

COLORADO DEPARTMENT OF REGULATORY AGENCIES

Public Utilities Commission

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PART 6

RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE

TOWING CARRIER RULES

6501. Definitions.

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

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[indicates omission of unaffected rules]

- (x) “Signature” means the name of the person, in a verifiable written or electronic format, submitted by that person physically or electronically.

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[indicates omission of unaffected rules]

6503. Towing Carrier Permit Application.

- (a) In addition to completing the Commission-prescribed permit application form available on the Commission’s website, an applicant must:
- (I) pay an application fee, as administratively set by the Commission;
 - (II) cause to be filed the required proof of financial responsibility; and
 - (III) pay the required annual fees or, if applicable, shall be in compliance with the UCR Agreement.
 - (IV) Each principal may be required to possess a valid Colorado-issued driver's license or identification card.
- (b) A towing carrier that submits a permit application or renewal application shall disclose all principals, as defined in paragraph 6001(iii), of the towing carrier.

- (c) Prior to each renewal of a towing carrier permit, a towing carrier shall submit accurate operational information, for the previous calendar year, as follows:
 - (I) the number of tow trucks the towing carrier operated;
 - (II) the volume of tows by category, including consensual, nonconsensual, and law enforcement-ordered tows;
 - (III) the pricing for consensual tows, if applicable; and
 - (IV) any other information, as determined by the Commission.
 - (V) This operational information shall be submitted on or before February 1 of each year, or such other date as determined by the Commission, and in such form as prescribed by the Commission.

6504. Criminal History Checks and Public Interest Determinations.

- (a) This rule applies to principals, as defined in paragraph 6001(iii), of a towing carrier.
- (b) Qualification determination for a towing carrier permit.
 - (I) Upon the Commission's receipt of results obtained from a criminal history record check, Commission staff shall make a qualification determination regarding the towing carrier's qualification status. In making this determination, Commission staff is authorized to request from the towing carrier, and the towing carrier shall provide, additional information that will assist Commission staff in making the determination. If the towing carrier either does not provide such additional information requested by Commission staff, or explain why it is unavailable, within 15 days of the request, Commission staff may deny any pending permit application or renewal application.
 - (II) A permit application or renewal application submitted by a towing carrier shall be denied by Commission staff, if a principal of the towing carrier has:
 - (A) a conviction in the state of Colorado, within the five years preceding the date the criminal history record check is completed, of any felony under any Title of C.R.S. or any towing-related offense; or
 - (B) an offense in any other state or in the United States that is comparable to any offense listed in subparagraph (A) within the same time periods as listed in subparagraph (A).
 - (III) For purposes of this rule, a deferred judgment and sentence pursuant to § 18-1.3-102, C.R.S., shall be deemed to be a conviction during the period of the deferred judgment and sentence.
 - (IV) The Commission and Commission staff may consult and use any commercially or governmentally available information source in conducting criminal history record checks.
- (c) Commission staff shall not issue a towing carrier permit to a towing carrier if a disqualifying criminal history record is found for a principal subject to this rule.

- (d) Commission staff may deny a permit application or renewal application submitted by a towing carrier based on a determination that it is not in the public interest for the towing carrier to possess a permit.
- (e) If a disqualifying criminal history record or public interest determination is found for a principal subject to this rule, the associated towing carrier may file a petition to qualify within 60 days of Commission staff's notification.
 - (I) Upon the filing of a petition for qualification, Commission staff shall be an indispensable party.
 - (II) The towing carrier shall bear the burden of proving that disqualification is not supported by fact or law. If the Commission qualifies a towing carrier upon petition, paragraph (b) or (d), as applicable, shall be waived as to qualification determinations for future applications regarding the events upon which Commission staff's disqualification was based.
- (f) Commission staff may suspend or revoke a current towing carrier permit, as appropriate, pursuant to this rule.

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[indicates omission of unaffected rules]

6506. Equipment and Accessories.

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

- (a) Basic tow truck requirements.
 - (I) A towing carrier shall equip its tow truck(s) with engines, transmissions, differentials, driveline components, brake systems, frames, steering components, and suspensions of sufficiently heavy construction to safely winch, lift, tow, load, and transport the towed motor vehicle.
 - (A) A towing carrier shall not tow a motor vehicle unless it has the necessary equipment to safely conduct the tow, in accordance with the requirements in Title 42, C.R.S., and 49 C.F.R. If separating a power unit and trailer, in combination, is necessary to safely tow the motor vehicle, it must be done in accordance with paragraph 6511(h).
 - (II) A towing carrier shall maintain its tow truck(s) in a manner ensuring the safe winching, lifting, towing, loading, and transporting of the towed motor vehicle.
 - (III) A towing carrier shall ensure its tow truck(s) have each of the following:
 - (A) a GVWR of at least 10,000 pounds;
 - (B) fender coverings for front and rear wheels;
 - (C) the following operational electric lights:

