

COLORADO DEPARTMENT OF REGULATORY AGENCIES

PUBLIC UTILITIES COMMISSION

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PART 6

RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE

TOWING CARRIER RULES

6500. Applicability of Towing Carrier Rules.

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

6501. Definitions.

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

- (a) "Abandoned motor vehicle" means an "abandoned motor vehicle" as defined by § 42-4-1802(1), C.R.S., for motor vehicles left unattended on public property, and § 42-4-2102(1), C.R.S., for motor vehicles left unattended on private property.
- (b) "Address" means the particulars of the physical location of a business or residence including the street name, number, city, state, and zip code.

- (c) “Authorized agent for the property owner” means a person acting as agent of a property owner.
- (d) “Authorized agent of the owner of the motor vehicle” means a person, including a towing carrier, who has been given written or oral permission by the owner, lessee, lienholder, or insurance company of a motor vehicle to act as agent for the disposition of said motor vehicle.
- (e) “Authorized operator of a motor vehicle” means a person who has been given written or oral permission to drive a motor vehicle by the owner or lessee of said motor vehicle.
- (f) “Business hours” means 8:00 AM to 5:00 PM, Monday through Friday, excluding legal holidays, and any additional hours and days the towing carrier may designate. A towing carrier’s business hours shall default to the advertised hours of the towing carrier if they extend beyond the minimum business hours prescribed by this rule.
- (g) “Completion of the tow” means when the towed motor vehicle enters the towing carrier’s storage facility, even if still hooked up or connected to, or riding on, the tow truck.
- (h) “Gross vehicle weight rating” or “GVWR” is the maximum operating weight of a motor vehicle as specified by the manufacturer.
- (i) “Law enforcement officer” means any sheriff, police officer, Colorado state patrol officer, municipal code enforcement officer, or other such person acting in his or her official governmental capacity for enforcement of motor vehicle laws.
- (j) “Law enforcement-ordered tow” means a tow ordered by a law enforcement officer. Law enforcement-ordered tows are subject to these rules, even when the owner or operator of the motor vehicle consents to a law enforcement officer ordering a tow. A tow shall not be considered a law enforcement-ordered tow if the motor vehicle owner or operator has the ability or opportunity to terminate the tow and contact a towing carrier of his or her own choosing.
- (k) “Legal disability” means the condition of a trailer or semi-trailer that, due to its weight, height, or other size characteristics, is unable to be transported when attached to the motor vehicle that was pulling it.
- (l) “Name” means a word or phrase that constitutes the distinctive designation of a person or thing and includes printed, legible words and includes the first and last name as applicable.
- (m) “Nonconsensual tow” means the transportation of a motor vehicle by tow truck, including a trailer, if such transportation is performed without the prior consent or authorization of the owner or operator of the motor vehicle. Law enforcement-ordered tows are considered nonconsensual tows.
- (n) “Private property” means any real property that is not public property.
- (o) “Private Property Impound” (or “PPI”) means a nonconsensual tow from private property upon authorization of the property owner.
- (p) “Property owner” means:

- (I) the owner or lessee of the private property or public property;
 - (II) a person who has been authorized in writing to act as an authorized agent for the property owner or lessee of the private property or public property; or
 - (III) a federal, state, county, municipal, or other government entity that is the owner or lessee of the private property or public property, or such entity's employees responsible for such property.
- (q) “Public property” means any real property having its title, ownership, use, or possession held by the federal government; this state; or any county, municipality, or other governmental entity of this state.
- (r) “Recovery” means winching, hoisting, up-righting, removing, or otherwise relocating a motor vehicle when the motor vehicle is found in such a location, state or position in which it could not be removed from the location, state or position using only the motor vehicle’s own power, even if it were in complete operating condition. Waiting and site clean-up time are included in recovery services.
- (s) “Signature” means the name of the person written in his or her own handwriting or entered by that person electronically.
- (t) “Tow agreement” means a written agreement between a towing carrier and a property owner authorizing the towing carrier to perform tows and meeting the minimum requirements for tow agreements set forth in subparagraph 6508(a)(l).
- (u) “Towing” is the act of transporting a motor vehicle or trailer on or behind a tow truck.
- (v) “Tow truck” means a motor vehicle specially designed or equipped for transporting another motor vehicle by means of winches, cables, pulleys, or other equipment for towing, pulling, or lifting such other motor vehicle from one place to another.
- (w) “Towing carrier” means a motor carrier that provides, as one of its primary functions, the towing of motor vehicles by use of a tow truck and may also provide storage of towed motor vehicles.
- (x) “Towing carrier permit” means the permit issued by the Commission to a towing carrier pursuant to § 40-10.1-401, C.R.S.
- (y) “Towing facility” means any place used for the storage of motor vehicles or records in conjunction with the operations of a towing carrier.
- (z) “Trailer” means any wheeled vehicle, without motive power, which is designed to be drawn by a motor vehicle and to carry its cargo load wholly, or in part, upon its own structure and that is generally and commonly used to carry and transport property over the public highways.
- (aa) “VIN” means the unique vehicle identification number used to identify a motor vehicle.

