

**First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 11-0008.01 Jason Gelender

HOUSE BILL 11-1084

HOUSE SPONSORSHIP

Baumgardner, Murray, Acree, Barker, Becker, Bradford, Brown, Conti, Coram, DelGrosso, Gardner B., Holbert, Joshi, Looper, McKinley, McNulty, Nikkel, Priola, Scott, Stephens, Swerdfeger, Vaad, Waller

SENATE SPONSORSHIP

Grantham, Harvey, Scheffel, Lambert, Cadman, Roberts, King K., Renfroe, Lundberg, White, Mitchell, Spence, Aguilar, King S.

House Committees

Transportation
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MODIFICATION OF THE FEE FOR LATE REGISTRATION OF**
102 **A VEHICLE, AND MAKING AN APPROPRIATION THEREFOR.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Effective July 1, 2011, **section 1** of the bill changes the fee for late registration of a vehicle from a fee of \$25 per month up to a maximum of \$100 that may only be waived under specified conditions to a fee of up to \$10 that may be waived at the discretion of the department of revenue or its authorized agent registering the vehicle. The new late fee is

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

identical to the fee imposed prior to the effective date of Senate Bill 09-108. **Section 2** makes a conforming amendment.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** 42-3-112, Colorado Revised Statutes, is amended
3 to read:

4 **42-3-112. Failure to pay tax - penalty - rules.** (1) If a vehicle
5 subject to taxation under this article is not registered when required by
6 law, the vehicle owner shall pay IS SUBJECT TO a late fee of ~~twenty-five~~
7 UP TO TEN dollars, ~~for each month or portion of a month following the~~
8 ~~expiration of the registration period, or, if applicable, the expiration of the~~
9 ~~grace period described in section 42-3-114 for which the vehicle is~~
10 ~~unregistered, except that the amount of the late fee shall not exceed one~~
11 ~~hundred dollars. The late fee shall be~~ AS DETERMINED BY THE
12 DEPARTMENT OR THE AUTHORIZED AGENT REGISTERING THE VEHICLE,
13 WHICH IS due when the vehicle is registered. THE DEPARTMENT OR THE
14 AUTHORIZED AGENT REGISTERING THE VEHICLE MAY WAIVE THE LATE FEE.

15 ~~(1.5)(a) Notwithstanding the provisions of subsection (1) of this~~
16 ~~section, the executive director of the department shall promulgate rules~~
17 ~~in accordance with article 4 of title 24, C.R.S., that establish~~
18 ~~circumstances in addition to the circumstances described in subsection (3)~~
19 ~~of this section in which a vehicle owner shall be exempted from paying~~
20 ~~the late fee described in said subsection (1). The rules shall apply~~
21 ~~uniformly throughout the state and shall include, but shall not be limited~~
22 ~~to, exemptions for:~~

23 ~~(I) Acts of God and weather-related delays;~~

24 ~~(II) Office closures and furloughs;~~

25 ~~(III) Temporary registration number plates, tags, or certificates~~

1 that have expired;

2 (IV) ~~Medical hardships; and~~

3 (V) ~~Information technology failures.~~

4 (b) ~~The executive director of the department shall also promulgate~~
5 ~~rules in accordance with article 4 of title 24, C.R.S., that allow the~~
6 ~~department or an authorized agent to reduce or waive the late fee that~~
7 ~~would otherwise be due upon the registration of a trailer that is a~~
8 ~~commercial or farm vehicle, as part of the normal operation, if the owner~~
9 ~~can establish, in accordance with criteria specified in the rules, that the~~
10 ~~trailer was idled so that it was not operated on any public highway in this~~
11 ~~state for at least a full registration period. Nothing in this paragraph (b)~~
12 ~~shall be construed to exempt the owner of an idled trailer from paying any~~
13 ~~fees imposed pursuant to this article other than the late fee before again~~
14 ~~operating the trailer on a public highway in this state or from paying any~~
15 ~~taxes imposed pursuant to this article. The owner shall provide to the~~
16 ~~department or authorized agent a sworn affidavit that states that the trailer~~
17 ~~has not been operated on the public highways during the period for which~~
18 ~~it was not registered as required and describes the nature of the business~~
19 ~~conditions that resulted in the removal of the trailer from service.~~

20 (c) ~~The executive director of the department shall consult with the~~
21 ~~county clerk and recorders in promulgating the rules required by~~
22 ~~paragraph (a) of this subsection (1.5).~~

23 (1.7) ~~Notwithstanding the provisions of subsection (1) of this~~
24 ~~section, on and after July 1, 2010, the amount of the late fee payable by~~
25 ~~the owner of a vehicle without motive power that weighs sixteen~~
26 ~~thousand pounds or less or a camper trailer or a multipurpose trailer~~
27 ~~regardless of its weight, that is subject to taxation under this article, and~~

1 that is not registered when required by law shall be ten dollars. For
2 purposes of this subsection (1.7), the weight of a trailer of any kind is the
3 empty weight.

