



**Owner-Operator Independent Drivers Association, Inc.**

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February 27, 2019

Via Electronic Filing System

RE: Proceeding No. 19M-0049TR

Colorado Public Utilities Commission

1560 Broadway, Suite 250

Denver, CO 80212

To Whom it May Concern:

In response to the petition for rulemaking filed by the Towing and Recovery Professionals of Colorado [Proceeding No. 19M-0049TR], the Owner-Operator Independent Drivers Association (OOIDA) respectfully requests it be denied.

OOIDA is the largest trade association representing the views of small-business truckers and professional drivers. We have more than 160,000 members nationwide, including 2,437 who reside in Colorado and thousands more who regularly operate on Colorado roadways. In short, our members would be directly impacted by reopening the existing – and recently implemented – consumer protections regarding nonconsensual tows in Colorado.

OOIDA was actively involved in the development of the existing towing carrier rules [16R-0095TO], specifically with the rules that provide consumer protections for owners and operators of motor vehicles with a gross vehicle weight rating in excess of 10,000 pounds. Prior to the aforementioned rulemaking, small-business truckers had no regulatory protection from or recourse against unscrupulous towing carriers. While we think the rules didn't go far enough in protecting small-business truckers, we remain supportive of the final product. We also suspect the petitioner's motive in reopening the rules is to rescind or weaken several important consumer protections that took years to develop – and which appear to be working as intended.

For example, the petitioner is requesting to remove the maximum rates in Rule 6511 with respect to law-enforcement ordered tows for commercial motor vehicles. This would effectively gut the reasonable rate caps currently in place for the towing, storage, and vehicle release fees specific to law-enforcement ordered tows, which would fundamentally weaken the collective rules. In other words, the petitioner is seeking to repeal arguably the most important protection that the authorizing legislation and subsequent PUC proceeding [16R-0095TO] were enacted to address.

The petitioners are also requesting to modify provisions regarding the release of personal property, limiting such release during normal business hours. However, personal property – such as prescription medication, medical equipment, and identification cards – is often times needed immediately and it should be released upon request as currently specified in Rule 6512.

We are also concerned with the proposed changes to Rule 6514 seeking to limit the amount of time an aggrieved party has to file a complaint. For commercial motor vehicles involved in a law enforcement-dispatched nonconsensual tow, it's not uncommon for a towing carrier to wait several days or weeks to provide an invoice. Further, in reviewing invoices, it can easily take several weeks to obtain the information necessary to determine if the charges are reasonable and/or in compliance with the applicable regulations. For example, an owner, operator, or insurer of a commercial motor vehicle generally has to obtain a police report, driver statement, emergency dispatch records, and other critical information related to the incident before being able to determine if the invoice is reasonable.

This is a blatant attempt by the petitioner to weaken consumer protection rules for our nation's truckers. We urge the PUC to reject the petition.

Thank you for your consideration of our comments. Please contact me directly at (816) 229-5791 ext. 1603 or [mike\\_matousek@ooida.com](mailto:mike_matousek@ooida.com) should you have any questions or require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Matousek", written in a cursive style.

Mike Matousek  
Manager of Government Affairs, OOIDA