- (i) one spotlight, mounted behind the cab, capable of lighting the scene of legal disability and/or the motor vehicle to be moved (reverse/back-up lights of the tow truck shall not be used in lieu of the spotlight); and
 - (ii) one portable, combination light system capable of being securely attached on the rear of the towed motor vehicle; consisting of (with an equal number on each side) two tail lamps, two stop lamps, and two turn signals; and operated in conjunction with analogous lights on the tow truck.
 - (iii) Warning lights or overhead lighting. A towing carrier shall use yellow, opaque white, or clear white warning and overhead lights only and no other color, unless the tow truck has been approved as an authorized emergency vehicle, as set forth in § 42-1-102(6)(b), C.R.S. In order to be approved as an authorized emergency vehicle, the towing carrier must have a Colorado Department of Revenue Form DR2490 for this classification, approved by the Director of the Commission or the Director's designee, and must follow the requirements of §§ 42-4-213 and 42-4-214(2), C.R.S., and any other requirements the Commission may deem necessary.
- (D) one steering wheel tying device free from cracks, fraying, or deterioration; and
- (E) for any towing carrier that performs tows from accident scenes:
 - (i) one shovel; and
 - (ii) one broom.
- (b) Winching, lifting, towing, and carrying equipment shall be maintained in a manner to ensure the safe winching, lifting, towing, loading, and transporting of the towed motor vehicle, and shall include at least one of the following.
 - (I) Winch and crane: A power-driven winch and crane with a capacity of not less than 6,000 pounds with a winch cable capable of withstanding a test of not less than 10,000 pounds at breaking point or hydraulic system vehicle lift and a cradle, with a tow plate or sling, equipped with safety chains and chains with J-hooks of sufficiently heavy construction to ensure the safe lifting of the motor vehicle;
 - (II) Wheel-lift system: A wheel-lift system with a stinger, L arm brackets, safety chains and tie-down straps, or a mechanical wheel retainer device forming an integral part of the L-arm bracket, of sufficiently heavy construction to secure the motor vehicle to the wheel-lift unit and to ensure the safe lifting and towing of the motor vehicle; or
 - (III) Rollback system: A rollback system with a winch and cable as described in subparagraph (I) of this paragraph, safety chains, tie-down equipment, and truck bed of sufficiently heavy construction to ensure the safe loading and transporting of the motor vehicle.
- (c) A towing carrier shall not tow a motor vehicle that is so extensively damaged as to be unmovable on its own wheels, unless the tow truck is equipped with dollies, a wheel-lift system, or a rollback

system of sufficiently heavy construction to ensure the safe loading and towing of the damaged motor vehicle.

- (d) A towing carrier shall not tow a motor vehicle without attaching required operational electric lights on the rear of the towed motor vehicle. This requirement does not apply to motor vehicles placed on a flatbed or trailer, as long as the motor vehicle being towed does not extend four feet beyond the rear of the tow truck.
- (e) A towed motor vehicle shall be secured to the tow truck, in accordance with the C.R.S. and the Code of Federal Regulations, for the purpose of transporting the vehicle.

6507. Storage Facilities.

- (a) Disclosure of storage facility location. For nonconsensual tows of a motor vehicle, within 30 minutes of moving the towed motor vehicle from its location, or such lesser time as may be required by law, a towing carrier shall notify the responsible law enforcement agency having jurisdiction over the place from where the motor vehicle was towed. The notification shall contain the following information: the name and permit number of the towing carrier; the location of the storage facility where the towed motor vehicle is located; and a description of the towed motor vehicle, including the make, model, color, year, VIN, and license plate information, including the number, issuing state, and expiration date. A towing carrier is deemed to have complied with this requirement if:
 - (I) the location of the storage facility was provided to the responsible law enforcement agency when obtaining authorization for the tow; or
 - (II) two or more documented attempts to notify the responsible law enforcement agency were made, within the 30-minute time period, but were unsuccessful for reasons beyond the control of the towing carrier. The towing carrier must still notify the responsible law enforcement agency as soon as possible, after the unsuccessful attempts.
- (b) Disclosure for abandoned motor vehicles. A towing carrier which places an abandoned motor vehicle in a storage facility shall also disclose the location of the storage facility by complying with the procedure for abandoned motor vehicles in Parts 18 and 21 of Article 4 of Title 42, C.R.S.
- (c) Disclosure for all towed motor vehicles. Upon request of the authorized or interested person of the motor vehicle, a towing carrier which places a motor vehicle in a storage facility shall also disclose the location of the storage facility, the total amount of the charges, and accepted forms of payment, as provided in rule 6512.
- (d) Signage at storage facility.
 - (I) A towing carrier shall maintain a clearly visible sign at the entrance to any storage facility where a motor vehicle has been towed as a nonconsensual tow. Such sign shall state the name of the business, telephone number, and hours of operation.
 - (II) All signs posted to provide notice pursuant to this rule shall comply with any applicable municipal ordinance, to the extent not inconsistent with this rule. Signs shall also, at a minimum:
 - (A) be no less than two square feet in size;

- (B) have lettering not less than two inches in height;
- (C) have lettering that contrasts sharply in color with the background on which the letters are placed; and
- (D) be printed in English.
- (E) If the storage facility contains motor vehicles that were towed as a Residential PPI, the signs must also contain the following statement:

“If a vehicle is nonconsensually towed from private property, the authorized or interested person may retrieve the contents of the vehicle even if the authorized or interested person does not pay the towing carrier’s fees. If the authorized or interested person fills out the appropriate form, the authorized or interested person may retrieve the vehicle after paying a reduced fee, but the authorized or interested person still owes the towing carrier the balance of those fees.”

- (e) Lighting for release. A towing carrier shall maintain an area at each storage facility location on file with the Commission with illumination levels during all hours adequate to inspect a motor vehicle for damage prior to its release from storage.
- (f) Towing carrier responsibility. During and after a tow, the towing carrier is responsible for the security and safety of the towed motor vehicle until it is released to an authorized or interested person.
 - (I) Evidence of the towing carriers’ commercial liability insurance coverage, including cargo liability coverage, garage keeper’s liability coverage, if applicable, and motor vehicle liability coverage shall be provided, upon request, to an authorized or interested person.
 - (II) If a towing carrier utilizes video and/or audio surveillance equipment in their tow trucks or at their storage facilities, such recordings must be made available to the Commission consistent with paragraph 6007(e).

