

House Business Affairs & Labor

04/07/2022 01:30 PM

HB22-1314 Towing Carrier Nonconsensual Tows

Typed Text of Testimony Submitted

Name, Position, Representing	Typed Text of Testimony
Lori Coughlin For Self	<p>Mr. Chair Roberts and Members of the Committee, thank you for the opportunity to share my testimony with you. My name is Lori Coughlin and I am writing in strong support of HB22-1314.</p> <p>My daughter is a student at the University of Colorado and lives at the Buffalo Canyon Apartment complex. She has a valid parking permit displayed on her windshield. January 27, 2022 her car was towed from the apartment parking lot after dark. She was unaware until she went out use her car around noon on the following Saturday. She initially thought her car had been stolen but it had been towed. She called Boulder Valley Towing and told them she had a valid parking permit. They said she did not and the charge to retrieve her car would be over \$600, and they would be closing soon for the day. They said they would be open on Sunday for a few hours and she could come by then but for each day they held the car the total charge would increase. I called then called them about 30 minutes later and they said they had made a mistake and we could pick up the car on Sunday no charge. I can only speculate on why they had not called my daughter back to tell her of their mistake.</p> <p>I drove from Denver to Boulder to take my daughter out to the lot north of Boulder. When we arrived I requested to see the property owner’s authorization to tow the car. They said they did not have to show me any sort of documentation or agreement they have with the apartment complex and it wasn’t costing me anything so “no harm no foul”. It cost me time and gas money. It cost my daughter the use of the car for multiple days and a real worry that her car had been stolen – which it had been by the towing company. My daughter called her landlord the next day and they indicated they were not responsible for the tow. Along with the fact that her car was parked legally I have issue with these 2 charges in particular:</p> <p>After hours fee: Boulder Towing Company freely admitted to me they troll parking lots at night for cars in violation. How they can charge an after hours fee when they are not called for an authorized tow? That fee was listed as \$86.19.</p> <p>Notification fee: I received a notification by mail over a week after they towed the car. That is not swift notification when they charge \$39.18 a day for storage. There is a threat in that letter of a charge of \$1500 if I don’t either pay the fees they charge or let them have the car.</p> <p>Thank you.</p>
Allison Ackman Against Self	Hello,

	<p>I am a property manager for a 326-unit apartment complex in Denver. We utilize a towing company to help us keep our parking lot regulated on a daily basis, and this is an essential aspect of our operations. A few years ago, the complex did not utilize these services, and we had an incredibly tough time with abandoned, junk, and stolen vehicles being parked in our lot, which took up spaces that paying residents could have been parking in. Instead, they were forced to park out on the street, where parking is limited as-is. Getting rid of these services would bring these issues back to my staff, who are not qualified, trained, or equipped to handle parking issues.</p> <p>Our property already has a major issue with trailers and campers being parked out on the street ahead of our property. These trailers and campers deter good customers from leasing our apartments because they are trashed, run down, and in most cases, abandoned. This bill would make it possible for those campers to not only be on the street ahead of our community, but also in the parking lot.</p> <p>In addition, we have had multiple incidents of hostile vehicle owners dealing with the tow company, and I cannot and will not put my staff in the position that they may be harmed, or in extreme cases killed, on the job because we must have someone present for a tow.</p> <p>Please do not pass this bill on behalf of property managers trying to create a comfortable, clean, and crime-free environment for their tenants.</p> <p>Thank you.</p>
<p>JD Ruybal For Self</p>	<p>I support HB22-1314</p>

ETR, LLC dba Elite Towing & Recovery
PO Box 16262
Denver, CO 80216

Steven Carnes

Owner

House Business Affairs & Labor Committee

April 7, 2022

Chairman Roberts and committee members, thank you for the opportunity to testify in opposition on HB22-1314. My name is Steven Carnes and I am the owner of Elite Towing & Recovery. I have been in the towing industry in Colorado for almost 15 years and have worked for several different towing companies in the Denver metro. On behalf of my company, I provide this testimony to inform you of the potential effects of HB22-1314.

