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HOUSE BILL 14-1031

BY REPRESENTATIVE(S) Moreno, Fischer, Lee, Mitsch Bush, Peniston, Primavera, Tyler, Becker, Fields, Hullinghorst, Kagan, Pettersen, Schafer, Salazar;
also SENATOR(S) Hodge, Todd, Ulibarri.

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

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

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

40-10.1-403. Towing task force - creation - rules - repeal. (1) THE TOWING TASK FORCE IS HEREBY CREATED WITHIN THE DEPARTMENT OF REGULATORY AGENCIES.

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

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

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

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

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

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

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

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

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

(i) 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.

(3) (a) THE MEMBERS OF THE TASK FORCE SERVE FOUR-YEAR TERMS; EXCEPT THAT THE MEMBERS APPOINTED UNDER PARAGRAPHS (a) TO (d) OF SUBSECTION (2) 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.

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

(b) AT THE DISCRETION OF THE COMMISSION, THE STAFF OF THE COMMISSION SHALL CONSULT WITH THE TASK FORCE CONCERNING INVESTIGATIONS OF OVERCHARGES MADE BY TOWING CARRIERS IN VIOLATION OF THIS TITLE.

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

(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 SEPTEMBER 1, 2015.

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

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

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

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

(a) The ENTITY RECEIVING THE proceeds shall first satisfy the operator's reasonable fee arising from the sale of the motor vehicle and the cost and fees of towing and storing the abandoned motor vehicle, ~~with~~ SUBJECT TO a maximum charge ~~that is~~ specified in rules promulgated by the public utilities commission that govern nonconsensual tows by towing carriers. ~~In the case of an abandoned motor vehicle weighing in excess of ten thousand pounds, the operator's charges shall be determined by~~

~~negotiated agreement between the operator and the responsible law enforcement agency.~~

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

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

(kk) SEPTEMBER 1, 2024:

(I) THE TOWING TASK FORCE;

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

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

Mark Ferrandino
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Morgan Carroll
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO