

**Second Regular Session
Sixty-third General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 02-0329.02 Jery Payne

SENATE BILL 02-132

SENATE SPONSORSHIP

Nichol

HOUSE SPONSORSHIP

(None)

Senate Committees

Govt, Veterans & Military Relations, & Trans

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE REFORMATION OF THE REGULATION OF PERSONS**
102 **WHO TOW ABANDONED MOTOR VEHICLES, AND, IN CONNECTION**
103 **THEREWITH, RECODIFYING THE LAWS REGULATING TOWING**
104 **ABANDONED VEHICLES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Divides the law dealing with abandoned vehicles into 2 parts based upon the distinction between vehicles that are abandoned on public property and those that are abandoned on private property.

Authorizes the law enforcement agency or towing carrier that tows an abandoned vehicle to recover fees from the vehicle's owner.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

Extends from 3 to 10 days the time a law enforcement agency has to report the tow of an abandoned vehicle from public property to the department of revenue. Authorizes the use of internet communications for such report. Repeals the requirement that such report contain a list of the names and addresses of any known drivers. Extends from immediate notification to notification within 24 hours the time a tow operator has to notify the appropriate law enforcement agency of a nonconsensual tow from private property. Extends to 10 days:

- The time a law enforcement agency has to notify the owner of a towed abandoned vehicle after the receipt of a report from the department of revenue containing the name of the owner of the abandoned vehicle.
- The time a tow operator has to report a tow to the department of revenue.
- The time a tow operator has to notify both the owner and the lienholder after such operator learns the identity of such owner and lienholder.

Authorizes such reports to be made via the internet.

Requires a law enforcement agency to pay towing charges and storage fees when it is determined at the appropriate hearing that the motor vehicle was illegally towed at the request of the law enforcement agency. Requires a finding by an administrative law judge of a violation of this act before an operator's registration is canceled.

Authorizes the payment of reasonable fees for recovering and securing a motor vehicle when it is discovered that a motor vehicle towed from private property has been reported stolen.

Extends from 5 to 10 days the time a towing carrier has to notify the owner of an abandoned motor vehicle before the towing carrier is prohibited from collecting storage fees prior to such notification.

Repeals a requirement that a tow operator send a copy of a tow report to the responsible law enforcement agency.

When a tow operator is preparing to sell an abandoned motor vehicle to satisfy the operator's lien, repeals a provision that allows the owner of the motor vehicle to delay such sale for 30 days by notifying the tow operator of an intent to claim the vehicle.

Authorizes a tow operator to satisfy fees for selling, recovery, towing, and storage of a motor vehicle from the operator's lien. Authorizes the tow operator to satisfy the operator's lien from the personal property within or attached to the vehicle. Clarifies that a foreclosed motor vehicle may be sold through advertisement in any newspaper in Colorado.

Lowers from 30 to 10 days the time a vehicle owner has to comply with the law and reclaim the vehicle after the court has determined that the vehicle owner has violated registration or inspection laws.

Defines relevant terms. Redefines "abandoned motor vehicle" to

1 ~~same within seventy-two hours;~~

2 (e) (b) Any motor vehicle left unattended on public property,
3 including any portion of a highway right-of-way, within the limits of any
4 incorporated town or city for a period longer than any limit prescribed by
5 any local ordinance concerning the abandonment of motor vehicles or, if
6 there is no such ordinance, for a period of ~~seventy-two~~ FORTY-EIGHT
7 hours or longer; OR

8 (d) (c) Any motor vehicle stored in an impound lot at the request
9 of ~~its owner or the owner's agent~~ or a law enforcement agency and not
10 removed from the impound lot ~~according to the agreement with the owner~~
11 ~~or agent~~ or within seventy-two hours ~~of~~ AFTER the time the law
12 enforcement agency notifies the owner or agent that the vehicle is
13 available for release upon payment of any applicable charges or fees. If
14 a law enforcement agency requested the storage, the provisions governing
15 public tows of this part 18 apply as of the time of abandonment, and such
16 law enforcement agency shall be deemed the responsible law enforcement
17 agency. ~~Otherwise, the private tow provisions of this part 18 apply as of~~
18 ~~the time of abandonment.~~

19 (1.5) (2) "Agency employee" means any employee of the
20 department of transportation or other municipal, county, or city and
21 county agency responsible for highway safety and maintenance.

22 (1.7) (3) "Auto parts recycler" means any person that purchases
23 motor vehicles for the purpose of dismantling and selling the components
24 thereof and that complies with all federal, state, and local regulations.

25 (2) (4) "Appraisal" means a bona fide estimate of reasonable
26 market value made by any motor vehicle dealer licensed in this state or
27 by any employee of the Colorado state patrol or of any sheriff's or police

1 department whose appointment for such purpose has been reported by the
2 head of the appointing agency to the executive director of the department.

3 ~~(3)~~ (5) "Disabled motor vehicle" means any motor vehicle ~~which~~
4 THAT is stopped or parked, either attended or unattended, upon a public
5 right-of-way and ~~which~~ THAT is, due to any mechanical failure or any
6 inoperability because of a collision, a fire, or any other such injury,
7 temporarily inoperable under its own power.

8 ~~(4)~~ (6) "Impound lot" means a parcel of real property ~~which~~ THAT
9 is owned or leased by a government or operator at which motor vehicles
10 are stored under appropriate protection.

11 ~~(5)~~ (7) "Operator" means a person or a firm licensed by the public
12 utilities commission as a towing carrier. For purposes of this part 18,
13 "Operator" includes auto parts recyclers ~~except that nothing in this part~~
14 ~~18 shall authorize the public utilities commission to issue or require a~~
15 ~~license to operate as an auto parts recycler THAT TOW VEHICLES FOR~~
16 REMUNERATION.

17 ~~(6)~~ "Private property" means any real property which is not public
18 property.

19 ~~(7)~~ "Private tow" means any tow of an abandoned motor vehicle
20 not requested by a law enforcement agency.

21 (8) "Public property" means any real property having its title,
22 ownership, use, or possession held by the federal government; this state;
23 or any county, municipality, as defined in section 31-1-101 (6), C.R.S.,
24 or other governmental entity of this state.

25 ~~(9)~~ "Public tow" means any tow of an abandoned motor vehicle
26 requested by a law enforcement agency.

27 ~~(10)~~ (9) "Responsible law enforcement agency" means

1 (a) ~~In the case of a public tow,~~ the law enforcement agency
2 authorizing the original tow of an abandoned motor vehicle, whether or
3 not the vehicle is towed to another law enforcement agency's jurisdiction.

4 (b) ~~In the case of a private tow, the law enforcement agency~~
5 ~~having jurisdiction over the private property where the motor vehicle~~
6 ~~becomes abandoned.~~

7 **42-4-1803. Abandonment of motor vehicles - public property.**

8 (1) No person shall abandon any motor vehicle upon public property.
9 Any sheriff, undersheriff, deputy sheriff, police officer, marshal,
10 Colorado state patrol officer, or ~~an~~ agent of the Colorado bureau of
11 investigation who finds a motor vehicle ~~which~~ THAT such officer has
12 reasonable grounds to believe has been abandoned shall require such
13 motor vehicle to be removed or cause the same to be removed and placed
14 in storage in any impound lot designated or maintained by the law
15 enforcement agency employing such officer.

