

**First Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 23-0079.02 Jery Payne x2157

**HOUSE BILL 23-1217**

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**HOUSE SPONSORSHIP**

**Froelich,**

**SENATE SPONSORSHIP**

**Fields,**

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**House Committees**

State, Civic, Military, & Veterans Affairs

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING RELIEF FOR CRIME VICTIMS WHOSE MOTOR VEHICLES**  
102 **HAVE BEEN TOWED BECAUSE OF THE CRIME.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill requires a towing carrier (carrier) to release a motor vehicle without demanding or accepting payment for any fee or charge associated with the tow or storage if the motor vehicle was towed without the owner's consent from public or private property and the tow was a result of the owner being a victim of a crime or the motor vehicle being stolen. The owner must provide appropriate documentation.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing law.  
Dashes through the words or numbers indicate deletions from existing law.*

To reimburse tow carriers for nonconsensual tows from private property, the bill creates an enterprise with a 5-person governing board. The governing board must meet at least annually and may:

- Take actions necessary to implement and administer the enterprise;
- Issue bonds;
- Audit participating carriers;
- Hire any necessary employees; and
- Obtain the necessary office space, equipment, and services.

The governing board is required to:

- Implement and administer the enterprise;
- Annually report to the public utilities commission;
- Establish policies; and
- Coordinate with the commission and department of revenue (department).

The enterprise will administer a voluntary reimbursement program for participating carriers. Under the program, a carrier collects a fee, sends it to the enterprise, and the enterprise reimburses the carrier for the cost of providing a law enforcement tow and storage based on average costs of providing the tow and storage.

The department must create a database of motor vehicles that have been reported abandoned on public or private property. The database must contain certain information to identify the motor vehicle and be made available online to the public, so that a person may search the database to find an abandoned motor vehicle.

Current law requires a law enforcement agency or carrier with a motor vehicle towed from private or public property to check to see if the motor vehicle has been stolen within 30 minutes after the carrier tows the motor vehicle. If the motor vehicle has been stolen, the law enforcement agency will return it to the owner. The bill requires another check 48 hours after towing the motor vehicle.

Current law requires an abandoned motor vehicle to be sold no fewer than 30 days after and within 60 days after it is towed. The bill repeals the requirement that the motor vehicle be sold within 60 days. It states that if the carrier is notified that the motor vehicle was towed because of a crime, the sale must be made no fewer than 60 days after the tow and the owner is notified of the 60 day minimum time frame for holding the motor vehicle.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 40-10.1-101, **add**

3 (9.7) as follows:

1           **40-10.1-101. Definitions.** As used in this article 10.1, unless the  
2 context otherwise requires:

3           (9.7) "LAW ENFORCEMENT TOW" MEANS THE TRANSPORTATION OF  
4 A VEHICLE BY TOW TRUCK FROM PUBLIC PROPERTY IF THE  
5 TRANSPORTATION IS PERFORMED WITHOUT THE PRIOR CONSENT OF:

6           (a) THE OWNER OF THE VEHICLE, AUTHORIZED OPERATOR OF THE  
7 VEHICLE, OR AGENT OF THE OWNER OF THE VEHICLE;

8           (b) THE LIENHOLDER OF THE VEHICLE OR AGENT OF THE  
9 LIENHOLDER, UNLESS THE VEHICLE IS BEING TOWED FOR THE PURPOSE OF  
10 REPOSSESSION UNDER A LIEN AGREEMENT; OR

11           (c) IF THE OWNER SIGNS A RELEASE AUTHORIZING AN INSURANCE  
12 COMPANY TO ACT ON BEHALF OF THE OWNER, THE INSURANCE COMPANY  
13 OR AGENT OF THE INSURANCE COMPANY PROVIDING INSURANCE  
14 COVERAGE ON THE VEHICLE.

