

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

PREAMENDED

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

LLS NO. 14-0231.01 Jery Payne

HOUSE BILL 14-1031

HOUSE SPONSORSHIP

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

SENATE SPONSORSHIP

Hodge,

House Committees

Transportation & Energy

Senate Committees

Transportation

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.**

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

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.*

HOUSE
3rd Reading Unamended
January 27, 2014

HOUSE
Amended 2nd Reading
January 24, 2014

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.

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 task force - creation - rules - repeal.** (1)

5 THE TOWING TASK FORCE IS HEREBY CREATED WITHIN THE DEPARTMENT
6 OF REGULATORY AGENCIES.

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

9 (a) ONE MEMBER, OR THE MEMBER'S DESIGNEE, APPOINTED BY THE
10 GOVERNOR 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 GOVERNOR TO REPRESENT A TOWING ASSOCIATION WITHIN THE STATE;

15 (d) ONE MEMBER, OR THE MEMBER'S DESIGNEE, APPOINTED BY THE

1 GOVERNOR TO REPRESENT TOWING CARRIERS WITHIN THE STATE BUT WHO
2 DOES NOT REPRESENT A TOWING ASSOCIATION;

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

6 (f) ONE MEMBER WHO INSURES TOWING OPERATIONS, OR THE
7 MEMBER'S DESIGNEE, APPOINTED BY THE GOVERNOR TO REPRESENT
8 INSURANCE COMPANIES WITHIN THE STATE;

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

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

14 (i) ONE MEMBER WHO OWNS PRIVATE PROPERTY AND CONTRACTS
15 FOR TOWING SERVICES, OR THE MEMBER'S DESIGNEE, APPOINTED BY THE
16 GOVERNOR TO REPRESENT CONSUMERS OF TOWING SERVICES.

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

21 (b) THE MEMBERS SHALL ELECT A CHAIR FROM AMONG THEIR
22 MEMBERSHIP. THE CHAIR SHALL SET THE TIMES AND FREQUENCY OF THE
23 TASK FORCE'S MEETINGS.

24 (4) (a) WHEN PROMULGATING OR AMENDING RULES CONCERNING
25 RATE REGULATION OF TOW CARRIERS, THE COMMISSION SHALL CONSULT
26 WITH THE TASK FORCE.

27 (b) AT THE DISCRETION OF THE COMMISSION, THE STAFF OF THE

1 COMMISSION SHALL CONSULT WITH THE TASK FORCE CONCERNING
2 INVESTIGATIONS OF OVERCHARGES MADE BY TOWING CARRIERS IN
3 VIOLATION OF THIS TITLE.

4 (c) THE COMMISSION NEED NOT ACCEPT THE RECOMMENDATIONS
5 OF THE TASK FORCE.

6 (5) THE TASK FORCE HAS THE FOLLOWING DUTIES AND POWERS:

7 (a) TO MAKE COMPREHENSIVE RECOMMENDATIONS TO THE
8 COMMISSION ABOUT THE MAXIMUM RATES THAT MAY BE CHARGED FOR
9 THE RECOVERY, TOWING, AND STORAGE OF A VEHICLE THAT HAS BEEN
10 TOWED WITHOUT THE OWNER'S CONSENT. THE TASK FORCE SHALL MAKE
11 ITS FIRST COMPREHENSIVE RECOMMENDATIONS TO THE COMMISSION
12 ABOUT THE MAXIMUM RATES BY SEPTEMBER 1, 2015.

13 (b) TO ADVISE THE COMMISSION OR THE STAFF OF THE COMMISSION
14 CONCERNING INVESTIGATIONS OF OVERCHARGES MADE BY TOWING
15 CARRIERS IN VIOLATION OF THIS TITLE.

16 (6) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2024.
17 PRIOR TO THE REPEAL, THE DEPARTMENT OF REGULATORY AGENCIES
18 SHALL REVIEW THE TASK FORCE IN ACCORDANCE WITH SECTION 2-3-1203,
19 C.R.S.

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

22 **42-4-1809. Proceeds of sale.** (2) If the sale of any motor vehicle
23 and its attached accessories or equipment under ~~the provisions of~~ section
24 42-4-1805 produces an amount greater than the sum of all charges of the
25 operator who has perfected his or her lien:

26 (a) The ENTITY RECEIVING THE proceeds shall first satisfy the
27 operator's reasonable fee arising from the sale of the motor vehicle and

1 the cost and fees of towing and storing the abandoned motor vehicle, with
2 SUBJECT TO a maximum charge that is specified in rules promulgated by
3 the public utilities commission that govern nonconsensual tows by towing
4 carriers. ~~In the case of an abandoned motor vehicle weighing in excess of~~
5 ~~ten thousand pounds, the operator's charges shall be determined by~~
6 ~~negotiated agreement between the operator and the responsible law~~
7 ~~enforcement agency.~~

8 **SECTION 3.** In Colorado Revised Statutes, 2-3-1203, **add** (3)
9 (kk) as follows:

10 **2-3-1203. Sunset review of advisory committees.** (3) The
11 following dates are the dates for which the statutory authorization for the
12 designated advisory committees is scheduled for repeal:

13 (kk) SEPTEMBER 1, 2024:

14 (I) THE TOWING **TASK FORCE**;

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

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