

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

INTRODUCED

LLS NO. 25-0415.01 Jery Payne x2157

HOUSE BILL 25-1117

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Joseph and Boesenecker,

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House Committees

Transportation, Housing & Local Government

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE REGULATION OF VEHICLE IMMOBILIZATION**
102 **COMPANIES.**

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 amends the statutes requiring a permit to boot a vehicle to broaden the permit requirement to include any application, without the appropriate consent, of a device intended to prevent the normal operation of a motor vehicle.

Under current law, a permit holder may be denied a permit to boot a vehicle upon application when the permit holder or owner has been

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.

convicted of a felony within the last 5 years. The bill allows the public utilities commission (commission) to suspend, revoke, or refuse to renew a permit to immobilize a vehicle for felonies and immobilization-related offenses. An applicant must disclose each person that is a principal owner in the vehicle immobilization company (company) in an application.

The commission is authorized to deny an application for or suspend, revoke, or refuse to renew a permit of a company based on a determination that it is not in the public interest for the company to possess a permit. The determination is subject to appeal. Possession of a permit is rebuttably presumed to be not in the public interest if a company has willfully and repeatedly failed to comply with the relevant law.

The bill adds the following new duties for companies:

- Before immobilizing a vehicle, the company must document the vehicle's condition and the reason for the immobilization. Standards are set for the documentation, including taking photographs.
- Upon demand by an authorized or interested person, the company must provide copies of the photographs, and if the company does not provide the photographs and a vehicle is damaged, it creates a rebuttable presumption that the company damaged the vehicle or did not have authority to immobilize the vehicle;
- When an immobilization device is being removed from a vehicle, a company must provide adequate lighting to inspect the vehicle for damage;
- A company shall display its name, the permit number, and a phone number of the company on each company vehicle used in immobilization. Standards are set for the display.
- The representative of a company must have business identification visibly worn at all times while immobilizing a vehicle or accepting payment;
- If a vehicle has been immobilized by a company, another company must not immobilize the vehicle;
- If a company applies more than one immobilization device to a vehicle, the company may not charge more than once for the removal of all the immobilization devices;
- A company must provide, upon request, evidence of the company's commercial liability insurance coverage;
- A company must immediately accept payment and release the vehicle if offered in cash or by valid major credit card;
- Upon request, a company must disclose accepted forms of payment;
- A company must provide an itemized bill showing each charge and the rate for each fee incurred as a result of an immobilization and any fee that caused the immobilization;

and

- A company may not pay money or provide other valuable consideration for the privilege of immobilizing vehicles.

A company is prohibited from immobilizing a vehicle on private property unless:

- The immobilization is ordered or authorized by a court order, an administrative order, or a peace officer or by operation of law; or
- The company has received permission for each individual immobilization, within the 24 hours immediately preceding the immobilization, from a specified person. The company must retain the permission for 3 years.

A property owner with tenants must give each tenant adequate notice of parking regulations as outlined in the bill. A company may not immobilize a vehicle in a parking space or common parking area without the company or property owner giving 24 hours' written notice at least 24 hours before immobilizing the vehicle, unless the vehicle owner or operator has received 2 or more previous notices for parking inappropriately in the same manner. Standards are set for the notice.

If a vehicle parks 3 or more times in the same inappropriate manner, the company or property owner need not give the notice, but the company must place a notice on the immobilized vehicle that contains the phone number of the company, the normal operating hours of the company, and the phone number to contact the company outside of normal operating hours.

To immobilize a vehicle on private property normally used for parking, the following must be provided upon entering the private property:

- Notice of the parking regulations; and
- Notice that a violation of the regulations subjects the vehicle to immobilization at the vehicle owner's expense.

Unless the immobilization is based on an order given by a peace officer, a company may not immobilize a vehicle on private property because the vehicle's registration has expired.

For a company to immobilize a vehicle, the property owner must have posted signage that meets the size, visibility, and placement standards of the bill and contains the following information:

- The restriction or prohibition on parking;
- The times of the day and days that the restriction is applicable, but, if the restriction applies 24 hours per day, 7 days per week, the sign must say "Authorized Parking Only";
- Notice that violating the regulation subjects the violating vehicle to be immobilized at the vehicle owner's expense; and

- The name and telephone number of the company authorized to perform immobilization on the private property.

A company may not patrol or monitor property to enforce parking restrictions on behalf of a property owner.

If a company has immobilized a vehicle on private property, the company must give a written notice of the person's ability to make a complaint to the commission in accordance with the standards of the bill.

A company must release a motor vehicle either within 120 minutes after being contacted outside the company's normal business hours or within 90 minutes during the company's normal business hours. A company must immediately release a vehicle without charge to a towing carrier when evidence is presented that the towing carrier has authorization to conduct a nonconsensual tow or law-enforcement-directed tow. A company must immediately release an immobilized vehicle if the person retrieving the vehicle pays at least 15% of the fees, not to exceed \$60, and the person signs a form affirming that the authorized or interested person owes the company payment for the appropriate fees.

A company must charge a reduced release charge set by the commission and immediately release the vehicle if the vehicle is released after an employee of or agent of the company starts to immobilize the vehicle but before the agent or employee leaves the private property.

A company must retain evidence of giving the notices and disclosures required in the bill for 3 years and provide the evidence to the commission or an enforcement official upon request.

Generally, the bill does not apply to an immobilization ordered by a peace officer or technician directed by a peace officer, an immobilization in a parking space that serves a business if the parking space is on commercial real estate, or an immobilization ordered by a municipality, county, or city and county.

