



House of Representatives

General Assembly

File No. 373

January Session, 2013

House Bill No. 6558

House of Representatives, April 4, 2013

The Committee on Transportation reported through REP. GUERRERA of the 29th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING THE QUICK CLEARANCE OF STATE HIGHWAYS, TOWING AND TRANSPORTING.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 14-66 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2013*):

3 (a) (1) No person, firm or corporation shall engage in the business of
4 operating a wrecker for the purpose of towing or transporting motor
5 vehicles, including motor vehicles which are disabled, inoperative or
6 wrecked or are being removed in accordance with the provisions of
7 section 14-145, 14-150, as amended by this act, or 14-307, unless such
8 person, firm or corporation is a motor vehicle dealer or repairer
9 licensed under the provisions of subpart (D) of this part. (2) The
10 commissioner shall establish and publish a schedule of uniform rates
11 and charges for the nonconsensual towing and transporting of motor
12 vehicles and for the storage of motor vehicles which shall be just and
13 reasonable. Such schedule shall include rates and charges for services
14 including, but not limited to, (A) arriving at any site from which a

15 motor vehicle shall be towed, (B) hooking or loading a motor vehicle
16 onto a wrecker or unhooking or unloading a motor vehicle from a
17 wrecker unless specialized equipment, including, but not limited to, a
18 fork lift, dolly wheels or rotator, is required, (C) situating a motor
19 vehicle in the space where such vehicle shall be stored, (D) issuing
20 documents for the release of a motor vehicle to such vehicle's owner or
21 other person authorized to remove such vehicle, (E) issuing an
22 itemized bill, and (F) retrieving a motor vehicle from a storage facility
23 for such vehicle's owner during hours when such facility is open. The
24 commissioner may establish and publish a schedule of uniform rates
25 and charges concerning the number of miles traveled while towing or
26 transporting a motor vehicle to a storage facility. Upon petition of any
27 person, firm or corporation licensed in accordance with the provisions
28 of this section, but not more frequently than once every two years, the
29 commissioner shall reconsider the established rates and charges and
30 shall amend such rates and charges if the commissioner, after
31 consideration of the factors stated in this subdivision, determines that
32 such rates and charges are no longer just and reasonable to cover the
33 expenses of such person, firm or corporation. In establishing and
34 amending such rates and charges, the commissioner may consider
35 factors, including, but not limited to, the Consumer Price Index, rates
36 set by other jurisdictions [, charges for towing and transporting
37 services provided pursuant to a contract with an automobile club or
38 automobile association licensed under the provisions of section 14-67]
39 and rates published in standard service manuals. The commissioner
40 shall not establish any such rate or charge that is less than the expense
41 incurred by any such person, firm or corporation to provide such
42 towing, transporting or storage services. The commissioner shall hold
43 a public hearing for the purpose of obtaining additional information
44 concerning such rates and charges. (3) With respect to the
45 nonconsensual towing or transporting and the storage of motor
46 vehicles, no such person, firm or corporation shall charge more than
47 the rates and charges published by the commissioner. (4) The schedule
48 of uniform rates and charges for the nonconsensual towing and
49 transporting of motor vehicles established pursuant to this section

50 shall be limited to the towing and transporting of motor vehicles and
51 shall not include rates or charges for winching, recovery or any other
52 aspect of such towing and transporting or the function of such wrecker
53 and its equipment not described in this section. (5) Any person
54 aggrieved by any action of the commissioner under the provisions of
55 this section may take an appeal therefrom in accordance with section
56 4-183, except venue for such appeal shall be in the judicial district of
57 New Britain.

58 (b) The commissioner, or an inspector authorized by the
59 commissioner, shall examine each wrecker, including its number,
60 equipment and identification, and shall determine the mechanical
61 condition of such wrecker and whether or not it is properly equipped
62 to do the work intended. A wrecker shall be deemed properly
63 equipped if there are two flashing yellow lights installed and mounted
64 on such wrecker that (1) show in all directions at all times, and (2)
65 indicate the full width of such wrecker. Such lights shall be mounted
66 not less than eight feet above the road surface and as close to the back
67 of the cab of such wrecker as practicable. Such lights shall be in
68 operation when such wrecker is towing a vehicle and when such
69 wrecker is at the scene of an accident or the location of a disabled
70 motor vehicle. In addition, each wrecker shall be equipped with a spot
71 light mounted so that its beam of light is directed toward the hoisting
72 equipment in the rear of such wrecker. The hoisting equipment of each
73 wrecker shall be of sufficient capacity to perform the service intended
74 and shall be securely mounted to the frame of such vehicle. A fire
75 extinguisher shall be carried at all times on each wrecker which shall
76 be in proper working condition, mounted in a permanent bracket on
77 each wrecker and have a minimum rating of eight bc. A set of three
78 flares in operating condition shall be carried at all times on each
79 wrecker and shall be used between the periods of one-half hour after
80 sunset and one-half hour before sunrise when the wrecker is parked on
81 a highway while making emergency repairs or preparing to pick up a
82 disabled vehicle to remove it from a highway or adjoining property.
83 No registrant or operator of any wrecker shall offer to give any
84 gratuities or inducements of any kind to any police officer or other