16 (2) Whenever any sheriff, undersheriff, deputy sheriff, police
17 officer, marshal, Colorado state patrol officer, agent of the Colorado
18 bureau of investigation, or ~~an~~ agency employee finds a motor vehicle,
19 vehicle, cargo, or debris, attended or unattended, standing upon any
20 portion of a highway right-of-way in such a manner as to constitute an
21 obstruction to traffic or proper highway maintenance, such officer or
22 agency employee is authorized to cause the motor vehicle, vehicle, cargo,
23 or debris to be moved to eliminate any such obstruction; and neither the
24 officer, the agency employee, nor anyone acting under the direction of
25 such officer or employee shall be liable for any damage to such motor
26 vehicle, vehicle, cargo, or debris occasioned by such removal. The
27 removal process is intended to clear the obstruction, but such activity

1 should create as little damage as possible to the vehicle, or cargo, or both.
2 No agency employee shall cause any motor vehicle to be moved unless
3 such employee has obtained approval from a local law enforcement
4 agency of a municipality, county, or city and county, the Colorado bureau
5 of investigation, or the Colorado state patrol.

6 **42-4-1804. Report of abandoned motor vehicles - owner's**
7 **opportunity to request hearing.** (1) (a) Upon having an abandoned
8 motor vehicle towed, the responsible law enforcement agency shall
9 ascertain, if possible, whether or not the motor vehicle has been reported
10 stolen, and, if so reported, such agency shall recover and secure the motor
11 vehicle and notify its rightful owner and terminate the abandonment
12 proceedings under this part 18. The responsible law enforcement agency
13 AND THE TOWING CARRIER shall have the right to recover from the owner
14 ~~its~~ THEIR reasonable costs ~~to recover and secure~~ AND FEES FOR
15 RECOVERING AND SECURING the motor vehicle.

16 (b) As soon as possible, but in no event later than ~~three~~ TEN
17 working days after having an abandoned motor vehicle towed, the
18 responsible law enforcement agency shall report the same to the
19 department by first-class or certified mail, ~~or~~ by personal delivery, ~~which~~
20 OR BY INTERNET COMMUNICATION. THE report shall be on a form
21 prescribed and supplied by the department.

22 (c) The report shall contain the following information:
23 (I) The fact of possession, including the date possession was
24 taken, the location of storage of the abandoned motor vehicle and the
25 location from which it was towed, the identity of the responsible law
26 enforcement agency, and the business address, telephone number, and
27 name and signature of a representative from the responsible law

1 enforcement agency;

2 (II) If applicable, the identity of the operator possessing the
3 abandoned motor vehicle, together with the operator's business address
4 and telephone number and the carrier number assigned by the public
5 utilities commission; and

6 (III) A description of the abandoned motor vehicle, including the
7 make, model, color, and year, the number, issuing state, and expiration
8 date of the license plate, and the vehicle identification number. ~~and a list
9 of the names and addresses of any known drivers.~~

10 (2) Upon its receipt of such report, the department shall search its
11 records or make other inquiries to ascertain, if possible, the last-known
12 owner of record for the abandoned motor vehicle and any lienholder as
13 those persons are represented in department records. In the event the
14 vehicle is determined by the department not to be registered in the state
15 of Colorado, the report required by this section shall state that no
16 Colorado title record exists regarding the vehicle. Within ten working
17 days ~~of~~ AFTER such receipt, the department shall complete its search and
18 shall transmit such report, together with all relevant information thereon,
19 to the responsible law enforcement agency.

20 (3) The responsible law enforcement agency, upon its receipt of
21 the report required under subsection (2) of this section, shall determine,
22 from all available information and after reasonable inquiry, whether or
23 not the abandoned motor vehicle has been reported stolen, and, if so
24 reported, such agency shall recover and secure the motor vehicle and
25 notify its rightful owner and terminate the abandonment proceedings
26 under this part 18. The responsible law enforcement agency shall have
27 the right to recover from the owner its reasonable costs to recover and

1 secure the motor vehicle.

2 (4) The responsible law enforcement agency, within ~~five~~ TEN
3 working days ~~of~~ AFTER the receipt of the report from the department
4 required in subsection (2) of this section, shall notify by certified mail the
5 owner of record, if ascertained, and any lienholder, if ascertained, of the
6 fact of such report and the claim ~~if any~~, of a ANY lien under section
7 ~~42-4-1807~~ 42-4-1806 and shall send a copy of such notice to the operator.

8 The notice shall contain information that the identified motor vehicle has
9 been reported abandoned to the department, the location of the motor
10 vehicle and the location from which it was towed, and that, unless
11 claimed within thirty calendar days ~~from~~ AFTER the date the notice was
12 sent as determined from the postmark on the notice, the motor vehicle is
13 subject to sale. Such notice shall also inform the owner of record of the
14 opportunity to request a hearing concerning the legality of the towing of
15 the abandoned motor vehicle, and the responsible law enforcement
16 agency to contact for that purpose. Such request shall be made in writing
17 to the responsible law enforcement agency within ten days ~~of the~~
18 ~~postmarked date of sending such~~ AFTER THE notice WAS SENT. Such
19 hearing, if requested, shall be conducted pursuant to the provisions of
20 section 24-4-105, C.R.S., if the responsible law enforcement agency is
21 the Colorado state patrol. If a local political subdivision is the
22 responsible law enforcement agency, such hearing shall be conducted
23 pursuant to local hearing procedures. ~~In the event~~ IF it is determined at
24 the hearing that the motor vehicle was illegally towed UPON REQUEST
25 FROM A LAW ENFORCEMENT AGENCY, all towing charges and storage fees
26 assessed against the vehicle shall be ~~forgiven~~ PAID BY SUCH LAW
27 ENFORCEMENT AGENCY.

1 (5) The department shall maintain department-approved notice
2 forms satisfying the requirements of subsection (4) of this section and
3 shall make them available for use by local law enforcement agencies.

4 (6) (a) AN OPERATOR OR ITS AGENT SHALL, WITHIN FIVE WORKING
5 DAYS AFTER A MOTOR VEHICLE HAS BEEN TOWED, DETERMINE IF THERE IS
6 AN OWNER AND A LIENHOLDER REPRESENTED IN DEPARTMENT RECORDS
7 AND SEND A NOTICE BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO
8 THE ADDRESS OF THE OWNER AND THE LIENHOLDER. THE COST OF
9 COMPLYING WITH THIS PARAGRAPH (a) SHALL BE CONSIDERED A COST OF
10 TOWING; EXCEPT THAT THE TOTAL OF SUCH COSTS SHALL NOT EXCEED THE
11 LESSER OF ONE HUNDRED DOLLARS OR TEN TIMES THE COST OF NOTIFYING
12 THE OWNER AND LIENHOLDER BY CERTIFIED MAIL. SUCH NOTICE SHALL
13 CONTAIN THE FOLLOWING INFORMATION:

14 (I) THE FACT OF POSSESSION, INCLUDING THE DATE POSSESSION
15 WAS TAKEN, THE LOCATION OF STORAGE OF THE MOTOR VEHICLE, AND THE
16 LOCATION FROM WHICH IT WAS TOWED;

17 (II) THE IDENTITY OF THE OPERATOR POSSESSING THE ABANDONED
18 MOTOR VEHICLE, TOGETHER WITH THE OPERATOR'S BUSINESS ADDRESS
19 AND TELEPHONE NUMBER AND THE CARRIER NUMBER ASSIGNED BY THE
20 PUBLIC UTILITIES COMMISSION; AND

21 (III) A DESCRIPTION OF THE MOTOR VEHICLE, INCLUDING THE
22 MAKE, MODEL, COLOR, AND YEAR AND THE NUMBER, ISSUING STATE, AND
23 EXPIRATION DATE OF THE LICENSE PLATE, OR ANY OTHER INDICIA OF THE
24 MOTOR VEHICLE'S STATE OF ORIGIN.

25 (b) THE OPERATOR SHALL NOT BE ENTITLED TO RECOVER ANY
26 DAILY STORAGE FEES FROM THE DAY THE VEHICLE IS TOWED UNTIL THE
27 DAY THE OWNER AND LIENHOLDER ARE NOTIFIED, UNLESS THE OPERATOR

1 REASONABLY ATTEMPTS TO NOTIFY THE OWNER AND LIENHOLDER BY THE
2 DATE SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (6). SENDING A
3 NOTICE BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO THE OWNER
4 AND THE LIENHOLDER AS REPRESENTED IN DEPARTMENT RECORDS SHALL
5 BE DEEMED A REASONABLE ATTEMPT TO NOTIFY THE OWNER AND THE
6 LIENHOLDER. FAILURE TO NOTIFY THE OWNER AND THE LIENHOLDER DUE
7 TO THE RECEIPT OF ERRONEOUS INFORMATION FROM THE DEPARTMENT
8 SHALL NOT CAUSE THE LOSS OF SUCH STORAGE FEES ACCRUED FROM THE
9 DATE THE VEHICLE IS TOWED UNTIL THE OWNER AND THE LIENHOLDER
10 RECEIVE SUCH NOTICE.

11 **42-4-1805. [Formerly 42-4-1806] Appraisal of abandoned**
12 **motor vehicles - sale.** (1) ~~Public tow~~ Abandoned motor vehicles or
13 motor vehicles abandoned in an impound lot subsequent to a TOW FROM
14 public ~~tow~~ PROPERTY shall be appraised and sold by the responsible law
15 enforcement agency at a public or private sale held not less than thirty
16 days nor more than sixty days after the date the notice required by section
17 42-4-1804 (4) was mailed.

18 (3) (2) If the appraised value of an abandoned motor vehicle sold
19 pursuant to this section is two hundred dollars or less, the sale shall be
20 made only for the purpose of junking, scrapping, or dismantling such
21 motor vehicle, and the purchaser thereof shall not, under any
22 circumstances, be entitled to a Colorado certificate of title. The operator
23 or responsible law enforcement agency making the sale shall cause to be
24 executed and delivered a bill of sale, together with a copy of the report
25 described in section 42-4-1804, ~~pertaining to public tow abandoned motor~~
26 ~~vehicles, or section 42-4-1805, pertaining to private tow abandoned motor~~
27 ~~vehicles,~~ to the person purchasing such motor vehicle. The bill of sale

1 shall state that the purchaser acquires no right to a certificate of title for
2 such vehicle. The operator or responsible law enforcement agency
3 making the sale shall promptly submit a report of sale, with a copy of the
4 bill of sale, to the department and shall deliver a copy of such report of
5 sale to the purchaser of the motor vehicle. Upon receipt of any report of
6 sale with supporting documents on any sale made pursuant to this
7 subsection ~~(3)~~ (2), the department shall purge the records for such vehicle
8 as provided in section ~~42-4-1811 (1) (b)~~ 42-4-1810 (1) (b) and shall not
9 issue a new certificate of title for such vehicle. Any certificate of title
10 issued in violation of this subsection ~~(3)~~ (2) shall be void.

11 ~~(4)~~ (3) If the appraised value of an abandoned motor vehicle sold
12 pursuant to this section is more than two hundred dollars, the sale may be
13 made for any intended use by the purchaser thereof. The operator or
14 responsible law enforcement agency making the sale shall cause to be
15 executed and delivered a bill of sale, together with a copy of the report
16 described in section 42-4-1804, ~~pertaining to public tow abandoned motor~~
17 ~~vehicles, or section 42-4-1805, pertaining to private tow abandoned motor~~
18 ~~vehicles~~, and an application for a Colorado certificate of title signed by
19 a legally authorized representative of the operator or responsible law
20 enforcement agency conducting the sale, to the person purchasing such
21 motor vehicle. The purchaser of the abandoned motor vehicle shall be
22 entitled to a Colorado certificate of title upon application and proof of
23 compliance with the applicable provisions of the "Certificate of Title
24 Act", part 1 of article 6 of this title. ~~and regulations of the department.~~

25 **42-4-1806. [Formerly 42-4-1807] Liens upon towed motor**
26 **vehicles.** (1) Whenever an operator who is registered with the
27 department in accordance with subsection (2) of this section recovers,

1 removes, or stores a motor vehicle upon instructions ~~from the owner of~~
2 ~~record thereof or any other legally authorized person in control of such~~
3 ~~motor vehicle, from the owner or lessee of real property upon which a~~
4 ~~motor vehicle is illegally parked or the owner's or lessee's agent~~
5 ~~authorized in writing, or from any duly authorized law enforcement~~
6 ~~agency or peace officer who has determined that such motor vehicle is an~~
7 ~~abandoned motor vehicle, such operator shall have a possessory lien,~~
8 ~~SUBJECT TO THE PROVISIONS OF SECTION 42-4-1804 (6), upon such motor~~
9 ~~vehicle and its attached accessories or equipment for all ~~costs of recovery~~~~
10 ~~FEES FOR RECOVERING, towing, and storage as authorized in ~~section~~~~
11 ~~42-4-1810 (2) (a) SECTION 42-4-1809 (2) (a).~~ Such lien shall be a first
12 and prior lien on the motor vehicle, and such lien shall be satisfied before
13 all other charges against such motor vehicle.

14 (2) (a) No operator shall have a possessory lien upon a motor
15 vehicle described in subsection (1) of this section unless said operator is
16 registered with the department. Such registration shall include the
17 following information:

18 (I) The location of the operator's tow business;

19 (II) The hours of operation of the operator's tow business;

20 (III) The location of the impound lot where vehicles may be
21 claimed by the owner of record; and

22 (IV) Any information relating to a violation of any provision
23 contained in this part 18 or of any other state law or rule relating to the
24 operation, theft, or transfer of motor vehicles.

25 (b) The executive director of the department may cancel the
26 registration of any operator if ~~the executive director~~ AN ADMINISTRATIVE
27 LAW JUDGE finds, after affording the operator due notice and an

1 opportunity to be heard, that the operator has violated any of the
2 provisions set forth in this part 18.

3 **42-4-1807. [Formerly 42-4-1808] Perfection of lien.** The lien
4 provided for in section ~~42-4-1807~~ 42-4-1806 shall be perfected by taking
5 physical possession of the motor vehicle and its attached accessories or
6 equipment and by sending to the department within ~~three~~ TEN working
7 days ~~of~~ AFTER the time possession was taken a notice containing the
8 information required in the report to be made under the provisions of
9 section 42-4-1804. ~~or section 42-4-1805.~~ In addition, such report shall
10 contain a declaration by the operator that a possessory lien is claimed for
11 all past, present, and future charges, up to the date of redemption, and
12 that the lien is enforceable and may be foreclosed pursuant to the
13 provisions of this part 18.

14 **42-4-1808. [Formerly 42-4-1809] Foreclosure of lien.** Any
15 motor vehicle and its attached accessories and equipment ~~subject to the~~
16 ~~possessory lien provided for in section 42-4-1807 and~~ OR PERSONAL
17 PROPERTY WITHIN OR ATTACHED TO SUCH VEHICLE THAT ARE not
18 redeemed by the last-known owner of record or lienholder after such
19 owner or lienholder has been sent notice of such lien by the operator shall
20 be sold in accordance with the provisions of section ~~42-4-1806~~
21 42-4-1805.

