

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO**

DOCKET NO. 05F-320TO

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HAL DEAN AND BETTY HAMMOND,

Complainant.

v.

WYATT'S TOWING COLORADO PARKING LOT CONTROL, INC.,

Respondent.

---

**ORDER TO SATISFY OR ANSWER**

---

**TO: WYATT'S TOWING, INC  
COLORADO PARKING LOT CONTROL  
1905 ACOMA STREET  
DENVER CO 80223**

*YOU ARE NOTIFIED THAT A FORMAL COMPLAINT HAS BEEN FILED AGAINST YOU IN THE ABOVE ENTITLED AND CAPTIONED CASE. YOU ARE ORDERED TO SATISFY THE MATTERS IN THE COMPLAINT OR TO ANSWER THE COMPLAINT IN WRITING WITHIN 20 DAYS FROM SERVICE UPON YOU OF THIS ORDER AND COPY OF THE ATTACHED COMPLAINT.*


*IF THE COMPLAINT IS SATISFIED AND ADEQUATE EVIDENCE OF SATISFACTION IS PRESENTED TO THE COMMISSION, THE COMPLAINT SHALL BE DISMISSED. IF THE COMPLAINT IS NOT SATISFIED, OR IF ADEQUATE EVIDENCE OF ITS SATISFACTION IS NOT PRESENTED TO THE COMMISSION, OR IF NO ANSWER IS FILED WITHIN THE TIME REQUIRED, THE ALLEGATIONS OF THE COMPLAINT SHALL BE DEEMED ADMITTED, AND THE COMMISSION MAY GRANT SO MUCH OF THE RELIEF SOUGHT IN THE COMPLAINT AS IS WITHIN ITS POWER AND JURISDICTION, OR MAY SET THE COMPLAINT FOR HEARING.*

*PARTIES SHALL COMPLY WITH RULE 72-COMPLIANCE REQUIREMENTS ATTACHMENT WHICH IS INCORPORATED AS PART OF THIS ORDER.*

**BY ORDER OF THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

*WITNESS MY HAND AND THE SEAL OF THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO AT DENVER, COLORADO THIS 28<sup>th</sup> DAY OF JULY, 2005.*

(SEAL)

  
DOUG DEAN  
PUBLIC UTILITIES COMMISSION  
THESE FILES ENTERED  
JUL 28 2005  
THE STATE OF COLORADO

**PUBLIC UTILITIES COMMISSION RULE 72  
COMPLIANCE REQUIREMENTS ATTACHMENT  
TO  
ORDER TO SATISFY OR ANSWER**

THE COMPLAINANT SHALL CERTIFY IN WRITING TO THE COMMISSION DIRECTOR WITHIN 15 DAYS AFTER THE TIME FOR THE FILING OF THE ANSWER EXPIRES, THAT IT DESIRES EITHER TO PROCEED TO HEARING OR TO WITHDRAW ITS COMPLAINT. COPIES OF THE CERTIFICATION SHALL BE SERVED BY THE COMPLAINANT UPON ALL OTHER PARTIES TO THE PROCEEDING.

THE COMPLAINANT SHALL SUBMIT TO THE COMMISSION, WITHIN 10 WORKING DAYS AFTER AN ANSWER TO A COMPLAINT IS FILED, A LIST CONTAINING THE NAME, ADDRESS AND TITLE OF EACH OF ITS WITNESSES, ALONG WITH TWO COPIES OF EACH OF THE EXHIBITS WHICH IT PLANS TO PRESENT AT THE HEARING, UNLESS OTHERWISE ORDERED BY THE COMMISSION. COPIES OF THE WITNESS LIST AND EXHIBITS SHALL BE SERVED BY THE COMPLAINANT UPON ALL OTHER PARTIES TO THE PROCEEDING.

THE RESPONDENT SHALL FILE WITH THE COMMISSION AT LEAST 10 WORKING DAYS AFTER COMPLAINANT HAS FILED AND SERVED UPON THE RESPONDENT UTILITY THROUGH ITS ATTORNEYS A LIST OF WITNESSES AND EXHIBITS, OR IF A COUNTER COMPLAINT HAS BEEN FILED, COMPLAINANT'S ANSWER TO COUNTER COMPLAINT, A LIST CONTAINING THE NAME, ADDRESS, AND TITLE OF EACH OF ITS WITNESSES, ALONG WITH TWO COPIES OF EACH OF THE EXHIBITS WHICH IT PLANS TO PRESENT AT THE HEARING, UNLESS OTHERWISE ORDERED BY THE COMMISSION. COPIES OF THE WITNESS LIST AND EXHIBITS SHALL BE SERVED BY THE RESPONDENT UPON ALL PARTIES TO THIS PROCEEDING.

NO WITNESS SHALL BE PERMITTED TO TESTIFY, NOR SHALL ANY DOCUMENT BE RECEIVED IN EVIDENCE, EXCEPT IN REBUTTAL, UNLESS FILED AND SERVED AS PROVIDED IN THIS ORDER.

IF ANY PARTY FAILS TO MEET THE ABOVE REQUIREMENTS, THE COMMISSION MAY DISMISS THE COMPLAINT OR ANSWER, UNLESS GOOD CAUSE IS SHOWN FOR NON-FILING.

WITHIN 7 DAYS AFTER THE NOTICE AND ORDER SETTING HEARING, A PARTY MAY REQUEST A DIFFERENT DATE, TIME, OR PLACE FOR HEARING BY FILING AN APPROPRIATE PLEADING SETTING FORTH THE REASON FOR THE REQUEST, WITH SUCH REQUEST SUGGESTING NEW HEARING DATES WHICH ARE AVAILABLE TO ALL PARTIES, IF DIFFERENT DATES ARE REQUESTED. EXCEPT AS PROVIDED HERE, NO CHANGE IN HEARING DATE SHALL BE GRANTED EXCEPT UPON TIMELY MOTION SHOWING GOOD CAUSE.

NO EXCEPTION TO THE ABOVE PROCEDURES SHALL BE MADE EXCEPT UPON TIMELY MOTION SHOWING GOOD CAUSE.

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

DOCKET NO. 05F-320TO

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HAL DEAN AND BETTY HAMMOND,

Complainant.

v.

WYATT'S TOWING COLORADO PARKING LOT CONTROL, INC..

Respondent.

---

**ORDER SETTING HEARING AND NOTICE OF HEARING**

---

**TO THE PARTIES IN THIS MATTER:**

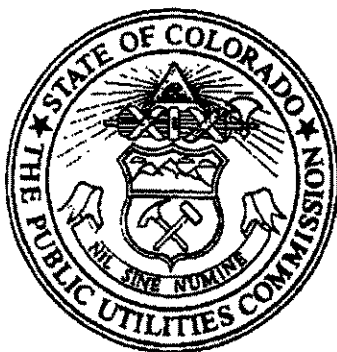
The Colorado Public Utilities Commission orders that the hearing in this matter is set before an Administrative Law Judge on:

DATE: August 30, 2005  
TIME: 9 a.m.  
PLACE: Colorado Public Utilities Commission  
1580 Logan Street, OL2  
Denver, Colorado

At the above date, time and place you will be given the opportunity to be heard if you so desire.

S E A L

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



DOUG DEAN, Director  
Colorado Public Utilities Commission  
1580 Logan St., OL2, Denver, Colorado 80203

Dated at Denver, Colorado this  
28<sup>th</sup> day of July, 2005.



COLORADO PUBLIC UTILITIES COMMISSION COMPLAINT  
SUNSET PARK APARTMENTS-ILLEGAL TOWING

1.) The complainants are:

05F-320TO

Hal Dean                      1865 Larimer St.                      (303) 296-8451  
   Apartment # 1102  
   Denver, Co. 80202-1431

And

Ms. Betty Hammond 1908 Sunnyside Circle                      (303) 665-5677  
   Louisville, Co. 80027

FILED IN THE  
PUBLIC UTILITIES COMMISSION  
2005 JUL 27 AM 9:56

2.) The respondent is:

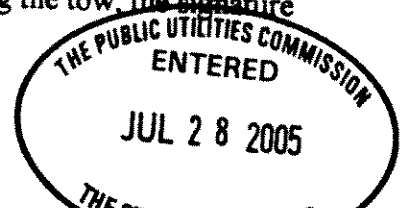
Wyatt's Towing Colorado Parking Lot Control, Inc. (303) 777- 2448  
   1905 Acoma  
   Denver, Co. 80223

3.) The specific act or things complained of:

Illegal tow: Wyatt's Towing invoice #17202 states that on 5-7-2005 a 1990 Honda, Accord, 4 door, Colorado license plate 783 EIX, VIN #1HGC87559LA169356 was towed from the Sunset Park Apartments Parking Area by Wyatt's tow truck driver identified as driver # 105. The owner of this automobile is complainant, Ms. Betty Hammond who was visiting me, Hal Dean, at the time of the subject tow.

It is the position of the complainants that this constituted an illegal tow as described by" Rules Regulating Towing Carrier Transportation By Motor Vehicle 4CCR 723-9 Effective February 2, 2004 By Order of the Public Utilities Commission of the State of Colorado, Decision No. C03-1293" Section 6516 Authorization for the Towing of Motor Vehicles, Pages 13 and 14 and Section 6517 Tow Record/ Invoice, Pages 14 and 15.

