

## Initiated Question 100

### *Title:*

Shall the voters for the City and County of Denver adopt an ordinance requiring that a motor vehicle operated by an unlicensed driver be impounded and that releasing such vehicle shall require that the owner post a two-thousand five-hundred dollar bond to insure no unlicensed driver operates such vehicle for a period of one year and pay a one-hundred dollar impoundment land acquisition fee?

### *Full Text Summary:*

1. This ordinance adds to the section of city law that concerns impoundment of motor vehicles: “Definition: As used in this section ‘illegal alien’ means a person who has entered the United States illegally or is residing in the United States illegally after entering legally.”
2. In existing law, impoundment may take place when a driver does not have a valid driver’s license. This measure adds “or when a driver of a vehicle is an illegal alien or may be reasonably suspected of being an illegal alien. A vehicle operator without a valid driver’s license but with convincing corroborating identification, vehicle registration, and a valid driver’s license of record may, at the discretion of the attending Police Officer, be issued a summons for driving without a license without impounding the vehicle. Such summons along with proof of a valid driver’s license shall be submitted within three working days to a Denver County Court for validation or such vehicle shall be ordered impounded.”
3. It adds a new paragraph that states “When a driver operating a vehicle registered in Colorado possesses a driver’s license from another country and does not possess proof that they are in the country legally, the owner of record, if ascertained, or any lienholder, if ascertained, shall be issued by certified mail, a notice of pending impoundment requiring proof that such driver was not an illegal alien or such vehicle shall be ordered impounded thirty days from the day the violation notice was issued.”
4. To the section on costs, it adds a paragraph that states that the release of a motor vehicle impounded shall require a \$2500 bond, to be posted within 30 days of impoundment. The requirement is not applied if the operator is found to have a valid driver’s license, in which case the vehicle will be released on payment of towing and impoundment charges. The bond is to be held for one year and will be forfeited if the vehicle is operated by an unlicensed driver in Colorado within that time period. For this section, a \$100 impoundment land acquisition fee will also be paid.

### *Those in favor say:*

1. This ordinance is all about safety. Some data estimates that one out of every ten vehicles is being driven by an unlicensed driver and that they are responsible for about half of all the fatal accidents. That would mean higher insurance rates not only for individuals but for vehicles owned and operated by the city. When persons with a revoked or suspended license choose to drive anyway, towing may be the only solution. And when illegal aliens who are not eligible for a driver’s license risk driving, their cars should be towed. That’s fair and responsible.
2. This ordinance protects legal drivers who forgot or temporarily lost their license from being towed. They receive a warning and must show proof of a valid license at a later date but not before a judge. It is the responsibility of all drivers to carry proper credentials while driving.
3. A final provision requires that a person with a driver’s license from a foreign country demonstrate they’re in America legally. No other nation in the world would accept anything less. The fact that this nation often doesn’t had a whole lot to do with how the 9/11 terrorists were able to carry out their deadly mission.

*Those opposed say:*

1. This ordinance would ask police to impound vehicles of any reasonably suspected “illegal alien”, therefore increasing the likelihood for racial profiling.
2. It would force local law officers to work as immigration agents. Could also make communities of color and immigrants of various statuses less likely to trust law enforcement.
3. It would have undue impact on Denver Agencies and consume a great deal of police, sheriff, attorney, and court resources to both impound vehicles and administer “violation notices.” Moreover, the City and County of Denver’s impound lots are already overloaded.
4. Existing law already allows for the seizure and impoundment of vehicles driven by persons without a valid operator’s license. This proposed ordinance is viewed as an attempt to enforce federal immigration laws by imposing an additional deterrent or sanction at the local level. A federal appeals court has made clear that vehicles being driven by unlicensed drivers can be impounded only if they cannot be driven away by a licensed driver or secured and legally parked. Otherwise, such impounds violate constitutional protections against unreasonable seizure.

### **Referred Question 1A**

*Title:*

Shall the Charter of the City and County of Denver be amended to require the Clerk and Recorder, upon certifying the sufficiency of any initiative or referendum petition, to submit the initiative or referendum directly to the registered electors of the City and County of Denver at the next scheduled citywide election, unless the City Council determines to call an earlier election?

Currently, residents must gather enough signatures to exceed 5 percent of the votes cast in the previous mayoral election to force the council to take up a measure.

Once that threshold is passed, which is currently about 4,000 signatures, then the council is required to either enact the proposal into law or submit it to voters.

The council has prepared this charter amendment to refer measures with enough signatures directly to voters and bypass the council entirely, similar to the process for State referred initiatives.

*Those in favor say:*

Several council members believe the current structure places them in a precarious position politically because it requires them to affirmatively vote to place something on the ballot, even measures they dislike.

*Those opposed say:*

There is no organized opposition.