

Second Regular Session  
Sixty-third General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 02-0329.02 Jery Payne

SENATE BILL 02-132

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SENATE SPONSORSHIP

Nichol

HOUSE SPONSORSHIP

(None)

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Senate Committees

Govt, Veterans & Military Relations, & Trans

House Committees

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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.**

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**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.~~

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

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

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

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

26 ~~(10)~~ (9) "Responsible law enforcement agency" means

27 ~~(a) In the case of a public tow, the law enforcement agency~~

1 authorizing the original tow of an abandoned motor vehicle, whether or  
2 not the vehicle is towed to another law enforcement agency's jurisdiction.

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

6 **42-4-1803. Abandonment of motor vehicles - public property.**

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

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

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

5 **42-4-1804. Report of abandoned motor vehicles - owner's**  
6 **opportunity to request hearing.** (1) (a) Upon having an abandoned  
7 motor vehicle towed, the responsible law enforcement agency shall  
8 ascertain, if possible, whether or not the motor vehicle has been reported  
9 stolen, and, if so reported, such agency shall recover and secure the motor  
10 vehicle and notify its rightful owner and terminate the abandonment  
11 proceedings under this part 18. The responsible law enforcement agency  
12 AND THE TOWING CARRIER shall have the right to recover from the owner  
13 ~~its THEIR~~ reasonable costs ~~to recover and secure~~ AND FEES FOR  
14 RECOVERING AND SECURING the motor vehicle.

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

21 (c) The report shall contain the following information:

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

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

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

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

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



1           (4) The responsible law enforcement agency, within ~~five~~ TEN  
2 working days ~~of~~ AFTER the receipt of the report from the department  
3 required in subsection (2) of this section, shall notify by certified mail the  
4 owner of record, if ascertained, and any lienholder, if ascertained, of the  
5 fact of such report and the claim ~~if any~~, of a ANY lien under section  
6 ~~42-4-1807~~ 42-4-1806 and shall send a copy of such notice to the operator.  
7 The notice shall contain information that the identified motor vehicle has  
8 been reported abandoned to the department, the location of the motor  
9 vehicle and the location from which it was towed, and that, unless  
10 claimed within thirty calendar days ~~from~~ AFTER the date the notice was  
11 sent as determined from the postmark on the notice, the motor vehicle is  
12 subject to sale. Such notice shall also inform the owner of record of the  
13 opportunity to request a hearing concerning the legality of the towing of  
14 the abandoned motor vehicle, and the responsible law enforcement  
15 agency to contact for that purpose. Such request shall be made in writing  
16 to the responsible law enforcement agency within ten days ~~of the~~  
17 ~~postmarked date of sending such~~ AFTER THE notice WAS SENT. Such  
18 hearing, if requested, shall be conducted pursuant to the provisions of  
19 section 24-4-105, C.R.S., if the responsible law enforcement agency is  
20 the Colorado state patrol. If a local political subdivision is the  
21 responsible law enforcement agency, such hearing shall be conducted  
22 pursuant to local hearing procedures. ~~In the event~~ IF it is determined at  
23 the hearing that the motor vehicle was illegally towed UPON REQUEST  
24 FROM A LAW ENFORCEMENT AGENCY, all towing charges and storage fees  
25 assessed against the vehicle shall be ~~forgiven~~ PAID BY SUCH LAW  
26 ENFORCEMENT AGENCY.

27           (5) The department shall maintain department-approved notice

1 forms satisfying the requirements of subsection (4) of this section and  
2 shall make them available for use by local law enforcement agencies.

3 **42-4-1805. [Formerly 42-4-1806] Appraisal of abandoned**  
4 **motor vehicles - sale.** (1) ~~Public tow~~ Abandoned motor vehicles or  
5 motor vehicles abandoned in an impound lot subsequent to a TOW FROM  
6 public ~~tow~~ PROPERTY shall be appraised and sold by the responsible law  
7 enforcement agency at a public or private sale held not less than thirty  
8 days nor more than sixty days after the date the notice required by section  
9 42-4-1804 (4) was mailed.

