Second Regular Session Sixty-seventh General Assembly STATE OF COLORADO

REVISED

This Version Includes All Amendments Adopted on Second Reading in the Second House HOUSE BILL 10-1340

LLS NO. 10-0901.01 Jery Payne

HOUSE SPONSORSHIP

Vigil,

Newell,

SENATE SPONSORSHIP

House Committees Judiciary

Senate Committees Judiciary

A BILL FOR AN ACT

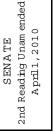
101 CONCERNING THE NOTICE SENT BY A LAW ENFORCEMENT AGENCY

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







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 FACT OF THE REPORT AND THE CLAIM OF ANY LIEN UNDER SECTION 24 25 42-4-1806. THE NOTICE SHALL CONTAIN INFORMATION THAT THE

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

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

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.

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

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