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## OLR Bill Analysis

### sHB 7162 (as amended by House "A")\*

## **AN ACT REFORMING THE MOTOR VEHICLE TOWING STATUTES.**

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**SUMMARY**

This bill makes numerous changes to laws on nonconsensual towing and the abandoned vehicle disposal process. Some of the bill’s changes affect only towing authorized by a property owner or lessee without the vehicle owner’s consent (private property tows), but some apply more broadly to all “nonconsensual towing,” which is towing that occurs without the vehicle owner or operator’s consent whether ordered by private property owners or lessees, police officers, or traffic authorities.

A section-by-section analysis of these provisions follows.

EFFECTIVE DATE: October 1, 2025, unless otherwise noted below.

\*House Amendment “A,” among other things, (1) removes the underlying bill’s provisions on towing from residential parking facilities, including a 24 hour notice requirement; (2) allows towing companies to act as a property owner’s agent to authorize tows under certain conditions, which the underlying bill prohibited; (3) explicitly authorizes municipalities to adopt ordinances on nonconsensual towing and parking facility management; (4) modifies the underlying bill’s towing rate provisions and adds provisions setting temporary rates and establishing a Police-Ordered Towing Council; (5) creates a working group to study the vehicle disposal process; and (6) adds provisions on disabled vehicle owners having a choice of tower.

## **§§ 1, 2 & 22 — PRIVATE PROPERTY TOWING**

*Modifies laws on towing from private property, including requiring (1) a written authorization form for each tow, (2) 14 days’ notice before towing a vehicle solely for an expired registration, (3) 72 hours’ notice for towing a vehicle solely for an expired residential parking facility permit, and (4) photo documentation of a vehicle before towing it; bans booting on private property*

### **Overview**

By law, private property owners and lessees may use a towing company to have unauthorized vehicles towed from their property without the vehicle owner’s or operator’s consent. The bill modifies the conditions under which they may do so and adds new conditions and requirements.

The bill specifies that these provisions on towing from private property do not apply to (1) towing performed with the owner or operator’s consent (i.e. consensual tows) or (2) motor vehicle repossession (except for the requirement to notify police, which applies under existing law). As under current law, they also do not apply to authorized emergency vehicles.

### **Written Authorization**

Current law generally prohibits a vehicle from being towed from private property unless the property’s owner or lessee, or their agent,

expressly authorizes the tow. The bill instead requires property owners or lessees (or their agents) to sign, in writing or electronically, a written authorization form for each tow from their property.

***Towing Companies as Agents.*** The bill allows towing companies to act as property owners' or lessees' agents only if they execute a contract authorizing them to do so. Under such a contract, a towing company can sign the form, on the property owner's or lessee's behalf, for vehicles that are:

1. illegally parked in an accessible parking space for people with disabilities,
2. in an area reserved for authorized emergency vehicles,
3. within 10 feet of a fire hydrant,
4. blocking access to a building or a parking space on the property,
5. in or obstructing a vehicular traffic aisle, or
6. leaking fluid that presents a hazard or threat.

The bill also allows these contracts to permit the towing company to tow for violations of specific parking rules the owner or lessee establishes, as long as the parking rules are (1) listed in the contract and (2) intended to promote the convenience, safety, or welfare of vehicle operators on the property, preserve the property from abuse, or fairly distribute parking resources.

***Form Contents.*** Under the bill, property owners or lessees, or their agents, must provide the written authorization on a Department of Motor Vehicles (DMV)-prescribed form and certify that its contents are true, to the best of their belief, by signing it under penalty of false statement. The form must include the following information:

1. the vehicle's make, model, vehicle identification number, and license plate number;
2. the reason for the tow;

3. the authorizing owner's, lessee's, or agent's name, job title, residential or business address, and phone number;
4. the date and time the authorization was given;
5. confirmation that any required signage was installed; and
6. if the towing company is acting as a property owner or lessee's agent to tow under an established parking rule, a copy of the portion of the contract listing the established parking rules for which a towing company is authorized to tow.

The bill also requires towing companies to retain these written authorization forms for at least three years after the tow.

### ***Vehicles With Expired Registrations***

The bill generally requires 14 days' notice before parking facility (including residential parking facility) owners and lessees, or their agents, may authorize towing a vehicle from the parking facility solely because the vehicle has an expired registration. The notice must be placed in a clearly visible spot on the vehicle's driver-side windshield and include the following information:

1. statements that the vehicle (a) has an expired registration and (b) will be towed from the parking facility without the owner's consent if it remains in or returns to the facility and still has an expired registration and
2. the time and date the (a) notice was affixed to the vehicle and (b) vehicle may be towed, which must be at least 14 days after the notice is placed on the vehicle.

### ***Expired Parking Permits***

The bill requires 72 hours' notice before residential parking facility owners and lessees, or their agents, may authorize the towing of a vehicle at the parking facility solely due to an expired parking permit. The notice must be placed in a clearly visible spot on the vehicle's driver-side windshield and include the following information:

1. statements that the (a) vehicle's parking permit has expired and (b) vehicle will be towed from the complex without the owner's consent if it remains in or returns to the facility without a valid permit and
2. the time the (a) notice was affixed to the vehicle and (b) vehicle may be towed if it does not have a valid permit, which must be at least 72 hours after the notice is placed on the vehicle.

This provision does not apply to vehicles with temporary or visitor parking permits, as long as the permit clearly states when it expires.

### ***Photo Documentation by Towing Companies***

Before connecting a vehicle to a tow truck without the vehicle owner's or operator's consent, the bill requires the towing company to take at least two photos of the vehicle with a high enough resolution to clearly show the reason for the tow and the vehicle's condition. The bill requires towing companies to retain these photos for at least three years after the tow.

