

CHAPTER 55

PROPERTY

HOUSE BILL 95-1325

BY REPRESENTATIVES Schauer, Berry, Acquafresca, Lyle, May, Musgrave, and Schwarz;
Also SENATOR Wattenberg.

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. 38-21-102, Colorado Revised Statutes, 1982 Repl. Vol., as amended, is amended to read:

38-21-102. Lienor may sell or dispose. (1) Any ~~garment~~ GARMENTS, clothing, wearing apparel, ~~or~~ household goods, OR ANY OTHER ITEMS that remain in the possession of a person, on which cleaning, pressing, glazing, laundering, or washing has been done, alterations or repairs have been made, or materials or supplies have been used or furnished, for a period of ninety days or more after the completion of such services or labor may be sold. The person to whom 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~~ GARMENTS, clothing, ~~or~~ wearing apparel, HOUSEHOLD GOODS, OR ANY OTHER ITEMS ~~is~~ ARE left with a launderer or retail dry cleaner for laundering or dry cleaning and ~~is~~ ARE not reclaimed by the customer within one hundred eighty days, the launderer or dry cleaner may, without any liability or responsibility for such ~~garment~~ GARMENTS, clothing, ~~or~~ wearing apparel, HOUSEHOLD GOODS, OR ANY OTHER ITEMS and without ~~further~~ notification to the customer, dispose of such ~~item~~ ITEMS in any manner suitable to the launderer or dry cleaner.

SECTION 2. 38-21-103, Colorado Revised Statutes, 1982 Repl. Vol., as amended, is amended to read:

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

38-21-103. Sale for storage charges - disposal. (1) All garments, clothing, ~~and~~ wearing apparel, HOUSEHOLD GOODS, AND ANY OTHER ITEMS 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 ninety days, may be sold. 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~~ GARMENTS, clothing, ~~or~~ wearing apparel, HOUSEHOLD GOODS, OR ANY OTHER ITEMS ~~is~~ ARE left FOR LAUNDERING OR DRY CLEANING AND PLACED in storage without the reasonable or agreed charges having been paid and ~~is~~ ARE not reclaimed by the customer within one hundred eighty days, the person holding such property may, without any liability or responsibility for such ~~garment~~ GARMENTS, clothing, ~~or~~ wearing apparel, HOUSEHOLD GOODS, OR ANY OTHER ITEMS and without ~~further~~ notification to the customer, dispose of such ~~item~~ ITEMS in any manner it deems suitable.

SECTION 3. 38-21-104 (1), Colorado Revised Statutes, 1982 Repl. Vol., as amended, is amended, and the said 38-21-104 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

38-21-104. How notice given. (1) The notice required in this article shall be satisfied by mailing a registered letter, with a return address marked thereon, addressed to the owner of the property if an address was given at the time of delivery of the property, stating that the ~~garment~~ GARMENTS, clothing, ~~or~~ wearing apparel, HOUSEHOLD GOODS, OR ANY OTHER ITEMS ON WHICH ANY OF THE SERVICES OR LABOR MENTIONED IN SECTION 38-21-102 HAVE BEEN PERFORMED shall be ~~disposed of~~ SOLD unless ~~it is~~ THEY ARE reclaimed within thirty days after the date of the notice. THE NOTICE SHALL ALSO INCLUDE THE TIME AND PLACE OF THE SALE. The cost of posting or mailing said letter shall be added to the charges.

(3) WHETHER OR NOT AN ADDRESS WAS GIVEN AT THE TIME OF DELIVERY OF THE PROPERTY, THE PERSON HOLDING SUCH PROPERTY MAY DISPOSE OF ANY ITEM AFTER ONE HUNDRED EIGHTY DAYS WITHOUT NOTICE PURSUANT TO THE PROVISIONS OF SECTION 38-21-102 (2) OR SECTION 38-21-103 (2).

SECTION 4. 38-21-106, Colorado Revised Statutes, 1982 Repl. Vol., as amended, is amended to read:

38-21-106. Notice posted in receiving office. Each person taking advantage of this article must keep posted in a prominent place in such person's receiving office at all times a notice which shall read as follows:

"All articles cleaned, pressed, glazed, laundered, washed, altered, or repaired and ~~not called for~~ RECLAIMED WITHIN NINETY DAYS MAY BE SOLD, AND SUCH ITEMS MAY BE DISPOSED OF AFTER ~~in~~ one hundred eighty days." ~~will be sold to pay charges."~~

SECTION 5. 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: April 7, 1995