

**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. 11-0668.01 Jery Payne

HOUSE BILL 11-1264

HOUSE SPONSORSHIP

Priola,

SENATE SPONSORSHIP

(None),

House Committees

Transportation
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE APPLICATION OF VEHICLE LAWS TO POWERSPORTS**
102 **VEHICLES THAT OPERATE ON ROADWAYS.**

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 authorizes off-highway vehicles to be operated on the road with the following limitations:

- ! The rider must be licensed;
- ! The vehicle must be registered with the department of revenue;

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.*

- ! The vehicle must be insured;
- ! The vehicle cannot be driven on a road with a speed limit greater than 45 miles per hour except to cross the road;
- ! The vehicle cannot be operated on a limited-access highway or state highway;
- ! The vehicle cannot be driven on paved roads when the local authorities prohibit it;
- ! The driver cannot carry more people than the vehicle is designed for;
- ! The vehicle cannot exceed 45 miles per hour; and
- ! The vehicle must meet equipment standards including: Seats, seatbelts, brakes, stoplights, red reflectors, mirrors, and headlamps.

The Colorado department of transportation and local authorities are authorized to regulate the use of off-highway vehicles on state highways. Drivers of off-highway vehicles must obey the rules of the road.

A dealer may act as the agent of the department of revenue to issue temporary registrations of off-highway vehicles. The department issues license plates to registered vehicles, but the plates do not need to be renewed. The owner pays a registration fee of \$10, a county fee of \$4, and the motorist insurance database fee of \$0.50.

A repair shop may restore a lien on an off-highway vehicle if a person's check is dishonored in the same manner as with motor vehicles.

Powersports vehicles must be titled in the same manner as motor vehicles except those provisions that assume the vehicle will be registered with the department of revenue.

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

2 **SECTION 1.** 10-4-601 (6), Colorado Revised Statutes, is
3 amended to read:

4 **10-4-601. Definitions.** As used in this part 6, unless the context
5 otherwise requires:

6 (6) "Motor vehicle" means a "motor vehicle" and a "low-power
7 scooter", as both terms are defined in section 42-1-102, C.R.S.; except
8 that "motor vehicle" does not include a toy vehicle, snowmobile,
9 ~~off-highway vehicle~~, or vehicle designed primarily for use on rails.

10 "MOTOR VEHICLE" INCLUDES AN OFF-HIGHWAY VEHICLE ONLY IF IT IS

1 REGISTERED UNDER ARTICLE 3 OF TITLE 42, C.R.S., AND THE DRIVER IS
2 REQUIRED TO BE LICENSED UNDER SECTION 42-2-103, C.R.S., TO OPERATE
3 THE VEHICLE.

4 **SECTION 2.** 33-14.5-101 (3), Colorado Revised Statutes, is
5 amended to read:

6 **33-14.5-101. Definitions.** As used in this article, unless the
7 context otherwise requires:

8 (3) "Off-highway vehicle" means ~~any~~ A self-propelled vehicle
9 ~~which~~ THAT is designed to travel on wheels or tracks in contact with the
10 ground, ~~which~~ THAT is designed primarily for use off of the public
11 highways, and ~~which~~ THAT is generally and commonly used ~~to transport~~
12 ~~persons~~ for recreational purposes. "Off-highway vehicle" does not
13 include: ~~the following:~~

14 (a) Vehicles designed and used primarily for travel on, over, or in
15 the water;

16 (b) Snowmobiles;

17 (c) Military vehicles;

18 (d) Golf carts CARS;

19 (e) Vehicles designed and used to carry disabled persons;

20 (f) Vehicles designed and used specifically for agricultural,
21 logging, or mining purposes; or

22 (g) MOTOR vehicles registered pursuant to article 3 of title 42,
23 C.R.S.

24 **SECTION 3.** The introductory portion to 33-14.5-108 (1),
25 Colorado Revised Statutes, is amended to read:

26 **33-14.5-108. Off-highway vehicle operation prohibited on**
27 **streets, roads, and highways.** (1) ~~NO~~ AN off-highway vehicle THAT IS

1 NOT REGISTERED UNDER ARTICLE 3 OF TITLE 42, C.R.S., may NOT be
2 operated on the public streets, roads, or highways of this state except in
3 the following cases:

4 **SECTION 4.** 38-20-106.5, Colorado Revised Statutes, is
5 amended to read:

6 **38-20-106.5. Motor vehicle repair garages - restoration of**
7 **liens.** (1) (a) A motor OR POWERSPORTS vehicle repair garage ~~which~~
8 THAT is entitled to a lien under section 38-20-106 for ~~motor vehicle~~
9 repairs and ~~which~~ THAT has released the motor vehicle upon receipt of
10 payment for ~~such~~ THE repairs in the form of a check, draft, or order for
11 the payment of money upon ~~any bank, depository, person, firm, or~~
12 ~~corporation shall be~~ A FINANCIAL INSTITUTION IS entitled to the restoration
13 of the lien if:

14 (I) The check, draft, or order is not honored for full payment or is
15 dishonored upon its presentment; and if

16 (II) The maker, issuer, or drawer fails, within twelve days after
17 receiving notice from the motor OR POWERSPORTS vehicle repair garage
18 of nonpayment or dishonor, to pay the check, draft, or order.

19 (b) ~~In the event such~~ IF THE motor OR POWERSPORTS vehicle repair
20 garage has released ~~the~~ A motor OR POWERSPORTS vehicle upon an open
21 account, the ~~motor vehicle repair~~ garage ~~shall be~~ IS entitled to restoration
22 of the lien if:

23 (I) The total amount ~~as agreed upon by the parties~~ is not paid
24 when due as agreed upon by the parties; and if

25 (II) The debtor fails, within twelve days after receiving notice
26 from the motor vehicle repair garage of nonpayment, to pay the amount
27 due.

1 (c) Restoration of ~~such~~ THE lien ~~shall entitle~~ ENTITLES the motor
2 OR POWERSPORTS vehicle repair garage to regain possession of the motor
3 OR POWERSPORTS vehicle. In regaining possession, the ~~motor vehicle~~
4 ~~repair~~ garage may proceed without judicial process if this can be done
5 without breach of the peace or may proceed by action.

6 (2) "Notice", as used in subsection (1) of this section, means
7 notice given to the person entitled thereto, either in person or in writing.
8 ~~Such~~ THE notice in writing ~~shall be conclusively presumed to have been~~
9 IS given when deposited by registered or certified mail, return receipt
10 requested and postage prepaid, in the United States mail and addressed to
11 ~~such~~ THE person at ~~his~~ THE PERSON'S address as it appears on the invoice
12 or ~~such~~ check, draft, or order or, in the case of an open account, as it
13 appears on the account records of the motor OR POWERSPORTS vehicle
14 repair garage. ~~Any~~ THE GARAGE SHALL NOT GIVE notice regarding an
15 open account ~~may only be given subsequent to~~ BEFORE nonpayment.

16 **SECTION 5.** 39-26-113 (1), (6) (a), and (6) (b), Colorado
17 Revised Statutes, are amended, and the said 39-26-113 is further amended
18 BY THE ADDITION OF A NEW SUBSECTION, to read:

19 **39-26-113. Collection of sales tax - motor vehicles - exemption.**

20 (1) ~~No registration shall be made of~~ THE DEPARTMENT OF REVENUE OR
21 ITS AUTHORIZED AGENT SHALL NOT REGISTER a motor or other vehicle for
22 which registration is required ~~and no~~ OR ISSUE A certificate of title ~~shall~~
23 ~~be issued~~ for ~~such~~ A vehicle, POWERSPORTS VEHICLE, or ~~for a~~ mobile
24 home ~~by the department of revenue or its authorized agent~~ until any tax
25 due on the sale and purchase of ~~such~~ THE vehicle ~~pursuant to~~ UNDER
26 section 29-2-106, C.R.S., or section 39-26-106 or imposed by ordinance
27 of any home rule city has been paid.

1 (6) (a) ~~In the case of~~ a seller-financed sale in which the seller has
2 added the sales tax due on the sale to the financed sales price of the motor
3 OR POWERSPORTS vehicle and the purchaser has defaulted or ~~otherwise~~
4 failed to make payments due to the seller, the seller ~~shall be entitled to~~
5 MAY deduct all portions of the unreceived payments that are attributable
6 to the sales tax due on the sale from the next sales tax return made by the
7 seller ~~pursuant to~~ UNDER this article. If the amount to be deducted
8 ~~pursuant to this subsection (6)~~ exceeds the amount of sales tax to be
9 remitted by the seller for the next reporting period, the seller may carry
10 forward the remaining amount of the deduction to future sales tax returns.
11 ~~In no event shall~~ This subsection (6) ~~be construed to~~ DOES NOT create a
12 right to a refund or any other payment by the department of revenue to the
13 seller.