22 **42-4-1809. [Formerly 42-4-1810] Proceeds of sale.** (1) If the
23 sale of any motor vehicle, PERSONAL PROPERTY, and its attached
24 accessories or equipment under the provisions of section ~~42-4-1806~~
25 42-4-1805 produces an amount less than or equal to the sum of all
26 charges of the operator who has perfected his or her lien, then the
27 operator shall have a valid claim against the owner of record for the full

1 amount of such charges, less the amount received upon the sale of such
2 motor vehicle. Such charges shall be assessed in the manner provided for
3 in paragraph (a) of subsection (2) of this section.

4 (2) If the sale of any motor vehicle and its attached accessories or
5 equipment under the provisions of section ~~42-4-1806~~ 42-4-1805 produces
6 an amount greater than the sum of all charges of the operator who has
7 perfected his or her lien:

8 (a) The proceeds shall first satisfy the ~~operator's charges as~~
9 ~~follows: The operator's reasonable and documented costs~~ FEE arising
10 from the sale of the motor vehicle ~~pursuant to section 42-4-1806 (2) (a)~~
11 and the cost AND FEES of towing the abandoned motor vehicle with a
12 maximum charge that is specified in rules promulgated by the public
13 utilities commission that govern nonconsensual tows by towing carriers.
14 In the case of an abandoned motor vehicle weighing in excess of ten
15 thousand pounds, ~~the provisions of this paragraph (a) shall not apply and~~
16 the operator's charges shall be determined by negotiated agreement
17 between the operator and the responsible law enforcement agency.

18 (b) Any balance ~~then~~ remaining AFTER PAYMENT PURSUANT TO
19 PARAGRAPH (a) OF THIS SUBSECTION (2) shall be paid to the responsible
20 law enforcement agency to satisfy the cost of mailing notices, having an
21 appraisal made, advertising and selling the motor vehicle, and any other
22 costs of the responsible law enforcement agency including administrative
23 costs, taxes, fines, and penalties due.

24 (c) Any balance ~~then~~ remaining AFTER PAYMENT PURSUANT TO
25 PARAGRAPH (b) OF THIS SUBSECTION (2) shall be forwarded to the
26 department, and the department may recover from such balance any
27 taxes, fees, and penalties due and payable to it with respect to such motor

1 vehicle.

2 (d) Any balance ~~then~~ remaining AFTER PAYMENT PURSUANT TO
3 PARAGRAPH (c) OF THIS SUBSECTION (2) shall be paid by the department:
4 First, to any lienholder of record as the lienholder's interest may appear
5 upon the records of the department; second, to any owner of record as the
6 owner's interest may so appear; and then to any person submitting proof
7 of such person's interest in such motor vehicle upon the application of
8 such lienholder, owner, or person. If such payments are not requested
9 and made within one hundred twenty days ~~of~~ AFTER the sale of the
10 abandoned motor vehicle, the balance shall be transmitted to the state
11 treasurer, who shall credit the same to the highway users tax fund.

12 (3) The provisions of paragraphs (a) and (b) of subsection (2) of
13 this section shall not apply to a responsible law enforcement agency
14 operating under a towing contract.

15 **42-4-1810. [Formerly 42-4-1811] Transfer and purge of**
16 **certificates of title.** (1) Whenever any motor vehicle is abandoned and
17 removed and sold in accordance with the procedures set forth in this part
18 18, the department shall transfer the certificate of title or issue a new
19 certificate of title or shall purge such certificate of title in either of the
20 following cases:

21 (a) Upon a person's submission to the department of the necessary
22 documents indicating the abandonment, removal, and subsequent sale or
23 transfer of a motor vehicle, the department shall transfer the certificate of
24 title or issue a new certificate of title for such abandoned motor vehicle.

25 (b) Upon a person's submission of documents indicating the
26 abandonment, removal, and subsequent wrecking or dismantling of a
27 motor vehicle, including all sales of abandoned motor vehicles with an

1 appraised value under two hundred dollars ~~which~~ THAT are conducted
2 pursuant to section ~~42-4-1806 (3)~~ 42-4-1805 (2), the department shall
3 purge the records for such abandoned motor vehicle.

4 **42-4-1811. [Formerly 42-4-1812] Penalty.** Unless otherwise
5 specified in this part 18, any person who knowingly violates any of the
6 provisions of this part 18 commits a class 2 misdemeanor and shall be
7 punished as provided in section 18-1-106, C.R.S.

8 **42-4-1812. [Formerly 42-4-1813] Exemptions.** (1) Nothing in
9 this part 18 shall be construed to include or apply to the driver of any
10 disabled motor vehicle who temporarily leaves such vehicle on the paved
11 or improved and main-traveled portion of a highway, subject, when
12 applicable, to the emergency lighting requirements set forth in section
13 42-4-230.

14 (2) Nothing in this part 18 shall be construed to include or apply
15 to authorized emergency motor vehicles while such vehicles are actually
16 and directly engaged in, coming from, or going to an emergency.

17 **42-4-1813. [Formerly 42-4-1814] Local regulations.** (1) The
18 state or any county, municipality as defined in section 31-1-101 (6),
19 C.R.S., or other governmental entity of the state may execute a contract
20 or contracts for the removal, storage, or disposal of abandoned motor
21 vehicles within the area of its authority to effectuate the provisions of this
22 part 18.

23 (2) The provisions of this part 18 may be superseded by ordinance
24 or resolution of a municipality, as defined in section 31-1-101 (6), C.R.S.,
25 or any county ~~which~~ THAT sets forth procedures for the removal, storage,
26 and disposal of abandoned or illegally parked motor vehicles ON PUBLIC
27 PROPERTY.

1 PERIOD AS MAY BE ESTABLISHED BY LOCAL ORDINANCE WITHOUT THE
2 CONSENT OF THE OWNER OR LESSEE OF SUCH PROPERTY OR THE OWNER'S
3 OR LESSEE'S LEGALLY AUTHORIZED AGENT;

4 (b) ANY MOTOR VEHICLE STORED IN AN IMPOUND LOT AT THE
5 REQUEST OF ITS OWNER OR THE OWNER'S AGENT AND NOT REMOVED FROM
6 THE IMPOUND LOT ACCORDING TO THE AGREEMENT WITH THE OWNER OR
7 AGENT; OR

8 (c) ANY MOTOR VEHICLE THAT IS LEFT ON PRIVATE PROPERTY
9 WITHOUT THE PROPERTY OWNER'S CONSENT, TOWED AT THE REQUEST OF
10 THE PROPERTY OWNER, AND NOT REMOVED FROM THE IMPOUND LOT BY
11 THE VEHICLE OWNER WITHIN FORTY-EIGHT HOURS.

12 (2) "AGENCY EMPLOYEE" MEANS ANY EMPLOYEE OF THE
13 DEPARTMENT OF TRANSPORTATION OR OTHER MUNICIPAL, COUNTY, OR
14 CITY AND COUNTY AGENCY RESPONSIBLE FOR HIGHWAY SAFETY AND
15 MAINTENANCE.

16 (3) "APPRAISAL" MEANS A BONA FIDE ESTIMATE OF REASONABLE
17 MARKET VALUE MADE BY ANY MOTOR VEHICLE DEALER LICENSED IN THIS
18 STATE OR BY ANY EMPLOYEE OF THE COLORADO STATE PATROL OR OF ANY
19 SHERIFF'S OR POLICE DEPARTMENT WHOSE APPOINTMENT FOR SUCH
20 PURPOSE HAS BEEN REPORTED BY THE HEAD OF THE APPOINTING AGENCY
21 TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT.

22 (4) "AUTO PARTS RECYCLER" MEANS ANY PERSON THAT
23 PURCHASES MOTOR VEHICLES FOR THE PURPOSE OF DISMANTLING AND
24 SELLING THE COMPONENTS THEREOF AND THAT COMPLIES WITH ALL
25 FEDERAL, STATE, AND LOCAL REGULATIONS.