### ***Rebuttable Presumptions of Vehicle Damage or Improper Towing***

Under the bill, vehicle owners or operators (or their agents), lienholders, and insurance companies acting on the owner's behalf may ask for copies of the (1) written authorization form and (2) photos the bill requires towing companies to take. Towing companies must provide these copies at no cost.

The bill creates several rebuttable presumptions if a towing company fails to produce the written authorization or photos required. Specifically, it is a rebuttable presumption that the towing company:

1. did not have authorization from a property owner or lessee, if the towing company fails to produce a copy of the written authorization form;
2. damaged the vehicle, if the (a) towing company fails to produce the required photos documenting the vehicle's condition and (b) vehicle is damaged; and

3. towed the vehicle in violation of the laws on towing from private property, if the towing company does not produce a photo documenting the reason for the tow.

### ***Release for Incomplete Tow and Drop Fee***

Under the bill, if a motor vehicle owner or operator returns before the vehicle is connected to the tow truck, a towing company must stop preparing the vehicle for towing and tell the person that he or she may move the vehicle or resolve the reason for the tow to avoid the tow and towing fee.

If a motor vehicle owner or operator returns after the vehicle is connected to the tow truck but before it is taken from the property, a towing company must stop and inform the person that the vehicle may be released upon payment of a drop fee, established by DMV (see § 7 below). The towing company must take payment in cash or by credit or debit card and immediately release the vehicle and provide a receipt upon payment. If the vehicle owner or operator does not pay the fee, the towing company can proceed with the tow but must give the owner or operator a copy of the towing consumer bill of rights (see § 5 below).

### ***Notification to Police***

By law, a towing company must notify the local police department within two hours after towing a vehicle from private property or for a repossession. The bill specifies that the company may alternatively inform the resident state trooper serving the municipality and makes conforming changes to provisions requiring the police, within 48 hours of receiving this notice, to take certain steps to determine whether the vehicle was reported stolen.

The bill also requires towing companies to tell the local police department or resident state trooper (1) when and where the tow occurred and (2) where the vehicle is stored.

### ***Booting on Private Property***

Existing law generally prohibits private property owners and lessees from issuing parking citations to or imposing monetary sanctions on

vehicles parked on their property, but it allows them to render unauthorized vehicles immovable with a wheel locking device (i.e. “boot”). The bill instead bans private property owners from booting vehicles on their property. As is the case under current law for the parking ticket prohibition, private higher education institutions or secondary schools are exempt from the ban on booting.

### ***Penalty***

As under existing law, a first offense of the above private property towing provisions is an infraction (see *Background — Infractions*) with a \$50 fine, and second or subsequent offenses are misdemeanors, subject to a fine of \$50 to \$100, up to 30 days in prison, or both.

### ***Background — Infractions***

Infractions are punishable by fines, usually set by Superior Court judges, of between \$35 and \$90, plus a \$20 or \$35 surcharge and an additional fee based on the fine’s amount. There may also be other applicable charges depending on the type of infraction. For example, certain motor vehicle infractions trigger a Special Transportation Fund surcharge of 50% of the fine. An infraction is not a crime and violators can generally pay the fine by mail without making a court appearance.

## **§§ 1 & 3 — PARKING FACILITY SIGNAGE REQUIREMENTS**

*Extends towing signage requirements to all private parking facilities; modifies the signs’ required contents and locations; requires parking facilities to post additional parking rules that may cause a vehicle to be towed*

### ***General Requirements***

Current law requires conspicuous signs warning that unauthorized vehicles may be towed to be posted on private commercial properties before property owners or lessees, or their agents, can have unauthorized vehicles towed from there.

The bill extends the warning sign requirement to all private parking facilities, rather than just private commercial property. “Parking facilities” are lots, garages, parking terminals, and other parking structures or accommodations located on private property, including those located at multifamily dwellings with five or more units,



condominiums, or other common interest communities (“residential parking facilities”).

It also (1) requires that signs be in place for at least 48 hours before a vehicle may be towed from the property and (2) specifically requires towing companies to verify that signage meeting the bill’s requirement, as described below, is present before they tow a vehicle from a parking facility on a property owner’s or lessee’s behalf.

### ***Sign Contents and Specifications***

Under existing law, these signs must state that unauthorized vehicles may be towed and indicate any costs that might be charged. The bill additionally requires signs to (1) bear the international towing symbol, (2) state that towing is at the owner’s expense, and (3) be at least 12 inches long and 18 inches wide. The bill eliminates current law’s requirement that the signs indicate where a towed vehicle will be stored and how it can be redeemed and instead requires the signs to include (1) the name, address, and phone number for the towing company that performs the towing or (2) a phone number that a motor vehicle owner or operator can call to locate their vehicle and get information on how to redeem it.

### ***Sign Locations***

Generally, the bill requires these warning signs to be placed at the parking facility’s entrances. But in cases where certain areas are restricted in an otherwise unrestricted parking facility, the signs must be placed either (1) on the right or left side of each entrance to a designated area or group of restricted parking spaces or (2) at the end of each restricted parking space so that the sign faces the front of the vehicle in the space. If the property owner or lessee, or their agent, imposes additional restrictions on individually signed spots, the signs must indicate that the space is reserved for a specific unit number, person, or type of person.

### ***Parking Rules***

In addition to the general parking facility signage requirements, the bill requires parking facility owners or lessees, or their agents, to post

conspicuous signs listing the violations that would cause a vehicle to be towed from the parking facility. Any rules must be to promote the convenience, safety, or welfare of drivers on the facility, preserve the facility from abuse, or fairly distribute parking resources.

### ***Exceptions***

Current law makes exceptions to the signage requirements, allowing property owners or lessees to have vehicles towed without installing signage if they are:

1. illegally parked in an accessible parking space for people with disabilities,
2. in an area reserved for authorized emergency vehicles,
3. within 10 feet of a fire hydrant, or
4. blocking building access or entry or exit from the property.

