

# DEPARTMENT OF REVENUE

## Division of Motor Vehicles – ~~Title and Registration~~ Vehicle Services Section

### 1 CCR 204-10

#### RULE 12. OBTAINING RECORDS FOR ABANDONED MOTOR VEHICLES

**Basis:** ~~This rule is promulgated under the authority of sections~~ The statutory bases for this rule are 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:** The purpose of this rule is 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 an abandoned motor vehicle on private property defined in section 42-4-2102(1), C.R.S., and/or an 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, <https://dmvpartner.colorado.gov>, for acquiring ownership or lienholder information for abandoned vehicles.
- 1.3 “National Database” means an electronic system that allows the Department to obtain the name and contact information or motor vehicle owners’ and lienholders’ 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 is authorized to perform a Public Tow under its own authority.

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

- 2.1 Operators and Towing Law Enforcement Agencies must be registered with the Department in order to use the Department Website. To register, Operators and

Towing Law Enforcement Agency users must submit a signed end-user's license agreement (EULA) provided by the Department.

- 2.2 Operators and Towing Law Enforcement Agencies must renew their Department Website registration annually, as directed on the Website.
- 2.3 An Operator must attempt to obtain the names and contact information of motor vehicle owners' and lienholders' 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 must establish a pre-paid account on the Department Website. The cost to search the National Database will be deducted from funds in the account. An Operator must maintain a sufficient balance on their account within the Department Website in order to complete Colorado record searches.
- 2.5 An accurately completed DR 2008 Public Tow Vehicle Information Request form and DR 2008A Private Tow Vehicle Information Request form submitted with a title application that is filed upon sale of the motor vehicle constitutes prima facie proof that the owner/lienholder notification and search requirements are satisfied.
- 2.6 The Department may cancel or suspend an Operator'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. The Operator obtains and uses records for any purpose not authorized by this Rule or the Colorado Revised Statutes; or
  - c. The Operator fails 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"; or

- 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 or, if an Operator requests a search in person or by mail, by submitting a DR 2489A Motor Vehicle Requestor Release Affidavit of Intended Use form with payment to the Department.
- a. If an Operator requests a search in person or by mail, it may request a National Database and Colorado record search at the same time as long as the Operator remits payment for both. If a motor vehicle record is located through a Colorado search, 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 cancel or suspend an Operator's access to the Department Website immediately upon receiving notice of a final decision 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~~ **sixty** days after the **date of** 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.~~