

# COLORADO DEPARTMENT OF REGULATORY AGENCIES

## Public Utilities Commission

### 4 CODE OF COLORADO REGULATIONS (CCR) 723-6

#### PART 6

#### RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE

##### GENERAL PROVISIONS

##### 6000. Scope and Applicability.

All rules in this Part 6, the "6000" series, shall apply to all Commission proceedings and operations concerning regulated entities providing transportation by Motor Vehicle, unless a specific statute or rule provides otherwise. Rules 6000 – 6099 apply to all Common Carriers, Contract Carriers, Limited Regulation Carriers, Towing Carriers, Movers, UCR registrants, Large Market Taxicab Service carriers, and Drivers as defined herein. Rules 6700 – 6724 apply to all Transportation Network Companies. Specific provisions regarding the applicability of this Part 6 can be found in rules 6100, 6200, 6250, 6300, 6400, 6500, 6600, and 6700.

##### 6001. Definitions.

The following definitions apply throughout this Part 6, except where a specific rule or statute provides otherwise:

\* \* \* \*

[indicates omission of unaffected rules]

(uuu) "Towing ~~c~~Carrier" means a Motor Carrier that provides towing of Motor Vehicles pursuant to a Towing Permit granted by the Commission pursuant to part 4 of Article 10.15 of Title 40, C.R.S. and rule 6500, et seq.

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[indicates omission of unaffected rules]

## TOWING CARRIER RULES

### 6500. Applicability of Towing Carrier Rules.

- (a) Rules 6500 through 6599 apply to all towing carriers and to all Commission proceedings and operations concerning towing carriers, applicants for a towing carrier permit, ~~and~~ employees of towing carriers, and tow truck drivers.
- (b) For a tow and storage of a motor vehicle performed under a written agreement between a towing carrier and a municipal, county, state, or federal agency, nothing in these towing carrier rules shall be construed to prohibit such agency, to the extent permitted by law, from adopting and enforcing additional or more stringent requirements relating to towing carrier operations within their jurisdiction with regard to rules 6506; 6507(a), (c), (e), and (f); 6508; 6509; 6510; and 6512(a), (b), (e), (f), and (g).
- (c) A written agreement between a towing carrier and a property owner to perform a nonconsensual tow may set rates for the tow less than, but not higher than, the rates established in paragraphs 6511(a), (b), (c), (d), and (e), ~~and (f)~~. In the event rates are not set through a written agreement, the Commission's rules will prevail and rates shall default to those established in these rules. For purposes of this rule, a written agreement setting rates for the tow does not include a tow authorization by a law enforcement officer given to a towing carrier with whom the law enforcement officer's agency does not itself have a written agreement.

### 6501. Definitions.

In addition to the general definitions in rule 6001, the following definitions apply to all towing carriers and to all Commission proceedings and operations concerning towing carriers, applicants for a towing carrier permit, employees of towing carriers, and tow truck drivers.

- (a) "Abandoned motor vehicle" means an "abandoned motor vehicle" as defined by § 42-4-1802(1), C.R.S., for motor vehicles left unattended on public property, and § 42-4-2102(1), C.R.S., for motor vehicles left unattended on private property.
- (b) "Address" means the particulars of the physical location of a business or residence, including the street name, number, city, state, and zip code.
- (c) "Authorized agent for the property owner" means a person acting as agent of a property owner.
- (d) "Authorized agent of the owner of the motor vehicle" means a person, including a towing carrier, who has been given written or oral permission by the owner, lessee, lienholder, or insurance company of a motor vehicle to act as agent for the disposition of said motor vehicle.
- (e) "Authorized operator of a motor vehicle" or "authorized operator" means a person who has been given written or oral permission to drive a motor vehicle by the owner or lessee of said motor vehicle.
- (f) "Authorized or interested person" means the vehicle owner, authorized operator, authorized agent of the owner of the motor vehicle, the lienholder of the motor vehicle, or the insurance company, as defined in § 40-10.1-101(1.5), C.R.S.

- (gf) “Business hours” means 8:00 AM to 5:00 PM, Monday through Friday, excluding legal holidays, and any additional hours and days the towing carrier may designate.
- (h) “Common parking area” means any part of the following areas that are normally used for parking, such as the side of a street or parking spaces, that an owner does not have the right to exclude other residents of the following from using for parking: a condominium, as defined in § 38-33.3-103(9), C.R.S.; a cooperative, as defined in § 38-33.3-103(10), C.R.S.; a multifamily building, which is also known as an apartment complex, with separate living quarters that are rented or leased separately; or a mobile home park, as defined in §§ 38-12-201.5(6) and 40-10.1-101(4.5), C.R.S.
- (i) “Drop fee” or “drop charge” means a fee a towing operator charges to unhook a vehicle from a tow truck, as defined in § 40-10.1-101(6.5), C.R.S.
- (ig) “Gross Vehicle Weight Rating” or “GVWR” is the maximum operating weight of a motor vehicle, as specified by the manufacturer.
- (k) “Insurance company” means an insurance company providing coverage on the motor vehicle, or their agent, if the vehicle owner signs a release authorizing the insurance company to act on their behalf.
- (lh) “Law enforcement officer” means any sheriff, police officer, Colorado State Patrol officer, municipal code enforcement officer, or other such person acting in his or her official governmental capacity for enforcement of motor vehicle laws.
- (mi) “Law enforcement-ordered tow” means a tow ordered by a law enforcement officer. Law enforcement-ordered tows are subject to these rules, even when the authorized or interested person owner or operator of the motor vehicle consents to a law enforcement officer ordering a tow. A tow shall not be considered a law enforcement-ordered tow if the authorized or interested person of the motor vehicle owner or operator has the ability or opportunity to terminate the tow and contact a towing carrier of his or her own choosing.
- (nj) “Legal disability” means the condition of a trailer or semi-trailer that, due to its weight, height, or other size characteristics, is unable to be transported when attached to the motor vehicle that was pulling it.
- (o) “Lienholder of the motor vehicle” means a person or company, or their agent, having a financial interest or legal claim related to the motor vehicle.
- (pk) “Name” means a word or phrase that constitutes the distinctive designation of a person or thing and includes printed, legible words and includes the first and last name, as applicable.
- (qt) “Nonconsensual tow”, “nonconsensual towing”, “towed nonconsensually”, “nonconsensually tow”, or “towed without consent” means the transportation of a motor vehicle by tow truck from private property, including a trailer, if the such transportation is performed without the prior consent or authorization of: the vehicle owner; or authorized operator; authorized agent of the owner of the motor vehicle; the lienholder of the motor vehicle, unless the motor vehicle is being towed for the purpose of repossession under a lien agreement; or the insurance company, as defined in of the motor vehicle. Law enforcement-ordered tows are considered nonconsensual tows. § 40-10.1-101(13), C.R.S

- (~~rm~~) “Parking lot” means any place, lot, parcel, yard, structure, building, or enclosure used, in whole or in part, for storing or parking five or more motor vehicles.
- (~~sn~~) “Private property” means any real property that is not public property.
- (~~te~~) “Private Property Impound” (or “PPI”) means a nonconsensual tow from private property upon authorization of the property owner.
- (~~up~~) “Property owner” means:
- (I) the owner or lessee of the private property or public property;
  - (II) a person who has been authorized to act as an authorized agent for the property owner or lessee of the private property or public property; or
  - (III) a federal, state, county, municipal, or other government entity that is the owner or lessee of the private property or public property, or such entity's employees responsible for such property.
- (IV) A person, pursuant to §§ 40-10.1-405(3)(a)(IV)(B) and (C), C.R.S., may be considered a property owner, for purposes of authorizing a nonconsensual tow.
- (~~ve~~) “Public property” means any real property having its title, ownership, use, or possession held by the federal government; this state; or any county, municipality, or other governmental entity of this state.
- (~~wf~~) “Recovery” means winching, hoisting, up-righting, removing, or otherwise relocating a motor vehicle when the motor vehicle is found in such a location, state, or position in which it could not be removed from the location, state, or position using only the motor vehicle’s own power, even if it were in complete operating condition. \_Waiting and site clean-up time are included in recovery services.
- (~~xs~~) “Signature” means the name of the person written in his or her own handwriting or submitted~~entered~~ by that person electronically.
- (y) “Storage facility” or “towing facility” means any place used for the storage of motor vehicles or records, in conjunction with the operations of a towing carrier.
- (~~zt~~) “Tow agreement” means a written agreement between a towing carrier and a property owner or law enforcement authorizing the towing carrier to perform tows and meeting the minimum requirements for tow agreements set forth in subparagraph 6508(a)(I) or by law enforcement.
- (~~aa~~) “Towing” is the act of transporting a motor vehicle or trailer on or behind a tow truck.
- (~~bb~~) “Tow invoice” means a written invoice provided to the authorized or interested person,~~vehicle owner or authorized agent of the vehicle owner~~ in accordance with rule 6509.
- (~~cc~~) “Tow record” means a complete record of the tow as maintained by the tow carrier, in accordance with rule 6509.