The bill adds additional exceptions for vehicles (1) blocking access to reserved parking areas, (2) obstructing vehicular traffic aisles, (3) leaking fluid that presents a hazard or a threat, or (4) parked in an area not designated for parking.

Current law also allows property owners or lessees to have an unauthorized vehicle towed without having installed signage if the vehicle is left for more than 48 hours. The bill eliminates this exception and replaces it with one that allows towing without signage after 48 hours' notice. Under the bill, parking facility owners or lessees, or their agents, may place a written notice on a vehicle stating (1) that the vehicle will be towed if it remains parked at the facility; (2) the time the notice was placed; and (3) the time the vehicle will be towed, which must be at least 48 hours after the notice is placed. The notice must be placed in a conspicuous location on the windshield near the driver's side. This exception does not apply to residential parking facilities (see below).

### ***Penalties***

As under existing law, a first offense of the signage requirement is an

infraction with a \$50 fine, and second or subsequent offenses are misdemeanors, subject to a fine of \$50 to \$100, up to 30 days in prison, or both.

#### **§ 4 — MUNICIPAL TOWING REGULATION**

*Explicitly allows municipalities to regulate motor vehicle towing, transporting, and storage by towing companies (except for consensual towing and repossession)*

The bill explicitly allows municipalities to regulate motor vehicle towing, transporting, and storage provided by towing companies (other than nonconsensual towing or repossession) through ordinances enacted by their legislative bodies. Ordinances adopted under the bill may regulate nonconsensual towing and parking facility and residential parking facility management, as long as they are not inconsistent with state law. The bill specifies that if a vehicle is towed from one municipality to another, and both have towing ordinances, the ordinance for the municipality the vehicle was towed from applies.

EFFECTIVE DATE: Upon passage

#### **§ 5 — TOWING BILL OF RIGHTS**

*Requires (1) DMV to develop a towing bill of rights, in consultation with the attorney general, and post it online and (2) towing companies to post the bill of rights and make copies available for distribution at their business as well as post it on their websites*

By September 1, 2025, the bill requires the DMV commissioner, in consultation with the attorney general, to develop a consumer bill of rights regarding towing (“towing bill of rights”) in both English and Spanish and make it available for public dissemination.

The towing bill of rights must include at least the following:

1. a summary of a vehicle owner’s or operator’s rights and responsibilities if his or her vehicle is towed,
2. when a towing company must be available to redeem vehicles or personal property,
3. the towing and storage rates and other fees that towing companies may charge,

4. a description of the records and photos a vehicle owner or operator may request from the towing company,
5. a warning that towing companies may sell unclaimed towed vehicles under the law's vehicle disposal process (see below), and
6. information on filing a consumer complaint with DMV.

Starting October 1, 2025, the bill requires DMV and the attorney general to include the towing bill of rights on their respective websites.

Under the bill, starting October 1, 2025, towing companies must post the towing bill of rights at their places of business and make copies available to distribute to customers who visit there. It also requires towing companies that maintain a website to post the bill of rights on the website starting on the same date.

The bill requires the commissioner, at a minimum, to revise the bill of rights each time he publishes a new rate schedule for private property trespass towing or police-ordered towing.

EFFECTIVE DATE: Upon passage

## **§§ 6-8 —TOWING RATES**

*Requires DMV to establish separate rate schedules for private property trespass towing and police-ordered towing instead of one schedule for all nonconsensual towing; modifies the process for setting rates; requires the rates to be reconsidered and potentially amended every three years*

### **Overview**

Under current law, the DMV commissioner must establish a schedule of uniform rates and charges ("rate schedule") for nonconsensual towing and transporting and for motor vehicle storage, and those rates must be just and reasonable. The law does not specify the structure of the rate schedule, and the commissioner has discretion over which rates and charges to include. In practice, the commissioner sets (1) a flat tow charge for light-duty vehicles, plus a mileage charge for transporting; (2) an hourly rate for medium- and heavy-duty towing, which includes any transporting; and (3) a schedule of storage charges, with rates that vary based on vehicle length and the type of facility (e.g., whether it is

inside or outside). The towing rates apply to all kinds of nonconsensual towing, including towing performed at accident scenes.

The bill instead requires the commissioner to establish two rate schedules, one for private property trespass towing (i.e. nonconsensual tows from private property) and one for police-ordered towing. It also creates new processes for setting the schedules and requires DMV to adopt rates for vehicle storage, a drop fee, and an after-hours redemption fee.

***Private Property Trespass Towing Rates, Storage Rates, and Drop and After-hours Redemption Fees (§ 7)***

***Rates and Fees.*** The bill requires the commissioner to establish the following rates and fees, which must take effect January 1, 2026:

1. flat rates for private property trespass towing of (a) light-duty vehicles, which have a gross vehicle weight rating (GVWR) of less than 10,000 pounds; (b) medium-duty vehicles, which have a GVWR of 10,000 pounds to 26,000 pounds; and (c) heavy-duty vehicles, which have a GVWR greater than 26,000 pounds;
2. a fee for additional labor;
3. a drop fee;
4. a mileage fee;
5. storage rates; and
6. an after-hours redemption fee.

Under the bill, the flat towing rates include the first two miles of transportation the towing company performs. The bill prohibits towing companies from charging a mileage fee for more than 13 additional miles for a private property trespass tow. The bill also specifies that the storage rates and after-hours redemption fee apply to all nonconsensual towing, not just private property trespass towing.

Once the rate schedule is published, the bill prohibits towing

companies from charging more than the rates listed in the schedule or for services not included in the schedule.

