

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 21R-0581TO

IN THE MATTER OF THE PROPOSED AMENDMENTS TO RULE 6511 OF THE RULES
REGULATING TOWING CARRIERS, 4 CODE OF COLORADO REGULATIONS 723-6.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
G. HARRIS ADAMS
AMENDING RULES**

Mailed Date: January 18, 2022

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I. BY THE COMMISSION**A. Statement**

1. On December 1, 2021, the Colorado Public Utilities Commission (the Commission) issued the Notice of Proposed Rulemaking (NOPR) that commenced this proceeding to consider narrow and clarifying amendments to Rule 6511 of the Commission's Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* 723-6. The Commission has statutory authority to adopt these rules under §§ 40-2-108 and 40-10.1-106, C.R.S. Decision No. C21-0758, issued December 1, 2021.

2. The proposed revisions to the language in Rule 6511 retain the same substantive rule amendments adopted in prior rulemaking Proceeding Nos. 19R-0709TO and 21R-0180TO. The limited purpose of this rulemaking is to revise the language of Rule 6511 to more clearly identify, in rule, the maximum rates that towing carriers may assess for their services, as subject to an annual inflation adjustment. These technical edits to the rule language are made solely for increased transparency, so that towing carriers and the general public can more readily identify the adopted rates.

3. The effective date of the annual inflation adjustment is proposed to be changed from January 31 of each year to March 15 of each year to accommodate the fact that the annual percentage change in the United States Bureau of Labor Statistics Consumer Price Index (CPI) for Denver-Aurora-Lakewood is released annually near the end of February. The current rules use a January 31 effective date for annual inflation adjustments, which could potentially require the use of a projected or unofficial Denver-Aurora-Lakewood CPI instead of the final figure. Using a later effective date will allow for more certainty regarding rates for consumers and a simpler regulatory regime for towing carriers.

4. The proposed amendments to Rule 6511 are available for review as Attachment A (legislative or redline) and Attachment B (clean) to this Decision, accessible through the Commission's Electronic Filings website (by searching Proceeding No. 21R-0581TO) at:

https://www.dora.state.co.us/pls/efi/EFI.Show_Docket?p_session_id=&p_docket_id=21R-0581TO.

5. Being fully advised in this matter and consistent with the discussion below, in accordance with § 40-6-109, C.R.S., the Administrative Law Judge now transmits to the Commission the record in this proceeding along with a written recommended decision.

B. Background

6. On December 1, 2021, the Commission issued the NOPR, Decision No. C21-0758, along with Attachments A and B to the Decision.

7. On December 1, 2021, the Commission filed the Confirmation of the E-filing of the NOPR with the Secretary of State for publication of hearing.

8. On December 1, 2021, the Commission filed the Confirmation of the E-filing of the NOPR with the office of Regulatory Reform for review notice.

9. At the noticed time and place, a public comment hearing was convened on January 14, 2022. No member of the public appeared to provide oral comment.

II. FINDINGS, DISCUSSION, AND CONCLUSIONS

A. Discussion

10. No interested party provided written or oral comments in this proceeding.

11. The proposed amendments to the rules regulating towing carriers, as shown in Attachments A (redline) and B (clean) to this Decision, reflect the rule changes discussed below.

1. Rule 6511(a). Drop Charge

12. Rule 6511(a)(I) is amended to remove references to the maximum drop charge rates published on the Commission's website, replacing them with rates based as follows for each vehicle weight classification: \$79.40 for motor vehicles with a GVWR less than or equal to 10,000 pounds; \$102.08 for motor vehicles with a GVWR greater than 10,000 pounds or equal to 19,000 pounds; \$136.11 for motor vehicles with a GVWR greater than 19,001 pounds and less than or equal to 33,000 pounds; and \$158.79 for motor vehicles with a GVWR greater than 33,000 pounds.

13. Rule 6511(a)(II) is amended to remove reference to the publication of inflation-adjusted maximum drop charge rates on the Commission's website and their effective date of January 31 of each year, adding a schedule for the charges to be adjusted to inflation on an annual basis: starting March 15, 2022, and effective March 15 of each year thereafter, based upon the annual percentage change in the CPI – Denver-Aurora-Lakewood, as published by the Colorado Department of Local Affairs (DOLA)¹ for the immediately preceding calendar year. The adjustments to inflation shall be compounded annually and the Commission will post a notice on its website by March 15 of each year reporting the applicable annual inflation adjustments as a reference for towing carriers and the public.

2. Rule 6511(b). PPI Tows

14. Rule 6511(b)(I) is amended to remove the reference to private property impound (PPI) tow base rates published on the Commission's website, replacing it with new rates based as

¹ <https://cdola.colorado.gov/inflation-denver-aurora-lakewood-consumer-price-index> (Last visited December 2021).

follows for each vehicle weight classification: \$203.90 for motor vehicles with a GVWR less than or equal to 10,000 pounds; \$234.48 for motor vehicles with a GVWR greater than 10,001 pounds and less than or equal to 19,000 pounds; \$316.05 for motor vehicles with a GVWR greater than 19,001 pounds and less than or equal to 33,000 pounds; and \$356.83 for motor vehicles with a GVWR greater than 33,000 pounds.