- (~~ddx~~) “Tow truck” means a motor vehicle specially designed or equipped for transporting another motor vehicle by means of winches, cables, pulleys, or other equipment for towing, pulling, or lifting such other motor vehicle from one place to another.
- (~~eez~~) “Towing carrier” means a motor carrier that provides, as one of its primary functions, the towing of motor vehicles by use of a tow truck and may also provide storage of towed motor vehicles.
- (~~ffz~~) “Towing carrier permit” means the permit issued by the Commission to a towing carrier, pursuant to § 40-10.1-401, C.R.S.
- ~~(aa) “Towing facility” means any place used for the storage of motor vehicles or records in conjunction with the operations of a towing carrier.~~
- (~~ggbb~~) “Trailer” means any wheeled vehicle, without motive power, which is designed to be drawn by a motor vehicle and to carry its cargo load wholly, or in part, upon its own structure and that is generally and commonly used to carry and transport property over the public highways.
- (~~hh~~) “Vehicle owner” means the owner of a motor vehicle, as determined by the motor vehicle’s registration, title, or the record obtained using the system described in § 42-4-2103(3)(c)(III), C.R.S.
- (~~iiee~~) “VIN” means the unique vehicle identification number used to identify a motor vehicle.

**6502. [Reserved].**

**6503. Towing Carrier Permit Application.**

- (a) In addition to completing the Commission-prescribed permit application form available on the Commission’s website, an applicant~~person~~ must:
- (I) pay an application fee, as administratively set by the Commission~~of \$150.00~~;
  - (II) cause to be filed the required proof of financial responsibility; ~~and~~
  - (III) pay the required annual fees or, if applicable, shall be in compliance with the UCR Agreement;~~;- and~~
  - (IV) have at least one principal who possesses a valid Colorado driver’s license.

**6504. Criminal History Checks and Good Cause Determinations.**

- (a) This rule applies to principals of a towing carrier,~~including without limitation, directors and officers.~~
- (b) Qualification determination for towing carrier permit.
- (I) Upon the Commission’s receipt of results obtained from a criminal history record check, Commission staff shall make a qualification determination regarding the applicant’s qualification status. In making this determination, Commission staff is authorized to request from the applicant, and the applicant shall provide, additional information that will assist Commission staff in making the determination. If an applicant either does not

provide such additional information requested by Commission staff, or explain why it is unavailable, within 15 days of the request, Commission staff may deny the application.

- (II) An application for a towing carrier permit shall be denied, if the applicant has:
  - (A) a conviction in the state of Colorado, within the five years preceding the date the criminal history record check is completed, of any felony under any Title of C.R.S. or any towing-related offense; or
  - (B) an offense in any other state or in the United States that is comparable to any offense listed in subparagraph (A) within the same time periods as listed in subparagraph (A).
- (III) For purposes of this rule, a deferred judgment and sentence pursuant to § 18-1.3-102, C.R.S., shall be deemed to be a conviction during the period of the deferred judgment and sentence.
- (IV) The Commission and Commission staff may consult and use any commercially or governmentally available information source in conducting criminal history record checks.
- (c) Commission staff shall not issue a towing carrier permit to the applicant if a disqualifying criminal history record is found for a person subject to this rule.
- (d) The Commission may deny an application for a towing carrier permit based on a determination that there is good cause to believe the issuance of the permit is not in the public interest.
- (e) If a disqualifying criminal history record or good cause determination is found for a person subject to this rule, the associated applicant may file a petition to qualify the applicant within 60 days of Commission staff's notification.
  - (I) Upon the filing of a petition for qualification, Commission staff shall be an indispensable party.
  - (II) The applicant shall bear the burden of proving that disqualification is not supported by fact or law. If the Commission qualifies an applicant upon petition, paragraph (b) shall be waived as to qualification determinations for future applications regarding the events upon which Commission staff's disqualification was based.

**6505. Kickbacks Prohibited~~[Reserved]~~.**

Pursuant to § 40-10.1-408, C.R.S., a towing carrier shall not pay money or other valuable consideration including, but not limited to gifts and gratuities, for the privilege of nonconsensually towing vehicles.

**6506. Equipment and Accessories.**

In addition to complying with all applicable safety regulations, all tow trucks shall meet the following minimum requirements.

- (a) Basic tow truck requirements.
  - (I) A towing carrier shall equip its tow truck(s) with engines, transmissions, differentials, driveline components, brake systems, frames, steering components, and suspensions of

sufficiently heavy construction to safely winch, lift, tow, load, and transport the towed motor vehicle.

- (II) A towing carrier shall maintain its tow truck(s) in a manner ensuring the safe winching, lifting, towing, loading, and transporting of the towed motor vehicle.
  - (III) A towing carrier shall ensure its tow truck(s) have each of the following:
    - (A) a GVWR of at least 10,000 pounds;
    - (B) fender coverings for front and rear wheels;
    - (C) the following operational electric lights:
      - (i) one spotlight, mounted behind the cab, capable of lighting the scene of legal disability and/or the motor vehicle to be moved (reverse/back-up lights of the tow truck shall not be used in lieu of the spotlight); and
      - (ii) one portable, combination light system capable of being securely attached on the rear of the towed motor vehicle; consisting of (with an equal number on each side) two tail lamps, two stop lamps, and two turn signals; and operated in conjunction with analogous lights on the tow truck;
    - (D) one steering wheel tying device free from cracks, fraying, or deterioration; and
    - (E) for any towing carrier that performs tows from accident scenes:
      - (i) one shovel; and
      - (ii) one broom.
- (b) Winching, lifting, towing, and carrying equipment shall be maintained in a manner to ensure the safe winching, lifting, towing, loading, and transporting of the towed motor vehicle, and shall include at least one of the following:
- (I) Winch and crane: A power-driven winch and crane with a capacity of not less than 6,000 pounds with a winch cable capable of withstanding a test of not less than 10,000 pounds at breaking point or hydraulic system vehicle lift and a cradle, with a tow plate or sling, equipped with safety chains and chains with J-hooks of sufficiently heavy construction to ensure the safe lifting of the motor vehicle;
  - (II) Wheel-lift system: A wheel-lift system with a stinger, L arm brackets, safety chains and tie-down straps, or a mechanical wheel retainer device forming an integral part of the L-arm bracket, of sufficiently heavy construction to secure the motor vehicle to the wheel-lift unit and to ensure the safe lifting and towing of the motor vehicle; or
  - (III) Rollback system: A rollback system with a winch and cable as described in subparagraph (I) of this paragraph, safety chains, tie-down equipment, and truck bed of sufficiently heavy construction to ensure the safe loading and transporting of the motor vehicle.