**Factors Considered in Rates.** Under current law, the commissioner has discretion over which factors he considers and incorporates into the rates and charges he sets. The law specifies that he may consider, but is not limited to, the following factors when setting and amending the rates and charges: (1) the consumer price index, (2) rates set by other jurisdictions, (3) charges for towing and transportation services provided through automobile clubs, and (4) rates published in standard service manuals. DMV regulations also allow the commissioner to consider the towing and recovery industry's operating costs but do not list specific costs that may be considered (Conn. Agencies Regs., § 14-63-36a). In a 2021 decision, the Appellate Court affirmed the commissioner's discretion to weigh these factors as he sees fit (see *Background — DMV Commissioner's Discretion in Rate Setting: Towing & Recovery Professionals of Connecticut, Inc. v. Department of Motor Vehicles* ).

The bill limits this discretion by (1) requiring that the rate schedule reflect the reasonable operating costs of towing companies that perform nonconsensual towing and storage; (2) requiring, rather than allowing, the commissioner to consider specified factors when setting the rates; and (3) modifying those factors.

Under the bill, the commissioner must at least consider (1) the transportation producer price index; (2) rates set by other jurisdictions; and (3) the cost of fuel, wreckers, motor vehicle parts, equipment, personnel, workers' compensation insurance, unemployment compensation, and insurance premiums.

**Rate Reconsideration and Adjustment.** Under current law, the commissioner must reconsider the rate schedule upon a licensed towing company's petition (but no more often than once every two years) and amend it if he determines, after considering the factors specified in law, that the rates are no longer just and reasonable. The bill instead requires the commissioner to reconsider the schedule every three years. The commissioner may amend the rate schedule if he determines that the

rates are no longer just and reasonable or do not reflect the reasonable operating costs for towing companies that perform nonconsensual towing and storage. If he amends the schedule, it must take effect the on the January 1 following the public hearing (see below).

**Public Hearing.** As under existing law, DMV must hold a public hearing to get additional information to establish the schedule. The bill requires DMV to hold a public hearing for the initial rate schedule by November 1, 2025. The hearing for the first rate reconsideration must be held between July 1, 2028, and October 1, 2028, and then every three years after that.

**Current Rates.** The bill specifies that the currently effective rates remain in effect through December 31, 2025, and towing companies cannot charge more than these rates during that time.

***Police-Ordered Towing Rates (§ 8)***

The bill also requires the commissioner to establish a rate schedule for police-ordered towing, which must include the following:

1. base hourly rates for police-ordered towing of (a) light-duty vehicles, (b) medium-duty vehicles, (c) heavy-duty vehicles, and (d) oversize or overweight motor vehicles;
2. an hourly rate for winching vehicles located off the highway;
3. hourly rates for each type of specialized equipment used for towing but not included in the base rate;
4. hourly rates for labor not included in the base rate; and
5. a charge for administrative services.

The bill requires DMV to specify the services and equipment included in the base rate. Once the rate schedule is published, it prohibits towing companies from charging more than the rates listed in the schedule or for services not included in the schedule.

***Factors Considered in Rates.*** As is the case for the private property

trespass towing schedule, the rates must be just and reasonable and reflect towing companies' operating costs. The bill requires the commissioner, when setting rates, to at least consider (1) the transportation producer price index; (2) rates set by other jurisdictions; (3) rates for consensual towing; (4) the cost of equipment required to be on the State Police tow rotation list; and (5) workers' compensation insurance, unemployment compensation, and insurance premium costs.

**Process.** Under the bill, the Police-Ordered Towing Council (see below) establishes an initial proposed schedule and submits it to the commissioner. Within 90 days after receiving the proposed schedule, DMV must hold a public hearing and establish and publish a rate schedule. If the commissioner amends the proposed schedule, he must provide a written statement.

EFFECTIVE DATE: October 1, 2025, except that the provisions on private property trespass towing rates are effective July 1, 2025.

***Background — DMV Commissioner's Discretion in Rate Setting: Towing & Recovery Professionals of Connecticut, Inc. v. Department of Motor Vehicles***

In 2018, DMV increased base towing rates and storage fees, generally reflecting the rise in the consumer price index (CPI) since the last increase in 2007. In determining the increases, the hearing officer considered evidence from the towing industry on vehicle costs, real estate taxes, and workers' compensation, among other things, but decided to give more weight to factors listed in statute (namely, the CPI).

In response to DMV's 2018 decision, the Towing & Recovery Professionals of Connecticut filed an administrative appeal challenging the commissioner's consideration of statutory and regulatory factors and its weighing of evidence. When the appeal reached the Appellate Court, it held that, given the inclusion of the word "may," both the statute and regulation give the commissioner discretion to consider and weigh the factors that he sees fit (*Towing and Recovery Professionals of Connecticut, Inc. v. Department of Motor Vehicles*, 205 Conn. App. 368 (2021), *cert. denied*, 338 Conn. 910 (2021)).



**Background — Related Bill**

sSB 1449 (File 545), favorably reported by the Transportation Committee, creates a new process for setting medium- and heavy-duty towing rates.

**§ 9 — POLICE-ORDERED TOWING COUNCIL**

*Establishes the Police-Ordered Towing Council and charges it with (1) advising the DMV commissioner on policies affecting police-ordered towing and (2) developing a proposed rate schedule for police-ordered towing, among other things*

The bill establishes the Police-Ordered Towing Council and charges it with (1) advising the DMV commissioner on policies affecting police-ordered towing and (2) developing a proposed rate schedule for police-ordered towing. It places the council within DMV for administrative purposes only.

**Membership**

Under the bill, the council consists of the transportation, emergency services and public protection, energy and environmental protection, and insurance commissioners (or their designees), plus the following members appointed by the governor:

1. three representatives of an in-state organization representing towing and recovery professionals,
2. two representatives of an in-state organization representing the commercial trucking industry,
3. one representative from the insurance industry,
4. one representative of an association of police chiefs in the state, and
5. one representative of an association of fire chiefs in the state.

The bill requires the governor to make appointments by August 1, 2025, and fill any vacancies within 30 days after they occur. Each appointed member serves for a two-year term and may serve until a successor is appointed. The governor must appoint the chairperson, and the chairperson must convene the first meeting by September 15, 2025.

