

ORIGINAL HOUSE
BILL NO. HB0106

ENROLLED ACT NO. 84, HOUSE OF REPRESENTATIVES

SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING
2015 GENERAL SESSION

AN ACT relating to towing companies; authorizing the department of transportation to administer a rotation list for nonconsensual towing vehicle recovery as specified; specifying rotation list rule requirements; specifying burden of proof for fees; providing rulemaking authority; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 31-5-1701 is created to read:

ARTICLE 17

NONCONSENSUAL TOWING SERVICES

31-5-1701. Towing companies; rotation list.

(a) The department shall provide by rule and regulation for the safe and efficient removal of vehicles from the highways when the owner or operator of the vehicle is unable to actively assist in the vehicle's removal.

(b) Rules adopted by the department pursuant to this section shall include:

(i) A voluntary rotation list for tow truck and recovery carriers to be called by law enforcement officials when vehicle towing or recovery is required. The department may identify different categories of towing and recovery and maintain a list for each category;

(ii) Basic standards for law enforcement officials and the tow truck and recovery carriers to follow when a rotational call is made to clear or remove vehicles from the highways;

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(iii) Procedures for tow truck and recovery carriers who wish to be placed on the rotational call list;

(iv) Minimum equipment standards for tow truck and recovery standards to be placed on the rotational list;

(v) Inspections of carriers as necessary to enforce equipment and licensing requirements;

(vi) Identification of geographical areas for the operation of a rotation list in that area;

(vii) Provision for reprimand or suspension from the rotation list for a period of up to one (1) year or removal from the rotation list for a period in excess of one (1) year as determined by the director of the department, for carriers that violate the criteria to be on the rotation list;

(viii) An appeals process in accordance with the Wyoming Administrative Procedure Act for carriers who dispute any suspension or removal from the rotation list;

(ix) A requirement that a tow truck or recovery carrier file a summary rate disclosure document which states typical fees for commonly used towing and recovery procedures, including but not limited to such items as daytime and nighttime call rates, hook-up fees, winch fees, labor costs, mileage charges and vehicle storage charges. In any action where the fee charged by a towing company is in issue, the burden of proof to show that the fee is fair and reasonable shall be upon the towing company.

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Section 2. This act is effective July 1, 2015.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk