

Second Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

**BILL E**

LLS NO. 14-0231.01 Jery Payne

**HOUSE BILL**

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**HOUSE SPONSORSHIP**

**Moreno**, Fischer, Lee, Mitsch Bush, Peniston, Primavera, Tyler

**SENATE SPONSORSHIP**

**(None)**,

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**House Committees**

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE WEIGHT OF MOTOR VEHICLES THAT ARE SUBJECT TO**  
102 **RATE REGULATION WHEN BEING TOWED WITHOUT THE OWNER'S**  
103 **CONSENT.**

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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://www.leg.state.co.us/billsummaries>.)*

**Transportation Legislation Review Committee.** Currently, the public utilities commission regulates rates for a nonconsensual tow of a motor vehicle if the vehicle is 10,000 pounds or less. The bill repeals the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

10,000 pound limitation to apply the regulation to all vehicles.

The bill also creates a committee to advise the public utilities commission on rates and investigations of overcharges. The committee is made up of the following members:

- One member who represents the commission;
- One member who represents the chief of the Colorado state patrol;
- One member who represents a towing association;
- One member who represents towing carriers generally;
- One member who represents an association of automobile owners;
- One member who represents insurance companies;
- One member who represents an association of motor carriers;
- One member who represents local law enforcement agencies; and
- One member who represents consumers of towing services.

The commission must consult the committee when making rules about rate regulation. The committee sunsets in 2024.

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

2           **SECTION 1.** In Colorado Revised Statutes, **add** 40-10.1-403 as  
3 follows:

4           **40-10.1-403. Towing advisory committee - creation - rules -**  
5 **repeal.** (1) THE TOWING ADVISORY COMMITTEE IS HEREBY CREATED  
6 WITHIN THE DEPARTMENT OF REGULATORY AGENCIES.

7           (2) THE COMMITTEE CONSISTS OF NINE MEMBERS, APPOINTED AS  
8 FOLLOWS:

9           (a) ONE MEMBER, OR THE MEMBER'S DESIGNEE, APPOINTED BY THE  
10 COMMISSION TO REPRESENT THE COMMISSION;

11           (b) ONE MEMBER, OR THE MEMBER'S DESIGNEE, APPOINTED BY THE  
12 CHIEF OF THE COLORADO STATE PATROL;

13           (c) ONE MEMBER, OR THE MEMBER'S DESIGNEE, APPOINTED BY THE  
14 COMMISSION TO REPRESENT A TOWING ASSOCIATION WITHIN THE STATE;

1 (d) ONE MEMBER, OR THE MEMBER'S DESIGNEE, APPOINTED BY THE  
2 COMMISSION TO REPRESENT TOWING CARRIERS WITHIN THE STATE BUT  
3 WHO DOES NOT REPRESENT A TOWING ASSOCIATION;

4 (e) ONE MEMBER, OR THE MEMBER'S DESIGNEE, APPOINTED BY THE  
5 COMMISSION TO REPRESENT AN ASSOCIATION OF AUTOMOBILE OWNERS  
6 WITHIN THE STATE;

7 (f) ONE MEMBER, OR THE MEMBER'S DESIGNEE, APPOINTED BY THE  
8 COMMISSION TO REPRESENT INSURANCE COMPANIES WITHIN THE STATE;

9 (g) ONE MEMBER, OR THE MEMBER'S DESIGNEE, APPOINTED BY THE  
10 COMMISSION TO REPRESENT AN ASSOCIATION OF MOTOR CARRIERS  
11 WITHIN COLORADO;

12 (h) ONE MEMBER, OR THE MEMBER'S DESIGNEE, APPOINTED BY THE  
13 COMMISSION TO REPRESENT LOCAL LAW ENFORCEMENT AGENCIES; AND

14 (i) ONE MEMBER, OR THE MEMBER'S DESIGNEE, APPOINTED BY THE  
15 COMMISSION TO REPRESENT CONSUMERS OF TOWING SERVICES.

16 (3) (a) THE MEMBERS OF THE COMMITTEE SERVE FOUR-YEAR  
17 TERMS; EXCEPT THAT THE MEMBERS APPOINTED UNDER PARAGRAPHS (a)  
18 TO (d) OF SUBSECTION (2) OF THIS SECTION SERVE INITIAL TERMS OF TWO  
19 YEARS.

