

Towing Task Force Meeting Agenda Items
August 9th, 2023
2:00pm – 4:00pm

1. Roll Call
2. Approval of 07/12 Meeting Minutes
3. Administrative Items
4. Open Discussion
5. Public Comments

Attachments:

1. 07/12 Meeting Minutes

Towing Task Force Meeting Agenda Items August 9, 2023

Meeting opened at 2:09pm

Members Present:

- Hahn, John (appointed by Chief of Colorado State Patrol)
- Peirce, Michael (rep for mobile homeowners)
- Rich, Charles (Brandon) (rep for consumers of tow services, private property owners)
- Riestler, Jefferey (appointed by Attorney General, experience enforcing Consumer Protection Act)
- Riley, Nathan (rep for Public Utilities Commission)
- Ruscha, JoyAnn (rep for people with disabilities)

Members Not Present:

- Bailey, Nicole (rep for common interest communities)
- Connolly, John (rep for a towing association with experience in consensual towing)
- Hill, Robert (Troy) (rep for an association of motor carriers as consumers of towing services)
- Howes, James (rep for insurance companies that insure towing operations)
- Prunsky, Gregory (rep for local law enforcement agencies)

Also Present:

Roberts, John - (Attorney General)

Minutes from July 12,2023 cannot be approved due to an insufficient quorum. Motion for approval of previous meeting minutes will be rescheduled for the next meeting.

Administrative Items:

Riley informed the Towing Task Force that the elected chair of this board, Trevor Forbes, has resigned from his position, and the members will need to elect a new chair.

- Follow-Up Question: Peirce asked if the Towing Task Force is able to conduct business without electing a chair and if the members could do an interim temporary chair.
- Roberts says the Towing Task Force could have an interim chair, but the issue is not the chair. The Towing Task Force does not have a quorum to elect a chair.

Discussion:

The Towing Task Force members would like to give a recommendation to the Commission to establish a separate rulemaking for consensual and nonconsensual "rates".

- **Peirce** - would like to re-raise the issue that has not yet been addressed, which is coming up with a recommendation for rates and analyzing the differences between consensual and nonconsensual rates.
- **Riley** - informed members they could make a robust recommendation to the Commission. The Commission is currently modifying its towing rules to be more aligned with HB22-1314, which updated certain criteria for nonconsensual towing.

- **Riley** - says the Towing Task Force will also have another opportunity to provide a rate recommendation through (likely) subsequent rulemaking, which could happen at any time a petition is filed.
- **Riley** - suggested members could explore ideas through different state departments that regulate towing companies to come up with a recommendation.

All Towing Task Force members have agreed to continue having a meeting next month, on September 13, 2023, to try to elect a new chair.

An 'advance agenda' was discussed to attract more participation and "Other State Towing Regulations."

- **Peirce** - suggests that members should share their research on towing rates they have conducted through other state agencies with the Towing Task Force, so that it generates more interest in participating.
- **Peirce** - believes that this year's agenda did not seem to be going anywhere, as members did not really accomplish anything with it. His perspective is that it is a great way to lose participants.

The Towing Task Force members discussed about how other states regulate towing fees.

- **Ruscha** - advised there are some websites that break it down state-by-state with some fees, but not all states charge for the same fees. Some states, for instance, do not charge after-hours fees. Many states have local regulations, as well.
- **Peirce** - is interested in seeing the differences between the states.
- **Peirce** - explains one thing the Towing Task Force did not do last year was compare consensual and nonconsensual rates and one of the clearest points of comparison is the "hook fee". Some of the issues raised by John Connolly and Trevor Forbes involved carriers putting other expenses on nonconsensual towing that need to be looked at. Consensual and nonconsensual tow "hook fees" are miles apart.
- **Peirce** - hopes for the Towing Task Force to analyze whether it is appropriate to include the extra expenses tow companies incur into the "hook fee", as opposed to charging extra for those expenses as separate charges that are assessed to nonconsensual tow customers.

The Towing Task Force members discussed conducting research in different jurisdictions.

- **Peirce** - intends on conducting research by using data from other states that address towing fees.
- **Rusha** - aims to share information of her own research she has conclude on other states 18 months ago to the Towing Task Force.
- **Hahn** - mentioned a matrix document, which could list other states regulations and rates to see what information is out there to inform during the upcoming meetings.
- **Riley** - explained the problem of conducting research in other states is that it is difficult to locate the right person to speak with out of a particular state, as well as going through the phone trees of all the high-level departments and getting your questions answered by the right person.
- **Rusha** -suggested that when looking at other states, the members should look at their economy by looking into their AMI. Additional data could be gathered based on areas like Denver, Aurora, and Lakewood, which is the CPI the Commission uses.

- **Riley** - mentions that when the Towing Task Force came up with their recommendations in 2015, they used data from Utah. To give the Towing Task Force members direction, to make comprehensive recommendations, it would be helpful to see what other states are charging and why they are charging those amounts.
- **Rusha** - says that in San Francisco, individuals who receive government assistance could get certain fees waived, such as administration fees. The Towing Task Force should consider looking into it because that is something Colorado does not currently have.
- **Riley** - explained that one of the provisions in the new statutes from last year is a "release without full payment" provision for residential nonconsensual tows, where consumers can have their vehicles released with less money up front.

There were no public attendees.

Next meeting will be held September 13th, meeting adjourned 3:25pm.