***Proposed Rate Schedule and Other Duties***

The bill requires the council, by January 1, 2026, to submit to the DMV commissioner a proposed police-ordered towing rate schedule. In developing the schedule, the council must consider the factors the bill requires the DMV commissioner to consider when setting a rate schedule, and it must submit any documentation to support the proposed rate schedule.

Between June 1, 2028, and September 1, 2028, and every three years after that, the council must review the rate schedule, consider adjustments, and submit any recommended adjustments to DMV.

Under the bill, the council must also:

1. recommend specific procedures for determining whether a service performed by a towing company providing medium- and heavy-duty towing was required;
2. request information from other parties to assist with its work and, in its discretion, hold public hearings to get information; and
3. make additional recommendations to DMV as it deems appropriate.

EFFECTIVE DATE: July 1, 2025

***Background — Related Bill***

sSB 1449 (File 545), favorably reported by the Transportation Committee, establishes a similar council for medium- and heavy-duty towing.

**§ 10 — TEMPORARY TOWING RATES**

*Starting July 1, 2025, establishes temporary rates for towing medium-duty, heavy-duty, and oversize/overweight vehicles and for the use of a rotator; allows towing companies to charge for equipment in their exceptional services charges*

***Hourly Rates***

Starting July 1, 2025, the bill overrides the current DMV-established rate schedule and sets temporary rates that remain in effect until the DMV commissioner adopts a new police-ordered towing rate schedule

under the process the bill establishes.

Under the bill, the following maximum hourly rates may be charged for nonconsensual towing (including recovery), calculated according to current DMV regulations:

1. for medium-duty vehicles, \$400 per hour (currently, the rate is \$240);
2. for heavy-duty vehicles, \$700 per hour (currently, the rate is \$390);
3. for oversize or overweight vehicles, \$1,500; and
4. for the use of a rotator, \$1,275 per hour (the current rate schedule does not have a rate for a rotator).

The bill defines a rotator as a wrecker (tow truck) that (1) consists of a rotating superstructure, adjusting boom, operating machinery, and one or more operator's stations mounted on a frame attached to a truck chassis and (2) has the ability to lift, lower, and swing loads.

***Services Included in Hourly Rate.*** The bill specifies that the hourly rate covers:

1. services reasonably necessary to restore the towing site to its original condition, or to restore it as directed by a police officer or traffic authority or local fire official, if they take less than 15 minutes;
2. time the towing company spent at the site waiting to perform any portion of the nonconsensual towing due to an order of a police officer or traffic authority, if it takes less than 15 minutes;
3. hand tools, wrenches, sockets, and timbers, used in the towing or recovery of a motor vehicle;
4. air fittings and hoses used in towing or recovery under 100 feet;
5. disconnecting batteries;

6. pry bars, reflectors, wheel chocks or scotch blocks, up to two snatch blocks, cargo retraining straps, and chain and binders used in conjunction with wrecker cables; and
7. preparing a motor vehicle for towing.

Current regulations list similar services included in “tow charges” (Conn. Agency Regs., § 14-63-36b).

### ***Exceptional Services***

In addition to base hourly rates, current DMV regulations allow towing companies to charge for “exceptional services,” which is using special equipment, such as cutting torches, air compressors, and other equipment not generally required for nonconsensual towing at accident scenes. DMV regulations require that these charges be itemized in accordance with the hourly charge for labor posted as required under regulations; the Appellate Court recently held that these regulations do not allow exceptional service charges to include charges for equipment (see *Background — Exceptional Services: Modzelewski’s Towing & Storage, Inc. v. DMV Commissioner*).

Under the bill, the charge for exceptional services may include the hourly charge for labor and the use of equipment to perform the services, as long as the services are itemized, reasonable, and necessary to perform nonconsensual towing.

EFFECTIVE DATE: July 1, 2025

### ***Background — Exceptional Services: Modzelewski’s Towing & Storage, Inc. v. DMV Commissioner***

In 2024, the Appellate Court considered a DMV hearing officer’s decision to impose civil penalties on a towing company and order restitution for certain violations, including improperly charging for exceptional services by including an equipment charge. The court held that the regulations only permit charging for exceptional services according to the approved hourly labor charge, and there is no support in existing DMV regulations for a towing company to include an equipment charge in its rate for exceptional services. In September 2024,

the Connecticut Supreme Court granted the towing company's petition for certification (*Modzelewski's Towing & Storage, Inc. v. DMV Commissioner*, 225 Conn. App. 386 (2024), *cert. granted*, 349 Conn. 921 (2024)).

### **Background — Related Bill**

sSB 1449 (File 545), favorably reported by the Transportation Committee, also sets temporary rates for medium- and heavy-duty vehicles.

### **§ 11 — DEALER AND REPAIRER COMPLAINT PROCESS**

*Codifies provisions that are substantially similar to existing DMV regulations on investigations of consumer complaints against dealers and repairers; explicitly broadens the scope of violations the commissioner may investigate to include violations of towing laws*

The bill codifies provisions that are substantially similar to existing DMV regulations on investigations of consumer complaints against dealers and repairers (see Conn. Agencies Regs., §§ 14-63-45b & -45c) (by law, towing companies must have a dealers' or repairers' license). It also broadens the scope of violations the commissioner may investigate to explicitly include violations of towing laws.

Among other things, the bill codifies provisions in regulations that:

1. specify what must be included in a complaint, including a statement of facts accompanied by supporting evidence;
2. require DMV to notify the customer and the dealer or repairer, within 14 days after receiving the complaint, that the complaint was received, what matters it covers, and that it will be investigated; and
3. give DMV several options to resolve substantiated complaints, including mediation or an administrative hearing under the Uniform Administrative Procedure Act.

If DMV finds a towing company violated the laws, the bill also specifically allows the DMV commissioner to recommend that the Department of Emergency Services and Public Protection remove a

medium- or heavy-duty towing company from the State Police tow rotational system in addition to any enforcement action currently authorized (e.g., civil penalties and restitution orders).

