESTED PERSON may retrieve the  
13 contents of the vehicle even if the ~~owner~~ AUTHORIZED OR INTERESTED  
14 PERSON does not pay the towing carrier's fees. If the ~~owner~~ AUTHORIZED  
15 OR INTERESTED PERSON fills out the appropriate form, the ~~owner~~  
16 AUTHORIZED OR INTERESTED PERSON may retrieve the vehicle after  
17 paying a reduced fee, but the ~~owner~~ AUTHORIZED OR INTERESTED PERSON  
18 still owes the towing carrier the balance of those fees."

19 (f) (III) ~~A towing carrier that enters into an agreement with a~~  
20 ~~property owner to nonconsensually tow vehicles from the property shall~~  
21 ~~post signs that:~~

22 (A) ~~Are no less than one square foot in size;~~

23 (B) ~~Have lettering not less than one inch in height;~~

24 (C) ~~Have lettering that contrasts with the background on which~~  
25 ~~the letters are placed;~~

26 (D) ~~State: "Authorized Parking Only";~~

27 (E) ~~Include the name and telephone number of the towing carrier~~

- 1 authorized to perform tows from the private property;
- 2 (F) Are printed in English;
- 3 (G) Are placed at the entrance to the private property, face
- 4 outward toward the street, and are visible prior to entering and upon
- 5 entering the private property;
- 6 (H) Are placed inside the area used for parking, face toward the
- 7 parking spaces, and, if the private property is not provided for residential
- 8 parking and has more than ten freestanding lampposts on the property,
- 9 are posted on each lamppost or posted upright near each lamppost;
- 10 (I) Are not obstructed or placed in such a manner that prevents
- 11 visibility; and
- 12 (J) Are not placed higher than eight feet or lower than three feet
- 13 from the ground surface closest to the sign's placement.

14 (h) A TOWING CARRIER SHALL NOT REQUIRE A PERSON TO  
15 UNDERGO AN APPROVAL PROCESS OTHER THAN SIGNING THE FORM  
16 CREATED PURSUANT TO SUBSECTION (5)(d) OF THIS SECTION.

17 (5) **No mechanic's liens on contents.** (b) If an authorized or  
18 interested person requests that a towing carrier return the contents of a  
19 vehicle that was towed without consent within thirty days after the  
20 postmarked date the notice was mailed in accordance with section  
21 42-4-2103 (4) or the date the operator received notice that no record  
22 exists for the motor vehicle, the towing carrier shall ~~immediately retrieve~~  
23 ~~or~~ allow the authorized or interested person to retrieve the vehicle's  
24 contents. This subsection (5)(b) does not apply to the contents of a  
25 vehicle if the contents of the vehicle are subject to a hold order issued by  
26 a court, district attorney, law enforcement agency, or peace officer.

27 (c) The towing carrier shall immediately retrieve a vehicle that

1 has been nonconsensually towed or allow the ~~owner~~ AUTHORIZED OR  
2 INTERESTED PERSON to retrieve the vehicle if:

3 (d) For an authorized or interested person to retrieve a vehicle  
4 without paying the towing carrier the total amount owed to the towing  
5 carrier, the authorized or interested person must sign a form affirming  
6 that the authorized or interested person owes the towing carrier payment  
7 for fees that comply with this article 10.1, part 21 of article 4 of title 42,  
8 or article 20 of title 38. Knowingly providing false information on the  
9 form is unlawful. Signing this form does not prohibit a vehicle owner  
10 from filing a complaint with the commission or pursuing other remedies.  
11 The towing carrier may use the form to take reasonable actions to collect  
12 the debt, including initiating a court action or using a collection agency.  
13 The ~~department~~ COMMISSION shall:

14 (8) **Towing carrier responsibility.** (a) For a nonconsensual tow,  
15 the towing carrier is responsible for the security and safety of the towed  
16 vehicle until it is released to an authorized or interested person.