A violation of the bill is generally a deceptive trade practice and is subject to enforcement by the attorney general's office or a district attorney.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds that:

4 (a) Fair and just enforcement of parking regulations is an essential
5 component of maintaining the order and integrity of public spaces and

1 residential communities, fostering a sense of responsibility and respect
2 among all community members;

3 (b) Vehicle immobilization practices, when improperly applied or
4 enforced, can create undue burdens on consumers, particularly those who
5 may face financial or personal challenges;

6 (c) Improper immobilization can undermine public trust in the
7 system and, at times, may result in the disproportionate penalization of
8 individuals for minor or unintentional infractions;

9 (d) Vehicle immobilization practices and related fees
10 disproportionately affect low-income individuals and marginalized
11 communities, exacerbating existing social and economic disparities, and
12 in these instances, individuals often lack access to legal recourse, and the
13 resulting financial strain may hinder their ability to secure basic
14 necessities, such as housing, healthcare, or transportation;

15 (e) Clear and transparent communication regarding parking
16 regulations, including proper signs and timely notices, is crucial to
17 ensuring that consumers are fully informed of their rights and
18 responsibilities and are given reasonable opportunities to rectify minor
19 violations without the threat of excessive penalties or hardship;

20 (f) The state must ensure that vehicle immobilization practices are
21 carried out in a manner that upholds the dignity of all individuals, protects
22 consumers from unnecessary financial strain, and promotes fairness by
23 providing avenues for dispute resolution and mitigation of penalties
24 where appropriate;

25 (g) Vehicle immobilization companies and property owners must
26 be held accountable to the highest ethical standards, with a commitment
27 to transparency, honesty, and fairness in the provision of services. This

1 includes clear, itemized billing, proper safeguards to prevent abuse, and
2 accountability for any damages or mistakes that may arise from the
3 immobilization process.

4 (h) A fair and just system for addressing vehicle immobilization
5 disputes is integral to maintaining public confidence in the regulatory
6 framework. Consumers must have access to effective mechanisms for
7 challenging fees, seeking timely release of immobilized vehicles, and
8 receiving a fair hearing for their cases.

9 (i) Vehicle immobilization should not be a mechanism for unjustly
10 enriching private companies or imposing financial hardship on vulnerable
11 individuals. Kickbacks, improper financial incentives, or the pursuit of
12 unfair profits at the expense of consumers undermine the integrity of the
13 system and erode public trust.

14 (j) This legislation is intended to create a fair, transparent, and
15 equitable framework for vehicle immobilization that balances the need for
16 effective enforcement with the protection of consumers' rights, ensuring
17 that no person is unfairly penalized or unduly burdened by the system;
18 and

19 (k) By establishing clear guidelines for vehicle immobilization,
20 providing transparency, and offering opportunities for consumers to
21 address minor infractions in a reasonable and timely manner, this
22 legislation promotes the values of fairness and justice, strengthening the
23 trust between the public and those entrusted with enforcement
24 responsibilities.

25 (2) Therefore, the general assembly declares that:

26 (a) Ensuring the fair and just implementation of vehicle
27 immobilization practices is a matter of paramount importance to the

1 well-being of Colorado's communities, and enacts this legislation to
2 promote equity, transparency, and accountability in the enforcement of
3 parking regulations; and

4 (b) Fairness, accountability, and ethical conduct must guide every
5 aspect of the enforcement process.

6 **SECTION 2.** In Colorado Revised Statutes, 40-10.1-101, **amend**
7 (10), (11), (14), and (22); and **add** (8.5) as follows:

8 **40-10.1-101. Definitions.** As used in this article 10.1, unless the
9 context otherwise requires:

10 (8.5) "IMMOBILIZE", "IMMOBILIZATION", OR "IMMOBILIZING"
11 MEANS THE APPLICATION WITHOUT THE CONSENT OF AN AUTHORIZED OR
12 INTERESTED PERSON OF A DEVICE INTENDED TO PREVENT THE NORMAL
13 OPERATION OF A MOTOR VEHICLE.

14 (10) (a) "Motor carrier" means:

15 (I) ~~any~~ A person owning, controlling, operating, or managing a
16 motor vehicle that provides transportation in intrastate commerce
17 pursuant to this ~~article~~ ARTICLE 10.1; OR

18 (II) A VEHICLE IMMOBILIZATION COMPANY.

19 (b) ~~except that the term~~ "MOTOR CARRIER" does not include a
20 transportation network company, as defined in section 40-10.1-602 (3),
21 or a transportation network company driver, as defined in section
22 40-10.1-602 (4).

23 (11) "Motor vehicle" OR "VEHICLE" means any automobile, truck,
24 tractor, motor bus, or other self-propelled vehicle or ~~any~~ A trailer
25 DESIGNED TO BE drawn ~~thereby~~ BY A SELF-PROPELLED VEHICLE.

26 (14) "Permit" means the permit issued to a contract carrier under
27 part 2 of this article 10.1, ~~or~~ to a motor carrier under part 3, 4, 5, or 7 of

1 this article 10.1, OR TO A VEHICLE IMMOBILIZATION COMPANY UNDER PART
2 8 OF THIS ARTICLE 10.1.

3 (22) (a) "Vehicle ~~booting~~ IMMOBILIZATION company" means a
4 private ~~corporation, partnership, or sole proprietor in the business of~~
5 ~~immobilizing a motor vehicle through use of a boot~~ PERSON THAT
6 IMMOBILIZES A MOTOR VEHICLE OF ANOTHER PERSON.

7 (b) "VEHICLE IMMOBILIZATION COMPANY" DOES NOT INCLUDE A
8 MUNICIPALITY, A COUNTY, A CITY AND COUNTY, OR OTHER POLITICAL
9 SUBDIVISION OF THE STATE.

10 **SECTION 3.** In Colorado Revised Statutes, **amend** part 8 of
11 article 10.1 of title 40 as follows:

12 **40-10.1-801. Permit requirements - fund.** (1) (a) ~~Effective~~
13 ~~January 1, 2020;~~ A person shall not operate or offer to operate as a
14 vehicle ~~booting~~ IMMOBILIZATION company in intrastate commerce without
15 first having obtained a permit from the commission in accordance with
16 this article 10.1.

17 (b) A person may apply for a permit under this part 8 to the
18 commission in the form and with the information as the commission
19 requires. Permits are valid for one year after the date of issuance.

20 (2) (a) (I) The commission may deny an application FOR OR
21 SUSPEND, REVOKE, OR REFUSE TO RENEW A PERMIT ISSUED under this part
22 8 of a person who has, within the immediately preceding five years, been
23 convicted of, ~~or~~ pled guilty TO, or PLED nolo contendere to a felony OR
24 IMMOBILIZATION-RELATED OFFENSE. The commission may also deny an
25 application ~~under this part 8~~ FOR OR SUSPEND, REVOKE, or refuse to renew
26 ~~the~~ A permit of a vehicle ~~booting~~ IMMOBILIZATION company based upon
27 a determination that the vehicle ~~booting~~ IMMOBILIZATION company or any

1 of its owners, principals, officers, members, partners, or directors has not
2 satisfied a civil penalty arising out of ~~any~~ AN administrative or
3 enforcement action brought by the commission.

