



Vehicle Towing and Booting

By Adam Alemzada

This *issue brief* provides an overview of Colorado laws and regulations related to motor vehicle towing and immobilization with the use of boots.

Definitions

Below are several definitions in state law related to towing and booting in Colorado.

Booting. A parking boot, also known as a wheel clamp, wheel boot, or Denver Boot™, immobilizes a motor vehicle.

Consensual towing. Consensual tows occur when a towing carrier is requested to perform a tow by the owner, authorized operator, or authorized agent of a motor vehicle. For example, if a vehicle owner calls a towing carrier to take their immobilized vehicle to a repair shop, the tow is considered consensual towing.

Nonconsensual towing. Nonconsensual tows occur when a towing carrier is directed to perform a tow by a law enforcement officer or upon authorization of the property owner. Examples include towing of vehicles without a disability parking placard parked in parking spots reserved for persons with disabilities.

Regulation

The Public Utilities Commission (PUC) is responsible for the oversight of towing carriers and vehicle booting companies operating within the state. Additionally, a 14-member Towing Task

Force provides recommendations and advice to the PUC and legislature on various aspects related to the regulation of towing carriers.

Colorado law requires all towing carriers and vehicle booting companies to obtain a permit and meet certain financial responsibility and owner requirements.¹

Towing and Booting Charges

Consensual towing charges. Before a consensual tow can occur, the towing carrier must disclose all rates and charges to be assessed for the tow, including the estimated charges for mileage and storage and any extra charges necessary.²

Nonconsensual towing charges. PUC regulations allow towing carriers to impose the following charges for nonconsensual tows:

- Base rate for the tow: \$211.11 for most passenger vehicles;
- Mileage charge: \$3.80 per mile for each mile that the motor vehicle is towed, up to 12 miles for tows within 10 miles of either side of I-25, and up to 16.5 miles for areas that lie farther than 10 miles from I-25;
- Fuel surcharge: when the price per gallon of diesel fuel exceeds a base rate of \$2.60, an additional fuel surcharge may be added;
- Vehicle storage charge: \$40.56 per 24-hour period for most passenger vehicles; and
- Storage release charge for the release outside of the towing carrier's business hours: \$89.24.

¹Sections 40-10.1-401, *et seq.*, and 40-10.1-801, C.R.S.

²4 CCR 723-6, Rule 6510.

Nonconsensual tows that are ordered by law enforcement are subject to different rates set by the PUC.³

If a vehicle owner, authorized operator, or authorized agent appears in person while the vehicle is being towed or about to be towed, the vehicle owner must be given an opportunity to halt the tow at no charge so long as the vehicle has not yet been removed from private property.⁴

Drop charges. If a vehicle owner, authorized operator, or authorized agent appears in person while the vehicle is about to be towed or booted, or is in the process of being towed or booted, the vehicle owner must be given the opportunity to pay the drop charge to halt the tow or booting.

Booting charges. Vehicle booting companies may charge up to \$160 for the removal of a parking boot and must immediately remove the boot once payment is received.

Release Requirements

Nonconsensual tows. Towing carriers are required to provide access to a motor vehicle that has been towed upon demand during the towing carrier's business hours or within one-hour notice within the first 24 hours of storage.

Upon demand of the vehicle owner within 30 days of notifying the vehicle owner of the tow, towing carriers must retrieve the contents of a towed vehicle or allow the vehicle owner to retrieve the vehicle's contents. Towing carriers must also allow the owner to retrieve the vehicle after the owner pays 15 percent of the fees owed, not to exceed \$60, and signs a form affirming they owe the towing company.

Booting. Vehicle booting companies must be available to remove a boot within 90 minutes

during the company's normal business hours, or within 120 minutes outside of those hours.⁵

Forms of payment. PUC rules require that all towing carriers and vehicle booting companies accept cash or a major credit card as payment.

Towing and Booting Requirements

Signage. In order for a vehicle to be towed from a private parking lot in a nonconsensual tow or have a parking boot applied, notice of applicable parking regulations must be provided, along with notice that those in violation are subject to being towed or booted at the owner's expense.⁶

Notice. Towing carriers or property owners must give a vehicle owner or operator 24 hours written notice before nonconsensually towing from a parking space or common parking area unless the vehicle is parked a third or subsequent time in the same inappropriate manner that caused it to receive previous notices. Reasons for which vehicles may be nonconsensually towed without notice include, but are not limited to: repossession by a creditor; an order by a court or police officer; or the vehicle is blocking a driveway or roadway and obstructing access.⁷

Photographic documentation. Towing carriers are required to photographically document a vehicle's condition and reason for tow before connecting to the vehicle. Failure to produce documentation of the vehicle's condition or reason for the tow creates a rebuttable presumption that any damages to the vehicle were caused by the towing carrier or that the tow was not authorized.

Expired registration. Unless the tow is based on an order given by law enforcement (peace officer), a towing carrier cannot tow a vehicle from private property due to an expired registration.

³4 CCR 723-6, Rules 6511, 6816, and 6817.

⁴Section 40-10.1-405, *et seq.*, C.R.S.

⁵4 CCR 723-6, Rules 6512 and 6818.

⁶4 CCR 723-6, Rules 6513.

⁷Section 40-10.1-405 (3)(b)(I), C.R.S.