10 ~~(3)~~ (2) If the appraised value of an abandoned motor vehicle sold  
11 pursuant to this section is two hundred dollars or less, the sale shall be  
12 made only for the purpose of junking, scrapping, or dismantling such  
13 motor vehicle, and the purchaser thereof shall not, under any  
14 circumstances, be entitled to a Colorado certificate of title. The operator  
15 or responsible law enforcement agency making the sale shall cause to be  
16 executed and delivered a bill of sale, together with a copy of the report  
17 described in section 42-4-1804, ~~pertaining to public tow abandoned motor~~  
18 ~~vehicles, or section 42-4-1805, pertaining to private tow abandoned motor~~  
19 ~~vehicles,~~ to the person purchasing such motor vehicle. The bill of sale  
20 shall state that the purchaser acquires no right to a certificate of title for  
21 such vehicle. The operator or responsible law enforcement agency  
22 making the sale shall promptly submit a report of sale, with a copy of the  
23 bill of sale, to the department and shall deliver a copy of such report of  
24 sale to the purchaser of the motor vehicle. Upon receipt of any report of  
25 sale with supporting documents on any sale made pursuant to this  
26 subsection ~~(3)~~ (2), the department shall purge the records for such vehicle  
27 as provided in section ~~42-4-1811 (1) (b)~~ 42-4-1810 (1) (b) and shall not

1 issue a new certificate of title for such vehicle. Any certificate of title  
2 issued in violation of this subsection ~~(3)~~ (2) shall be void.

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

17 **42-4-1806. [Formerly 42-4-1807] Liens upon towed motor**  
18 **vehicles.** (1) Whenever an operator who is registered with the  
19 department in accordance with subsection (2) of this section recovers,  
20 removes, or stores a motor vehicle upon instructions ~~from the owner of~~  
21 ~~record thereof or any other legally authorized person in control of such~~  
22 ~~motor vehicle, from the owner or lessee of real property upon which a~~  
23 ~~motor vehicle is illegally parked or the owner's or lessee's agent~~  
24 ~~authorized in writing, or from any duly authorized law enforcement~~  
25 agency or peace officer who has determined that such motor vehicle is an  
26 abandoned motor vehicle, such operator shall have a possessory lien upon  
27 such motor vehicle and its attached accessories or equipment for all costs

1 of recovery FEES FOR RECOVERING, towing, and storage as authorized in  
2 ~~section 42-4-1810 (2) (a)~~ SECTION 42-4-1809 (2) (a). Such lien shall be  
3 a first and prior lien on the motor vehicle, and such lien shall be satisfied  
4 before all other charges against such motor vehicle.

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

- 9 (I) The location of the operator's tow business;
- 10 (II) The hours of operation of the operator's tow business;
- 11 (III) The location of the impound lot where vehicles may be  
12 claimed by the owner of record; and
- 13 (IV) Any information relating to a violation of any provision  
14 contained in this part 18 or of any other state law or rule relating to the  
15 operation, theft, or transfer of motor vehicles.

16 (b) The executive director of the department may cancel the  
17 registration of any operator if ~~the executive director~~ AN ADMINISTRATIVE  
18 LAW JUDGE finds, after affording the operator due notice and an  
19 opportunity to be heard, that the operator has violated any of the  
20 provisions set forth in this part 18.

21 **42-4-1807. [Formerly 42-4-1808] Perfection of lien.** The lien  
22 provided for in section ~~42-4-1807~~ 42-4-1806 shall be perfected by taking  
23 physical possession of the motor vehicle and its attached accessories or  
24 equipment and by sending to the department within ~~three~~ TEN working  
25 days ~~of~~ AFTER the time possession was taken a notice containing the  
26 information required in the report to be made under the provisions of  
27 section 42-4-1804. ~~or section 42-4-1805.~~ In addition, such report shall

1 contain a declaration by the operator that a possessory lien is claimed for  
2 all past, present, and future charges, up to the date of redemption, and  
3 that the lien is enforceable and may be foreclosed pursuant to the  
4 provisions of this part 18.

5 **42-4-1808. [Formerly 42-4-1809] Foreclosure of lien.** Any  
6 motor vehicle and its attached accessories and equipment ~~subject to the~~  
7 ~~possessory lien provided for in section 42-4-1807 and~~ OR PERSONAL  
8 PROPERTY WITHIN OR ATTACHED TO SUCH VEHICLE THAT ARE not  
9 redeemed by the last-known owner of record or lienholder after such  
10 owner or lienholder has been sent notice of such lien by the operator shall  
11 be sold in accordance with the provisions of section ~~42-4-1806~~  
12 42-4-1805.

13 **42-4-1809. [Formerly 42-4-1810] Proceeds of sale.** (1) If the  
14 sale of any motor vehicle, PERSONAL PROPERTY, and its attached  
15 accessories or equipment under the provisions of section ~~42-4-1806~~  
16 42-4-1805 produces an amount less than or equal to the sum of all  
17 charges of the operator who has perfected his or her lien, then the  
18 operator shall have a valid claim against the owner of record for the full  
19 amount of such charges, less the amount received upon the sale of such  
20 motor vehicle. Such charges shall be assessed in the manner provided for  
21 in paragraph (a) of subsection (2) of this section.