15           **SECTION 2.** In Colorado Revised Statutes, **add** 40-10.1-411 and  
16 40-10.1-412 as follows:

17           **40-10.1-411. Victims of crime - nonconsensual tow and law**  
18 **enforcement tow - rules.** (1) A TOWING CARRIER SHALL RELEASE A  
19 MOTOR VEHICLE TO THE OWNER WITHOUT DEMANDING OR ACCEPTING  
20 PAYMENT FOR ANY FEE OR CHARGE ASSOCIATED WITH THE TOW OR  
21 STORAGE IF:

22           (a) (I) THE TOWING CARRIER TOWED THE MOTOR VEHICLE  
23 WITHOUT THE OWNER'S CONSENT OR BECAUSE IT WAS A LAW  
24 ENFORCEMENT TOW; OR

25           (II) A LAW ENFORCEMENT AGENCY TOWED THE MOTOR VEHICLE  
26 AND THE TOW WAS A LAW ENFORCEMENT TOW;

27           (b) THE TOWING CARRIER IS NOTIFIED THAT THE TOW WAS A

1 RESULT OF THE MOTOR VEHICLE NOT BEING RETRIEVED FROM PRIVATE OR  
2 PUBLIC PROPERTY;

3 (c) THE OWNER OR DRIVER FAILED TO RETRIEVE THE MOTOR  
4 VEHICLE FROM PRIVATE OR PUBLIC PROPERTY BECAUSE:

5 (I) THE DRIVER WAS A VICTIM OF A CRIME; OR

6 (II) THE MOTOR VEHICLE WAS STOLEN; AND

7 (d) THE OWNER OF, DRIVER OF, OR AGENT OF THE MOTOR VEHICLE  
8 PROVIDES THE TOWING CARRIER EVIDENCE THAT THE PERSON WAS THE  
9 VICTIM OF A CRIME AS DESCRIBED IN SUBSECTION (1)(c) OF THIS SECTION,  
10 WHICH EVIDENCE IS FROM A LAW ENFORCEMENT AGENCY OR  
11 DOCUMENTATION ISSUED BY A CRIME VICTIM COMPENSATION BOARD IN  
12 ACCORDANCE WITH PART 1 OF ARTICLE 4.1 OF TITLE 24.

13 (2) THE COMMISSION MAY PROMULGATE RULES TO IMPLEMENT  
14 THIS SECTION.

15 **40-10.1-412. FAVOR enterprise - governing board - towing**  
16 **carriers reimbursement program - participating carrier fee -**  
17 **reimbursement - FAVOR fund - participation - definitions - repeal.**

18 (1) **Short title.** THE SHORT TITLE OF THIS SECTION IS THE "FUND  
19 AUTOMOBILE VICTIM OPERATOR RELEASE ACT" OR "FAVOR ACT".

20 (2) **Legislative declaration.** (a) THE GENERAL ASSEMBLY FINDS  
21 THAT:

22 (I) SECTION 40-10.1-411 PROHIBITS A TOWING CARRIER FROM  
23 COLLECTING FEES OR CHARGES TO RELEASE A MOTOR VEHICLE IF THE  
24 OWNER OR DRIVER WAS A CRIME VICTIM AND CERTAIN REQUIREMENTS ARE  
25 MET; AND

26 (II) TO HELP TOWING CARRIERS RECOVER LOST REVENUE, THIS  
27 SECTION AUTHORIZES THE COLLECTION OF FEES FROM PARTICIPATING

1 CARRIERS TO REIMBURSE THOSE CARRIERS FOR THE COSTS OF MAKING A  
2 NONCONSENSUAL TOW.

3 (b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT:

4 (I) THE FAVOR ENTERPRISE IS ESTABLISHED AS A STATE-OWNED  
5 ENTERPRISE THAT OPERATES A TOWING CARRIER REIMBURSEMENT  
6 PROGRAM, AND THIS REIMBURSEMENT PROGRAM IS ANALOGOUS TO AN  
7 INSURANCE PROGRAM BECAUSE THE FEES ESTABLISHED UNDER THIS  
8 SECTION ENSURE THAT A TOWING CARRIER DOES NOT LOSE MONEY ON A  
9 NONCONSENSUAL TOW;

10 (II) THE FAVOR ENTERPRISE CONSTITUTES AN ENTERPRISE FOR  
11 PURPOSES OF SECTION 20 OF ARTICLE X OF THE COLORADO CONSTITUTION  
12 SO LONG AS THE FAVOR ENTERPRISE RETAINS AUTHORITY TO ISSUE  
13 REVENUE BONDS AND RECEIVES LESS THAN TEN PERCENT OF ITS TOTAL  
14 ANNUAL REVENUES IN GRANTS, AS DEFINED IN SECTION 24-77-102 (7),  
15 FROM ALL COLORADO STATE AND LOCAL GOVERNMENTS COMBINED;

16 (III) FOR AS LONG AS IT CONSTITUTES AN ENTERPRISE UNDER THIS  
17 SECTION, THE FAVOR ENTERPRISE IS NOT SUBJECT TO SECTION 20 OF  
18 ARTICLE X OF THE COLORADO CONSTITUTION; AND

19 (IV) THE FEE ESTABLISHED IN SUBSECTION (5)(a) OF THIS SECTION  
20 IS NOT A TAX BUT IS INSTEAD A VOLUNTARY FEE.