The bill also (1) eliminates a statutory provision that requires the DMV commissioner to retain unresolved complaints on a dealer or repairer's records until the dealer or repairer provides evidence satisfactory to the commissioner that the claim is resolved or no longer pending and (2) broadly allows the commissioner to adopt regulations to effectuate these provisions.

***Background — Related Bill***

sSB 1449 (File 545), favorably reported by the Transportation Committee, contains substantially similar provisions codifying DMV complaint regulations.

**§§ 12 & 27 — STORAGE AND RELEASE OF VEHICLES SUBJECT TO NONCONSENSUAL TOWING**

*Modifies laws on releasing towed vehicles, including by requiring towing companies to (1) respond to requests to redeem vehicles or personal property within four hours; (2) allow redemption of all personal property in a vehicle; (3) take credit and debit cards as payment; and (4) accept additional proof of ownership documents*

***Availability for Vehicle Redemption***

As under current law, towing companies must store vehicles they tow from private property at their business site in a secured lot, and the site must be open from 8:00 a.m. to 5:00 p.m. Monday through Friday. The bill explicitly applies this requirement to all towing companies performing nonconsensual towing, not just those towing vehicles from private property.

Current law also requires that towing companies be reasonably available on weekends and holidays for vehicle redemption purposes. Under current regulations, a towing company must allow a vehicle owner, lending institution, or other authorized person to redeem a vehicle at any time if the towing company (1) performs or contracts to perform towing for compensation outside of its hours of operation or (2) advertises to the public it is available to tow outside of its hours of operation (Conn. Agencies Regs., § 14-63-37a). The towing company

must release the vehicle within a reasonable amount of time after someone makes a request for release, and a person is deemed to have made a request to release his or her vehicle by appearing at the business in person or by calling the towing company at its advertised phone number.

The bill instead generally requires towing companies to allow vehicle owners or others they authorize to redeem their vehicle or personal property within four hours after making a request, if the request is not made during the towing companies' hours of operation. Towing companies must maintain an advertised phone number to take requests 24 hours a day to redeem vehicles and remove personal property. But the bill specifies that lending institutions or people they authorize may only redeem vehicles during towing companies' operating hours.

The bill also codifies the provision in regulations allowing towing companies to charge a fee for releasing a vehicle outside its hours of operation. Under the bill, DMV must set a maximum amount for this fee (see § 7, above).

The bill also specifically prohibits charging a storage fee for any day that a towing company does not make the vehicle available for redemption.

### ***Access to Personal Property***

By law and under the bill, towing companies have a lien on vehicles they tow for their towing and storage charges. The bill specifies that towing companies do not have a lien on personal property stored in a vehicle subject to nonconsensual towing, and they must permit vehicle owners, or people the owners authorize, to access the vehicle and remove personal property during the towing company's hours of operation or, outside of these hours, within four hours after making a request to remove property. Current DMV regulations only require towing companies to allow retrieval of property essential to someone's health or welfare (Conn. Agencies Regs., § 14-63-37b).

### ***Proof of Ownership***

Under existing law, towing companies must release a vehicle towed from private property to its owner or another authorized person upon demand if the owner or other authorized person (1) presents proof of registration and (2) pays the towing and storage costs.

The bill expands the documentation that an owner or authorized person (including, under the bill, a lienholder) may provide to include a certificate of title, a bill of sale, a lease for the motor vehicle, or other reasonable proof of ownership. The towing company must release the vehicle even if the address on the documentation is different from the owner's or authorized person's current address.

### ***Accepted Forms of Payment***

The bill requires towing companies to (1) accept payment for nonconsensual towing and storage charges by cash, credit card, and debit card and (2) keep sufficient cash at their offices to give change to a vehicle owner, or another authorized person, at the time of payment. If payment is made by a credit or debit card, the card holder must appear at the towing company's office and sign a receipt.

### ***Right to Inspect and Itemized Receipt***

By law, vehicle owners and other authorized individuals have the right to inspect a vehicle towed from private property before redeeming the vehicle. Towing companies must give an itemized receipt to the person who paid the towing and storage costs and cannot require an owner or authorized person to sign a general release of liability. The bill extends these provisions to all nonconsensual tows.

### ***Penalties***

Under the bill, a first offense of these requirements is an infraction with a \$50 fine, and second or subsequent offenses are a class D misdemeanor, subject to a fine of up to \$250, up to 30 days in prison, or both.

## **§§ 13 & 14 — VEHICLE DISPOSAL PROCESS**

*Modifies the vehicle disposal process, including by (1) extending the minimum time that garage owners must hold a vehicle before selling it to 30 or 60 days, depending on vehicle value; (2) requiring towers to send an additional notice of proposed sale to the vehicle*



*owner and lienholder after receiving DMV approval; and (3) specifying a process by which vehicle proceeds escheat to the state*

### ***Applicability***

Current law establishes a process through which garage owners may sell or otherwise dispose of vehicles that remain unclaimed after being towed there without the owner's consent, under direction from a property owner or lessee, police officers, or traffic authorities.

The bill (1) makes a number of changes to the process; (2) specifies that the process applies to all nonconsensual towing and abandoned vehicles ordered removed by a police officer, DMV inspector, or parking authority (this is generally the case under current law); and (3) explicitly specifies that the garage owners subject to these requirements include towing companies.

### ***Timeframe for Disposal***

Current law requires garage owners, before they can sell an unclaimed vehicle, to hold it for at least (1) 15 days, if the vehicle's market value is \$1,500 or less, or (2) 45 days, if the vehicle's market value is more than \$1,500. The bill extends the minimum amount of time they must hold it to 30 days and 60 days, respectively, but allows garage owners to start the process of selling (e.g., by submitting forms to vehicle owners and DMV) after 15 or 45 days, as applicable.