4 (II) A VEHICLE IMMOBILIZATION COMPANY THAT APPLIES FOR A
5 PERMIT OR THAT APPLIES TO RENEW A PERMIT SHALL DISCLOSE TO THE
6 COMMISSION EACH PERSON THAT IS AN OWNER OF, PRINCIPAL OF, OFFICER
7 OF, MEMBER OF, PARTNER OF, OR DIRECTOR OF THE VEHICLE
8 IMMOBILIZATION COMPANY IN ACCORDANCE WITH RULES ADOPTED BY THE
9 COMMISSION.

10 (b) THE COMMISSION MAY DENY AN APPLICATION FOR OR SUSPEND,
11 REVOKE, OR REFUSE TO RENEW A PERMIT OF A VEHICLE IMMOBILIZATION
12 COMPANY BASED ON A DETERMINATION THAT IT IS NOT IN THE PUBLIC
13 INTEREST FOR THE VEHICLE IMMOBILIZATION COMPANY TO POSSESS A
14 PERMIT. THE DETERMINATION IS SUBJECT TO APPEAL IN ACCORDANCE
15 WITH COMMISSION RULES. A VEHICLE IMMOBILIZATION COMPANY'S
16 POSSESSION OF A PERMIT IS REBUTTABLY PRESUMED TO BE NOT IN THE
17 PUBLIC INTEREST IF THE VEHICLE IMMOBILIZATION COMPANY HAS
18 WILLFULLY AND REPEATEDLY FAILED TO COMPLY WITH THIS ARTICLE 10.1.

19 (3) (a) Except as otherwise provided in subsection (2) of this
20 section and section 40-10.1-112 (4), the commission shall issue a permit
21 to a vehicle ~~booting~~ IMMOBILIZATION company upon completion of the
22 application and the filing of proof of workers' compensation insurance
23 coverage in accordance with the "Workers' Compensation Act of
24 Colorado", articles 40 to 47 of title 8, and with the financial responsibility
25 requirements of this title 40 and may attach to the permit and to the
26 exercise of the rights granted by the permit any restrictions, terms, and
27 conditions, including altering the rates and charges of the applicant, as are

1 reasonably deemed necessary for the protection of the property of the
2 public.

3 (b) If a vehicle ~~booting~~ IMMOBILIZATION company violates this
4 article 10.1, any other applicable provision of law, or ~~any~~ A COMMISSION
5 rule ADOPTED or COMMISSION order ~~of the commission~~ issued under this
6 article 10.1 and as a result is ordered by a court or by the commission to
7 pay a fine or civil penalty that the vehicle ~~booting~~ IMMOBILIZATION
8 company subsequently fails to pay in full within the time prescribed for
9 payment, and not before the decision imposing the fine or civil penalty
10 becomes a final decision by the commission, then:

11 (I) The vehicle ~~booting~~ IMMOBILIZATION company's permit is
12 revoked; ~~immediately~~; and

13 (II) The vehicle ~~booting~~ IMMOBILIZATION company, its owners,
14 principals, officers, members, partners, and directors, and any other entity
15 owned or operated by one or more of those owners, principals, officers,
16 members, partners, or directors, may be disqualified from obtaining or
17 renewing any operating authority under this title 40 for a period of five
18 years after the date on which the fine or civil penalty was due. The period
19 of disqualification ~~pursuant to~~ DESCRIBED IN this subsection (3)(b)(II) is
20 in addition to, and not in lieu of, and does not affect any other penalty or
21 period of disqualification, including the period of disqualification
22 specified in section 40-10.1-112 (4).

23 (c) A vehicle ~~booting~~ IMMOBILIZATION company's facilities and
24 vehicles are subject to inspection by the commission and by authorized
25 personnel of the Colorado state patrol, which agency shall promptly
26 report to the commission concerning any violations revealed by an
27 inspection.

1 (4) ~~The commission may promulgate rules as necessary and~~
2 ~~reasonable to implement this part 8, including rules regarding signage and~~
3 ~~drop fees.~~

4 (5) There is hereby created in the state treasury the vehicle booting
5 cash fund, referred to in this ~~section~~ SUBSECTION (5) as the "fund",
6 consisting of any fee revenue collected by the commission pursuant to
7 this part 8 and ~~transmitted to the state treasurer for credit~~ CREDITED BY
8 THE STATE TREASURER into the fund and any other money that the general
9 assembly may appropriate or transfer to the fund. The money in the fund
10 is continuously appropriated to the commission for its implementation of
11 this part 8. The state treasurer shall credit all interest and income derived
12 from the deposit and investment of money in the fund to the fund.

13 **40-10.1-802. Vehicle immobilization company document**
14 **vehicle's condition and reason for immobilization - adequate**
15 **illumination.** (1) BEFORE A VEHICLE IMMOBILIZATION COMPANY
16 IMMOBILIZES A VEHICLE, THE COMPANY SHALL DOCUMENT THE VEHICLE'S
17 CONDITION AND THE REASON FOR THE IMMOBILIZATION BY:

18 (a) TAKING AT LEAST FOUR PHOTOGRAPHS OF THE VEHICLE, WITH
19 AT LEAST ONE PHOTOGRAPH TAKEN FROM THE FRONT, ONE PHOTOGRAPH
20 TAKEN FROM THE REAR, ONE PHOTOGRAPH TAKEN FROM THE DRIVER'S
21 SIDE, AND ONE PHOTOGRAPH TAKEN FROM THE PASSENGER'S SIDE. THESE
22 PHOTOGRAPHS MUST:

23 (I) SHOW THE ENTIRE VEHICLE FROM THE REQUIRED ANGLE;

24 (II) HAVE THE VEHICLE FILL AT LEAST THREE-FOURTHS OF THE
25 PHOTOGRAPH, MEASURED FROM SIDE TO SIDE; AND

26 (III) BE RENDERED IN A RESOLUTION OF AT LEAST TWO THOUSAND
27 PIXELS BY AT LEAST TWO THOUSAND PIXELS; AND

1 (b) TAKING A PHOTOGRAPH THAT SHOWS THE REASON FOR THE
2 VEHICLE BEING IMMOBILIZED. THE PHOTOGRAPH MUST:

3 (I) SHOW THE POSITION OF THE VEHICLE IN RELATION TO THE
4 REASON, INCLUDING ANY SIGN, THAT THE VEHICLE WAS IMMOBILIZED; AND

5 (II) BE RENDERED IN A RESOLUTION OF AT LEAST TWO THOUSAND
6 PIXELS BY AT LEAST TWO THOUSAND PIXELS.

