

NOTE: The governor signed this measure on 6/10/2016.

An Act

HOUSE BILL 16-1056

BY REPRESENTATIVE(S) Tyler, Becker K., Coram, Esgar, Kraft-Tharp, Lontine, Melton, Moreno, Priola;
also SENATOR(S) Baumgardner and Todd, Cooke, Crowder, Grantham, Holbert, Kerr, Lundberg, Martinez Humenik, Neville T., Roberts, Steadman, Tate, Woods.

CONCERNING A REQUIREMENT THAT THE HOLDER OF AN ABANDONED MOTOR VEHICLE USE THE RECORDS OF A NATIONAL TITLE SEARCH TO NOTIFY PERSONS WITH AN INTEREST IN THE MOTOR VEHICLE THAT THE VEHICLE HAS BEEN TOWED AND IS SUBJECT TO SALE, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 42-4-1804, **amend** (2) and (6) (a) introductory portion as follows:

42-4-1804. Report of abandoned motor vehicles - owner's opportunity to request hearing. (2) (a) Upon its receipt of ~~such~~ A report MADE UNDER SUBSECTION (1) OR (6) OF THIS SECTION, the department shall search its records to ascertain the last-known owner of record for the abandoned motor vehicle and any lienholder as those persons are represented in department records.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(b) ~~In the event~~ IF the vehicle is determined by the department not to be registered in the state of Colorado the report required by this section shall state that no Colorado title record exists regarding the vehicle WITH THE DEPARTMENT, THE DEPARTMENT SHALL CONDUCT A TITLE SEARCH WITH AN ENTITY THAT:

(I) HAS A NATIONAL DATABASE;

(II) MAY RETRIEVE RECORDS BASED ON BOTH THE VEHICLE IDENTIFICATION NUMBER AND VEHICLE REGISTRATION NUMBER (LICENSE PLATE NUMBER); AND

(III) PROVIDES THE FOLLOWING INFORMATION: THE VEHICLE IDENTIFICATION NUMBER, THE VEHICLE REGISTRATION NUMBER, THE OWNER'S NAME AND CONTACT INFORMATION, AND THE LIENHOLDER'S NAME AND CONTACT INFORMATION.

(c) Within ten working days after ~~such~~ receipt OF A REPORT MADE UNDER SUBSECTION (1) OR (6) OF THIS SECTION, the department shall complete its search and shall transmit ~~such~~ THE report, together with all relevant information, to the responsible law enforcement agency OR TOW OPERATOR.

(6) (a) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (a), an operator or its agent shall, no less than two days, but no more than ten days after a motor vehicle has been towed, determine ~~if there is an~~ WHO THE owner IS and IF THERE IS a lienholder ~~represented in department records~~ AND send a notice by certified mail, return receipt requested, to the last address of the owner ~~as shown on the motor vehicle's registration,~~ and the ANY lienholder ~~as shown on the title, if either is shown in department records~~ AS DETERMINED FROM RECORDS OF THE DEPARTMENT OR FROM A NATIONAL SEARCH PERFORMED BY THE DEPARTMENT.

(II) IF THE DEPARTMENT CONDUCTS A NATIONAL TITLE SEARCH IN ACCORDANCE WITH PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION, EACH DAY ELAPSING BETWEEN THE DEPARTMENT BEING NOTIFIED AND THE DEPARTMENT RETURNING INFORMATION ON THE MOTOR VEHICLE AS A RESULT OF THE SEARCH DOES NOT COUNT AGAINST THE TOW OPERATOR'S TEN-DAY DEADLINE TO CONTACT THE MOTOR VEHICLE'S OWNER OR ANY

LIENHOLDER. THIS SUBPARAGRAPH (II) DOES NOT AFFECT DAILY STORAGE FEES.

(III) The cost of complying with this paragraph (a) ~~shall be considered~~ IS a cost of towing; except that the total of ~~such~~ ALL costs OF COMPLYING WITH THIS SECTION shall not exceed one hundred fifty dollars. TO COMPLY WITH THIS SUBSECTION (6), the notice to the owner and lienholder ~~shall~~ MUST be sent within ~~three~~ FIVE days after the operator receives the information from the department ~~Such notice shall~~ AND MUST contain the following information:

SECTION 2. In Colorado Revised Statutes, 42-4-2103, **amend** (3) (c) (I); and **add** (3) (c) (IV), (3) (c) (V), and (3) (c) (VI) as follows:

42-4-2103. Abandonment of motor vehicles - private property - rules. (3) (c) (I) (A) An operator or its agent shall, no less than two days, but no more than ten days after a motor vehicle has been towed or abandoned, determine ~~if there is an~~ WHO THE owner IS and IF THERE IS a lienholder ~~represented in department records~~ and send a notice by certified mail, return receipt requested, to the address of the owner ~~as shown on the motor vehicle's registration~~, and the ANY lienholder ~~if either is shown in department records~~. ~~Such~~ AS DETERMINED FROM RECORDS OF THE DEPARTMENT OR FROM THE NATIONAL SEARCH PERFORMED BY THE DEPARTMENT.