15. Rule 6511(b)(II) is amended to remove references to the publication of inflation-adjusted PPI tow base rates on the Commission's website and their effective date of January 31 of each year, replacing them with a schedule for rates to be adjusted to inflation on an annual basis: starting March 15, 2022, and effective March 15 of each year thereafter, based upon the annual percentage change in the CPI – Denver-Aurora-Lakewood, as published by DOLA for the immediately preceding calendar year. The adjustments to inflation shall be compounded annually, and the Commission will post a notice on its website by March 15 of each year reporting the applicable annual inflation adjustments as a reference for towing carriers and the public.

3. Rule 6511(c). Law Enforcement Ordered Tows and Recovery

16. Rule 6511(c)(I) is amended to remove the reference to the maximum billable hours for law enforcement ordered tows and recovery published on the Commission's website, replacing it with maximum hourly rates based as follows for each vehicle weight classification: \$232.52 for motor vehicles with a GVWR less than or equal to 10,000 pounds; \$277.89 for motor vehicles with a GVWR greater than 10,000 pounds and less than or equal to 19,000 pounds; \$362.96 for motor vehicles with a GVWR greater than 19,001 pounds and less than or equal to 33,000 pounds; and \$419.67 for motor vehicles with a GVWR greater than

33,000 pounds; and if the recovery of a motor vehicle requires the use of a Heavy Rotator (60+ tons), it shall not exceed \$663.53 per hour.

17. Rule 6511(c)(II) is amended to remove references to the publication of law enforcement ordered tows and recovery inflation-adjusted maximum rates on the Commission's website and their effective date of January 31 of each year, replacing them with a schedule to adjust, to inflation, the maximum hourly rates for tow trucks and drivers used for law enforcement and recovery operations: starting March 15, 2022, and effective March 15 of each year thereafter, based upon the annual percentage change in the CPI – Denver-Aurora-Lakewood, as published by DOLA for the immediately preceding calendar year. The adjustments to inflation shall be compounded annually and the Commission will post a notice on its website by March 15 of each year reporting the applicable annual inflation adjustments as a reference for towing carriers and the public.

4. Rule 6511(e). Storage for Nonconsensual Tows

18. Rule 6511(e)(I) is amended to remove references to the rates published on the Commission's website for storage for nonconsensual tows, replacing them with maximum rates based on vehicle classifications and each 24-hour period or any portion of a 24-hour period of storage as follows: \$39.18 for motor vehicles having a GVWR of less than 10,000 pounds; and \$48.32 for motor vehicles having a GVWR of 10,000 pounds or more. The rule is also amended to remove the reference to the Commission's website regarding vehicle length-based rates that a towing carrier may optionally use in lieu of the storage rates above.

19. Rule 6511(e)(II) is amended to remove references to the publication of inflation-adjusted maximum rates for storage of nonconsensual tows on the Commission's website and their effective date of January 31 of each year, replacing them with a schedule to

adjust the rates on an annual basis, starting March 15, 2022, and effective March 15 of each year thereafter, based upon the annual percentage change in the CPI – Denver-Aurora-Lakewood, as published by DOLA for the immediately preceding calendar year. Such adjustments to inflation shall be compounded annually and the Commission will post a notice on its website by March 15 of each year reporting the applicable annual inflation adjustments as a reference for towing carriers and the public.

5. Rule 6511(f). Release Charge for Nonconsensual Tows

20. Rule 6511(f) is amended to remove the reference to the maximum additional charge for release of a motor vehicle from storage, at any time other than the towing carrier's business hours, published on the Commission's website, replacing it with a charge of \$86.19. The rule is also amended to remove the reference to the publication of the inflation-adjusted maximum rate of release charge for nonconsensual tows on the Commission's website and its effective date of January 31 of each year, replacing it with a schedule to adjust the rate on an annual basis, starting March 15, 2022, and effective March 15 of each year thereafter, based upon the annual percentage change in the CPI – Denver-Aurora-Lakewood, as published by DOLA for the immediately preceding calendar year. Such adjustments to inflation shall be compounded annually and the Commission will post a notice on its website by March 15 of each year reporting the applicable annual inflation adjustments as a reference for towing carriers and the public.

B. Conclusion

21. Attachment A to this Decision represents the rule amendments adopted by this Recommended Decision with modifications to the prior Rules 6511(a)(I), 6511(a)(II), 6511(b)(I),

6511(b)(II), 6511(c)(I), 6511(c)(II), 6511(e)(I), 6511(e)(II), and 6511(f.) being indicated in redline and strikeout format.

22. Attachment B to this Decision represents the rule amendments adopted by this Decision to the prior Rules 6511(a)(I), 6511(a)(II), 6511(b)(I), 6511(b)(II), 6511(c)(I), 6511(c)(II), 6511(e)(I), 6511(e)(II), and 6511(f.) in final form.

