



# Consideration of Mandatory Impoundment of Vehicles

Study Session

02/24/2025

# Introduction

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- On December 16, 2024, City Council approved a motion directing City staff to prepare a presentation for a Council Study Session to discuss a proposed ordinance amending sections of the Commerce City Code pertaining to the mandatory impoundment of vehicles stopped by a police officer where the officer has probable cause that the operator (1) does not have a valid driver's license, (2) the vehicle is not properly registered, and (3) the vehicle does not have insurance as required by law.
- The intent and purpose of this ordinance is to protect public health and safety due to the dangers and risks to the community in allowing a vehicle to be driven on the roadways of Commerce City when these three conditions are present.

# Operation of motor vehicles by unlicensed drivers

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- The operation of motor vehicles by unlicensed drivers is a violation of Colorado Revised Statutes § 42-2-101.
  - Unlicensed drivers may lack the skills to drive safely and may lack essential knowledge about traffic laws.
  - Unlicensed drivers may have had their license suspended because of too many points or because of driving under the influence.
  - Unlicensed drivers often lack insurance, compounding the consequences of accidents.
  - Unlicensed drivers are disproportionately involved in accidents.
  - Unlicensed drivers are more likely to speed, drive drunk, and flee from accident scenes.
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# Operating a motor vehicle without license plates

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- The operation of a motor vehicle without license plates is a violation of Colorado Revised Statutes § 42-3-103, and Model Traffic Code 1814, as adopted by the Commerce City Municipal Code in Section 11-1100.
- License plates remain a vital, cost-effective, and readily identifiable law enforcement tool.
- License plates play a role in crime detection to solve serious, non-traffic crimes.

# Operating a motor vehicle without insurance

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- The operation of a motor vehicle without insurance is a violation of Colorado Revised Statutes § 42-4-109, and Model Traffic Code 1409, as adopted by the Commerce City Municipal Code in Section 11-1100.
- In an accident, injured parties may struggle to obtain compensation for medical expenses if the at-fault driver lacks insurance.
- In an accident, uninsured drivers may not have coverage to compensate passengers for injuries or damages.
- Motorists driving without insurance increases the cost of coverage for everyone.

## Currently Commerce City requires the mandatory impounding of vehicles under the following circumstances:

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- Recovery of a stolen vehicle and the owner is unable to be contacted or respond in a reasonable amount of time to take possession.
  - The owner/operator of the vehicle has been arrested and will not permit the vehicle to be legally parked.
  - Pursuant to Colorado Abatement or Public Nuisance. *See* Colorado Revised Statutes §16-13-301 and §16-13-316.
  - Active want with stipulated impounding (e.g., hit and run, eluding, contains stolen property or other evidence).
  - To further an investigation that requires the issuance of a search warrant to recover evidence.
  - When the vehicle is an immediate hazard.
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## Currently Commerce City allows the discretionary impounding of vehicles under the following circumstances:

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- The owner/operator has been arrested, and in the officer's opinion, the vehicle could likely be subject to criminal mischief or theft or is a traffic hazard.
- When involved in a crash or other vehicle related incident where the driver is incapacitated and unable to make a reasonable decision about its disposition.
- Vehicles that an officer reasonably believes constitute a traffic hazard on any street, particularly on the interstate or freeway system.
- Vehicle is determined to be abandoned pursuant to Colorado Revised Statutes §42-4-1803 – Abandonment of Vehicles on Public Property. *See Policy 503 Abandoned Vehicle Violations.*

# Statistics in Commerce City

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- From January 1, 2024 through January 1, 2025, 4,618 citations have been written, which include at least one of the three offenses related to lack of registration, no proof of insurance, or no valid driver's license.
- 456 of those citations have two or more of the foregoing three offenses.



# Similar Ordinance Recently Passed in Aurora

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- Aurora passed a similar ordinance in September of 2024.
  - According to Aurora City staff, enforcement has resulted in:
    - 190 vehicles impounded in November 2024;
    - 158 vehicles impounded in December 2024; and
    - 137 vehicles impounded in January 2025.
  - Feedback from Aurora was that the ordinance has made a positive impact on the community. The only negative is that the impound yard was operating at a deficit because of how many cars and how long they are being held.
  - Recommend including an exception similar to Aurora's for emergency or exigent circumstances.
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# Council Discussion and Direction

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- Staff Recommendation: The Police Department is supportive of this ordinance because it will make the City safer.
- Impacts on City Operations: The City tows roughly 2-3 vehicles a week for no insurance. The City's impound numbers likely won't be nearly as high as Aurora's. Each tow can add ½ to 1 hour on the call depending on how far out the truck is from the scene.



# Discussion and Direction