Section 6516 (c) (I) explicitly states that a towing carrier shall not tow any motor vehicle unless one of certain conditions are met. It is the complainants' contention that none of the stated conditions were met in the matter at issue here. Additionally, referring to Section 6517 (a) VII and XI, Tow Record/ Invoice, the Wyatt's Towing invoice #17202 would indicate also that these rules were not observed in that: the , name, address, and telephone number of the person authorizing the tow; the signature



of the person authorizing a private property tow; the signature of the towing vehicle operator were not indicated on the tow record / invoice. And, when at the Wyatt's yard at 1905 S. Acoma on May 8 th the complainants asked the Wyatt's agent for this information the agent told us that Wyatt's Towing was not at liberty to disclose that information to us.

Invoice 17202, however, does indicate that a Mr. A. B. De Armas requested the tow, but since Mr. A. B. De Armas, that is Mr. Anthony DeArmas, is not an owner of of the Sunset Park Apartments/Volunteers of America property from which the subject vehicle was towed nor was he an agent of the owner, it was an illegal action on Mr. De Armas' part to so authorize the tow. Furthermore, since driver 105, Wyatt's agent, did not have the property owner's written permission/ authorization nor written permission of the owner's agent, this constitutes an illegal tow as described in the Rules (Section 6516 (c) Pages 13 and 14).

The complainants also believe that in addition to the P.U. C. Rules above noted that Denver Code Sec. 55-173 Public Towing- Proof of Lawful Possession or Ownership, Sec. 55-178 Illegal Towing, and Sec. 55- 268 Violations by Operator may also apply.

Therefore the complainants, in accordance with Sec. 6516 (d) and/ or 42-4-2103 CRS, in seeking remedy respectfully request this court to order Wyatt's Towing to return to the complainants the \$ 140.00 which they unlawfully collected in view of the fact that the tow was illegal.

- 4.) City or town where we would like to have our hearing.  
Denver, Colorado

List of unavailable hearing dates for the next 90 days (excluding holidays and weekends). Thursday, August 11 through Monday, August 15, 2005 inclusive are unavailable.

- 5.) We ask that the Commission enter an Order granting whatever relief the Commission deems legally appropriate. We hereby acknowledge that we will cooperate in the Prosecution of this Complaint and will appear at any hearing if the Complaint is set for hearing.

Signature(s)

  
Hal Dean

  
Betty Hammond

Dated at DENVER, Colorado, this 27 day of JULY, 2005

P.D. Kenner  
 NAME Teriza  
 TIME 9:44  
 TYPE PPP  
 CASE # 166050

Colorado Parking Lot Control, Inc. 6/17/202  
**Wyatt's Towing** PCK  
 1905 S. Acoma ST# W670  
 Denver, CO 80223 ROW South  
 Phone: 303-777-2448 VIN 9336

Appendix A  
 Docket 05F-320TO  
 Decision No. R05-1047-I  
 Page 6 of 34

TOW SECURITY RECORD 92-093-2352 Driver 105

DRIVER \_\_\_\_\_ DATE 5-7-05  
 OWNER'S NAME Betty J. Hammond  
 ADDRESS 1908 S. Sunny side Cir  
Louisville CO 80027  
 CITY Louisville STATE CO. PHONE 303-665-5677  
 DELIVER TO 1905 S. Acoma  
 STARTING POINT OF TOW 1885 Lamia

DAMAGE	FRONT <u>A</u>	SIDE <u>A</u>	REAR <u>A</u>	OTHER <u>A</u>
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CONTENTS IN CAR Not opened  
 MAKE Honda MODEL Acord YEAR 90

TOWED	FRONT <input type="checkbox"/>	REAR <input type="checkbox"/>	OTHER <input type="checkbox"/>
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COLOR Blue LIC. NO. 183 EIX REG. NO. 12/05

VIN # 1HGCB7559LA169356

TOW IN \_\_\_\_\_ TIME \_\_\_\_\_

STORAGE \_\_\_\_\_ DAYS AT \$ \_\_\_\_\_

LABOR \_\_\_\_\_

TOW		
Truck (over 1 ton)	\$175.00	
Hook Up	\$85.00	
<u>Priv. Parties</u>	<del>\$200.00</del> <u>138.00</u>	
Accidents	\$200.00	
Dollies	\$45.00	
Recovery Time	\$3.00/min., Min. 25 hr.	
Labor	\$45.00 per hr.	
<u>Mileage</u>	<del>\$3.00 per mile</del> <u>2X1</u>	
Storage Per Day	\$25.00	
Tow out	\$50.00	
Service Call	\$45.00	

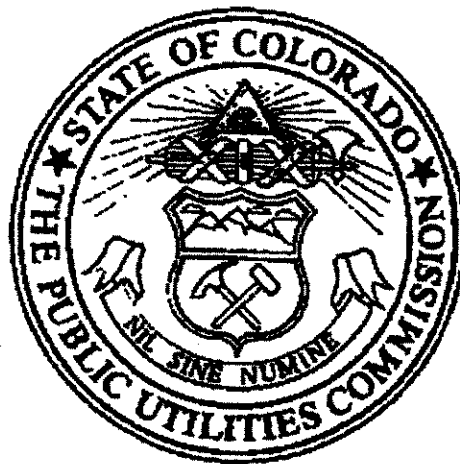
1400 5-8-05 SMS TOTAL \$140.00

Paid Cash SMS STORAGE LOT ATTENDED

TOW REQUESTED BY X [Signature]  
 Not Responsible For Articles Left in Vehicle, Fire, Theft, or Damage Beyond Our Control

ASD  
 I have made reasonable attempt to contact the owner.

**RULES REGULATING TOWING CARRIER  
TRANSPORTATION BY MOTOR VEHICLE**



**4 CCR 723-9**

**EFFECTIVE February 2, 2004**

**By Order of  
The Public Utilities Commission  
of the State of Colorado**

**Decision No. C03-1293**

**COLORADO DEPARTMENT OF REGULATORY AGENCIES**

**Public Utilities Commission**

**4 Code of Colorado Regulations (CCR) 723-9**

**RULES REGULATING TOWING CARRIER TRANSPORTATION  
BY MOTOR VEHICLE**

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**BASIS, PURPOSE, AND STATUTORY AUTHORITY**

The basis for and purpose of these rules is to describe the manner of regulation over persons providing towing carrier services by motor vehicle in the State of Colorado. These rules address a wide variety of subject areas including, but not limited to: safety; civil penalties; the issuance, extension, transfer, and revocation of operating authority; insurance and registration requirements; towing and storage rates; the identification, condition, and leasing of motor vehicles; record keeping; and service standards.

The statutory authority for the promulgation of these rules can be found at §§ 40-2-108 and 40-13-107, C.R.S.



## TOWING CARRIER RULES

### 6500. Applicability of Towing Carrier Rules.

- (a) Rules 6500 through 6599 apply to all towing carriers.
- (b) Nothing in these towing carrier rules shall be construed to prohibit a law enforcement agency from adopting and enforcing additional or more stringent requirements relating to safety, equipment, and accessories for any towing carrier providing towing services at the direction of the law enforcement agency.

### 6501. Definitions.

In addition to the definitions contained in this Rule, the statutory definitions apply. The following definitions apply only in the context of these Towing Carrier Rules:

- (a) "Abandoned motor vehicle" means an "abandoned motor vehicle" as defined by §§ 42-4-1802 and 42-4-2102, C.R.S.
- (b) "Authorized agent" means a person who has been given written or oral permission by the owner or lessee of a motor vehicle to act as agent for the disposition of said motor vehicle.
- (c) "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.
- (d) "Commission" means the Public Utilities Commission of the State of Colorado.
- (e) "Enforcement official" means authorized personnel of the Commission, the Colorado Department of Revenue, the Colorado State Patrol, and any other law enforcement agency.
- (f) "Exempt interstate carrier" means any interstate or foreign commerce carrier by motor vehicle operating into, from, within, or through the State of Colorado pursuant to federal exemptions or partial exemptions from economic regulation, as described in § 40-10-120(3) and 40-11-115(3), C.R.S.
- (g) "Form D-1" means a NARUC Uniform Identification Cab Card for motor vehicle or driveway operations conducted by an exempt interstate carrier.
- (h) "Form E" means a NARUC Form E Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance, executed by a duly authorized agent of the insurer.
- (i) "Form G" means a NARUC Form G Uniform Motor Carrier Bodily Injury and Property Damage Liability Surety Bond, executed by a duly authorized agent of the surety.
- (j) "Form H" means a NARUC Form H Uniform Motor Carrier Cargo Certificate of Insurance, executed by a duly authorized agent of the insurer.
- (k) "Form J" means a NARUC Form J Uniform Motor Carrier Cargo Surety Bond, executed by a duly authorized agent of the surety.
- (l) "Form K" means a NARUC Form K Uniform Notice of Cancellation of Motor Carrier Insurance Policies.
- (m) "Form L" means a NARUC Form L Uniform Notice of Cancellation of Motor Carrier Surety Bonds.

