

First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 11-0008.01 Jason Gelender

HOUSE BILL 11-1084

HOUSE SPONSORSHIP

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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.

HOUSE
Am ended 2nd Reading
February 22, 2011

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 ~~IN DETERMINING WHETHER OR NOT TO WAIVE THE LATE FEE, THE~~
16 ~~DEPARTMENT OR THE AUTHORIZED AGENT MAY CONSIDER WHETHER THE~~
17 ~~VEHICLE OWNER RECEIVES ANY OF THE FOLLOWING BENEFITS FROM THE~~
18 ~~STATE OR THE FEDERAL GOVERNMENT:~~

19 (a) ~~UNEMPLOYMENT BENEFITS PAID PURSUANT TO ARTICLE 73 OF~~
20 ~~TITLE 8, C.R.S.;~~

21 (b) ~~AID TO THE NEEDY DISABLED PAID IN ACCORDANCE WITH THE~~
22 ~~REQUIREMENTS OF SECTIONS 26-2-111 AND 26-2-119, C.R.S.;~~

23 (c) ~~FOOD STAMPS PROVIDED PURSUANT TO PART 3 OF ARTICLE 2 OF~~
24 ~~TITLE 26, C.R.S.;~~

25 (d) ~~BENEFITS PAID PURSUANT TO THE "COLORADO MEDICAL~~

1 ASSISTANCE ACT", ARTICLES 4 TO 6 OF TITLE 25.5, C.R.S.; OR

2 (e) SUPPLEMENTAL SECURITY INCOME BENEFITS OR SOCIAL
3 SECURITY DISABILITY INSURANCE BENEFITS PAID PURSUANT TO THE
4 FEDERAL "SOCIAL SECURITY ACT", AS AMENDED.

5 (1.5) (a) Notwithstanding the provisions of subsection (1) of this
6 section, the executive director of the department shall promulgate rules
7 in accordance with article 4 of title 24, C.R.S., that establish
8 circumstances in addition to the circumstances described in subsection (3)
9 of this section in which a vehicle owner shall be exempted from paying
10 the late fee described in said subsection (1). The rules shall apply
11 uniformly throughout the state and shall include, but shall not be limited
12 to, exemptions for:

13 (I) Acts of God and weather-related delays;
14 (II) Office closures and furloughs;
15 (III) Temporary registration number plates, tags, or certificates
16 that have expired;
17 (IV) Medical hardships; and
18 (V) Information technology failures.

19 (b) The executive director of the department shall also promulgate
20 rules in accordance with article 4 of title 24, C.R.S., that allow the
21 department or an authorized agent to reduce or waive the late fee that
22 would otherwise be due upon the registration of a trailer that is a
23 commercial or farm vehicle, as part of the normal operation, if the owner
24 can establish, in accordance with criteria specified in the rules, that the
25 trailer was idled so that it was not operated on any public highway in this
26 state for at least a full registration period. Nothing in this paragraph (b)
27 shall be construed to exempt the owner of an idled trailer from paying any

1 fees imposed pursuant to this article other than the late fee before again
2 operating the trailer on a public highway in this state or from paying any
3 taxes imposed pursuant to this article. The owner shall provide to the
4 department or authorized agent a sworn affidavit that states that the trailer
5 has not been operated on the public highways during the period for which
6 it was not registered as required and describes the nature of the business
7 conditions that resulted in the removal of the trailer from service.

8 (c) The executive director of the department shall consult with the
9 county clerk and recorders in promulgating the rules required by
10 paragraph (a) of this subsection (1.5).

11 (1.7) Notwithstanding the provisions of subsection (1) of this
12 section, on and after July 1, 2010, the amount of the late fee payable by
13 the owner of a vehicle without motive power that weighs sixteen
14 thousand pounds or less or a camper trailer or a multipurpose trailer
15 regardless of its weight, that is subject to taxation under this article, and
16 that is not registered when required by law shall be ten dollars. For
17 purposes of this subsection (1.7), the weight of a trailer of any kind is the
18 empty weight.

19 (2) Ten dollars of The late registration fee shall be retained by the
20 department or the authorized agent who registers the motor vehicle. Each
21 authorized agent shall remit to the department no less frequently than
22 once a month, but otherwise at the time and in the manner required by the
23 executive director of the department, the remainder of the late registration
24 fees collected by the authorized agent. The executive director shall
25 forward all late registration fees remitted by authorized agents plus the
26 remainder of the late registration fees collected directly by the department
27 to the state treasurer, who shall credit the fees to the highway users tax

1 fund in accordance with section 43-4-804 (1) (e), C.R.S.

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

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

12 (b) The person who owns the vehicle is in the active military
13 service of the United States and is serving outside the state when a
14 registration period and grace period for renewal of registration for the
15 vehicle end and the vehicle is not operated on any public highway of the
16 state between the time the registration period and grace period end and
17 the time the vehicle is reregistered. Nothing in this paragraph (b) shall be
18 construed to exempt the owner of such a vehicle from paying any fees
19 imposed pursuant to this article other than the late fee before again
20 operating the vehicle on a public highway in this state or from paying any
21 taxes imposed pursuant to this article.

22 (c) The vehicle registration expired during the period the vehicle
23 was reported stolen.

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

26 **43-4-804. Highway safety projects - surcharges and fees -**
27 **crediting of moneys to highway users tax fund.** (1) On and after July

1, 2009, the following surcharges, fees, and fines shall be collected and
credited to the highway users tax fund created in section 43-4-201 (1) (a)
and allocated to the state highway fund, counties, and municipalities as
specified in section 43-4-205 (6.3):

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

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

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

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

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