14 (b) For purposes of this subsection (6), "seller-financed sale"
15 means a retail sale of a motor OR POWERSPORTS vehicle by a seller
16 licensed ~~pursuant to part 1 of~~ UNDER article 6 of title 12, C.R.S., in which
17 the seller, or a wholly-owned affiliate or subsidiary of the seller, collects
18 all or part of the total consideration paid for the ~~motor~~ vehicle in periodic
19 payments and retains a lien on the ~~motor~~ vehicle until all payments have
20 been received. Except as otherwise provided in this paragraph (b), the
21 term does not include a retail sale of a ~~motor~~ vehicle in which a person
22 other than the seller provides the consideration for the sale and retains a
23 lien on the ~~motor~~ vehicle until all payments have been made.

24 (7) SUBSECTIONS (1) AND (2) OF THIS SECTION DO NOT APPLY TO
25 POWERSPORTS VEHICLES SOLD OR TRANSFERRED BEFORE APRIL 12, 2012.

26 **SECTION 6.** 42-1-102 (55), (58), and (112), Colorado Revised
27 Statutes, are amended to read:

1 **42-1-102. Definitions.** As used in articles 1 to 4 of this title,
2 unless the context otherwise requires:

3 (55) "Motorcycle" means a motor vehicle ~~that uses handlebars to~~
4 ~~steer and~~ that is designed to travel on not more than three wheels in
5 contact with the ground; except that the term does not include A
6 LOW-SPEED ELECTRIC VEHICLE, a farm tractor, or A low-power scooter.

7 (58) "Motor vehicle" means any self-propelled vehicle that is
8 designed primarily for travel on the public highways and that is generally
9 and commonly used to transport persons and property over the public
10 highways or a low-speed electric vehicle; except that the term does not
11 include low-power scooters, wheelchairs, or vehicles moved solely by
12 human power. For the purposes of the offenses described in sections
13 42-2-128, 42-4-1301, 42-4-1301.1, and 42-4-1401 for farm tractors ~~and~~
14 ~~off-highway vehicles, as defined in section 33-14.5-101 (3), C.R.S.,~~
15 operated on streets and highways, "motor vehicle" includes a farm tractor
16 ~~or an off-highway vehicle~~ that is not otherwise classified as a motor
17 vehicle. For the purposes of sections 42-2-127, 42-2-127.7, 42-2-128,
18 42-2-138, 42-2-206, 42-4-1301, and 42-4-1301.1, "motor vehicle"
19 includes a low-power scooter AND AN OFF-HIGHWAY VEHICLE REGISTERED
20 UNDER ARTICLE 3 OF THIS TITLE.

21 (112) "Vehicle" means a device that is capable of moving itself,
22 or of being moved, from place to place upon wheels or endless tracks.
23 "Vehicle" includes, without limitation, a bicycle, electrical assisted
24 bicycle, or EPAMD, but does not include a wheelchair, ~~off-highway~~
25 ~~vehicle~~, snowmobile, farm tractor, or implement of husbandry designed
26 primarily or exclusively for use and used in agricultural operations or any
27 device moved exclusively over stationary rails or tracks or designed to

1 move primarily through the air.

2 **SECTION 7.** 42-1-210 (1) (a), Colorado Revised Statutes, is
3 amended to read:

4 **42-1-210. County clerk and recorders and manager of revenue**
5 **or other appointed official as agents - legislative declaration - fee.**

6 (1) (a) (I) The county clerk and recorder in each county in the state of
7 Colorado, the clerk and recorder in the city and county of Broomfield,
8 and, in the city and county of Denver, the manager of revenue or such
9 other official of the city and county of Denver as may be appointed by the
10 mayor to perform functions related to the registration of ~~motor~~ vehicles
11 are hereby designated as the authorized agents of the department for the
12 administration of the provisions of articles 3 and 6 of this title relating to
13 registrations of ~~motor~~ vehicles in ~~such counties; and~~ EACH COUNTY; for
14 the enforcement of the provisions of section 42-6-139 ~~relating to~~
15 CONCERNING the registering and titling of ~~motor~~ vehicles in ~~such counties~~
16 EACH COUNTY; and for the enforcement of the provisions of section
17 38-29-120, C.R.S., ~~relating to~~ CONCERNING the titling of manufactured
18 homes; but any such authorized agent in a county ~~has the power to~~ MAY
19 appoint and employ ~~such motor~~ vehicle registration and license clerks as
20 ~~are actually~~ necessary in the issuance of ~~motor~~ TO ISSUE vehicle licenses.
21 ~~and~~

22 (II) THE AUTHORIZED AGENT shall retain ~~for the purpose of~~
23 ~~defraying such expenses, including mailing, a sum equal to~~ A FEE OF four
24 dollars per paid motor vehicle OR OFF-HIGHWAY VEHICLE registration and
25 registration requiring a metallic plate, plates, individual temporary
26 registration number plates, or validation tab or sticker as provided in
27 section 42-3-201. This fee of four dollars ~~shall apply~~ APPLIES to every

1 registration of a motor OR POWERSPORTS vehicle, ~~that is designed~~
2 ~~primarily to be operated or drawn on any highway of this state~~, except
3 such vehicles as are specifically exempted from payment of any
4 registration fee by ~~the provisions of~~ article 3 of this title, and shall be in
5 addition to the annual registration fee prescribed by law for ~~such~~ THE
6 vehicle. The fee of four dollars, when collected by the department, shall
7 be credited to the same fund as registration fees collected by the
8 department.

9 (III) The county clerk and recorders, the clerk and recorder in the
10 city and county of Broomfield, and the manager of revenue or such other
11 official of the city and county of Denver as may be appointed by the
12 mayor to perform functions related to the registration of motor OR
13 POWERSPORTS vehicles in the city and county of Denver so designated as
14 the authorized agents of the department, as provided in this section, shall
15 serve as such authorized agents under ~~the provisions of~~ this part 2 without
16 additional remuneration or fees, except as otherwise provided in articles
17 1 to 6 of this title.

18 **SECTION 8.** 42-2-103 (1) (c), (2), and (3), Colorado Revised
19 Statutes, are amended to read:

20 **42-2-103. Motorcycles - low-power scooters - off-highway**
21 **vehicles - driver's license required.** (1) (c) A person shall not operate
22 a two-wheel motorcycle OR A TWO-WHEEL OFF-HIGHWAY VEHICLE
23 REGISTERED UNDER ARTICLE 3 OF THIS TITLE on a roadway without a
24 general motorcycle endorsement, but a person who possesses a general
25 motorcycle endorsement may operate any motorcycle on the roadway.

26 (2) (a) (I) ~~An operator~~ A DRIVER of a low-power scooter shall
27 possess a valid driver's license or minor driver's license.

1 (II) THE DRIVER OF AN OFF-HIGHWAY VEHICLE ON A HIGHWAY
2 SHALL POSSESS A VALID DRIVER'S LICENSE OR MINOR DRIVER'S LICENSE
3 UNLESS THE OFF-HIGHWAY VEHICLE MAY BE OPERATED ON A HIGHWAY
4 UNDER SECTION 33-14.5-108 (1), C.R.S.

5 (b) ~~No~~ A PERSON SHALL NOT DRIVE A low-power scooter ~~shall be~~
6 ~~operated on any~~ ON THE interstate system as described in section 43-2-101
7 (2), C.R.S., except AS SPECIFIED IN PARAGRAPH (c) OF THIS SUBSECTION
8 (2).

9 (c) A LOW-POWER SCOOTER MAY BE DRIVEN where a bicycle may
10 be operated on ~~such~~ THE interstate system, on any limited-access road of
11 the state highway system as described in section 43-2-101 (1), C.R.S., or
12 on ~~any~~ A sidewalk unless ~~such~~ operation is specifically ~~designated~~
13 PROHIBITED. Low-power scooters may be operated upon roadways,
14 except as provided in this section, and in bicycle lanes included within
15 such roadways.

16 (3) (a) A person who operates a motorcycle in violation of
17 subsection (1) of this section commits the offense of driving a motor
18 vehicle without the correct class of license in violation of section
19 42-2-101 (4) and shall be punished as provided in ~~section~~ SECTIONS
20 42-2-101 (10) AND 42-4-1701.

21 (b) A PERSON WHO VIOLATES SUBSECTION (2) OF THIS SECTION
22 COMMITS A CLASS B TRAFFIC INFRACTION, AND SHALL BE PUNISHED BY A
23 FINE OF FIFTY DOLLARS AS PROVIDED IN SECTION 42-4-1701 (4).