- (n) "Form RS-3 registration receipt" means a receipt issued to a regulated interstate carrier indicating that the required financial responsibility has been filed with the Commission and fees have been paid.
- (o) "GCWR" means gross combination weight rating, the value specified by the manufacturer as the loaded weight of a combination (articulated) motor vehicle. In the absence of a value specified by the manufacturer, GCWR is determined by adding the GVWR of the power unit and the total weight of the towed unit and any load thereon.
- (p) "GVWR" means gross vehicle weight rating, the value specified by the manufacturer as the loaded weight of a single motor vehicle.
- (q) "Holidays" means those days designated as legal holidays by the Colorado General Assembly.
- (r) "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 vehicle that was pulling it.
- (s) "Motor vehicle" means any vehicle that is propelled or drawn by mechanical power on the public ways of the State of Colorado. The term also includes any trailer or semi-trailer attached to the vehicle, or any trailer or semi-trailer which, due to collision, mechanical disablement, legal disability, order of a law enforcement officer or property owner, must be towed or transported separately from the vehicle from which it was detached.
- (t) "Mountain area" means that part of the State of Colorado west of a line drawn ten air miles west of, and parallel to, Interstate Highway 25.
- (u) "NARUC" means the National Association of Regulatory Utility Commissioners.
- (v) "Non-consensual tow" means a tow authorized or directed by a person other than the owner, authorized operator, or authorized agent of the owner. A non-consensual tow includes:
  - (I) a private property tow;
  - (II) any tow performed contrary to the specific direction of the owner, authorized operator, or authorized agent of the owner;
  - (III) except for a private property tow or a tow ordered by a law enforcement official, any tow performed without disclosure of the rates and charges to be assessed as set forth in rule 6518;
  - (IV) a tow directed or authorized by a law enforcement officer, either verbally or in writing, in any circumstance when the owner, authorized operator, or authorized agent of the owner is unavailable, unable, or unwilling to direct the tow; or
  - (V) any other tow performed without prior consent or authorization of the owner, authorized operator, or authorized agent of the owner of the motor vehicle.
- (w) "Normal business hours" means 8:00 AM to 5:00 PM, Monday through Friday, excluding holidays, and any additional hours and days the towing carrier may designate.
- (x) "Private property tow" means the towing of a motor vehicle from private property at the request of the private property owner, as those terms are defined in paragraph 6516(a).

- (y) "Public ways" include, but are not limited to, every street, road, or highway in the state of Colorado over which the public generally has a right to travel.
- (z) "Regulated interstate carrier" means any interstate or foreign commerce carrier by motor vehicle operating into, from, within, or through the State of Colorado under authority issued by the Federal Motor Carrier Safety Administration or its predecessor agency, as described in §§ 40-10-120(2) and 40-11-115(2), C.R.S.
- (aa) "Towing carrier" or "carrier" means "towing carrier" as defined by § 40-13-101(3), C.R.S.
- (bb) "Towing carrier permit" or "permit" means the permit issued by the Commission to a towing carrier pursuant to § 40-13-103(1), C.R.S.
- (cc) "Towing Carrier Rules" means rules 6500 through 6599, inclusive.
- (dd) "Towing vehicle" means "towing vehicle" as defined by § 40-13-101(4), C.R.S.

**6502. Applications.**

Towing carriers may seek Commission action regarding any of the following matters through the filing of an appropriate application:

- (a) For a permit to operate as a towing carrier, as provided in rule 6505.
- (b) For any other matter provided by statute or rule but not specifically described in this rule.

**6503. Required Reports, Name Change, Address Change.**

- (a) Within 48 hours of receipt of all supporting documentation required by this paragraph, each towing carrier shall file a signed report with the Commission detailing any name change or address change. Such a filing shall indicate all the affected towing carrier's permit numbers. Name change filings, including trade name changes or trade name additions, shall include supporting documentation from the Colorado Secretary of State and/or the Colorado Department of Revenue.
- (b) In the event of a name change or an address change, the towing carrier shall comply with all other applicable Commission rules, including but not limited to, rules regarding financial responsibility filings.
- (c) Notice sent by any person to the towing carrier's address on file with the Commission shall constitute prima facie evidence that the notice was sent to the carrier at its correct address.
- (d) No name change shall be effective until proper proof of financial responsibility in the carrier's new name has been filed with the Commission.

**6504. Permit Requirement and Limitation.**

- (a) Unless exempted by § 40-13-103(2), C.R.S., no person shall operate as a towing carrier without a valid towing carrier permit issued by the Commission.
- (b) Every towing carrier shall keep a copy of its towing carrier permit issued under this rule in each towing vehicle it owns, controls, operates, or manages under said permit.
- (c) Towing carrier permits do not authorize a carrier to perform transportation services covered by Articles 10, 11, or 16 of Title 40, C.R.S.

**6505. Permit Application.**

- (a) Any person seeking a permit to operate as a towing carrier shall submit an application for a permit to the Commission and shall cause to be filed the information identified in paragraph (c) of this rule.
- (b) The application shall contain the following:
  - (I) The name of the applicant and the trade name under which operations will be conducted.
  - (II) The applicant's telephone number, complete physical address, and complete mailing address. A post office box is only acceptable if a physical address is also provided.
  - (III) If the applicant is a corporation:
    - (A) The name of the state in which it is incorporated. If the state of incorporation is not Colorado, the application shall also contain a certificate from the Colorado Secretary of State that qualifies the applicant to do business in Colorado.
    - (B) The location of its principal office in the State of Colorado.
    - (C) The names of its directors and officers.
    - (D) A copy of its articles of incorporation or charter.
    - (E) A copy of its certificate of assumed trade name, if any.
  - (IV) If the applicant is a limited liability company:
    - (A) The state in which the company is organized. If the state of organization is not Colorado, the application shall also contain a certificate from the Colorado Secretary of State that qualifies the applicant to do business in Colorado.
    - (B) The location of the company's principal office in the State of Colorado.
    - (C) The name, title, and business address of each member.
    - (D) A copy of its certificate of assumed trade name, if any.
  - (V) If the applicant is a partnership, the name, title, and business address of each partner.
  - (VI) A list and complete description of the equipment to be operated under the permit, including information regarding motor vehicle year, make, model, vehicle identification number, and GVWR.
  - (VII) A statement that applicant is familiar with the Towing Carrier Rules and all applicable safety rules and that applicant will comply with them.
  - (VIII) A statement that applicant understands that the filing of an application does not constitute authority to operate.
  - (IX) A statement whether or not the towing carrier will provide storage for towed motor vehicles. If storage is provided, the application shall contain the storage facility's address and, if one exists, telephone number.

- (X) A statement made under penalty of perjury and signed by an officer, a partner, an owner, or an employee of the applicant, as appropriate, who is authorized to act on behalf of the applicant and which states that the contents of the application are true, accurate, and correct. The application shall contain the complete address of the affiant.
- (XI) An application fee of \$150.
- (c) In addition to the application, a person seeking a permit to operate as a towing carrier shall cause to be filed both the required proof of financial responsibility and the required annual identification fees.
- (d) The Commission will not issue a permit to operate as a towing carrier until the Commission has received a complete application, the required proof of financial responsibility, and the required annual identification fees.

**6506. Revocation, Suspension, Alteration, or Amendment of Permit.**

- (a) After a hearing upon at least ten days' notice to the towing carrier affected, the Commission may revoke, suspend, alter, or amend a towing carrier permit for any of the following reasons:
  - (I) Violation of, or failure to comply with, any statute or regulation concerning towing carriers or the towing, storage, or disposal of towed motor vehicles. This paragraph includes, but is not limited to, a violation of part 18 and part 21 of article 4 of title 42, C.R.S.
  - (II) Violation of, or failure to comply with, the terms and conditions of the permit.
  - (III) Exceeding the authority granted in the permit.
  - (IV) Violation of, or failure to observe and comply with, any Commission order, rule, or regulation.
- (b) A towing carrier whose towing carrier permit(s) is revoked for a third time shall not be issued another towing carrier permit for one year from the date of the third permit revocation. In determining whether a carrier has had its permit(s) revoked three times, a revocation for failure to maintain the financial responsibility required by rule 6507 shall not be counted as one of the three revocations unless the towing carrier knowingly operated without the required financial responsibility.

**6507. Financial Responsibility.**

- (a) The following financial responsibility is required.
  - (I) Motor vehicle liability. Every towing carrier shall obtain and keep in force at all times motor vehicle liability insurance coverage or a surety bond providing the same coverage. Motor vehicle liability means liability for bodily injury and property damage.
  - (II) Cargo liability. Every towing carrier shall obtain and keep in force at all times cargo liability insurance coverage or a surety bond providing the same coverage. Cargo liability coverage for a towing carrier shall include coverage of physical damage to the motor vehicle in tow (on hook) and loss of its contents.
  - (III) Garage keeper's liability. Towing carriers providing storage, directly or through an agent, shall obtain and keep in force at all times garage keeper's liability insurance coverage.

(b) The minimum levels of financial responsibility are as follows:

(I) Motor vehicle liability coverage.

(A) Motor vehicle liability coverage shall be combined single limit liability.

