

## **TOWING: MAKING SURE YOUR COMMUNITY COMPLIES WITH THE NEW REQUIREMENTS**

Article by Altitude Law

Does your association tow noncompliant vehicles? If so, it is imperative you know and understand some recent changes in the law when it comes to this remedy. Starting August 2022, your community will be required to comply with the new law or face exposure to liability.

[HB 22-1314](#) is a 28-page bill governing towing, and primarily impacts towing companies and their practices. Nevertheless, it also contains provisions impacting non-consensual towing from private properties located within common interest communities. Specifically, notice and signage requirements must be met by associations before they can lawfully have vehicles towed from common areas.

### Notice

Prior to towing, associations must provide notice to the vehicle owner by placing a written notice on the windshield at least 24 hours prior to towing. The notice must contain the following information:

- Vehicle will be towed without consent if it remains parked inappropriately;
- Description of the parking violation;
- Vehicle will be towed if it is not moved; and
- Continuing to park inappropriately in the same manner may lead to the vehicle being towed without notice.

However, keep in mind that the new law prohibits towing vehicles from private property for the sole reason that the license plates have expired. Therefore, if your rules prohibit expired license plates, your community will no longer be able to tow for such violations.

The next logical question is, may vehicles be towed without notice and when? The answer is yes, but only under very specific circumstances. A vehicle may be towed without notice if any of the below criteria are met:

- The vehicle has received two previous notices for parking inappropriately in the same manner;
- Vehicle is being repossessed by a creditor;
- Removal is expressly authorized by a court order or operation of law; and
- Vehicle blocks a driveway or roadway enough to effectively obstruct access.

In any of the above scenarios, vehicles may be towed immediately and without notice.

### Signage

In addition to the notice specified above, communities must also place appropriate signage in appropriate locations before they can lawfully tow vehicles. Specifically, signage must meet the following criteria:

- Must be placed at all entrances to the community; and

- Signage must provide that any vehicle parked in violation of the parking regulations is subject to towing at the vehicle owner's expense.

Additionally, this new law also requires that notice of parking regulations be provided to all vehicle operators when the vehicle enters the private property and parks. This begs the question of how such notice may be provided to non-residents who enter the community. Ideally, the parking rules (or a summary thereof) are posted at the association entrances or in the parking areas themselves so they may be readily seen by anyone who parks a vehicle in the community.

On a final note, there are additional signage rules that apply in landlord/tenant situations; so, if your association owns a unit and rents it out, please make sure to contact the association's legal representative to obtain the additional list of requirements for signage.

Compliance with the new law is a good reason to revisit your community's parking regulations to ensure they are clear, concise, and easy to understand. Otherwise, you may have a hard time convincing a towing company to tow from the community.