24 **SECTION 9.** 42-3-103, Colorado Revised Statutes, is amended
25 BY THE ADDITION OF A NEW SUBSECTION to read:

26 **42-3-103. Registration required - exemptions - rules.**

27 (6) (a) EXCEPT AS AUTHORIZED BY SECTION 33-14.5-108, C.R.S., THE

1 OWNER OF AN OFF-HIGHWAY VEHICLE SHALL NOT OPERATE THE
2 OFF-HIGHWAY VEHICLE ON THE ROADWAYS UNLESS THE OWNER REGISTERS
3 THE OFF-HIGHWAY VEHICLE WITH THE DEPARTMENT. THE REGISTRATION
4 EXPIRES WHEN OWNERSHIP OF THE OFF-HIGHWAY VEHICLE IS
5 TRANSFERRED TO ANOTHER PERSON.

6 (b) THE DEPARTMENT SHALL PROMULGATE RULES AUTHORIZING
7 POWERSPORTS VEHICLE DEALERS LICENSED UNDER ARTICLE 6 OF TITLE 12,
8 C.R.S., TO BE AGENTS OF THE DEPARTMENT FOR ISSUING TEMPORARY
9 REGISTRATIONS FOR OFF-HIGHWAY VEHICLES.

10 (c) A VIOLATION OF THIS SUBSECTION (6) IS A CLASS B TRAFFIC
11 INFRACTION.

12 **SECTION 10.** 42-3-105 (1) (d), (2), and (4), Colorado Revised
13 Statutes, are amended to read:

14 **42-3-105. Application for registration - tax.** (1) (d) (I) The
15 department ~~or its authorized agents~~ shall not register a motor vehicle, ~~or~~
16 low-power scooter, OR OFF-HIGHWAY VEHICLE unless the applicant has a
17 complying motor vehicle insurance policy pursuant to part 6 of article 4
18 of title 10, C.R.S., or a certificate of self-insurance in full force and effect
19 as required by sections 10-4-619 and 10-4-624, C.R.S. The requirements
20 of this paragraph (d) apply only to motor vehicles classified as Class C
21 personal property under section 42-3-106 (2) (c), to light trucks that do
22 not exceed sixteen thousand pounds empty weight, to sports utility
23 vehicles that are classified as Class B personal property under section
24 42-3-106 (2) (b), ~~or~~ to low-power scooters, OR TO OFF-HIGHWAY
25 VEHICLES. The applicant shall provide the department ~~or its authorized~~
26 ~~agents~~ with the proof of insurance certificate or insurance identification
27 card provided to the applicant by the applicant's insurer pursuant to

1 section 10-4-604.5, C.R.S., or provide proof of insurance in such other
2 media as is authorized by the department. Nothing in this paragraph (d)
3 ~~shall be interpreted to preclude~~ PRECLUDES the department from
4 electronically transmitting insurance information to designated agents
5 pursuant to section 42-7-604 for the purpose of ensuring compliance with
6 mandatory insurance requirements.

7 (II) ~~Any~~ A person who knowingly provides fraudulent information
8 or documents under subparagraph (I) of this paragraph (d) to obtain
9 registration of a motor vehicle, ~~or~~ low-power scooter, OR OFF-HIGHWAY
10 VEHICLE is guilty of a misdemeanor and is subject to the criminal and
11 civil penalties provided under section 42-6-139 (3) and (4).

12 (2) Upon applying for registration, THE DEPARTMENT SHALL
13 SUPPLY the owner of a motor vehicle, ~~or~~ low-power scooter, ~~shall receive~~
14 OR OFF-HIGHWAY VEHICLE WITH a written notice printed on the
15 application for registration in type that is larger than the other information
16 contained on the application for registration ~~Such notice shall state that~~
17 motor vehicle insurance or operator's coverage is compulsory in
18 Colorado, that noncompliance is a CLASS 1 misdemeanor traffic offense,
19 that the minimum penalty for ~~such~~ AN offense is a five-hundred-dollar
20 fine, and that the maximum penalty for ~~such~~ AN offense is one year's
21 imprisonment and a one-thousand-dollar fine. ~~and that such~~ THE owner
22 shall, ~~be required~~ as a condition of obtaining a registration card, to sign
23 an affirmation clause that appears on the registration ~~The clause shall~~
24 ~~state~~ STATING, "I swear or affirm in accordance with section 24-12-102,
25 C.R.S., under penalty of perjury that I now have in effect a complying
26 policy of motor vehicle insurance including an operator's policy pursuant
27 to part 6 of article 4 of title 10, C.R.S., or a certificate of self-insurance

1 to cover the vehicle or operator of the vehicle for which this registration
2 is issued, and I understand that ~~such~~ MY insurance must be renewed so
3 that coverage is continuous.

4 Signature _____, Date _____."

5 (4) (a) A motor vehicle dealer, ~~or~~ used motor vehicle dealer, OR
6 POWERSPORTS VEHICLE DEALER licensed under article 6 of ~~this~~ title 12,
7 C.R.S., may act as an authorized agent of the department for the purposes
8 of compliance with this section and collection of fees required for the
9 registration of low-power scooters required by this article. When the
10 owner of the low-power scooter complies with this section, the dealer
11 shall forward to the department an affidavit swearing that the owner has
12 insurance, the statement required by subsection (2) of this section, and the
13 fees required by part 3 of this article for the registration of a low-power
14 scooter.

15 (b) Notwithstanding any provision of law to the contrary, in a civil
16 action for damages or indemnification resulting from the operation of a
17 motor vehicle, a motor vehicle dealer, used motor vehicle dealer,
18 POWERSPORTS VEHICLE DEALER, or employee thereof ~~shall not be~~ IS NOT
19 liable for an act or omission arising as a result of the dealer or employee
20 performing the functions of an agent pursuant to this subsection (4).

21 (c) Upon finding a pattern of failure to comply with the
22 requirements of paragraph (a) of this subsection (4), the department may
23 withdraw a motor vehicle dealer's, ~~or~~ used motor vehicle dealer's, OR
24 POWERSPORTS DEALER'S authorization to act as an agent of the
25 department.

26 **SECTION 11.** 42-3-201, Colorado Revised Statutes, is amended
27 BY THE ADDITION OF A NEW SUBSECTION to read:

1 **42-3-201. Number plates furnished - style - periodic reissuance**

2 **- tabs - rules.** (7) (a) UPON REGISTRATION OF AN OFF-HIGHWAY VEHICLE,
3 THE DEPARTMENT SHALL ISSUE A LICENSE PLATE FOR THE OFF-HIGHWAY
4 VEHICLE.

5 (b) THE OWNER OF AN OFF-HIGHWAY VEHICLE NEED NOT
6 REREGISTER THE OFF-HIGHWAY VEHICLE SO LONG AS THE OFF-HIGHWAY
7 VEHICLE IS NOT SOLD OR TRANSFERRED TO ANOTHER OWNER. THE OWNER
8 OF AN OFF-HIGHWAY VEHICLE NEED NOT OBTAIN VALIDATING STICKERS OR
9 TABS.

10 **SECTION 12.** 42-3-202 (1) (a), Colorado Revised Statutes, is
11 amended to read:

12 **42-3-202. Number plates to be attached.** (1) (a) ~~Number plates~~
13 ~~assigned to~~ THE OWNER OF a self-propelled vehicle other than a
14 motorcycle, OFF-HIGHWAY VEHICLE, or street rod vehicle, shall ~~be~~
15 ~~attached thereto~~ ATTACH THE NUMBER PLATES ASSIGNED TO THE VEHICLE,
16 one in the front and the other in the rear. ~~The number plate assigned to~~
17 THE OWNER OF a motorcycle, street rod vehicle, trailer, semitrailer, other
18 vehicle drawn by a motor vehicle, OFF-HIGHWAY VEHICLE, or special
19 mobile machinery shall ~~be attached~~ ATTACH THE NUMBER PLATE
20 ASSIGNED to the rear ~~thereof~~ OF THE VEHICLE. Number plates ~~shall~~ MUST
21 be so displayed during the current registration year, except as otherwise
22 provided in this article.

23 **SECTION 13.** 42-3-301 (1) (a), Colorado Revised Statutes, is
24 amended to read:

25 **42-3-301. License plate cash fund - license plate fees.** (1) (a) In
26 addition to the payment of any fees for motor vehicle registration or for
27 the issuance of license plates, decals, or validating tabs, each owner of a

1 motor vehicle OR OFF-HIGHWAY VEHICLE issued a license plate, decal, or
2 validating tab for a motor vehicle pursuant to UNDER this article shall also
3 pay a fee to cover the direct costs of such plates, decals, or tabs. The
4 amount of the fee imposed pursuant to this section shall be as specified
5 in paragraph (b) of subsection (2) of this section.

