

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

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 10-0901.01 Jery Payne

HOUSE BILL 10-1340

HOUSE SPONSORSHIP

Vigil,

SENATE SPONSORSHIP

Newell,

House Committees
Judiciary

Senate Committees
Judiciary

A BILL FOR AN ACT

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

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Currently, the statutes governing the towing of vehicles on public property require that both the law enforcement agency and the tow operator send a notice of the tow by certified mail to the owner or lienholder of a towed vehicle. If a law enforcement agency uses a tow operator, the bill requires the law enforcement agency to send a notice by

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.*

SENATE
2nd Reading Unam ended
April 1, 2010

HOUSE
3rd Reading Unam ended
March 15, 2010

HOUSE
2nd Reading Unam ended
March 12, 2010

first-class mail.

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

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

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

18 (b) IF THE RESPONSIBLE LAW ENFORCEMENT AGENCY USES AN
19 OPERATOR TO STORE THE MOTOR VEHICLE, THE RESPONSIBLE LAW
20 ENFORCEMENT AGENCY, WITHIN TEN WORKING DAYS AFTER THE RECEIPT
21 OF THE REPORT FROM THE DEPARTMENT REQUIRED IN SUBSECTION (2) OF
22 THIS SECTION, SHALL NOTIFY BY FIRST-CLASS MAIL THE OWNER OF
23 RECORD, IF ASCERTAINED, AND ANY LIENHOLDER, IF ASCERTAINED, OF THE
24 FACT OF THE REPORT AND THE CLAIM OF ANY LIEN UNDER SECTION
25 42-4-1806. THE NOTICE SHALL CONTAIN INFORMATION THAT THE

1 IDENTIFIED MOTOR VEHICLE HAS BEEN REPORTED ABANDONED TO THE
2 DEPARTMENT, THE LOCATION OF THE MOTOR VEHICLE AND THE LOCATION
3 FROM WHERE IT WAS TOWED, AND THAT, UNLESS CLAIMED WITHIN THIRTY
4 CALENDAR DAYS AFTER THE DATE THE NOTICE WAS SENT AS DETERMINED
5 FROM THE POSTMARK ON THE NOTICE, THE MOTOR VEHICLE IS SUBJECT TO
6 SALE.

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

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

25 **SECTION 2. Safety clause.** The general assembly hereby finds,
26 determines, and declares that this act is necessary for the immediate
27 preservation of the public peace, health, and safety.