

Towing Task Force Meeting Agenda Items
December 13th, 2023
2:00pm – 4:00pm

1. Roll Call
2. Approval of 09/13, 10/11, 11/08 Meeting Minutes
3. Administrative Items
4. TTF Bylaws
5. Open Discussion
6. Public Comments

Attachments:

1. 09/13, 10/11, 11/08 Meeting Minutes
2. TTF Bylaws

Towing Task Force Meeting Agenda Items December 13, 2023

Meeting opened at 2:06pm

Members Present:

- Howes, James (rep for insurance companies that insure towing operations)
- Prunsky, Gregory (rep for local law enforcement agencies)
- Riester, Jefferey (appointed by Attorney General, experience enforcing Consumer Protection Act)
- Riley, Nathan (rep for Public Utilities Commission)
- Roe, Heath (attended on behalf of Hahn, John)

Members Not Present:

- Connolly, John (rep for a towing association with experience in consensual towing)
- 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)
- Ruscha, JoyAnn (rep for people with disabilities)

Also Present:

Abdirahman, Hadija - (Public Utilities Commission)

Roberts, John - (Attorney General)

Minutes not able to be approved, due to lack of quorum.

Administrative Items:

As January approaches, Nathan Riley explained that Towing Task Force (TTF) members must participate in annual compliance training, in accordance with the Department's guidelines, covering topics such as conflict of interest, ex parte communications, and open meetings laws. Members will also be required to sign compliance affidavits, like has been done in previous years. In addition, there are additional department trainings TTF members must complete, such as the recent OIT cybersecurity training.

We are currently engaging in recruitment for the current vacant positions. Minutes from the September 13th, October 11th, and November 8th meetings will be approved during a future meeting, when quorum has been established.

Agenda Item:

Members of the TTF discussed the future adoption of rudimentary bylaws for the TTF.

- Riley - mentioned the bylaws are basically an outline of how the TTF should work in terms of procedures, the handling of motions, and other things like that. For this board/commission body, TTF members would vote to put any bylaws in place, so they may be referred to and followed when conducting TTF business.

- Roberts and Riley presented and reviewed the proposed TTF bylaws with those in attendance and explained what these bylaws do and what their purpose is, as a guide to the public and other persons tracking the TTF's practices and procedures. Furthermore, each term captured in the bylaws were explained.

Open Discussion:

Discussion about an alternative to the CPI metric.

- Riley - in the most recent meetings, TTF members have discussed potential alternatives to the CPI metric currently used by the Commission to implement the newer annual inflation adjustment mechanism.
- Riley - indicated that it is unlikely anything new would be put in place before the next adjustment, regardless of any recommendations by the TTF, since a Commission rulemaking would be required, and the next adjustment is scheduled for March 2024.
- Riley - still believes this topic warrants more exploration by the TTF, to find out if one of the alternative metrics that have been discussed in previous meetings might be a better idea than the current metric, which is the CPI (Denver, Lakewood, Aurora) available through CDOLA.

Members of the TTF discussed research that was conducted in other states, regarding towing regulations.

- Riley - revealed some research regarding towing regulations in several other states, as well as specific towing fees allowable in these states.
- Prunsky - asked if Riley had found anything interesting regarding the rates in those different states.
- Riley - asserted that rates do not fluctuate as much in most other states as they do in Colorado. Towing rates are probably closer to what they were before the annual inflation adjustment mechanism was implemented because they were updated every four to five years. Parties are always free to file a petition for rulemaking with the Commission, which will then be addressed.
- Riley - notes that some states do not allow for any after-hours fees. Some states do have a range of fees based on the size of the vehicle, like Colorado does. Colorado started to regulate larger vehicles, that exceed 10,000 GVWR at that time, as well as law enforcement-ordered tows, which led to the currently implemented tiered rate system, where the weight of the towed vehicle determines how much the towing carrier can charge. There are various maximum rates that are set up for those different tiers, based on the size and weight of the towed vehicle. This also corresponds to the size and weight of the tow truck needed to tow the vehicle.
- Prunsky - asked Riley if other states have a reimbursement program for individuals whose vehicles have been towed because they were stolen.
- Riley - explained that other states might not capture that at all; the closest thing might be if those people would be eligible for compensation through some type of victim fund, like those offered through a District Attorney's office.
- Howes - expressed that such a program needs to be funded somehow. It is not possible to ask a private carrier to basically fund the towing services associated with a stolen vehicle. There is a possibility of reimbursement. Insurance companies often reimburse the victims for such expenses, but there is no guarantee. It also goes without saying

that insurance companies will not accept vehicles without common collision coverage. It would be their responsibility to pay for the towing services if they wanted the car. The insurance company probably reimburses the victim 70% of the time.

- Howes - noted that the towing companies would be responsible for picking up, storing, and eventually releasing the vehicle. For the tow fees to be collected, they only have that collateral.
- Riley - mentioned the towing carriers are essentially held responsible for the vehicles in their custody, after the tow has been completed. It would be unfair to put all the burden on the towing carriers because they are still responsible for the costs associated with that responsibility. Whether it is a nonconsensual tow or a law enforcement-ordered tow, it is still in their possession.
- Prunsky - suggested there have been instances where contractor companies for apartment complexes will tow vehicles out of the apartments and then go through the process of notifying residents that their vehicles have been towed. It turns out that if it is a stolen vehicle, law enforcement will come back and take it.
- Riley - noted that the statutes require towing carriers to make local law enforcement aware of any nonconsensual tow that occurs, which should be done within the first 30 minutes. A vehicle that has been previously reported as stolen should be known immediately and react accordingly.

There were no public attendees.

Next meeting will be held January 10th, meeting adjourned 2:39 pm.