This bill would fundamentally change the nature of the private property impound business in Colorado. Under this proposed language, we believe there are unintended and downstream economic consequences for local business, property owners, and Colorado residents in the following:

ECONOMIC IMPACT

- **Section 8, page 20, line 6**, a towing company would have no rights to retain a vehicle that was improperly or unlawfully parked on private property. Instead, a towing company would automatically be required to release a vehicle at the demand of an individual at no charge. This goes against the very nature of towing and service provided to property owners. We will no longer be an enforcement mechanism for private property owners and businesses across the state. Without this service available to property owners, local retail businesses in need of parking, and ancillary business owners associated with towing, our industry would implode. We would be forced to immediately lay off the majority of our staff and make plans to close the business.
- **Section 2, page 7, lines 17,18,19**, the removal of our right to dispose of abandoned vehicles will create enormous outdoor storage constraints which exacerbates the larger problem of real estate with outdoor storage availability in the front range. We estimate that 10% of all towed vehicles are left without vehicle owners or lienholders and many are left behind without contact. Most of these vehicles have wholesale values less than \$500 and are completely destroyed, inoperable, or have major mechanical issues. We wholesale these vehicles at a loss to uncollected fees in an auto auction that feeds many local auto mechanics, auto entrepreneurs, and other small businesses to provide them with opportunities to improve and resell the vehicles, but the majority end up going to the auto recycling businesses in Denver. This will all now be eliminated with the stroke of a pen.

COLORADO RESIDENT IMPACT

- Under **Section 8, page 14, line 24-26**, the bill would eliminate the possibility of towing a vehicle without a 24 hour notice. This impacts our ability to remove vehicles called in by a resident who

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Denver, CO 80216

is handicapped and needs a space close to their apartment or a resident who pays hundreds of dollars per month for a reserved space in their apartment or business complex.

- **Section 8, page 15, line 5-14,** This section of the bill removes our right to act as an agent for the property owner and ultimately our right to authorize a tow. This creates a two-part problem of safety concern and resident satisfaction. The majority of private property impound towing occurs over the course of night. If we have to initiate a tow after business hours, we will now be required to attempt to make contact with the authorized agent before towing. This will increase the time that our employees have to spend on the property thus increasing the possibility of altercations with residents and safety concerns of our employees. In addition to the time that a potential resident with a handicap or paid parking space will have to wait to enter their own homes. And then to consider that if they are there again the next night in the same spot, they have to get another 24 hour warning until they have logged two prior warnings before the towing company can actually tow the vehicle without notice. This is not an uncommon scenario, especially in downtown parking garages. Another scenario would be the unnecessary impact on commercial/retail businesses with limited parking. Under this new bill, business owners will now be limited to towing vehicles only after a 24 hour notice has been issued and potentially two more warnings. This essentially ties up their parking spaces in front of their business which could have been a potential opportunity for multiple customers over the course of a day visiting and buying goods and services from already battered businesses recovering from the recent global events.

Thank you for allowing me to submit testimony on this bill.

Best Regards,

Steven Carnes

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House Business Affairs & Labor Committee

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Thank you for allowing me to submit testimony on this bill.

Best Regards,

Steven Carnes

My name is Daniel Wang. I am a resident of Parker, CO and I would like to testify in **SUPPORT** of HB22-1314 (Towing Carrier Nonconsensual Tows).

I support this bill because of my personal experience with non-consensual vehicle towing.

Several years ago, my family and I were visiting Colfax together. My mom dropped us off and went to go look for a place to use the restroom. She parked on a private business parking lot located in front of a pizza store and went in to ask if she could use the restroom. They did not offer public restrooms, so she went to an adjacent store to ask them.

When she came back less than 10 minutes later, her car was gone. At first, she thought our car was stolen, but she asked the person in the pizza store who told her that it probably got towed.

We tracked down the tow company, who made us go to a dimly lit lot in an industrial area, demanded payment in cash, and added a nightly charge and a storage charge (for having the car for less than a few hours). All in all, it was over \$280.

After that, we have never visited Colfax again as a family.