(B) Schedule of limits:

Type of Carrier	Vehicle GVWR	Minimum Level
Towing Carriers	Any GVWR	\$ 750,000

(C) Towing carriers may obtain a certificate of self-insurance issued pursuant to §§ 10-4-716 and 42-7-501, C.R.S.

(II) Cargo liability coverage shall provide coverage to the extent of the towing carrier's legal liability for loss or damage to the property of any person or persons, other than the insured, which is carried in, upon, or attached to the towing vehicle and/or its trailers or dollies operated by, or for, or under the control of the towing carrier.

(III) Garage keeper's liability coverage shall provide coverage to the extent of the towing carrier's legal liability for loss or damage to the property of any person or persons, other than the insured, which is stored by the towing carrier directly or through an agent.

(c) Except as provided in paragraph (d), the towing carrier shall ensure that insurance or surety bond coverage:

(I) is provided only by insurance or surety companies authorized to provide such coverage in the State of Colorado;

(II) is not less than the minimum limits set forth under paragraph (b) of this rule;

(III) covers all motor vehicles which may be operated by or for the towing carrier under its towing carrier permit, with such coverage being accomplished by a "Waiver of Description" endorsement on each policy;

(IV) provides for the payment of benefits by the insurance or surety bond company directly to parties damaged by the towing carrier on a "first dollar"/"dollar one" basis;

(V) if the coverage contains a retained risk provision, such provision shall obligate the insurance or surety company to pay the party damaged by the towing carrier regardless of the level of funds in the retained risk pool; and

(VI) does not permit a towing carrier to pay benefits directly to a party damaged by said carrier.

(d) The provisions of subparagraphs (IV) and (VI) of paragraph (c) of this rule shall not apply to towing carriers who have filed proof of self-insurance pursuant to §§ 10-4-716 or 42-7-501, C.R.S.

(e) The towing carrier shall retain each original insurance or surety policy for required coverage and shall keep a copy of its motor vehicle liability coverage in each motor vehicle that it operates.

- (f) The towing carrier shall cause to be filed with the Commission the appropriate form in lieu of the original policy as follows:
- (I) **Motor vehicle liability.**
    - (A) For all towing carriers, a Form E or G; except that a Colorado Form 10-INS may be used until December 31, 2003.
    - (B) For towing carriers obtaining a certificate of self-insurance under the provisions of §§ 10-4-716 or 42-7-501, C.R.S., a copy of said certificate. Upon renewal of the certificate, the carrier shall file a copy of the most current certificate.
  - (II) **Cargo liability.** For all towing carriers, a Form H or J; except that a Colorado Form 12-INS may be used until December 31, 2003.
  - (III) **Garage keeper's liability.** For all towing carriers, a Colorado Form 14-INS.
  - (IV) All forms referred to in this rule are available from the Commission or on its website.
- (g) The towing carrier shall ensure that each policy and each form required by or identified in this rule contains the towing carrier's exact name, trade name (if any), and address as shown in the records of the Commission.
- (h) The towing carrier shall ensure that any change of name, trade name (if any), address, or policy number is filed, using an appropriate endorsement or amendment, with the Commission.
- (i) The proof of minimum levels of financial responsibility required by this rule is public information. Upon written request from a member of the public, the Commission will release this information.
- (j) Each certificate of insurance required by and filed with the Commission shall be kept in full force and effect unless and until canceled by a 30-day written notice, on Form K or Form L, as applicable, from the insurer to the Commission. Time shall run from the date the notice is received by the Commission. In lieu of the prescribed form, the insurer may cancel a certificate of insurance by letter to the Commission provided the letter contains the same information as required by the prescribed form.

**6508. Summary Suspensions and/or Revocations for Lack of Financial Responsibility.**

- (a) Whenever Commission records indicate that a towing carrier's required insurance or surety coverage, except for garage keeper's coverage, is or will be canceled and the Commission has no proof on file indicating replacement coverage, the Commission shall summarily suspend such carrier's towing permit. The summary suspension shall be effective on the date of coverage cancellation.
- (b) The Director of the Commission shall send a notice of canceled insurance or surety coverage to such a towing carrier. The notice shall advise the carrier that its authority to operate is summarily suspended as of the coverage cancellation date and that the Commission has initiated or may initiate revocation proceedings.
- (c) A towing carrier receiving notice of summary suspension shall not conduct operations under any of its authorities, including operations under any towing permit, until proper proof of insurance or surety coverage is filed with the Commission.

- (d) If the Commission receives proper proof of coverage prior to commencement of revocation proceedings, the summary suspension will be deemed lifted without further order of the Commission.
- (e) If the Commission has initiated revocation proceedings but receives proper proof of coverage prior to a final Commission order of revocation, the Commission shall lift the summary suspension even if there is a lapse in coverage. However, operations performed during lapses in coverage are subject to civil penalty assessments.

**6509. Written Request for Financial Responsibility Information.**

In the event an owner of a towed motor vehicle, an authorized operator, or an authorized agent of the owner claims that damage to the towed motor vehicle occurred during a tow or storage, the towing carrier shall provide, in writing, the name of its insurance or surety company and its policy number within 48 hours after receiving a written request for that information from the owner, authorized operator, or authorized agent of the owner of the towed motor vehicle.

**6510. Annual Motor Vehicle Identification Fees.**

- (a) Every towing carrier shall pay to the Commission an annual identification fee of five dollars before the first day of January of each calendar year, for each motor vehicle that such carrier owns, controls, operates, or manages within the State of Colorado as set forth in § 40-2-110.5, C.R.S.
- (b) A towing carrier that obtains a permit during the calendar year shall pay the annual identification fees at the time of registering as a towing carrier.
- (c) A towing carrier that acquires one or more additional motor vehicles during the calendar year shall pay the annual identification fees prior to putting the additional vehicle(s) in-service.
- (d) Annual identification fees shall be valid only for the calendar year for which they are purchased.
- (e) Proof of payment of each annual identification fee shall be in the form of a vehicle identification stamp issued by the Commission; except that a Form RS-3 shall be issued to a regulated interstate carrier registered under the Single State Registration System.
  - (I) Except as provided in subparagraphs (II) or (III) of this paragraph, a towing carrier shall not operate a motor vehicle unless it has affixed a valid vehicle identification stamp to the inside lower right-hand corner of the motor vehicle's windshield.
  - (II) Towing carriers that are also exempt interstate carriers shall carry a Form D-1 with the identification stamp affixed on the back of the cab card in the square bearing the name of the State of Colorado in lieu of affixing the vehicle identification stamp to the windshield.
  - (III) Towing carriers that are also regulated interstate carriers registered under the Single State Registration System shall carry a copy of the current year's Form RS-3 Registration Receipt in each motor vehicle in lieu of affixing the vehicle identification stamp to the windshield or to the Form D-1.
- (f) Towing carriers using a motor vehicle in both interstate and intrastate operations need only pay the fees associated with interstate operations for that motor vehicle.



**6511. External Markings of Motor Vehicles.**

- (a) Except as provided by paragraph (b) of this rule, a towing carrier shall mark each of its motor vehicles in accordance with this rule.
  - (I) The markings shall:
    - (A) be placed on both sides of the motor vehicle;
    - (B) contain only characters that contrast sharply with the background on which the characters are placed; and
    - (C) contain only characters that are readily legible at a distance of 50 feet from the motor vehicle. Legibility shall be determined during daylight hours and while the motor vehicle is stationary.
  - (II) The markings shall contain the following information:
    - (A) the name or trade name as set forth in the towing carrier's towing carrier permit; and
    - (B) the letter and number designation of the towing carrier's towing carrier permit, preceded by the letters "CO PUC."
- (b) A towing carrier shall remove all markings from a motor vehicle if the carrier is permanently withdrawing the motor vehicle from service or is leasing the motor vehicle to another person for purposes not related to operations under the carrier's permit.

**6512. Designation of Agent.**

- (a) Each towing carrier shall file in writing with the Commission, and shall maintain on file, its designation of the name and address of a person upon whom service may be made of any notice, order, process, or demand. The named person is the carrier's designated agent. A carrier shall not designate the Secretary of State of the State of Colorado. The person designated, if a natural person, shall be at least 18 years of age. The address of the person designated shall be in the State of Colorado.
- (b) If the designated agent changes, or if the designated agent's name or address changes, the towing carrier shall notify the Commission by filing a new designation within 48 hours of receiving the information required to be filed.
- (c) Service upon a towing carrier's named designated agent as filed with the Commission shall be deemed to be service upon the towing carrier.

**6513. Leasing of Motor Vehicles.**

- (a) For purposes of this rule, "lessee" means a towing carrier, and "lessor" means the motor vehicle owner.
- (b) Subject to the requirements of this rule, a lessee may lease one or more motor vehicles for use in the lessee's fleet.
- (c) The lessee shall ensure that leases are in writing on a form supplied by the Commission. The lease shall contain: the name and signature of the lessor; the name and signature of the lessee; the date of the agreement; for each motor vehicle subject to the lease, the motor vehicle's make, model,

year, and identification number; the period covered by the lease; and the consideration to be paid by the lessee. Nothing in this rule precludes the use of a more comprehensive lease supplementing the Commission's lease form. The lessee shall ensure that any supplemental lease provisions do not conflict with the required information of the Commission's lease form.

