

~~DEPARTMENT OF REVENUE~~

~~Division of Motor Vehicles – Title and Registration Sections~~

~~1 CCR 204-10~~

~~RULE 13. PUBLIC TOW REQUIREMENTS FOR ABANDONED VEHICLES~~

~~**Basis:** This regulation is promulgated under the authority of 42-1-204 C.R.S., Part 18 of Article 4 of Title 42 C.R.S.~~

~~**Purpose** The following rules and regulations are promulgated to establish criteria for the notification and title application to the Department when the vehicle is abandoned on public property.~~

~~1.0 — Definitions~~

~~1.1 — “Department” means the Department of Revenue, Division of Motor Vehicles.~~

~~1.2 — “Department Website” means an electronic system whereby an operator registered under 42-4-1806(2) C.R.S. or the agent of such operator shall have access to correct information relating to any owner or lienholder of a vehicle towed by the operator as represented in the Department records at the time of the inquiry.~~

~~1.3 — “Licensed Motor Vehicle Dealer” means a new or used motor vehicle dealer licensed under Article 6 of Title 12 C.R.S.~~

~~1.4 — “Operator” means a person or firm licensed by the Public Utilities Commission (PUC) as a towing carrier.~~

~~1.5 — “Public Tow” A public tow shall result from the abandonment of a vehicle on public property in accordance with 42-4-1802 (1), C.R.S.~~

~~1.6 — “Rebuilt From Salvage” means a motor vehicle or vehicle that is now roadworthy as defined in 42-6-102(15), C.R.S.~~

~~1.7 — “Rebuilt from Salvage Brand” means the designation on the Rebuilt from Salvage Certificate of Title and shall become a permanent part of the Certificate of Title and motor vehicle record for such vehicle and shall appear on all subsequent certificates of title for such vehicle.~~

~~1.8 — “Rebuilt From Salvage Certificate of Title” means a Colorado Certificate of Title issued to a motor vehicle or vehicle as defined in 42-6-136(3)(a), C.R.S.~~

~~1.9 — “Roadworthy” means a condition in which a motor vehicle has sufficient power and is fit to operate on the roads and highways of this state after visual inspection by appropriate law enforcement authorities. In order to be roadworthy, such vehicle, in accord with its design and use, shall have all major parts and systems permanently attached and functioning and shall not be repaired in such a manner as to make the vehicle unsafe. “Major parts and systems” shall include, but not be limited to, the body of a motor vehicle with related component parts, engine, transmission, tires, wheels, seats, exhaust, brakes, and all other equipment required by Colorado law for the particular vehicle.~~

~~1.10 — “Salvage” means any motor vehicle or vehicle as defined in 42-6-102(10) and (23) C.R.S. which is damaged as defined by 42-6-102 (17), C.R.S. which shall include any reference to “salvage motor vehicle” or “salvage vehicle”.~~

- 1.11 ~~“Salvage Brand” means a Salvage Title or Salvage Certificate of Title issued to a salvage motor vehicle or salvage vehicle with the designation ‘SALVAGE TITLE’ printed on the face of the Certificate of Title and indicated on the motor vehicle record. A motor vehicle registration is not permitted for salvage motor vehicles and salvage vehicles with this designation.~~
- 1.12 ~~“Salvage Title or Salvage Certificate of Title” means a Colorado Certificate of Title as defined in 42-6-117, C.R.S issued to a salvage motor vehicle or salvage vehicle.~~
- 1.13 ~~“Working Day” means Monday, Tuesday, Wednesday, Thursday and Friday, excluding State Furlough days and Holidays – New Year’s Day, Martin Luther King Day, Presidents’ Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, Christmas Day~~

~~2.0 Requirements~~

- 2.1 ~~**Time Frames** – All time frames set forth herein begin with the commencement of a tow of an unattended motor vehicle. Time frames for attended motor vehicles tows begin when the owner or owner of record’s agent breaches an agreement with the operator to claim the vehicle. The ‘vehicles abandoned on public property’ procedure terminates with the release or sale of the vehicle in accordance with Part 18 of Article 4 of Title 42 C.R.S.~~
- 2.2 ~~**Responsible Law Enforcement Agency** – Using the DR 2008 Public Tow Vehicle Information Request form, the responsible law enforcement agency that authorized the tow of the vehicle must report information relating to the tow to the Department no later than 10 working days after having an abandoned vehicle towed.~~
- A. ~~The Department will search its records to determine if there is an owner or lienholder of record. The DR 2008 Public Tow Vehicle Information Request form will serve as notification and search request in the title application upon sale of the vehicle.~~
- B. ~~The law enforcement agency must notify any owner and/or lienholder of record, determined through Department records within 10 working days after receipt of the report from the Department.~~
- C. ~~If no record is found in the Department records, the date of notice shall be the date the search of the Department records was completed.~~
- 2.3 ~~**Operator** – All operators that tow abandoned vehicles from public property must be licensed by the Colorado Public Utilities Commission and shall be registered with the Department.~~
- A. ~~The operator shall submit a DR 2008 Public Tow Vehicle Information Request form to the Department or may perform a record search through the Department Website to obtain owner and lienholder information for a public tow.~~
- B. ~~The date noted on the DR 2008 “Date to DOR” shall be the date used to determine the date that the operator complied with notification to the Department in accordance with 42-4-1804 C.R.S.~~
- C. ~~The operator may collect the amount of the documented direct and indirect costs associated with the notification of the owner and lienholder in accordance with 4 CCR 723-6. Direct costs include the charges paid to the U.S. Postal Service for sending the notice by certified mail, return receipt requested. Indirect costs include, but are not limited to, the administrative costs of labor, equipment and supplies required to send the notice.~~
- 2.4 ~~**Bond Title Application.** If no record is found by the Department through Department records or through the Department Website for vehicles less than five years old, including the current model year, the purchaser shall apply for a bonded title in accordance with the procedure outlined in the~~

