
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)