6508. Authorization for Towing of Motor Vehicles.

- (a) Towing carrier acting as authorized agent for the property owner.
 - (I) A towing carrier is prohibited from acting as the authorized agent for the property owner for a Residential PPI. For a Commercial PPI, a towing carrier may act as the authorized agent for the property owner under a written tow agreement to that effect, provided the tow agreement is compliant with this paragraph (a). The tow agreement shall contain at least the following accurate information in order for the tow to be properly authorized:
 - (A) the name, physical address, telephone number, email address, if applicable, and towing carrier permit number of the towing carrier;
 - (B) the name, address, email address, if applicable, and telephone number of the property owner;
 - (C) the address of the property from which the tows will originate;

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

- (C) the towing carrier is requested to perform a tow upon the authorization of the property owner. For a Residential PPI, only the owner or lessee of the private property, their direct employees, or direct employees of a retained property management company may authorize a tow.
- (II) A towing carrier may not come in contact with, hook-up to, or tow a motor vehicle that is occupied, unless the towing carrier is performing rescue or recovery operations for said occupant(s).
- (III) Property owner authorization. The authorization from the property owner shall be documented on a Commission-prescribed form.
 - (A) The authorization shall be filled out in full, signed by the property owner, and given to the towing carrier before the motor vehicle is removed from the property, but not greater than 24 hours prior to the tow. The property owner may sign using a verifiable employee identification number or code name in lieu of the person's proper name. If the authorization is signed by the towing carrier as agent for the property owner, then a verifiable employee identification number or code name shall not be used. Documentation of such authority must be carried in the tow truck at all times while performing the tow. At a minimum, such documentation shall contain:
 - (i) the name, address, email address (if applicable), and telephone number of the property owner;
 - (ii) the address of the property from which the tows will originate; and
 - (iii) the name of each individual person who is authorized to sign the tow authorization.
 - (B) A towing carrier shall not have in their possession, accept, or use blank authorizations pre-signed by the property owner or authorizations that have been automatically generated.
 - (C) The authorization required under this rule may not be substituted by the tow record/invoice requirements in rule 6509 or any other document.
 - (D) A towing carrier shall have a separate, individual authorization for each tow it performs.
 - (E) A towing carrier shall retain a copy of the authorization for three years after the tow commenced, whether it is maintained in electronic or multi-copy paper form, and provide it to an authorized or interested person, upon request.
- (IV) With the exception of law enforcement-ordered tows, a towing carrier that is requested to perform a tow upon the authorization of a property owner must immediately deliver the towed motor vehicle that is being removed from the property to a storage facility location on file with the Commission without delay. No motor vehicle may be relocated off of the private property from which it is towed to a location other than to such a storage facility.
- (V) In the case of law enforcement-ordered tows, a towing carrier may relocate a motor vehicle to another location at the order of a law enforcement officer.

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

- (A) that the motor vehicle will be towed without consent if the motor vehicle remains parked inappropriately;
 - (B) a description of the inappropriate parking that has caused the notice to be given;
 - (C) the time the motor vehicle will be towed if it is not moved to appropriate parking or the inappropriate parking has been corrected; and
 - (D) that continuing to park inappropriately in the same manner may lead to the motor vehicle being towed without notice.
- (e) Photographs.
 - (I) For a Residential PPI, a towing carrier shall document the motor vehicle's condition and the reason for the tow before connecting to the motor vehicle.
 - (II) In order to properly document the motor vehicle's condition, a towing carrier shall take at least four photographs, as follows:
 - (A) from the front of the motor vehicle;
 - (B) from the rear of the motor vehicle;
 - (C) from the driver-side of the motor vehicle; and
 - (D) from the passenger-side of the motor vehicle.
 - (E) These photographs must show the entire motor vehicle from the required angles, have the motor vehicle fill at least three-fourths of the photograph, measured from side-to-side, be rendered in a resolution of at least 2,000 pixels by 2,000 pixels, and contain the date and time the photographs were taken.
 - (III) In order to properly document the reason for the tow, a towing carrier shall take at least one photograph, that meets the following requirements:
 - (A) identifies the specific reason for the tow;
 - (B) shows the position of the vehicle in relation to the reason, including any sign, that the vehicle was towed;
 - (C) can be rendered in a resolution of at least 2,000 pixels by 2,000 pixels; and
 - (D) contains the date and time the photograph was taken.
 - (IV) Upon demand by an authorized or interested person, a towing carrier shall provide copies of the photographs, as described in this rule. The copies of the photographs may be provided in physical or electronic format. A towing carrier may not assess any fees associated with providing copies of the photographs.
 - (V) If a towing carrier fails to produce a photograph of the reason for the tow, as described in this rule, it creates a rebuttable presumption that the towing carrier did not have authorization to tow the motor vehicle.

- (f) Patrolling and monitoring private property. For a Residential PPI, a towing carrier shall not patrol or monitor private property to enforce parking restrictions on behalf of the property owner.

