

## CHAPTER 99

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**MOTOR VEHICLES AND TRAFFIC REGULATION**

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SENATE BILL 00-093

BY SENATOR Nichol;  
also REPRESENTATIVES Paschall, Gotlieb, McElhany, and Stengel.**AN ACT**CONCERNING THE REQUIREMENT FOR NOTIFYING THE DEPARTMENT OF REVENUE IN A TIMELY MANNER  
WHEN AN ABANDONED MOTOR VEHICLE IS TOWED.*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** 42-4-1805 (3) (a), Colorado Revised Statutes, is amended, and the said 42-4-1805 (3) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

**42-4-1805. Abandonment of motor vehicles - private tow.** (3) (a) Any operator shall, as soon as possible, but in no event later than ~~seventy-two hours after receipt of determination that such motor vehicle has not been reported stolen~~ FIVE WORKING DAYS AFTER A MOTOR VEHICLE HAS BEEN TOWED, COMPLY WITH THE PROVISIONS OF SUBPARAGRAPH (I) OF PARAGRAPH (c) OF THIS SUBSECTION (3) AND report ~~the same~~ THAT A MOTOR VEHICLE HAS BEEN TOWED to the department by first-class or certified mail or by personal delivery, which report shall be on a form prescribed and supplied by the department.

(c) (I) AN OPERATOR OR ITS AGENT SHALL, WITHIN FIVE WORKING DAYS AFTER A MOTOR VEHICLE HAS BEEN TOWED, DETERMINE IF THERE IS AN OWNER AND A LIENHOLDER REPRESENTED IN DEPARTMENT RECORDS AND NOTIFY THE OWNER AND THE LIENHOLDER BY CERTIFIED MAIL OR BY PERSONAL DELIVERY OF THE INFORMATION REQUIRED BY THE REPORT SET FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (3). THE COST OF COMPLYING WITH THE PROVISIONS OF THIS PARAGRAPH (c) SHALL BE CONSIDERED A COST OF TOWING; EXCEPT THAT THE TOTAL OF SUCH COSTS SHALL NOT EXCEED THE LESSER OF FIFTY DOLLARS OR TEN TIMES THE COST OF NOTIFYING THE OWNER AND LIENHOLDER BY CERTIFIED MAIL.

(II) THE OPERATOR SHALL NOT BE ENTITLED TO RECOVER ANY DAILY STORAGE

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

FEES FROM THE DAY THE VEHICLE IS TOWED UNTIL THE DAY THE OWNER AND LIENHOLDER ARE NOTIFIED, UNLESS THE OPERATOR NOTIFIES THE OWNER AND LIENHOLDER WITHIN FIVE DAYS PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (c).

(III) THE DEPARTMENT SHALL IMPLEMENT AN ELECTRONIC SYSTEM WHEREBY AN OPERATOR REGISTERED UNDER SECTION 42-4-1807 (2) OR THE AGENT OF SUCH OPERATOR SHALL HAVE ACCESS TO INFORMATION RELATING TO ANY OWNER AND LIENHOLDER OF A VEHICLE TOWED BY THE OPERATOR AS REPRESENTED IN THE DEPARTMENT RECORDS. THE DEPARTMENT SHALL ENSURE THAT THE INFORMATION AVAILABLE TO AN OPERATOR OR ITS AGENT IS LIMITED SOLELY TO THAT INFORMATION NECESSARY TO CONTACT THE OWNER AND LIENHOLDER OF SUCH VEHICLE.

**SECTION 2.** 42-4-1805 (4) and the introductory portion to 42-4-1805 (5), Colorado Revised Statutes, as they will become effective July 1, 2000, are amended to read:

**42-4-1805. Abandonment of motor vehicles - private tow.** (4) ~~Upon its receipt of such report, the department shall search its records, the records of the issuing state if the vehicle is not registered in Colorado, or make other inquiries to ascertain, if possible, the last-known owner of record of the abandoned motor vehicle and any lienholder as those persons are represented in department records. In the event the vehicle is determined by the department not to be registered in the state of Colorado, the report required by this section shall state that no Colorado title record exists regarding the vehicle. Within ten working days of such receipt, the department shall complete its search and shall transmit such report, together with all relevant information thereon, to the operator.~~

(5) ~~Within five working days of~~ AFTER the receipt of such report from the department, the operator shall notify by certified mail or by personal delivery to the owner of record ~~and any lienholder~~, including an out-of-state owner of record. ~~and lienholder~~. The operator shall make all reasonable efforts to ascertain the address of the owner of record. ~~and whether there are any lienholders on the vehicle~~. The operator shall send a copy of the notice by certified mail or by personal delivery to the responsible law enforcement agency in which the abandoned motor vehicle is located. Such notice shall contain the following information:

**SECTION 3. Effective date.** This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: March 31, 2000