~~DR 2922 Title or Salvage Title Established by Surety Bond Checklist. When a bond is required, the appraisal on the DR 2173 Motor Vehicle Bill of Sale is valid for 45 days.~~

~~**2.5 Proceeds of Sale.** All proceeds from the sale of a motor vehicle abandoned on private property shall be in accordance with 42-4-1809, C.R.S. Operators are required to complete Section C entitled "Report of Sales of an Abandoned Vehicle" on the DR 2173 Motor Vehicle Bill of Sale.~~

~~**3.0 Salvage Vehicles**~~

- ~~A. Upon receiving record search information from the Department or through the Department Website, and the record indicates that the vehicle is salvage, the responsible law enforcement agency must disclose this information to the buyer.~~
- ~~B. The law enforcement agency must designate the vehicle as "salvage" on the DR 2173 Motor Vehicle Bill of Sale.~~
- ~~C. The responsible law enforcement agency shall provide the buyer with a DR 2444 Statement of Fact indicating the vehicle was purchased as an abandoned vehicle and no repairs were made by the law enforcement agency.~~
- ~~D. The responsible law enforcement agency shall require a DR 2704 Certified VIN Inspection be completed to determine if the vehicle is roadworthy.~~
- ~~E. If the vehicle is roadworthy, then the buyer may apply for a Rebuilt from Salvage Certificate of Title by following the DR 2415 Title Established by Salvage Title Checklist.~~
- ~~F. The buyer will complete a DR 2424 Salvage Title Statement of Fact stating that the vehicle was purchased from the responsible law enforcement agency as an abandoned vehicle and that no repairs have been made.~~
- ~~G. If the completed DR 2704 Certified VIN Inspection indicates that the vehicle is not roadworthy, the buyer may apply for a Salvage Title or Salvage Certificate of Title using the DR 2410 Salvage Title Application.~~
- ~~H. The buyer may apply for a Rebuilt from Salvage Certificate of Title by repairing the vehicle and following the DR 2415 Title Established by Salvage Title Checklist.~~
- ~~I. After repairing the vehicle, a new DR 2704 Certified VIN Inspection is required.~~
- ~~J. A DR 2710 Rebuilt from Salvage Disclosure is required for all subsequent title applications and must indicate "Other — purchased as an abandoned vehicle".~~
- ~~K. If the record search information obtained from the Department or through the Department Website indicates that the vehicle was Rebuilt from Salvage the responsible law enforcement agency shall request a record history from the Department to determine the cause of the initial salvage designation.~~
- ~~L. If reason for initial salvage designation is determined, the responsible law enforcement agency will complete the DR 2710 Rebuilt from Salvage Disclosure to provide the initial salvage designation.~~
- ~~M. If the reason for the initial salvage designation is indeterminate, the responsible law enforcement agency will complete the DR 2710 by marking the "other" box and stating "purchased as an abandoned vehicle, unable to obtain a salvage history, reason for salvage unknown"~~

~~4.0 — **Operator Registration** — All operators that tow abandoned vehicles from public property must be issued a permit through the Colorado Public Utilities Commission, and shall be registered with the Department.~~

~~5.0 — **Suspension/Revocation** — Upon complaint by the Department, an operator's license may be suspended or revoked by the Colorado Public Utilities Commission, or the Department may cancel the operator's registration when it is established that the operator has violated any of the provisions set forth in part 18 of Article 4 of Title 42 C.R.S.~~

~~A. — An operator's registration may be canceled and the operator may not complete searches through the Department's website for the following reasons:~~

~~1. — The operator's PUC status has been revoked by the PUC.~~

~~2. — The operator is 45 days or more past due on the payment of their monthly bill to the Department for use of the online website search application.~~

~~3. — The operator has not completed their annual renewal application timely.~~

~~6.0 — **Electronic Search Capability** — Whenever possible, operators and the responsible law enforcement agency shall utilize the Department Website to obtain the owner and lienholder information of abandoned vehicles. Use of the Department Website shall be only for the purpose of obtaining the required information to process abandoned vehicles and in full compliance with the Driver Privacy Protection Act. Record search information shall not be provided to the buyer of an abandoned vehicle pursuant to 18 USC 2721. Record search information shall be retained by the operator for a period of three years.~~