85 person in order to obtain towing business or recommendations for
86 towing or storage of, or estimating repairs to, disabled vehicles. No
87 licensee shall require the owner to sign a contract for the repair of such
88 owner's damaged vehicle as part of the towing consideration or to sign
89 an order for the repair of, or authorization for estimate until the tow
90 job has been completed. No licensee shall tow a vehicle in such a
91 negligent manner as to cause further damage to the vehicle being
92 towed.

93 (c) Each wrecker used for towing or transporting motor vehicles
94 shall be registered as a wrecker by the commissioner for a fee of one
95 hundred twenty-five dollars. Each such registration shall be renewed
96 biennially according to renewal schedules established by the
97 commissioner so as to effect staggered renewal of all such
98 registrations. If the adoption of a staggered system results in the
99 expiration of any registration more or less than two years from its
100 issuance, the commissioner may charge a prorated amount for such
101 registration fee.

102 (d) An owner of a wrecker may apply to the commissioner for a
103 general distinguishing number and number plate for the purpose of
104 displaying such number plate on a motor vehicle temporarily in the
105 custody of such owner and being towed or transported by such owner.
106 The commissioner shall issue such number and number plate to an
107 owner of a wrecker (1) who has complied with the requirements of this
108 section, and (2) whose wrecker is equipped in accordance with
109 subsection (b) of this section. The commissioner shall charge a fee to
110 cover the cost of issuance and renewal of such number plates.

111 (e) With respect to the nonconsensual towing or transporting of a
112 motor vehicle, no licensee may tow or transport a vehicle to the
113 premises of any person, firm or corporation engaged in the storage of
114 vehicles for compensation unless such person, firm or corporation
115 adheres to the storage charges published by the commissioner.

116 (f) The provisions of this section shall not apply to: (1) Any person,
117 firm or corporation licensed as a motor vehicle dealer under the

118 provisions of subpart (D) of this part, towing or transporting a motor
119 vehicle for salvage purposes, provided such person, firm or
120 corporation does not offer direct towing or wrecker service to the
121 public; (2) any person, firm or corporation operating as an automobile
122 club or automobile association licensed under section 14-67; (3) any
123 person, firm or corporation operating as a motor vehicle recycler
124 licensed under section 14-67l; (4) any person, firm or corporation
125 engaged in the business of repossession of motor vehicles for lending
126 institutions; or (5) any person, firm or corporation towing motor
127 vehicles owned or leased by such person, firm, association or
128 corporation.

129 (g) For the purposes of this section, "nonconsensual towing or
130 transporting" means the towing or transporting of a motor vehicle in
131 accordance with the provisions of section 14-145 or for which
132 arrangements are made by order of a law enforcement officer or traffic
133 authority, as defined in section 14-297.

134 Sec. 2. Subsection (b) of section 14-150 of the general statutes is
135 repealed and the following is substituted in lieu thereof (*Effective July*
136 *1, 2013*):

137 (b) Any inspector of the Department of Motor Vehicles, any officer
138 attached to an organized police department, any enforcement officer of
139 a parking authority authorized under an ordinance adopted pursuant
140 to section 7-204a to enforce parking regulations in the municipality in
141 which it is located or any state police officer upon discovery of any
142 motor vehicle, whether situated within or without any highway of this
143 state, which is a menace to traffic or public health or safety, including
144 any immobilized motor vehicle blocking any lane of traffic on any
145 highway, shall take such motor vehicle into such inspector's or officer's
146 custody and cause the same to be taken to and stored in a suitable
147 place. No liability shall be incurred by any law enforcement agency,
148 any such officer or inspector or any other person acting at the direction
149 or request of such agency, officer or inspector to remove such motor
150 vehicle for any damage to such motor vehicle, the contents of such

151 motor vehicle or the area surrounding such motor vehicle resulting
152 from such removal.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2013</i>	14-66
Sec. 2	<i>July 1, 2013</i>	14-150(b)

TRA *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: See Below

Municipal Impact: None

Explanation

The bill requires that the Department of Motor Vehicles include additional rates for certain services pertaining to wreckers engaged in nonconsensual towing of motor vehicles in the departments rate schedule for nonconsensual towing and the storage of motor vehicles. This is not anticipated to result in a fiscal impact.