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

26 (a) The proceeds shall first satisfy the ~~operator's charges as~~  
27 ~~follows: The operator's reasonable and documented costs~~ FEE arising

1 from the sale of the motor vehicle pursuant to section ~~42-4-1806 (2) (a)~~  
2 and the cost AND FEES of towing the abandoned motor vehicle with a  
3 maximum charge that is specified in rules promulgated by the public  
4 utilities commission that govern nonconsensual tows by towing carriers.  
5 In the case of an abandoned motor vehicle weighing in excess of ten  
6 thousand pounds, ~~the provisions of this paragraph (a) shall not apply and~~  
7 the operator's charges shall be determined by negotiated agreement  
8 between the operator and the responsible law enforcement agency.

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

15 (c) Any balance ~~then~~ remaining AFTER PAYMENT PURSUANT TO  
16 PARAGRAPH (b) OF THIS SUBSECTION (2) shall be forwarded to the  
17 department, and the department may recover from such balance any  
18 taxes, fees, and penalties due and payable to it with respect to such motor  
19 vehicle.

20 (d) Any balance ~~then~~ remaining AFTER PAYMENT PURSUANT TO  
21 PARAGRAPH (c) OF THIS SUBSECTION (2) shall be paid by the department:  
22 First, to any lienholder of record as the lienholder's interest may appear  
23 upon the records of the department; second, to any owner of record as the  
24 owner's interest may so appear; and then to any person submitting proof  
25 of such person's interest in such motor vehicle upon the application of  
26 such lienholder, owner, or person. If such payments are not requested  
27 and made within one hundred twenty days of AFTER the sale of the

1 abandoned motor vehicle, the balance shall be transmitted to the state  
2 treasurer, who shall credit the same to the highway users tax fund.

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

6 **42-4-1810. [Formerly 42-4-1811] Transfer and purge of**  
7 **certificates of title.** (1) Whenever any motor vehicle is abandoned and  
8 removed and sold in accordance with the procedures set forth in this part  
9 18, the department shall transfer the certificate of title or issue a new  
10 certificate of title or shall purge such certificate of title in either of the  
11 following cases:

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

16 (b) Upon a person's submission of documents indicating the  
17 abandonment, removal, and subsequent wrecking or dismantling of a  
18 motor vehicle, including all sales of abandoned motor vehicles with an  
19 appraised value under two hundred dollars ~~which~~ THAT are conducted  
20 pursuant to section ~~42-4-1806 (3)~~ 42-4-1805 (2), the department shall  
21 purge the records for such abandoned motor vehicle.

22 **42-4-1811. [Formerly 42-4-1812] Penalty.** Unless otherwise  
23 specified in this part 18, any person who knowingly violates any of the  
24 provisions of this part 18 commits a class 2 misdemeanor and shall be  
25 punished as provided in section 18-1-106, C.R.S.

26 **42-4-1812. [Formerly 42-4-1813] Exemptions.** (1) Nothing in  
27 this part 18 shall be construed to include or apply to the driver of any

1 disabled motor vehicle who temporarily leaves such vehicle on the paved  
2 or improved and main-traveled portion of a highway, subject, when  
3 applicable, to the emergency lighting requirements set forth in section  
4 42-4-230.

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

8 **42-4-1813. [Formerly 42-4-1814] Local regulations.** (1) The  
9 state or any county, municipality as defined in section 31-1-101 (6),  
10 C.R.S., or other governmental entity of the state may execute a contract  
11 or contracts for the removal, storage, or disposal of abandoned motor  
12 vehicles within the area of its authority to effectuate the provisions of this  
13 part 18.

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

19 **42-4-1814. [Formerly 42-4-1815] Violation of motor vehicle**  
20 **registration or inspection laws - separate statutory provision.** Owners  
21 of motor vehicles impounded by the Colorado state patrol for violation of  
22 motor vehicle registration or inspection laws shall receive notice and the  
23 opportunity for a hearing pursuant to the provisions of section 42-13-106.  
24 If such a motor vehicle is found to be abandoned in accordance with the  
25 provisions of said section 42-13-106, the notice and hearing provisions  
26 to owners of motor vehicles under other sections of this part 18 shall be  
27 deemed to have been met for purposes of proper disposition of the motor



1 vehicle under the terms of this part 18. Nevertheless, the notice and  
2 hearing provisions of the other sections of this part 18 as to lienholders  
3 ARE APPLICABLE AND shall not be deemed to have been met by the  
4 provisions of section 42-13-106 or this section.

