

DEPARTMENT OF REVENUE

Division of Motor Vehicles – Title and Registration Section

1 CCR 204-10

RULE 12. OBTAINING RECORDS FOR ABANDONED MOTOR VEHICLES

Basis: This rule is promulgated under the authority of sections 42-1-204, C.R.S., Part 18 of Article 4 of Title 42, and Part 21 of Article 4 of Title 42, C.R.S.

Purpose: ~~This~~ The purpose of this rule is ~~promulgated~~ to provide procedures for obtaining records and accessing the Department Website for Abandoned Motor Vehicles.

1.0 Definitions

- 1.1 “Abandoned Motor Vehicle” for the purpose of this rule includes either or both abandoned motor vehicle on private property defined in section 42-4-2102(1), C.R.S., and abandoned motor vehicle on public property defined in section 42-4-1802(1), C.R.S., as the context of the rule requires.
- 1.2 “Department Website” means the Colorado Department of Revenue, Title and Registration Section website for acquiring ownership or lienholder information for abandoned vehicles.
- 1.3 “National Database” means an electronic system that allows the Department to obtain motor vehicle ~~identification numbers, vehicle registration numbers, license plate numbers, and~~ owner(s) and lienholder(s) name and contact information from the motor vehicle records of other states.
- 1.4 “Operator” has the same meaning as defined in sections 42-4-1802(7) and 42-4-2102(5), C.R.S.
- 1.5 “Private Tow” means the removal of an Abandoned Motor Vehicle on private property by an Operator pursuant to section 42-4-2103, C.R.S.
- 1.6 “Public Tow” means the removal of an Abandoned Motor Vehicle on public property in accordance with section 42-4-1803, C.R.S.
- 1.7 “Towing Law Enforcement Agency” means a law enforcement agency that performs a Public Tow under its own authority.

2.0 Operator and Towing Law Enforcement Agency Registration, Department Website, and National Database

- 2.1 ~~Only~~ Operators and Towing Law Enforcement Agencies ~~must be~~ registered with the Department ~~may in order to~~ utilize the Department Website. To register, ~~an~~

~~Operator~~ Operators and Towing Law Enforcement Agency users must submit a ~~DR 2099 Tow Carrier Registration form, and a Towing Law Enforcement Agency must submit a DR 2586 Law Enforcement Registration form~~ a signed end-user's license agreement (EULA) that is provided by the Department.

- 2.2 Operators and Towing Law Enforcement Agencies must renew their Department Website registration annually, as directed ~~in~~ on the Department's ~~renewal notification~~ Website.
- 2.3 An Operator ~~or Towing Law Enforcement Agency~~ must attempt to obtain the motor vehicle owner(s) and lienholder(s), name and contact information by submitting a DR 2489A Motor Vehicle Requestor Release Affidavit of Intended Use form with payment to the Department, or by performing a record search through the Department Website.
- 2.4 An Operator ~~will be invoiced monthly for each~~ must establish a pre-paid account on the Department Website from which funds for searches may be deducted. An Operator must maintain a balance on their account within the Department Website in order to complete Colorado record searches. ~~completed through the Department Website.~~
- 2.5 An accurately completed DR 2008 Public Tow Vehicle Information Request form and DR 2008A Private Tow Vehicle Information Request form submitted with the title application filed upon sale of the motor vehicle is prima facie proof that the owner/lienholder notification and search requirements are satisfied.
- 2.6 The Department may cancel ~~or suspend~~ an Operator's ~~or Towing Law Enforcement Agency's~~ registration and access to the Department Website pursuant to sections 42-4-1806(2)(b), 42-4-2105(2)(b), C.R.S., and for any violation of Part 18 of Article 4 of Title 42 or Part 21 of Article 4 of Title 42, C.R.S., or this Rule, including but not limited to the following:
 - a. The Operator's permit to operate as a towing carrier has been suspended, cancelled, or revoked by the Department of Regulatory Agencies, Public Utilities Commission.
 - ~~b. Being forty five days or more past due on a monthly payment to the Department for use of the Department Website.~~
 - eb. Obtaining or using records for any purpose not authorized by this rule or Colorado Revised Statutes.
 - dc. Failing to ~~timely file an annual registration renewal for access to complete an EULA annually on~~ the Department Website.

3.0 Abandoned Motor Vehicle Record Search

- 3.1 A Colorado record search must be performed on all Abandoned Motor Vehicles, regardless of whether the vehicle has Colorado license plates, by submitting a DR 2489A Motor Vehicle Requestor Release Affidavit of Intended Use form or by using the Department Website.
- 3.2 A National Database record search must be performed if:
- a. The Colorado record search results in “no record found”.
 - b. The Abandoned Motor Vehicle displays visual indicators that it is an out-of-state motor vehicle (e.g., another state’s license plate or registration number).
- 3.3 A National Database record search is performed by **requesting a search through the Department Website**~~completing the~~ **or if completing in person over the counter or through postal mail by submitting a DR 2489A Motor Vehicle Requestor Release Affidavit of Intended form with payment.**
- a. ~~An~~ **If requesting record searches over the counter or through postal mail an** Operator may request the National Database record search at the same time as the Colorado record search if payment for both is remitted at the same time. Where the Colorado record search results in a motor vehicle record found, the Department will not perform a National Database search and will not refund the payment for the National Database record search.

4.0 Operator Access to Department Website and Records Cancelled - Hearing

- 4.1 Access Cancelled Due to Department of Regulatory Agencies, Public Utilities Commission Actions.
- a. The Department will ~~notify and~~ cancel **or suspend** an Operator’s access to the Department Website immediately upon receiving a final decision notice that the Operator’s towing carrier license issued by the Department of Regulatory Agencies, Public Utilities Commission has been cancelled in accordance with sections 24-4-104 and 24-4-105, C.R.S.
 - b. An Operator whose access to the Department Website or records is cancelled **or suspended** may request a hearing, in writing, within thirty days after the notice of cancellation **or suspension** is issued. Written hearing requests must be submitted to the Department of Revenue, Hearings Division.
 - c. The hearing will be held at the Department of Revenue, Hearings Division. The presiding hearing officer shall be an authorized representative designated by the Executive Director. The Department’s representative need not be present at the hearing unless his or her presence is required by the presiding officer, or requested by the Operator at the time the written request for hearing is submitted. If the Department’s

representative is not present at the hearing, any written documents and affidavits submitted by the Department may be considered at the discretion of the hearing officer.

- d. The sole issue at hearing will be whether the Department of Regulatory Agencies, Public Utilities Commission issued a final decision revoking the Operator's towing carrier license.