26 (5) "IMPOUND LOT" MEANS A PARCEL OF REAL PROPERTY THAT IS
27 OWNED OR LEASED BY AN OPERATOR AT WHICH MOTOR VEHICLES ARE

1 STORED UNDER APPROPRIATE PROTECTION.

2 (6) "OPERATOR" MEANS A PERSON OR A FIRM LICENSED BY THE
3 PUBLIC UTILITIES COMMISSION AS A TOWING CARRIER. FOR PURPOSES OF
4 THIS PART 21, "OPERATOR" INCLUDES AUTO PARTS RECYCLERS THAT TOW
5 VEHICLES FOR REMUNERATION.

6 (7) "PRIVATE PROPERTY" MEANS ANY REAL PROPERTY THAT IS NOT
7 PUBLIC PROPERTY.

8 (8) "PUBLIC PROPERTY" MEANS ANY REAL PROPERTY HAVING ITS
9 TITLE, OWNERSHIP, USE, OR POSSESSION HELD BY THE FEDERAL
10 GOVERNMENT; THIS STATE; OR ANY COUNTY, MUNICIPALITY, AS DEFINED
11 IN SECTION 31-1-101 (6), C.R.S., OR OTHER GOVERNMENTAL ENTITY OF
12 THIS STATE.

13 (9) "RESPONSIBLE LAW ENFORCEMENT AGENCY" MEANS THE LAW
14 ENFORCEMENT AGENCY HAVING JURISDICTION OVER THE PRIVATE
15 PROPERTY WHERE THE MOTOR VEHICLE BECOMES ABANDONED.

16 **42-4-2103. [Formerly 42-4-1805] Abandonment of motor**
17 **vehicles - private property.** (1) No person shall abandon any motor
18 vehicle upon private property other than his or her own. Any owner or
19 lessee, or the owner or lessee's agent authorized in writing, may have an
20 abandoned motor vehicle removed from his or her property by having it
21 towed and impounded by an operator.

22 (2) Any operator having in his or her possession any ~~abandoned~~
23 motor vehicle ~~from a private tow~~ THAT WAS ABANDONED ON PRIVATE
24 PROPERTY shall immediately notify, WITHIN TWO HOURS IF THE
25 JURISDICTION HAS PERSONNEL ON DUTY WHO CAN ASSIGN A CASE NUMBER,
26 OR WITHIN TWENTY-FOUR HOURS IF THE JURISDICTION HAS NO PERSONNEL
27 ON DUTY, the department, the sheriff, or the sheriff's designee, of the

1 county in which the motor vehicle is located or the chief of police, or the
2 chief's designee, of the municipality in which the motor vehicle is located
3 as to the name of the operator and the location of the impound lot where
4 the vehicle is located and a description of the abandoned motor vehicle,
5 including the make, model, color, and year, the number, issuing state, and
6 expiration date of the license plate, and the vehicle identification number.
7 Upon such notification, the law enforcement agency shall assign the
8 vehicle a case number and shall ascertain, if possible, whether or not the
9 vehicle has been reported stolen and, if so reported, such agency shall
10 recover and secure the motor vehicle and notify its rightful owner and
11 terminate the abandonment proceedings under this part ~~18~~ 21. The
12 responsible law enforcement agency AND OPERATOR shall have the right
13 to recover from the owner ~~its~~ THEIR reasonable costs ~~to recover and~~
14 ~~secure~~ FEES FOR RECOVERING AND SECURING the vehicle.

15 (3) (a) Any operator shall, ~~as soon as possible, but in no event~~
16 later than ~~five~~ TEN working days after a motor vehicle has been towed,
17 ~~comply with the provisions of subparagraph (I) of paragraph (c) of this~~
18 ~~subsection (3) and report that a~~ SUCH motor vehicle has been towed TOW
19 to the department by first-class or certified mail, ~~or~~ by personal delivery,
20 OR BY INTERNET COMMUNICATION, which report shall be on a form
21 prescribed and supplied by the department.

22 (b) The report shall contain the following information:

23 (I) The fact of possession, including the date possession was
24 taken, the location of storage of the abandoned motor vehicle and the
25 location from which it was towed, and the identity of the law enforcement
26 agency determining that the vehicle was not reported stolen;

27 (II) The identity of the operator possessing the abandoned motor

1 vehicle, together with the operator's business address and telephone
2 number and the carrier number assigned by the public utilities
3 commission; and

4 (III) A description of the abandoned motor vehicle, including the
5 make, model, color, and year, the number, issuing state, and expiration
6 date of the license plate, or any other indicia of the motor vehicle's state
7 of origin, and the vehicle identification number. ~~and a list of the names
8 and addresses of any known drivers.~~

9 (c) (I) An operator or its agent shall, within ~~five~~ TEN working days
10 _____ after a motor vehicle has been towed, determine if there is an
11 owner and a lienholder represented in department records and notify
12 SEND A NOTICE BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO THE
13 ADDRESS OF the owner and the lienholder by certified mail or by personal
14 delivery of IN DEPARTMENT RECORDS. SUCH NOTICE SHALL INCLUDE the
15 information required by the report set forth in paragraph (b) of this
16 subsection (3). The cost of complying with the provisions of this
17 paragraph (c) shall be considered a cost of towing; except that the total
18 of such costs shall not exceed the lesser of fifty ONE HUNDRED dollars or
19 ten times the cost of notifying the owner and lienholder by certified mail.

20 (II) The operator shall not be entitled to recover any daily storage
21 fees from the day the vehicle is towed until the day the owner and
22 lienholder are notified, unless the operator notifies REASONABLY
23 ATTEMPTS TO NOTIFY the owner and lienholder ~~within five days pursuant~~
24 ~~to~~ BY THE DATE SPECIFIED IN subparagraph (I) of this paragraph (c).
25 SENDING A NOTICE BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO
26 THE OWNER AND THE LIENHOLDER AS REPRESENTED IN DEPARTMENT
27 RECORDS SHALL BE DEEMED A REASONABLE ATTEMPT TO NOTIFY THE

1 OWNER AND THE LIENHOLDER. FAILURE TO NOTIFY THE OWNER AND THE
2 LIENHOLDER DUE TO THE RECEIPT OF ERRONEOUS INFORMATION FROM THE
3 DEPARTMENT SHALL NOT CAUSE THE LOSS OF SUCH STORAGE FEES
4 ACCRUED FROM THE DATE THE VEHICLE IS TOWED UNTIL THE OWNER AND
5 THE LIENHOLDER RECEIVE SUCH NOTICE.

6 (III) The department shall implement an electronic system
7 whereby an operator registered under section ~~42-4-1807(2)~~ 42-4-1806(2)
8 or the agent of such operator shall have access to CORRECT information
9 relating to any owner and lienholder of a vehicle towed by the operator
10 as represented in the department records. The department shall ensure
11 that the information available to an operator or its agent is CORRECT AND
12 IS limited solely to that information necessary to contact the owner and
13 lienholder of such vehicle.

14 ~~(4) (Deleted by amendment, L. 2000, p. 303, § 2, effective August~~
15 ~~2, 2000.)~~

16 ~~(5) (4) Within five~~ TEN working days after the receipt of such
17 report from the department, the operator shall notify by certified mail ~~or~~
18 ~~by personal delivery~~ the owner of record including an out-of-state owner
19 of record. The operator shall make ~~all~~ A reasonable ~~efforts~~ EFFORT to
20 ascertain the address of the owner of record. ~~The operator shall send a~~
21 ~~copy of the notice by certified mail or by personal delivery to the~~
22 ~~responsible law enforcement agency in which the abandoned motor~~
23 ~~vehicle is located.~~ Such notice shall contain the following information:

24 (a) That the identified motor vehicle has been reported abandoned
25 to the department;

26 (b) The claim ~~if any~~, of a ANY lien under section ~~42-4-1807~~
27 42-4-2105;

1 (c) The location of the motor vehicle and the location from which
2 it was towed; and

3 (d) That, unless claimed within thirty calendar days ~~from~~ AFTER
4 the date the notice was sent, ~~as determined from the postmark on the~~
5 ~~notice~~, the motor vehicle is subject to sale.