The bill also exempts law enforcement and Motor Vehicle Inspectors from liabilities against damage to vehicles that were ordered to be removed because of a risk to traffic and public health or safety, which would preclude future claims against the state.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**HB 6558*****AN ACT CONCERNING THE QUICK CLEARANCE OF STATE HIGHWAYS, TOWING AND TRANSPORTING.*****SUMMARY:**

This bill specifies the services the Department of Motor Vehicles (DMV) must include in its rate schedule for wreckers engaged in the nonconsensual towing of motor vehicles (e.g., at the direction of a police officer) and specifies charges she may not regulate. It exempts law enforcement agencies, towing companies, and certain other people from liability for damage they cause to a vehicle, its contents, or the surrounding area, when, at a police officer's direction, they tow a vehicle that is a menace to traffic, public health, or safety, including an immobilized vehicle blocking a highway.

EFFECTIVE DATE: July 1, 2013

RATE SETTING***Charges Included in Rate Schedule***

By law, DMV must set and publish a schedule of uniform rates and charges for the nonconsensual towing and storage of a motor vehicle. The rates must be just and reasonable, and towing company rates cannot exceed them.

By regulation, the base tow rate for nonconsensual tows set by DMV includes, among other things, towing for up to two miles, (towers may charge a fee, determined by the commissioner for each additional mile); up to 15 minutes waiting time; site clean-up; preparing the vehicle for towing; removing, installing, or reinstalling any loose or separated vehicle parts needed for the tow; cleaning towing equipment; and releasing the vehicle to its owner (Conn. Agency Regs. § 14-63-36b).

The bill requires the commissioner to include rates and service charges for the following:

1. arriving at a site from which a vehicle is to be towed;
2. hooking or unhooking, or loading or unloading, the vehicle to or from a wrecker;
3. placing the vehicle in storage;
4. issuing documents for the release of the vehicle to the owner or other authorized person;
5. issuing an itemized bill; and
6. retrieving the vehicle from storage for its owner during normal business hours.

It is not clear if the commissioner is to include these charges in setting a single base rate, or must set separate rates for each service.

The bill authorizes the commissioner to set and publish a uniform rate schedule for miles travelled while towing or transporting a vehicle to a storage facility.

Costs Not Covered in the Rate Schedule

State regulations allow towers to charge an additional hourly rate for labor if the tow requires winching or “exceptional services.” By regulation, exceptional services means the use of special equipment, such as cutting torches, air compressors, and other equipment not generally required for towing or transporting, at the scene of an accident (Conn Agency Regs. §§ 14-63-36b and 36c).

Under the bill, the DMV rate schedule applies only to towing or transporting a motor vehicle and does not cover such costs as (1) using specialized equipment, such as a fork lift, dolly wheels, or a rotator, to hook, unhook, load, or unload a vehicle or (2) winching, recovery, or any other aspect of towing or transporting or other function of the tow

truck and its equipment other than those the bill describes.

Petitioning Towers

By law, on the petition of a licensed tower, but not more than once every two years, the commissioner must reconsider the rates DMV has set, and must amend them if she finds they are no longer just and reasonable. Currently, the commissioner may consider such factors as the consumer price index, rates set in standard service manuals and by other jurisdictions, and charges set for towing services in contracts with licensed automobile clubs or associations. The bill eliminates her consideration of contractual arrangements.

The bill requires the commissioner to base her determination of just and reasonable rates on the petitioning tower's expenses. It prohibits her from setting a rate that is less than the expenses incurred by any tower in towing, transporting, or storing a vehicle. This would require DMV to set uniform rates high enough to cover the costs of the tower with the greatest expenses, thus allowing towers with lower overhead to charge rates that exceed their actual costs.

IMMUNITY FROM LIABILITY

By law, a law enforcement agency, DMV inspector, police officer or parking authority enforcement officer may order the removal of a vehicle that is a menace to traffic, public health, or safety. The bill specifies that this includes an immobilized vehicle on a highway blocking a lane of traffic. The bill exempts from liability law enforcement officials, DMV inspectors, and others, including towers, for damage to a vehicle, its contents, or the surrounding area resulting from the removal of a vehicle posing such a menace.

COMMITTEE ACTION

Transportation Committee

Joint Favorable

Yea 18 Nay 16 (03/15/2013)