

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 10-0060.01 Jason Gelender

HOUSE BILL 10-1102

HOUSE SPONSORSHIP

Murray,

SENATE SPONSORSHIP

Kopp,

House Committees
State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 CONCERNING MODIFICATION OF THE PENALTIES FOR LATE
102 REGISTRATION OF VEHICLES.

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, 2010, the bill modifies the penalties for late registration of vehicles as follows:

- ! **Section 1** changes the administrative penalty for operation of special mobile machinery during a period for which specific ownership tax has not been paid by:

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.

- ! Changing the amount of the penalty from the greater of \$500 or double the amount of the specific ownership tax owed to double the amount of the specific ownership tax owed; and
- ! Waiving the penalty if the owner of the machinery pays all specific ownership tax due and registers the machinery by the last day of the month following the month in which the machinery was operated without being registered.
- ! **Section 2** of the bill:
 - ! Reduces the maximum fee for late registration of a vehicle without motive power that weighs 2000 pounds or less to \$25.
 - ! Exempts from the fee for late registration of a vehicle the owner of a vehicle who, at the time an application for renewal of registration is made, signs an affidavit indicating that the vehicle has been an idled vehicle that has not been operated on any public highway of the state or, if the vehicle is mobile machinery or self-propelled construction equipment required to be registered, has not been operated at all, since the end of the last registration period for which the vehicle was registered and the grace period for renewal of registration except for the purposes of obtaining a required emissions control inspection or actually registering the vehicle.
 - ! Specifies that a vehicle owner who knowingly signs a false affidavit commits perjury on a motor vehicle registration application and that exemption from the late fee does not exempt the owner from any other taxes or fees related to vehicle registration.

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

2 **SECTION 1.** 42-3-107 (17) (e) (II), Colorado Revised Statutes,
 3 is amended to read:

4 **42-3-107. Taxable value of classes of property - rate of tax -**
 5 **when and where payable - department duties - apportionment of tax**
 6 **collections - definitions.** (17) (e) (II) No owner may operate special
 7 mobile machinery in Colorado unless the owner has paid the specific

1 ownership tax assessed pursuant to this article, nor shall any owner
2 operate special mobile machinery in Colorado after the expiration of the
3 period for which the specific ownership tax was assessed. A person who
4 violates the provisions of this subparagraph (II) shall be subject to, in
5 addition to any other applicable penalty, an administrative penalty of ~~five~~
6 ~~hundred dollars or~~ double the amount of the specific ownership tax;
7 ~~whichever is greater. Such~~ EXCEPT THAT THE ADMINISTRATIVE PENALTY
8 SHALL BE WAIVED IF THE OWNER PAYS ALL SPECIFIC OWNERSHIP TAX DUE
9 AND REGISTERS THE SPECIAL MOBILE MACHINERY ON OR BEFORE THE LAST
10 DAY OF THE MONTH FOLLOWING THE MONTH IN WHICH THE VIOLATION
11 OCCURRED. THE penalty may be levied by a peace officer, as described in
12 section 16-2.5-101, C.R.S., and authorized by section 42-8-104 (2). ~~Such~~
13 THE violation shall be determined by, AND THE PENALTY SHALL BE paid
14 to and retained by, the municipality or county in which ~~such~~ THE motor
15 vehicle is or should have been registered, subject to judicial review
16 pursuant to rule 106 (a) (4) of the Colorado rules of civil procedure.

17 **SECTION 2.** 42-3-112 (1) and (3), Colorado Revised Statutes,
18 are amended to read:

19 **42-3-112. Failure to pay tax - penalty.** (1) If a vehicle subject
20 to taxation under this article is not registered when required by law, the
21 vehicle owner shall pay a late fee of twenty-five dollars for each month
22 or portion of a month following the expiration of the registration period,
23 or, if applicable, the expiration of the grace period described in section
24 42-3-114 for which the vehicle is unregistered; except that the TOTAL
25 amount of the late fee shall not exceed one hundred dollars FOR A
26 SELF-PROPELLED VEHICLE OF ANY WEIGHT OR A VEHICLE WITHOUT MOTIVE
27 POWER THAT WEIGHS MORE THAN TWO THOUSAND POUNDS AND SHALL

1 NOT EXCEED TWENTY-FIVE DOLLARS FOR A VEHICLE WITHOUT MOTIVE
2 POWER THAT WEIGHS TWO THOUSAND POUNDS OR LESS. FOR PURPOSES OF
3 THIS SUBSECTION (1), THE WEIGHT OF A TRAILER OF ANY KIND IS THE
4 EMPTY WEIGHT. The late fee shall be due when the vehicle is registered.