- (d) The lessee shall ensure that a copy of the lease is carried in each leased motor vehicle during the time that the lease is effective.
- (e) The lessee shall ensure that a copy of the lease is kept in the lessee's files during the time that the lease is effective and for six months after the date on which the last motor vehicle covered by the lease leaves the lessee's control.
- (f) During the existence of the lease, the lessee shall have full discretion and complete control of the leased motor vehicle and shall be fully responsible for its operation in accordance with applicable law. This responsibility includes, but is not limited to, compliance with marking requirements; safety of the motor vehicle and its equipment and accessories; and all financial responsibility.

**6514. Equipment and Accessories.**

In addition to complying with all applicable safety regulations, all towing vehicles shall meet the following minimum requirements:

- (a) Basic towing vehicle requirements.
  - (I) A towing carrier shall equip its towing vehicles 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 towing vehicles in a manner ensuring the safe winching, lifting, towing, loading, and transporting of the towed motor vehicle.
  - (III) A towing carrier shall ensure that all its towing vehicles 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 disability and the motor vehicle to be moved (reverse/back-up lights of the towing vehicle 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 towing vehicle; and
    - (D) the following accessories:
      - (i) one shovel;
      - (ii) one broom; and

- (iii) one steering wheel tying device free from cracks, fraying or deterioration.
- (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 towing vehicle 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) Rescue and recovery equipment.
- (I) For purposes of this paragraph (d), rescue and recovery operation means that a motor vehicle must first be moved by means of the mechanical devices described in subparagraph (d)(II) before it is capable of being towed by the towing vehicle.
  - (II) The following equipment is required only if the towing carrier performs rescue and recovery operations:
    - (A) Dead-man blocks/scotch blocks and other tie-down equipment that are sufficient to hold the towing vehicle in place while performing the rescue or recovery operation;
    - (B) Web straps or slings that are free of cuts or fraying across 50 percent of the width of their surface;
    - (C) Snatch blocks that are free of any cracks and excessive wear, and are lubricated sufficiently to allow free movement of the sheave and other swivel points; and
    - (D) Chains that are capable of withstanding a test of not less than 10,000 pounds at breaking point, with links that are free of cracks and of wear that exceeds 15 percent of the original stock diameter.

**6515. Storage Facilities.**

- (a) Disclosure of facility location. Within one hour of placing a motor vehicle other than an abandoned motor vehicle in a storage facility, a towing carrier shall disclose the location of the storage facility as follows:
  - (I) By notifying the owner, the authorized operator, or the authorized agent of the owner of the towed motor vehicle;
  - (II) By notifying the owner of the private property from which the motor vehicle was towed; or
  - (III) By notifying the responsible law enforcement agency having jurisdiction over the place from which the motor vehicle was towed.
- (b) Disclosure for abandoned motor vehicles. A towing carrier which places an abandoned motor vehicle in a storage facility shall 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) Noncompliance with disclosure requirements. A towing carrier that fails to comply with the disclosure requirements of this rule shall not charge, collect, or retain any fees or charges for storage of the stored motor vehicle.
- (d) Release of motor vehicles from storage. A towing carrier that accepts for storage a motor vehicle that has been towed as a private property tow shall be available to release said motor vehicle within the first 48 hours of storage to the owner, authorized operator, or authorized agent of the owner of the motor vehicle either:
  - (I) With one hour's notice during all times other than normal business hours; or
  - (II) Upon demand during normal business hours.

**6516. Authorization for Towing of Motor Vehicles.**

- (a) For purposes of this rule:
  - (I) "Private property" includes publicly owned property except public ways.
  - (II) "Property owner" includes:
    - (A) a private property owner or lessee;
    - (B) an agent of the private property owner, authorized in writing to act as agent; or
    - (C) a federal, state, or local government entity, or such entity's employees responsible for publicly owned property.
  - (III) "Publicly owned property" includes, but is not limited to, medians, parking lots, or areas where parking is reserved, regulated by permits or meters, or otherwise restricted or prohibited.
- (b) Towing carrier not an agent. A towing carrier, its employees, partners, officers, directors, stockholders, or independent contractors working for or with the towing carrier shall not act as an agent for the property owner. Nothing in this paragraph shall preclude a towing carrier, which towing carrier has been paid for the private property tow by the private property owner at rates in

accordance with rule 6519(a), from collecting the towing charges from the motor vehicle owner and reimbursing said charges to the private property owner.

(c) **Authorization.**

(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 the owner, authorized operator, or authorized agent of the owner of a motor vehicle; or
- (C) The towing carrier is requested to perform a tow from private property upon the authorization of the property owner.

(II) **Property owner authorization.** The authorization from the property owner shall be in writing; shall identify, by make and license plate number (or in lieu thereof, by vehicle identification number), 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 at the time the motor vehicle is to be removed from the private property.
- (B) A towing carrier shall not accept or use blank authorizations pre-signed by the property owner.
- (C) A towing carrier shall make the written authorization available for inspection by the owner of the towed motor vehicle or his or her authorized representative.
- (D) The written authorization may be incorporated with the tow record/invoice required by rule 6517.

(d) **Noncompliance.** If a tow is performed in violation of this rule, or in violation of § 42-4-2103, C.R.S., the towing carrier shall not charge, collect, or retain any fees or charges for the unauthorized services it performs. Any motor vehicle that is held in storage and that was towed without proper authorization shall be released immediately to the owner, lien holder, or agent of the owner or lien holder.

**6517. Tow Record/Invoice.**

(a) Towing carriers shall use and complete all applicable portions of a tow record/invoice form for all non-consensual tows. The tow record/invoice form shall contain the following information:

- (I) the serial number of the tow record/invoice;
- (II) the name, address, permit number, and telephone number of towing carrier;
- (III) the address of the storage facility used by the towing carrier, including the telephone number for that storage facility if the number is different than the telephone number of the carrier;

- (IV) the date and time of tow commencement and completion, the time of arrival on the scene if different from the time of commencement, the time the towed motor vehicle is placed in storage, and all other times necessary for the purpose of calculation of hourly charges;
  - (V) the make, model, year, vehicle identification number, and, if available, license plate number of the motor vehicle towed;
  - (VI) the origin address of the tow, the destination address of the tow, and the one-way mileage between such addresses;
  - (VII) the name, address, and telephone number of the person authorizing the tow;
  - (VIII) the signature of the person authorizing a private property tow;
  - (IX) a list of the contents of the motor vehicle towed;
  - (X) the unit number or license number of the towing vehicle;
  - (XI) the signature of the towing vehicle operator;
  - (XII) an itemized invoice of all towing charges assessed; and
  - (XIII) the signature of the owner, authorized operator, or other authorized person to whom the motor vehicle is released.
- (b) The tow record/invoice shall be a multiple copy form. The copies shall be distributed as follows:
- (I) The towing carrier shall retain the copy bearing all required original signatures for authorization and release.
  - (II) The towing carrier shall deliver a copy to the owner, authorized operator, or authorized agent of the owner at the time of payment of towing charges and release of the towed motor vehicle.

**6518. Disclosure of Rates and Charges.**

- (a) Except as provided in paragraph (c) of this rule, prior to performing any tow, a towing carrier shall disclose to the owner, authorized operator, or authorized agent of the owner of the motor vehicle all rates and charges to be assessed.
- (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 owner, authorized operator, or authorized agent of the owner to take delivery of the vehicle and pay the tow charges; and
  - (III) estimated charges for mileage and storage.
- (c) This rule does not apply to private property tows or tows ordered by law enforcement officials.

**6519. Rates and Charges.**

- (a) Rates and charges for private property tows. Except as otherwise provided by this rule, the maximum rate that a towing carrier may charge for a private property tow of a motor vehicle with a GVWR of less than 10,000 pounds is \$138.00. This maximum rate shall include, but not be limited to, charges for all towing services rendered, hookup fees, and use of dollies or go-jacks; gate fees, storage for the first 24 hours commencing at the time the vehicle is placed in storage, and release of the motor vehicle from storage pursuant to rule 6515 (d); and all commissions paid and other services rendered in performing such private property tow.
- (b) Except as provided in paragraph (a) of this rule, the maximum charge for release of a motor vehicle from storage at any time other than normal business hours is \$50.00.
- (c) Charge if retrieved before removal.
  - (I) If the owner, authorized operator, or authorized agent of the owner of a motor vehicle that is parked without authorization on private property attempts to retrieve the motor vehicle before its removal from the private property, the maximum release fee (whether motor vehicle is hooked up or not) is \$53.00.
  - (II) In such circumstances, the towing carrier shall advise the owner, authorized operator, or authorized agent of the owner of a motor vehicle that he or she may offer payment of the towing carrier's release fee.
  - (III) If payment in cash of the release fee is offered before removal, the towing carrier shall immediately:
    - (A) accept payment;
    - (B) release the motor vehicle; and
    - (C) make the property owner's written authorization available for inspection by the owner of the towed motor vehicle or his or her authorized representative.
- (d) Certified VIN verification procedure.
  - (I) 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 maximum rates that may be charged for a certified vehicle identification number (VIN) verification are as follows:
    - (A) \$69.00 for one additional hookup;
    - (B) \$69.00 per hour waiting time while waiting for inspection; and
    - (C) \$2.70 per mile mileage charges.
  - (II) In addition, the towing carrier may charge for all other documented expenses of obtaining the VIN verification.
- (e) Notifications. The charges for notification(s) to the owner and the lien holder(s) of the motor vehicle held in storage shall be in accordance with §§ 42-4-1804(6)(a) and 42-4-2103(3)(c)(I), C.R.S., and the rules of the Colorado Department of Revenue.