23. The adopted rules in legislative format (*i.e.*, strikeout/underline Attachment A) and final format (Attachment B) are available through the Commission's E-Filings System in this proceeding (21R-0581TR) at:

https://www.dora.state.co.us/pls/efi/EFI.Show_Docket?p_session_id=&p_docket_id=21R-0581TO

24. It is found and concluded that the proposed rules as modified by this Recommended Decision are reasonable and should be adopted.

25. Pursuant to the provisions of § 40-6-109, C.R.S., it is recommended that the Commission adopt the attached rules.

III. ORDER

A. The Commission Orders That:

1. The Rules Regulating Transportation by Motor Vehicle, *4 Code of Colorado Regulations, 723-6*, contained in redline and strikeout format attached to this Recommended Decision as Attachment A, and in final form as Attachment B, are adopted.

2. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if that is the case, and is entered as of the date above.

3. As provided by § 40-6-109, C.R.S., copies of this Recommended Decision shall be served upon the parties, who may file exceptions to it.

- a. If no exceptions are filed within 20 days after service or within any extended period of time authorized, or unless the decision is stayed by the Commission upon its own motion, the recommended decision shall become the decision of the Commission and subject to the provisions of § 40-6-114, C.R.S.
 - b. If a party seeks to amend, modify, annul, or reverse basic findings of fact in its exceptions, that party must request and pay for a transcript to be filed, or the parties may stipulate to portions of the transcript according to the procedure stated in § 40-6-113, C.R.S. If no transcript or stipulation is filed, the Commission is bound by the facts set out by the administrative law judge and the parties cannot challenge these facts. This will limit what the Commission can review if exceptions are filed.
4. If exceptions to this Decision are filed, they shall not exceed 30 pages in length, unless the Commission for good cause shown permits this limit to be exceeded.

5. This Decision is effective immediately on its Mailed Date.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

G. HARRIS ADAMS

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director

COLORADO DEPARTMENT OF REGULATORY AGENCIES

Public Utilities Commission

4 CODE OF COLORADO REGULATIONS (CCR) 723-6

PART 6

RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE

* * * *

[indicates omission of unaffected rules]

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 as follows for each vehicle weight classification published on the Commission's website for the following classifications:
- (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 19,001 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. The adjusted rates shall be published on the Commission's website no later than January 31 of each year. The effective date of any rate change shall be January 31 of each year.

- (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 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.
 - (V) 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) The 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 base rates for PPI tows ~~are as follows for each vehicle weight classification are published on the Commission's website for the following classifications:~~
 - (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 10,001 pounds and less than or equal to 19,000 pounds;
 - (C) \$316.05 for motor vehicles with a GVWR greater than 19,001 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. The adjusted rates shall be published on the Commission's website no later than January 31 of each year. The effective date of any rate change shall be January 31 of each year.
 - (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 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) The maximum hourly rates for tow truck and driver, billable in ¼ hour increments after the first hour, for the towing or recovery of motor vehicles, are ~~published on the Commission’s website for the following~~as follows for each vehicle weight classifications:
 - (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 19,001 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 ~~585~~ 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. ~~The adjusted rates shall be published on the Commission’s website no later than January 31 of each year. The effective date of any rate change shall be January 31 of each year.~~
 - (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 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 maximum rates ~~published on the Commission's website~~, based on a 24-hour period or any portion of a 24-hour period, for the following classifications:
 - (A) \$39.18 for motor vehicles having a GVWR of less than 10,000 pounds;
 - (B) \$48.32 for motor vehicles having a GVWR of 10,000 pounds or more; or
 - (C) in lieu of the storage rates provided above, ~~published on the Commission's website~~, 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) 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. The adjusted rates shall be published on the Commission's website no later than January 31 of each year. The effective date of any rate change shall be January 31 of each year.~~

- (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) Maximum storage charges for abandoned motor vehicles towed from private property.
 - (V) 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 ~~\$86.19 published on the Commission's website~~. 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. ~~The adjusted rates shall be published on the Commission's website no later than January 31 of each year. The effective date of any rate change shall be January 31 of each year.~~
- (g) 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 it performs. Any motor vehicle that is held in storage and that was towed without proper authorization may 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.

COLORADO DEPARTMENT OF REGULATORY AGENCIES

Public Utilities Commission

4 CODE OF COLORADO REGULATIONS (CCR) 723-6

PART 6

RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE

* * * *

[indicates omission of unaffected rules]

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 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 19,001 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 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.
 - (V) 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) The 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 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 10,001 pounds and less than or equal to 19,000 pounds;
 - (C) \$316.05 for motor vehicles with a GVWR greater than 19,001 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 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) The maximum hourly rates for tow truck and driver, billable in ¼ 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 19,001 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 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 maximum rates, based on a 24-hour period or any portion of a 24-hour period, for the following classifications:
 - (A) \$39.18 for motor vehicles having a GVWR of less than 10,000 pounds;
 - (B) \$48.32 for motor vehicles having a GVWR of 10,000 pounds or more; 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 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) 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) Maximum storage charges for abandoned motor vehicles towed from private property.
 - (V) 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 \$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.
- (g) 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 it performs. Any motor vehicle that is held in storage and that was towed without proper authorization may 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.