21 (3) **Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT  
22 OTHERWISE REQUIRES:

23 (a) "FAVOR ENTERPRISE" MEANS THE ENTERPRISE CREATED IN  
24 SUBSECTION (4) OF THIS SECTION.

25 (b) "FEE" MEANS THE FAVOR ENTERPRISE FEE ESTABLISHED BY  
26 THE FAVOR ENTERPRISE IN ACCORDANCE WITH SUBSECTION (5)(a) OF  
27 THIS SECTION.

1 (c) "FUND" MEANS THE FAVOR ENTERPRISE FUND CREATED IN  
2 SUBSECTION (6) OF THIS SECTION.

3 (d) "GOVERNING BOARD" MEANS THE GOVERNING BOARD OF THE  
4 FAVOR ENTERPRISE DESCRIBED IN SUBSECTION (4)(a) OF THIS SECTION.

5 (e) "PARTICIPATING CARRIER" MEANS A TOWING CARRIER OR AN  
6 IMPOUND FACILITY USED TO STORE MOTOR VEHICLES FOR A TOWING  
7 CARRIER THAT HAS VOLUNTARILY CHOSEN TO PAY THE FEE AND BE  
8 REIMBURSED IN ACCORDANCE WITH SUBSECTION (5) OF THIS SECTION.

9 (f) "STANDARD REIMBURSEMENT" MEANS THE REIMBURSEMENT  
10 AMOUNT SET IN ACCORDANCE WITH SUBSECTION (5)(c) OF THIS SECTION.

11 (4) **FAVOR enterprise - creation - governing board - powers**  
12 **and duties - issuance of bonds.** (a) THE FAVOR ENTERPRISE IS  
13 CREATED AS A GOVERNMENT-OWNED BUSINESS WITHIN THE COMMISSION.  
14 THE GOVERNING BOARD OF THE FAVOR ENTERPRISE CONSISTS OF FIVE  
15 MEMBERS APPOINTED AS FOLLOWS:

16 (I) THE COMMISSION SHALL APPOINT ONE MEMBER WHO IS THE  
17 CHAIR OF THE GOVERNING BOARD;

18 (II) THE CHIEF OF THE COLORADO STATE PATROL SHALL APPOINT  
19 ONE MEMBER;

20 (III) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE  
21 SHALL APPOINT ONE MEMBER; AND

22 (IV) THE GOVERNOR SHALL APPOINT TWO MEMBERS: ONE MEMBER  
23 WHO REPRESENTS VICTIMS ASSISTANCE BOARDS AND ONE MEMBER WHO  
24 REPRESENTS TOWING CARRIERS.

25 (b) EACH APPOINTING OFFICIAL DESCRIBED SUBSECTION (4)(a) OF  
26 THIS SECTION SHALL MAKE THE INITIAL APPOINTMENTS TO THE GOVERNING  
27 BOARD NO LATER THAN OCTOBER 1, 2023.

1 (c) THE TERM OF OFFICE OF MEMBERS OF THE GOVERNING BOARD  
2 IS FOUR YEARS; EXCEPT THAT:

3 (I) EACH MEMBER OF THE GOVERNING BOARD SERVES AT THE  
4 PLEASURE OF THE OFFICIAL WHO APPOINTED THE MEMBER; AND

5 (II) (A) IN ORDER TO ENSURE STAGGERED TERMS OF OFFICE, FOR  
6 EACH MEMBER INITIALLY APPOINTED IN ACCORDANCE WITH SUBSECTIONS  
7 (4)(a)(II) AND (4)(a)(IV) OF THIS SECTION, THE INITIAL TERM OF OFFICE IS  
8 TWO YEARS.