(B) IF THE DEPARTMENT CONDUCTS A NATIONAL TITLE SEARCH IN ACCORDANCE WITH SUBPARAGRAPH (IV) OF THIS PARAGRAPH (c), EACH DAY ELAPSING BETWEEN THE DEPARTMENT BEING NOTIFIED AND THE DEPARTMENT RETURNING INFORMATION ON THE MOTOR VEHICLE AS A RESULT OF THE SEARCH DOES NOT COUNT AGAINST THE TOW OPERATOR'S TEN-DAY DEADLINE TO CONTACT THE MOTOR VEHICLE'S OWNER OR ANY LIENHOLDER. THIS SUB-SUBPARAGRAPH (B) DOES NOT AFFECT DAILY STORAGE FEES.

(C) THE notice ~~shall~~ MUST include the information required by the report set forth in paragraph (b) of this subsection (3).

(D) The cost of complying with ~~the provisions of this paragraph (c)~~ ~~shall be considered~~ IS a cost of towing; except that the total of ~~such~~ ALL costs OF COMPLYING WITH THIS SECTION shall not exceed one hundred fifty

dollars. The TOW OPERATOR SHALL SEND THE notice to the owner and lienholder ~~shall be sent within three~~ WITHIN FIVE days after receiving the information from the department.

(IV) IF THE TOW OPERATOR DETERMINES IN ACCORDANCE WITH THIS SUBSECTION (3) THAT THE DEPARTMENT DOES NOT HAVE A CURRENT RECORD FOR A MOTOR VEHICLE, THE TOW OPERATOR SHALL NOTIFY THE DEPARTMENT IN WRITING, INCLUDING ELECTRONICALLY. UPON RECEIVING THE NOTICE, THE DEPARTMENT SHALL CONDUCT A TITLE SEARCH WITH AN ENTITY THAT:

(A) HAS A NATIONAL DATABASE;

(B) MAY RETRIEVE RECORDS BASED ON BOTH THE VEHICLE IDENTIFICATION NUMBER AND VEHICLE REGISTRATION NUMBER ON THE LICENSE PLATE; AND

(C) PROVIDES THE FOLLOWING INFORMATION: THE VEHICLE IDENTIFICATION NUMBER, THE VEHICLE REGISTRATION NUMBER, THE OWNER'S NAME AND CONTACT INFORMATION, AND THE LIENHOLDER'S NAME AND CONTACT INFORMATION.

(V) WITHIN TEN WORKING DAYS AFTER RECEIVING THE WRITTEN NOTICE THAT NO RECORD EXISTS UNDER SUBPARAGRAPH (IV) OF THIS PARAGRAPH (c), THE DEPARTMENT SHALL COMPLETE ITS SEARCH AND SHALL TRANSMIT ALL RELEVANT INFORMATION TO THE RESPONSIBLE LAW ENFORCEMENT AGENCY OR TOW OPERATOR. THIS TEN-DAY PERIOD DOES NOT DECREASE THE NUMBER OF DAYS A TOW OPERATOR HAS TO NOTIFY THE OWNER OR LIENHOLDER IN ACCORDANCE WITH THIS PARAGRAPH (c).

(VI) THE DEPARTMENT MAY CHARGE THE TOW OPERATOR A FEE IN AN AMOUNT NOT TO EXCEED THE LESSER OF FIVE DOLLARS OR THE DIRECT AND INDIRECT COSTS OF IMPLEMENTING THIS PARAGRAPH (c).

SECTION 3. Appropriation. For the 2016-17 state fiscal year, \$21,929 is appropriated to the department of revenue for use by the division of motor vehicles. This appropriation is from the Colorado state titling and registration account in the highway users tax fund created in section 42-1-211 (2), C.R.S., and is based on an assumption that the division will require an additional 0.4 FTE. To implement this act, the

division may use this appropriation for vehicles services.

SECTION 4. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2016 and, in such case, will take effect on the date of the

official declaration of the vote thereon by the governor.

(2) This act applies to vehicles towed on or after January 1, 2017.

Dickey Lee Hullinghorst
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Bill L. Cadman
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Effie Ameen
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO