

HOUSE BILL NO. HB0170

Towing company rotation list.

Sponsored by: Representative(s) Pownall

A BILL

for

1 AN ACT relating to motor vehicles; requiring the department
 2 of transportation to adopt an annually calculated schedule
 3 of towing and recovery fees; requiring tow truck and
 4 recovery carriers to adhere to fee requirements to be
 5 included on the rotation list; conforming a provision; and
 6 providing for an effective date.

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

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10 **Section** **1.** W.S. 31-5-102(a)(lix) and
 11 31-5-1701(b)(vii), (ix) and by creating a new paragraph (x)
 12 are amended to read:

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14 **31-5-102. Definitions.**

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1 (a) Except as otherwise provided, as used in this
2 act:

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4 (lix) "This act" means W.S. 31-5-101 through
5 ~~31-5-1601~~ 31-5-1701;

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7 **31-5-1701. Towing companies; rotation list.**

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

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12 (vii) Provision for reprimand or suspension from
13 the rotation list for a period of up to one (1) year or
14 removal from the rotation list for a period in excess of
15 one (1) year as determined by the director of the
16 department, for carriers that:

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18 (A) Violate the criteria to be on the
19 rotation list;

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21 (B) Charge fees in excess of the schedule
22 of customary and reasonable fees required by paragraph (x)
23 of this subsection;

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(C) Charge fees in excess of the tow truck or recovery carrier's summary rate disclosure document that is on file with the department as required under paragraph (ix) of this subsection.

(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:

(A) A fee that is at or below the amount on the schedule of customary and reasonable fees required by paragraph (x) of this subsection shall be prima facie evidence that the fee is fair and reasonable;

(B) The burden of proof to show that ~~the a~~ higher fee charged for a procedure than the fee on the

1 summary rate disclosure document is fair and reasonable
2 shall be upon the towing company.

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4 (x) A schedule of annually calculated customary
5 and reasonable fees for commonly used towing and recovery
6 procedures based upon a random sampling of typical fees
7 used by commercial and municipal tow truck and recovery
8 carriers in Wyoming and a review of prevailing fees in
9 other states or regions.

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11 **Section 2.** This act is effective July 1, 2020.

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(END)