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

- (a) A towing carrier shall use and complete all applicable portions of a tow record/invoice form for all nonconsensual tows, whether the motor vehicle is removed from private property or retrieved before removal (commonly known as a drop), and law enforcement-ordered tows. The tow record/invoice form shall contain accurate information, as follows:
- (I) the unique serial number of the tow record/invoice;
 - (II) the name, address, towing carrier permit number, and telephone number of the towing carrier that is on file with the Commission;
 - (III) the address of the storage facility used by the towing carrier that is on file with the Commission, including the telephone number for that storage facility if the number is different than the telephone number of the towing carrier;
 - (IV) the date and time of the drop, the date and time of commencement of the tow, the date and time of completion of the tow, the date and time notice was given to the appropriate law enforcement agency, the date and time the towed motor vehicle was placed in storage, and the date and time the towed motor vehicle was released from storage, as applicable;
 - (V) the make, model, year, complete VIN (if available), and license plate number (if available) of the towed motor vehicle;
 - (VI) the origin address of the tow, the destination address of the tow, and the one-way mileage between such addresses;
 - (VII) the unit number or license number of the tow truck;
 - (VIII) the printed name and signature of the tow truck driver;
 - (IX) an itemized invoice of all charges assessed;
 - (X) the signature of the authorized or interested person to whom the motor vehicle is released. The towing carrier may write "refused to sign" on the tow record/invoice if the authorized or interested person to whom the motor vehicle is released is provided opportunity to sign the tow/record invoice, but refuses to do so;
 - (XI) on at least the authorized or interested person's copy of the tow record/invoice, the following notice in a font size of at least ten: "Report problems to the Public Utilities Commission at (303) 894-2070". For a Residential PPI, this notice must not be in a type face or font that is smaller than the other numbers or words on the tow record/invoice, as applicable; and
 - (XII) for all nonconsensual tows, the case report number or other identifiable entry provided by the law enforcement agency to which the tow was reported, in accordance with the requirements in § 42-4-2103(2) C.R.S., and paragraph 6507(a).

- (b) The tow invoice, as provided to the authorized or interested person, shall include, at a minimum, the items listed in subparagraphs 6509(a)(I) through (VII) and (IX) through (XIII). The towing carrier shall retain the copy of the tow record/invoice bearing all required original signatures for authorization and release for three years after the tow commenced, whether it is maintained in electronic or multi-copy paper form.
- (c) The tow record/invoice must be filled out to contain the information required in paragraph 6509(a) by the tow truck driver, prior to the tow truck leaving the location of the tow origination with the towed motor vehicle, unless impracticable due to safety concerns. If safety concerns delay recording the information, the towing carrier shall record the information as soon as reasonably possible.
- (d) The towing carrier shall deliver a copy of the tow record/invoice to the authorized or interested person immediately upon request, but no later than 48 hours after the request is made. For a Residential PPI, the tow record/invoice must also show each charge and the rate for each fee that has been incurred as a result of a nonconsensual tow.
- (e) For a Commercial PPI, the towing carrier shall provide a charge notification card to the authorized or interested person of the motor vehicle to be towed, if the authorized or interested person is on the property prior to or after commencement of the tow, but before the motor vehicle has been removed from the property. The charge notification card shall contain all the information listed on the Commission-prescribed form available on the Commission's website.
- (f) A towing carrier may place a warning sign on the driver-side window of a motor vehicle to be towed or, if window placement is impracticable, in another location on the driver-side of the motor vehicle, prior to commencement of the tow. The warning sign shall be at least eight inches by eight inches square or diameter, yellow or orange in color, and state the following: "WARNING: This vehicle is in tow. Attempting to operate or operating this vehicle may result in criminal prosecution and may lead to injury or death to you or another person."

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6511. Rates and Charges.

- (a) Drop Charge. A towing carrier is prohibited from assessing a drop charge for a Residential PPI. For a Commercial PPI, a towing carrier may assess a drop charge if the authorized or interested person of the motor vehicle that is parked without the authorization of the property owner appears in person to retrieve the motor vehicle prior to or after commencement of the tow, but before the motor vehicle has been removed from the property.
 - (I) The maximum drop charge is as follows for each vehicle weight classification:
 - (A) \$79.40 for motor vehicles with a GVWR less than or equal to 10,000 pounds;
 - (B) \$102.08 for motor vehicles with a GVWR greater than 10,000 pounds and less than or equal to 19,000 pounds;
 - (C) \$136.11 for motor vehicles with a GVWR greater than 19,000 pounds and less than or equal to 33,000 pounds; and

- (D) \$158.79 for motor vehicles with a GVWR greater than 33,000 pounds.
- (E) Maximum drop charges may be less than these amounts if required by municipal ordinance or by the tow agreement with the property owner and shall be enforced by the Commission pursuant to this rule.
- (II) The maximum drop charge shall be adjusted for inflation annually, starting March 15, 2022, and effective March 15 of each year thereafter, based upon the annual percentage change in the United States Bureau of Labor Statistics Consumer Price Index – Denver-Aurora-Lakewood, as published by the Colorado Department of Local Affairs for the immediately preceding calendar year. These adjustments shall be compounded annually. For reference by towing carriers and the general public, the Commission will post a notice on its website by March 15 of each year reporting the annual inflation adjustments applicable pursuant to this rule.
- (III) The minimum drop charge is \$0.00.
- (IV) The towing carrier shall halt any tow in progress, including preparation therefor, prior to removal from the private property, and advise the authorized or interested person of the motor vehicle that he or she may offer payment of the towing carrier's drop charge. The towing carrier shall concurrently advise the authorized or interested person of the motor vehicle of acceptable forms of payment under rule 6512. Such advisements shall be provided via delivery of a charge notification card, in addition to any other means desired by the towing carrier.
- (V) If the towing carrier does not advise the authorized or interested person of the motor vehicle of the acceptable forms of payment under rule 6512 or accept such forms of payment, the towing carrier shall not charge or retain any fees or charges for the services it performs. Any money collected must be returned to the authorized or interested person of the motor vehicle.
- (b) The towing rates for PPI tows include the following elements: a base rate for the tow; a mileage charge, including any applicable fuel surcharge; a charge for motor vehicle storage; a charge for release from storage pursuant to paragraph 6511(e), if applicable; and any other charges allowed by state statute or Commission rule.
 - (I) The base rates for PPI tows are as follows for each vehicle weight classification:
 - (A) \$203.90 for motor vehicles with a GVWR less than or equal to 10,000 pounds;
 - (B) \$234.48 for motor vehicles with a GVWR greater than 10,000 pounds and less than or equal to 19,000 pounds;
 - (C) \$316.05 for motor vehicles with a GVWR greater than 19,000 pounds and less than or equal to 33,000 pounds; and
 - (D) \$356.83 for motor vehicles with a GVWR greater than 33,000 pounds.
 - (II) The base rates shall be adjusted for inflation annually, starting March 15, 2022, and effective March 15 of each year thereafter, based upon the annual percentage change in the United States Bureau of Labor Statistics Consumer Price Index – Denver-Aurora-Lakewood, as published by the Colorado Department of Local Affairs for the immediately