6 ~~(6)~~ (5) The department shall maintain department-approved notice
7 forms satisfying the requirements of subsection ~~(5)~~ (4) of this section and
8 shall make them available for use by operators and local law enforcement
9 agencies.

10 **42-4-2104. [Formerly 42-4-1806 (2)] Appraisal of abandoned**
11 **motor vehicles - sale.** ~~(2)~~ (1) (a) ~~Private tow abandoned~~ Motor vehicles
12 ~~or motor vehicles abandoned in an impound lot subsequent to a private~~
13 ~~tow~~ THAT ARE ABANDONED ON PRIVATE PROPERTY shall be appraised and
14 sold by the operator in a commercially reasonable manner at a public or
15 private sale held not less than thirty days nor more than sixty days after
16 the ~~date the notice required by section 42-4-1805 (5) was mailed~~ OWNER
17 OF SUCH MOTOR VEHICLE WAS NOTIFIED PURSUANT TO SECTION 42-4-2103
18 (4). Such sale shall be made through a motor vehicle dealer or
19 wholesaler, or wholesale motor vehicle auction dealer licensed in
20 accordance with section 12-6-108, C.R.S., or through a classified
21 newspaper advertisement published ~~in at least one legal newspaper in~~
22 Colorado. ~~except that this requirement for such sale shall not apply to the~~
23 ~~sale of a vehicle pursuant to subsection (3) of this section.~~ For purposes
24 of this ~~subsection (2)~~ SECTION, a sale shall not be considered
25 commercially reasonable if the vehicle is sold to an officer or partner of
26 the operator that has possession of the vehicle or to any other person with
27 a proprietary interest in such operator.

1 ~~(b) Except as provided in paragraph (c) of this subsection (2), no~~
2 ~~operator shall sell a motor vehicle pursuant to paragraph (a) of this~~
3 ~~subsection (2) if the owner of record notifies the operator of the owner's~~
4 ~~intent to claim the vehicle by certified mail or in person within thirty~~
5 ~~calendar days from the date the notice required by section 42-4-1805 (5)~~
6 ~~was mailed.~~

7 ~~(c) An operator who receives notification from an owner pursuant~~
8 ~~to paragraph (b) of this subsection (2) may proceed with the sale of such~~
9 ~~vehicle if:~~

10 ~~(I) Such notification contains the owner's written consent for the~~
11 ~~operator to sell the vehicle; or~~

12 ~~(II) The owner who made such notification fails to redeem the~~
13 ~~vehicle within thirty calendar days from the date the notice required by~~
14 ~~section 42-4-1805 (5) was mailed.~~

15 ~~(d) Nothing in this section shall prohibit an operator from selling~~
16 ~~a motor vehicle pursuant to paragraph (a) of this subsection (2) in the~~
17 ~~event the operator receives no notification described in paragraph (b) of~~
18 ~~this subsection (2).~~

19 ~~(e) (b) Nothing in this section shall require that an operator must~~
20 ~~be a licensed dealer pursuant to article 6 of title 12, C.R.S., for purposes~~
21 ~~of selling a motor vehicle pursuant to this part 18 21.~~

22 (2) IF THE APPRAISED VALUE OF AN ABANDONED MOTOR VEHICLE
23 SOLD PURSUANT TO THIS SECTION IS TWO HUNDRED DOLLARS OR LESS, THE
24 SALE SHALL BE MADE ONLY FOR THE PURPOSE OF JUNKING, SCRAPPING, OR
25 DISMANTLING SUCH MOTOR VEHICLE, AND THE PURCHASER THEREOF
26 SHALL NOT, UNDER ANY CIRCUMSTANCES, BE ENTITLED TO A COLORADO
27 CERTIFICATE OF TITLE. THE OPERATOR OR RESPONSIBLE LAW

1 ENFORCEMENT AGENCY MAKING THE SALE SHALL CAUSE TO BE EXECUTED
2 AND DELIVERED A BILL OF SALE, TOGETHER WITH A COPY OF THE REPORT
3 DESCRIBED IN SECTION 42-4-2103, TO THE PERSON PURCHASING SUCH
4 MOTOR VEHICLE. THE BILL OF SALE SHALL STATE THAT THE PURCHASER
5 ACQUIRES NO RIGHT TO A CERTIFICATE OF TITLE FOR SUCH VEHICLE. THE
6 OPERATOR OR RESPONSIBLE LAW ENFORCEMENT AGENCY MAKING THE
7 SALE SHALL PROMPTLY SUBMIT A REPORT OF SALE, WITH A COPY OF THE
8 BILL OF SALE, TO THE DEPARTMENT AND SHALL DELIVER A COPY OF SUCH
9 REPORT OF SALE TO THE PURCHASER OF THE MOTOR VEHICLE. UPON
10 RECEIPT OF ANY REPORT OF SALE WITH SUPPORTING DOCUMENTS ON ANY
11 SALE MADE PURSUANT TO THIS SUBSECTION (2), THE DEPARTMENT SHALL
12 PURGE THE RECORDS FOR SUCH VEHICLE AS PROVIDED IN SECTION
13 42-4-2109 (1) (b) AND SHALL NOT ISSUE A NEW CERTIFICATE OF TITLE FOR
14 SUCH VEHICLE. ANY CERTIFICATE OF TITLE ISSUED IN VIOLATION OF THIS
15 SUBSECTION (2) SHALL BE VOID.

16 (3) IF THE APPRAISED VALUE OF AN ABANDONED MOTOR VEHICLE
17 SOLD PURSUANT TO THIS SECTION IS MORE THAN TWO HUNDRED DOLLARS,
18 THE SALE MAY BE MADE FOR ANY INTENDED USE BY THE PURCHASER
19 THEREOF. THE OPERATOR OR RESPONSIBLE LAW ENFORCEMENT AGENCY
20 MAKING THE SALE SHALL CAUSE TO BE EXECUTED AND DELIVERED A BILL
21 OF SALE, TOGETHER WITH A COPY OF THE REPORT DESCRIBED IN SECTION
22 42-4-2103, AND AN APPLICATION FOR A COLORADO CERTIFICATE OF TITLE
23 SIGNED BY A LEGALLY AUTHORIZED REPRESENTATIVE OF THE OPERATOR
24 OR RESPONSIBLE LAW ENFORCEMENT AGENCY CONDUCTING THE SALE, TO
25 THE PERSON PURCHASING SUCH MOTOR VEHICLE. THE PURCHASER OF THE
26 ABANDONED MOTOR VEHICLE SHALL BE ENTITLED TO A COLORADO
27 CERTIFICATE OF TITLE UPON APPLICATION AND PROOF OF COMPLIANCE