Our experience with non-consensual vehicle towing was scary and humiliating. It seemed even more unfair because it didn't seem right that we were charged **much more** than the fair market price usually charged to other customers for the same service. On a different day, I had a tire blow out on Lincoln Ave, and getting my car towed to a tire shop only cost me **\$85**.

They can get away with charging much more because you don't have a choice. I found out that there's even a term for this. It's called predatory towing.

Issue 1. Unfair towing charges can be a financial catastrophe for many people

While our family was able to pay the fee, I have friends who sometimes end the month with \$60 in their bank account.

If you're in that situation, having your car towed by a predatory tow company can mean being late to your shift and risking your job. It can mean borrowing money from friends, pawning your favorite instrument or taking out a payday loan. Maybe it means you don't buy groceries for the week.

Sometimes people even lose their car because they don't have money for the towing fee, administrative fees and all the storage fees that accumulate. If someone doesn't have enough money, one small mistake can mean losing a car worth thousands of dollars.

That feels very, very wrong. There is a place for parking enforcement, but it shouldn't come at the cost of creating financial havoc on people's lives, and it should not create an incentive for predatory behavior.

Issue 2. Unclear towing rules can hurt businesses

Unpredictable and predatory towing can hurt businesses. As I mentioned earlier, we haven't been back to Colfax as a family because of our negative experience.

Personally, I have been reluctant to park in private lots, especially if it's not clear who the lot belongs to. Extremely strict parking enforcement means you can't walk around and visit neighboring businesses or you risk being towed.

As a result, I prefer to find parking on the street and pay a parking meter. That often means I end my visit to the area when the meter runs out, even if I'm having a lot of fun and have more money to spend.

I know that there are a number of businesses who bear the brunt of the burden of parking abuse - illegitimate use by people looking to go to concerts, patrons of neighboring businesses, high school students, people trying to sell junk cars and so on. But they might not realize that sometimes legitimate customers and guests are affected by small mistakes, aggressive tow operators, and even malicious or racist management. For example, an apartment complex may tow a car without a permit that turns out to be a guest coming over for a birthday party.

These businesses should support towing reforms because having clear rules on when it can happen, and how much it will cost, will reduce the potential risk and losses to their customers, leading to greater confidence that legitimate customers and guests can safely visit.

Issue 3. Equal pricing is fair treatment

Finally, a key part of the fairness equation is that companies should treat customers equally when it comes to pricing.

Whether you get into an accident on the highway and a police officer calls for a tow truck to clear the lanes; or your apartment complex tows your car for having a wheel on a white line; or a pizza parlor tows your car for being in the wrong spot; or your transmission breaks down and you call for a tow truck yourself to take it to a garage - it is only right for everyone to pay the same rates, based on time and distance.

Thank you for accepting my testimony today.

I trust that our legislators share the same sense of fairness. I believe they do, because there is another situation where people are given bills with no ability to choose a price, which is the emergency room, and the Legislature passed HB 19-1174 to prevent surprise medical bills from exceeding negotiated insurance rates. I appreciate your continued work in advancing equity and fairness for Colorado consumers and your thoughtful consideration towards HB-1314.



April 6, 2022

House Business Affairs & Labor
Colorado General Assembly

RE: HB22-1314 – Towing Carrier Nonconsensual Tows

Dear Members of the House Business Affairs & Labor Committee:

My name is Kathy Smith, and I am a member of the League of Women Voters of Colorado's Legislative Action Committee. **I am writing in support of HB22-1314, on behalf of the League's Legislative Action Committee.**

The League is a nonpartisan organization that encourages informed and active participation in government and influences public policy through education and advocacy. Our membership spans the state of Colorado with 19 local leagues operating in several regions of the state. The League supports policies that secure equal rights and equal opportunity for all and promote social and economic justice.

Unexpected tows from private property, such as apartment complexes and mobile home parks, can result in financial and social hardships for vehicle owners, especially lower income households. Hardships can include not being able to get to work, take children to school, or go to medical appointments. Towing fines and fees can be substantial (e.g., greater than \$500) and they put the vehicle owner in the position of taking on credit card debt, seeking high-interest loans, or delaying other expenses to be able to recover their vehicle.

