

CHAPTER 70

PROPERTY

HOUSE BILL 94-1224

BY REPRESENTATIVES Schauer, Berry, Lawrence, and Tucker;
also SENATORS Wattenberg, R. Powers, and Tebedo.

AN ACT**CONCERNING THE DISPOSITION OF PERSONAL PROPERTY LEFT AT SERVICE ESTABLISHMENTS.**

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

SECTION 1. Article 21 of title 38, Colorado Revised Statutes, 1982 Repl. Vol., is amended to read:

38-21-101. Who entitled to special lien. Every person who, while lawfully in possession of an article of personal property, renders any service to the owner thereof OF SUCH PROPERTY, by labor or skill, has a special lien thereon, dependent on possession, for the compensation, if any, which is due to him from the owner for such service. Every laundry proprietor, person conducting a laundry business, dry cleaning establishment proprietor, and person conducting a dry cleaning establishment has a general lien, dependent on possession, upon all personal property in his hands SUCH PERSON'S POSSESSION belonging to a customer, for the balance due him from such customer for laundry work and for the balance due him from such customer for dry cleaning work, but nothing in this section shall be construed to confer a lien in favor of a wholesale dry cleaner on materials received from a dry cleaning establishment proprietor or a person conducting a dry cleaning establishment. The terms "person" and "proprietor", as used in this article, include an individual, firm, partnership, association, corporation, and company.

38-21-102. Lienor may sell. (1) Any garment, clothing, wearing apparel, or household goods remaining THAT REMAIN in the possession of a person, on which cleaning, pressing, glazing, laundering, or washing has been done, or upon which alterations or repairs have been made, or on which materials or supplies have been used or furnished, for a period of one hundred twenty NINETY days or more after the completion of such services or labor may be sold. to pay the unpaid reasonable or agreed charges therefor and the costs of notifying the owner. The person to whom

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

such charges are payable and owing shall first notify the owner of such property of the time and place of such sale PURSUANT TO SECTION 38-21-104. Property that is to be placed in storage after any of the services or labor mentioned in this section shall not be affected by the provisions of this section.

(2) IF ANY GARMENT, CLOTHING, OR WEARING APPAREL IS LEFT WITH A LAUNDERER OR RETAIL DRY CLEANER FOR LAUNDERING OR DRY CLEANING AND IS NOT RECLAIMED BY THE CUSTOMER WITHIN ONE HUNDRED EIGHTY DAYS, THE LAUNDERER OR DRY CLEANER MAY, WITHOUT ANY LIABILITY OR RESPONSIBILITY FOR SUCH GARMENT, CLOTHING, OR WEARING APPAREL AND WITHOUT FURTHER NOTIFICATION TO THE CUSTOMER, DISPOSE OF SUCH ITEM IN ANY MANNER SUITABLE TO THE LAUNDERER OR DRY CLEANER.

38-21-103. Sale for storage charges. (1) All garments, clothing, and wearing apparel on which any of the services or labor mentioned in section 38-21-102 have been performed and then placed in storage by agreement, remaining in the possession of a person without the reasonable or agreed charges having been paid for a period of ~~twelve months~~ NINETY DAYS, may be sold. ~~to pay said charges and costs of notifying the owner.~~ The person to whom the charges are payable and owing shall first notify the owner of such property of the time and place of sale PURSUANT TO SECTION 38-21-104. Persons operating as warehouses or warehousemen shall not be affected by this section.

(2) IF ANY GARMENT, CLOTHING, OR WEARING APPAREL IS LEFT IN STORAGE WITHOUT THE REASONABLE OR AGREED CHARGES HAVING BEEN PAID AND IS NOT RECLAIMED BY THE CUSTOMER WITHIN ONE HUNDRED EIGHTY DAYS, THE PERSON HOLDING SUCH PROPERTY MAY, WITHOUT ANY LIABILITY OR RESPONSIBILITY FOR SUCH GARMENT, CLOTHING, OR WEARING APPAREL AND WITHOUT FURTHER NOTIFICATION TO THE CUSTOMER, DISPOSE OF SUCH ITEM IN ANY MANNER IT DEEMS SUITABLE.

38-21-104. How notice given. (1) ~~The posting or~~ NOTICE REQUIRED IN THIS ARTICLE SHALL BE SATISFIED BY mailing of a registered letter, with a return address marked thereon, addressed to the owner of the property ~~at his~~ IF AN address WAS given at the time of delivery of the property, ~~to such person to render any of the services or labor set out in this article or, if no address was so given, at his address if otherwise known, stating the time and place of sale, shall constitute notice as required in this article. Said notice shall be posted or mailed at least twenty days before the date of sale.~~ STATING THAT THE GARMENT, CLOTHING, OR WEARING APPAREL SHALL BE DISPOSED OF UNLESS IT IS RECLAIMED WITHIN THIRTY DAYS AFTER THE DATE OF THE NOTICE. The cost of posting or mailing said letter shall be added to the charges.

(2) ~~If no address was given at the time of delivery of the property or if the address of the owner is not otherwise known, such person who has performed the services or labor shall cause to be published at least once in a daily or weekly newspaper in the city, town, city and county, or county wherein such property was delivered to such person a notice of the time and place of sale, and such notice shall be published at least twenty days before the date of sale. Such notice shall constitute notice as required in this article if notice cannot be mailed. The cost of one such publication shall be added to the charges.~~

38-21-105. Disposition of proceeds of sale. The person to whom the charges are payable and owing from the proceeds of the sale shall deduct the charges due plus the cost of notifying the owner and shall hold the overplus, if any, subject to the order of the owner, and immediately thereafter shall mail to the owner thereof at his address, if known, a notice of the holding of such sale and the amount of the overplus due the owner. At any time within twelve months after such notice, such person shall upon demand by the owner pay to the owner such overplus in his hands. If no such demand is made within such twelve-month period or, if the address of the owner is unknown and no demand is made by the owner within twelve months after the date of sale, such overplus shall become the property of the person who has performed the services or labor provided for in this article.

38-21-106. Notice posted in receiving office. Each person taking advantage of this article must keep posted in a prominent place in his receiving office at all times ~~two notices~~ A NOTICE which shall read as follows:

"All articles cleaned, pressed, glazed, laundered, washed, altered, or repaired and not called for in one hundred ~~twenty~~ EIGHTY days will be sold to pay charges."

~~"All articles stored by agreement, and charges not having been paid for twelve months, will be sold to pay charges."~~

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 31, 1994