7 (2)(a) UPON DEMAND BY AN AUTHORIZED OR INTERESTED PERSON,
8 THE VEHICLE IMMOBILIZATION COMPANY SHALL PROVIDE COPIES OF THE
9 PHOTOGRAPHS REQUIRED TO BE TAKEN BY SUBSECTION (1) OF THIS
10 SECTION TO THE AUTHORIZED OR INTERESTED PERSON.

11 (b) (I) A REBUTTABLE PRESUMPTION THAT A VEHICLE
12 IMMOBILIZATION COMPANY DAMAGED A VEHICLE IS CREATED BY
13 EVIDENCE THAT:

14 (A) THE VEHICLE IMMOBILIZATION COMPANY HAS FAILED TO
15 PRODUCE PHOTOGRAPHS OF THE VEHICLE'S CONDITION IN COMPLIANCE
16 WITH SUBSECTION (2)(a) OF THIS SECTION; AND

17 (B) THE VEHICLE HAS SUFFERED DAMAGE.

18 (II) A VEHICLE IMMOBILIZATION COMPANY'S FAILURE TO PRODUCE
19 A PHOTOGRAPH OF THE REASON FOR THE IMMOBILIZATION IN COMPLIANCE
20 WITH SUBSECTION (2)(a) OF THIS SECTION CREATES A REBUTTABLE
21 PRESUMPTION THAT THE VEHICLE IMMOBILIZATION COMPANY DID NOT
22 HAVE AUTHORIZATION TO IMMOBILIZE A VEHICLE.

23 (c) WHEN AN IMMOBILIZATION DEVICE IS BEING REMOVED FROM
24 A VEHICLE, A VEHICLE IMMOBILIZATION COMPANY SHALL PROVIDE
25 LIGHTING THAT IS ADEQUATE TO ALLOW A PERSON TO INSPECT THE
26 VEHICLE FOR DAMAGE PRIOR TO THE IMMOBILIZATION DEVICE BEING
27 REMOVED.

1 **40-10.1-803. Vehicle immobilization company must display**

2 **name.** (1) (a) A VEHICLE IMMOBILIZATION COMPANY SHALL DISPLAY THE
3 NAME OF THE COMPANY, THE PERMIT NUMBER, AND A PHONE NUMBER OF
4 THE COMPANY ON EACH COMPANY VEHICLE USED IN IMMOBILIZATION.

5 (b) THE DISPLAY REQUIRED IN SUBSECTION (1)(a) OF THIS SECTION
6 MUST BE DISPLAYED:

7 (I) ON EACH SIDE OF THE COMPANY VEHICLE IN PLAIN VIEW; AND

8 (II) WHEN IMMOBILIZING A VEHICLE, DRIVING TO IMMOBILIZE A
9 VEHICLE, OR DRIVING FROM IMMOBILIZING A VEHICLE, BUT THE DISPLAY
10 NEED NOT BE PERMANENTLY AFFIXED TO THE COMPANY VEHICLE.

11 (c) THE LETTERING ON THE DISPLAY REQUIRED IN SUBSECTION
12 (1)(a) OF THIS SECTION MUST BE:

13 (I) LEGIBLE DURING DAYLIGHT HOURS FROM A MINIMUM DISTANCE
14 OF FIFTY FEET; AND

15 (II) AT LEAST THREE INCHES TALL.

16 (2) THE REPRESENTATIVE OF A VEHICLE IMMOBILIZATION
17 COMPANY SHALL HAVE BUSINESS IDENTIFICATION VISIBLY WORN AT ALL
18 TIMES WHILE IMMOBILIZING A VEHICLE OR ACCEPTING PAYMENT.

19 **40-10.1-804. Immobilization - multiple devices.** IF A VEHICLE
20 HAS BEEN IMMOBILIZED BY A VEHICLE IMMOBILIZATION COMPANY,
21 ANOTHER VEHICLE IMMOBILIZATION COMPANY SHALL NOT IMMOBILIZE
22 THE VEHICLE UNTIL THE FIRST IMMOBILIZATION DEVICE HAS BEEN
23 REMOVED. IF A VEHICLE IMMOBILIZATION COMPANY APPLIES MORE THAN
24 ONE IMMOBILIZATION DEVICE TO A VEHICLE, THE COMPANY SHALL NOT
25 CHARGE MORE THAN ONCE FOR THE REMOVAL OF ALL THE
26 IMMOBILIZATION DEVICES.

27 **40-10.1-805. Immobilization requirements and limitations -**

1 **notice to vehicle owner or operator required.** (1) (a) A VEHICLE
2 IMMOBILIZATION COMPANY SHALL NOT IMMOBILIZE A VEHICLE ON PRIVATE
3 PROPERTY UNLESS:

4 (I) THE IMMOBILIZATION IS EXPRESSLY ORDERED OR AUTHORIZED
5 BY A COURT ORDER, AN ADMINISTRATIVE ORDER, OR A PEACE OFFICER OR
6 BY OPERATION OF LAW; OR

7 (II) THE VEHICLE IMMOBILIZATION COMPANY HAS RECEIVED
8 DOCUMENTED PERMISSION, WHICH MUST NOT BE AUTOMATED OR
9 PREAPPROVED, FOR EACH INDIVIDUAL IMMOBILIZATION, WITHIN THE
10 TWENTY-FOUR HOURS IMMEDIATELY PRECEDING THE IMMOBILIZATION,
11 FROM THE FOLLOWING PERSON THAT MUST DOCUMENT THE PERMISSION BY
12 SIGNING THE FORM CREATED IN ACCORDANCE WITH SUBSECTION (1)(b)(I)
13 OF THIS SECTION:

14 (A) THE OWNER OF OR LEASEHOLDER OF THE PRIVATE PROPERTY;
15 EXCEPT THAT, IF THE OWNER OR LEASEHOLDER WOULD EARN INCOME
16 FROM THE IMMOBILIZATION, THE VEHICLE IMMOBILIZATION COMPANY
17 SHALL NOT PERFORM THE IMMOBILIZATION BUT MAY AUTHORIZE ANOTHER
18 VEHICLE IMMOBILIZATION COMPANY TO PERFORM THE IMMOBILIZATION;

19 (B) A PERSON SUBJECT TO THE "COLORADO COMMON INTEREST
20 OWNERSHIP ACT", ARTICLE 33.3 OF TITLE 38, IF THE PRIVATE PROPERTY
21 IS LOCATED WITHIN THE BOUNDARIES OF THE PERSON'S AREA OF
22 OPERATION; OR

23 (C) AN EMPLOYEE OF A PERSON DESCRIBED IN SUBSECTION
24 (1)(a)(II)(A) OR (1)(a)(II)(B) OF THIS SECTION OR AN EMPLOYEE OF A
25 PROPERTY MANAGEMENT COMPANY RETAINED TO COLLECT RENT AND
26 PERFORM RESIDENTIAL SERVICES; EXCEPT THAT THE EMPLOYEE WHO HAS
27 A FINANCIAL INTEREST IN OR RELATIONSHIP WITH THE VEHICLE

1 IMMOBILIZATION COMPANY OR A PARKING LOT MANAGEMENT COMPANY
2 THAT EARNS INCOME FROM MANAGING OR CONTROLLING PARKING OR
3 PERMISSION TO PARK OR THAT EARNS INCOME FROM IMMOBILIZATIONS
4 SHALL NOT GRANT PERMISSION TO AUTHORIZE THE IMMOBILIZATION.

5 (b) (I) THE COMMISSION SHALL CREATE A FORM THAT IMPLEMENTS
6 SUBSECTION (1)(a)(II) OF THIS SECTION.

7 (II) THE VEHICLE IMMOBILIZATION COMPANY MUST RETAIN FOR
8 THREE YEARS AFTER THE IMMOBILIZATION THE SIGNED FORM REQUIRED BY
9 SUBSECTION (1)(a)(II) OF THIS SECTION AND, UPON REQUEST, PROVIDE THE
10 SIGNED FORM TO THE AUTHORIZED OR INTERESTED PERSON.

11 (2) A PROPERTY OWNER WITH TENANTS SHALL ISSUE EACH TENANT
12 A WRITTEN DOCUMENT CONTAINING ANY APPLICABLE PARKING
13 REGULATIONS BEFORE THE REGULATIONS ARE ADOPTED OR AMENDED OR
14 BEFORE THE PERSON AGREES TO BE A TENANT.

15 (3) (a) EXCEPT AS PROVIDED IN SUBSECTION (3)(d) OF THIS
16 SECTION, A VEHICLE IMMOBILIZATION COMPANY SHALL NOT IMMOBILIZE
17 A VEHICLE IN A PARKING SPACE OR COMMON PARKING AREA WITHOUT THE
18 VEHICLE IMMOBILIZATION COMPANY OR PROPERTY OWNER GIVING THE
19 VEHICLE OWNER OR OPERATOR TWENTY-FOUR HOURS' WRITTEN NOTICE,
20 UNLESS THE VEHICLE OWNER OR OPERATOR HAS RECEIVED TWO PREVIOUS
21 NOTICES FOR PARKING INAPPROPRIATELY IN THE SAME MANNER.

22 (b) THE VEHICLE IMMOBILIZATION COMPANY OR PROPERTY OWNER
23 SHALL PROVIDE THE NOTICE REQUIRED IN SUBSECTION (3)(a) OF THIS
24 SECTION BY PLACING A WRITTEN NOTICE ON THE WINDSHIELD OF THE
25 VEHICLE AT LEAST TWENTY-FOUR HOURS BEFORE IMMOBILIZING THE
26 VEHICLE.

27 (c) THE NOTICE REQUIRED IN SUBSECTION (3)(a) OF THIS SECTION

1 MUST STATE CLEARLY:

2 (I) THAT THE VEHICLE WILL BE IMMOBILIZED IF THE VEHICLE
3 REMAINS PARKED INAPPROPRIATELY;

4 (II) A DESCRIPTION OF THE INAPPROPRIATE PARKING THAT HAS
5 CAUSED THE NOTICE TO BE GIVEN;

6 (III) THE DATE AND TIME THE VEHICLE WILL BE IMMOBILIZED IF IT
7 IS NOT MOVED TO APPROPRIATE PARKING OR THE INAPPROPRIATE PARKING
8 HAS NOT BEEN CORRECTED; AND

9 (IV) THAT CONTINUING TO PARK INAPPROPRIATELY IN THE SAME
10 MANNER MAY LEAD TO THE VEHICLE BEING IMMOBILIZED WITHOUT
11 NOTICE.

12 (d) IF A VEHICLE IS PARKED A THIRD OR SUBSEQUENT TIME IN THE
13 SAME INAPPROPRIATE MANNER THAT CAUSED IT TO RECEIVE PREVIOUS
14 NOTICES, THE VEHICLE IMMOBILIZATION COMPANY OR PROPERTY OWNER
15 NEED NOT GIVE THE NOTICE REQUIRED IN SUBSECTION (3)(a) OF THIS
16 SECTION BEFORE IMMOBILIZING THE VEHICLE, BUT THE VEHICLE
17 IMMOBILIZATION COMPANY MUST PLACE A NOTICE ON THE IMMOBILIZED
18 VEHICLE THAT CONTAINS THE PHONE NUMBER OF THE COMPANY, THE
19 NORMAL OPERATING HOURS OF THE COMPANY, AND THE PHONE NUMBER
20 TO CONTACT THE COMPANY OUTSIDE OF NORMAL OPERATING HOURS.

