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## NEW MEXICO PUBLIC REGULATION COMMISSION FROM THE OFFICE OF DISTRICT 5 COMMISSIONER SANDY JONES

**FOR IMMEDIATE RELEASE**

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**CONTACT:**

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### ***Consumer Alert: Don't get on the hook for excessive and illegal towing fees***

**SANTA FE, NM** – New Mexico Public Regulation Commissioner Sandy Jones is targeting predatory towing services that are forcing motorists to pay exorbitant – and sometimes illegal – fees to retrieve their vehicles.

“While most towing services operate properly, there are a few bad apples that engage in abusive towing practices,” said Commissioner Jones. “We are clamping down on unscrupulous tow truck companies so any individual who believes they have been illegally overcharged for a non-consensual tow is encouraged to contact my office so the PRC can launch an investigation.”

There are two types of tows: non-consensual and consensual. The New Mexico Public Regulation Commission (NMPRC) oversees non-consensual tows, which are those initiated by law enforcement officers. As an example, non-consensual tows generally occur after a collision; if a person has been taken into police custody; or if a vehicle is parked illegally in a designated handicapped space, fire lane, or on private property. The regulatory body sets the rates towing companies can charge for these types of tows, including fees for mileage, hook-ups, extra equipment or labor, storage, and other services.

The NMPRC does not regulate rates for consensual tows, which are initiated by the driver of a disabled vehicle or the lien holder of a repossessed vehicle. The federal government deregulated these rates, allowing the market to determine what a towing service can charge.

“Consumers have rights and by knowing their rights they can avoid a big headache,” said Commissioner Jones.

The three most common violations committed by towing services are: charging a recovery fee when it isn't warranted, towing a vehicle from a parking lot that doesn't display proper warning signs, and collecting a fuel surcharge.

### ***What else consumers need to know:***

**Gaining access to the vehicle for personal items:** As long as law enforcement has not placed a hold on the vehicle, a towing service must allow the owner or the owner's agent access during normal business hours to remove personal property from the vehicle.

**What the vehicle owner or owner’s agent must have to pick up the vehicle:** Proof of ownership, which includes a certificate of title or current registration, or other legal documentation of ownership, including, but not limited to, the vehicle owner’s delegated power of attorney, assignment of agent by notarized letter, or a Motor Vehicle Division report identifying the current registered owner. The owner or owner’s agent must also provide sufficient documentation identifying themselves as the person described in the proof of ownership documents.

**What the towing service must provide:** Use of the appropriate towing equipment to safely transport vehicles, a secure storage yard, and reasonable and rapid access to vehicles. If ownership information is not known, the towing service must obtain the name and address of the registered owner within three business days. Within two business days of receiving owner identification, the towing service must notify the owner it has possession of the vehicle. If the towing service fails to comply, it may not collect charges for storing an unclaimed vehicle.

All companies that provide consensual and/or non-consensual towing services must obtain a state-issued warrant to provide services and must satisfy state requirements regarding proper insurance coverage and safety regulations. In addition, all vehicles within a company’s fleet regulated by the NMPRC must have a NMPRC number permanently affixed to the vehicle.

**Towing fees:** Invoices must be itemized with each fee listed on a separate line. If extra equipment or labor is used the towing service must provide written justification. Towing services must maintain records for three years.

*The currently-approved rates are set out in the Statewide Wrecker Tariff:*

NEW MEXICO STATEWIDE WRECKER TARIFF			
MAXIMUM RATES	Class A/B	Class C	Class D
First Mile/Hookup <sup>1</sup>	\$100.00	\$175.00	\$225.00
Driveshaft/Axle Removal	\$50.00	\$75.00	\$100.00
After Hours Response Charge <sup>2</sup> (5pm - 8am)	\$15.00	\$25.00	\$25.00
Loaded Mileage:			
2 to 25 per mile	\$5.00	\$8.00	\$15.00
26 and over per mile	\$3.50	\$5.00	\$10.00
Deadhead/Excess Deadhead (per mile)	\$3.50	\$5.00	\$10.00
Standby/Waiting Time Per Hour (on hold at scene)	\$30.00	\$50.00	\$75.00
Recovery <sup>3</sup> (per hour, per towing service)	\$100.00	\$200.00	\$300.00
Extra Labor (per hour, 1 hour minimum)	\$30.00	\$35.00	\$35.00
After Hours Delivery Charge	\$50.00	\$50.00	\$50.00
Administrative Charges <sup>4</sup> :	\$35 + Actual Costs		
Storage Charges (per Day):			
Type 1	\$10.00	\$15.00	\$20.00
Type 2	\$15.00	\$20.00	\$25.00
Type 3	\$20.00	\$25.00	\$30.00
\$1 per day per foot exceeding 25'			

	A/B
Rates on the following are Maximum Flat rates per use	
Dollies	\$50.00
Chain Saws/Steel Cutter	\$25.00
Snow chains/4WD	\$25.00
Motorcycle Caddy and Sling <sup>5</sup>	\$25.00
Go Jaks	\$20.00
Air Compressor	\$20.00

Consumers can get answers by calling the PRC hotline, 1-888-4ASK-PRC (1-888-427-5772), or PRC Chairman Sandy Jones’ office, (505) 827-8020.

*The New Mexico Public Regulation Commission (NMPRC) regulates the utilities, telecommunications, and motor carrier industries to ensure fair and reasonable rates, and to assure reasonable and adequate services to the public as provided by law. The NMPRC promotes public safety through the offices of State Fire Marshal, the Firefighter Training Academy, Pipeline Safety Bureau, and Transportation Division.*