6502. [Reserved].

6503. Towing Carrier Permit Application.

- (a) In addition to completing the Commission-prescribed permit application form available on the Commission's website, a person must:
- (I) pay an application fee of \$150.00;
 - (II) cause to be filed the required proof of financial responsibility; and
 - (III) pay the required annual fees or, if applicable, shall be in compliance with the UCR Agreement.

6504. Criminal History Checks.

- (a) This rule applies to principals of a towing carrier, including without limitation, directors and officers.
- (b) Qualification determination for towing carrier permit.
- (I) Upon the Commission's receipt of results obtained from a criminal history record check, Commission staff shall make a qualification determination regarding the applicant's qualification status. In making this determination, Commission staff is authorized to request from the applicant, and the applicant shall provide, additional information that will assist Commission staff in making the determination. If an applicant either does not provide such additional information requested by Commission staff, or explain why it is unavailable, within 15 days of the request, Commission staff may deny the application.
 - (II) An application for a towing carrier permit shall be denied, if the applicant has:
 - (A) a conviction in the state of Colorado, within the five years preceding the date the criminal history record check is completed, of any felony under any Title of C.R.S.; or
 - (B) an offense in any other state or in the United States that is comparable to any offense listed in subparagraph (A) within the same time periods as listed in subparagraph (A).
 - (III) For purposes of this rule, a deferred judgment and sentence pursuant to § 18-1.3-102, C.R.S., shall be deemed to be a conviction during the period of the deferred judgment and sentence.
 - (IV) The Commission and Commission staff may consult and use any commercially or governmentally available information source in conducting criminal history record checks.
- (c) Commission staff shall not issue a towing carrier permit to the applicant if a disqualifying criminal history record is found for a person subject to this rule.

- (d) If a disqualifying criminal history record is found for a person subject to this rule, the associated applicant may file a petition to qualify the applicant within 60 days of Commission staff's notification.
 - (I) Upon the filing of a petition for qualification, Commission staff shall be an indispensable party.
 - (II) The applicant shall bear the burden of proving that disqualification is not supported by fact or law.
- (e) If the Commission qualifies an applicant upon petition, paragraph (b) shall be waived as to qualification determinations for future applications regarding the events upon which Commission staff's disqualification was based.

6505. Driver Licensing Requirement.

A towing carrier shall not permit any tow truck driver or operator to tow a motor vehicle or operate a tow truck without a valid driver's license.

6506. Equipment and Accessories.

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

- (a) Basic tow truck requirements.
 - (I) A towing carrier shall equip its tow truck(s) with engines, transmissions, differentials, driveline components, brake systems, frames, steering components, and suspensions of sufficiently heavy construction to safely winch, lift, tow, load, and transport the towed motor vehicle.
 - (II) A towing carrier shall maintain its tow truck(s) in a manner ensuring the safe winching, lifting, towing, loading, and transporting of the towed motor vehicle.
 - (III) A towing carrier shall ensure its tow truck(s) have each of the following:
 - (A) a GVWR of at least 10,000 pounds;
 - (B) fender coverings for front and rear wheels;
 - (C) the following operational electric lights:
 - (i) one spotlight, mounted behind the cab, capable of lighting the scene of disability and the motor vehicle to be moved (reverse/back-up lights of the tow truck shall not be used in lieu of the spotlight); and
 - (ii) one portable, combination light system capable of being securely attached on the rear of the towed motor vehicle; consisting of (with an

equal number on each side) two tail lamps, two stop lamps, and two turn signals; and operated in conjunction with analogous lights on the tow truck;