- (c) A towing carrier shall not tow a motor vehicle that is so extensively damaged as to be unmovable on its own wheels, unless the tow truck is equipped with dollies, a wheel-lift system, or a rollback system of sufficiently heavy construction to ensure the safe loading and towing of the damaged motor vehicle.
- (d) A towing carrier shall not tow a motor vehicle without attaching required operational electric lights on the rear of the towed motor vehicle. This requirement does not apply to motor vehicles placed on a flatbed or trailer, as long as the motor vehicle being towed does not extend four feet beyond the rear of the tow truck.
- ~~(e) A towed motor vehicle shall be secured to the tow truck, in accordance with the C.R.S. and the Code of Federal Regulations, for the purpose of transporting the vehicle.~~

#### 6507. Storage Facilities.

- (a) Disclosure of storage facility location. For nonconsensual tows of a motor vehicle, within 30 minutes of moving the towed motor vehicle from its location, or such lesser time as may be required by law, a towing carrier shall ~~notify~~ disclose the responsible law enforcement agency having jurisdiction over the place from where the motor vehicle was towed. The notification shall contain the following information: the name and permit number of the towing carrier; the location of the storage facility where the towed motor vehicle is located; and a description of the towed motor vehicle, including the make, model, color, year, VIN, and license plate information, including the number, issuing state, and expiration date. A towing carrier is deemed to have complied with this requirement if: ~~by notifying the responsible law enforcement agency having jurisdiction over the place from which the motor vehicle was towed.~~
  - (I) ~~Compliance with paragraph (a) will be considered accomplished if~~ the location of the storage facility was provided to the responsible law enforcement agency ~~when~~ in conjunction with obtaining authorization for the tow; ~~or-~~
  - (II) ~~If the towing carrier makes two or more documented attempts to notify the responsible law enforcement agency were made,~~ within the 30-minute time period ~~to notify the responsible law enforcement agency,~~ but were unsuccessful for reasons beyond the control of the towing carrier. The towing carrier must still notify the responsible law enforcement agency as soon as possible, after the unsuccessful attempts,- the notice will not be considered late for purposes of paragraph (a).
- (b) Disclosure for abandoned motor vehicles. A towing carrier which places an abandoned motor vehicle in a storage facility shall also disclose the location of the storage facility by complying with the procedure for abandoned motor vehicles in Parts 18 and 21 of Article 4 of Title 42, C.R.S.
- (c) Disclosure for all towed motor vehicles. Upon request of the authorized or interested personowner, authorized operator, or authorized agent of the owner of the ~~of~~ motor vehicle, a towing carrier which places a motor vehicle in a storage facility shall also disclose the location of the storage facility, the total amount of the charges, and accepted forms of payment, as provided in rule 6512.
- (d) Signage at storage facility.
  - (I) A towing carrier shall maintain a clearly visible sign at the entrance to any storage facility where a motor vehicle has been towed as a nonconsensual tow. Such sign shall state the name of the business, telephone number, and hours of operation.



- (II) All signs posted to provide notice pursuant to this rule shall comply with any applicable municipal ordinance, ~~to the extent not inconsistent with this rule, applicable ordinance,~~ Signs shall also, at a minimum:
- (A) be no less than two square feet in size;
  - (B) have lettering not less than two inches in height;
  - (C) have lettering that contrasts sharply in color with the background on which the letters are placed; and
  - (D) be printed in English.
  - (E) Pursuant to § 40-10.1-405(4)(b)(II), C.R.S., if the storage facility contains towed motor vehicles that are not exempt under the applicability standards found at § 40-10.1-405(9), C.R.S., the signs must also contain the following statement:  
  
“If a vehicle is nonconsensually towed from private property, the owner may retrieve the contents of the vehicle even if the owner does not pay the towing carrier’s fees. If the owner fills out the appropriate form, the owner may retrieve the vehicle after paying a reduced fee, but the owner still owes the towing carrier the balance of those fees.”
- (e) Lighting for release. A towing carrier shall maintain an area at each storage facility location on file with the Commission with illumination levels during all hours adequate to inspect a motor vehicle for damage prior to its release from storage.
- (f) ~~Towing C~~carrier responsibility. After a nonconsensual or law enforcement-ordered tow, the towing carrier is responsible for the security and safety of the towed motor vehicle until it is released to an authorized or interested person in accordance with these rules. Evidence of the towing carriers’ commercial liability insurance coverage, including cargo liability coverage, garage keeper’s liability coverage, if applicable, and motor vehicle liability coverage shall be provided, upon request, to an authorized or interested person~~the person to whom the motor vehicle is being released~~.

#### **6508. Authorization for Towing of Motor Vehicles.**

- (a) Towing carrier acting as authorized agent for the property owner.
- (I) A towing carrier may act as the authorized agent for the property owner under a written tow agreement to that effect, provided the tow agreement is compliant with this paragraph (a) and the towing carrier is not prohibited from acting as the authorized agent for the property owner, pursuant to § 40-10.1-405(3)(a)(IV)(C), C.R.S. The tow agreement shall contain at least the following information in order for the tow to be properly authorized:
- (A) the name, physical address, telephone number, email address, if applicable, and towing carrier permit number of the towing carrier;
  - (B) the name, address, email address, if applicable, and telephone number of the property owner;

- (C) the address of the property from which the tows will originate;
  - (D) the name of each individual person who is authorized to sign the tow authorization except tow carrier drivers where the carrier is authorized to act as the property owner agent under this rule;
  - (E) the address and phone number of the storage facility where the ~~motor~~-vehicle owner may retrieve the motor vehicle;
  - (F) the beginning date and ending date of the tow agreement. Provisions that provide for automatic renewal of the tow agreement are permissible provided all signature parties on the original tow agreement remain the same and are still valid at the time of renewal;
  - (G) a statement that “the maximum rates for a nonconsensual tow from private property, and the maximum drop charge if the motor vehicle is retrieved before removal from the private property, are set by rule of the Public Utilities Commission;”
  - (H) the name, title, phone number, and signature of the person entering into the tow agreement on behalf of the property owner and on behalf of the towing carrier; and
  - (I) the date the tow agreement is signed.
- (II) Nothing in this paragraph (a) shall preclude a towing carrier who has been paid for the tow by the property owner at proper rates from collecting the towing charges from the ~~motor~~-vehicle owner and reimbursing said charges to the property owner.
  - (III) No agency provided for in this paragraph (a) shall affect any obligation, liability, or responsibility of the property owner to any third party. Any provision attempting to affect such obligation, liability, or responsibility shall be void.
  - (IV) Nothing in this paragraph (a) shall preclude a towing carrier or property owner from adding addendums to the tow agreement that modify any term of the tow agreement, so long as the addendums are in compliance with these rules and agreed upon by both the tow company and the property owner. Each addendum must be signed by both the tow company and the property owner and are required to be maintained with the original tow agreement.
- (V) For purposes of this rule, any company owned or operated by, or directly affiliated with, a towing carrier is prohibited from acting as the authorized agent for the property owner, pursuant to § 40-10.1-405(3)(a)(IV)(C), C.R.S.
- (b) Authorization to perform ~~an~~nonconsensual tow.
    - (I) A towing carrier shall not tow any motor vehicle unless one of the following conditions is met:
      - (A) the towing carrier is directed to perform a tow by a law enforcement officer;

