

COLORADO DEPARTMENT OF REGULATORY AGENCIES
Public Utilities Commission

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RULES REGULATING VEHICLE BOOTING COMPANIES

6807. – 6809. [Reserved].

VEHICLE BOOTING RULES

6810. Applicability of Booting Company Rules.

- (a) Rules 6800 through 6899 apply to all vehicle booting companies.
- (b) For the booting of a motor vehicle performed under a written agreement with a municipality, county, or state or federal agency, nothing in these booting rules shall be construed to prohibit such municipality, county, or state or federal agency, to the extent permitted by law, from adopting and enforcing additional or more stringent requirements.
- (c) No vehicle booting company may engage in booting operations without first having obtained a booting permit from the Commission.
- (d) No vehicle booting company may boot a vehicle on public property without written agreement with a municipality, county, state, or federal agency.
- (e) No vehicle booting company may boot a motor vehicle that is occupied, unless authorized by a law enforcement officer.

6811. Definitions.

In addition to the definitions in rule 6001 and rule 6501, the following definitions apply to vehicle booting companies:

- (a) “Boot or booting” means to place a wheel immobilization device upon a motor vehicle for the purpose of prohibiting the operation of the motor vehicle.
- (b) “Vehicle booting company” means a private corporation, partnership, or sole proprietor in the business of immobilizing a motor vehicle through use of a boot.

6812. Permit Application.

- (a) In addition to completing and filing an application form, a person must:
 - (I) pay an annual application fee ~~as determined by the Director and approved by the Department of Regulatory Agencies Executive Director’s Office;~~

- (II) cause to be filed with the Commission the required proof of financial responsibility in the form of a Colorado Form GL, General Liability Certificate of Insurance evidencing that the has general liability insurance coverage, or surety bond, providing coverage of not less than \$100,000.00. For purposes of this subparagraph, “general liability” means liability for bodily injury and property damage. All vehicle booting companies shall keep in force such general liability insurance coverage at all times they are engaging in the business of immobilizing motor vehicles through the use of boots;
- (III) ~~cause to be provided, a copy of an insurance policy specifically naming the vehicle booting company as the insured party providing liability coverage for property damage and personal injury in an amount not less than one hundred thousand dollars (\$100,000.00) covering damages caused by the vehicle booting company or any of their employees or agents in the course of conducting booting with a term equivalent to the effective period of the permit; and~~
- (IV) file proof of compliance with worker’s compensation insurance coverage in accordance with the “Worker’s Compensation Act of Colorado”, Articles 40 to 47 of Title 8, of the Colorado Revised Statutes, and the rules set forth by the Department of Labor and Employment, Division of Workers’ Compensation.
 - (A) If workers’ compensation insurance coverage is required, the vehicle booting company shall cause proof of coverage to be filed and maintained with the Commission on a Commission prescribed Form WC in lieu of the original policy.
 - (B) If a person has proof of workers’ compensation insurance coverage on file with the Commission, there shall be a rebuttable presumption that the person is required to maintain such insurance.
 - (C) If workers’ compensation insurance coverage is not required, the vehicle booting company shall cause:
 - (i) for corporations or limited liability companies, a completed Colorado Department of Labor and Employment, Division of Workers’ Compensation Form WC43 including a part B for each Person listed on part A; or
 - (ii) for other vehicle booting companies, a statement that workers’ compensation insurance coverage is not required.

6813. Criminal History Checks.

- (a) This rule applies to principals, including without limitation, directors and officers.
 - (I) An application shall be denied, if the applicant has:
 - (A) within the five years preceding the application date been convicted in the state of Colorado of any class 1, 2, or 3 felony under any title of the Colorado Revised Statutes;

- (B) within the four years preceding the application date been convicted in the State of Colorado, of any class 4, 5, or 6 felony under any title of the Colorado Revised Statutes; or
 - (C) an offense in any other state or in the United States that is comparable to any offense listed in subparagraphs (A) through (B) within the same time periods as listed in subparagraphs (A) through (B).
 - (D) fails to provide additional information requested by Commission staff to make a qualification determination.
- (II) 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.
- (III) The Commission and Commission staff may consult and use any commercially or governmentally available information source in conducting criminal history record checks.
- (IV) If a disqualifying criminal history record is found for a person subject to this rule, the applicant may file a petition to qualify the applicant within 60 days of Commission staff's notification.
- (A) Upon the filing of a petition for qualification, Commission staff shall be an indispensable party.
 - (B) The applicant shall bear the burden of proving that the Commission should issue a permit.

6814. Equipment and Accessories.

In addition to complying with all applicable safety regulations, all vehicle booting companies shall meet the following minimum requirements.