1 WITH THE APPLICABLE PROVISIONS OF THE "CERTIFICATE OF TITLE ACT",
2 PART 1 OF ARTICLE 6 OF THIS TITLE.

3 **42-4-2105. Liens upon towed motor vehicles.** (1) WHENEVER
4 AN OPERATOR WHO IS REGISTERED WITH THE DEPARTMENT IN
5 ACCORDANCE WITH SUBSECTION (2) OF THIS SECTION RECOVERS,
6 REMOVES, OR STORES A MOTOR VEHICLE UPON INSTRUCTIONS FROM THE
7 OWNER OF RECORD, ANY OTHER LEGALLY AUTHORIZED PERSON IN
8 CONTROL OF SUCH MOTOR VEHICLE, OR FROM THE OWNER OR LESSEE OF
9 REAL PROPERTY UPON WHICH A MOTOR VEHICLE IS ILLEGALLY PARKED OR
10 SUCH OWNER'S OR LESSEE'S AGENT AUTHORIZED IN WRITING, SUCH
11 OPERATOR SHALL HAVE A POSSESSORY LIEN, SUBJECT TO THE PROVISIONS
12 OF SECTION 42-4-1804 (6), UPON SUCH MOTOR VEHICLE AND ITS ATTACHED
13 ACCESSORIES OR EQUIPMENT FOR ALL THE COSTS AND FEES FOR
14 RECOVERING, TOWING, AND STORAGE AS AUTHORIZED IN SECTION
15 42-4-2108. SUCH LIEN SHALL BE A FIRST AND PRIOR LIEN ON THE MOTOR
16 VEHICLE, AND SUCH LIEN SHALL BE SATISFIED BEFORE ALL OTHER CHARGES
17 AGAINST SUCH MOTOR VEHICLE.

18 (2) (a) NO OPERATOR SHALL HAVE A POSSESSORY LIEN UPON A
19 MOTOR VEHICLE DESCRIBED IN SUBSECTION (1) OF THIS SECTION UNLESS
20 SAID OPERATOR IS REGISTERED WITH THE DEPARTMENT. SUCH
21 REGISTRATION SHALL INCLUDE THE FOLLOWING INFORMATION:

- 22 (I) THE LOCATION OF THE OPERATOR'S TOW BUSINESS;
23 (II) THE HOURS OF OPERATION OF THE OPERATOR'S TOW BUSINESS;
24 (III) THE LOCATION OF THE IMPOUND LOT WHERE VEHICLES MAY
25 BE CLAIMED BY THE OWNER OF RECORD; AND
26 (IV) ANY INFORMATION RELATING TO A VIOLATION OF ANY
27 PROVISION CONTAINED IN THIS PART 21 OR OF ANY OTHER STATE LAW OR

1 RULE RELATING TO THE OPERATION, THEFT, OR TRANSFER OF MOTOR
2 VEHICLES.

3 (b) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT MAY CANCEL
4 THE REGISTRATION OF ANY OPERATOR IF AN ADMINISTRATIVE LAW JUDGE
5 FINDS, AFTER AFFORDING THE OPERATOR DUE NOTICE AND AN
6 OPPORTUNITY TO BE HEARD, THAT THE OPERATOR HAS VIOLATED ANY OF
7 THE PROVISIONS SET FORTH IN THIS PART 21.

8 **42-4-2106. Perfection of lien.** THE LIEN PROVIDED FOR IN
9 SECTION 42-4-2105 SHALL BE PERFECTED BY TAKING PHYSICAL
10 POSSESSION OF THE MOTOR VEHICLE AND ITS ATTACHED ACCESSORIES OR
11 EQUIPMENT AND BY SENDING TO THE DEPARTMENT, WITHIN TEN WORKING
12 DAYS AFTER THE TIME POSSESSION WAS TAKEN, A NOTICE CONTAINING THE
13 INFORMATION REQUIRED IN THE REPORT TO BE MADE UNDER THE
14 PROVISIONS OF SECTION 42-4-2103. IN ADDITION, SUCH REPORT SHALL
15 CONTAIN A DECLARATION BY THE OPERATOR THAT A POSSESSORY LIEN IS
16 CLAIMED FOR ALL PAST, PRESENT, AND FUTURE CHARGES, UP TO THE DATE
17 OF REDEMPTION, AND THAT THE LIEN IS ENFORCEABLE AND MAY BE
18 FORECLOSED PURSUANT TO THE PROVISIONS OF THIS PART 21.

19 **42-4-2107. Foreclosure of lien.** ANY MOTOR VEHICLE AND ITS
20 ATTACHED ACCESSORIES AND EQUIPMENT OR PERSONAL PROPERTY WITHIN
21 OR ATTACHED TO SUCH VEHICLE THAT ARE NOT REDEEMED BY THE
22 LAST-KNOWN OWNER OF RECORD OR LIENHOLDER AFTER SUCH OWNER OR
23 LIENHOLDER HAS BEEN SENT NOTICE OF SUCH LIEN BY THE OPERATOR
24 SHALL BE SOLD IN ACCORDANCE WITH THE PROVISIONS OF SECTION
25 42-4-2104.

26 **42-4-2108. Proceeds of sale.** (1) IF THE SALE OF ANY MOTOR
27 VEHICLE, PERSONAL PROPERTY, AND ATTACHED ACCESSORIES OR

1 EQUIPMENT UNDER THE PROVISIONS OF SECTION 42-4-2104 PRODUCES AN
2 AMOUNT LESS THAN OR EQUAL TO THE SUM OF ALL CHARGES OF THE
3 OPERATOR WHO HAS PERFECTED HIS OR HER LIEN, THEN THE OPERATOR
4 SHALL HAVE A VALID CLAIM AGAINST THE OWNER OF RECORD FOR THE
5 FULL AMOUNT OF SUCH CHARGES, LESS THE AMOUNT RECEIVED UPON THE
6 SALE OF SUCH MOTOR VEHICLE. SUCH CHARGES SHALL BE ASSESSED IN
7 THE MANNER PROVIDED FOR IN PARAGRAPH (a) OF SUBSECTION (2) OF THIS
8 SECTION.

9 (2) IF THE SALE OF ANY MOTOR VEHICLE AND ITS ATTACHED
10 ACCESSORIES OR EQUIPMENT UNDER THE PROVISIONS OF SECTION
11 42-4-2104 PRODUCES AN AMOUNT GREATER THAN THE SUM OF ALL
12 CHARGES OF THE OPERATOR WHO HAS PERFECTED HIS OR HER LIEN:

13 (a) THE PROCEEDS SHALL FIRST SATISFY THE OPERATOR'S
14 REASONABLE COSTS AND FEES ARISING FROM THE SALE OF THE MOTOR
15 VEHICLE PURSUANT TO SECTION 42-4-2104 AND THE COST AND FEES OF
16 TOWING THE ABANDONED MOTOR VEHICLE WITH A MAXIMUM CHARGE
17 THAT IS SPECIFIED IN RULES PROMULGATED BY THE PUBLIC UTILITIES
18 COMMISSION THAT GOVERN NONCONSENSUAL TOWS BY TOWING CARRIERS.

19 (b) ANY BALANCE REMAINING AFTER PAYMENT PURSUANT TO
20 PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL BE PAID TO THE
21 RESPONSIBLE LAW ENFORCEMENT AGENCY TO SATISFY ANY
22 ADMINISTRATIVE COSTS INCURRED BY SUCH LAW ENFORCEMENT AGENCY
23 IN COMPLIANCE WITH THIS PART 21 IN RELATION TO SUCH MOTOR VEHICLE.