4 (2) ~~Ten dollars of~~ The late registration fee shall be retained by the
5 department or the authorized agent who registers the motor vehicle. Each
6 authorized agent shall remit to the department no less frequently than
7 once a month, but otherwise at the time and in the manner required by the
8 executive director of the department, the remainder of the late registration
9 fees collected by the authorized agent. ~~The executive director shall~~
10 forward all late registration fees remitted by authorized agents plus the
11 remainder of the late registration fees collected directly by the department
12 to the state treasurer, who shall credit the fees to the highway users tax
13 fund in accordance with section 43-4-804 (1) (e), C.R.S.

14 (3) The late fee described in subsection (1) of this section shall not
15 be imposed on a vehicle subject to taxation under this article if:

16 (a) The person who owns the vehicle uses the vehicle in operating
17 a commercial business and, as part of the normal operation of the
18 business, idles the vehicle so that it is not operated on any public highway
19 in this state for at least one full registration period. Nothing in this
20 paragraph (a) shall be construed to exempt the owner of an idled vehicle
21 from paying any fees imposed pursuant to this article other than the late
22 fee before again operating the vehicle on a public highway in this state or
23 from paying any taxes imposed pursuant to this article.

24 (b) ~~The person who owns the vehicle is in the active military~~
25 ~~service of the United States and is serving outside the state when a~~
26 ~~registration period and grace period for renewal of registration for the~~
27 ~~vehicle end and the vehicle is not operated on any public highway of the~~

1 state between the time the registration period and grace period end and
2 the time the vehicle is reregistered. Nothing in this paragraph (b) shall be
3 construed to exempt the owner of such a vehicle from paying any fees
4 imposed pursuant to this article other than the late fee before again
5 operating the vehicle on a public highway in this state or from paying any
6 taxes imposed pursuant to this article.

7 (c) The vehicle registration expired during the period the vehicle
8 was reported stolen.

9 **SECTION 2. Repeal.** 43-4-804 (1) (e), Colorado Revised
10 Statutes, is repealed as follows:

11 **43-4-804. Highway safety projects - surcharges and fees -**
12 **crediting of moneys to highway users tax fund.** (1) On and after July
13 1, 2009, the following surcharges, fees, and fines shall be collected and
14 credited to the highway users tax fund created in section 43-4-201 (1) (a)
15 and allocated to the state highway fund, counties, and municipalities as
16 specified in section 43-4-205 (6.3):

17 (e) ~~Late registration fees required to be credited to the highway~~
18 ~~users tax fund pursuant to section 42-3-112 (2), C.R.S.~~

19 **SECTION 3. Appropriation.** (1) In addition to any other
20 appropriation, there is hereby appropriated, out of any moneys in the
21 Colorado state titling and registration account of the highway users tax
22 fund created in section 42-1-211 (2) Colorado Revised Statutes, not
23 otherwise appropriated, to the department of revenue, for allocation to the
24 information technology division, for the fiscal year beginning July 1,
25 2010, the sum of two thousand five hundred ninety dollars (\$2,590) cash
26 funds, or so much thereof as may be necessary, for the implementation of
27 this act.

1 (2) In addition to any other appropriation, there is hereby
2 appropriated to the governor - lieutenant governor - state planning and
3 budgeting, for allocation to the office of information technology, for the
4 fiscal year beginning July 1, 2010 , the sum of two thousand five hundred
5 ninety dollars (\$2,590), or so much thereof as may be necessary, for
6 programming services to the department of revenue related to the
7 implementation of this act. Said sum shall be from reappropriated funds
8 received from the department of revenue out of the appropriation made
9 in subsection (1) of this section.

10 **SECTION 4. Effective date - applicability.** This act shall take
11 effect July 1, 2011, and shall apply to late fees accrued on or after said
12 date.

13 **SECTION 5. Safety clause.** The general assembly hereby finds,
14 determines, and declares that this act is necessary for the immediate
15 preservation of the public peace, health, and safety.