- (a) A vehicle booting company engaged in booting motor vehicles shall have displayed on each side of the vehicle booting company's vehicle and in plain view, the name of the business, ~~the address from which the business is operating~~, the permit number and a phone number of the business. The lettering shall be of a size and contrasting color to the vehicle as to be readily legible during daylight hours from a minimum distance of 50 feet, but in no case be less than three inches tall. Information may be removed from vehicles is not in service (e.g. on a removable magnet).
- (b) A person engaged in booting shall have business identification visibly worn at all times while booting and accepting payment.

6815. Authorization for Booting.

- (a) Vehicle booting company acting as authorized agent for the property owner.

- (I) A vehicle booting company may act as the authorized agent for the property owner under a written agreement to that effect, provided the agreement is compliant with this paragraph (a). The contract shall contain at least the following information:
 - (A) the name, physical address, telephone number, email address (if applicable), and booting permit number of the vehicle booting company;
 - (B) the name, address, email address (if applicable), and telephone number of the property owner;
 - (C) the address of the property where booting will take place;
 - (D) the name of each individual person who is authorized to sign the authorization to boot;
 - (E) the beginning date and ending date of the contract; no perpetuity to the end date;
 - (F) a statement that "the maximum rates for booting on private property is set by rule of the Public Utilities Commission;"
 - ~~(G) a statement that "the property owner acknowledges responsibility for the actions of the vehicle booting company as its agent";~~
 - ~~(H)~~ (HG) the printed name, title, phone number, and signature of the person making the contract on behalf of the property owner and on behalf of the vehicle booting company; and
 - ~~(H)~~ the date the contract is signed.
- (II) Nothing in this paragraph (a) shall preclude a vehicle booting company, which vehicle booting company has been paid for the booting by the property owner at proper rates, from collecting the booting charges from the motor vehicle owner and reimbursing said charges to the property owner.
- (III) ~~Nothing stated in this rule agency provided for in this paragraph~~ 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.

6816. Booting Notice/-Signage/Invoice.

- (a) Vehicle booting companies shall use and complete all applicable portions of a boot record/invoice form for all booting of vehicles. The boot record/invoice form shall contain the following information:
 - (I) the serial number of the boot record/invoice;
 - (II) the name, ~~address,~~ permit number, and telephone number of the vehicle booting company;

- (III) the date and time of the boot placement and the date and time of the boot removal, as applicable;
- (IV) the make, model, year, vehicle identification number, and, if available, license plate number of the motor vehicle booted;
- (V) the address where the vehicle was booted;
- (VI) the ~~printed name and signature~~ initials of the person authorizing the application of the boot;
- (VII) the ~~signature~~ name of the owner, authorized operator, or other authorized person to whom the motor vehicle is released ~~to~~ when the boot is removed; and
- (VIII) on at least the customer's copy, the following notice in font size of at least ten:

"Report problems to the Public Utilities Commission at (303) 894-2070."

- (b) The vehicle booting company shall retain the original copy of the boot record/invoice bearing all required original signatures for authorization and release, without regard to whether it is maintained in electronic or multi-copy paper form.
- (c) The vehicle booting company shall deliver a copy of the boot record/invoice to the owner, authorized operator, or authorized agent of the owner of the motor vehicle at the time of the release of the booted motor vehicle or within a reasonable time thereafter.
- (d) A vehicle booting company shall place a warning sign on the driver-side window of a vehicle to be booted or, if window placement is impracticable, in another location on the driver-side of the vehicle prior to the placement of the boot. The warning sign shall include the name, ~~address~~, and telephone number of the company that booted the vehicle, and be at least ~~eight~~ six inches by eight inches, ~~is be~~ yellow or orange in color, and states the following:

"WARNING: This vehicle has been booted. Attempting to operate or operating this vehicle may result in criminal prosecution and may lead to damage to the vehicle".

- ~~(e) The vehicle booting company shall be responsible for the removal of the warning sticker and any additional adhesive upon removal of the boot.~~
- ~~(fe)~~ No more than one vehicle booting company may apply a boot ~~may be applied~~ to a vehicle at any given time. If a vehicle booting company applies more than one boot to a vehicle, it may only charge once for the removal of the boots. A vehicle in combination (i.e. vehicle with trailer) may only have one boot applied at any given time.
- ~~(f)~~ A vehicle booting company may not apply a boot to a motor vehicle unless:
 - (I) notice of parking limitations, regulations, restrictions or prohibitions was provided at the time the vehicle was parked; and
 - (II) notice is provided that anyone parking in violation of limitations, regulations, restrictions or prohibitions is subject to being booted at the vehicle owner's expense.