- (D) one steering wheel tying device free from cracks, fraying, or deterioration; and
 - (E) for any towing carrier that performs tows from accident scenes:
 - (i) one shovel; and
 - (ii) one broom.
- (b) Winching, lifting, towing, and carrying equipment shall be maintained in a manner to ensure the safe winching, lifting, towing, loading, and transporting of the towed motor vehicle, and shall include at least one of the following:
- (I) Winch and crane: A power-driven winch and crane with a capacity of not less than 6,000 pounds with a winch cable capable of withstanding a test of not less than 10,000 pounds at breaking point or hydraulic system vehicle lift and a cradle, with a tow plate or sling, equipped with safety chains and chains with J-hooks of sufficiently heavy construction to ensure the safe lifting of the motor vehicle;
 - (II) Wheel-lift system: A wheel-lift system with a stinger, L arm brackets, safety chains and tie-down straps, or a mechanical wheel retainer device forming an integral part of the L-arm bracket, of sufficiently heavy construction to secure the motor vehicle to the wheel-lift unit and to ensure the safe lifting and towing of the motor vehicle; or
 - (III) Rollback system: A rollback system with a winch and cable as described in subparagraph (I) of this paragraph, safety chains, tie-down equipment, and truck bed of sufficiently heavy construction to ensure the safe loading and transporting of the motor vehicle.
- (c) A towing carrier shall not tow a motor vehicle that is so extensively damaged as to be unmovable on its own wheels, unless the tow truck is equipped with dollies, a wheel-lift system, or a rollback system of sufficiently heavy construction to ensure the safe loading and towing of the damaged motor vehicle.
- (d) A towing carrier shall not tow a motor vehicle without attaching required operational electric lights on the rear of the towed motor vehicle. This requirement does not apply to motor vehicles placed on a flatbed or trailer as long as the motor vehicle being towed does not extend four feet beyond the rear of the tow truck.

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 disclose the location of the storage facility by notifying the

responsible law enforcement agency having jurisdiction over the place from which the motor vehicle was towed.

- (I) Compliance with paragraph (a) will be considered accomplished if the location of the storage facility was provided to the law enforcement agency in conjunction with obtaining authorization for the tow.
 - (II) If the towing carrier makes two or more documented attempts within the 30-minute time period to notify the responsible law enforcement agency, but is unsuccessful for reasons beyond the control of the towing carrier, the notice will not be considered late for purposes of paragraph (a).
- (b) Disclosure for abandoned motor vehicles. A towing carrier which places an abandoned motor vehicle in a storage facility shall also disclose the location of the storage facility by complying with the procedure for abandoned motor vehicles in Parts 18 and 21 of Article 4 of Title 42, C.R.S.
 - (c) Disclosure for all towed motor vehicles. Upon request of the owner, authorized operator, or authorized agent of the owner of the of motor vehicle, a towing carrier which places a motor vehicle in a storage facility shall also disclose the location of the storage facility, the total amount of the charges, and accepted forms of payment, as provided in rule 6512.
 - (d) Signage at storage facility.
 - (I) A towing carrier shall maintain a clearly visible sign at the entrance to any storage facility where a motor vehicle has been towed as a nonconsensual tow. Such sign shall state the name of the business, telephone number, and hours of operation.
 - (II) All signs posted to provide notice pursuant to this rule shall comply with any applicable municipal ordinance. To the extent not inconsistent with applicable ordinance, signs shall also at a minimum:
 - (A) be no less than two square feet in size;
 - (B) have lettering not less than two inches in height;
 - (C) have lettering that contrasts sharply in color with the background on which the letters are placed; and
 - (D) be printed in English.
 - (e) 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) Carrier responsibility. After a nonconsensual tow, the towing carrier is responsible for the security and safety of the towed motor vehicle until it is released in accordance with these rules. Evidence of the towing carriers' commercial liability insurance coverage including cargo liability

coverage, garage keeper's liability coverage, if applicable, and motor vehicle liability coverage shall be provided, upon request, to the person to whom the motor vehicle is being released.