17 (b) WITHIN FORTY-EIGHT HOURS AFTER A NONCONSENSUAL TOW  
18 IS DETERMINED TO HAVE BEEN PERFORMED IN VIOLATION OF THIS  
19 SECTION, THE TOWING CARRIER SHALL RETURN AN IMPROPERLY TOWED  
20 VEHICLE BACK TO THE LOCATION FROM WHERE IT WAS TOWED UNLESS THE  
21 AUTHORIZED OR INTERESTED PERSON NOTIFIES THE TOWING CARRIER  
22 THAT THE PERSON PREFERS TO RETRIEVE THE VEHICLE FROM THE TOWING  
23 CARRIER'S IMPOUND LOT WITHOUT CHARGE.

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

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

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

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

1 (2) as follows:

2 **40-10.1-409. Violators subject to penalties.** (2) A violation of  
3 this part 4 is a deceptive trade practice under section 6-1-105 (1)(ttt) AND  
4 (1)(eeee) and is subject to enforcement by the attorney general's office in  
5 addition to the OR A DISTRICT ATTORNEY OR enforcement AS described in  
6 this section.

7 **SECTION 5.** In Colorado Revised Statutes, 6-1-105, add  
8 (1)(eeee) as follows:

9 **6-1-105. Unfair or deceptive trade practices.** (1) A person  
10 engages in a deceptive trade practice when, in the course of the person's  
11 business, vocation, or occupation, the person:

12 (eeee) IS A TOWING CARRIER AND CONDUCTS A NONCONSENSUAL  
13 TOW IN VIOLATION OF SECTION 40-10.1-405.

14 **SECTION 6.** In Colorado Revised Statutes, 40-10.1-404, amend  
15 (1) as follows:

16 **40-10.1-404. Repeal of part - subject to review.** (1) This part  
17 4 is repealed, effective September 1, 2025 2030. Before the repeal, this  
18 part 4 is scheduled for review in accordance with section 24-34-104 and  
19 subsection (2) of this section.

20 **SECTION 7.** In Colorado Revised Statutes, 24-34-104, repeal  
21 (26)(a)(XIII); and add (31)(a)(XI) as follows:

22 **24-34-104. General assembly review of regulatory agencies**  
23 **and functions for repeal, continuation, or reestablishment -**  
24 **legislative declaration - repeal.** (26) (a) The following agencies,  
25 functions, or both, are scheduled for repeal on September 1, 2025:

26 (XIII) ~~The public utilities commission's regulation of towing~~  
27 ~~carriers under part 4 of article 10.1 of title 40.~~

1 (31) (a) The following agencies, functions, or both, are scheduled  
2 for repeal on September 1, 2030:

3 (XI) THE REGULATION OF TOWING CARRIERS BY THE PUBLIC  
4 UTILITIES COMMISSION UNDER PART 4 OF ARTICLE 10.1 OF TITLE 40.

5 **SECTION 8. Appropriation.** (1) For the 2024-25 state fiscal  
6 year, \$165,629 is appropriated to the department of regulatory agencies.  
7 This appropriation is from the public utilities commission motor carrier  
8 fund created in section 40-2-110.5 (6), C.R.S. To implement this act, the  
9 department may use this appropriation as follows:

10 (a) \$42,973 for use by the public utilities commission for personal  
11 services, which amount is based on an assumption that the commission  
12 will require an additional 0.6 FTE;

13 (b) \$7,438 for use by the public utilities commission for operating  
14 expenses; and

15 (c) \$115,218 for the purchase of legal services.

16 (2) For the 2024-25 state fiscal year, \$115,218 is appropriated to  
17 the department of law. This appropriation is from reappropriated funds  
18 received from the department of regulatory agencies under subsection  
19 (1)(c) of this section and is based on an assumption that the department  
20 of law will require an additional 0.5 FTE. To implement this act, the  
21 department of law may use this appropriation to provide legal services for  
22 the department of regulatory agencies.

23 **SECTION 9. Act subject to petition - effective date -**  
24 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
25 the expiration of the ninety-day period after final adjournment of the  
26 general assembly; except that, if a referendum petition is filed pursuant  
27 to section 1 (3) of article V of the state constitution against this act or an

1 item, section, or part of this act within such period, then the act, item,  
2 section, or part will not take effect unless approved by the people at the  
3 general election to be held in November 2024 and, in such case, will take  
4 effect on the date of the official declaration of the vote thereon by the  
5 governor.

6 (2) This act applies to acts committed on or after the applicable  
7 effective date of this act.