- (g) Notice required by this rule is presumed to be met if:
- (I) a permanent sign is conspicuously posted near each entrance to the parking lot; and
 - (II) if the parking lot is not provided for residential parking and has more than ten free-standing lampposts on the property, a number of signs equal to the number of lampposts must be posted. Such signs must be posted on each lamppost or posted upright in conspicuous locations which are evenly distributed across the parking lot.
- (h) All signs posted to provide notice pursuant to this rule shall comply with any applicable ordinance. To the extent not inconsistent with applicable ordinance, signs shall also at a minimum:
- (I) be no less than one square foot in size;
 - (II) have lettering not less than one inch in height;
 - (III) have lettering that contrasts sharply in color with the background on which the letters are placed;
 - (IV) state the restrictions enforced;
 - (V) include the name and telephone number of vehicle booting company; and
 - (VI) be printed in English.

6817. Rates and Charges.

- (a) Release charge. If the owner, authorized operator, or authorized agent of the owner of a motor vehicle that is parked without authorization of the property owner, appears in person to retrieve the motor vehicle prior to the completed installation of a booting device:
- (I) the maximum release charge (prior to completion of boot installation) is the lesser of:
 - (A) \$25; or
 - (B) the amount prescribed by municipal ordinance or agreement with property owner.
 - (II) The vehicle booting company shall halt any booting installation in progress, including preparation thereof at the vehicle, and advise the owner, authorized operator, or authorized agent of the owner of a motor vehicle of acceptable forms of payment under rule 6818. Such advisements shall be provided via delivery of a charge notification card, in addition to any other means desired by the vehicle booting company.
 - (III) If the vehicle booting company does not advise the owner, authorized operator, or authorized agent of the owner of a motor vehicle of acceptable forms of payment under rule 6818 or accept such forms of payment, the vehicle booting company 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 the motor vehicle.

- (IV) The release charge is in lieu of the vehicle booting charge and may not be combined.
- (b) The maximum rates are as follows:
 - (I) A vehicle booting charge for the removal of the boot shall be no more than \$120 and the vehicle booting company must accept forms of payment under paragraph 6818(a).
 - (II) A vehicle booting company cannot charge additional vehicle booting charges by removing and then reapplying the boot before the booting charge has been paid.
 - (III) Upon payment of the booting charge, the vehicle booting company shall immediately remove the boot.

6818. Release of Motor Vehicle/Removal of Booting Device.

- (a) The vehicle booting company shall immediately accept payment if payment is offered in cash or valid major credit card. The vehicle booting company may accept other forms of payment, but must accept payment by either MasterCard or Visa. The vehicle booting company shall release the motor vehicle to:
 - (I) the motor vehicle owner, authorized operator, or authorized agent of the owner of the motor vehicle;
 - (II) the lienholder or agent of the lienholder of the motor vehicle; or
 - (III) the insurance company or agent of the insurance company providing coverage on the vehicle, if released to the insurance company of the owner.
- (b) The vehicle booting company shall be available to release the motor vehicle as provided in paragraph (a) to the owner, authorized operator, or authorized agent of the owner of the motor vehicle either:
 - (I) with 90 minutes notice during all times other than the vehicle booting company's normal business hours; or
 - (II) upon demand (but not more than one hour) during the vehicle booting company's normal business hours.
- (c) The vehicle booting company shall release a vehicle, and remove the boot without charge, to an authorized tow company immediately when evidence is presented that the tow company has authorization to conduct a nonconsensual tow or law enforcement directed tow.

6819. Vehicle Booting Company Violations and Civil Penalty Assessments.

- (a) A violation of any of the following provisions may result in the assessment of a civil penalty up to \$1,100.00 for each violation:
 - (I) § 40-10.1-801(1)(a), C.R.S.;
 - (II) paragraph (c) of rule 6810; and

- (III) paragraph (a) of rule 6815.
- (b) A violation of paragraph (a) or (b) of rule 6817 may result in the assessment of a civil penalty up to \$300 for each violation.
- (c) A violation of rule 6818 may result in the assessment of a civil penalty up to \$550.00 for each violation.
- (d) A violation of rule 6814 may result in the assessment of a civil penalty up to \$100.00 for each violation.
- (e) Except as provided in paragraph (a) through (d) of this rule, a violation of any provision of rules 6800 through 6813, may result in the assessment of a civil penalty of up to \$225.00 for each violation.
- (f) Civil penalty assessments are in addition to any other penalties provided by law.

6820. – 6899. [Reserved].