preceding calendar year. These adjustments shall be compounded annually. For reference by towing carriers and the general public, the Commission will post a notice on its website by March 15 of each year reporting the annual inflation adjustments applicable pursuant to this rule.

- (III) The maximum mileage charge a towing carrier may assess for a PPI tow of a motor vehicle is \$3.80 per mile for each mile that the motor vehicle is towed, subject to the following limits: The maximum mileage that may be charged for a PPI tow is 12 miles for tows within ten miles of either side of U.S. Interstate Highway 25, and 16.5 miles for mountain areas and eastern plains communities that lie farther than ten miles from U.S. Interstate Highway 25.
 - (IV) An additional fuel surcharge may be assessed when the price per gallon of diesel fuel exceeds a base rate of \$2.60. The Commission shall, each month, adjust the maximum mileage charge when the price per gallon of diesel fuel exceeds the base rate. The surcharge shall be based on the United States Department of Energy “weekly retail on-highway diesel prices” for the Rocky Mountain region (DOE’s Weekly Diesel Price). The fuel surcharge adjustment shall provide a one-percent increase in the mileage rate for every ten-cent increase in the DOE’s Weekly Diesel Price, or a one-percent decrease in the mileage rate for every ten-cent decrease in the DOE’s Weekly Diesel Price, but in no event decreasing below the base rate.
 - (V) A towing carrier shall not charge or retain any additional fees not identified in state statute or Commission rule for the nonconsensual tow of a motor vehicle from private property.
- (c) Maximum towing rates for law enforcement-ordered tows and recovery operations are to be calculated on an hourly basis, per required tow truck, as follows, with no additional fees, charges, or surcharges permitted, except as allowed by state statute or Commission rule.
- (I) The maximum hourly rates for tow truck and driver, billable in $\frac{1}{4}$ hour increments after the first hour, for the towing or recovery of motor vehicles, are as follows for each vehicle weight classification:
 - (A) \$232.52 per hour for motor vehicles with a GVWR less than or equal to 10,000 pounds;
 - (B) \$277.89 per hour for motor vehicles with a GVWR greater than 10,000 pounds and less than or equal to 19,000 pounds;
 - (C) \$362.96 per hour for motor vehicles with a GVWR greater than 19,000 pounds and less than or equal to 33,000 pounds; and
 - (D) \$419.67 per hour for motor vehicles with a GVWR greater than 33,000 pounds.
 - (E) The recovery of a motor vehicle requiring the use of a Heavy Rotator (60+ tons) shall not exceed \$663.53 per hour.
 - (II) The maximum hourly rates for tow truck and driver shall be adjusted for inflation annually, starting March 15, 2022, and effective March 15 of each year thereafter, based upon the annual percentage change in the United States Bureau of Labor Statistics Consumer Price Index – Denver-Aurora-Lakewood, as published by the Colorado Department of Local Affairs for the immediately preceding calendar year. These adjustments shall be

compounded annually. For reference by towing carriers and the general public, the Commission will post a notice on its website by March 15 of each year reporting the annual inflation adjustments applicable pursuant to this rule.

- (III) Mileage and fuel surcharges authorized elsewhere in rule 6511 do not apply to law enforcement-ordered tows or recovery operations.
- (IV) Any towing carrier billing greater than one hour for any tow truck and driver for a given tow shall:
 - (A) include, in addition to requirements of rule 6509, the following information on the tow record/invoice, recorded at the time of occurrence: the time of dispatch; the time the tow truck leaves the yard or other staging location; the time the tow truck arrives on scene; the time the tow truck leaves the scene, and the time the towed motor vehicle is unhooked from the tow truck;
 - (B) include an advisement on the tow record/invoice that documentation of costs billed in excess of one hour for any tow truck and driver for such tow are available, upon request, from the towing carrier;
 - (C) only begin billing from a time not earlier than the towing carrier leaves their yard or staging area en route to the scene of the requested tow until the towed motor vehicle is unhooked;
 - (D) not bill more than the reasonable time necessary to perform the tow at hourly rates for one tow truck and driver, plus the towing carrier's actual and reasonable cost of recovery equipment and labor in excess of one tow truck and driver, plus an additional twenty-five percent of those actual and reasonable costs;
 - (E) provide the authorized or interested person of the motor vehicle documentation of the actual and reasonable costs billed in excess of one hour for any tow truck and driver for such tow, upon request; and
 - (F) not, under any circumstances, bill rates and charges provided in paragraph (b) for a PPI tow.
- (d) Storage for nonconsensual and law enforcement-ordered tows.
 - (I) Storage charges shall not exceed the following maximum rates, based on a 24-hour period, for the following weight classifications:
 - (A) \$39.18 for motor vehicles with a GVWR of less than or equal to 10,000 pounds;
 - (B) \$48.32 for motor vehicles with a GVWR greater than 10,000 pounds; or
 - (C) in lieu of the storage rates provided above, and at the option of the towing carrier, storage may be charged according to the motor vehicle's length, including the tongue of a trailer, at \$1.50 per foot or portion thereof.
 - (D) For a Commercial PPI, only the first 24 hours of storage, prorated on an hourly basis, may be assessed until such time as the notification, pursuant to § 42-4-2103, C.R.S., has been completed. Storage fees may not be assessed