- (f) Mileage. One-way mileage charges may be assessed for all private property tows at a rate not to exceed \$2.70 per mile.
- (g) Additional charges in mountain areas.
  - (I) When a motor vehicle is towed between points in the mountain area, the towing carrier may add an additional amount not to exceed 12 percent of the towing charges.
  - (II) When a motor vehicle is towed into or out of the mountain area, the towing carrier may add an additional amount not to exceed 12 percent of the towing charges, provided that the mileage charge is prorated for, and applied only to, mileage actually traveled within the mountain area.
- (h) Storage for non-consensual tows.
  - (I) Generally.
    - (A) Storage charges shall not exceed the following rates based on a 24-hour period or any portion of a 24-hour period:
      - (i) \$22.00 for motor vehicles having a GVWR of less than 10,000 pounds;
      - (ii) \$28.00 for motor vehicles having a GVWR of 10,000 pounds or more;
      - (iii) in lieu of subparagraphs (A)(i) and (ii), and at the option of the carrier, storage may be charged according to the motor vehicle's length, including the tongue of a trailer, at \$1.10 per foot or portion thereof.
    - (B) For storage in the mountain area, a tow carrier may add up to 12 percent for motor vehicles of any GVWR.
    - (C) Storage charges shall not be charged, collected, or retained for any day in which garage keeper's liability insurance coverage is not kept in force.
  - (II) Private property tows. Storage charges for private property tows shall not commence until the expiration of the first 24-hour period of storage (see paragraph 6519(a)).
  - (III) Other non-consensual tows. Storage charges for non-consensual tows other than private property tows may commence immediately after the motor vehicle is placed in storage.
  - (IV) Maximum accumulated charges for abandoned motor vehicles.
    - (A) Unless a hold order has been placed on the motor vehicle by a court, district attorney, or law enforcement agency, or unless extenuating circumstances have prevented a towing carrier from complying with the notice requirements of § 42-4-2103, C.R.S., storage charges after the tow and storage of an abandoned motor vehicle (other than a collector's item) shall not be accumulated beyond 60 days after the mailing date of the report required by § 42-4-2103(4), C.R.S.
    - (B) If an abandoned motor vehicle is a collector's item as defined in § 42-12-101(2), C.R.S., storage charges shall not be accumulated beyond 120 days after the mailing date of the report required by § 42-3-2103(4), C.R.S.



- (C) 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.
- (V) 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(6)(b) and 42-4-2103(3)(c)(II), 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 immediately to the owner, lien holder, or their agents without charging, collecting, or retaining storage fees.
  - (i) Rates for off-road retrieval. When accompanied by documentation showing starting and ending times of the retrieval, which documentation may include law enforcement incident reports and verification, a towing carrier may charge for off road retrieval at its hourly rates on file at the offices of the Public Utilities Commission. Hourly rates for off-road retrieval shall be calculated from the time the towing carrier arrives at the scene and the law enforcement officer approves the retrieval to the time the towing carrier has completed the retrieval and may include time to load and to secure retrieval equipment and the cleanup of the scene. Off-road retrieval time shall not include loading and securing the retrieved motor vehicle to, or onto, the towing vehicle. The cost of additional equipment used may be recovered from the motor vehicle owner at the carrier's actual costs incurred plus an administrative fee of not more than five percent of those actual costs, provided that the actual costs are reasonable by industry standards.
  - (j) Incidental costs which may be charged when a stored motor vehicle is sold. 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. 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, to a maximum of \$90.00. "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 or operable condition.
  - (k) Exemption for municipal and county contracts. Notwithstanding any other provision of these rules, paragraphs (a) – (j) of this rule shall not apply to any tow or any storage of a towed vehicle performed under a contract with a municipal, county, state, or federal agency.

**6520. Inspection of Records, Facilities, and Towing Vehicles.**

- (a) Books and records, equipment and storage facilities. Upon request of any enforcement official and during normal business hours, a towing carrier shall make available for inspection its books and records concerning its towing and storage operations, its proof of financial responsibility, and its equipment and storage facilities.
- (b) Upon demand by any enforcement official, the towing carrier shall make available for inspection its towing vehicles and any records required to be carried in the towing vehicle including, but not limited to, its towing carrier permit, Form D-1 or Form RS-3, and proof of financial responsibility.
- (c) Retention of records. The towing carrier shall retain copies of towing record/invoices, storage bills, authorizations for tows, and any other written records required by these rules for a minimum of three years.

**6521. Waiver and Variance of Rules.**

**(a) Variance or waiver - general.**

- (I)** As used in this rule, "variance" means authorization to use a different method or means to comply with a rule.
- (II)** As used in this rule, "waiver" means authorization not to comply with a rule.
- (III)** The Commission may permit a variance of a rule, or may waive a rule, if it concludes that, under the circumstances presented, strict compliance with the rule is impossible, impracticable, or unreasonable. The Commission may grant a variance or a waiver subject to such terms and conditions as it deems appropriate. The Commission will not grant a variance or a waiver if the variance or waiver would be contrary to law.
- (IV)** A towing carrier must comply with the rules until and unless the Commission grants that carrier a variance or a waiver of one or more rules.

**(b) Procedure for seeking variance or waiver.**

- (I)** A request for a variance or a waiver made in an existing docket shall be made by motion.
- (II)** A request for a variance or a waiver made outside a docketed proceeding shall be made by petition.
- (III)** A request for a variance or a waiver, whether made by motion or by petition, shall include at least the following information:
  - (A)** Citation to the specific provision of the rule which is sought to be varied or waived;
  - (B)** A clear and concise statement of the variance or waiver requested;
  - (C)** A statement of the facts and circumstances relied upon to demonstrate why the Commission should grant the variance or waiver;
  - (D)** A statement regarding the duration of the requested variance or waiver, including a statement of specific date or event which will terminate the variance or waiver, if granted;
  - (E)** A statement whether the variance or waiver, if granted, would be full or partial; and
  - (F)** An acknowledgment that the towing carrier requesting the variance or waiver understands that the variance or waiver is not effective until approved by the Commission.

**(c) Recordkeeping requirements. A towing carrier that has obtained a variance or a waiver of any rule in this Part shall:**

- (I)** If the variance or waiver pertains to a motor vehicle: maintain a copy of the variance or waiver both in the affected motor vehicle and in the carrier's motor vehicle maintenance files.

- (II) If the variance or waiver pertains to a driver: ensure that a copy of the waiver or variance is carried on the affected driver's person whenever the driver is operating a towing vehicle and also is maintained in the affected driver's qualification file.
- (III) If the variance or waiver pertains to any matter not listed in subparagraphs (b)(I) or (II) of this rule: maintain a copy of the variance or waiver at the carrier's primary place of business.

**6522. Violations, Civil Enforcement, and Enhancement of Civil Penalties.**

- (a) A violation of § 40-13-103(1), C.R.S., may result in the assessment of a civil penalty of up to \$1,100 for each violation.
- (b) Except as provided in paragraph (a) of this rule, a violation of any provision of Title 40, C.R.S., pertaining to towing carriers may result in the assessment of a civil penalty of up to \$550 for each violation.
- (c) A violation of subparagraph (a)(I) or (b)(I) of rule 6507 may result in the assessment of a civil penalty of up to \$11,000 for each violation.
- (d) A violation of any of the following rule provisions may result in the assessment of a civil penalty of up to \$1,100 for each violation:
  - (I) Paragraph (c) or (d) of rule 6516.
  - (II) Paragraph (a), (b), (c), (d), (f), or (g) of rule 6519.
  - (III) Subparagraph (h)(I)(A) or (B) of rule 6519.
- (e) Except as provided in paragraphs (c) and (d) of this rule, a violation of any provision of rules 6500 through 6521 may result in the assessment of a civil penalty of up to \$550 for each violation.
- (f) Pursuant to § 40-7-114, C.R.S., any owner or other person who employs a driver who operates a motor vehicle in violation of the statute or these rules may be assessed a civil penalty for such violation.
- (g) Notwithstanding any provision in these rules to the contrary, the Commission may assess double or triple penalty assessments against any person, as provided by statute and this rule.
- (h) The Commission may assess any person a civil penalty containing doubled penalties if:
  - (I) the person engaged in prior conduct which resulted in the issuance of a prior civil penalty assessment notice;
  - (II) the conduct for which doubled penalties are sought is of the same or narrower character as the conduct that was cited in the prior civil penalty assessment notice;
  - (III) the conduct for which doubled penalties are sought occurred within one year after the conduct which resulted in the issuance of a civil penalty assessment notice; and
  - (IV) the conduct for which doubled penalties are sought occurred after the person's receipt of the prior civil penalty assessment notice.