- (B) the towing carrier is requested to perform a tow by an authorized or interested person~~the owner, authorized operator, or authorized agent of the owner~~ of the motor vehicle; or
  - (C) the towing carrier is requested to perform a tow upon the authorization of the property owner.
- (II) A towing carrier may not come in contact with, hook-up to, or tow a motor vehicle that is occupied, unless the towing carrier is performing rescue or recovery operations for said occupant(s).
- (III) Property owner authorization. The authorization from the property owner, or authorized agent for the property owner, shall be in writing; shall identify by make, license plate number (if available), and VIN (if available), the motor vehicle to be towed; and shall include the date, time, and place of removal.
- (A) The authorization shall be filled out in full, signed by the property owner, and given to the towing carrier before the motor vehicle is removed from the property. The property owner may sign using a verifiable employee identification number or code name in lieu of the person's proper name. If the authorization is signed by the towing carrier as agent for the property owner, then a verifiable employee identification number or code name shall not be used. Documentation of such authority must be carried in the tow truck at all times while performing the tow. At a minimum, such documentation shall contain:
    - (i) the name, address, email address (if applicable), and telephone number of the property owner;
    - (ii) the address of the property from which the tows will originate; and
    - (iii) the name of each individual person who is authorized to sign the tow authorization.
  - (B) A towing carrier shall not have in his or her possession, accept, or use blank authorizations pre-signed by the property owner.
  - (C) The written authorization may be incorporated into the tow record/invoice required by rule 6509 or on any other document.
  - (D) With the exception of law enforcement-ordered tows, a towing carrier that is requested to perform a tow upon the authorization of a property owner<sub>1</sub> or authorized agent for the property owner<sub>1</sub> must immediately deliver the towed motor vehicle that is being removed from the property to a storage facility location on file with the Commission without delay. No motor vehicle may be relocated off of the private property from which it is towed to a location other than to such a storage facility.
  - (E) In the case of law enforcement-ordered tows, a towing carrier may relocate a motor vehicle to another location at the order of a law enforcement officer.

- ~~(F) A motor vehicle towed as a nonconsensual tow shall be secured to the tow truck in accordance with the C.R.S. and the Code of Federal Regulations for the purpose of transporting the vehicle to the tow carrier's storage lot.~~
- (c) ~~Expired vehicle registration. Unless the tow is ordered by a peace officer, a towing carrier shall not tow a motor vehicle from private property because the rear license plate of the vehicle, or the record obtained using the system described in § 42-4-2103(3)(c)(III), C.R.S., indicates that the motor vehicle's registration has expired. A towing carrier may not perform a nonconsensual tow of a motor vehicle for reason of expired vehicle registration as reflected on the vehicle license plate, unless the vehicle registration has expired pursuant to the terms of §§ 42-3-114 and 42-3-203, C.R.S.~~
- ~~(d) 24-hour notice. Unless exempt under the provisions of § 40-10.1-405(9), C.R.S., a towing carrier shall not perform a nonconsensual tow of a motor vehicle from a parking space or common parking area without the towing carrier or property owner giving the vehicle owner or authorized operator 24-hours' written notice, unless:~~
- ~~(I) the vehicle owner or authorized operator has received two previous notices for parking inappropriately, as defined by § 40-10.1-405(3)(b)(V), C.R.S., in the same manner, within the past six months;~~
  - ~~(II) the motor vehicle blocks a driveway or roadway enough to effectively obstruct a person's access to the driveway or roadway;~~
  - ~~(III) the motor vehicle is parked in violation of § 42-4-1208(4), C.R.S. or is parked in reserved parking for people with disabilities without displaying an identifying placard or an identifying plate, as those terms are defined in §§ 42-3-204(1)(f) and (g), C.R.S., that is currently valid or has been expired for no more than 60 days;~~
  - ~~(IV) the motor vehicle is parked in or effectively obstructing a designated and marked fire zone;~~
  - ~~(V) the motor vehicle is occupying, without permission, or effectively obstructing access to or from an individually designated, rented, or purchased parking space of a resident; or~~
  - ~~(VI) the motor vehicle is parked without displaying valid authorization in a parking lot marked for the exclusive use of residents.~~
- ~~(e) If a motor vehicle is being towed without 24-hours' notice, pursuant to subparagraphs 6508(d)(V) or 6508(d)(VI), additional signage is required, as described in § 40-10.1-405(3)(c), C.R.S. If this additional signage is not present, 24-hours' written notice must be provided, consistent with this rule.~~
- ~~(f) The towing carrier or property owner shall provide the 24-hours' written notice, as described in this rule, by placing it on the windshield of the motor vehicle at least 24 hours before towing the motor vehicle. At its discretion, a towing carrier may place the notice on other areas of the vehicle, such as the driver-side window, so long as it is in addition to, not in lieu of, the windshield placement. The notice must clearly state:~~
- ~~(I) that the motor vehicle will be towed without consent if the motor vehicle remains parked inappropriately;~~

- (II) a description of the inappropriate parking that has caused the notice to be given;
- (III) the time the motor vehicle will be towed if it is not moved to appropriate parking or the inappropriate parking has been corrected; and
- (IV) that continuing to park inappropriately in the same manner may lead to the motor vehicle being towed without notice.

(g) Photographs.

- (I) Unless exempt under the provisions of § 40-10.1-405(9), C.R.S., a towing carrier shall document the motor vehicle's condition and the reason for the tow before connecting to the motor vehicle.
- (II) In order to properly document the motor vehicle's condition, a towing carrier shall take at least four photographs, as follows:
  - (A) from the front of the motor vehicle;
  - (B) from the rear of the motor vehicle;
  - (C) from the driver-side of the motor vehicle; and
  - (D) from the passenger-side of the motor vehicle.
  - (E) These photographs must show the entire motor vehicle from the required angles, have the motor vehicle fill at least three-fourths of the photograph, measured from side-to-side, be rendered in a resolution of at least 2,000 pixels by 2,000 pixels, and contain the date and time the photographs were taken.
- (III) In order to properly document the reason for the tow, a towing carrier shall take at least one photograph, that meets the following requirements:
  - (A) identifies the specific reason for the tow;
  - (B) shows the position of the vehicle in relation to the reason, including any sign, that the vehicle was towed;
  - (C) can be rendered in a resolution of at least 2,000 pixels by 2,000 pixels; and
  - (D) contains the date and time the photograph was taken.
- (IV) Upon demand by an authorized or interested person, a towing carrier shall provide copies of the photographs, as described in this rule. The copies of the photographs may be provided in physical or digital format. A towing carrier may not assess any fees associated with providing copies of the photographs.
- (V) If a towing carrier fails to produce a photograph of the reason for the tow, as described in this rule, it creates a rebuttable presumption that the towing carrier did not have authorization to tow the motor vehicle.

**6509. Tow Record/Invoice, Charge Notification, and Warning Signage.**

- (a) ~~A T~~A towing carriers shall use and complete all applicable portions of a tow record/invoice form for all nonconsensual tows, whether the motor vehicle is removed from private property or retrieved before removal (commonly known as a drop), and law enforcement-ordered tows. The tow record/invoice form shall contain the following information:
- (I) the unique serial number of the tow record/invoice;
  - (II) the name, address, towing carrier permit number, and telephone number of the towing carrier that is on file with the Commission;
  - (III) the address of the storage facility used by the towing carrier that is on file with the Commission, including the telephone number for that storage facility if the number is different than the telephone number of the towing carrier;
  - (IV) the date and time of the drop, the date and time of commencement of the tow, the date and time of completion of the tow, the date and time notice was given to the appropriate law enforcement agency, the date and time the towed motor vehicle was placed in storage, and the date and time the towed motor vehicle was released from storage, as applicable;
  - (V) the make, model, year, complete VIN (if available), and license plate number (if available) of the towed motor vehicle;
  - (VI) the origin address of the tow, the destination address of the tow, and the one-way mileage between such addresses;
  - (VII) unless incorporated into the authorization in subparagraph 6508(b)(III),
    - (A) the printed name, address, and telephone number of the person property owner authorizing the tow; and
    - (B) the full, legal signature of the property owner authorizing the tow;
  - (VIII) the unit number or license number of the tow truck;
  - (IX) the printed name and signature of the tow truck driver;
  - (X) an itemized invoice of all towing charges assessed;
  - (XI) the signature of the authorized or interested person owner, authorized operator, or other authorized person to whom the motor vehicle is released. The towing carrier may write “refused to sign” on the tow record/invoice if the authorized or interested person to whom the motor vehicle is released is provided opportunity to sign the tow/record invoice, but refuses to do so;
  - (XII) on at least the authorized or interested person’s customer’s copy of the tow record/invoice, the following notice in a font size of at least ten: “Report problems to the Public Utilities Commission at (303) 894-2070”. Unless exempt under the provisions of § 40-10.1-405(9), C.R.S., this notice must not be in a type face or font that is smaller than the other numbers or words on the tow record/invoice, as applicable; and