HB22-1314 requires that towing carriers charge the same fees for tows made without the owner's consent as the carrier charges for tows made with the owner's consent. This bill requires a 24-hour written notice before removing a vehicle from a parking spot or the common areas of a condominium, cooperative, apartment, or mobile home park. It also prohibits towing of a vehicle due to an expired license plate (unless authorized by a peace officer) and provides for additional oversight by the Attorney General's Office. These are critical changes in the state's towing requirements that will protect vehicle owners from predatory towing practices.

We urge the committee members to vote YES on HB22-1314. Thank you for your consideration of this important bill.

Respectfully,
Kathy Smith, Volunteer Lobbyist
League of Women Voters of Colorado Legislative Action Committee

1410 Grant Street, Suite B-204
Denver, CO 80203
303-863-0437

Greetings to the Colorado House Business and Labor Committee:

My name is Howard Manresa and I am a constituent who lives in West Arvada, Colorado.

I am writing you today to ask that you support HB 22-1314. This legislation will prevent our story from continuing to be repeated by predatory towing companies in the greater Denver area. The high cost of predatory, unwarranted charges, and unethical practices by towing operations, has significant financial impact on the citizenry and an even more significant financial impact on retirees such as my wife and me.

I have experience in regulations and enforcement as the former Director of the Compliance Branch in the Denver District Office of the U.S. Food & Drug Administration, part of a 31 year career in the federal government. Formerly, I taught high school science after receiving a Type A1 Teacher Certificate from the State of Colorado Department of Education.

On March 12, 2022 at 1:49 PM, twenty minutes after parking and going into the Tacos Jalisco Restaurant, a towing company, Agapi Recovery, LLC, attempted to tow me and fined me for parking in a "No Authorized Parking" area whose signage was not in compliance with the state requirements. The one sign that the tow truck driver pointed out to us is posted greater than ten feet above the lot on the gable of an adjacent abandoned building (not clearly visible); and lacked the name of the towing company, their address and phone number to contact them, and the phone number of the appropriate police department. There is no sign into the entrance of the parking area indicating "no parking", nor are there any signs at any of the parking spots.

After having been parked for approximately 20 minutes, our restaurant server told us that the vehicles in those spaces were being towed off. There were five other vehicles parked in the other spaces and, when we were informed of the towing action, we and the other patrons ran out to move our vehicles.

I stopped the individual when he hooked-up my vehicle and, as reflected in the citation, it was only 10 minutes (1:49 PM to 1:59 PM) from the time he hooked up the tow truck to when he dropped it after he completed writing out the ticket. Despite this, I was charged a \$203.90 "Private Impound" fee and \$86.19 for "After Hours Release".

When I first stopped the tow truck driver, he got out to ask me if I owned the vehicle. After I told him that I was the owner, he got back into the tow truck and pulled it another three feet further out of the parking space, presumably so he could say that he had removed the vehicle from the property and charge me the private impound fee. The tow truck driver states that, since he backed the vehicle up across an alley, (some ten feet from where I was parked) it was removed from the property. In actuality, it is not an alley, it is the driveway into the restaurant, and he blocked the entrance with my truck to where people were having to drive around the front end of my truck to get in. I ended up paying the fine so that he would release my vehicle.

Later that same day, I contacted the towing company, Agapi Recovery, LLC, 2828 E. Colfax, Denver Colorado 80210, at their phone number, 720-243-4242 and spoke with an individual who identified himself as the tow truck driver that I had dealt with earlier that same day. He would not give me his name and said that he was only required to give his identification as "Driver #1". He said everything was done properly and told me "good luck" when I stated that I would go to small claims court to settle the matter.

The law requires that I only be charged a \$70.00 drop fee. Even if one concedes that the parking was inappropriate (despite inadequate signage) I was overcharged by over \$200.

I consider the actions of Agapi Recovery, LLC to be those of a predatory towing operation and their practice of hiding and waiting for violators as unethical. I have filed a complaint with the Colorado PUC, DORA.