6 SECTION 14. The introductory portion to 42-3-304 (18) (d) (I),
7 Colorado Revised Statutes, is amended to read:

8 **42-3-304. Registration fees - passenger and passenger-mile**
9 **taxes - clean screen fund - repeal.** (18) (d) (I) In addition to any other
10 fee imposed by this section, the owner shall pay, at the time of
11 registration of a motor vehicle, or low-power scooter, OR AN
12 OFF-HIGHWAY VEHICLE, a motorist insurance identification fee. The
13 DEPARTMENT SHALL ADJUST THE fee ~~shall be adjusted~~ annually, by the
14 ~~department~~, based upon moneys appropriated by the general assembly for
15 the operation of the motorist insurance identification database program.
16 ~~In no event~~ THE DEPARTMENT shall NOT SET the fee TO exceed fifty cents.
17 ~~The fee shall be transmitted~~ DEPARTMENT SHALL TRANSMIT THE FEE to the
18 state treasurer, who shall credit it to a special account within the highway
19 users tax fund, to be known as the motorist insurance identification
20 account, which is hereby created. THE DEPARTMENT SHALL USE moneys
21 in the motorist insurance identification account, ~~shall be used~~, subject to
22 appropriation by the general assembly, to cover the costs of
23 administration and enforcement of the motorist insurance identification
24 database program, created in section 42-7-604 and, for state fiscal years
25 2010-11 and 2011-12, for expenses incurred in connection with the
26 administration of article 2 of this title by the division of motor vehicles
27 within the department; except that:

1 **SECTION 15.** Part 3 of article 3 of title 42, Colorado Revised
2 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
3 read:

4 **42-3-313. Off-highway registration fee.** (1) THE DEPARTMENT
5 SHALL NOT REGISTER AN OFF-HIGHWAY VEHICLE UNLESS THE OWNER PAYS
6 A TEN-DOLLAR FEE.

7 (2) THE GENERAL ASSEMBLY SHALL APPROPRIATE MONEYS FROM
8 THE HIGHWAY USERS TAX FUND FOR THE ADMINISTRATION OF THIS
9 SECTION, AND THE DEPARTMENT OF TRANSPORTATION SHALL ALLOCATE
10 THE FEES CREDITED TO THE FUND UNDER SUBSECTION (1) OF THIS SECTION
11 IN EXCESS OF THE AMOUNT OF THE APPROPRIATIONS AS SPECIFIED IN
12 SECTION 43-4-205 (5.5) (f), C.R.S.

13 **SECTION 16.** Part 1 of article 4 of title 42, Colorado Revised
14 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
15 read:

16 **42-4-109.7. Off-highway vehicles.** (1) A PERSON RIDING AN
17 OFF-HIGHWAY VEHICLE UPON A ROADWAY HAS ALL OF THE RIGHTS AND IS
18 SUBJECT TO ALL OF THE DUTIES AND PENALTIES APPLICABLE TO THE
19 DRIVER OF A VEHICLE AS SET FORTH IN THIS ARTICLE EXCEPT THOSE
20 PROVISIONS OF THIS ARTICLE THAT, BY THEIR VERY NATURE, CAN HAVE NO
21 APPLICATION.

22 (2) (a) A PERSON SHALL NOT DRIVE AN OFF-HIGHWAY VEHICLE ON
23 A ROADWAY THAT HAS A SPEED LIMIT GREATER THAN FORTY-FIVE MILES
24 PER HOUR; EXCEPT THAT AN OFF-HIGHWAY VEHICLE MAY BE DRIVEN
25 DIRECTLY ACROSS ANY ROADWAY AT AN AT-GRADE CROSSING TO
26 CONTINUE TRAVELING ALONG A ROADWAY WITH A SPEED LIMIT EQUAL TO
27 OR LESS THAN FORTY-FIVE MILES PER HOUR.

1 (b) A PERSON SHALL NOT OPERATE AN OFF-HIGHWAY VEHICLE ON
2 A LIMITED-ACCESS HIGHWAY.

3 (c) A PERSON MAY OPERATE AN OFF-HIGHWAY VEHICLE ON AN
4 UNPAVED ROADWAY.

5 (d) EXCEPT AS PROHIBITED BY THIS SECTION, A PERSON MAY
6 OPERATE AN OFF-HIGHWAY VEHICLE ON ANY HIGHWAY OPEN TO MOTOR
7 VEHICLES UNLESS THE LOCAL AUTHORITY HAS PROHIBITED DRIVING
8 OFF-HIGHWAY VEHICLES ON THE HIGHWAY UNDER SECTION 42-4-111.
9 PROHIBITING A PERSON FROM DRIVING ON A HIGHWAY DOES NOT PROHIBIT
10 THE PERSON FROM DRIVING ACROSS THE HIGHWAY AT AN AT-GRADE
11 INTERSECTION WITH ANOTHER HIGHWAY OVER WHICH AN OFF-HIGHWAY
12 VEHICLE IS AUTHORIZED.

13 (e) A PERSON SHALL NOT DRIVE AN OFF-HIGHWAY VEHICLE ON A
14 STATE HIGHWAY; EXCEPT THAT:

15 (I) A PERSON MAY DRIVE AN OFF-HIGHWAY VEHICLE TO DIRECTLY
16 CROSS A STATE HIGHWAY AT AN AT-GRADE CROSSING TO CONTINUE
17 TRAVELING ALONG A ROADWAY THAT IS NOT A STATE HIGHWAY; AND

18 (II) THE COLORADO DEPARTMENT OF TRANSPORTATION MAY
19 AUTHORIZE DRIVING AN OFF-HIGHWAY VEHICLE ON A STATE HIGHWAY
20 LOCATED OUTSIDE OF A MUNICIPALITY.

21 (3) A PERSON SHALL NOT USE AN OFF-HIGHWAY VEHICLE TO CARRY
22 MORE PERSONS AT ONE TIME THAN THE NUMBER FOR WHICH IT IS DESIGNED
23 AND EQUIPPED.

24 (4) A PERSON WHO VIOLATES THIS SECTION COMMITS A CLASS B
25 TRAFFIC INFRACTION.

26 **SECTION 17.** The introductory portion to 42-4-111 (1), Colorado
27 Revised Statutes, is amended, and the said 42-4-111 (1) is further

1 amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

2 **42-4-111. Powers of local authorities.** (1) This article ~~shall not~~
3 ~~be deemed to~~ DOES NOT prevent local authorities, with respect to streets
4 and highways under their jurisdiction and within the reasonable exercise
5 of the police power, except those streets and highways that are parts of
6 the state highway system that are subject to section 43-2-135, C.R.S.,
7 from:

8 (ee) PROHIBITING OR REGULATING THE USE OF OFF-HIGHWAY
9 VEHICLES ON ONE OR MORE PAVED HIGHWAYS CONSISTENT WITH SECTION
10 42-4-109.7.

11 **SECTION 18.** 42-4-232 (1), Colorado Revised Statutes, is
12 amended to read:

13 **42-4-232. Minimum safety standards for motorcycles,**
14 **low-power scooters, and off-highway vehicles.** (1) (a) ~~No~~ A person
15 shall NOT operate ~~any~~ A motorcycle or low-power scooter on ~~any~~ A public
16 highway in this state unless ~~such~~ THE person and any passenger ~~thereon~~
17 is wearing goggles or eyeglasses with lenses made of safety glass or
18 plastic; except that ~~this subsection (1) shall not apply to~~ a person wearing
19 a helmet containing eye protection made of safety glass or plastic NEED
20 NOT WEAR GOGGLES OR EYEGLASSES.

21 (b) A PERSON SHALL NOT OPERATE AN OFF-HIGHWAY VEHICLE ON
22 A PUBLIC HIGHWAY IN THIS STATE UNLESS THE PERSON AND ANY
23 PASSENGER IS WEARING GOGGLES OR EYEGLASSES WITH LENSES MADE OF
24 SAFETY GLASS OR PLASTIC; EXCEPT THAT A PERSON WEARING A HELMET
25 CONTAINING EYE PROTECTION MADE OF SAFETY GLASS OR PLASTIC OR
26 DRIVING AN OFF-HIGHWAY VEHICLE WITH A WINDSHIELD NEED NOT WEAR
27 GOGGLES OR EYEGLASSES.

1 **SECTION 19.** 42-4-236 (1) (a.8), Colorado Revised Statutes, is
2 amended to read:

3 **42-4-236. Child restraint systems required - definitions -**
4 **exemptions - repeal.** (1) As used in this section, unless the context
5 otherwise requires:

6 (a.8) "Motor vehicle" means a passenger car; a pickup truck; or a
7 van, minivan, or sport utility vehicle with a gross vehicle weight rating of
8 less than ten thousand pounds OR A REGISTERED OFF-HIGHWAY VEHICLE
9 THAT IS REQUIRED TO HAVE A SEATBELT UNDER SECTION 42-4-241.

10 "Motor vehicle" does not include motorcycles, low-power scooters,
11 motorscooters, motorbicycles, motorized bicycles, and farm tractors and
12 implements of husbandry designed primarily or exclusively for use in
13 agricultural operations.