6508. Authorization for Towing of Motor Vehicles.

- (a) Towing carrier acting as authorized agent for the property owner.
 - (l) 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). Only the towing carrier named in the tow agreement may perform tows under that tow agreement. Assignment of a tow agreement to another towing carrier is prohibited. The tow agreement shall contain at least the following information in order for the tow to be properly authorized:
 - (A) the name, physical address, telephone number, email address, if applicable, and towing carrier permit number of the towing carrier;
 - (B) the name, address, email address, if applicable, and telephone number of the property owner;
 - (C) the address of the property from which the tows will originate;
 - (D) the name of each individual person who is authorized to sign the tow authorization;
 - (E) the address and phone number of the storage facility where the motor vehicle owner may retrieve the motor vehicle;
 - (F) the beginning date and ending date of the tow agreement. Provisions that provide for automatic renewal of the tow agreement are prohibited;
 - (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;
 - (I) the date the tow agreement is signed;
 - (J) the name of each tow truck driver who is authorized to perform tows under the tow agreement; and
 - (K) the reasons for which a motor vehicle may be towed from the property under the tow agreement.

- (II) Nothing in this paragraph (a) shall preclude a towing carrier who has been paid for the tow by the property owner at proper rates from collecting the towing charges from the motor vehicle owner and reimbursing said charges to the property owner.
 - (III) No agency provided for in this paragraph (a) shall affect any obligation, liability, or responsibility of the property owner to any third party. Any provision attempting to affect such obligation, liability, or responsibility shall be void.
 - (IV) Nothing in this paragraph (a) shall preclude a towing carrier or property owner from adding addendums to the tow agreement that modify any term of the tow agreement, so long as the addendums are in compliance with these rules and agreed upon by both the tow company and the property owner. Each addendum must be signed by both the tow company and the property owner and are required to be maintained with the original tow agreement.
- (b) Authorization to perform nonconsensual tow.
- (I) A towing carrier shall not tow any motor vehicle unless one of the following conditions is met:
 - (A) the towing carrier is directed to perform a tow by a law enforcement officer;
 - (B) the towing carrier is requested to perform a tow by the owner, authorized operator, or authorized agent of the owner of the motor vehicle; or
 - (C) the towing carrier is requested to perform a tow upon the authorization of the property owner.
 - (II) A towing carrier may not come in contact with, hook-up to, or tow a motor vehicle that is occupied, unless the towing carrier is performing rescue or recovery operations for said occupant(s).
 - (III) Property owner authorization. The authorization from the property owner, or authorized agent for the property owner, shall be in writing; shall identify by make, license plate number (if available), and VIN (if available), the motor vehicle to be towed; and shall include the date, time, and place of removal.
 - (A) The authorization shall be filled out in full, signed by the property owner, and given to the towing carrier before the motor vehicle is removed from the property. The property owner may sign using a verifiable employee identification number or code name in lieu of the person's proper name. If the authorization is signed by the towing carrier as agent for the property owner, then a verifiable employee identification number or code name shall not be used. Documentation of such authority must be carried in the tow truck at all times while performing the tow. At a minimum, such documentation shall contain:
 - (i) the name, address, email address (if applicable), and telephone number of the property owner;

- (ii) the address of the property from which the tows will originate; and
 - (iii) the name of each individual person who is authorized to sign the tow authorization.
 - (B) A towing carrier shall not have in his or her possession, accept, or use blank authorizations pre-signed by the property owner.
 - (C) The written authorization may be incorporated into the tow record/invoice required by rule 6509 or on any other document.
 - (D) With the exception of law enforcement-ordered tows, a towing carrier that is requested to perform a tow upon the authorization of a property owner or authorized agent for the property owner must immediately deliver the towed motor vehicle to a storage facility location on file with the Commission without delay. No motor vehicle may be relocated to a location other than to such a storage facility.
 - (E) In the case of law enforcement-ordered tows, a towing carrier may relocate a motor vehicle to another location at the order of a law enforcement officer, but only after that location has been provided in writing by the law enforcement officer and has been documented on the tow record/invoice by the towing carrier.
 - (F) A motor vehicle towed as a nonconsensual tow shall be secured to the tow truck completely prior to leaving the tow origination location. A driver shall not commence towing a motor vehicle until the motor vehicle has been completely secured in accordance with the C.R.S. and the Code of Federal Regulations.
- (c) Expired vehicle registration. A towing carrier may not perform a nonconsensual tow of a motor vehicle for reason of expired vehicle registration unless the vehicle registration has expired pursuant to the terms of § 42-3-114, C.R.S.