5 (3) The late fee described in subsection (1) of this section shall not
6 be imposed on a vehicle subject to taxation under this article if THE
7 VEHICLE REGISTRATION EXPIRED DURING THE PERIOD THE VEHICLE WAS
8 REPORTED STOLEN OR THE VEHICLE HAS BEEN AN IDLED VEHICLE. FOR
9 PURPOSES OF THIS SUBSECTION (3), "IDLED VEHICLE" MEANS A VEHICLE,
10 THAT THE OWNER AFFIRMS, AT THE TIME AN APPLICATION FOR RENEWAL
11 OF REGISTRATION IS MADE, HAS NOT BEEN OPERATED ON ANY PUBLIC
12 HIGHWAY OF THE STATE OR, IF THE VEHICLE IS MOBILE MACHINERY OR
13 SELF-PROPELLED CONSTRUCTION EQUIPMENT REQUIRED TO BE REGISTERED
14 PURSUANT TO THIS ARTICLE, HAS NOT BEEN OPERATED AT ALL, SINCE THE
15 END OF THE LAST REGISTRATION PERIOD FOR WHICH THE VEHICLE WAS
16 REGISTERED AND THE GRACE PERIOD FOR RENEWAL OF REGISTRATION
17 EXCEPT FOR THE PURPOSES OF OBTAINING AN EMISSIONS CONTROL
18 INSPECTION REQUIRED BY PART 3 OF ARTICLE 4 OF THIS TITLE OR
19 ACTUALLY REGISTERING THE VEHICLE. "IDLED VEHICLE" INCLUDES, BUT
20 IS NOT LIMITED TO, A VEHICLE USED IN A COMMERCIAL BUSINESS AND
21 IDLED AS PART OF THE NORMAL OPERATION OF THE BUSINESS, A VEHICLE
22 USED ON A SEASONAL BASIS, A VEHICLE BEING REPAIRED OR RESTORED, OR
23 A VEHICLE OWNED BY A PERSON IN THE ACTIVE MILITARY SERVICE OF THE
24 UNITED STATES WHO WAS SERVING OUTSIDE THE STATE WHEN THE LAST
25 REGISTRATION PERIOD FOR WHICH A VEHICLE WAS REGISTERED AND THE
26 GRACE PERIOD FOR RENEWAL OF REGISTRATION ENDED. THE OWNER OF A
27 VEHICLE SHALL AFFIRM THAT A VEHICLE HAS BEEN AN IDLED VEHICLE BY

1 SIGNING AN AFFIDAVIT IN A FORM SPECIFIED BY THE DEPARTMENT, AND AN
2 OWNER WHO SIGNS SUCH AN AFFIDAVIT WITH KNOWLEDGE THAT IT IS
3 FALSE COMMITS PERJURY ON A MOTOR VEHICLE REGISTRATION
4 APPLICATION AS DESCRIBED IN SECTION 42-3-122. NOTHING IN THIS
5 SUBSECTION (3) SHALL BE CONSTRUED TO EXEMPT THE OWNER OF AN
6 IDLED VEHICLE FROM PAYING ANY FEES IMPOSED PURSUANT TO THIS
7 ARTICLE OTHER THAN THE LATE FEE BEFORE AGAIN OPERATING THE
8 VEHICLE ON A PUBLIC HIGHWAY IN THIS STATE OR FROM PAYING ANY
9 TAXES IMPOSED PURSUANT TO THIS ARTICLE.

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

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

1 (c) ~~The vehicle registration expired during the period the vehicle~~
2 ~~was reported stolen.~~

3 **SECTION 3. Effective date - applicability.** This act shall take
4 effect July 1, 2010, and shall apply to administrative penalties and late
5 fees collected and affidavits signed on or after said date.

6 **SECTION 4. Safety clause.** The general assembly hereby finds,
7 determines, and declares that this act is necessary for the immediate
8 preservation of the public peace, health, and safety.