14 **SECTION 20.** 42-4-237 (1) (a), Colorado Revised Statutes, is
15 amended to read:

16 **42-4-237. Safety belt systems - mandatory use - exemptions -**
17 **penalty.** (1) As used in this section:

18 (a) "Motor vehicle" means a self-propelled vehicle intended
19 primarily for use and operation on the public highways, including
20 passenger cars, station wagons, vans, taxicabs, ambulances, motor homes,
21 and pickups OR A REGISTERED OFF-HIGHWAY VEHICLE THAT IS REQUIRED
22 TO HAVE A SEATBELT UNDER SECTION 42-4-241. The term does not
23 include motorcycles, low-power scooters, passenger buses, school buses,
24 and farm tractors and implements of husbandry designed primarily or
25 exclusively for use in agricultural operations.

26 **SECTION 21.** Part 2 of article 4 of title 42, Colorado Revised
27 Statutes, is amended BY THE ADDITION OF A NEW SECTION to

1 read:

2 **42-4-241. Equipment - off-highway vehicles.** (1) A PERSON
3 SHALL NOT OPERATE AN OFF-HIGHWAY VEHICLE REGISTERED UNDER
4 ARTICLE 3 OF THIS TITLE ON THE ROADWAY WITH A PASSENGER UNLESS
5 THE PASSENGER HAS EITHER:

6 (a) A SEAT, FOOTREST, AND HANDHOLD IF THE PASSENGER SITS
7 BEHIND THE DRIVER; OR


8 (b) A SEAT AND SEATBELT IF THE PASSENGER SITS TO THE SIDE OF
9 THE DRIVER.

10 (2) A PERSON SHALL NOT OPERATE AN OFF-HIGHWAY VEHICLE
11 REGISTERED UNDER ARTICLE 3 OF THIS TITLE ON THE ROADWAY UNLESS
12 THE OFF-HIGHWAY VEHICLE IS EQUIPPED WITH THE FOLLOWING IN GOOD
13 WORKING ORDER:

14 (a) BRAKES THAT ENABLE THE OPERATOR TO MAKE THE WHEELS
15 SKID ON DRY, LEVEL, AND CLEAN PAVEMENT;

16 (b) A STOP LAMP DISPLAYING A RED OR AMBER LIGHT THAT IS
17 ACTUATED BY ACTIVATING THE BRAKES AND IS VISIBLE FROM A DISTANCE
18 OF ONE HUNDRED FEET;

19 (c) TWO RED REFLECTORS MOUNTED ON THE REAR AND VISIBLE AT
20 NIGHT AT A DISTANCE OF ONE HUNDRED FEET BEHIND THE OFF-HIGHWAY
21 VEHICLE WHEN ILLUMINATED BY HEAD LAMPS REQUIRED BY SECTION
22 42-4-205;

23 
24 (d) TWO MIRRORS THAT REFLECT TO THE DRIVER AN
25 UNOBSTRUCTED VIEW OF THE ROADWAY FOR A DISTANCE OF TWO
26 HUNDRED FEET TO THE REAR OF THE OFF-HIGHWAY VEHICLE;

27 (e) A HEAD LAMP AIMED AND SUFFICIENTLY INTENSE TO REVEAL

1 PERSONS AND VEHICLES AT A DISTANCE OF ONE HUNDRED FEET AHEAD ON
2 A STRAIGHT, LEVEL ROAD IF THE OFF-HIGHWAY VEHICLE IS DRIVEN AT
3 NIGHT; AND

4 (f) TWO TAIL LIGHTS EMITTING A RED LIGHT WHEN THE
5 HEADLAMPS ARE LIGHTED, IF THE OFF-HIGHWAY VEHICLE IS DRIVEN AT
6 NIGHT, THAT:

7 (I) ARE VISIBLE FROM A DISTANCE OF FIVE HUNDRED FEET TO THE
8 REAR;

9 (II) ARE MOUNTED ON THE REAR, ON THE SAME LEVEL AND AS
10 WIDELY SPACED Laterally AS PRACTICABLE; AND

11 (III) ARE LOCATED AT A HEIGHT OF NOT MORE THAN
12 SEVENTY-TWO INCHES NOR LESS THAN TWENTY INCHES.

13 (3) A PERSON SHALL NOT OPERATE THE HEAD LAMP OF AN
14 OFF-HIGHWAY VEHICLE TO STRIKE THE EYES OF THE DRIVER OF AN
15 APPROACHING VEHICLE.

16 (4) TO BE OPERATED ON THE ROADWAY, AN OFF-HIGHWAY VEHICLE
17 MUST CONFORM WITH APPLICABLE FEDERAL MANUFACTURING EQUIPMENT
18 STANDARDS FOR OFF-HIGHWAY VEHICLES.

19 (5) A PERSON WHO VIOLATES THIS SECTION COMMITS A CLASS B
20 TRAFFIC INFRACTION.

21 **SECTION 22.** 42-4-1101 (8), Colorado Revised Statutes, is
22 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

23 **42-4-1101. Speed limits.** (8) (h) NOTWITHSTANDING ANY OTHER
24 PROVISION OF THIS SECTION, A PERSON SHALL DRIVE AN OFF-HIGHWAY
25 VEHICLE ON A ROADWAY AT A SPEED NOT IN EXCESS OF FORTY MILES PER
26 HOUR. STATE AND LOCAL AUTHORITIES SHALL NOT AUTHORIZE
27 OFF-HIGHWAY VEHICLES TO EXCEED FORTY MILES PER HOUR ON A

1 ROADWAY.

2 **SECTION 23.** 42-4-1401 (1), Colorado Revised Statutes, is
3 amended to read:

4 **42-4-1401. Reckless driving - penalty.** (1) A person who drives
5 a motor vehicle ~~bicycle, electrical assisted bicycle, or low-power scooter~~
6 OR VEHICLE in such a manner as to indicate either a wanton or a willful
7 disregard for the safety of persons or property is guilty of reckless
8 driving. A person convicted of reckless driving of a bicycle or electrical
9 assisted bicycle ~~shall not be~~ IS NOT subject to ~~the provisions of~~ section
10 42-2-127.

11 **SECTION 24.** 42-4-1402 (1), Colorado Revised Statutes, is
12 amended to read:

13 **42-4-1402. Careless driving - penalty.** (1) A person who drives
14 a motor vehicle ~~bicycle, electrical assisted bicycle, or low-power scooter~~
15 OR VEHICLE in a careless and imprudent manner, without due regard for
16 the width, grade, curves, corners, traffic, and use of the streets and
17 highways and all other attendant circumstances, is guilty of careless
18 driving. A person convicted of careless driving of a bicycle or electrical
19 assisted bicycle ~~shall not be~~ IS NOT subject to ~~the provisions of~~ section
20 42-2-127.

21 **SECTION 25.** 42-4-1409 (2), (3), (5), and (7), Colorado Revised
22 Statutes, are amended to read:

23 **42-4-1409. Compulsory insurance - penalty - legislative intent.**

24 (2) (a) ~~No~~ A person shall NOT operate a motor vehicle or low-power
25 scooter on the public highways of this state without a complying policy
26 or certificate of self-insurance in full force and effect as required by law.

27 (b) A PERSON SHALL NOT OPERATE AN OFF-HIGHWAY VEHICLE

1 REGISTERED UNDER ARTICLE 3 OF THIS TITLE ON A PUBLIC HIGHWAY
2 WITHOUT A COMPLYING POLICY OR CERTIFICATE OF SELF-INSURANCE IN
3 FULL FORCE AND EFFECT AS REQUIRED BY LAW.

4 (3) (a) When an accident occurs or when requested to do so
5 following ~~any lawful~~ A traffic contact or during ~~any~~ A traffic investigation
6 by a peace officer, ~~no owner or operator~~ THE DRIVER of a motor vehicle
7 or low-power scooter shall ~~fail to~~ IMMEDIATELY present to the requesting
8 officer ~~immediate~~ evidence of a complying policy or certificate of
9 self-insurance in full force and effect as required by law.

10 (b) WHEN AN ACCIDENT OCCURS OR WHEN REQUESTED TO DO SO
11 FOLLOWING A TRAFFIC CONTACT OR DURING A TRAFFIC INVESTIGATION BY
12 A PEACE OFFICER, THE DRIVER OF AN OFF-HIGHWAY VEHICLE REGISTERED
13 UNDER ARTICLE 3 OF THIS TITLE SHALL IMMEDIATELY PRESENT TO THE
14 REQUESTING OFFICER EVIDENCE OF A COMPLYING POLICY OR CERTIFICATE
15 OF SELF-INSURANCE IN FULL FORCE AND EFFECT AS REQUIRED BY LAW.