retroactively once the notification has been completed, except for the first 24 hours of storage. After the notification has been completed, storage charges may be assessed for each 24-hour period or any portion of a 24-hour period. By way of example, the second 24 hours of storage may be assessed when the notification has been completed and the third 24 hours of storage may be assessed 24 hours after the notification has been completed.

- (E) For a Residential PPI, only the first 24 hours of storage, prorated on an hourly basis, may be assessed until such time as the notification, pursuant to § 42-4-2103, C.R.S., has been completed. Storage fees may not be assessed retroactively once the notification has been completed, except for the first 24 hours of storage. After the notification has been completed, storage charges must continue to be prorated, on an hourly basis, with the combined hourly rate not to exceed the maximum rate for an entire 24-hour period.
- (F) For a law enforcement ordered tow, storage charges may be assessed for each 24-hour period or any portion of a 24-hour period. By way of example, the first 24 hours of storage may be assessed when the towed motor vehicle enters the towing carrier's storage facility and the second 24 hours of storage may be assessed 24 hours after the towed motor vehicle entered the towing carrier's storage facility.
- (II) The storage charges shall be adjusted for inflation annually, starting March 15, 2022, and effective March 15 of each year thereafter, based upon the annual percentage change in the United States Bureau of Labor Statistics Consumer Price Index – Denver-Aurora-Lakewood, as published by the Colorado Department of Local Affairs for the immediately preceding calendar year. These adjustments shall be compounded annually. For reference by towing carriers and the general public, the Commission will post a notice on its website by March 15 of each year reporting the annual inflation adjustments applicable pursuant to this rule.
- (III) Storage charges shall not be charged, collected, or retained for any time during which garage keeper's liability insurance coverage is not kept in force.
- (IV) Storage charges after the tow and storage of an abandoned motor vehicle subject to Part 21 of Title 42, C.R.S., shall not be accumulated beyond 120 days after the notification has been completed, pursuant to § 42-4-2103, C.R.S.
- (e) For nonconsensual and law enforcement-ordered tows, the maximum additional charge for release of a motor vehicle from storage at any time other than the towing carrier's business hours is \$86.19. The release charge shall be adjusted for inflation annually, starting March 15, 2022, and effective March 15 of each year thereafter, based upon the annual percentage change in the United States Bureau of Labor Statistics Consumer Price Index – Denver-Aurora-Lakewood, as published by the Colorado Department of Local Affairs for the immediately preceding calendar year. These adjustments shall be compounded annually. For reference by towing carriers and the general public, the Commission will post a notice on its website by March 15 of each year reporting the annual inflation adjustments applicable pursuant to this rule.
- (f) Noncompliance. If a tow is performed, or storage is provided, in violation of state statute or Commission rule, the towing carrier may not charge or retain any fees or charges for the services performed with respect to the motor vehicle. Any motor vehicle that is held in storage must be

released, without charge, to an authorized or interested person. Any money collected must be returned to the authorized or interested person of the motor vehicle.

- (I) Within 48 hours after a tow is determined to have been performed in violation of state statute or Commission rule, a towing carrier shall return the motor vehicle back to the location from where it was towed. This requirement does not apply if:
 - (A) the authorized or interested person notifies the towing carrier that they prefer to retrieve the motor vehicle from the towing carrier's storage facility; or
 - (B) returning the motor vehicle to the location from where it was towed is impractical, including, but not limited to, when the motor vehicle did not have permission to park at the location from where the vehicle was towed.
- (g) Abandoned motor vehicles.
 - (I) Notifications. The charges for notification(s) to the vehicle owner(s) and the lienholder(s) of the motor vehicle held in storage shall be in accordance with §§ 42-4-1804 and 42-4-2103, C.R.S., and the rules of the Colorado Department of Revenue. For purposes of notification, any motor vehicle in possession of the towing carrier, including motor vehicles incidental to the tow (for example, loaded on a trailer when the trailer was towed) shall comply with the notification requirements of Parts 18 and 21 of Article 4 of Title 42, C.R.S., and § 42-5-109, C.R.S.
 - (II) Consequences of failure to notify. A towing carrier holding a motor vehicle in storage who cannot demonstrate that it has made a good faith effort, as set forth in §§ 42-4-1804 and 42-4-2103, C.R.S., to comply with the notification requirements of Parts 18 and 21 of Article 4 of Title 42, C.R.S., and § 42-5-109, C.R.S., shall not charge, collect, or retain any fees associated with the tow or storage of the motor vehicle.
 - (III) Sale of an abandoned motor vehicle to cover the outstanding towing and storage charges must be done in accordance with the notice and procedural requirements of Parts 18 and 21 of Article 4 of Title 42, C.R.S., and § 42-5-109, C.R.S. Upon the effective date of a future Commission decision providing further guidance under this subparagraph 6511(g)(III), all towing carriers may be required to provide to the Commission a copy of the completed Private Tow Vehicle Information Request and Motor Vehicle Bill of Sale forms within 30 days of abandoned motor vehicle sales resulting from a nonconsensual tow.
 - (IV) Additional costs that may be charged when a stored motor vehicle is sold.
 - (A) When a stored motor vehicle is sold, a towing carrier may charge the costs of maintaining that motor vehicle while in storage in accordance with § 38-20-109, C.R.S.
 - (B) When a stored motor vehicle that does not come within the provisions of § 38-20-109, C.R.S., is sold, a towing carrier may charge the costs of maintaining that motor vehicle, up to a maximum of \$90.00.
 - (C) "Cost of maintaining a motor vehicle" means a documented cost that is incurred by the towing carrier and that keeps a motor vehicle in safe and operable condition.

