

## CHAPTER 202

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**MOTOR VEHICLES AND TRAFFIC REGULATION**

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**HOUSE BILL 10-1340**

BY REPRESENTATIVE(S) Vigil, King S., Labuda, Pace;  
also SENATOR(S) Newell, Williams.

**AN ACT**

**CONCERNING THE NOTICE SENT BY A LAW ENFORCEMENT AGENCY WHEN A VEHICLE HAS BEEN  
TOWED FROM PUBLIC PROPERTY.**

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

**SECTION 1.** 42-4-1804 (4), Colorado Revised Statutes, is amended to read:

**42-4-1804. Report of abandoned motor vehicles - owner's opportunity to request hearing.** (4) (a) IF THE RESPONSIBLE LAW ENFORCEMENT AGENCY DOES NOT USE AN OPERATOR TO STORE THE MOTOR VEHICLE, the responsible law enforcement agency, within ten working days after the receipt of the report from the department required in subsection (2) of this section, shall notify by certified mail the owner of record, if ascertained, and any lienholder, if ascertained, of the fact of such report and the claim of any lien under section 42-4-1806. ~~and shall send a copy of such notice to the operator.~~ The notice shall contain information that the identified motor vehicle has been reported abandoned to the department, the location of the motor vehicle and the location from ~~which~~ WHERE it was towed, and that, unless claimed within thirty calendar days after the date the notice was sent as determined from the postmark on the notice, the motor vehicle is subject to sale.

(b) IF THE RESPONSIBLE LAW ENFORCEMENT AGENCY USES AN OPERATOR TO STORE THE MOTOR VEHICLE, THE RESPONSIBLE LAW ENFORCEMENT AGENCY, WITHIN TEN WORKING DAYS AFTER THE RECEIPT OF THE REPORT FROM THE DEPARTMENT REQUIRED IN SUBSECTION (2) OF THIS SECTION, SHALL NOTIFY BY FIRST-CLASS MAIL THE OWNER OF RECORD, IF ASCERTAINED, AND ANY LIENHOLDER, IF ASCERTAINED, OF THE FACT OF THE REPORT AND THE CLAIM OF ANY LIEN UNDER SECTION 42-4-1806. THE NOTICE SHALL CONTAIN INFORMATION THAT THE IDENTIFIED MOTOR VEHICLE HAS BEEN REPORTED ABANDONED TO THE DEPARTMENT, THE LOCATION OF THE MOTOR VEHICLE AND THE LOCATION FROM WHERE IT WAS TOWED, AND THAT,

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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.*

UNLESS CLAIMED WITHIN THIRTY CALENDAR DAYS AFTER THE DATE THE NOTICE WAS SENT AS DETERMINED FROM THE POSTMARK ON THE NOTICE, THE MOTOR VEHICLE IS SUBJECT TO SALE.

(c) ~~Such notice~~ THE RESPONSIBLE LAW ENFORCEMENT AGENCY shall ~~also inform~~ INCLUDE IN THE NOTICES SENT PURSUANT TO EITHER PARAGRAPH (a) OR (b) OF THIS SUBSECTION (4) A STATEMENT INFORMING the owner of record of the opportunity to request a hearing concerning the legality of the towing of the abandoned motor vehicle, and the responsible law enforcement agency to contact for that purpose.

(d) ~~Such~~ IF AN OWNER OR LIENHOLDER REQUESTS A HEARING, THE OWNER OR LIENHOLDER SHALL MAKE THE request ~~shall be made~~ in writing to the responsible law enforcement agency within ten days after the notice was sent, as determined by the postmark. Such hearing, if requested, shall be conducted pursuant to ~~the provisions of~~ section 24-4-105, C.R.S., if the responsible law enforcement agency is the Colorado state patrol. If a local political subdivision is the responsible law enforcement agency, such hearing shall be conducted pursuant to local hearing procedures. If it is determined at the hearing that the motor vehicle was illegally towed upon request from a law enforcement agency, all towing charges and storage fees assessed against the vehicle shall be paid by such law enforcement agency.

**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: May 5, 2010