16 (5) Testimony of the failure of any owner or operator of a motor
17 vehicle, ~~or~~ low-power scooter, OR OFF-HIGHWAY VEHICLE to present
18 immediate evidence of a complying policy or certificate of self-insurance
19 in full force and effect as required by law, when requested to do so by a
20 peace officer, shall constitute prima facie evidence, at a trial concerning
21 a violation charged under subsection (1) or (2) of this section, that such
22 owner or operator of a motor vehicle violated subsection (1) or (2) of this
23 section.

24 (7) The owner of a motor vehicle, ~~or~~ low-power scooter, OR
25 OFF-HIGHWAY VEHICLE, upon receipt of an affirmation of insurance as
26 described in section 42-3-113 (2) and (3), shall sign and date such
27 affirmation in the space provided.

1 **SECTION 26.** 42-6-102 (17) (a), Colorado Revised Statutes, is
2 amended, and the said 42-6-102 is further amended BY THE ADDITION
3 OF THE FOLLOWING NEW SUBSECTIONS, to read:

4 **42-6-102. Definitions.** As used in this part 1, unless the context
5 otherwise requires:

6 (11.5) "OFF-HIGHWAY VEHICLE" HAS THE MEANING SET FORTH IN
7 SECTION 33-14.5-101, C.R.S.

8 (13.5) "POWERSPORTS VEHICLE" MEANS ONE OF THE FOLLOWING:

9 (a) AN OFF-HIGHWAY VEHICLE; OR

10 (b) A SNOWMOBILE.

11 (17) (a) (I) "Salvage vehicle" means a vehicle that is damaged by
12 collision, fire, flood, accident, trespass, or other occurrence, excluding
13 hail damage, to the extent that the cost of repairing the vehicle to a
14 roadworthy condition and for legal operation on the highways exceeds the
15 vehicle's retail fair market value immediately prior to such damage, as
16 determined by the person who owns the vehicle at the time of such
17 occurrence or by the insurer or other person acting on behalf of such
18 owner.

19 (II) "SALVAGE VEHICLE" DOES NOT INCLUDE A POWERSPORTS
20 VEHICLE.

21 (18.5) "SNOWMOBILE" MEANS A SELF-PROPELLED VEHICLE
22 PRIMARILY DESIGNED OR ALTERED FOR TRAVEL ON SNOW OR ICE OFF OF
23 THE PUBLIC HIGHWAYS AND SUPPORTED BY SKIS, BELTS, OR CLEATS.
24 "SNOWMOBILE" DOES NOT INCLUDE MACHINERY USED FOR THE GROOMING
25 OF SNOWMOBILE TRAILS OR SKI SLOPES.

26 **SECTION 27.** 42-6-103, Colorado Revised Statutes, is amended
27 to read:

1 **42-6-103. Application.** ~~The provisions of This part 1 shall apply~~
2 APPLIES to motor vehicles ~~as defined in section 42-6-102~~ AND
3 POWERSPORTS VEHICLES; EXCEPT THAT THIS PART 1 DOES NOT APPLY TO
4 POWERSPORTS VEHICLES OWNED BY AGRICULTURAL BUSINESSES OR
5 POWERSPORTS VEHICLES THAT ARE AT LEAST FIFTEEN YEARS OLD AND
6 THAT ARE SOLD FOR SALVAGE.

7 **SECTION 28.** 42-6-107 (1) (a) and (2), Colorado Revised
8 Statutes, are amended to read:

9 **42-6-107. Certificates of title - contents - rules.** (1) (a) ~~ALL THE~~
10 DEPARTMENT OR AUTHORIZED AGENT SHALL MAIL certificates of title to
11 motor OR POWERSPORTS vehicles issued under this part 1 ~~shall be mailed~~
12 to the applicant, except as provided in section 42-6-124, and THE
13 DIRECTOR SHALL RETAIN AND APPROPRIATELY INDEX AND FILE
14 information appearing and concerning the issuance thereof. ~~shall be~~
15 ~~retained by the director and appropriately indexed and filed in the~~
16 ~~director's office.~~ Such THE certificates may be electronic records
17 ~~pursuant to~~ IN COMPLIANCE WITH rules adopted by the director. ~~and;~~ In
18 addition to other information that the director may by rule require, ~~shall~~
19 THE CERTIFICATES MUST contain the make and model of the motor OR
20 POWERSPORTS vehicle ~~for which the certificate is issued or the record is~~
21 ~~created, where such~~ DESCRIBED IN THE RECORD, IF THE information is
22 available, together with the motor and any OTHER serial number of the
23 vehicle, and a description of ~~such~~ ANY other marks or symbols ~~as may be~~
24 placed upon the vehicle by the vehicle manufacturer for identification
25 purposes. The year ~~that is~~ listed on the certificate of title of a kit vehicle
26 ~~shall be~~ IS the year of manufacture of the kit from which the vehicle was
27 assembled, as indicated in the manufacturer's statement of origin.

1 (2) The DEPARTMENT OR AUTHORIZED AGENT SHALL INCLUDE IN
2 THE electronic record of the certificate or the paper version of the
3 certificate ~~shall contain~~ a description of every lien ~~to which~~ ON the motor
4 OR POWERSPORTS vehicle ~~is subject, as~~ THAT appears in the application
5 for the certificate of title or ~~as is noted and shown to be~~ unreleased upon
6 a PRIOR certificate of title ~~issued after August 1, 1949,~~ for ~~such~~ THE
7 vehicle, including the date of ~~such~~ THE lien, the original amount secured
8 by the vehicle, the named lienee, and the county in which the lien appears
9 of record if it is of public record. The DEPARTMENT OR AUTHORIZED
10 AGENT SHALL NUMBER certificates and electronic records ~~shall be~~
11 ~~numbered~~ consecutively by counties, beginning with number one. The
12 certificate of title filed with the authorized agent ~~shall be~~ IS prima facie
13 evidence of the contents of the record and that the person in whose name
14 the certificate is registered is the lawful owner of the vehicle. Except as
15 provided in section 42-6-118, ~~said~~ THE certificate ~~shall be~~ REMAINS
16 effective after filing until the vehicle described in the record is sold or
17 ownership is ~~otherwise~~ transferred.

18 **SECTION 29.** 42-6-109 (1), the introductory portion to 42-6-109
19 (2), and 42-6-109 (2) (b), Colorado Revised Statutes, are amended to
20 read:

21 **42-6-109. Sale or transfer of vehicle.** (1) Except as provided in
22 section 42-6-113, ~~no~~ A person shall NOT sell or ~~otherwise~~ transfer a motor
23 OR POWERSPORTS vehicle to a purchaser or transferee without delivering
24 to ~~such~~ THE purchaser or transferee a certificate of title, which may be
25 electronic, to ~~such~~ THE vehicle duly transferred in the manner ~~prescribed~~
26 ~~in~~ REQUIRED BY section 42-6-110. ~~No~~ A purchaser or transferee shall
27 NOT acquire any right, title, or interest in and to a motor OR POWERSPORTS

1 vehicle ~~purchased by such purchaser or transferee~~ unless and until ~~he or~~
2 ~~she~~ THE PURCHASER OR TRANSFEREE obtains from the transferor the
3 certificate of title ~~duly~~ transferred in accordance with this part 1. A
4 lienholder may request either a paper or electronic version of a certificate
5 of title.

6 (2) A ~~paper copy of~~ PERSON SHALL USE a certificate of title ~~shall~~
7 ~~be necessary~~ for any A transaction in which:

8 (b) The purchaser pays for a motor OR POWERSPORTS vehicle
9 entirely with cash.

10 **SECTION 30.** 42-6-110 (1), Colorado Revised Statutes, is
11 amended to read:

12 **42-6-110. Certificate of title - transfer.** (1) Upon the sale or
13 transfer of a motor OR POWERSPORTS vehicle for which a certificate of
14 title has been issued or filed, the person in whose name the certificate of
15 title is registered, if ~~such~~ THE person is ~~other than~~ NOT a dealer, shall
16 execute a formal transfer of the vehicle described in the certificate. ~~Such~~
17 ~~transfer shall be affirmed by a statement signed by~~ The person in whose
18 name the certificate of title is registered or ~~by such~~ THE person's
19 ~~authorized~~ agent or attorney ~~and shall contain or be~~ AFFIRM THE SALE OR
20 TRANSFER, accompanied by a written declaration that ~~it~~ THE STATEMENT
21 is made under the penalties of perjury in the second degree, as defined in
22 section 18-8-503, C.R.S. The purchaser or transferee, within sixty days
23 thereafter, shall present such certificate, together with an application for
24 a new certificate of title, to the director or one of the authorized agents,
25 accompanied by the fee required in section 42-6-137 to be paid for the
26 filing of a new certificate of title; except that, if no title can be found and
27 the motor vehicle is not roadworthy, the purchaser or transferee may wait

1 until twenty-four months after the motor vehicle was purchased to apply
2 for a certificate of title.