- (D) Certified VIN verification procedure. When an abandoned motor vehicle that is less than five model years old and that the Colorado Department of Revenue cannot find in its records must be sold, the towing carrier may charge for all documented expenses of obtaining the certified VIN verification.
- (h) Trailers.
 - (I) No additional fees may be charged for the towing of a power unit and trailer in combination as a single motor vehicle. A power unit and trailer in combination may be separated and conducted as separate tows for a specific articulable and reasonable cause, which must be included on separate tow records/invoices. The rates and charges for each respective tow must be consistent with rule 6511.
 - (II) A motor vehicle or cargo in or on a trailer is considered in combination as a single unit.

6512. Release of Motor Vehicle and Personal Property.

- (a) The towing carrier shall immediately accept payment of the drop charge, towing, storage, release charges, and any other appropriate charges, if payment is offered by an authorized or interested person. The towing carrier must accept payments in cash or by valid major credit card. For purposes of this rule, a major credit card includes MasterCard and Visa. Accepted forms of payment may be annotated on the tow record/invoice, so long as the required options noted in this rule are offered to the authorized or interested person to whom the motor vehicle is being released. The towing carrier shall release the motor vehicle to an authorized or interested person.
- (b) A towing carrier that accepts for storage a motor vehicle that has been towed as a nonconsensual or law enforcement-ordered tow shall provide access to or release of the motor vehicle to an authorized or interested person of the motor vehicle either:
 - (I) with one hour's notice during all times other than the towing carrier's business hours that occur within the first 24 hours of storage; or
 - (II) upon demand during the carrier's business hours.
- (c) Failure to notify. A towing carrier holding a motor vehicle in storage who cannot demonstrate that it has made a good faith effort, as set forth in §§ 42-4-1804 and 42-4-2103, C.R.S., to comply with the notification requirements of Parts 18 and 21 of Article 4 of Title 42, C.R.S., and § 42-5-109, C.R.S., shall release the motor vehicle at no charge to an authorized or interested person.
- (d) Release of personal property for nonconsensual and law enforcement-ordered tows. A towing carrier shall release personal property, upon request, to an authorized or interested person, if such request is made at any point after the vehicle has been towed, but no later than 30 days after notification, as set forth in §§ 42-4-1804 and 42-4-2103, C.R.S. Requests made outside of business hours shall follow the standards in paragraph 6512(b).
 - (I) For purposes of this rule, personal property includes any items that are not attached to or part of the equipment of the motor vehicle.
 - (II) For a Residential PPI, the towing carrier may not charge for the removal of personal property.

- (III) For a Commercial PPI or law enforcement-ordered tow, the towing carrier may charge up to \$100.00 for each hour or any portion of an hour for the removal of personal property.
 - (A) The maximum rate for the removal of personal property, for a Commercial PPI or law enforcement-ordered tow, shall be adjusted for inflation annually, effective March 15 of each year, based upon the annual percentage change in the United States Bureau of Labor Statistics Consumer Price Index – Denver-Aurora-Lakewood, as published by the Colorado Department of Local Affairs for the immediately preceding calendar year. These adjustments shall be compounded annually. For reference by towing carriers and the general public, the Commission will post a notice on its website by March 15 of each year reporting the annual inflation adjustments applicable pursuant to this rule.
- (IV) The provisions of this rule shall not apply during any period when the personal property is subject to a hold order issued by a court, district attorney, law enforcement agency, or law enforcement officer.
- (V) Any fees allowable under this rule shall not be assessed for any of the items addressed under paragraphs 6512(g), (h), (i), and (j).
- (e) The towing carrier, at its discretion, need not comply with paragraphs 6512(a) through (d) to release a motor vehicle or allow for removal of personal property if:
 - (I) the towing carrier is reasonably certain that, at the time the motor vehicle is to be released from storage, the driver of the motor vehicle is not capable of safely driving the motor vehicle due to the influence of drugs or alcohol;
 - (II) the towing carrier that is to remove the motor vehicle from storage does not have a valid towing carrier permit;
 - (III) a hold order is in place on the motor vehicle by a court, district attorney, law enforcement agency, or law enforcement officer;
 - (IV) the release of the motor vehicle does not comply with the release procedures agreed to, in writing, between the towing carrier and the applicable law enforcement agency; or
 - (V) the towing carrier, upon notification for the release of or access to a motor vehicle at other than the carrier's business hours, has immediately contacted an appropriate law enforcement agency and, in the interest of public order, has requested a law enforcement officer's presence during the release of the motor vehicle. This exception is applicable when the towing carrier has reason to believe that the person to whom the motor vehicle or personal property is to be released may disrupt the public order.
- (f) A towing carrier shall release a motor vehicle held in storage to a person presenting a current driver's license who attests to being the authorized operator of the motor vehicle and produces two of the following: keys to the motor vehicle; proof of insurance; vehicle registration; VIN; and knowledge of the location from where the motor vehicle was towed. Such attestation must be provided on the "Vehicle Release Form" available on the Commission's website, which the towing carrier shall provide to the authorized operator, upon request.
- (g) Whether on the property where the tow originates or at the towing carrier's storage facility, a towing carrier shall not refuse to relinquish prescription medicines, medical equipment, medical

devices, or any child restraint system. The towing carrier shall immediately relinquish such items to an authorized or interested person of the motor vehicle, without requiring payment and without additional charge, upon demand during business hours and, during the first 24 hours after commencement of the tow, within one hour's notice outside of business hours.