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

- (a) Towing carriers shall use and complete all applicable portions of a tow record/invoice form for all nonconsensual tows, whether the motor vehicle is removed from private property or retrieved before removal (commonly known as a drop). The tow record/invoice form shall contain the following information:
- (I) the unique serial number of the tow record/invoice;
 - (II) the name, address, towing carrier permit number, and telephone number of the towing carrier that is on file with the Commission;
 - (III) the address of the storage facility used by the towing carrier that is on file with the Commission, including the telephone number for that storage facility if the number is different than the telephone number of the towing carrier;

- (IV) the date and time of the drop, the date and time of commencement of the tow, the date and time of completion of the tow, the date and time notice was given to the appropriate law enforcement agency, the date and time the towed motor vehicle was placed in storage, and the date and time the towed motor vehicle was released from storage, as applicable;
 - (V) the make, model, year, complete VIN (if available), and license plate number (if available) of the towed motor vehicle;
 - (VI) the origin address of the tow, the destination address of the tow, and the one-way mileage between such addresses;
 - (VII) unless incorporated into the authorization in subparagraph 6508(b)(III),
 - (A) the printed name, address, and telephone number of the person authorizing the tow; and
 - (B) the full, legal signature of the property owner authorizing the tow;
 - (VIII) an indication whether the motor vehicle was locked or unlocked when the tow truck hooked up to it;
 - (IX) if the towed motor vehicle is unlocked, a list of its contents;
 - (X) the unit number or license number of the tow truck;
 - (XI) the printed name and signature of the tow truck driver;
 - (XII) an itemized invoice of all towing charges assessed;
 - (XIII) the signature of the owner, authorized operator, or other authorized person to whom the motor vehicle is released. The towing carrier may write “refused to sign” on the tow record/invoice if the person to whom the motor vehicle is released is provided opportunity to sign the tow/record invoice but refuses to do so; and
 - (XIV) on at least the customer’s copy of the tow record/invoice, the following notice in a font size of at least ten: “Report problems to the Public Utilities Commission at (303) 894-2070”; and
 - (XV) 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 towing carrier shall retain the copy of the tow record/invoice bearing all required original signatures for authorization and release 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 subparagraphs 6509(a)(I), (II), (III), (V), (VI), (VII), and (VIII) by the tow truck driver prior to the tow truck leaving the location of the tow origination with the towed motor vehicle.
- (d) The towing carrier shall deliver a copy of the tow 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 towed motor vehicle from a storage facility or where dropped for a drop fee, regardless of whether the towing carrier received in full payment of applicable charges.
- (e) Towing carriers shall provide a charge notification card to the owner, authorized operator, or authorized agent of the owner of the motor vehicle to be towed if such person is on the property prior to or after commencement of the tow but before the motor vehicle has been towed off the property. The charge notification card shall contain all the information listed on the Commission-prescribed form available on the Commission's website.
- (f) A towing carrier may place a warning sign on the driver-side window of a motor vehicle to be towed or, if window placement is impracticable, in another location on the driver-side of the motor vehicle prior to commencement of the tow. The tow-truck warning sign shall be at least eight inches by eight inches square or diameter, yellow or orange in color, and state the following: "WARNING: This vehicle is in tow. Attempting to operate or operating this vehicle may result in criminal prosecution and may lead to injury or death to you or another person."