5 **SECTION 2.** Article 4 of title 42, Colorado Revised Statutes, is  
6 amended BY THE ADDITION OF A NEW PART CONTAINING  
7 RELOCATED PROVISIONS, WITH AMENDMENTS, to read:

8 **PART 21**

9 **VEHICLES ABANDONED ON PRIVATE PROPERTY**

10 **42-4-2101. Legislative declaration.** THE GENERAL ASSEMBLY  
11 HEREBY DECLARES THAT THE PURPOSE OF THIS PART 21 IS TO PROVIDE  
12 PROCEDURES FOR THE REMOVAL, STORAGE, AND DISPOSAL OF MOTOR  
13 VEHICLES THAT ARE ABANDONED ON PRIVATE PROPERTY.

14 **42-4-2102. Definitions.** AS USED IN THIS PART 21, UNLESS THE  
15 CONTEXT OTHERWISE REQUIRES:

16 (1) "ABANDONED MOTOR VEHICLE" MEANS:

17 (a) ANY MOTOR VEHICLE LEFT UNATTENDED ON PRIVATE PROPERTY  
18 FOR A PERIOD OF TWENTY-FOUR HOURS OR LONGER OR FOR SUCH OTHER  
19 PERIOD AS MAY BE ESTABLISHED BY LOCAL ORDINANCE WITHOUT THE  
20 CONSENT OF THE OWNER OR LESSEE OF SUCH PROPERTY OR THE OWNER'S  
21 OR LESSEE'S LEGALLY AUTHORIZED AGENT;

22 (b) ANY MOTOR VEHICLE STORED IN AN IMPOUND LOT AT THE  
23 REQUEST OF ITS OWNER OR THE OWNER'S AGENT AND NOT REMOVED FROM  
24 THE IMPOUND LOT ACCORDING TO THE AGREEMENT WITH THE OWNER OR  
25 AGENT; OR

26 (c) ANY MOTOR VEHICLE THAT IS LEFT ON PRIVATE PROPERTY  
27 WITHOUT THE PROPERTY OWNER'S CONSENT, TOWED AT THE REQUEST OF

1 THE PROPERTY OWNER, AND NOT REMOVED FROM THE IMPOUND LOT BY  
2 THE VEHICLE OWNER WITHIN FORTY-EIGHT HOURS.

3 (2) "AGENCY EMPLOYEE" MEANS ANY EMPLOYEE OF THE  
4 DEPARTMENT OF TRANSPORTATION OR OTHER MUNICIPAL, COUNTY, OR  
5 CITY AND COUNTY AGENCY RESPONSIBLE FOR HIGHWAY SAFETY AND  
6 MAINTENANCE.

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

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

17 (5) "IMPOUND LOT" MEANS A PARCEL OF REAL PROPERTY THAT IS  
18 OWNED OR LEASED BY AN OPERATOR AT WHICH MOTOR VEHICLES ARE  
19 STORED UNDER APPROPRIATE PROTECTION.

20 (6) "OPERATOR" MEANS A PERSON OR A FIRM LICENSED BY THE  
21 PUBLIC UTILITIES COMMISSION AS A TOWING CARRIER. FOR PURPOSES OF  
22 THIS PART 21, "OPERATOR" INCLUDES AUTO PARTS RECYCLERS.

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

25 (8) "PUBLIC PROPERTY" MEANS ANY REAL PROPERTY HAVING ITS  
26 TITLE, OWNERSHIP, USE, OR POSSESSION HELD BY THE FEDERAL  
27 GOVERNMENT; THIS STATE; OR ANY COUNTY, MUNICIPALITY, AS DEFINED

1 IN SECTION 31-1-101 (6), C.R.S., OR OTHER GOVERNMENTAL ENTITY OF  
2 THIS STATE.

3 (9) "RESPONSIBLE LAW ENFORCEMENT AGENCY" MEANS THE LAW  
4 ENFORCEMENT AGENCY HAVING JURISDICTION OVER THE PRIVATE  
5 PROPERTY WHERE THE MOTOR VEHICLE BECOMES ABANDONED.

6 **42-4-2103. [Formerly 42-4-1805] Abandonment of motor**  
7 **vehicles - private property.** (1) No person shall abandon any motor  
8 vehicle upon private property other than his or her own. Any owner or  
9 lessee, or the owner or lessee's agent authorized in writing, may have an  
10 abandoned motor vehicle removed from his or her property by having it  
11 towed and impounded by an operator.