21 (e) FOR PURPOSES OF THIS SUBSECTION (3), A VEHICLE IS PARKED
22 INAPPROPRIATELY WHEN IT IS PARKED IN A MANNER THAT:

23 (I) VIOLATES THE PROCEDURES NECESSARY TO OBTAIN
24 AUTHORIZATION TO PARK IN THE LOT OR SPACE;

25 (II) FAILS TO COMPLY WITH THE PROPERTY OWNER'S SIGNS OR THE
26 AGREEMENTS OF THE TENANTS; OR

27 (III) VIOLATES A STATUTE, RULE, ORDINANCE, OR RESOLUTION OF

1 THE STATE OR A POLITICAL SUBDIVISION OF THE STATE.

2 (4) (a) A VEHICLE IMMOBILIZATION COMPANY SHALL NOT
3 IMMOBILIZE A VEHICLE ON PRIVATE PROPERTY NORMALLY USED FOR
4 PARKING UNLESS:

5 (I) NOTICE OF THE PARKING REGULATIONS WAS PROVIDED TO THE
6 VEHICLE OPERATOR UPON ENTERING THE PRIVATE PROPERTY AND PARKING
7 THE VEHICLE; AND

8 (II) NOTICE THAT A VEHICLE PARKED IN VIOLATION OF THE
9 REGULATIONS IS SUBJECT TO IMMOBILIZATION AT THE VEHICLE OWNER'S
10 EXPENSE WAS PROVIDED TO THE VEHICLE OPERATOR UPON ENTERING THE
11 PRIVATE PROPERTY AND PARKING THE VEHICLE.

12 (b) A PROPERTY OWNER WITH TENANTS SHALL PROVIDE THE
13 NOTICE DESCRIBED IN THIS SUBSECTION (4) BY ISSUING EACH TENANT A
14 WRITTEN DOCUMENT CONTAINING THE APPLICABLE PARKING REGULATIONS
15 BEFORE THE REGULATIONS ARE ADOPTED OR AMENDED OR BEFORE THE
16 PERSON AGREES TO BE A TENANT.

17 (5) UNLESS THE IMMOBILIZATION IS BASED ON AN ORDER GIVEN BY
18 A PEACE OFFICER, A VEHICLE IMMOBILIZATION COMPANY SHALL NOT
19 IMMOBILIZE A VEHICLE ON PRIVATE PROPERTY BECAUSE THE REAR LICENSE
20 PLATE OF THE VEHICLE OR THE RECORD OBTAINED USING THE SYSTEM
21 DESCRIBED IN SECTION 42-4-2103 (3)(c)(III) INDICATES THAT THE
22 VEHICLE'S REGISTRATION HAS EXPIRED.

23 **40-10.1-806. Signage required to immobilize a vehicle.** (1) IN
24 ORDER FOR A VEHICLE IMMOBILIZATION COMPANY TO IMMOBILIZE A
25 VEHICLE, THE PROPERTY OWNER MUST HAVE POSTED SIGNAGE THAT:

26 (a) IS NOT LESS THAN TWO SQUARE FEET IN SIZE;

27 (b) HAS LETTERING NOT LESS THAN ONE INCH IN HEIGHT;

1 (c) HAS LETTERING THAT CONTRASTS SHARPLY IN COLOR WITH THE
2 BACKGROUND ON WHICH THE LETTERS ARE PLACED AND CONTRASTS
3 SHARPLY WITH THE STRUCTURE THE SIGNS ARE PLACED ON;

4 (d) CONTAINS THE FOLLOWING INFORMATION IN THE ORDER LISTED
5 BELOW:

6 (I) THE RESTRICTION OR PROHIBITION ON PARKING;

7 (II) THE TIMES OF THE DAY AND DAYS THAT THE RESTRICTION IS
8 APPLICABLE, BUT, IF THE RESTRICTION APPLIES TWENTY-FOUR HOURS PER
9 DAY, SEVEN DAYS PER WEEK, THE SIGN MUST SAY "AUTHORIZED PARKING
10 ONLY";

11 (III) NOTICE THAT VIOLATING THE REGULATION SUBJECTS THE
12 VIOLATING VEHICLE TO BE IMMOBILIZED AT THE VEHICLE OWNER'S
13 EXPENSE; AND

14 (IV) THE NAME AND TELEPHONE NUMBER OF THE VEHICLE
15 IMMOBILIZATION COMPANY AUTHORIZED TO PERFORM IMMOBILIZATIONS
16 ON THE PRIVATE PROPERTY;

17 (e) IS PRINTED IN ENGLISH AND SPANISH;

18 (f) IS PERMANENTLY MOUNTED BOTH:

19 (I) AT EACH ENTRANCE TO THE PRIVATE PROPERTY SO THAT THE
20 SIGN FACES OUTWARD TOWARD THE STREET AND IS VISIBLE BEFORE AND
21 UPON ENTERING THE PRIVATE PROPERTY; AND

22 (II) INSIDE THE PRIVATE PROPERTY SO THAT THE SIGN FACES
23 OUTWARD TOWARD THE PARKING AREA;

24 (g) IS NOT OBSTRUCTED FROM VIEW OR PLACED IN A MANNER THAT
25 PREVENTS DIRECT VISIBILITY;

26 (h) IS NOT PLACED HIGHER THAN TEN FEET OR LOWER THAN THREE
27 FEET FROM THE SURFACE CLOSEST TO THE SIGN'S PLACEMENT;

1 (i) HAS THE SAME NUMBER OF SIGNS AS THE NUMBER OF
2 LAMPPOSTS IF THE PARKING AREA HAS MORE THAN TEN FREESTANDING
3 LAMPPOSTS ON THE PROPERTY, AND:

4 (I) A SIGN IS POSTED ON EACH LAMPPOST; OR

5 (II) A SIGN IS POSTED UPRIGHT IN CONSPICUOUS LOCATIONS
6 EVENLY DISTRIBUTED ACROSS THE PARKING AREA.

7 (2) THE SIGNAGE REQUIRED BY THIS SECTION MAY BE COMBINED
8 WITH THE SIGNAGE REQUIRED IN SECTION 40-10.1-405.

9 **40-10.1-807. Patrolling prohibited.** A VEHICLE IMMOBILIZATION
10 COMPANY SHALL NOT PATROL OR MONITOR PROPERTY TO ENFORCE
11 PARKING RESTRICTIONS ON BEHALF OF A PROPERTY OWNER.