6510. Disclosure of Rates and Charges.

- (a) Prior to performing any tow, a towing carrier shall disclose to the owner, authorized operator, or authorized agent of the owner of the motor vehicle all rates and charges to be assessed. This rule does not apply to a nonconsensual tow authorized by the property owner or authorized agent for the property owner. Rates for law enforcement-ordered tows must be disclosed to the motor vehicle operator prior to commencement of the tow, except where not feasible for reasons including, but not limited to, arrest, incapacitation, or order of a law enforcement officer.
- (b) This disclosure may either be written or oral and shall include, but is not limited to, the following information:
 - (I) any extra charges made necessary because, at the time of the tow, the towing carrier would be unable to deliver the motor vehicle to a repair or body shop during the normal working hours of such repair or body shop;
 - (II) any extra charges made necessary because, at the time of the tow, the towing carrier would be unable to deliver the motor vehicle to a location and at a time agreed upon by the owner, authorized operator, or authorized agent of the owner of the motor vehicle to take delivery of the motor vehicle and pay the tow charges; and
 - (III) estimated charges for mileage and storage.

6511. Rates and Charges.

- (a) Drop Charge. A towing carrier may assess a drop charge if the owner, authorized operator, or authorized agent of the owner of the motor vehicle that is parked without the authorization of the property owner appears in person to retrieve the motor vehicle after the motor vehicle is hooked up to the tow truck, but before the motor vehicle is removed from the property.
- (I) The maximum drop charge 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 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 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, and advise the owner, authorized operator, or authorized agent of the owner of the motor vehicle that he or she may offer payment of the towing carrier's drop charge. The towing carrier shall concurrently advise the owner, authorized operator, or authorized agent of the owner of the motor vehicle of acceptable forms of payment under rule 6512. Such advisements shall be provided via delivery of a charge notification card, in addition to any other means desired by the towing carrier.
- (IV) If the towing carrier does not advise the owner, authorized operator, or authorized agent of the owner of the motor vehicle of the acceptable forms of payment under rule 6512 or accept such forms of payment, the towing carrier shall not charge or retain any fees or charges for the services it performs. Any money collected must be returned to the owner, authorized operator, or authorized agent of the owner of the 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 motor vehicle storage; and a charge for release from storage pursuant to paragraph 6511(f) if applicable.
- (I) The maximum base rates for PPI tows 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 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 not identified in these rules for the nonconsensual tow of a motor vehicle from private property.
- (c) Maximum towing rates for law enforcement ordered tows and recovery operations are to be calculated on an hourly basis, per required tow truck, as follows, with no additional fees, charges, or surcharges permitted:
- (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, recorded at the time of occurrence: the time of dispatch; the time the tow truck leaves the yard or other staging location; the time the tow truck arrives on scene; the time the tow truck leaves the scene, and the time the towed motor vehicle is unhooked from the tow truck;
 - (B) include an advisement on the tow record/invoice that documentation of costs billed in excess of one hour for any tow truck and driver for such tow are available upon request from the towing carrier;
 - (C) only begin billing from a time not earlier than the towing carrier leaves their yard or staging area en route to the scene of the requested tow until the towed motor vehicle is unhooked;
 - (D) not bill more than the reasonable time necessary to perform the tow at hourly rates for one tow truck and driver, plus the towing carrier's actual and reasonable cost of recovery equipment and labor in excess of one tow truck and driver, plus an additional twenty-five percent of those actual and reasonable costs;
 - (E) provide an owner, authorized operator, or authorized agent of the owner of the 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 motor 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.
 - (D) For the purposes of this rule, the 24-hour time period commences when the motor vehicle enters the towing carrier's storage facility. The second day of storage, for the purposes of charges, shall not begin until 24 hours after the motor vehicle entered the towing carrier's storage facility.
 - (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 towed from private property. 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 at any time other than the towing 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 rule, 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 without charge to the persons authorized in paragraph 6512(a). Any money collected must be returned to the owner, authorized operator, or authorized agent of the owner of the 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. For purposes of notification, any motor vehicle in possession of the towing carrier, including motor vehicles incidental to the tow (for example, loaded on a trailer when the trailer was towed) shall comply with the notification requirements of Parts 18 and 21 of Article 4 of Title 42, C.R.S., and § 42-5-109, C.R.S.