12 (2) Any operator having in his or her possession any ~~abandoned~~  
13 motor vehicle ~~from a private tow~~ THAT WAS ABANDONED ON PRIVATE  
14 PROPERTY shall ~~immediately~~ notify WITHIN TWENTY-FOUR HOURS the  
15 department, the sheriff, or the sheriff's designee, of the county in which  
16 the motor vehicle is located or the chief of police, or the chief's designee,  
17 of the municipality in which the motor vehicle is located as to the name  
18 of the operator and the location of the impound lot where the vehicle is  
19 located and a description of the abandoned motor vehicle, including the  
20 make, model, color, and year, the number, issuing state, and expiration  
21 date of the license plate, and the vehicle identification number. Upon  
22 such notification, the law enforcement agency shall assign the vehicle a  
23 case number and shall ascertain, if possible, whether or not the vehicle  
24 has been reported stolen and, if so reported, such agency shall recover  
25 and secure the motor vehicle and notify its rightful owner and terminate  
26 the abandonment proceedings under this part ~~18~~ 21. The responsible law  
27 enforcement agency AND OPERATOR shall have the right to recover from

1 the owner ~~its~~ THEIR reasonable costs to recover and secure FEES FOR  
2 RECOVERING AND SECURING the vehicle.

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

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

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

15 (II) The identity of the operator possessing the abandoned motor  
16 vehicle, together with the operator's business address and telephone  
17 number and the carrier number assigned by the public utilities  
18 commission; and

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

24 (c) (I) An operator or its agent shall, within ~~five~~ TEN working days  
25 after LEARNING THE IDENTITY OF THE OWNER OF a motor vehicle THAT has  
26 been towed, ~~determine if there is an owner and a lienholder represented~~  
27 ~~in department records and~~ notify the owner and the lienholder by certified

1 mail ~~or by personal delivery~~ of the information required by the report set  
2 forth in paragraph (b) of this subsection (3). ~~The cost of complying with~~  
3 ~~the provisions of this paragraph (c) shall be considered a cost of towing;~~  
4 ~~except that the total of such costs shall not exceed the lesser of fifty~~  
5 ~~dollars or ten times the cost of notifying the owner and lienholder by~~  
6 ~~certified mail.~~

7 (II) The operator shall not be entitled to recover any daily storage  
8 fees from the day the vehicle is towed until the day the owner and  
9 lienholder are notified, unless the operator notifies the owner and  
10 lienholder ~~within five days pursuant to~~ BY THE DATE SPECIFIED IN  
11 subparagraph (I) of this paragraph (c).

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

20 ~~(4) (Deleted by amendment, L. 2000, p. 303, § 2, effective August~~  
21 ~~2, 2000.)~~

22 ~~(5)~~ (4) Within ~~five~~ TEN working days after the receipt of such  
23 report from the department, the operator shall notify by certified mail ~~or~~  
24 ~~by personal delivery~~ the owner of record including an out-of-state owner  
25 of record. The operator shall make ~~all~~ A reasonable ~~efforts~~ EFFORT to  
26 ascertain the address of the owner of record. ~~The operator shall send a~~  
27 ~~copy of the notice by certified mail or by personal delivery to the~~

1 ~~responsible law enforcement agency in which the abandoned motor~~  
2 ~~vehicle is located.~~ Such notice shall contain the following information:

3 (a) That the identified motor vehicle has been reported abandoned  
4 to the department;

5 (b) The claim ~~if any~~, of a ANY lien under section ~~42-4-1807~~  
6 42-4-2105;

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

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

12 ~~(6)~~ (5) The department shall maintain department-approved notice  
13 forms satisfying the requirements of subsection ~~(5)~~ (4) of this section and  
14 shall make them available for use by operators and local law enforcement  
15 agencies.

16 **42-4-2104. [Formerly 42-4-1806 (2)] Appraisal of abandoned**  
17 **motor vehicles - sale.** ~~(2)~~ (1) (a) ~~Private tow abandoned~~ Motor vehicles  
18 ~~or motor vehicles abandoned in an impound lot subsequent to a private~~  
19 ~~tow~~ THAT ARE ABANDONED ON PRIVATE PROPERTY shall be appraised and  
20 sold by the operator in a commercially reasonable manner at a public or  
21 private sale held not less than thirty days nor more than sixty days after  
22 the date the notice required by section ~~42-4-1805 (5)~~ was mailed OWNER  
23 OF SUCH MOTOR VEHICLE WAS NOTIFIED PURSUANT TO SECTION 42-4-2103  
24 (4). Such sale shall be made through a motor vehicle dealer or  
25 wholesaler, or wholesale motor vehicle auction dealer licensed in  
26 accordance with section 12-6-108, C.R.S., or through a classified  
27 newspaper advertisement published ~~in at least one legal newspaper in~~

1 Colorado. ~~except that this requirement for such sale shall not apply to the~~  
2 ~~sale of a vehicle pursuant to subsection (3) of this section.~~ For purposes  
3 of this ~~subsection (2)~~ SECTION, a sale shall not be considered  
4 commercially reasonable if the vehicle is sold to an officer or partner of  
5 the operator that has possession of the vehicle or to any other person with  
6 a proprietary interest in such operator.