- (h) Whether on the property where the tow originates or at the towing carrier's storage facility, a towing carrier shall not refuse to relinquish credit cards and cash for immediate payment of the amount due to the towing carrier. The towing carrier shall immediately relinquish such items to an authorized or interested person of the motor vehicle, without requiring payment and without additional charge, upon demand during business hours and, during the first 24 hours after commencement of the tow, within one hour's notice outside of business hours.
- (i) Whether on the property where the tow originates or at the towing carrier's storage facility, a towing carrier shall not refuse to relinquish state or federal issued identification to the owner of the identification or to an authorized or interested person of the motor vehicle. The towing carrier shall immediately relinquish such items, without requiring payment and without additional charge, upon demand during business hours and, during the first 24 hours after commencement of the tow, within one hour's notice outside of business hours.
- (j) Whether on the property where the tow originates or at the towing carrier's storage facility, a towing carrier shall not refuse to relinquish a cellular telephone to an authorized or interested person of the motor vehicle. The towing carrier shall immediately relinquish such item, without requiring payment and without additional charge, upon demand during business hours and, during the first 24 hours after commencement of the tow, within one hour's notice outside of business hours.
- (k) For nonconsensual and law enforcement-ordered tows, a towing carrier shall not assess any additional fees or charges not specifically identified in state statute or Commission rule.
- (l) For a Residential PPI, a towing carrier shall immediately retrieve the motor vehicle that has been nonconsensually towed or allow the vehicle owner or authorized operator to retrieve the motor vehicle if the following conditions have been met:
 - (I) the vehicle owner or authorized operator pays 15 percent of the fees, not to exceed \$60.00, owed to the towing carrier for the nonconsensual tow; and
 - (II) the vehicle owner or authorized operator completes and signs the "Towed Vehicle Release Notice: Retrieval with Payment Owed" form available on the Commission's website, which the towing carrier shall provide to the vehicle owner or authorized operator, upon request.
 - (III) The remaining balance owed to the towing carrier shall be due no sooner than 90 days after the motor vehicle has been released to the vehicle owner or authorized operator.
 - (IV) A towing carrier must strictly comply with this rule and shall not impose any additional obligation, requirement, or approval process on the vehicle owner or authorized operator, as a condition of releasing a motor vehicle.

6513. Notice.

- (a) A towing carrier may not perform a nonconsensual tow of a motor vehicle, other than an abandoned motor vehicle, from private property unless:

- (I) notice of the applicable parking limitations, regulations, restrictions, and prohibitions was provided to the motor vehicle operator at the time the motor vehicle entered the private property and parked; and
 - (II) notice that any motor vehicle parked in violation of the applicable parking limitations, regulations, restrictions, and prohibitions is subject to tow at the vehicle owner's expense was provided to the motor vehicle operator at the time the motor vehicle entered the private property and parked. The towing carrier must retain evidence that such notice was provided for three years from the date of completion of the tow and provide it to the Commission or an enforcement official upon request.
- (b) Abandoned motor vehicles. A towing carrier may not perform a nonconsensual tow of an abandoned motor vehicle from private property unless the motor vehicle was left unattended for a period of 24 hours or more and is presumed to be abandoned pursuant to § 42-4-2102(1), C.R.S. A towing carrier is responsible for demonstrating that the motor vehicle was left unattended on the private property for at least 24 hours before conducting the tow.
- (I) A towing carrier may demonstrate that a motor vehicle has been abandoned on private property by placing a warning sign or notice on the motor vehicle at least 24 hours before the motor vehicle is towed. The warning sign or notice, which must include the date and time it is posted on the motor vehicle, shall state that the motor vehicle must be removed from the private property within 24 hours or it will be subject to tow.
- (c) The notice required in paragraph (a) is presumed to be met through signage if a permanent sign is conspicuously posted visibly at each point of entrance to the private property and inside the private property at reasonable intervals, as determined by the property owner.
- (d) A towing carrier that enters into a tow agreement with a property owner to nonconsensually tow motor vehicles shall verify signage at the applicable private property from where the tows will originate. The signage shall, at a minimum:
- (I) be no less than two square feet in size;
 - (II) have lettering not less than one inch in height;
 - (III) have lettering that contrasts sharply in color with the background on which the letters are placed and the structure the signs are placed on;
 - (IV) state the following information in the order listed below:
 - (A) the restriction or prohibition on parking;
 - (B) the times of the day and days that the restriction or prohibition is applicable or "Authorized Parking Only" if the restriction or prohibition applies at all times; and
 - (C) the name and telephone number of the towing carrier authorized to perform tows from the private property;
 - (V) be printed in English and Spanish;
 - (VI) at the entrance to the private property, face outward toward the street and be visible prior to and upon entering the private property;

- (VII) inside the private property, face outward toward the parking area;
- (VIII) not be obstructed or placed in such a manner that prevents visibility; and
- (IX) not be placed higher than ten feet or lower than three feet from the ground surface closest to the sign's placement.