- (i) The Commission may assess any person a civil penalty containing tripled penalties if:
  - (I) the person engaged in two or more instances of prior conduct which resulted in the issuance of two or more prior civil penalty assessment notices;
  - (II) the conduct for which tripled penalties are sought is of the same or narrower character as the conduct that was cited in the prior civil penalty assessment notices;
  - (III) the conduct for which tripled penalties are sought occurred within one year after the most recent conduct which resulted in the issuance of the prior civil penalty assessment notices; and
  - (IV) the conduct for which tripled penalties are sought occurred after the person's receipt of two or more prior civil penalty assessment notices.
- (j) When more than two instances of prior conduct exist, the Commission shall only consider those instances occurring within one year prior to the conduct for which triple penalties are sought.
- (k) Nothing in this rule shall preclude the assessment of triple penalties when double and triple penalties are sought on the same civil penalty assessment notice.

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of this article or any of the rules and regulations adopted and promulgated by the director pursuant hereto;

- (3) For other good cause shown.  
(Code 1960, § 973.10)

Secs. 55-157—55-170. Reserved.

ARTICLE VI. WRECKER AND TOWING SERVICES\*

DIVISION 1. GENERALLY

Sec. 55-171. Definitions.

The following words and phrases, when used in this article, shall have the meanings respectively ascribed to them:

- (1) *Custodian* shall mean any person specifically authorized to be in lawful possession of a towed vehicle either by act of the registered owner, agent or designee, or by an act of law.
- (2) *Operator* shall mean any person operating a towing vehicle which is moving or towing another vehicle or salvage vehicle.
- (3) *Peace officer* means a sheriff, deputy sheriff, police officer, or prosecuting officer.
- (4) (a) *Private towing* shall mean the moving or towing of a vehicle, or salvage vehicle, where the operator owns or has acquired ownership of that vehicle or salvage vehicle, by use of a towing vehicle.  
(b) *Private towing* shall not include the following acts, and such acts shall be

\*Editor's note—Ord. No. 52-87, § 1, adopted Feb. 2, 1967, amended art. VI in its entirety, to read as herein set out, with minor, nonsubstantive additions and deletions made by the editor for purposes of clarity. Former art. VI, §§ 55-171—55-178, 55-186—55-192, pertaining to similar subject matter, was derived from Code 1960, §§ 947.7-2, 947.7-3, 949.3—949.6, 949.7-1, 949.8—949.13; and Ord. No. 120-96, § 2, adopted Mar. 10, 1968.

State law reference—Towing carriers, C.R.S. 1973, 40-13-101 et seq.

exempt from the provisions of sections 55-171 through 55-194, and section 32-127.

- (i) The act of a hobbyist in moving or towing an antique, classic, collector, special interest, street rod, or competition type of motor vehicle from one (1) location to another location.
  - (ii) The act of an owner of a recreational vehicle, pick-up camper, any class of motor home or private vehicle when towing or dollying a motor vehicle behind said vehicle.
  - (iii) The act of an individual operating a rented vehicle and/or dollies when moving his/her personal possessions and/or vehicle from one (1) location to another location.
- (5) *Public towing* shall mean the moving or towing of a vehicle, or salvage vehicle, where the operator is furnishing towing or moving services by use of a towing vehicle, and shall also include private towing.
  - (6) *Salvage vehicle* shall mean any vehicle sold for the purpose of destruction, dismantlement or otherwise as salvage.
  - (7) *Towing vehicle* shall mean any truck, motor vehicle, trailer or transporter, which is designed or adapted for use in moving or towing motor vehicles or salvage vehicles.
  - (8) *Vehicle* shall mean any mechanical device on wheels, designed primarily for use on highways, except motorized bicycles and vehicles propelled or drawn by human power, or vehicles used exclusively on fixed rails or tracks, or designed to primarily move through the air.
  - (9) *VIN* shall mean vehicle identification number.
  - (10) *Repossession vehicle* shall mean any vehicle excluding a tow truck or trailer which has been modified for use in the legal repossession of motor vehicles.

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- (11) *Denver greater metropolitan area* shall mean a point located within a fifteen (15) mile radius of the intersection of Colfax Avenue and Broadway Avenue in Denver, Colorado.

(Ord. No. 52-87, § 1, 2-2-87)

**Sec. 55-172. Private towing—Records to be kept in towing vehicle.**

(a) Operators of all towing vehicles shall keep records in the towing vehicle concerning the vehicle or salvage vehicle being towed, including make, model, year and license number or vehicle identification number, and the starting point of tow and destination. Such records shall be kept on forms furnished by the Denver Police Department.

(b) It shall be unlawful to tow or move any vehicle or salvage vehicle by use of a towing vehicle, in the City and County of Denver, without a record as provided in paragraph (a).

(Ord. No. 52-87, § 1, 2-2-87)

**Sec. 55-173. Public towing—Proof of lawful possession or ownership.**

(a) It shall be unlawful to tow any vehicle or salvage vehicle by use of a towing vehicle in the City and County of Denver without proof of lawful possession or ownership.

(b) If the tow is authorized in person by a custodian or owner, proof of lawful possession shall be satisfied by possession of a "tow security record" as described in section 55-174.

(c) If the tow is authorized by telephone, proof of lawful possession may be established by possession of a "tow security record" as described in section 55-174, with the following additional information noted:

- (1) Claim number, name of insurance company and agent authorizing the tow;
- (2) Work order number and the name of the salvage yard or owner, and the name of the agent authorizing the tow.

(d) Proof of ownership may be satisfied by proof of title, a salvage receipt or a bill of sale as provided in section 55-176.

(Ord. No. 52-87, § 1, 2-2-87)

**Sec. 55-174. Reserved.**

*Editor's note—*Ord. No. 55-86, § 1, adopted Feb. 2, 1996, repealed § 55-174, which pertained to tow security record and derived from Ord. No. 52-87, § 1, adopted Feb. 2, 1987; and Ord. No. 507-86, § 1, adopted June 17, 1986.

**Sec. 55-175. Impoundment.**

If, on request, the operator of the towing vehicle does not have sufficient proof of lawful possession or ownership, any peace officer may immediately impound the towed vehicle at the city pound until proof of ownership or lawful possession is presented. Any vehicle so impounded will be subject to the disposal provisions of the Revised Municipal Code under sections 54-811 through 54-816.

(Ord. No. 52-87, § 1, 2-2-87)

**Sec. 55-176. Bill of sale.**

(a) At the time of acquiring a vehicle or salvage vehicle for which the seller does not have title or a salvage receipt, the seller shall deliver to the buyer a completed bill of sale containing the following information:

- (1) Name and address of seller;
- (2) Name and address of buyer, including the number from a photo identification card or driver's license and state of issue;

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§ 55-178, under Public Utility Commission or ICC authority, as defined in section 55-171(6) of this Code.

(Ord. No. 52-87, § 1, 2-2-87)

Cross reference—Equipment of vehicles generally, § 54-68 et seq.

Sec. 55-178. Illegal towing.

It shall be unlawful:

(1) For any public towing service or operator to tow or otherwise move a vehicle from any private road or driveway or from any other privately owned land or property within the city, except:

a. When the public towing service or operator is requested to perform towing services by the owner or custodian of the vehicle;

b. When the public towing service or operator is requested to perform such towing services by an owner or custodian of private property on which the vehicle is parked; provided, that the owner or custodian of such private property has first furnished the public towing service or operator with a written statement to the effect that every reasonable effort has been made to locate the owner or custodian of the vehicle; and provided further, that such private property is not a parking lot required to be licensed under article IX of this chapter;

c. When a public towing licensee or operator is acting as an agent in a legal repossession of a motor vehicle and has in his possession documentation showing that he has authority to repossess the vehicle.

(2) For any public towing service or operator to fail to notify the police department within thirty (30) minutes of the removal of a vehicle from public or private property;

(3) For any public towing service or operator to tow or otherwise move a vehicle from any area or portion of a public street, from any private road or driveway, or from any other privately owned land or property within the city to a place out of the city without the consent of the owner of the vehicle;

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(4) For a repossession vehicle to tow a repossessed vehicle more than one mile from the location where the repossessed vehicle was picked up and to tow such repossessed vehicle on an interstate highway.

(5) For towing vehicles not to be equipped with engines, transmissions, differential and power transmission systems, brake system, and frame and suspension construction sufficiently heavy to safely list and tow any vehicle that it accepts for removal from the scene of the accident or point at which it was tendered for towing. In addition to the emergency equipment listed in item 7 [section 55-177], towing vehicles which are used to winch equipment of any description up inclines or back onto a roadway shall be equipped with deadmen blocks and other tie down equipment sufficient to hold the towing vehicle in place while winching.

(6) To accept for towing vehicles that are so extensively damaged as to require a dolly or dollies, unless the towing vehicles are so equipped, or unless the towing carrier has a flatbed vehicle with which to effect removal of the damaged vehicle.

(7) For a public towing service or operator to require an owner or custodian of a vehicle located on private property, which vehicle the public towing service or operator has been authorized to tow or otherwise move, to pay a service charge in excess of fifteen dollars (\$15.00) when the owner or custodian arrives on the scene before such vehicle is removed and said vehicle owner or agent terminates the service.