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

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

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

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

21 (d) ~~Nothing in this section shall prohibit an operator from selling~~  
22 ~~a motor vehicle pursuant to paragraph (a) of this subsection (2) in the~~  
23 ~~event the operator receives no notification described in paragraph (b) of~~  
24 ~~this subsection (2).~~

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

1           (2) IF THE APPRAISED VALUE OF AN ABANDONED MOTOR VEHICLE  
2 SOLD PURSUANT TO THIS SECTION IS TWO HUNDRED DOLLARS OR LESS, THE  
3 SALE SHALL BE MADE ONLY FOR THE PURPOSE OF JUNKING, SCRAPPING, OR  
4 DISMANTLING SUCH MOTOR VEHICLE, AND THE PURCHASER THEREOF  
5 SHALL NOT, UNDER ANY CIRCUMSTANCES, BE ENTITLED TO A COLORADO  
6 CERTIFICATE OF TITLE. THE OPERATOR OR RESPONSIBLE LAW  
7 ENFORCEMENT AGENCY MAKING THE SALE SHALL CAUSE TO BE EXECUTED  
8 AND DELIVERED A BILL OF SALE, TOGETHER WITH A COPY OF THE REPORT  
9 DESCRIBED IN SECTION 42-4-2103, TO THE PERSON PURCHASING SUCH  
10 MOTOR VEHICLE. THE BILL OF SALE SHALL STATE THAT THE PURCHASER  
11 ACQUIRES NO RIGHT TO A CERTIFICATE OF TITLE FOR SUCH VEHICLE. THE  
12 OPERATOR OR RESPONSIBLE LAW ENFORCEMENT AGENCY MAKING THE  
13 SALE SHALL PROMPTLY SUBMIT A REPORT OF SALE, WITH A COPY OF THE  
14 BILL OF SALE, TO THE DEPARTMENT AND SHALL DELIVER A COPY OF SUCH  
15 REPORT OF SALE TO THE PURCHASER OF THE MOTOR VEHICLE. UPON  
16 RECEIPT OF ANY REPORT OF SALE WITH SUPPORTING DOCUMENTS ON ANY  
17 SALE MADE PURSUANT TO THIS SUBSECTION (2), THE DEPARTMENT SHALL  
18 PURGE THE RECORDS FOR SUCH VEHICLE AS PROVIDED IN SECTION  
19 42-4-2109 (1) (b) AND SHALL NOT ISSUE A NEW CERTIFICATE OF TITLE FOR  
20 SUCH VEHICLE. ANY CERTIFICATE OF TITLE ISSUED IN VIOLATION OF THIS  
21 SUBSECTION (2) SHALL BE VOID.

22           (3) IF THE APPRAISED VALUE OF AN ABANDONED MOTOR VEHICLE  
23 SOLD PURSUANT TO THIS SECTION IS MORE THAN TWO HUNDRED DOLLARS,  
24 THE SALE MAY BE MADE FOR ANY INTENDED USE BY THE PURCHASER  
25 THEREOF. THE OPERATOR OR RESPONSIBLE LAW ENFORCEMENT AGENCY  
26 MAKING THE SALE SHALL CAUSE TO BE EXECUTED AND DELIVERED A BILL  
27 OF SALE, TOGETHER WITH A COPY OF THE REPORT DESCRIBED IN SECTION



1 42-4-2103, AND AN APPLICATION FOR A COLORADO CERTIFICATE OF TITLE  
2 SIGNED BY A LEGALLY AUTHORIZED REPRESENTATIVE OF THE OPERATOR  
3 OR RESPONSIBLE LAW ENFORCEMENT AGENCY CONDUCTING THE SALE, TO  
4 THE PERSON PURCHASING SUCH MOTOR VEHICLE. THE PURCHASER OF THE  
5 ABANDONED MOTOR VEHICLE SHALL BE ENTITLED TO A COLORADO  
6 CERTIFICATE OF TITLE UPON APPLICATION AND PROOF OF COMPLIANCE  
7 WITH THE APPLICABLE PROVISIONS OF THE "CERTIFICATE OF TITLE ACT",  
8 PART 1 OF ARTICLE 6 OF THIS TITLE.

