

Towing Task Force Meeting Agenda Items
October 11th, 2023
2:00pm – 4:00pm

1. Roll Call
2. Approval of 09/13 Meeting Minutes
3. Administrative Items
4. Discuss Towing Regulations in Other States (continued)
5. Open Discussion
6. Public Comments

Attachments:

1. 09/13 Meeting Minutes

Towing Task Force Meeting Agenda Items October 11, 2023

Meeting opened at 2:05pm

Members Present:

- Connolly, John (rep for a towing association with experience in consensual towing)
- Hahn, John (appointed by Chief of Colorado State Patrol)
- Howes, James (rep for insurance companies that insure towing operations)
- Rich, Charles (Brandon) (rep for consumers of tow services, private property owners)
- Riley, Nathan (rep for Public Utilities Commission)
-

Members Not Present:

- Peirce, Michael (rep for mobile homeowners)
- Prunsky, Gregory (rep for local law enforcement agencies)
- Riester, Jefferey (appointed by Attorney General, experience enforcing Consumer Protection Act)
- Ruscha, JoyAnn (rep for people with disabilities)

Also Present:

Roberts, John - (Attorney General)

Abdirahman, Hadija - (Public Utilities Commission)

Johnson, William - (Public Comment)

Administrative Items:

Riley informed the Towing Task Force (TTF) that Nicole Bailey had resigned from her position. To ensure that the TTF is fully occupied, this position will be included in the list of positions that need to be backfilled. Furthermore, the Governor's Office previously appointed a few members, whose positions will expire at the end of this year, so some members may need to be reappointed, based on what the Governor's Office decides.

Open discussion:

Members of the TTF discussed towing regulations in other states.

- Riley - contacted several different states. There appeared to be some regulations related to towing oversight that were similar to Colorado. Still, it seems that every state regulates towing somewhat differently.
- Riley - noticed that consensual towing is not regulated in any states that were contacted. This seems to be a common theme across all states contacted.

There is continued discussion about the towing studies. Riley shared the information he discovered in the following states:

Arkansas does not have capped rates. Towing under law enforcement orders is the only thing that is somewhat capped, through contracts between the towing carriers and law enforcement agencies.

Georgia towing is regulated by the Georgia Department of Public Safety, which sets its own rates, but they are mostly for only nonconsensual tows. Law enforcement-ordered tows are not really regulated in that way, but they have set rates, based on something like what Colorado does, which is based on the GVWR of the towed vehicle.

- Riley said that in Colorado, most types of charges are divided into different tiers, based on the size of the towed vehicle. An example would be GVWR of 10,000 lbs. or less, or 10,001 lbs. to 19,000 lbs. The cost would increase, depending on the weight of the vehicle, which typically corresponds to the size and expense of tow truck needed to conduct the tow.
- Riley also stated that Georgia has something similar, where it is a \$175 hook fee. This is slightly less than Colorado, but it is still a similar structure - \$300 for up to 20,000 lbs., and \$450 for 21,001+ lbs. A separate category is also available for in-combination tractor trailers.
- Riley stated that Georgia began setting nonconsensual towing rates in 2002. It was unclear how those initial fees were set up. Consequently, the rates were changed in 2014 and again in 2017, and new changes are currently being pushed by the towing industry.

Illinois regulates nonconsensual towing rates. It relates to law enforcement order tows, in a way, which was interesting. In their rate setting process, they typically analyze the three highest police-ordered tows, then essentially average those and set across-the-board rates for all other nonconsensual tows.

- Riley stated that individual tow companies can still petition for a rate increase. This then comes before the Illinois Commerce Commission, which is the regulatory authority over towing carriers. They mentioned that the rates are currently somewhere between \$216-\$238 for a light duty hook, which is up to 8,000 GVWR (instead of 10,000 GVWR). It is \$520 for a medium duty hook, which is 8,001 lbs. to 26,000 lbs., and \$700 for a heavy duty, which is 26,001+ lbs.
- Riley stated that there are no “after hours” fees in Illinois. Their position is that if towing carriers are towing vehicles 24/7, they should be available to release the vehicles 24/7, as well. Consensual towing is not regulated, but towing carriers do not have to disclose their fees, in writing, prior to conducting a tow. This is similar to what we have in Colorado, but verbal disclosures are also sufficient. In addition, law enforcement-ordered tows are regulated by the individual departments.

New Mexico regulated by the New Mexico Public Regulation Commission, which is the PUC’s equivalent in New Mexico. They indicated that many of their towing companies operate through wrecker tariffs. These are what the towing carriers will file, but only

for nonconsensual and law enforcement tows. Consensual towing rates are not regulated.

- Riley stated that about 98% of towing carriers operating in New Mexico operate under the wrecker tariffs. However, carriers can still file their own standalone tariffs, but they must be approved by the Commission.

Oklahoma regulated by the Oklahoma Corporation Commission, which does rate setting in Oklahoma. They did not provide any information, but the Department of Public Safety did.

Public Comment:

William Johnson joined the meeting to voice his concerns about the towing of his vehicle.

- Riley explained to Johnson that his concerns would have to be addressed through the PUC's Consumer Affairs hotline. The number for that team was given to Johnson, to try to resolve his concerns.

Discussion continued about looking at other states and comparing them with Colorado.

- Hahn stated he is willing to help reach out to different states. It seems like he has some decent contacts down in Texas, to get additional information in regard to their towing regulations.

TTF members discussed annual inflation adjustments.

- Riley said that the Commission has been trying over the last couple years to use the metric currently being used for DOLA, the CPI figure, which has been applied and is currently being applied.
- Riley mentioned that previously, TTF members have discussed potential alternatives to the CPI metric and referenced these alternatives in the report last year.

Next meeting will be held November 8th, meeting adjourned 3:07pm.