9 (B) THIS SUBSECTION (4)(c)(II) IS REPEALED, EFFECTIVE JULY 1,  
10 2028.

11 (d) EACH MEMBER OF THE GOVERNING BOARD OTHER THAN A  
12 STATE EMPLOYEE SERVES WITHOUT COMPENSATION BUT IS ENTITLED TO  
13 RECEIVE REIMBURSEMENT FROM MONEY IN THE FUND FOR ACTUAL AND  
14 NECESSARY EXPENSES THE MEMBER INCURS IN THE PERFORMANCE OF THE  
15 MEMBER'S DUTIES FOR THE GOVERNING BOARD.

16 (e) (I) THE COMMISSION SHALL ORGANIZE THE GOVERNING BOARD  
17 AND CALL THE FIRST MEETING OF THE GOVERNING BOARD TO OCCUR BY  
18 NOVEMBER 1, 2023.

19 (II) THE GOVERNING BOARD SHALL MEET AT LEAST ANNUALLY.  
20 THE CHAIR MAY CALL ADDITIONAL MEETINGS AS NECESSARY FOR THE  
21 GOVERNING BOARD TO COMPLETE ITS DUTIES.

22 (f) THE GOVERNING BOARD MAY:

23 (I) TAKE ACTIONS NECESSARY TO IMPLEMENT AND ADMINISTER  
24 THIS SECTION;

25 (II) ISSUE BONDS IN ACCORDANCE WITH SUBSECTION (4)(h) OF THIS  
26 SECTION;

27 (III) PERFORM AUDITS ON PARTICIPATING CARRIERS OR RETAIN A

1 CERTIFIED PUBLIC ACCOUNTING FIRM TO PERFORM THE AUDIT;

2 (IV) HIRE ANY NECESSARY EMPLOYEES, WHO MAY ALSO BE  
3 EMPLOYEES OF THE COMMISSION, TO IMPLEMENT AND ADMINISTER THIS  
4 SECTION; AND

5 (V) OBTAIN THE NECESSARY OFFICE SPACE, EQUIPMENT, AND  
6 SERVICES NECESSARY TO IMPLEMENT AND ADMINISTER THIS SECTION.

7 (g) THE GOVERNING BOARD SHALL:

8 (I) OVERSEE THE IMPLEMENTATION AND ADMINISTRATION OF THIS  
9 SECTION;

10 (II) ANNUALLY REPORT TO THE COMMISSION, BY A DATE  
11 DETERMINED BY THE COMMISSION, CONCERNING THE IMPLEMENTATION  
12 AND ADMINISTRATION OF THIS SECTION;

13 (III) ESTABLISH POLICIES TO IMPLEMENT AND ADMINISTER THIS  
14 SECTION; AND

15 (IV) COORDINATE WITH THE COMMISSION AND DEPARTMENT OF  
16 REVENUE TO IMPLEMENT AND ADMINISTER THIS SECTION.

17 (h) THE FAVOR ENTERPRISE MAY ISSUE BONDS, BUT IF THE TOTAL  
18 AMOUNT OF ALL ISSUED BONDS EXCEEDS FIFTY PERCENT OF THE PREVIOUS  
19 FISCAL YEAR'S FEE REVENUE, THE ISSUANCE IS SUBJECT TO APPROVAL BY  
20 THE COMMISSION. THE BONDS MUST BE:

21 (I) ISSUED BY A RESOLUTION OF THE GOVERNING BOARD; AND

22 (II) SECURED BY AND PAYABLE SOLELY OUT OF THE MONEY IN THE  
23 FUND.

24 (5) **Reimbursement program created - participating carrier**  
25 **fee - reimbursement.** (a) (I) THE TOWING CARRIER REIMBURSEMENT  
26 PROGRAM IS CREATED IN ACCORDANCE WITH THIS SECTION. THE FAVOR  
27 ENTERPRISE SHALL ESTABLISH A FEE ON EACH LAW ENFORCEMENT TOW



1 PERFORMED BY A PARTICIPATING CARRIER. THE FEE MUST BE SET IN AN  
2 AMOUNT TO OFFSET THE DIRECT AND INDIRECT COST OF IMPLEMENTING  
3 THIS SECTION.

4 (II) A PARTICIPATING CARRIER MAY INCLUDE THE COST OF THE FEE  
5 IN THE COSTS THE CARRIER MAY CHARGE TO RELEASE A LAW  
6 ENFORCEMENT TOW UNDER SECTION 42-4-2103 (6).