- (XIII) for all nonconsensual tows, the case report number or other identifiable entry provided by the law enforcement agency to which the tow was reported, in accordance with the requirements in § 42-4-2103(2) C.R.S., and paragraph 6507(a).
- (b) The tow record/invoice, as provided to the authorized or interested person~~vehicle owner or authorized agent of the vehicle owner~~, shall include, at a minimum, the items listed in subparagraphs 6509(a)(I) through (VIII) and (X) through (XII). The towing carrier shall retain the copy of the tow record/invoice bearing all required original signatures for authorization and release for three years after the tow commenced, whether it is maintained in electronic or multi-copy paper form.
- (c) The tow record/invoice must be filled out to contain the information required in ~~sub~~paragraphs 6509(a)(I), (II), (III), (V), (VI), (VII), and (VIII) by the tow truck driver, prior to the tow truck leaving the location of the tow origination with the towed motor vehicle, unless impracticable due to safety concerns. If safety concerns delay recording the information, the towing carrier shall record the information as soon as reasonably possible.
- (d) The towing carrier shall deliver a copy of the tow record/invoice to the authorized or interested person~~owner, authorized operator, or authorized agent of the owner of the motor vehicle~~ immediately upon request, but no later than 48 hours after the request is made. Unless exempt under the provisions of § 40-10.1-405(9), C.R.S., the tow record/invoice must also show each charge and the rate for each fee that has been incurred as a result of a nonconsensual tow, at the time of the release of the towed motor vehicle from a storage facility or where dropped for a drop fee, regardless of whether the towing carrier received in full payment of applicable charges.
- (e) Unless subject to the provisions of § 40-10.1-405(6), C.R.S., a T~~o~~wing carriers shall provide a charge notification card to the authorized or interested person~~owner, authorized operator, or authorized agent of the owner~~ of the motor vehicle to be towed, if ~~such~~the authorized or interested person is on the property prior to or after commencement of the tow, but before the motor vehicle has been ~~removed from~~towed off the property. The charge notification card shall contain all the information listed on the Commission-prescribed form available on the Commission's website.
- (f) A towing carrier may place a warning sign on the driver-side window of a motor vehicle to be towed or, if window placement is impracticable, in another location on the driver-side of the motor vehicle, prior to commencement of the tow. The ~~tow truck~~ warning sign shall be at least eight inches by eight inches square or diameter, yellow or orange in color, and state the following: "WARNING: This vehicle is in tow. Attempting to operate or operating this vehicle may result in criminal prosecution and may lead to injury or death to you or another person."

#### **6510. Disclosure of Rates and Charges.**

- (a) Prior to performing any tow, a towing carrier shall disclose to the authorized or interested person~~owner, authorized operator, or authorized agent of the owner~~ of the motor vehicle all rates and charges to be assessed. This rule does not apply to a nonconsensual tow authorized by the property owner ~~or authorized agent for the property owner~~. Rates for law enforcement-ordered tows must be disclosed to the authorized or interested person of the motor vehicle ~~operator~~ prior to commencement of the tow, except when ~~it~~is not feasible for reasons including, but not limited to, arrest, incapacitation, or order of a law enforcement officer.
- (b) This disclosure may either be written or oral and shall include, but is not limited to, the following information:

- (I) -any extra charges made necessary because, at the time of the tow, the towing carrier would be unable to deliver the motor vehicle to a repair or body shop during the normal working hours of such repair or body shop;
- (II) any extra charges made necessary because, at the time of the tow, the towing carrier would be unable to deliver the motor vehicle to a location and at a time agreed upon by the ~~authorized or interested personowner, authorized operator, or authorized agent of the owner~~ of the motor vehicle to take delivery of the motor vehicle and pay the tow charges; and
- (III) the estimated charges for mileage and storage.

(c) Unless exempt under the provisions of § 40-10.1-405(9), C.R.S., a towing carrier shall prominently display at their place of business, and on any website of the towing carrier, the current maximum rates permitted by rule of the Commission for each tow service provided by the towing carrier. The sign must include the following statement:

“The maximum permitted rate is based upon rules of the Public Utilities Commission. If there are concerns or questions about these rates or about the towing carrier, call the Public Utilities Commission Consumer Affairs’ hotline at 303-894-2070.”

#### **6511. Rates and Charges.**

- (a) Drop Charge. Unless prohibited under the provisions of § 40-10.1-405(6), C.R.S., Aa towing carrier may assess a drop charge if the ~~authorized or interested personowner, authorized operator, or authorized agent of the owner~~ of the motor vehicle that is parked without the authorization of the property owner appears in person to retrieve the motor vehicle prior to or after commencement of the tow ~~the motor vehicle is hooked up to the tow truck~~, but before the motor vehicle ~~is~~has been removed from the property.
  - (I) The maximum drop charge is as follows for each vehicle weight classification:
    - (A) \$79.40 for motor vehicles with a GVWR less than or equal to 10,000 pounds;
    - (B) \$102.08 for motor vehicles with a GVWR greater than 10,000 pounds and less than or equal to 19,000 pounds;
    - (C) \$136.11 for motor vehicles with a GVWR greater than 19,0004 pounds and less than or equal to 33,000 pounds; and
    - (D) \$158.79 for motor vehicles with a GVWR greater than 33,000 pounds.
    - (E) Maximum drop charges may be less than these amounts if required by municipal ordinance or by the tow agreement with the property owner and shall be enforced by the Commission pursuant to this rule.
  - (II) The maximum drop charge shall be adjusted for inflation annually, starting March 15, 2022, and effective March 15 of each year thereafter, based upon the annual percentage change in the United States Bureau of Labor Statistics Consumer Price Index – Denver-Aurora-Lakewood, as published by the Colorado Department of Local Affairs for the immediately preceding calendar year. These adjustments shall be compounded annually. For reference by towing carriers and the general public, the Commission will



post a notice on its website by March 15 of each year reporting the annual inflation adjustments applicable pursuant to this rule.

- (III) The minimum drop charge is \$0.00.
  - (IV) The towing carrier shall halt any tow in progress, including preparation therefor, prior to removal from the private property, and advise the ~~authorized or interested personowner, authorized operator, or authorized agent of the owner~~ of the motor vehicle that he or she may offer payment of the towing carrier's drop charge. The towing carrier shall concurrently advise the ~~authorized or interested personowner, authorized operator, or authorized agent of the owner~~ of the motor vehicle of acceptable forms of payment under rule 6512. Such advisements shall be provided via delivery of a charge notification card, in addition to any other means desired by the towing carrier.
  - (V) If the towing carrier does not advise the ~~authorized or interested personowner, authorized operator, or authorized agent of the owner~~ of the motor vehicle of the acceptable forms of payment under rule 6512 or accept such forms of payment, the towing carrier shall not charge or retain any fees or charges for the services it performs. Any money collected must be returned to the ~~authorized or interested personowner, authorized operator, or authorized agent of the owner~~ of the motor vehicle.
- (b) The towing rates for PPI tows ~~include the following~~~~consists of up to four~~ elements: a base rate for the tow; a mileage charge, including any applicable fuel surcharge; a charge for motor vehicle storage; ~~and~~ a charge for release from storage pursuant to paragraph 6511(f), if applicable; and any other charges allowed by state statute or Commission rule.
- (I) The base rates for PPI tows are as follows for each vehicle weight classification:
    - (A) \$203.90 for motor vehicles with a GVWR less than or equal to 10,000 pounds;
    - (B) \$234.48 for motor vehicles with a GVWR greater than 10,0004 pounds and less than or equal to 19,000 pounds;
    - (C) \$316.05 for motor vehicles with a GVWR greater than 19,0004 pounds and less than or equal to 33,000 pounds; and
    - (D) \$356.83 for motor vehicles with a GVWR greater than 33,000 pounds.
  - (II) The base rates shall be adjusted for inflation annually, starting March 15, 2022, and effective March 15 of each year thereafter, based upon the annual percentage change in the United States Bureau of Labor Statistics Consumer Price Index – Denver-Aurora-Lakewood, as published by the Colorado Department of Local Affairs for the immediately preceding calendar year. These adjustments shall be compounded annually. For reference by towing carriers and the general public, the Commission will post a notice on its website by March 15 of each year reporting the annual inflation adjustments applicable pursuant to this rule.
  - (III) The maximum mileage charge a towing carrier may assess for a PPI tow of a motor vehicle is \$3.80 per mile for each mile that the motor vehicle is towed, subject to the following limits: The maximum mileage that may be charged for a PPI tow is 12 miles for tows within ten miles of either side of U.S. Interstate Highway 25, and 16.5 miles for

mountain areas and eastern plains communities that lie farther than ten miles from U.S. Interstate Highway 25.