Thank you and the members of the committee for your and willingness to consider my input. Please pass legislation, HB22-1314, backed by aggressive enforcement to stop predatory towing practices.

Howard Manresa

Serial # 13

Date: 3-12-22

Agapi Recovery, LLC
Mailing Address: 2828 E. Colfax
Denver, CO 80206
Storage Address: 1136-1156 S. Broadway
Denver, CO 80210
P.U.C. Permit #T-04614
Telephone: (720) 243-4242

Police Agency That Was Notified
Agency: DENVER
Agent: _____
Time: N/A
Case # _____

Starting Point: 4335-4345 W 38th Ave Denver, CO 80212
Ending Point: 1136-1156 S. Broadway Denver, CO 80210 ON STREET
Reason vehicle was impounded: Unauthorized/
Arrive Time: 1419 PM Drop Time: 159 PM
Release Time: 159 PM Release Date: 3-12-22

Vehicle Information:
VIN 1N6AA1E56HN559530
Year 2017 Make NISSAN Model TITAN
Color GRAY Door # 4
License # 639 CSM License State CO License Expiration 8-22

Customer Information:
Driver License # 101930692 Expiration Date 10-22-2025
Date of Birth: 10-22-1951
Name: HOWARD E MARRESA
Address: 6421 QUAKER CT
City, State, ZIP: ARVADA CO 80007

Not responsible for articles left in vehicle. fire, theft or damage beyond our control. After customer signs this form and vehicle is removed from the storage Agapi Recovery, LLC is no longer liable for any damages to vehicle. Report problems to the Public Utilities Commission at 303-894-2070.	Mileage Per Mile: \$3.80X		
	Storage Per Day: \$30.00X <u>3918x1</u>		<u>3918</u>
	Private Impound:	203.90	<u>20390</u>
	After Hours Release:	<u>8619</u> \$66.00	<u>8619</u>
	Drop Fee:	\$70.00	
	Total Charges		<u>29009</u>
	Cash		Card <input checked="" type="checkbox"/>

Agent Authorizing X [Signature] Phone #(720) 243-4242
Truck Driver X [Signature] Driver #1 Truck #1
Customer X Howard E Marrisa











To: "Lindsay Smith" <LSmith@wlpplaw.com>,
Cc:
Bcc:
Subject: Re: House Bill 1314 Written Testimony
From: LCS Committees/CLICS - Thursday 04/07/2022 10:34 AM
Sent by: Elizabeth Burger/CLICS

"Lindsay Smith"

Good morning: I did not receive confirmation for...

04/07/2022 08:56:44 AM

From: "Lindsay Smith" <LSmith@wlpplaw.com>
To: "committees.lcs.ga@state.co.us" <committees.lcs.ga@state.co.us>
Date: 04/07/2022 08:56 AM
Subject: House Bill 1314 Written Testimony

Good morning:

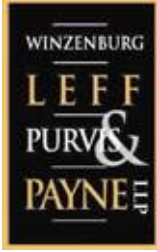
I did not receive confirmation for my written testimony on HB 1314 this afternoon, submitted in the "Amend" position for CAI – Colorado Legislative Action Committee:

CAI supports protections for residents from inappropriate towing. We are concerned that, as written, communities will not be allowed to tow from "common areas" in a condominium without 24 hours' notice. This is not a big issue if someone is parked inappropriately in guest parking, but prevents the association from immediately towing from fire lanes, and similar locations that may create life safety concerns. I've worked with communities with platted fire lanes that residents insist are parking areas and this will confuse the issue. Further, making this applicable only to condominiums and not to planned communities - which may physically appear identical to condominiums - is going to create ambiguity and confusion. We suggest amending to better reflect legal definitions in CRS 38-33.3-103 ("the person's area of operation" is extremely vague), revising to ensure it applies to all communities, and to clarify that immediate towing without 24 hours' notice is permitted from fire lanes and for similar safety concerns.