9 **42-4-2105. Liens upon towed motor vehicles.** (1) WHENEVER  
10 AN OPERATOR WHO IS REGISTERED WITH THE DEPARTMENT IN  
11 ACCORDANCE WITH SUBSECTION (2) OF THIS SECTION RECOVERS,  
12 REMOVES, OR STORES A MOTOR VEHICLE UPON INSTRUCTIONS FROM THE  
13 OWNER OF RECORD, ANY OTHER LEGALLY AUTHORIZED PERSON IN  
14 CONTROL OF SUCH MOTOR VEHICLE, OR FROM THE OWNER OR LESSEE OF  
15 REAL PROPERTY UPON WHICH A MOTOR VEHICLE IS ILLEGALLY PARKED OR  
16 SUCH OWNER'S OR LESSEE'S AGENT AUTHORIZED IN WRITING, SUCH  
17 OPERATOR SHALL HAVE A POSSESSORY LIEN UPON SUCH MOTOR VEHICLE  
18 AND ITS ATTACHED ACCESSORIES OR EQUIPMENT FOR ALL THE COSTS AND  
19 FEES FOR RECOVERING, TOWING, AND STORAGE AS AUTHORIZED IN SECTION  
20 42-4-2108. SUCH LIEN SHALL BE A FIRST AND PRIOR LIEN ON THE MOTOR  
21 VEHICLE, AND SUCH LIEN SHALL BE SATISFIED BEFORE ALL OTHER CHARGES  
22 AGAINST SUCH MOTOR VEHICLE.

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

27 (I) THE LOCATION OF THE OPERATOR'S TOW BUSINESS;

1 (II) THE HOURS OF OPERATION OF THE OPERATOR'S TOW BUSINESS;

2 (III) THE LOCATION OF THE IMPOUND LOT WHERE VEHICLES MAY  
3 BE CLAIMED BY THE OWNER OF RECORD; AND

4 (IV) ANY INFORMATION RELATING TO A VIOLATION OF ANY  
5 PROVISION CONTAINED IN THIS PART 21 OR OF ANY OTHER STATE LAW OR  
6 RULE RELATING TO THE OPERATION, THEFT, OR TRANSFER OF MOTOR  
7 VEHICLES.

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

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

24 **42-4-2107. Foreclosure of lien.** ANY MOTOR VEHICLE AND ITS  
25 ATTACHED ACCESSORIES AND EQUIPMENT OR PERSONAL PROPERTY WITHIN  
26 OR ATTACHED TO SUCH VEHICLE THAT ARE NOT REDEEMED BY THE  
27 LAST-KNOWN OWNER OF RECORD OR LIENHOLDER AFTER SUCH OWNER OR

1 LIENHOLDER HAS BEEN SENT NOTICE OF SUCH LIEN BY THE OPERATOR  
2 SHALL BE SOLD IN ACCORDANCE WITH THE PROVISIONS OF SECTION  
3 42-4-2104.

4 **42-4-2108. Proceeds of sale.** (1) IF THE SALE OF ANY MOTOR  
5 VEHICLE, PERSONAL PROPERTY, AND ATTACHED ACCESSORIES OR  
6 EQUIPMENT UNDER THE PROVISIONS OF SECTION 42-4-2104 PRODUCES AN  
7 AMOUNT LESS THAN OR EQUAL TO THE SUM OF ALL CHARGES OF THE  
8 OPERATOR WHO HAS PERFECTED HIS OR HER LIEN, THEN THE OPERATOR  
9 SHALL HAVE A VALID CLAIM AGAINST THE OWNER OF RECORD FOR THE  
10 FULL AMOUNT OF SUCH CHARGES, LESS THE AMOUNT RECEIVED UPON THE  
11 SALE OF SUCH MOTOR VEHICLE. SUCH CHARGES SHALL BE ASSESSED IN  
12 THE MANNER PROVIDED FOR IN PARAGRAPH (a) OF SUBSECTION (2) OF THIS  
13 SECTION.

14 (2) IF THE SALE OF ANY MOTOR VEHICLE AND ITS ATTACHED  
15 ACCESSORIES OR EQUIPMENT UNDER THE PROVISIONS OF SECTION  
16 42-4-2104 PRODUCES AN AMOUNT GREATER THAN THE SUM OF ALL  
17 CHARGES OF THE OPERATOR WHO HAS PERFECTED HIS OR HER LIEN:

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

25 (b) ANY BALANCE REMAINING AFTER PAYMENT PURSUANT TO  
26 PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL BE PAID TO THE  
27 RESPONSIBLE LAW ENFORCEMENT AGENCY TO SATISFY ANY

1 ADMINISTRATIVE COSTS INCURRED BY SUCH LAW ENFORCEMENT AGENCY  
2 IN COMPLIANCE WITH THIS PART 21 IN RELATION TO SUCH MOTOR VEHICLE.

3 (c) ANY BALANCE REMAINING AFTER PAYMENT PURSUANT TO  
4 PARAGRAPH (b) OF THIS SUBSECTION (2) SHALL BE FORWARDED TO THE  
5 DEPARTMENT, AND THE DEPARTMENT MAY RECOVER FROM SUCH BALANCE  
6 ANY TAXES, FEES, AND PENALTIES DUE AND PAYABLE TO IT WITH RESPECT  
7 TO SUCH MOTOR VEHICLE.