20 (b) THE MEMBERS SHALL ELECT A CHAIR FROM AMONG THEIR  
21 MEMBERSHIP.

22 (4) (a) WHEN PROMULGATING OR AMENDING RULES CONCERNING  
23 RATE REGULATION OF TOW CARRIERS, THE COMMISSION SHALL CONSULT  
24 WITH THE COMMITTEE.

25 (b) AT THE DISCRETION OF THE COMMISSION, THE STAFF OF THE  
26 DEPARTMENT OF REGULATORY AGENCIES SHALL CONSULT WITH THE  
27 COMMITTEE CONCERNING INVESTIGATIONS OF OVERCHARGES MADE BY

1 TOWING CARRIERS IN VIOLATION OF THIS TITLE.

2 (5) THE COMMITTEE HAS THE FOLLOWING DUTIES AND POWERS:

3 (a) TO MAKE COMPREHENSIVE RECOMMENDATIONS TO THE  
4 COMMISSION ABOUT THE MAXIMUM RATES THAT MAY BE CHARGED FOR THE  
5 RECOVERY, TOWING, AND STORAGE OF A VEHICLE THAT HAS BEEN TOWED  
6 WITHOUT THE OWNER'S CONSENT. THE COMMITTEE SHALL MAKE ITS FIRST  
7 COMPREHENSIVE RECOMMENDATIONS TO THE COMMISSION ABOUT THE  
8 MAXIMUM RATES BY SEPTEMBER 1, 2015.

9 (b) TO ADVISE THE COMMISSION OR THE STAFF OF THE  
10 DEPARTMENT OF REGULATORY AGENCIES CONCERNING INVESTIGATIONS  
11 OF OVERCHARGES MADE BY TOWING CARRIERS IN VIOLATION OF THIS  
12 TITLE.

13 (6) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2024. PRIOR TO  
14 THE REPEAL, THE DEPARTMENT OF REGULATORY AGENCIES SHALL REVIEW  
15 THE ADVISORY COMMITTEE IN ACCORDANCE WITH SECTION 2-3-1203,  
16 C.R.S.

17 **SECTION 2.** In Colorado Revised Statutes, 42-4-1809, **amend** (2)  
18 introductory portion and (2) (a) as follows:

19 **42-4-1809. Proceeds of sale.** (2) If the sale of any motor vehicle  
20 and its attached accessories or equipment under ~~the provisions of~~ section  
21 42-4-1805 produces an amount greater than the sum of all charges of the  
22 operator who has perfected his or her lien:

23 (a) The ENTITY RECEIVING THE proceeds shall first satisfy the  
24 operator's reasonable fee arising from the sale of the motor vehicle and the  
25 cost and fees of towing and storing the abandoned motor vehicle, ~~with~~  
26 SUBJECT TO a maximum charge ~~that is~~ specified in rules promulgated by the  
27 public utilities commission that govern nonconsensual tows by towing

1 carriers. ~~In the case of an abandoned motor vehicle weighing in excess of~~  
2 ~~ten thousand pounds, the operator's charges shall be determined by~~  
3 ~~negotiated agreement between the operator and the responsible law~~  
4 ~~enforcement agency.~~

5 **SECTION 3.** In Colorado Revised Statutes, 2-3-1203, **add** (3) (kk)  
6 (l) as follows:

7 **2-3-1203. Sunset review of advisory committees.** (3) The  
8 following dates are the dates for which the statutory authorization for the  
9 designated advisory committees is scheduled for repeal:

10 (kk) SEPTEMBER 1, 2024:

11 (l) THE TOWING CARRIER ADVISORY COMMITTEE;

12 **SECTION 4. Act subject to petition - effective date -**  
13 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
14 the expiration of the ninety-day period after final adjournment of the  
15 general assembly (August 6, 2014, if adjournment sine die is on May 7,  
16 2014); except that, if a referendum petition is filed pursuant to section 1  
17 (3) of article V of the state constitution against this act or an item, section,  
18 or part of this act within such period, then the act, item, section, or part will  
19 not take effect unless approved by the people at the general election to be  
20 held in November 2014 and, in such case, will take effect on the date of the  
21 official declaration of the vote thereon by the governor.

22 (2) This act applies to charges assessed on or after the applicable  
23 effective date of this act.