Under existing law, unchanged by the bill, garage owners may not start this process if there is a pending hearing. (By law, hearings apply only to tows ordered by police or traffic authorities.)

### ***Determining Vehicle Value***

Under existing DMV regulations and agency practice, a vehicle's market value is its average trade-in value in the National Automobile Dealers Association (NADA) used car guide, eastern edition.

The bill allows garage owners, when determining the vehicle's value, to deduct for an observed defect or a missing major component part (e.g., engine, hood, or fender).

***Municipal Removal of Abandoned Vehicle.*** Existing law sets

certain circumstances under which the title to an abandoned vehicle immediately vests in the municipality where it was discovered, including if the vehicle's market value is less than \$500. The bill requires retail market value be used to make this determination.

### ***Abandoned Vehicles***

Under existing law, when police or traffic authorities order a tow of an abandoned vehicle, the police department or authority must notify the vehicle owner and any lienholders about the tow within 48 hours if the vehicle appears on DMV's records. The bill additionally requires towing companies who take these vehicles into custody to make a reasonable effort to identify the vehicle owners and lienholders and send them the same notice.

### ***Notice and Process for Disposal***

Existing law requires garage owners to send notices to vehicle owners and lienholders at specified times and outlines the steps they must follow to sell or otherwise dispose of a vehicle. Under existing law, if a vehicle remains unclaimed 48 hours after the tow, the towing company, or the appropriate state or municipal agency in the case of police- or traffic-authority ordered tows, must send a notice of tow to the owner and all lienholders on record.

The table below compares the process under current law and the bill; additional information on some provisions is provided below.

**Table: Vehicle Disposal Process, Current Law vs. Bill**

<b><i>Procedural Step</i></b>	<b><i>Current Law</i></b>	<b><i>Bill</i></b>
Initiating process to sell stored vehicle (at least 15 days or 45 days after a tow, as applicable)	<p>Garage owner may initiate process to sell vehicle by sending "notice of intent to sell" to the owner and lienholder and provide a copy to DMV.</p> <p>Notice must specify the vehicle's identifying information; the time, date, and place of its sale; and that any proceeds that exceed the garage's charges will be available</p>	<p>Notice must include additional specified information on vehicle value and the vehicle disposal process (see below).</p> <p>Garage owners must include a copy of the towing bill of rights with the notice they give to the vehicle's owner and lienholder.</p> <p>Garage owners must also provide any other information DMV</p>

<b><i>Procedural Step</i></b>	<b><i>Current Law</i></b>	<b><i>Bill</i></b>
	to claim for one year after the sale date.	requires, such as photographs of the stored vehicle.
DMV approval of the sale	<p>DMV must approve the notice of intent to sell and, if approved, issue the garage owner an affidavit of compliance.</p> <p>DMV must send an affidavit of compliance to the garage owner after approving the sale.</p>	<p>DMV may send a copy of the notice of intent to sell electronically to the vehicle's owner or lienholder.</p> <p>DMV must check for active consumer complaints from the vehicle owner before approving a sale and may not approve a sale or issue an affidavit of compliance if a related complaint is unresolved.</p>
After receiving DMV approval to sell	<p>Garage owner may sell vehicle once five days have passed since notifying the owner about the intent to sell.</p> <p>For vehicles valued at \$1,500 or less, the manner of sale is unspecified. Vehicles valued above that amount must be sold at public auction.</p>	<p>Garage owner must (1) send the vehicle owner and lienholder a notice of proposed sale with the date, time, and place of sale</p> <p>As under current law, the manner of sale is unspecified for vehicles valued at \$1,500 or less and vehicle valued above that amount must be sold at public auction.</p> <p>Five days after this notice, the garage owner may sell the vehicle as long as at least 30 or 60 days, as applicable, have passed.</p>
After selling	<p>Within 15 days after selling, garage owner must report the sale to DMV with the buyer's name and address, the sales price, and the amount of storing, towing, and repair charges. Garage owner must hold any proceeds above what it is owed for towing charges at its place of business for a year to be claimed by the owner. If the owner does not claim them, they escheat to the state.</p>	<p>In addition to reporting the sale to DMV, the garage owner generally must (1) mail any proceeds that exceed its charges to the vehicle owner (as described below) and (2) notify DMV that it did so.</p> <p>Proceeds unclaimed one year after the sale date continue to escheat to the state.</p>

### ***Notices of Intent to Sell and Proposed Sale***

The bill requires the notice of intent to sell to also include, in addition to the information required under current law, (1) the vehicle's retail

market value, as determined by the garage; (2) that the vehicle will be sold if it is not claimed in time and may still be claimed up until the point the vehicle is sold; and (3) that additional proceeds will be mailed after the sale. The bill eliminates the requirement that this notice include the time, date, and place of the sale, but requires a new notice with this information later in the process (see below). The bill also explicitly subjects notices of intent to sell that are filed with the commissioner to disclosure under the Freedom of Information Act.

The bill requires garage owners to send a new, additional notice of proposed sale after receiving approval to sell from DMV. The garage owner may sell the vehicle five days after sending the notice. But the bill also specifies that garage owners may not sell the vehicle until at least five days have passed since sending the notice of intent to sell.

### ***Limitation on Storage Costs***

Under current law, the DMV commissioner may limit the number of days of storage a garage owner may charge for beyond the initial 30 days (for vehicles valued \$1,500 or less) and 60 days (for vehicles valued over \$1,500). The bill instead limits storage charges after this initial 30 or 60 days, as applicable, to up to 10 days after a garage owner receives approval to sell the vehicle from DMV.

### ***Distribution of Proceeds***

By law, garage owners must report the vehicle's sales price; storing, towing, and repair charges, if any; expenses related to the sale; any proceeds; and other information on the vehicle and the buyer to DMV within 15 days after the sale.

