

ORDINANCE NO. 2752

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO, AMENDING CHAPTER 11, ARTICLE III, OF THE COMMERCE CITY REVISED MUNICIPAL CODE PERTAINING TO MANDATORY IMPOUNDMENT OF VEHICLES STOPPED BY A POLICE OFFICER WHERE THE OFFICER HAS PROBABLE CAUSE THAT THE OPERATOR DOES NOT HAVE A VALID DRIVER'S LICENSE, THE VEHICLE IS NOT PROPERLY REGISTERED, AND THE VEHICLE DOES NOT HAVE INSURANCE AS REQUIRED BY LAW

WHEREAS, the operation of motor vehicles by unlicensed drivers is a violation of Colorado Revised Statutes § 42-2-101;

WHEREAS, according to an April 2025 report, prepared by the U.S. Department of Transportation (National Highway Traffic Safety Administration), drivers may not be licensed for a variety of possible reasons including neglecting to renew a license on time, the license may have been suspended or revoked (possibly due to driving and/or non-driving violations), the driver may not have obtained a license, or did not obtain a license or endorsement for the type of vehicle being driven;

WHEREAS, there are statistics to show that 24% of all fatal accidents in Colorado involve invalidly licensed drivers who may lack the skills and knowledge about traffic laws to drive safely;

WHEREAS, the operation of a motor vehicle without insurance is a violation of Colorado Revised Statutes § 42-4-1409;

WHEREAS, according to a 2025 study by the Rocky Mountain Insurance Information Association, 19.7% of Colorado motorists are uninsured, compared to 15.4% national average, thereby placing Colorado as the 9th highest state of uninsured motorists;

WHEREAS, uninsured drivers may not have coverage or the resources to compensate passengers for injuries or damages, thereby leaving other motorists vulnerable to legal and financial impacts when serious accidents occur;

WHEREAS, the operation of a motor vehicle without proper registration is in violation of Colorado Revised Statutes § 42-3-103;

WHEREAS, license plates are a vital, cost-effective, and readily identifiable law enforcement tool;

WHEREAS, the operation of a vehicle on Commerce City's roads, where the operator does not have a valid driver's license, has not registered the vehicle, and does not have insurance covering the vehicle is a public safety hazard to others on the road;

WHEREAS, the City of Commerce City has the authority under its home rule status to govern when a police officer impounds a vehicle after it has been lawfully stopped by a police officer; and

WHEREAS, the City Council finds that to protect public safety, any vehicle that is stopped by a police officer and the police officer has probable cause that the operator does not have a valid driver's license, the vehicle is not registered and the vehicle is not insured shall be impounded by the City, with exception of emergencies or exigent circumstances.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO, AS FOLLOWS:

SECTION 1. Findings. The recitals to this ordinance are incorporated as findings of the City Council. This ordinance is found to be supported and authorized by law and in the best interests of and necessary for the protection of the health, safety, and welfare of the public.

SECTION 2. Amendment. Chapter 11 of the CCRMC is hereby amended as set forth in Exhibit A.

SECTION 3. Repealer. All ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof, are hereby repealed to the extent of such inconsistency.

SECTION 4. Effective Date. This ordinance shall be effective pursuant to Section 5.4 of the Charter.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED THIS 15TH DAY OF DECEMBER, 2025.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THIS 5TH DAY OF JANUARY, 2026.

CITY OF COMMERCE CITY, COLORADO

Steve J. Douglas, Mayor

ATTEST

Stephen J. Ruger, City Clerk

EXHIBIT A TO ORDINANCE 2752

*****BEGIN*****

(RED STRIKETHROUGHS SHOW DELETIONS; BLUE UNDERLINES SHOW ADDITIONS, ... SHOW NO CHANGES MADE)

CHAPTER 11 – MOTOR VEHICLES AND TRAFFIC

Article III – TOWING AND STORAGE OF ABANDONED AND ILLEGALLY PARKED VEHICLES

Sec. 11-52. Impoundment of vehicles where the owner does not have a driver's license, insurance, and vehicle registration.

Absent emergency or exigent circumstances, a police officer shall impound any vehicle lawfully stopped by the police officer if:

- (a) The police officer has probable cause to believe the operator of the vehicle is violating the vehicle registration requirements in Title 42, Article 3, Part 1 of the Colorado Revised Statutes; and
- (b) The police officer has probable cause to believe the operator of the vehicle is violating the drivers' license requirements in Title 42, Article 2, Part 1 of Colorado Revised Statutes; and
- (c) The police officer has probable cause to believe the operator of the vehicle is violating any vehicle insurance requirement in Title 42, Article 7.

EXHIBIT B TO ORDINANCE 2752
*****BEGIN*****

CHAPTER 11 – MOTOR VEHICLES AND TRAFFIC

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- (b) The police officer has probable cause to believe the operator of the vehicle is violating the drivers' license requirements in Title 42, Article 2, Part 1 of Colorado Revised Statutes; and
- (c) The police officer has probable cause to believe the operator of the vehicle is violating any vehicle insurance requirement in Title 42, Article 7.