

## COLORADO DEPARTMENT OF REGULATORY AGENCIES PUBLIC UTILITIES COMMISSION

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

#### PART 6

#### RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE

##### 6511. Rates and Charges.

Notwithstanding rule 6511, for the period April 2 through April 27, 2020, towing carriers and authorized operators or agents are prohibited from charging motor vehicle owners the rates and charges outlined in subparagraphs 6511(b)(II) and (III) and paragraph 6511(e).

- (a) Drop Charge. If the owner, authorized operator, or authorized agent of the owner of a motor vehicle that is parked without the authorization of the property owner appears in person to retrieve the motor vehicle after a tow truck is present and either backed up in alignment with such motor vehicle or tow equipment has come into contact with such motor vehicle, but before its removal from the property:
  - (I) the maximum drop charge (whether motor vehicle is hooked up or not) is:
    - (A) \$70 for a motor vehicle with a GVWR less than or equal to 10,000 pounds;
    - (B) \$90 for a motor vehicle with a GVWR greater than 10,000 pounds and less than or equal to 19,000 pounds;
    - (C) \$120 for a motor vehicle with a GVWR greater than 19,001 pounds and less than or equal to 33,000 pounds; and
    - (D) \$140 for a motor vehicle with a GVWR greater than 33,000 pounds.
    - (E) Maximum drop charges may be less per municipal ordinance or agreement with the property owner.
  - (II) The minimum drop charge is \$0.00.
  - (III) The towing carrier shall halt any tow in progress, including preparation therefor, prior to removal from the private property, 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 drop charge. The towing carrier shall concurrently advise the owner, authorized operator, or authorized agent of the owner of a 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.
  - (IV) If the towing carrier does not advise the owner, authorized operator, or authorized agent of the owner of a motor vehicle of 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 owner, authorized operator, or authorized agent of the owner of a motor vehicle.

- (b) Maximum towing rates for PPI tows consists of up to four elements: a base rate for the tow; a mileage charge, including any applicable fuel surcharge; a charge for vehicle storage; and a charge for release from storage pursuant to paragraph 6511(f) if applicable.
- (I) The maximum base rates are as follows:
- (A) motor vehicles with a GVWR less than or equal to 10,000 pounds is \$180.00;
  - (B) motor vehicles with a GVWR greater than 10,001 pounds and less than or equal to 19,000 pounds is \$210.00;
  - (C) motor vehicles with a GVWR greater than 19,001 pounds and less than or equal to 33,000 pounds is \$275.00; and
  - (D) motor vehicles with a GVWR greater than 33,000 pounds is \$325.00.
- (II) 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.
- (III) An additional fuel surcharge may be assessed when the price per gallon of diesel fuel exceeds a base rate of \$2.60. The Public Utilities 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.
- (IV) A towing carrier shall not charge or retain any additional fees 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 towing or recovery vehicle, as follows, with no additional fees, charges, or surcharges permitted, except as identified below:
- (I) Maximum hourly rates for tow truck and driver, billable in ¼ hour increments after the first hour, for the towing or recovery of:
- (A) motor vehicles with a GVWR less than or equal to 10,000 pounds is \$205.00 per tow truck;
  - (B) motor vehicles with a GVWR greater than 10,000 pounds and less than or equal to 19,000 pounds is \$245.00 per tow truck;
  - (C) motor vehicles with a GVWR greater than 19,001 pounds and less than or equal to 33,000 pounds is \$320.00 per tow truck; and

- (D) motor vehicles with a GVWR greater than 33,000 pounds is \$370.00 per tow truck.
- (E) The recovery of a motor vehicle requiring the use of a Heavy Rotator (60+ tons) shall not exceed \$585 per hour.
- (II) Mileage and fuel surcharges authorized elsewhere in rule 6511 do not apply to law enforcement ordered tows or recovery operations.
- (III) 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 form, recorded at the time of occurrence: the time of dispatch; the time the truck leaves the yard or other staging location; the time the tow truck arrives on scene; the time the truck leaves the scene, and the time the vehicle towed is unhooked;
  - (B) include an advisement on the 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 vehicle towed 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 owner, authorized operator, or authorized agent of the owner of a motor vehicle documentation of 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).
- (e) Storage for nonconsensual tows.
  - (I) Storage charges may accrue from the time a vehicle is placed in storage and shall not exceed the following rates based on a 24-hour period or any portion of a 24-hour period:
    - (A) \$30.00 for motor vehicles having a GVWR of less than 10,000 pounds;

- (B) \$37.00 for motor vehicles having a GVWR of 10,000 pounds or more; or
  - (C) in lieu of subparagraphs (A) and (B), 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.
- (II) 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.
  - (III) Maximum storage charges for abandoned motor vehicles. 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 subject to part 21 of title 42, C.R.S. shall not be accumulated beyond 120 days after the mailing date of the report required by § 42-4-2103(4), C.R.S.
- (f) For a nonconsensual tow, the maximum additional charge for release of a motor vehicle from storage or access to a motor vehicle in storage at any time other than the carrier's business hours is \$66.00.
  - (g) Noncompliance. If a tow is performed, or storage is provided, in violation of state statute or Commission rules, the towing carrier shall 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 shall be released to the owner, lienholder, or agent of the owner or lienholder without charge. Any money collected must be returned to the owner, authorized operator, or authorized agent of the owner of a motor vehicle.
  - (h) Abandoned motor vehicles.
    - (I) 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 and 42-4-2103, C.R.S., and the rules of the Colorado Department of Revenue.
    - (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 storage fees.
    - (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, 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 or 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 maximum rates that may be charged for a certified vehicle identification number (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.
- (i) 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 cargo.
  - (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 a separate tow from a power unit.