We are also concerned that the prohibition against kickbacks will require HOAs to pay for towing services, rather than these services being paid for by the individuals who are parked inappropriately. "Other valuable consideration" would include the right to exclusively tow from a community, and many HOAs contract for services with this right to support the contract; they don't pay a dollar amount for the contract. If HOAs have to pay for a contract to avoid a claim of kickbacks, HOA dues will increase. We support no payments to the HOA, Board, or management company in exchange for the right to tow, but "valuable consideration" is extremely broad.

Thank you for your time.

Lindsay



Lindsay S. Smith

Partner

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925 S Niagara St Suite 600

Denver, Co 80224

Representing >29,000 Coloradans

RE: HB22-1314 - SUPPORT

Members of the Business Affairs & Labor Committee

Representatives,

Currently, cars can be towed from private property for any reason at any time.

- Non-consensual towing can have a dramatic and long-lasting impact on a family's economic wellbeing. The unexpected tow and detention of a vehicle can:
 - Prevent parents from taking their children to school
 - Prevent workers from making it to their jobs on time
 - Impose prohibitively expensive costs on working families
 - Force families to forgo buying food or paying rent to cover costs
 - Result in the total loss of the family vehicle if funds cannot be found in time
- House Bill 1314, which will be in committee tomorrow protects Colorado consumers but putting place reasonable regulations and protections for tows from private property.
- Passage of this bill will protect families from economic harm caused by these towing practices.
- Please vote yes on HB 1314

Sincerely,

CARA Lobby Committee, Mona Moffatt, Sara Gagliardi, Sheila Leider, Ed Augden, Ken Debey

April 5, 2022

Dear Colorado State Representatives,

Today I am writing in support of the *Consumer Towing Protections Bill, HB22-1314* and that is why I am sharing this situation on behalf of my daughter Jessica Mandarich. She lives at the Evergreen Apartment complex in Pueblo Colorado. On December 1, 2020 she was contacted by her neighbor Emily Fair (whom she did not know prior to this situation) stating that a tow truck was in the private parking lot of the apartment complex looking as though they were going to tow her car. Jessica went out to the parking lot at 2:15 p.m. and tried to tell the driver and his co-worker that she had all the necessary registration documents for her vehicle but had not attached them yet because she felt too ill after contracting Covid-19. He ignored her pleas to stop and continued to connect the towing hook to her car. Jessica ran into her apartment to get the said documents while the driver swiftly connected the tow hook to her car. Her neighbor, Emily Fair shouted to them that they should offer her a “drop” fee, but when Jessica brought her registration information to the co-worker (driver #151) he again ignored her and left with her car without offering her that option (driver #151 later stated that he usually offered the option to everyone but since she had stated that she had Corona Virus, it threw him off guard and wasn't sure if he actually did offer the option).

We had to call the Towing Company to make an appointment to pick up her car the next day. They conveniently set the appointment in the afternoon when an additional \$30.00 would be added. We went to the Tow company lot at 2:30 the following day to pick up her vehicle. They presented her with a bill for \$259.00 which included a 2-day storage fee of \$60.00. We asked the Tow Driver why they towed the car knowing that she had the necessary documentation. He stated that the Registration sticker had to physically be attached to the license plate.

In the months after this incident, this towing company has been seen “Trolling” this apartment complex parking lot on numerous occasions, especially on the last day of each month prior to vehicle registration expirations. They will go as far as to park their truck and physically walk through the parking lot looking at each individual vehicle for permit and license expirations.

This stressful situation happened during the worst part of the pandemic. The court house closed their doors for registrations on new vehicles and renewals. They suspended fines on overdue plates. A large percent of the population of Pueblo was driving (and still are) with expired registrations but somehow my daughter had to pay \$259.00 for parking in her assigned parking space in a private parking lot and having all the necessary registration documentation.

I know that landlords can hire tow companies to monitor there parking lots but I feel the laws overly protect the towing industry and they take advantage of that law!!! The Apartment complex does not offer a "Loading Zone" section where a friend or family member can drop off groceries or pick up tenants that require assistance.

I ask that you vote "YES" on the *Consumer Towing Protections Bill (HB22-1314)* and any other legislation that will limit what the Towing Companies can and cannot do as well as hold them accountable for their actions.

Respectfully,
Paula Mandarich