24 (c) ANY BALANCE REMAINING AFTER PAYMENT PURSUANT TO
25 PARAGRAPH (b) OF THIS SUBSECTION (2) SHALL BE FORWARDED TO THE
26 DEPARTMENT, AND THE DEPARTMENT MAY RECOVER FROM SUCH BALANCE
27 ANY TAXES, FEES, AND PENALTIES DUE AND PAYABLE TO IT WITH RESPECT

1 TO SUCH MOTOR VEHICLE.

2 (d) ANY BALANCE REMAINING AFTER PAYMENT PURSUANT TO
3 PARAGRAPH (c) OF THIS SUBSECTION (2) SHALL BE PAID BY THE
4 DEPARTMENT: FIRST, TO ANY LIENHOLDER OF RECORD AS THE
5 LIENHOLDER'S INTEREST MAY APPEAR UPON THE RECORDS OF THE
6 DEPARTMENT; SECOND, TO ANY OWNER OF RECORD AS THE OWNER'S
7 INTEREST MAY SO APPEAR; AND THEN TO ANY PERSON SUBMITTING PROOF
8 OF SUCH PERSON'S INTEREST IN SUCH MOTOR VEHICLE UPON THE
9 APPLICATION OF SUCH LIENHOLDER, OWNER, OR PERSON. IF SUCH
10 PAYMENTS ARE NOT REQUESTED AND MADE WITHIN ONE HUNDRED TWENTY
11 DAYS AFTER THE SALE OF THE ABANDONED MOTOR VEHICLE, THE BALANCE
12 SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT
13 THE SAME TO THE HIGHWAY USERS TAX FUND.

14 **42-4-2109. Transfer and purge of certificates of title.**

15 (1) WHENEVER ANY MOTOR VEHICLE IS ABANDONED AND REMOVED AND
16 SOLD IN ACCORDANCE WITH THE PROCEDURES SET FORTH IN THIS PART 21,
17 THE DEPARTMENT SHALL TRANSFER THE CERTIFICATE OF TITLE OR ISSUE A
18 NEW CERTIFICATE OF TITLE OR SHALL PURGE SUCH CERTIFICATE OF TITLE
19 IN EITHER OF THE FOLLOWING CASES:

20 (a) UPON A PERSON'S SUBMISSION TO THE DEPARTMENT OF THE
21 NECESSARY DOCUMENTS INDICATING THE ABANDONMENT, REMOVAL, AND
22 SUBSEQUENT SALE OR TRANSFER OF A MOTOR VEHICLE WITH AN APPRAISED
23 VALUE EQUAL TO OR GREATER THAN TWO HUNDRED DOLLARS, THE
24 DEPARTMENT SHALL TRANSFER THE CERTIFICATE OF TITLE OR ISSUE A NEW
25 CERTIFICATE OF TITLE FOR SUCH ABANDONED MOTOR VEHICLE.

26 (b) UPON A PERSON'S SUBMISSION OF DOCUMENTS INDICATING THE
27 ABANDONMENT, REMOVAL, AND SUBSEQUENT WRECKING OR DISMANTLING

1 OF A MOTOR VEHICLE, INCLUDING ALL SALES OF ABANDONED MOTOR
2 VEHICLES WITH AN APPRAISED VALUE UNDER TWO HUNDRED DOLLARS
3 THAT ARE CONDUCTED PURSUANT TO SECTION 42-4-2104 (2), THE
4 DEPARTMENT SHALL PURGE THE RECORDS FOR SUCH ABANDONED MOTOR
5 VEHICLE.

6 **42-4-2110. Penalty.** UNLESS OTHERWISE SPECIFIED IN THIS PART
7 21, ANY PERSON WHO KNOWINGLY VIOLATES ANY OF THE PROVISIONS OF
8 THIS PART 21 COMMITS A CLASS 2 MISDEMEANOR AND SHALL BE PUNISHED
9 AS PROVIDED IN SECTION 18-1-106, C.R.S.

10 **SECTION 3.** 12-6-102 (17) (h), Colorado Revised Statutes, is
11 amended to read:

12 **12-6-102. Definitions.** As used in this part 1, unless the context
13 otherwise requires:

14 (17) "Used motor vehicle dealer" means any person who, for
15 commission or with intent to make a profit or gain of money or other
16 thing of value, sells, exchanges, leases, or offers an interest in used motor
17 vehicles, or attempts to negotiate a sale, exchange, or lease of used and
18 new motor vehicles or who is engaged wholly or in part in the business
19 of selling used motor vehicles, whether or not such motor vehicles are
20 owned by such person. The sale of three or more used motor vehicles or
21 the offering for sale of more than three used motor vehicles at the same
22 address or telephone number in any one calendar year shall be prima
23 facie evidence that a person is engaged in the business of selling used
24 motor vehicles. "Used motor vehicle dealer" includes any owner of real
25 property who allows more than three used motor vehicles to be offered
26 for sale on such property during one calendar year unless said property
27 is leased to a licensed used motor vehicle dealer. "Used motor vehicle

1 dealer" does not include:

2 (h) An operator, as defined in section ~~42-4-1802 (5)~~ 42-4-2102
3 (6), C.R.S., who sells a motor vehicle pursuant to section ~~42-4-1806 (2)~~
4 42-4-2104, C.R.S.

5 **SECTION 4.** 42-4-101, Colorado Revised Statutes, is amended
6 to read:

7 **42-4-101. Short title.** Parts 1 to 3, ~~and~~ 5 to 19, AND 21 of this
8 article, part 1 of article 2 of this title, and part 5 of article 5 of title 43,
9 C.R.S., shall be known and may be cited as the "Uniform Safety Code of
10 1935".

11 **SECTION 5.** 42-13-106 (6), Colorado Revised Statutes, is
12 amended to read:

13 **42-13-106. Impounded vehicles - notice - hearing.** (6) If the
14 court determines that the impoundment was invalid, the Colorado state
15 patrol shall be responsible only for the costs incurred in the towing and
16 storage of the motor vehicle. If the court determines that the
17 impoundment was valid and if the owner does not comply with the
18 appropriate statute within ~~thirty~~ TEN days ~~of~~ AFTER the court's decision
19 and refuses to remove the motor vehicle by means other than under its
20 own power on a public highway, the Colorado state patrol shall have
21 reasonable grounds to believe that the motor vehicle has been abandoned,
22 and the provisions of part 18 OR 21 of article 4 of this title shall apply;
23 except that any notice or hearing requirements of said part 18 OR 21 of
24 article 4 of this title as to owners of motor vehicles shall be deemed to
25 have been met by the notice and hearing provisions of this section.
26 Nevertheless, the notice and hearing requirements of said part 18 OR 21
27 of article 4 of this title as to lienholders, other than section ~~42-4-1815~~

1 42-4-1814, shall not be deemed to have been met by the notice and
2 hearing provisions of this section.

3 **SECTION 6.** 40-13-109, Colorado Revised Statutes, is amended
4 to read:

5 **40-13-109. Suspension or revocation of permit - procedure.** The
6 commission, at any time, upon complaint by any interested party, or upon
7 its own motion, by order duly entered, after hearing upon notice to the
8 holder of any permit issued under this article, when it has been
9 established to the satisfaction of the commission that such holder has
10 violated any of the provisions hereof or any of the terms and conditions
11 of such permit, or has exceeded the authority granted by such permit, or
12 has violated or refused to observe any of the proper orders, rules, or
13 regulations of the commission, or has violated any of the provisions set
14 forth in part 18 OR 21 of article 4 of title 42, C.R.S., may revoke,
15 suspend, alter, or amend any such permit. The holder of such permit
16 shall have all the rights of hearing, review, and appeal as to such order or
17 ruling of the commission as are provided by law. No appeal from or
18 review of any order or ruling of the commission shall be construed so as
19 to supersede or suspend such order or ruling, except upon order of a
20 proper court obtained for such purpose.

21 **SECTION 7. Effective date - applicability.** This act shall take
22 effect July 1, 2002, and shall apply to acts committed on or after said
23 date.

24 **SECTION 8. Safety clause.** The general assembly hereby finds,
25 determines, and declares that this act is necessary for the immediate
26 preservation of the public peace, health, and safety.