7 (b) THE FAVOR ENTERPRISE SHALL PROVIDE A PARTICIPATING  
8 CARRIER THE STANDARD REIMBURSEMENT FOR EACH LAW ENFORCEMENT  
9 TOW THAT THE CARRIER RELEASES TO AN OWNER OR OWNER'S AGENT IN  
10 ACCORDANCE WITH SECTION 40-10.1-411. THE STANDARD  
11 REIMBURSEMENT IS PROVIDED FROM THE FUND.

12 (c) THE FAVOR ENTERPRISE SHALL ESTABLISH A STANDARD  
13 REIMBURSEMENT AMOUNT BASED ON THE AVERAGE COST OF TOWING AND  
14 STORING MOTOR VEHICLES AS A RESULT OF LAW ENFORCEMENT TOWS, BUT  
15 THE FAVOR ENTERPRISE MAY ADJUST THE STANDARD REIMBURSEMENT  
16 TO TAKE INTO ACCOUNT GEOGRAPHIC DIFFERENCES IN THE COSTS OF  
17 TOWING AND STORING MOTOR VEHICLES AS A RESULT OF A LAW  
18 ENFORCEMENT TOW.

19 (d) THE FAVOR ENTERPRISE MAY ESTABLISH POLICIES AND  
20 PROCEDURES FOR COLLECTING THE FEE, REIMBURSING PARTICIPATING  
21 CARRIERS, BECOMING A PARTICIPATING CARRIER, AND ANY OTHER ACTION  
22 NECESSARY TO IMPLEMENT THIS SECTION.

23 (6) **FAVOR fund.** (a) THE FAVOR ENTERPRISE FUND IS HEREBY  
24 CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF FEES CREDITED  
25 TO THE FUND UNDER SUBSECTION (5) OF THIS SECTION AND ANY OTHER  
26 MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER  
27 TO THE FUND.

1 (b) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND  
2 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE  
3 FUND TO THE FUND.

4 (c) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL  
5 ASSEMBLY, THE FAVOR ENTERPRISE MAY EXPEND MONEY FROM THE  
6 FUND TO IMPLEMENT AND ADMINISTER THIS SECTION.

7 (7) **Participation.** (a) A TOWING CARRIER MAY PARTICIPATE  
8 UNDER THIS SECTION IF THE TOWING CARRIER AGREES TO PAY AND  
9 SUBSEQUENTLY PAYS THE FEE FOR EACH LAW ENFORCEMENT TOW  
10 PERFORMED BY THE TOWING CARRIER. PARTICIPATION IS VOLUNTARY, BUT  
11 TO PARTICIPATE, A TOWING CARRIER MUST AGREE TO BE AUDITED BY THE  
12 FAVOR ENTERPRISE.

13 (b) IF A MOTOR VEHICLE IS IMPOUNDED BY A DIFFERENT  
14 PARTICIPATING CARRIER THAN THE PARTICIPATING CARRIER THAT TOWED  
15 THE MOTOR VEHICLE:

16 (I) EACH PARTICIPATING CARRIER SHALL PAY A PORTION OF THE  
17 FEE BASED ON AN AGREEMENT BETWEEN THE CARRIERS; AND

18 (II) THE PARTICIPATING CARRIERS SHALL DIVIDE THE  
19 REIMBURSEMENT AMOUNT BASED ON THE PORTION OF THE FEE PAID BY  
20 EACH PARTICIPATING CARRIER.

21 **SECTION 3.** In Colorado Revised Statutes, **add** 42-1-236 as  
22 follows:

23 **42-1-236. Towed motor vehicle database.** (1) ON OR BEFORE  
24 JULY 1, 2024, THE DEPARTMENT SHALL CREATE A DATABASE OF MOTOR  
25 VEHICLES THAT HAVE BEEN REPORTED ABANDONED ON PUBLIC PROPERTY  
26 AND TOWED IN ACCORDANCE WITH SECTION 42-4-1804 (1)(b) OR ON  
27 PRIVATE PROPERTY AND TOWED IN ACCORDANCE WITH SECTION 42-4-2103