- (IV) An additional fuel surcharge may be assessed when the price per gallon of diesel fuel exceeds a base rate of \$2.60. The Commission shall, each month, adjust the maximum mileage charge when the price per gallon of diesel fuel exceeds the base rate. The surcharge shall be based on the United States Department of Energy “weekly retail on-highway diesel prices” for the Rocky Mountain region (DOE’s Weekly Diesel Price). The fuel surcharge adjustment shall provide a one-percent increase in the mileage rate for every ten-cent increase in the DOE’s Weekly Diesel Price, or a one-percent decrease in the mileage rate for every ten-cent decrease in the DOE’s Weekly Diesel Price, but in no event decreasing below the base rate.
  - (V) A towing carrier shall not charge or retain any additional fees not identified in state statute or these Commission rules for the nonconsensual tow of a motor vehicle from private property.
- (c) Maximum towing rates for law enforcement-ordered tows and recovery operations are to be calculated on an hourly basis, per required tow truck, as follows, with no additional fees, charges, or surcharges permitted, except as allowed by state statute or Commission rule.
- (I) The maximum hourly rates for tow truck and driver, billable in ¼ hour increments after the first hour, for the towing or recovery of motor vehicles, are as follows for each vehicle weight classification:
    - (A) \$232.52 per hour for motor vehicles with a GVWR less than or equal to 10,000 pounds;
    - (B) \$277.89 per hour for motor vehicles with a GVWR greater than 10,000 pounds and less than or equal to 19,000 pounds;
    - (C) \$362.96 per hour for motor vehicles with a GVWR greater than 19,000+ pounds and less than or equal to 33,000 pounds; and
    - (D) \$419.67 per hour for motor vehicles with a GVWR greater than 33,000 pounds.
    - (E) The recovery of a motor vehicle requiring the use of a Heavy Rotator (60+ tons) shall not exceed \$663.53 per hour.
  - (II) The maximum hourly rates for tow truck and driver shall be adjusted for inflation annually, starting March 15, 2022, and effective March 15 of each year thereafter, based upon the annual percentage change in the United States Bureau of Labor Statistics Consumer Price Index – Denver-Aurora-Lakewood, as published by the Colorado Department of Local Affairs for the immediately preceding calendar year. These adjustments shall be compounded annually. For reference by towing carriers and the general public, the Commission will post a notice on its website by March 15 of each year reporting the annual inflation adjustments applicable pursuant to this rule.
  - (III) Mileage and fuel surcharges authorized elsewhere in rule 6511 do not apply to law enforcement-ordered tows or recovery operations.

- (IV) Any towing carrier billing greater than one hour for any tow truck and driver for a given tow shall:
- (A) include, in addition to requirements of rule 6509, the following information on the tow record/invoice, recorded at the time of occurrence: the time of dispatch; the time the tow truck leaves the yard or other staging location; the time the tow truck arrives on scene; the time the tow truck leaves the scene, and the time the towed motor vehicle is unhooked from the tow truck;
  - (B) include an advisement on the tow record/invoice that documentation of costs billed in excess of one hour for any tow truck and driver for such tow are available upon request from the towing carrier;
  - (C) only begin billing from a time not earlier than the towing carrier leaves their yard or staging area en route to the scene of the requested tow until the towed motor vehicle is unhooked;
  - (D) not bill more than the reasonable time necessary to perform the tow at hourly rates for one tow truck and driver, plus the towing carrier's actual and reasonable cost of recovery equipment and labor in excess of one tow truck and driver, plus an additional twenty-five percent of those actual and reasonable costs;
  - (E) provide ~~an the authorized or interested person owner, authorized operator, or authorized agent of the owner~~ of the motor vehicle documentation of the actual and reasonable costs billed in excess of one hour for any tow truck and driver for such tow upon request; and
  - (F) not, under any circumstances, bill rates and charges provided in paragraph (b) for a PPI tow.
- ~~(d) — The maximum rates for a tow from a storage facility, when directed by a law enforcement officer who is performing an accident reconstruction or stolen vehicle investigation, are as follows:~~
- ~~(i) — \$91.00 for one additional hookup;~~
  - ~~(ii) — \$91.00 per hour waiting time; and~~
  - ~~(iii) — mileage charges as provided in paragraph (b).~~
- (de) Storage for nonconsensual and law enforcement-ordered tows.
- (I) Storage charges ~~may accrue from the time a motor vehicle is placed in storage and shall not exceed the following maximum rates, based on a 24-hour period or any portion of a 24-hour period~~, for the following weight classifications:
    - (A) \$39.18 for motor vehicles ~~with having~~ a GVWR of less than or equal to 10,000 pounds;
    - (B) \$48.32 for motor vehicles ~~with having~~ a GVWR ~~of greater than~~ 10,000 pounds ~~or more~~; or

- (C) in lieu of the storage rates provided above, and at the option of the towing carrier, storage may be charged according to the motor vehicle's length, including the tongue of a trailer, at \$1.50 per foot or portion thereof.
- (D) For ~~the~~ purposes of this rule, storage charges may be assessed for each 24-hour period or any portion of a 24-hour period, except when the tow is subject to the provisions of § 40-10.1-405(1)(c)(I), C.R.S. ~~¶~~The 24-hour time period commences when the motor vehicle enters the towing carrier's storage facility. The second day of storage, for ~~the~~ purposes of charges, shall not begin until 24 hours after the motor vehicle entered the towing carrier's storage facility.
- (E) If a tow is subject to the provisions of § 40-10.1-405(1)(c)(I), C.R.S., storage charges must be prorated, on an hourly basis, with the combined hourly rate not to exceed to maximum rate for an entire 24-hour period.
- (II) The storage charges shall be adjusted for inflation annually, starting March 15, 2022, and effective March 15 of each year thereafter, based upon the annual percentage change in the United States Bureau of Labor Statistics Consumer Price Index – Denver-Aurora-Lakewood, as published by the Colorado Department of Local Affairs for the immediately preceding calendar year. These adjustments shall be compounded annually. For reference by towing carriers and the general public, the Commission will post a notice on its website by March 15 of each year reporting the annual inflation adjustments applicable pursuant to this rule.
- (III) Storage charges shall not be charged, collected, or retained for any time during which garage keeper's liability insurance coverage is not kept in force.
- (IV) For tows originating from private property, only the first 24 hours of storage, prorated on an hourly basis, may be assessed until such time as the notification, pursuant to § 42-4-2103, C.R.S., has been completed.~~Maximum storage charges for abandoned motor vehicles towed from private property.~~
- (V) Storage charges after the tow and storage of an abandoned motor vehicle subject to Part 21 of Title 42, C.R.S., shall not be accumulated beyond 120 days after the notification has been completed, mailing date of the report required by pursuant to § 42-4-2103(4), C.R.S.
- (ef) For ~~a~~ nonconsensual and law enforcement-ordered tows, the maximum additional charge for release of a motor vehicle from storage at any time other than the towing carrier's business hours is \$86.19. The release charge shall be adjusted for inflation annually, starting March 15, 2022, and effective March 15 of each year thereafter, based upon the annual percentage change in the United States Bureau of Labor Statistics Consumer Price Index – Denver-Aurora-Lakewood, as published by the Colorado Department of Local Affairs for the immediately preceding calendar year. These adjustments shall be compounded annually. For reference by towing carriers and the general public, the Commission will post a notice on its website by March 15 of each year reporting the annual inflation adjustments applicable pursuant to this rule.
- (fg) Noncompliance. If a tow is performed, or storage is provided, in violation of state statute or Commission rule, the towing carrier may not charge or retain any fees or charges for the services it performs. Any motor vehicle that is held in storage and that was towed without proper authorization may~~must~~ be released, without charge, to an authorized or interested person~~the persons authorized in paragraph 6512(a)~~. Any money collected must be returned to the

~~authorized or interested personowner, authorized operator, or authorized agent of the owner~~ of the motor vehicle.

