

HOUSE BILL NO. HB0106

Nonconsensual towing services.

Sponsored by: Representative(s) Zwonitzer, Dv., Blake and Jaggi and Senator(s) Landen and Meier

A BILL

for

1 AN ACT relating to towing companies; authorizing the
2 department of transportation to administer a rotation list
3 for nonconsensual towing vehicle recovery as specified;
4 specifying rotation list rule requirements; specifying
5 burden of proof for fees; providing rulemaking authority;
6 and providing for an effective date.

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8 *Be It Enacted by the Legislature of the State of Wyoming:*

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10 **Section 1.** W.S. 31-5-1701 is created to read:

11

12 ARTICLE 17

13 NONCONSENSUAL TOWING SERVICES

14

15 **31-5-1701. Towing companies; rotation list.**

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2 (a) The department shall provide by rule and
3 regulation for the safe and efficient removal of vehicles
4 from the state highways when the owner or operator of the
5 vehicle is unable to actively assist in the vehicle's
6 removal due to abandonment, an accident or other emergency.

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8 (b) Rules adopted by the department pursuant to this
9 section shall include:

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11 (i) A voluntary rotation list for tow truck and
12 recovery carriers to be called by law enforcement officials
13 when vehicle towing or recovery is required. The department
14 may identify different categories of towing and recovery
15 and maintain a list for each category. The lists under this
16 paragraph shall be available on the website of the
17 department;

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19 (ii) Basic standards for law enforcement
20 officials and the tow truck and recovery carriers to follow
21 when a rotational call is made to clear wrecked or
22 abandoned vehicles from state highways;

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1 (iii) Procedures for tow truck and recovery
2 carriers who wish to be placed on the rotational call list;

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4 (iv) Minimum equipment standards for tow truck
5 and recovery standards to be placed on the rotational list;

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7 (v) Inspections of carriers as necessary to
8 enforce equipment and licensing requirements;

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10 (vi) Identification of geographical areas for
11 the operation of a rotation list in that area;

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13 (vii) Provision for reprimand, assessment of a
14 penalty not to exceed two hundred fifty dollars (\$250.00)
15 or suspension from the rotation list for a period of up to
16 one (1) year, for carriers that violate the criteria to be
17 on the rotation list;

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19 (viii) An appeals process for carriers who
20 dispute any assessed penalty or suspension from the
21 rotation list;

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(ix) A requirement that a tow truck or recovery carrier file a summary rate disclosure document which states typical fees for commonly used towing and recovery procedures, including but not limited to such items as daytime and nighttime call rates, hook-up fees, winch fees, labor costs, mileage charges and vehicle storage charges. At any contested hearing where the fee charged by a towing company is in issue, the burden of proof to show that the fee is fair and reasonable shall be upon the towing company.

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12 **Section 2.** This act is effective July 1, 2015.

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14 (END)