- 1 (3)(a). THE DATABASE MUST INCLUDE:
- 2 (a) THE IDENTITY OF THE OPERATOR OR LAW ENFORCEMENT
- 3 AGENCY THAT HAS POSSESSION OF EACH MOTOR VEHICLE;
- 4 (b) THE MAKE, MODEL, COLOR, AND YEAR OF EACH MOTOR
- 5 VEHICLE; AND
- 6 (c) THE VEHICLE IDENTIFICATION NUMBER OF EACH MOTOR
- 7 VEHICLE.
- 8 (2) THE DEPARTMENT SHALL MAKE THE DATABASE AVAILABLE TO
- 9 THE PUBLIC BY MEANS OF A WEBSITE SO THAT A PERSON MAY SEARCH THE
- 10 DATABASE TO FIND AN ABANDONED MOTOR VEHICLE BY THE INFORMATION
- 11 DESCRIBED IN SUBSECTIONS (1)(a) TO (1)(c) OF THIS SECTION.
- 12 (3) THE DEPARTMENT SHALL REMOVE A MOTOR VEHICLE AND THE
- 13 CORRESPONDING INFORMATION DESCRIBED IN SUBSECTIONS (1)(a) TO
- 14 (1)(c) OF THIS SECTION FROM THE DATABASE NO FEWER THAN ONE
- 15 HUNDRED TWENTY DAYS AFTER RECEIVING THE REPORT IN ACCORDANCE
- 16 WITH SECTION 42-4-1804 (1)(b) OR 42-4-2103 (3)(a).

17 **SECTION 4.** In Colorado Revised Statutes, 42-4-1804, **amend**

18 (1)(a), (4)(a), and (4)(b) as follows:

19 **42-4-1804. Report of abandoned motor vehicles - owner's**

20 **opportunity to request hearing.** (1) (a) (I) Upon having an abandoned

21 motor vehicle towed, the responsible law enforcement agency shall

22 ascertain, if possible, whether ~~or not~~ the motor vehicle has been reported

23 stolen. ~~and~~; IF THE RESPONSIBLE LAW ENFORCEMENT AGENCY OR TOW

24 OPERATOR STILL HAS CUSTODY OF THE MOTOR VEHICLE FORTY-EIGHT

25 HOURS AFTER IT IS TOWED, THE LAW ENFORCEMENT AGENCY OR THE TOW

26 OPERATOR WITH CUSTODY SHALL REASCERTAIN WHETHER THE MOTOR

27 VEHICLE HAS BEEN REPORTED STOLEN, BUT THE LAW ENFORCEMENT

1 AGENCY OR TOW OPERATOR MAY REASCERTAIN WHETHER THE MOTOR  
2 VEHICLE HAS BEEN REPORTED STOLEN DURING NORMAL BUSINESS HOURS.

3 If ~~so~~ THE MOTOR VEHICLE IS reported STOLEN:

4 (A) ~~such~~ IF THE TOW OPERATOR HAS CUSTODY OF THE MOTOR  
5 VEHICLE, THE TOW OPERATOR SHALL NOTIFY THE LAW ENFORCEMENT  
6 AGENCY OF THE REPORT; AND

7 (B) THE LAW ENFORCEMENT agency shall recover, IF NECESSARY,  
8 and secure the motor vehicle and notify its rightful owner and terminate  
9 the abandonment proceedings under this part 18.

10 (II) EXCEPT AS PROVIDED IN SECTION 40-10.1-411, the responsible  
11 law enforcement agency and the ~~towing carrier shall have~~ TOW OPERATOR  
12 HAVE the right to recover from the owner their reasonable costs and fees  
13 for recovering and securing the motor vehicle. Nothing in this section  
14 ~~shall be construed to authorize~~ AUTHORIZES fees for services that were not  
15 provided or that were provided by another person or entity.