- (II) Consequences of failure to notify. A towing carrier holding a motor vehicle in storage who cannot demonstrate that it has made a good faith effort, as set forth in §§ 42-4-1804 and 42-4-2103, C.R.S., to comply with the notification requirements of Parts 18 and 21 of Article 4 of Title 42, C.R.S., and § 42-5-109, C.R.S., shall not charge, collect, or retain any fees associated with the tow or storage of the motor vehicle.
- (III) Sale of an abandoned motor vehicle to cover the outstanding towing and storage charges must be done in accordance with the notice and procedural requirements of Parts 18 and 21 of Article 4 of Title 42, C.R.S., and § 42-5-109, C.R.S.
- (IV) Additional costs that may be charged when a stored motor vehicle is sold.
 - (A) When a stored motor vehicle is sold, a towing carrier may charge the costs of maintaining that motor vehicle while in storage in accordance with § 38-20-109, C.R.S.
 - (B) When a stored motor vehicle that does not come within the provisions of § 38-20-109, C.R.S., is sold, a towing carrier may charge the costs of maintaining that motor vehicle, up to a maximum of \$90.00.
 - (C) “Cost of maintaining a motor vehicle” means a documented cost that is incurred by the towing carrier and that keeps a motor vehicle in safe and operable condition.
 - (D) Certified VIN verification procedure. When an abandoned motor vehicle that is less than five model years old and that the Colorado Department of Revenue cannot find in its records must be sold, the maximum rates that may be charged for a certified VIN verification are as follows:
 - (i) rates as provided in paragraph (d); and
 - (ii) in addition, the towing carrier may charge for all other documented expenses of obtaining the VIN verification.
- (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 considered in combination as a single unit.
 - (III) No additional fees may be charged for the towing of cargo in combination; however, additional fees may be charged for towing a trailer when reasonably and actually conducted as a separate tow from a power unit.

6512. Release of Motor Vehicle and Personal Property.

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

- (III) a hold order is in place on the motor vehicle by a court, district attorney, law enforcement agency, or law enforcement officer;
 - (IV) the release of the motor vehicle does not comply with the release procedures agreed to, in writing, between the towing carrier and the applicable law enforcement agency; or
 - (V) the towing carrier, upon notification for the release of or access to a motor vehicle at other than the carrier's business hours, has immediately contacted an appropriate law enforcement agency and, in the interest of public order, has requested a law enforcement officer's presence during the release of the motor vehicle. This exception is applicable when the towing carrier has reason to believe that the person to whom the motor vehicle or personal property is to be released may disrupt the public order.
- (f) A towing carrier shall release a motor vehicle held in storage to a person presenting a current driver's license who attests to being the authorized operator of the motor vehicle and produces two of the following: keys to the motor vehicle; proof of insurance; vehicle registration; VIN; and knowledge of the location from where the motor vehicle was towed. Such attestation must be provided on the "Vehicle Release Form" available on the Commission's website.
- (g) Whether on the property where the tow originates or at the towing carrier's storage facility, a towing carrier shall not refuse to relinquish prescription medicines, medical equipment, medical devices, or any child restraint system. The towing carrier shall immediately relinquish such items to persons authorized for release of the motor vehicle in paragraph (a) of this rule, without requiring payment and without additional charge, upon demand during business hours and, during the first 24 hours after commencement of the tow, within one hour's notice outside of business hours.
- (h) Whether on the property where the tow originates or at the towing carrier's storage facility, a towing carrier shall not refuse to relinquish credit cards and cash for immediate payment of the amount due to the towing carrier. The towing carrier shall immediately relinquish such items to persons authorized for release of the motor vehicle in paragraph (a) of this rule, without requiring payment and without additional charge, upon demand during business hours and, during the first 24 hours after commencement of the tow, within one hour's notice outside of business hours.
- (i) Whether on the property where the tow originates or at the towing carrier's storage facility, a towing carrier shall not refuse to relinquish state or federal issued identification to the owner of the identification or to persons authorized for release of the motor vehicle in paragraph (a) of this rule. The towing carrier shall immediately relinquish such items, without requiring payment and without additional charge, upon demand during business hours and, during the first 24 hours after commencement of the tow, within one hour's notice outside of business hours.
- (j) Whether on the property where the tow originates or at the towing carrier's storage facility, a towing carrier shall not refuse to relinquish a cellular telephone to persons authorized for release of the motor vehicle in paragraph (a) of this rule. The towing carrier shall immediately relinquish such item, without requiring payment and without additional charge, upon demand during business hours and, during the first 24 hours after commencement of the tow, within one hour's notice outside of business hours.

