

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 10-0136.02 Jason Gelender

HOUSE BILL 10-1212

HOUSE SPONSORSHIP

Rice,

SENATE SPONSORSHIP

Schwartz,

House Committees

Transportation & Energy

Senate Committees

State, Veterans & Military Affairs

A BILL FOR AN ACT

101 **CONCERNING A REQUIREMENT THAT THE EXECUTIVE DIRECTOR OF**
102 **THE DEPARTMENT OF REVENUE PROMULGATE RULES THAT**
103 **ESTABLISH CIRCUMSTANCES IN WHICH A VEHICLE OWNER SHALL**
104 **BE EXEMPTED FROM PAYING THE LATE FEE FOR LATE**
105 **REGISTRATION OF A VEHICLE.**

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>.)

The bill requires the executive director of the department of

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.

SENATE
3rd Reading Unam ended
March 23, 2010

SENATE
Am ended 2nd Reading
March 22, 2010

HOUSE
3rd Reading Unam ended
February 23, 2010

HOUSE
Am ended 2nd Reading
February 22, 2010

revenue to promulgate rules that establish circumstances, in addition to circumstances already established in statute, in which a vehicle owner shall be exempted from paying the late fee for late registration of a motor vehicle. The bill requires the rules to apply uniformly throughout the state and to include, but not be limited to, exemptions for:

- ! Acts of God and weather-related delays;
- ! Office closures and furloughs;
- ! Medical hardships, which shall not include financial inability to pay;
- ! Out-of-state lienholders; and
- ! Information technology failures.

The bill requires the executive director to consult with the county clerk and recorders in promulgating the rules.

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 BY THE ADDITION OF A NEW SUBSECTION to read:

4 **42-3-112. Failure to pay tax - penalty - rules.**

5 (1.5) (a) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1) OF THIS
6 SECTION, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT SHALL
7 PROMULGATE RULES IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S.,
8 THAT ESTABLISH CIRCUMSTANCES IN ADDITION TO THE CIRCUMSTANCES
9 DESCRIBED IN SUBSECTION (3) OF THIS SECTION IN WHICH A VEHICLE
10 OWNER SHALL BE EXEMPTED FROM PAYING THE LATE FEE DESCRIBED IN
11 SAID SUBSECTION (1). THE RULES SHALL APPLY UNIFORMLY THROUGHOUT
12 THE STATE AND SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO,
13 EXEMPTIONS FOR:

14 (I) ACTS OF GOD AND WEATHER-RELATED DELAYS;

15 (II) OFFICE CLOSURES AND FURLOUGHS;

16 (III) TEMPORARY REGISTRATION NUMBER PLATES, TAGS, OR
17 CERTIFICATES THAT HAVE EXPIRED;

18 (IV) MEDICAL HARDSHIPS; AND

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(V) INFORMATION TECHNOLOGY FAILURES.

(b) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT SHALL ALSO PROMULGATE RULES IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., THAT ALLOW THE DEPARTMENT OR AN AUTHORIZED AGENT TO REDUCE OR WAIVE THE LATE FEE THAT WOULD OTHERWISE BE DUE UPON THE REGISTRATION OF A TRAILER THAT IS A COMMERCIAL OR FARM VEHICLE, AS PART OF THE NORMAL OPERATION, IF THE OWNER CAN ESTABLISH, IN ACCORDANCE WITH CRITERIA SPECIFIED IN THE RULES, THAT THE TRAILER WAS IDLED SO THAT IT WAS NOT OPERATED ON ANY PUBLIC HIGHWAY IN THIS STATE FOR AT LEAST A FULL REGISTRATION PERIOD. NOTHING IN THIS PARAGRAPH (b) SHALL BE CONSTRUED TO EXEMPT THE OWNER OF AN IDLED TRAILER FROM PAYING ANY FEES IMPOSED PURSUANT TO THIS ARTICLE OTHER THAN THE LATE FEE BEFORE AGAIN OPERATING THE TRAILER ON A PUBLIC HIGHWAY IN THIS STATE OR FROM PAYING ANY TAXES IMPOSED PURSUANT TO THIS ARTICLE. THE OWNER SHALL PROVIDE TO THE DEPARTMENT OR AUTHORIZED AGENT A SWORN AFFIDAVIT THAT STATES THAT THE TRAILER HAS NOT BEEN OPERATED ON THE PUBLIC HIGHWAYS DURING THE PERIOD FOR WHICH IT WAS NOT REGISTERED AS REQUIRED AND DESCRIBES THE NATURE OF THE BUSINESS CONDITIONS THAT RESULTED IN THE REMOVAL OF THE TRAILER FROM SERVICE.

(c) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT SHALL CONSULT WITH THE COUNTY CLERK AND RECORDERS IN PROMULGATING THE RULES REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION (1.5).

SECTION 2. Safety clause. The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.