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

20 **42-4-2109. Transfer and purge of certificates of title.**

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

26 (a) UPON A PERSON'S SUBMISSION TO THE DEPARTMENT OF THE  
27 NECESSARY DOCUMENTS INDICATING THE ABANDONMENT, REMOVAL, AND

1 SUBSEQUENT SALE OR TRANSFER OF A MOTOR VEHICLE WITH AN APPRAISED  
2 VALUE EQUAL TO OR GREATER THAN TWO HUNDRED DOLLARS, THE  
3 DEPARTMENT SHALL TRANSFER THE CERTIFICATE OF TITLE OR ISSUE A NEW  
4 CERTIFICATE OF TITLE FOR SUCH ABANDONED MOTOR VEHICLE.

5 (b) UPON A PERSON'S SUBMISSION OF DOCUMENTS INDICATING THE  
6 ABANDONMENT, REMOVAL, AND SUBSEQUENT WRECKING OR DISMANTLING  
7 OF A MOTOR VEHICLE, INCLUDING ALL SALES OF ABANDONED MOTOR  
8 VEHICLES WITH AN APPRAISED VALUE UNDER TWO HUNDRED DOLLARS  
9 THAT ARE CONDUCTED PURSUANT TO SECTION 42-4-2104 (2), THE  
10 DEPARTMENT SHALL PURGE THE RECORDS FOR SUCH ABANDONED MOTOR  
11 VEHICLE.

12 **42-4-2110. Penalty.** UNLESS OTHERWISE SPECIFIED IN THIS PART  
13 21, ANY PERSON WHO KNOWINGLY VIOLATES ANY OF THE PROVISIONS OF  
14 THIS PART 21 COMMITS A CLASS 2 MISDEMEANOR AND SHALL BE PUNISHED  
15 AS PROVIDED IN SECTION 18-1-106, C.R.S.

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

18 **12-6-102. Definitions.** As used in this part 1, unless the context  
19 otherwise requires:

20 (17) "Used motor vehicle dealer" means any person who, for  
21 commission or with intent to make a profit or gain of money or other  
22 thing of value, sells, exchanges, leases, or offers an interest in used motor  
23 vehicles, or attempts to negotiate a sale, exchange, or lease of used and  
24 new motor vehicles or who is engaged wholly or in part in the business  
25 of selling used motor vehicles, whether or not such motor vehicles are  
26 owned by such person. The sale of three or more used motor vehicles or  
27 the offering for sale of more than three used motor vehicles at the same

1 address or telephone number in any one calendar year shall be prima  
2 facie evidence that a person is engaged in the business of selling used  
3 motor vehicles. "Used motor vehicle dealer" includes any owner of real  
4 property who allows more than three used motor vehicles to be offered  
5 for sale on such property during one calendar year unless said property  
6 is leased to a licensed used motor vehicle dealer. "Used motor vehicle  
7 dealer" does not include:

8 (h) An operator, as defined in section ~~42-4-1802 (5)~~ 42-4-2102  
9 (6), C.R.S., who sells a motor vehicle pursuant to section ~~42-4-1806 (2)~~  
10 42-4-2104, C.R.S.

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

13 **42-4-101. Short title.** Parts 1 to 3, ~~and~~ 5 to 19, AND 21 of this  
14 article, part 1 of article 2 of this title, and part 5 of article 5 of title 43,  
15 C.R.S., shall be known and may be cited as the "Uniform Safety Code of  
16 1935".

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

19 **42-13-106. Impounded vehicles - notice - hearing.** (6) If the  
20 court determines that the impoundment was invalid, the Colorado state  
21 patrol shall be responsible only for the costs incurred in the towing and  
22 storage of the motor vehicle. If the court determines that the  
23 impoundment was valid and if the owner does not comply with the  
24 appropriate statute within ~~thirty~~ TEN days ~~of~~ AFTER the court's decision  
25 and refuses to remove the motor vehicle by means other than under its  
26 own power on a public highway, the Colorado state patrol shall have  
27 reasonable grounds to believe that the motor vehicle has been abandoned,

1 and the provisions of part 18 OR 21 of article 4 of this title shall apply;  
2 except that any notice or hearing requirements of said part 18 OR 21 of  
3 article 4 of this title as to owners of motor vehicles shall be deemed to  
4 have been met by the notice and hearing provisions of this section.  
5 Nevertheless, the notice and hearing requirements of said part 18 OR 21  
6 of article 4 of this title as to lienholders, other than section ~~42-4-1815~~  
7 42-4-1814, shall not be deemed to have been met by the notice and  
8 hearing provisions of this section.

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

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

27 **SECTION 7. Effective date - applicability.** This act shall take

1 effect July 1, 2002, and shall apply to acts committed on or after said  
2 date.

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