- (k) A towing carrier shall not assess any additional fees or charges not specifically identified in these towing carrier rules.

6513. Notice.

- (a) A towing carrier may not perform a nonconsensual tow of a motor vehicle, other than an abandoned motor vehicle, from private property unless:
 - (I) notice of the applicable parking limitations, regulations, restrictions, and prohibitions was provided to the motor vehicle operator at the time the motor vehicle entered the private property and parked; and
 - (II) notice that any motor vehicle parked in violation of the applicable parking limitations, regulations, restrictions, and prohibitions is subject to tow at the motor vehicle owner's expense was provided to the motor vehicle operator at the time the motor vehicle entered the private property and parked. The towing carrier must retain evidence that such notice was provided for three years from the date of completion of the tow and provide it to the Commission or an enforcement official upon request.
- (b) Abandoned motor vehicles. A towing carrier may not perform a nonconsensual tow of an abandoned motor vehicle from private property unless the motor vehicle was left unattended for a period of 24 hours or more and is presumed to be abandoned pursuant to § 42-4-2102(1), C.R.S.
- (c) The notice required in paragraph (a) is presumed to be met through signage if:
 - (I) a permanent sign is conspicuously posted visibly at each point of entrance to the private property; and
 - (II) if the private property is not provided for residential parking and has more than ten free-standing lampposts on the property, a number of signs equal to the number of lampposts must be posted. Such signs must be posted on each lamppost or posted upright in conspicuous locations which are evenly distributed.
- (d) All signs posted to provide the notice required in paragraph (a) shall comply with any applicable municipal ordinance. To the extent consistent with applicable municipal ordinance, signs shall also, at a minimum:
 - (I) be no less than one square foot in size;
 - (II) have lettering not less than one inch in height;
 - (III) have lettering that contrasts sharply in color with the background on which the letters are placed;
 - (IV) state the parking limitations, regulations, restrictions, and prohibitions enforced;
 - (V) include the name and telephone number of the towing carrier authorized to perform tows from the private property;

- (VI) be printed in English;
- (VII) at the entrance to the private property, face outward toward the street and be visible prior to and upon entering the private property;
- (VIII) inside the private property, face outward toward the parking area;
- (IX) not be obstructed or placed in such a manner that prevents visibility; and
- (X) not be placed higher than ten feet or lower than three feet from the surface closest to the sign's placement.

6514. Towing Violations and Civil Penalty Assessments.

- (a) A violation of any of the following provisions may result in the assessment of a civil penalty of up to \$1,100.00 for each violation:
 - (I) § 40-10.1-401(1)(a), C.R.S.;
 - (II) subparagraph (a)(I), (b)(I), (b)(II), and (b)(III) of rule 6508; or
 - (III) paragraph (g) of rule 6511.
- (b) A violation of paragraph (a), (b), (c), (d), (e), (f), (h), or (i) of rule 6511 may result in the assessment of a civil penalty as follows for each violation:
 - (I) up to \$275.00 for an overcharge \$25.00 or less;
 - (II) up to \$550.00 for an overcharge greater than \$25.00 but less than or equal to \$150.00; and
 - (III) up to \$1,100.00 for an overcharge greater than \$150.00.
- (c) A violation of any of the following provisions may result in the assessment of a civil penalty of up to \$550.00 for each violation:
 - (I) rule 6507;
 - (II) paragraph (c) of rule 6508;
 - (III) paragraph (a) of rule 6510;
 - (IV) paragraph (f) of rule 6512; or
 - (V) rule 6513.
- (d) A violation of rule 6506 may result in the assessment of a civil penalty of up to \$100.00 for each violation.

- (e) Except as provided in paragraph (a) through (d) of this rule, a violation of any provision of Title 40, § 42-3-235.5, C.R.S., pertaining to towing carriers, or any provision of rules 6500 through 6513, may result in the assessment of a civil penalty of up to \$275.00 for each violation.
- (f) Civil penalty assessments are in addition to any other penalties provided by law.

6515. - 6599. [Reserved].