~~(g)~~ Abandoned motor vehicles.

- (I) Notifications. The charges for notification(s) to the vehicle owner(s) and the lien-holder(s) of the motor vehicle held in storage shall be in accordance with §§ 42-4-1804 and 42-4-2103, C.R.S., and the rules of the Colorado Department of Revenue. For purposes of notification, any motor vehicle in possession of the towing carrier, including motor vehicles incidental to the tow (for example, loaded on a trailer when the trailer was towed) shall comply with the notification requirements of Parts 18 and 21 of Article 4 of Title 42, C.R.S., and § 42-5-109, C.R.S.
- (II) Consequences of failure to notify. A towing carrier holding a motor vehicle in storage who cannot demonstrate that it has made a good faith effort, as set forth in §§ 42-4-1804 and 42-4-2103, C.R.S., to comply with the notification requirements of Parts 18 and 21 of Article 4 of Title 42, C.R.S., and § 42-5-109, C.R.S., shall not charge, collect, or retain any fees associated with the tow or storage of the motor vehicle.
- (III) Sale of an abandoned motor vehicle to cover the outstanding towing and storage charges must be done in accordance with the notice and procedural requirements of Parts 18 and 21 of Article 4 of Title 42, C.R.S., and § 42-5-109, C.R.S.
- (IV) Additional costs that may be charged when a stored motor vehicle is sold.
  - (A) When a stored motor vehicle is sold, a towing carrier may charge the costs of maintaining that motor vehicle while in storage in accordance with § 38-20-109, C.R.S.
  - (B) When a stored motor vehicle that does not come within the provisions of § 38-20-109, C.R.S., is sold, a towing carrier may charge the costs of maintaining that motor vehicle, up to a maximum of \$90.00.
  - (C) “Cost of maintaining a motor vehicle” means a documented cost that is incurred by the towing carrier and that keeps a motor vehicle in safe and operable condition.
  - (D) Certified VIN verification procedure. When an abandoned motor vehicle that is less than five model years old and that the Colorado Department of Revenue cannot find in its records must be sold, the towing carrier may charge for all documented expenses of obtaining the certified VIN verification. maximum rates that may be charged for a certified VIN verification are as follows:
    - ~~(i) — rates as provided in paragraph (d); and~~
    - ~~(ii) — in addition, the towing carrier may charge for all other documented expenses of obtaining the VIN verification.~~

~~(h)~~ Trailers.

- (I) No additional fees may be charged for the towing of a power unit and trailer in combination as a single motor vehicle.

- (II) A vehicle in or on a trailer is considered in combination as a single unit.
- (III) No additional fees may be charged for the towing of cargo in combination; however, additional fees may be charged for towing a trailer when reasonably and actually conducted as a separate tow from a power unit.

**6512. Release of Motor Vehicle and Personal Property.**

- (a) The towing carrier shall immediately accept payment of the drop charge, towing, storage, ~~and release charges, and any other appropriate charges,~~ if payment is offered by an authorized or interested person. The towing carrier must accept payments in cash or by valid major credit card. For purposes of this rule, a major credit card includes MasterCard and Visa. Accepted forms of payment may be annotated on the tow record/invoice, so long as the required options noted in this rule are offered to the authorized or interested person to whom the motor vehicle is being released. ~~The towing carrier may accept other forms of payment, but must accept payment by both MasterCard and Visa. A towing carrier shall not require "cash only" for a drop charge or to release a motor vehicle from its storage facility.~~ The towing carrier shall release the motor vehicle to an authorized or interested person:
  - ~~(I) the motor vehicle owner, authorized operator, or authorized agent of the owner of the motor vehicle;~~
  - ~~(II) the lienholder or agent of the lienholder of the motor vehicle; or~~
  - ~~(III) the insurance company or agent of the insurance company providing coverage on the motor vehicle, if released to the insurance company by the owner.~~
- (b) A towing carrier that accepts for storage a motor vehicle that has been towed as a nonconsensual or law enforcement-ordered tow shall provide access to or release of the motor vehicle to ~~the persons authorized for release~~ an authorized or interested person of the motor vehicle ~~in paragraph (a) of this rule~~ either:
  - (I) with one hour's notice during all times other than the towing carrier's business hours that occur within the first 24 hours of storage; or
  - (II) upon demand during the carrier's business hours.
- (c) Failure to notify. A towing carrier holding a motor vehicle in storage who cannot demonstrate that it has made a good faith effort, as set forth in §§ 42-4-1804 and 42-4-2103, C.R.S., to comply with the notification requirements of Parts 18 and 21 of Article 4 of Title 42, C.R.S., and § 42-5-109, C.R.S., shall release the motor vehicle at no charge to an authorized or interested person ~~the persons authorized for release of the motor vehicle in paragraph (a) of this rule.~~
- (d) Release of personal property for nonconsensual and law enforcement-ordered tows. A towing carrier shall release personal property, upon request, to an authorized or interested person, within 30 days of notification, as set forth in §§ 42-4-1804 and 42-4-2103, C.R.S. ~~The towing carrier may charge up to the maximum rate for a nonconsensual tow established in paragraph 6511(b) for the removal of personal property that is not attached to or part of the equipment of the motor vehicle. The towing carrier shall release such personal property upon request from the owner, authorized operator, or authorized agent of the owner of the motor vehicle. This fee shall not be assessed for any of the items addressed under paragraphs 6512(g), (h), (i), and (j).~~

- (I) For purposes of this rule, personal property includes any items that are not attached to or part of the equipment of the motor vehicle.
  - (II) For nonconsensual tows, the towing carrier may charge up to the maximum rate, as established in subparagraph 6511(b)(l), for the removal of personal property, except when the tow is subject to the provisions of § 40-10.1-405(5)(b), C.R.S. If a tow is subject to the provisions of § 40-10.1-405(5)(b), C.R.S., the towing carrier may not charge for the removal of personal property.
  - (III) For law enforcement-ordered tows, the towing carrier may charge up to the maximum rate, as established in subparagraph 6511(c)(l), for the removal of personal property.
  - (IV) The provisions of this rule shall not apply during any period when the personal property is subject to a hold order issued by a court, district attorney, law enforcement agency, or law enforcement officer.
  - (V) Any fees allowable under this rule shall not be assessed for any of the items addressed under paragraphs 6512(g), (h), (i), and (j).
- (e) The towing carrier, at its discretion, need not comply with paragraphs 6512(a) through (d) to release a motor vehicle or allow for removal of personal property if:
- (I) the towing carrier is reasonably certain that, at the time the motor vehicle is to be released from storage, the driver of the motor vehicle is not capable of safely driving the motor vehicle due to the influence of drugs or alcohol;
  - (II) the towing carrier that is to remove the motor vehicle from storage does not have a valid towing carrier permit;
  - (III) a hold order is in place on the motor vehicle by a court, district attorney, law enforcement agency, or law enforcement officer;
  - (IV) the release of the motor vehicle does not comply with the release procedures agreed to, in writing, between the towing carrier and the applicable law enforcement agency; or
  - (V) the towing carrier, upon notification for the release of or access to a motor vehicle at other than the carrier's business hours, has immediately contacted an appropriate law enforcement agency and, in the interest of public order, has requested a law enforcement officer's presence during the release of the motor vehicle. This exception is applicable when the towing carrier has reason to believe that the person to whom the motor vehicle or personal property is to be released may disrupt the public order.
- (f) A towing carrier shall release a motor vehicle held in storage to a person presenting a current driver's license who attests to being the authorized operator of the motor vehicle and produces two of the following: keys to the motor vehicle; proof of insurance; vehicle registration; VIN; and knowledge of the location from where the motor vehicle was towed. Such attestation must be provided on the "Vehicle Release Form" available on the Commission's website.
- (g) Whether on the property where the tow originates or at the towing carrier's storage facility, a towing carrier shall not refuse to relinquish prescription medicines, medical equipment, medical devices, or any child restraint system. The towing carrier shall immediately relinquish such items to an authorized or interested person~~persons authorized for release~~ of the motor vehicle ~~in~~