12 **40-10.1-808. Insurance must be provided.** IN CONNECTION WITH
13 AN IMMOBILIZATION, A VEHICLE IMMOBILIZATION COMPANY SHALL
14 PROVIDE, UPON REQUEST, EVIDENCE OF THE VEHICLE IMMOBILIZATION
15 COMPANY'S COMMERCIAL LIABILITY INSURANCE COVERAGE, INCLUDING
16 MOTOR VEHICLE LIABILITY COVERAGE, TO AN AUTHORIZED OR INTERESTED
17 PERSON.

18 **40-10.1-809. Payment requirements - itemized bills.** (1) (a) A
19 VEHICLE IMMOBILIZATION COMPANY SHALL IMMEDIATELY ACCEPT
20 PAYMENT IF OFFERED IN CASH OR BY VALID MAJOR CREDIT CARD. UPON
21 PAYMENT, THE VEHICLE IMMOBILIZATION COMPANY SHALL RELEASE THE
22 VEHICLE TO AN AUTHORIZED OR INTERESTED PERSON.

23 (b) UPON REQUEST, A VEHICLE IMMOBILIZATION COMPANY SHALL
24 DISCLOSE ACCEPTED FORMS OF PAYMENT, INCLUDING THOSE FORMS
25 REQUIRED TO BE ACCEPTED IN ACCORDANCE WITH SUBSECTION (1)(a) OF
26 THIS SECTION.

27 (2) A VEHICLE IMMOBILIZATION COMPANY SHALL PROVIDE TO AN

1 AUTHORIZED OR INTERESTED PERSON AN ITEMIZED BILL SHOWING EACH
2 CHARGE AND THE RATE FOR EACH FEE INCURRED AS A RESULT OF AN
3 IMMOBILIZATION AND ANY FEE THAT CAUSED THE IMMOBILIZATION.

4 **40-10.1-810. Release requirements - notice - private property**
5 **- release for nonconsensual tow.** (1) IF A VEHICLE IMMOBILIZATION
6 COMPANY HAS IMMOBILIZED A VEHICLE ON PRIVATE PROPERTY, THE
7 VEHICLE IMMOBILIZATION COMPANY SHALL GIVE THE AUTHORIZED OR
8 INTERESTED PERSON THAT IS HAVING THE VEHICLE RELEASED A WRITTEN
9 NOTICE OF THE PERSON'S ABILITY TO MAKE A COMPLAINT TO THE
10 COMMISSION. THE NOTICE:

11 (a) MUST BE WRITTEN IN A CONSPICUOUS TYPEFACE AND FONT ON
12 THE INVOICE, RECEIPT, AND BILL FOR RELEASING THE VEHICLE; AND

13 (b) MUST NOT BE IN A TYPEFACE OR FONT THAT IS SMALLER THAN
14 THE OTHER NUMBERS OR WORDS ON THE INVOICE, RECEIPT, OR BILL, AS
15 APPLICABLE.

16 (2) A VEHICLE IMMOBILIZATION COMPANY SHALL RELEASE THE
17 MOTOR VEHICLE TO AN AUTHORIZED OR INTERESTED PERSON EITHER:

18 (a) WITHIN ONE HUNDRED TWENTY MINUTES AFTER BEING
19 CONTACTED BY THE AUTHORIZED OR INTERESTED PERSON OUTSIDE OF THE
20 VEHICLE IMMOBILIZATION COMPANY'S NORMAL BUSINESS HOURS; OR

21 (b) WITHIN NINETY MINUTES AFTER BEING CONTACTED BY THE
22 AUTHORIZED OR INTERESTED PERSON DURING THE VEHICLE
23 IMMOBILIZATION COMPANY'S NORMAL BUSINESS HOURS.

24 (3) A VEHICLE IMMOBILIZATION COMPANY SHALL IMMEDIATELY
25 RELEASE A VEHICLE AND REMOVE THE IMMOBILIZATION DEVICE WITHOUT
26 CHARGE TO A TOWING CARRIER WHEN EVIDENCE IS PRESENTED THAT THE
27 TOWING CARRIER HAS AUTHORIZATION TO CONDUCT A NONCONSENSUAL

1 TOW OR LAW-ENFORCEMENT-DIRECTED TOW.

2 **40-10.1-811. Partial-payment release - partial charge - form**

3 **required.** (1) (a) A VEHICLE IMMOBILIZATION COMPANY SHALL
4 IMMEDIATELY RELEASE AN IMMOBILIZED VEHICLE IF:

5 (I) THE AUTHORIZED OR INTERESTED PERSON PAYS AT LEAST
6 FIFTEEN PERCENT OF THE FEES, NOT TO EXCEED SIXTY DOLLARS, OWED THE
7 VEHICLE IMMOBILIZATION COMPANY FOR THE IMMOBILIZATION;

8 (II) THE AUTHORIZED OR INTERESTED PERSON IS NOT A
9 LIENHOLDER OR INSURANCE COMPANY; AND

10 (III) THE AUTHORIZED OR INTERESTED PERSON COMPLIES WITH
11 SUBSECTION (1)(b) OF THIS SECTION.

12 (b) (I) FOR AN AUTHORIZED OR INTERESTED PERSON TO RETRIEVE
13 A VEHICLE WITHOUT PAYING THE VEHICLE IMMOBILIZATION COMPANY THE
14 TOTAL AMOUNT OWED TO THE COMPANY, THE AUTHORIZED OR
15 INTERESTED PERSON MUST SIGN A FORM AFFIRMING THAT THE
16 AUTHORIZED OR INTERESTED PERSON OWES THE COMPANY PAYMENT FOR
17 FEES THAT COMPLY WITH THIS ARTICLE 10.1 OR ARTICLE 20 OF TITLE 38.
18 KNOWINGLY PROVIDING FALSE INFORMATION ON THE FORM IS UNLAWFUL.
19 SIGNING THE FORM DOES NOT PROHIBIT AN AUTHORIZED OR INTERESTED
20 PERSON FROM FILING A COMPLAINT WITH THE COMMISSION OR PURSUING
21 OTHER REMEDIES. THE VEHICLE IMMOBILIZATION COMPANY MAY USE THE
22 FORM TO TAKE REASONABLE ACTIONS TO COLLECT THE DEBT.
23 REASONABLE ACTIONS INCLUDE INITIATING A COURT ACTION OR USING A
24 COLLECTION AGENCY.