(Ord. No. 52-87, § 1, 2-2-87)

Sec. 55-179. Rules and regulations.

The director of excise and licenses may adopt and enforce reasonable rules and regulations for administrative purposes in accordance with the provisions of this article for public towing services, private towing operators, and towing vehicle operators.

(Ord. No. 52-87, § 1, 2-2-87)

Cross reference—Rules and regulations generally, § 2-01 et seq.

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**Sec. 55-180. Public towing; rates and hours schedule.**

All persons who furnish public towing services in the city shall file with the director of excise and licenses a schedule of current rates and hours of availability and any subsequent change, which schedule shall be of public record, and shall maintain and carry in each of its towing vehicles a printed or typewritten schedule showing the applicable charges for each type of towing and storage service performed by the towing carrier. If the owner or custodian arranges for the towing or storage, in person, a copy of such schedule shall be furnished before the towing or storage service is performed, otherwise, upon the request of the owner or custodian. At the time such copy is furnished or the information contained therein is supplied, the towing carrier shall advise the owner or custodian of the towed vehicle as to the method of payment for the service rendered.  
(Ord. No. 330-87, § 1, 6-22-87)

**Secs. 55-181—55-185. Reserved.**

**DIVISION 2. LICENSE\***

**Sec. 55-186. License required.**

(1) It shall be unlawful for any person to engage in the activity of towing or moving any motor vehicle or salvage vehicle from points originating within the City and County of Denver and terminating within the Denver greater metropolitan area without first obtaining one or more of the following licenses from the department of excise and licenses:

- (a) **Private Towing License.** All persons who engage in private towing as defined in section 55-171(4) shall obtain a private towing license from the director of excise and licenses.
- (b) **Tow Operator's License.** All persons who operate a towing vehicle in private towing shall obtain a tow operator's license from the director of excise and licenses.

(2) It shall be unlawful for a private towing licensee to permit an unlicensed person to operate a towing vehicle while in the act of towing or

\*Cross reference—Licenses generally, Ch. 32, Supp. No. 22

moving vehicles from points originating within the City and County of Denver and terminating within the greater metropolitan area.

(3) The provisions of this section shall not apply to any person or vehicle operating under certificate or permit duly issued by the public utilities commission of this state authorizing the person or vehicle to engage in towing services.  
(Ord. No. 52-87, § 1, 2-2-87; Ord. No. 330-87, § 2, 6-22-87)

**Sec. 55-187. Application.**

All applications for licenses under this division, including renewals, shall state:

- (1) The name, business address and telephone number of the applicant; and
- (2) Such other information as the director of excise and licenses shall find reasonably necessary to effectuate the purposes of this article.  
(Ord. No. 52-87, § 1, 2-2-87)

**Sec. 55-188. Inspection.**

All persons required to be licensed pursuant to this article VI shall submit towing vehicles, excluding trailers, for inspection to the director of excise and licenses upon applying for a license under section 55-188 (under this division), and once each calendar year thereafter, in order to assure that towing vehicles conform to the requirements of section 55-174.  
(Ord. No. 52-87, § 1, 2-2-87)

**Sec. 55-189. Fees.**

Application and license fees under this division are prescribed in section 32-127.  
(Ord. No. 52-87, § 1, 2-2-87)

**Sec. 55-190. Standards for issuance and renewal.**

(1) The director of excise and licenses may issue or renew a license under this division upon a finding:

- (a) That the applicant is of good moral character to conduct or work in the proposed business; or



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(b) Parking lots or other off-street parking facilities used in connection with apartment houses for the purpose of storing or parking cars of persons who reside in such apartment houses shall be exempt from the provisions of this article.

(c) Special event parking lots for which a temporary use permit has been obtained in accordance with the provisions of Chapter 59, zoning, shall be exempt from the provisions of this article. (Code 1950, § 944.2; Ord. No. 8-94, § 1, 1-3-94)

**Sec. 55-263. Signs.**

(a) Each licensee under this article shall maintain at each entrance a permanent sign not exceeding twenty (20) square feet in area, giving the following information, together with such information as may be required by the director of excise and licenses. Each sign shall be illuminated during open hours between sunset and sunrise.

- (1) *Hours.* The hours of the day or night during which a parking lot is open for business.
- (2) *Rates.* The rates charged for parking of motor vehicles; where more than one (1) rate is charged, figures of each rate shall be of the same size and dimensions; all figures and letters regarding rates and closing hours shall not be less than six (6) inches in height and three (3) inches in width; and all such signs shall be subject to the approval of the director of excise and licenses.
- (3) *Separate rates for parking at different times of day.* Where separate rates are charged or made for parking at different times of the day, notice thereof shall be clearly posted in such signs.
- (4) *Payment instructions.* On lots that are unattended during certain hours or that use meters or ticket dispensers, the signs shall provide detailed instructions as to methods of payment throughout the specified open period. Such instructions shall be subject to the approval of the director of excise and licenses.

(b) Licensees under this article shall post, on the signs erected on parking lots and identifying and advertising such parking lots, the address and

telephone number of the local business office of the licensee; and such information shall be put in lettering not less than one (1) inch in height.

(c) Whenever the address or telephone number of the local business office of a licensee is changed for any reason, the licensee shall post a corresponding change on the parking lot signs, as provided in subsection (a) hereof, within fifteen (15) days after such change of address or telephone number occurs. (Code 1950, §§ 944.9, 944.16)

**Sec. 55-264. Parking ticket.**

When a car is left for parking in a parking lot the owner or the person in control thereof shall be furnished with a parking ticket which shall be numbered to correspond to a ticket placed upon the car and on which shall be printed the full name and address of the operator of the parking lot; provided, that the above provision shall not apply where cars are stored on a weekly or monthly fee basis and some memorandum in writing is given to the person storing the car, stating the weekly or monthly arrangement, and showing the name and address of the operator of such parking lot. (Code 1950, § 944.10)

**Sec. 55-265. Lot maintenance.**

The ground or floor space of each parking lot, if such ground or floor space be or is made of dirt, sand, cinders or other loose or nonsolid material or substance, shall at all times be kept thoroughly sprinkled or treated with oil or some other suitable mixture, substance, material or preparation so that the dust, sand, cinders or other substance of which the ground or floor space is made, shall not be carried, raised or blown by the wind or from any other cause, into or upon the public streets, avenues, alleys or other public ways and places of the city. (Code 1950, § 944.11)

**Sec. 55-266. Protection against theft.**

Every parking lot shall be operated and managed in such a manner as to afford reasonable protection against the theft of cars and the contents thereof parked on the lot, and shall be kept

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properly illuminated at all times the lot is open for business. Such illumination shall be subject to the approval of the director of excise and licenses. Whenever an operator is unable to deliver a car, when called for, the operator shall, forthwith, make a report of such fact to the police department.

(Code 1950, § 944.12)

**Sec. 55-267. Unattended parking lots authorized.**

The provisions of sections 55-264 and 55-268(1), (6) and (7) shall not apply to the operation of parking lots which are unattended and in connection with which fees are collected by a mechanical device or on a weekly or monthly basis. Licensees operating such lots must, however, post in a conspicuous place upon the parking lot a sign:

- (1) Notifying patrons of the name, address and telephone number of the operator of such lot;
- (2) Instructing the patron that the parking of motor vehicles on or within six (6) inches of the property line, or on the sidewalks, parkways or driveways is prohibited;
- (3) Instructing the patron as to payment of fees and that the patron park the vehicle within the space provided, lock it and take the keys.

(Code 1950, § 944.15)

**Sec. 55-268. Violations by operator.**

It shall be unlawful for any licensee under this article to:

- (1) Fail, neglect or refuse to give any person parking a motor vehicle a number check, the duplicate or coupon of which is placed on the motor vehicle;
- (2) Charge any greater sum for parking a motor vehicle than is provided for on the sign placed at the entrance of the parking lot;
- (3) Park or allow any motor vehicle to be parked on or within six (6) inches of the property line;

(4) Park or allow to be parked any motor vehicle on the sidewalks, parkways, driveways or to use or permit the use of streets or alleys for the parking of motor vehicles for which rates are charged by the licensee for parking;

(5) Use any motor vehicle parked on the lot for any purpose whatsoever unless authorized in writing by the owner or operator of such vehicle;

(6) Leave the parking lot unattended while motor vehicles are parked thereon during posted hours;

(7) Deliver car without ticket or satisfactory proof of ownership;

(8) Tow away a vehicle without the express consent of the owner or operator of the vehicle; or to immobilize such vehicle by installing on or attaching to such vehicle a device designed to restrict the normal movement of such vehicle or by any other means whatsoever; or to allow any person other than the owner or operator of the vehicle, or the police or sheriff's department, to tow away or immobilize such vehicle without the express consent of the owner or operator of the vehicle.

(Code 1950, § 944.13)

**Sec. 55-269. Liability for negligence.**

No contract, agreement, rule or regulation shall release any person operating a parking lot from liability for damage or loss caused by the negligence of the licensee or any of the employees. These obligations of the licensee to the owner of any motor vehicle shall not extend beyond the regular posted hour of doing business.

(Code 1950, § 944.14)

**Secs. 55-270-55-275. Reserved.**