~~paragraph (a) of this rule~~, without requiring payment and without additional charge, upon demand during business hours and, during the first 24 hours after commencement of the tow, within one hour's notice outside of business hours.

- (h) Whether on the property where the tow originates or at the towing carrier's storage facility, a towing carrier shall not refuse to relinquish credit cards and cash for immediate payment of the amount due to the towing carrier. The towing carrier shall immediately relinquish such items to ~~an authorized or interested person~~~~persons authorized for release~~ of the motor vehicle ~~in paragraph (a) of this rule~~, without requiring payment and without additional charge, upon demand during business hours and, during the first 24 hours after commencement of the tow, within one hour's notice outside of business hours.
- (i) Whether on the property where the tow originates or at the towing carrier's storage facility, a towing carrier shall not refuse to relinquish state or federal issued identification to the owner of the identification or to ~~an authorized or interested person~~~~persons authorized for release~~ of the motor vehicle ~~in paragraph (a) of this rule~~. The towing carrier shall immediately relinquish such items, without requiring payment and without additional charge, upon demand during business hours and, during the first 24 hours after commencement of the tow, within one hour's notice outside of business hours.
- (j) Whether on the property where the tow originates or at the towing carrier's storage facility, a towing carrier shall not refuse to relinquish a cellular telephone to ~~an authorized or interested person~~~~persons authorized for release~~ of the motor vehicle ~~in paragraph (a) of this rule~~. The towing carrier shall immediately relinquish such item, without requiring payment and without additional charge, upon demand during business hours and, during the first 24 hours after commencement of the tow, within one hour's notice outside of business hours.
- (k) ~~For nonconsensual and law enforcement-ordered tows, Aa~~ towing carrier shall not assess any additional fees or charges not specifically identified in ~~state statute or Commission rule these towing carrier rules~~.
- (l) If a tow is subject to the provisions of § 40-10.1-405(5)(c), C.R.S., a towing carrier shall immediately retrieve the motor vehicle that has been nonconsensually towed or allow the vehicle owner to retrieve the motor vehicle if:
  - (I) the vehicle owner pays 15 percent of the fees, not to exceed \$60.00, owed to the towing carrier for the nonconsensual tow; and
  - (II) the vehicle owner completes and signs the "Towed Vehicle Release Notice: Retrieval with Payment Owed" form available on the Commission's website.

**6513. Notice.**

- (a) A towing carrier may not perform a nonconsensual tow of a motor vehicle, other than an abandoned motor vehicle, from private property unless:
  - (I) notice of the applicable parking limitations, regulations, restrictions, and prohibitions was provided to the motor vehicle operator at the time the motor vehicle entered the private property and parked; and
  - (II) notice that any motor vehicle parked in violation of the applicable parking limitations, regulations, restrictions, and prohibitions is subject to tow at the ~~motor~~ vehicle owner's



expense was provided to the motor vehicle operator at the time the motor vehicle entered the private property and parked. The towing carrier must retain evidence that such notice was provided for three years from the date of completion of the tow and provide it to the Commission or an enforcement official upon request.

- (b) Abandoned motor vehicles. A towing carrier may not perform a nonconsensual tow of an abandoned motor vehicle from private property unless the motor vehicle was left unattended for a period of 24 hours or more and is presumed to be abandoned pursuant to § 42-4-2102(1), C.R.S.
- (c) The notice required in paragraph (a) is presumed to be met through signage if a permanent sign is conspicuously posted visibly at each point of entrance to the private property.:
- ~~(I) a permanent sign is conspicuously posted visibly at each point of entrance to the private property; and~~
- ~~(II) if the private property is not provided for residential parking and has more than ten free-standing lampposts on the property, a number of signs equal to the number of lampposts must be posted. Such signs must be posted on each lamppost or posted upright in conspicuous locations which are evenly distributed.~~
- (d) A towing carrier that enters into a tow agreement with a property owner to nonconsensually tow motor vehicles shall post signage at the applicable private property from where the tows will originate. The signs shall~~All signs posted to provide the notice required in paragraph (a) shall comply with any applicable municipal ordinance. To the extent consistent with applicable municipal ordinance, signs shall also,~~ at a minimum:
- (I) be no less than one square foot in size;
  - (II) have lettering not less than one inch in height;
  - (III) have lettering that contrasts sharply in color with the background on which the letters are placed;
  - (IV) state “Authorized Parking Only”, or a similar statement of parking limitations or restrictions;
  - (V) include the name and telephone number of the towing carrier authorized to perform tows from the private property;
  - (VI) be printed in English;
  - (VII) at the entrance to the private property, face outward toward the street and be visible prior to and upon entering the private property;
  - (VIII) inside the private property, face outward toward the parking area;
  - (IX) not be obstructed or placed in such a manner that prevents visibility; and
  - (X) not be placed higher than ~~eighteen~~ feet or lower than three feet from the ground surface closest to the sign’s placement.

**6514. Towing Violations and Civil Penalty Assessments.**

- (a) A violation of any of the following provisions may result in the assessment of a civil penalty of up to \$1,100.00 for each violation:
- (I) § 40-10.1-401(1)(a), C.R.S.;
  - (II) rule 6505;
  - (III) subparagraph (a)(I), (a)(V), (b)(I), (b)(II), ~~and~~ (b)(III), (c), and (d) of rule 6508; or
  - (IV) paragraph (fg) of rule 6511.
- (b) A violation of paragraph (a), (b), (c), (d), (e), (g)(f), (h), or (hi) of rule 6511 may result in the assessment of a civil penalty as follows for each violation:
- (I) up to \$275.00 for an overcharge \$25.00 or less;
  - (II) up to \$550.00 for an overcharge greater than \$25.00 but less than or equal to \$150.00; and
  - (III) up to \$1,100.00 for an overcharge greater than \$150.00.
- (c) A violation of any of the following provisions may result in the assessment of a civil penalty of up to \$550.00 for each violation:
- (I) rule 6507;
  - (II) paragraph (ge) of rule 6508;
  - (III) paragraph (a) of rule 6510;
  - (IV) paragraph (d), (f), or (l) of rule 6512; or
  - (V) rule 6513.
- (d) A violation of rule 6506 may result in the assessment of a civil penalty of up to \$100.00 for each violation.
- (e) Except as provided in paragraph (a) through (d) of this rule, a violation of any provision of Title 40, § 42-3-235.5, C.R.S., pertaining to towing carriers, or any provision of rules 6500 through 6513, may result in the assessment of a civil penalty of up to \$275.00 for each violation.
- (f) Civil penalty assessments are in addition to any other penalties provided by law.

**6515. - 6599. [Reserved].**