25 (II) THE COMMISSION SHALL:

26 (A) CREATE THE FORM;

27 (B) TITLE THE FORM: "IMMOBILIZED VEHICLE RELEASE NOTICE

1 WITH PAYMENT OWED"; AND

2 (C) PROVIDE THE FORM ON THE COMMISSION'S WEBSITE FOR
3 VEHICLE IMMOBILIZATION COMPANIES TO RETRIEVE AND USE.

4 (c) TO RELEASE A VEHICLE IN ACCORDANCE WITH SUBSECTION
5 (1)(a) OF THIS SECTION, A VEHICLE IMMOBILIZATION COMPANY SHALL NOT
6 REQUIRE A PERSON TO UNDERGO AN APPROVAL PROCESS, OTHER THAN
7 SIGNING THE FORM CREATED PURSUANT TO SUBSECTION (1)(b) OF THIS
8 SECTION.

9 (2) (a) A VEHICLE IMMOBILIZATION COMPANY SHALL CHARGE A
10 REDUCED RELEASE CHARGE IN AN AMOUNT SET BY THE COMMISSION TO
11 RELEASE A VEHICLE IF THE VEHICLE IS RELEASED AFTER AN EMPLOYEE OF
12 OR AGENT OF THE VEHICLE IMMOBILIZATION COMPANY STARTS TO
13 IMMOBILIZE THE VEHICLE BUT BEFORE THE AGENT OR EMPLOYEE LEAVES
14 THE PRIVATE PROPERTY.

15 (b) IF APPROACHED BY AN AUTHORIZED OR INTERESTED PERSON
16 BEFORE THE VEHICLE IS IMMOBILIZED ON PRIVATE PROPERTY, THE VEHICLE
17 IMMOBILIZATION COMPANY SHALL NOTIFY THE AUTHORIZED OR
18 INTERESTED PERSON THAT THE COMPANY IS REQUIRED TO RELEASE THE
19 VEHICLE UPON REQUEST OF THE AUTHORIZED OR INTERESTED PERSON AND
20 PAYMENT OF THE CHARGE DESCRIBED IN SUBSECTION (2)(a) OF THIS
21 SECTION.

22 (c) UPON REQUEST BY THE AUTHORIZED OR INTERESTED PERSON
23 AND PAYMENT OF THE CHARGE DESCRIBED IN SUBSECTION (2)(a) OF THIS
24 SECTION, THE VEHICLE IMMOBILIZATION COMPANY SHALL IMMEDIATELY
25 STOP AN IMMOBILIZATION IN PROGRESS ON PRIVATE PROPERTY.

26 **40-10.1-812. Records.** A VEHICLE IMMOBILIZATION COMPANY
27 SHALL RETAIN EVIDENCE, INCLUDING PHOTOGRAPHS OF THE RELEVANT

1 SIGNS AND OF THE VEHICLE, OF GIVING THE NOTICES AND DISCLOSURES
2 REQUIRED IN SECTIONS 40-10.1-802, 40-10.1-805, AND 40-10.1-806 FOR
3 THREE YEARS AFTER THE DATE OF COMPLETION OF AN IMMOBILIZATION
4 AND PROVIDE THE EVIDENCE TO THE COMMISSION OR AN ENFORCEMENT
5 OFFICIAL UPON REQUEST.

6 **40-10.1-813. Applicability - exceptions.** (1) SECTIONS
7 40-10.1-802 TO 40-10.1-812 DO NOT APPLY TO:

8 (a) AN IMMOBILIZATION ORDERED BY A PEACE OFFICER OR
9 TECHNICIAN DIRECTED BY A PEACE OFFICER IN THE COURSE AND SCOPE OF
10 THE OFFICER'S OR TECHNICIAN'S DUTIES;

11 (b) AN IMMOBILIZATION IN A PARKING SPACE THAT SERVES A
12 BUSINESS IF THE PARKING SPACE IS ON COMMERCIAL REAL ESTATE, AS
13 DEFINED IN SECTION 38-22.5-102 (2); OR

14 (c) AN IMMOBILIZATION ORDERED BY A MUNICIPALITY, A COUNTY,
15 OR A CITY AND COUNTY OR PERFORMED BY AN AGENT OF OR EMPLOYEE OF
16 A MUNICIPALITY, A COUNTY, OR A CITY AND COUNTY.

17 **40-10.1-814. Kickbacks prohibited.** A VEHICLE IMMOBILIZATION
18 COMPANY SHALL NOT PAY MONEY OR PROVIDE OTHER VALUABLE
19 CONSIDERATION FOR THE PRIVILEGE OF IMMOBILIZING VEHICLES.

20 **40-10.1-815. Rules.** THE COMMISSION MAY ADOPT RULES AS
21 NECESSARY AND REASONABLE TO IMPLEMENT THIS PART 8.

22 **40-10.1-816. Violators subject to penalties.** AN IMMOBILIZATION
23 IN VIOLATION OF SECTIONS 40-10.1-802 TO 40-10.1-812 OR SECTION
24 40-10.1-814 BY A VEHICLE IMMOBILIZATION COMPANY IS A DECEPTIVE
25 TRADE PRACTICE UNDER SECTION 6-1-105 (1)(iii) AND IS SUBJECT TO
26 ENFORCEMENT BY THE ATTORNEY GENERAL'S OFFICE OR A DISTRICT
27 ATTORNEY OR ENFORCEMENT.

1 **SECTION 4.** In Colorado Revised Statutes, 6-1-105, **add** (1)(iii)
2 as follows:

3 **6-1-105. Unfair or deceptive trade practices - definitions.**

4 (1) A person engages in a deceptive trade practice when, in the course of
5 the person's business, vocation, or occupation, the person:

6 (iiii) IS A VEHICLE IMMOBILIZATION COMPANY AND IMMOBILIZES
7 A VEHICLE IN VIOLATION OF SECTIONS 40-10.1-802 TO 40-10.1-812 OR
8 SECTION 40-10.1-814.

9 **SECTION 5. Applicability.** This act applies to violations
10 committed on or after the effective date of this act.

11 **SECTION 6. Safety clause.** The general assembly finds,
12 determines, and declares that this act is necessary for the immediate
13 preservation of the public peace, health, or safety or for appropriations for
14 the support and maintenance of the departments of the state and state
15 institutions.