Under current law, the garage owner must hold any sale proceeds that remain after subtracting the amount due to the garage owner or an officer who put the vehicle into storage and all the expenses related to the sale and give the proceeds to the vehicle's owner or representative if claimed within one year from the sale.

The bill instead requires the garage owner to deposit the sale proceeds in an escrow account and pay them to the owner or his or her

legal representative if they are claimed within one year from the sale.

Under the bill, as under existing law, if the vehicle sale proceeds are not claimed by an owner or a lienholder after one year, the proceeds escheat to the state. The bill specifies that they escheat to the state as unclaimed property, and the garage owner is subject to applicable state law on escheats, including all obligations applicable to unclaimed property holders. Within 10 days after filing any required report and escheating any funds to the state, the garage owner must give the DMV commissioner evidence that the report has been submitted and the funds have escheated.

### **§ 15 — WORKING GROUP ON TOWED VEHICLE DISPOSAL PROCESS**

*Requires DMV to create a working group to study ways to improve the process for selling or disposing of unclaimed towed vehicles*

The bill requires the DMV commissioner, or his designee, to convene a working group to study the disposal process for unclaimed towed vehicles.

The working group must study at least the following:

1. alternative methods for selling unclaimed vehicles or disposing of them that balance towing companies' interests in managing their storage sites with motor vehicle owners' interest and ensure vehicles are sold as close as possible to fair market value;
2. issues concerning lienholders who do not redeem vehicles after inspecting them at the towing company's storage site;
3. alternatives to the statutory timeframes for unclaimed vehicle disposal and estimating vehicles' fair market value;
4. ways to modernize and improve the vehicle auction process, including legislative recommendations to do so; and
5. best practices in other states regarding unclaimed vehicle disposal.

The working group consists of the DMV commissioner, or his designee, plus the following members appointed by the commissioner: (1) two DMV employees, (2) three towing industry representatives, and (3) two consumer advocates. Initial appointments must be made by August 1, 2025, and any vacancies must be filled by the appointing authority. The bill also allows the group to consult with any other agencies, officials, or interested parties that the group deems appropriate.

The commissioner (or his designee) serves as chairperson and must schedule the council's first meeting by September 1, 2025. DMV serves as administrative staff to the working group.

By February 1, 2026, the bill requires the working group to submit a report on its findings to the Transportation Committee. The working group terminates when it submits its report or on February 1, 2026, whichever is later.

EFFECTIVE DATE: Upon passage

#### **§§ 16, 19-21, 25 & 27—MINOR AND TECHNICAL CHANGES**

*Makes numerous minor, technical, and conforming changes throughout*

The bill makes numerous minor and technical changes in these sections and conforming changes throughout.

#### **§§ 17 & 18 — STATE POLICE TOW ROTATION LIST AND VEHICLE OWNER'S CHOICE OF TOWING COMPANY**

*Requires, rather than allows, the State Police to establish a rotational system for summoning tow trucks within its patrol jurisdiction; requires police officers to give owners or operators of disabled vehicles the opportunity to choose a towing company*

The bill requires, rather than allows, the State Police to establish a rotational system for summoning tow trucks within its patrol jurisdiction (tow rotation list), which it already has done in practice.

The bill codifies an existing State Police regulation giving motor vehicle owners and operators the opportunity to select a towing company. Under the bill, as under current regulations, if the vehicle owner or operator is on the scene and able to respond, the state police officer must ask if the owner or operator wants to choose a towing

company. If he or she does want to, and the chosen towing company is on the tow rotation lists, the officer must notify the chosen service. If the towing company does not answer or cannot respond within the timeframe established in regulation (currently, 30 minutes, or 20 minutes for limited-access highways), the officer must move on to the next towing company on the list (Conn. Agencies Regs., §§ 29-23a-5 & -7).

The bill also similarly requires municipal police officers to ask whether vehicle owners and operators wish to select a towing company in cases where they are on the scene and able to respond. If the owner or operator selects a towing company and the company is on the municipality's tow rotation list (if it has one), the officer must notify the chosen company. If the towing company cannot do so or does not timely respond, as determined by the officer, the officer must either call the next towing company on the list or choose a towing company.

## **§ 22 — RECORD RETENTION**

*Increases towing companies' minimum record retention requirement from two to three years*

Existing law requires towing companies to store various records pertaining to their business and the vehicles they tow. The bill extends, from two to three years, the period of time towing companies must retain required records and make them available for inspection by law enforcement or DMV.

## **§§ 23 & 24 — CIVIL PENALTIES**

*Increases the maximum civil penalty DMV may impose for violations of dealer and repairer (including towing) laws from \$1,000 to \$5,000*

The bill also increases, from \$1,000 to \$5,000, the maximum civil penalty that the DMV commissioner may impose on licensed dealers and repairers for violating the dealer and repairer laws. By law, towing companies must hold a dealer's or repairer's license to be able to operate.

## **§ 26 — POLICE-ORDERED TOWING COUNCIL STUDY**

*Requires the Police-Ordered Towing Council to make recommendations about (1) the timeframe for filing complaints about nonconsensual towing and (2) charging for and*

*resolving disputes regarding towing services provided upon request of police, fire officials or traffic authorities*

The bill requires the Police-Ordered Towing Council to make recommendations about the following:

1. limiting the period of time a person has to file a complaint with DMV about nonconsensual towing;
2. ensuring towing companies may charge for equipment and labor specifically requested by a police officer, traffic authority, or fire official during the provision of a police-ordered tow; and
3. ways to document towing services that were requested and provided and to resolve related disputes.

The council must report its recommendations to the Transportation Committee by February 1, 2026.

EFFECTIVE DATE: July 1, 2025

#### **COMMITTEE ACTION**

Transportation Committee

Joint Favorable Substitute

Yea 22 Nay 12 (03/19/2025)

Appropriations Committee

Joint Favorable

Yea 38 Nay 12 (05/05/2025)