16 (4) (a) If the responsible law enforcement agency does not use an  
17 operator to store the motor vehicle, the responsible law enforcement  
18 agency, within ten working days after the receipt of the report from the  
19 department required in subsection (2) of this section, shall notify by  
20 certified mail the owner of record, if ascertained, and any lienholder, if  
21 ascertained, of the fact of such report and the claim of any lien under  
22 section 42-4-1806. The notice ~~shall~~ MUST contain information that:

23 (I) The identified motor vehicle has been reported abandoned to  
24 the department;

25 (II) GIVES the location of the motor vehicle and the location from  
26 where it was towed; ~~and that,~~

27 (III) Unless claimed within thirty ~~calendar~~ days after the date the

1 notice was sent as determined from the postmark on the notice, the motor  
2 vehicle is subject to sale; AND

3 (IV) IF THE MOTOR VEHICLE WAS LEFT ON PUBLIC PROPERTY  
4 BECAUSE THE DRIVER WAS THE VICTIM OF A CRIME, THE OWNER OR THE  
5 OWNER'S AGENT MAY NOTIFY THE RESPONSIBLE LAW ENFORCEMENT  
6 AGENCY OF THE FACT AND THE MOTOR VEHICLE WILL BE SUBJECT TO SALE  
7 IF UNCLAIMED WITHIN SIXTY DAY AFTER THE DATE THE NOTICE WAS SENT  
8 AS DETERMINED FROM THE POSTMARK ON THE NOTICE.

9 (b) If the responsible law enforcement agency uses an operator to  
10 store the motor vehicle, the responsible law enforcement agency, within  
11 ten working days after the receipt of the report from the department  
12 required in subsection (2) of this section, shall notify by first-class mail  
13 the owner of record, if ascertained, and any lienholder, if ascertained, of  
14 the fact of the report and the claim of any lien under section 42-4-1806.  
15 The notice ~~shall~~ MUST contain information that:

16 (I) The identified motor vehicle has been reported abandoned to  
17 the department;

18 (II) GIVES the location of the motor vehicle and the location from  
19 where it was towed; ~~and that,~~

20 (III) Unless claimed within thirty ~~calendar~~ days after the date the  
21 notice was sent as determined from the postmark on the notice, the motor  
22 vehicle is subject to sale; AND

23 (IV) IF THE MOTOR VEHICLE WAS LEFT ON PUBLIC PROPERTY  
24 BECAUSE THE DRIVER WAS THE VICTIM OF A CRIME, THE OWNER OR THE  
25 OWNER'S AGENT MAY NOTIFY THE OPERATOR OR THE RESPONSIBLE LAW  
26 ENFORCEMENT AGENCY OF THE FACT AND THE MOTOR VEHICLE WILL BE  
27 SUBJECT TO SALE IF UNCLAIMED WITHIN SIXTY DAY AFTER THE DATE THE

1 NOTICE WAS SENT AS DETERMINED FROM THE POSTMARK ON THE NOTICE.

2 **SECTION 5.** In Colorado Revised Statutes, 42-4-1805, **amend**  
3 (1)(a) as follows:

4 **42-4-1805. Appraisal of abandoned motor vehicles - sale.**

5 (1) (a) (I) ~~Abandoned motor vehicles or motor vehicles abandoned in an~~  
6 ~~impound lot subsequent to a tow from public property shall be appraised~~  
7 THE RESPONSIBLE LAW ENFORCEMENT AGENCY SHALL OBTAIN AN  
8 APPRAISAL OF AN ABANDONED MOTOR VEHICLE. THE APPRAISAL MUST BE  
9 PERFORMED by a law enforcement officer or an independent motor  
10 vehicle dealer.

11 (II) ~~and sold by~~ EXCEPT AS PROVIDED IN SUBSECTION (1)(a)(III)  
12 OF THIS SECTION, the responsible law enforcement agency SHALL SELL AN  
13 ABANDONED MOTOR VEHICLE at a public or private sale held ~~not less than~~  
14 AT LEAST thirty days ~~nor more than sixty days~~ after the date the notice  
15 required by section 42-4-1804 (4) was mailed.

16 (III) THE RESPONSIBLE LAW ENFORCEMENT AGENCY SHALL SELL  
17 AN ABANDONED MOTOR VEHICLE AT A PUBLIC OR PRIVATE SALE HELD AT  
18 LEAST SIXTY DAYS AFTER THE NOTICE REQUIRED BY SECTION 42-4-1804  
19 (4) WAS MAILED BY THE RESPONSIBLE LAW ENFORCEMENT AGENCY IF THE  
20 RESPONSIBLE LAW ENFORCEMENT AGENCY OR THE OPERATOR IS NOTIFIED  
21 THAT THE MOTOR VEHICLE WAS LEFT ON PUBLIC PROPERTY BECAUSE THE  
22 DRIVER WAS THE VICTIM OF A CRIME.

23 **SECTION 6.** In Colorado Revised Statutes, 42-4-2103, **amend**  
24 (2)(b)(III) introductory portion, (4)(c), and (4)(d); and **add** (4)(e) and (6)  
25 as follows:

26 **42-4-2103. Abandonment and nonconsensual towing of motor**  
27 **vehicles - private property - rules.** (2) (b) Upon receiving the notice

1 required in subsection (2)(a) of this section, the law enforcement agency  
2 that receives the notice shall:

3 (III) IMMEDIATELY AND AGAIN AFTER FORTY-EIGHT HOURS,  
4 ascertain, if possible, whether the MOTOR vehicle has been reported  
5 stolen, and, if so, the agency shall:

6 (4) Within three days after the receipt of the records set forth in  
7 subsection (3)(c) of this section from the department, the operator shall  
8 notify by certified mail the owner of record, including an out-of-state  
9 owner of record. The operator shall make a reasonable effort to ascertain  
10 the address of the owner of record. The notice must contain the following  
11 information:

12 (c) The location of the motor vehicle and the location from which  
13 it was towed; ~~and~~

14 (d) That, unless claimed within thirty ~~calendar~~ days after the date  
15 the notice was sent, as determined from the postmark on the notice, the  
16 motor vehicle is subject to sale; AND

17 (e) IF THE MOTOR VEHICLE WAS LEFT ON PRIVATE PROPERTY  
18 BECAUSE THE DRIVER WAS THE VICTIM OF A CRIME, THE OWNER OR THE  
19 OWNER'S AGENT MAY NOTIFY THE OPERATOR OF THE FACT AND THE  
20 MOTOR VEHICLE WILL BE SUBJECT TO SALE IF UNCLAIMED WITHIN SIXTY  
21 DAYS AFTER THE DATE THE NOTICE WAS SENT AS DETERMINED FROM THE  
22 POSTMARK ON THE NOTICE.

23 (6) PAYMENT OF THE FEE ESTABLISHED IN ACCORDANCE WITH  
24 SECTION 40-10.1-412 (5) IS A COST OF TOWING.

25 **SECTION 7.** In Colorado Revised Statutes, 42-4-2104, **amend**  
26 (1)(a) introductory portion as follows:

27 **42-4-2104. Appraisal of abandoned motor vehicles - sale.**

1 (1) (a) To sell a motor vehicle that was abandoned on private property,  
2 the operator must sell the motor vehicle in a commercially reasonable  
3 manner at a public or private sale held not less than thirty days nor more  
4 than sixty days after the postmarked date the notice was mailed pursuant  
5 to section 42-4-2103 (4) or the date the operator receives notice that no  
6 record exists for ~~such~~ THE MOTOR vehicle; EXCEPT THAT AN ABANDONED  
7 MOTOR VEHICLE MUST BE SOLD NOT LESS THAN SIXTY DAYS AFTER THE  
8 DATE THE NOTICE WAS SENT AS DETERMINED FROM THE POSTMARK ON THE  
9 NOTICE IF THE OPERATOR HAS BEEN NOTIFIED THAT THE MOTOR VEHICLE  
10 WAS LEFT ON PRIVATE PROPERTY BECAUSE THE DRIVER WAS THE VICTIM  
11 OF A CRIME. The operator must make the sale to a licensed motor vehicle  
12 dealer or wholesaler, or wholesale motor vehicle auction dealer, or  
13 through a classified newspaper advertisement published in Colorado. The  
14 appraisal must be performed by an independent third person. For purposes  
15 of this section, a sale is not commercially reasonable if:

16 **SECTION 8.** In Colorado Revised Statutes, 24-75-402, **add**  
17 (5)(aaa) as follows:

18 **24-75-402. Cash funds - limit on uncommitted reserves -**  
19 **reduction in the amount of fees - exclusions - definitions - repeal.**

20 (5) Notwithstanding any provision of this section to the contrary, the  
21 following cash funds are excluded from the limitations specified in this  
22 section:

23 (aaa) THE FAVOR ENTERPRISE FUND CREATED IN SECTION  
24 40-10.1-412 (6).

25 **SECTION 9. Safety clause.** The general assembly hereby finds,  
26 determines, and declares that this act is necessary for the immediate  
27 preservation of the public peace, health, or safety.