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3rd Reading Unamended
April 24, 2023

SENATE
2nd Reading Unamended
April 21, 2023

HOUSE
3rd Reading Unamended
April 11, 2023

HOUSE
Amended 2nd Reading
April 10, 2023

A BILL FOR AN ACT

101 **C**ONCERNING RELIEF FOR CRIME VICTIMS WHOSE MOTOR VEHICLES
102   HAVE BEEN TOWED BECAUSE OF THE CRIME, AND, IN
103   CONNECTION THEREWITH, REQUIRING THE TRANSPORTATION
104   LEGISLATION REVIEW COMMITTEE STUDY THE ISSUE AND MAKE
105   LEGISLATIVE RECOMMENDATIONS.

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://leg.colorado.gov.)

The bill requires a towing carrier (carrier) to release a motor vehicle without demanding or accepting payment for any fee or charge

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associated with the tow or storage if the motor vehicle was towed without the owner's consent from public or private property and the tow was a result of the owner being a victim of a crime or the motor vehicle being stolen. The owner must provide appropriate documentation.

To reimburse tow carriers for nonconsensual tows from private property, the bill creates an enterprise with a 5-person governing board. The governing board must meet at least annually and may:

- Take actions necessary to implement and administer the enterprise;
- Issue bonds;
- Audit participating carriers;
- Hire any necessary employees; and
- Obtain the necessary office space, equipment, and services.

The governing board is required to:

- Implement and administer the enterprise;
- Annually report to the public utilities commission;
- Establish policies; and
- Coordinate with the commission and department of revenue (department).

The enterprise will administer a voluntary reimbursement program for participating carriers. Under the program, a carrier collects a fee, sends it to the enterprise, and the enterprise reimburses the carrier for the cost of providing a law enforcement tow and storage based on average costs of providing the tow and storage.

The department must create a database of motor vehicles that have been reported abandoned on public or private property. The database must contain certain information to identify the motor vehicle and be made available online to the public, so that a person may search the database to find an abandoned motor vehicle.

Current law requires a law enforcement agency or carrier with a motor vehicle towed from private or public property to check to see if the motor vehicle has been stolen within 30 minutes after the carrier tows the motor vehicle. If the motor vehicle has been stolen, the law enforcement agency will return it to the owner. The bill requires another check 48 hours after towing the motor vehicle.

Current law requires an abandoned motor vehicle to be sold no fewer than 30 days after and within 60 days after it is towed. The bill repeals the requirement that the motor vehicle be sold within 60 days. It states that if the carrier is notified that the motor vehicle was towed because of a crime, the sale must be made no fewer than 60 days after the tow and the owner is notified of the 60 day minimum time frame for holding the motor vehicle.

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

1   **SECTION 1.** In Colorado Revised Statutes, 43-2-145, **add** (1.4)

2   as follows:

3   **43-2-145.   Transportation legislation review - committee -**

4   **definition - repeal.** (1.4) (a) (I) DURING THE 2023 LEGISLATIVE INTERIM,

5   THE COMMITTEE SHALL ANALYZE THE ISSUE OF INDIVIDUALS WHO HAVE

6   HAD THEIR MOTOR VEHICLE NONCONSENSUALLY TOWED, EITHER BY LAW

7   ENFORCEMENT OR FROM PRIVATE PROPERTY, BECAUSE THE VEHICLE WAS

8   STOLEN OR BECAUSE THE INDIVIDUAL WAS THE VICTIM OF A SERIOUS

9   CRIME THAT MADE THE VICTIM INCAPABLE OF ATTENDING TO THE MOTOR

10   VEHICLE.

11   (II) THE COMMITTEE MAY TAKE TESTIMONY FROM INTERESTED OR

12   KNOWLEDGEABLE PEOPLE ABOUT THE ISSUE DESCRIBED IN SUBSECTION

13   (1.4)(a)(I) OF THIS SECTION AND MAY OTHERWISE RESEARCH THE ISSUE.

14   (III)   THE   COMMITTEE   SHALL   MAKE   RECOMMENDATIONS

15   CONCERNING THE ISSUE DESCRIBED IN SUBSECTION (1.4)(a)(I) OF THIS

16   SECTION   TO   THE   GENERAL   ASSEMBLY,   AND,   IF   THE   COMMITTEE

17   RECOMMENDS   LEGISLATION,   THE   LEGISLATION   IS   TREATED   AS

18   LEGISLATION RECOMMENDED BY AN INTERIM LEGISLATIVE COMMITTEE

19   FOR PURPOSES OF ANY INTRODUCTION DEADLINES OR BILL LIMITATIONS

20   IMPOSED BY THE JOINT RULES OF THE GENERAL ASSEMBLY.

21   (b) THIS SUBSECTION (1.4) IS REPEALED, EFFECTIVE JULY 1, 2024.

22   **SECTION 2. Act subject to petition - effective date.** This act

23   takes effect at 12:01 a.m. on the day following the expiration of the

24   ninety-day period after final adjournment of the general assembly; except

25   that, if a referendum petition is filed pursuant to section 1 (3) of article V

26   of the state constitution against this act or an item, section, or part of this

27   act within such period, then the act, item, section, or part will not take

1   effect unless approved by the people at the general election to be held in

2   November 2024 and, in such case, will take effect on the date of the

3   official declaration of the vote thereon by the governor.