3 **SECTION 31.** 42-6-111 (1) and (2), Colorado Revised Statutes,
4 are amended to read:

5 **42-6-111. Sale to dealers - certificate need not issue.** (1) Upon
6 the sale or transfer to a dealer of a motor OR POWERSPORTS vehicle for
7 which a Colorado certificate of title has been issued, THE DEALER SHALL
8 TRANSFER AND FILE the certificate of title to the motor OR POWERSPORTS
9 vehicle; ~~shall be transferred and filed;~~ except that, so long as the vehicle
10 remains in the dealer's possession and at the dealer's place of business for
11 sale and for no other purpose, ~~such~~ THE dealer ~~shall not be required to~~
12 NEED NOT procure or file a new certificate of title as is otherwise required
13 in this part 1.

14 (2) If a motor OR POWERSPORTS vehicle dealer wishes to obtain a
15 new certificate, ~~of title to a motor vehicle, such~~ THE dealer may present
16 the old certificate of title to the director with the fee imposed by section
17 42-6-137 (6), whereupon the director shall issue a new certificate of title
18 to ~~such~~ THE dealer within one working day after application. This
19 subsection (2) ~~shall~~ DOES not apply to a motor OR POWERSPORTS vehicle
20 subject to a lien.

21 **SECTION 32.** 42-6-112, Colorado Revised Statutes, is amended
22 to read:

23 **42-6-112. Initial registration of a vehicle - dealer responsibility**
24 **to timely forward certificate of title to purchaser or holder of a**
25 **chattel mortgage.** ~~In order~~ To facilitate initial registration of a vehicle,
26 a dealer of motor OR POWERSPORTS vehicles shall, ~~have not more than~~
27 ~~thirty days after the date of sale of such vehicle to~~ WITHIN THIRTY DAYS

1 AFTER THE SALE, deliver or facilitate the delivery of the certificate of title
2 to a purchaser or the holder of a chattel mortgage on ~~such~~ THE motor OR
3 POWERSPORTS vehicle subject to section 42-6-109.

4 **SECTION 33.** 42-6-113, Colorado Revised Statutes, is amended
5 to read:

6 **42-6-113. New vehicles - bill of sale - certificate of title - rules.**

7 (1) Upon the sale or transfer by a dealer of a new motor OR
8 POWERSPORTS vehicle ~~such~~ THE dealer shall, upon delivery, make,
9 execute, and deliver to the purchaser or transferee a sufficient bill of sale
10 and the manufacturer's certificate of origin.

11 (2) The bill of sale ~~shall~~ MUST:

12 (a) Be affirmed by a statement signed by ~~such~~ THE dealer, ~~shall~~
13 ~~contain~~ CONTAINING or ~~be~~ accompanied by a written declaration that it is
14 made under the penalties of perjury in the second degree, as defined in
15 section 18-8-503, C.R.S.;

16 (b) ~~shall~~ Be in such form as the director may require; and

17 (c) ~~shall~~ Contain, in addition to other information that the director
18 may by rule require, the make and model of the motor OR POWERSPORTS
19 vehicle, ~~so sold or transferred~~, the identification number placed upon the
20 vehicle by the manufacturer for identification purposes, the
21 manufacturer's suggested retail price, and the date of the sale or transfer,
22 together with a description of any mortgage or lien on the vehicle that
23 secures any part of the purchase price.

24 (3) Upon presentation of ~~such a~~ THE bill of sale, ~~to~~ the director or
25 an authorized agent SHALL FILE a new certificate of title for the vehicle
26 described in the bill of sale. ~~shall be filed~~. A DEALER SHALL TRANSFER A
27 new motor OR POWERSPORTS vehicle ~~that is~~ used by a dealer for

1 demonstration ~~shall be transferred~~ in accordance with this section.

2 **SECTION 34.** 42-6-114, Colorado Revised Statutes, is amended
3 to read:

4 **42-6-114. Transfers by bequest, descent, or law.** Upon the
5 transfer of ownership of a motor OR POWERSPORTS vehicle by inheritance
6 or by operation of law, as in proceedings in bankruptcy, insolvency,
7 replevin, attachment, execution, or other judicial sale, or ~~whenever such~~
8 ~~IF THE~~ vehicle is sold to satisfy storage or repair charges or repossessed
9 to satisfy a secured debt, the director or the authorized agent may issue,
10 upon the surrender of any available certificate of title and presentation of
11 such proof of ownership as the director may reasonably require or a court
12 order, a new certificate of title on behalf of the new owner, and
13 ~~disposition shall be made~~ DISPOSE OF THE CERTIFICATE as in other cases.

14 **SECTION 35.** 42-6-115 (1), Colorado Revised Statutes, is
15 amended to read:

16 **42-6-115. Furnishing bond for certificates.** (1) If the applicant
17 for a certificate of title to a motor OR POWERSPORTS vehicle is unable to
18 provide the director or the authorized agent with a certificate of title duly
19 transferred to such applicant, a bill of sale, or other evidence of
20 ownership that satisfies the director that the applicant owns the vehicle,
21 a certificate of title for ~~such~~ THE vehicle may be filed by the director or
22 the authorized agent upon the applicant furnishing the director or the
23 authorized agent with a statement, in such form as required by the
24 director. The statement ~~shall~~ MUST contain a recital of the facts and
25 circumstances by which the applicant acquired the ownership and
26 possession of such vehicle, the source of the title to the vehicle, and such
27 other information as the director may require to determine whether any

1 liens are attached to ~~such~~ THE motor vehicle, the date of the liens, the
2 amount secured by the vehicle, where such liens are of public record, and
3 the right of the applicant to have a certificate of title filed on behalf of the
4 applicant. The statement ~~shall~~ MUST contain or be accompanied by a
5 written declaration that it is made under the penalties of perjury in the
6 second degree, as defined in section 18-8-503, C.R.S., and ~~shall~~ MUST
7 accompany the application for the certificate as required in section
8 42-6-116. Any evidence submitted to and maintained by the director or
9 the authorized agent may be maintained in a paper or electronic version.

10 **SECTION 36.** 42-6-116, Colorado Revised Statutes, is amended
11 to read:

12 **42-6-116. Applications for filing of certificates of title - rules.**

13 If a person who desires or who is entitled to a filing of a certificate of title
14 to a motor OR POWERSPORTS vehicle is required to apply to the director or
15 the authorized agent, ~~such~~ THE applicant shall apply upon a form provided
16 by the director in which appears a description of the motor OR
17 POWERSPORTS vehicle including the make and model, the manufacturer's
18 number, and a description of any other distinguishing mark, number, or
19 symbol placed on ~~said~~ THE vehicle by the vehicle manufacturer for
20 identification purposes, as may be required by the director by rule adopted
21 in accordance with article 4 of title 24, C.R.S. The application ~~shall also~~
22 MUST show the name and correct address of the owner determined
23 pursuant to section 42-6-139, a class A, class B, class C, class D, or class
24 F vehicle owner's personal identification number as provided on a
25 state-issued driver's license or assigned by the department, and the
26 applicant's source of title and ~~shall~~ include a description of all known
27 mortgages and liens upon the motor OR POWERSPORTS vehicle, the holder

1 of the lien, the amount originally secured, and the name of the county and
2 state in which ~~such~~ THE mortgage or lien is recorded or filed. ~~Such~~ THE
3 application ~~shall~~ MUST be verified by a statement signed by the applicant
4 and ~~shall~~ contain or be accompanied by a written declaration that it is
5 made under the penalties of perjury in the second degree, as defined in
6 section 18-8-503, C.R.S.

7 **SECTION 37.** 42-6-118, Colorado Revised Statutes, is amended
8 to read:

9 **42-6-118. Amended certificate.** If the owner of a motor OR
10 POWERSPORTS vehicle for which a Colorado certificate of title has been
11 issued or filed replaces any part of the motor OR POWERSPORTS vehicle on
12 which appears the identification number or symbol described in the
13 certificate of title and ~~such~~ THE identification number or symbol no longer
14 appears on the motor OR POWERSPORTS vehicle, or incorporates the part
15 containing the identification number or symbol into another motor OR
16 POWERSPORTS vehicle, ~~such~~ THE owner shall immediately apply to the
17 director or an authorized agent for an assigned identification number and
18 an amended filing of a certificate of title to ~~such~~ THE vehicle.

19 **SECTION 38.** 42-6-119, Colorado Revised Statutes, is amended
20 to read:

21 **42-6-119. Certificates for vehicles registered in other states.**

22 (1) When a resident of the state acquires the ownership of a motor OR
23 POWERSPORTS vehicle for which a certificate of title has been issued by
24 a state other than Colorado, the person acquiring ~~such~~ THE vehicle shall
25 apply to the director or an authorized agent for the filing of a certificate
26 of title as in other cases.

27 (2) If a dealer acquires the ownership of a motor OR POWERSPORTS

1 vehicle by lawful means and the ~~motor~~ vehicle is titled under the laws of
2 a state other than Colorado, ~~such~~ THE dealer ~~shall not be required to~~ NEED
3 NOT file a Colorado certificate of title for the vehicle so long as ~~such~~ THE
4 vehicle remains in the dealer's possession and at the dealer's place of
5 business solely for the purpose of sale.

6 (3) Upon the sale by a dealer of a motor OR POWERSPORTS vehicle,
7 the certificate of title to which was issued in a state other than Colorado,
8 the dealer shall, within thirty days after the ~~date of~~ sale, deliver or
9 facilitate the delivery to the purchaser ~~such~~ THE certificate of title from a
10 state other than Colorado duly and properly endorsed or assigned to the
11 purchaser with a statement by the dealer ~~that shall contain~~ CONTAINING
12 or ~~be~~ accompanied by a written declaration that it is made under the
13 penalties of perjury in the second degree, as defined in section 18-8-503,
14 C.R.S., and ~~that shall set~~ SETTING forth the following:

15 (a) That ~~such~~ THE dealer, ~~has warranted and,~~ by the execution of
16 ~~such~~ THE affidavit, ~~does warrant~~ WARRANTS to the purchaser and all
17 persons who ~~shall~~ claim through the NAMED purchaser ~~named~~ that, at the
18 time of the sale, transfer, and delivery by the dealer, the vehicle described
19 was free and clear of all liens and mortgages except as might ~~therein~~
20 appear IN THE CERTIFICATE OF TITLE;

21 (b) That the vehicle is not a stolen vehicle; and

22 (c) That ~~such~~ THE dealer had good, sure, and adequate title to, and
23 full ~~right and~~ authority to sell and transfer, the vehicle.

24 (4) If the purchaser of the vehicle completes and includes the
25 vehicle identification number inspection form as part of the application
26 for filing of a Colorado certificate of title to ~~such~~ THE vehicle and
27 accompanies the application with the affidavit required by subsection (3)

1 of this section and the duly endorsed or assigned certificate of title from
2 a state other than Colorado, a Colorado certificate of title may be filed in
3 the same manner as upon the sale or transfer of a motor OR POWERSPORTS
4 vehicle for which a Colorado certificate of title has been issued or filed.
5 Upon the filing by the director or the authorized agent of ~~such~~ THE
6 certificate of title, the director or the authorized agent may dispose of
7 ~~such~~ THE certificate of title and shall record ~~such~~ THE certificate of title
8 as provided in section 42-6-124.

9 **SECTION 39.** 42-6-120, Colorado Revised Statutes, is amended
10 to read:

11 **42-6-120. Security interests upon motor vehicles.** (1) Except
12 as provided in this section and ~~section~~ SECTIONS 42-6-130 AND 42-6-148,
13 the provisions of the "Uniform Commercial Code", title 4, C.R.S.,
14 relating to the filing, recording, releasing, renewal, priority, and extension
15 of chattel mortgages, as the term is defined in section 42-6-102 (9), ~~shall~~
16 DO not apply to motor OR POWERSPORTS vehicles. ~~Any~~ A mortgage or
17 refinancing of a mortgage intended by the parties to the mortgage or
18 refinancing to encumber or create a lien on a motor vehicle, or to be
19 perfected as a valid lien against the rights of third persons, purchasers for
20 value without notice, mortgagees, or creditors of the owner, ~~shall~~ MUST
21 be filed for public record. THE DEPARTMENT OR AUTHORIZED AGENT
22 SHALL NOTE the fact of filing ~~shall be noted~~ on the owner's certificate of
23 title or bill of sale substantially in the manner provided in section
24 42-6-121.

25 (2) ~~The provisions of~~ This section and section 42-6-121 ~~shall~~ DO
26 not apply to ~~any~~ A mortgage or security interest upon ~~any~~ A vehicle or
27 motor vehicle held for sale or lease ~~which~~ THAT constitutes inventory as

1 defined in section 4-9-102, C.R.S. ~~As to such mortgages or security~~
2 ~~interests, the provisions of article 9 of title 4, C.R.S., shall apply, and THE~~
3 ~~perfection of such mortgages or security interests, shall be made pursuant~~
4 ~~thereto, and the rights of the parties, shall be~~ ARE governed and
5 ~~determined thereby~~ BY ARTICLE 9 OF TITLE 24, C.R.S.

6 (3) Notwithstanding any provision of law to the contrary, in the
7 case of motor vehicles, POWERSPORTS VEHICLES, or trailers, a lease
8 transaction does not create a sale or security interest solely because it
9 permits or requires the rental price to be adjusted either upward or
10 downward under the agreement by reference to the amount realized upon
11 sale or other disposition of the motor vehicle, POWERSPORTS VEHICLE, or
12 trailer.

13 (4) The rights of a buyer, lessee, or lien creditor that arise after a
14 mortgage attaches to a motor OR POWERSPORTS vehicle and before
15 perfection under this article ~~shall be~~ ARE determined by section 4-9-317,
16 C.R.S.

17 **SECTION 40.** 42-6-121 (1) and (2), Colorado Revised Statutes,
18 are amended to read:

19 **42-6-121. Filing of mortgage - rules.** (1) The holder of a chattel
20 mortgage on a motor OR POWERSPORTS vehicle desiring to secure the
21 rights provided for in this part 1 and to have the existence of the mortgage
22 and the fact of the filing of the mortgage for public record noted in the
23 filing of the certificate of title to the encumbered ~~motor~~ vehicle ~~shall~~
24 ~~MUST~~ present the signed original or signed duplicate of the mortgage or
25 copy thereof certified by the holder of the mortgage or the holder's agent
26 to be a true copy of the signed original mortgage and the certificate of
27 title or application for certificate of title to the ~~motor~~ vehicle encumbered

1 to the authorized agent of the director in the county or city and county in
2 which the mortgagor of ~~such motor~~ THE vehicle resides or where the
3 property is located. The ~~filings~~ HOLDER may ~~be made~~ FILE either with
4 paper documents or electronically. The mortgage or refinancing of a loan
5 secured by a mortgage ~~shall~~ MUST state the name and address of the
6 debtor; the name and address of the mortgagee or name of the
7 mortgagee's assignee; the make, vehicle identification number, and year
8 of manufacture of the mortgaged vehicle; and the date and amount of the
9 loan secured by the mortgage.

10 (2) (a) Upon the receipt of the electronic, original, or duplicate
11 mortgage or certified copy ~~thereof~~ OF THE MORTGAGE and certificate of
12 title or application for certificate of title, the authorized agent, if satisfied
13 that the vehicle described in the mortgage is the same as that described in
14 the certificate of title or filed title, shall file within the director's
15 authorized agent's motor AND POWERSPORTS vehicle database:

16 (I) Notice of ~~such~~ THE mortgage or lien in which ~~shall appear~~
17 APPEARS the day on which the mortgage was received for filing;

18 (II) The name and address of the mortgagee named and the name
19 and address of the holder of ~~such~~ THE mortgage, if ~~such person is other~~
20 ~~than the mortgagee named~~ THE HOLDER IS NOT THE NAMED MORTGAGEE;

21 (III) The amount secured by the vehicle;

22 (IV) The date of the mortgage;

23 (V) The day and year on which the mortgage was filed for public
24 record; and

25 (VI) ~~such~~ ANY other information regarding the filing of the
26 mortgage in the office of the director's authorized agent as may be
27 required by the director by rule.

1 (b) The director's authorized agent shall electronically transmit,
2 when the director's authorized agent uses an electronic filing system, the
3 certificate of title, application for certificate of title, and mortgage
4 information to the database of the director for maintenance of a central
5 registry of motor AND POWERSPORTS vehicle title information pursuant to
6 section 42-6-147.

7 **SECTION 41.** 42-6-122, Colorado Revised Statutes, is amended
8 to read:

9 **42-6-122. Disposition of mortgages by agent - rules.** (1) The
10 authorized agent, upon receipt of the mortgage, shall file the mortgage in
11 the agent's office, ~~Such mortgage shall be~~ appropriately indexed and
12 cross-indexed:

13 (a) Under one or more of the following headings in accordance
14 with the rules adopted by the director:

15 (I) Make or vehicle identification number of motor OR
16 POWERSPORTS vehicles mortgaged;

17 (II) Names of owners of mortgaged motor OR POWERSPORTS
18 vehicles as ~~the same~~ THEY appear on the certificates of title thereto;

19 (III) The numbers of the certificates of title for motor OR
20 POWERSPORTS vehicles mortgaged;

21 (IV) The numbers or other identification marks assigned to
22 registration certificates issued upon the ~~licensing~~ REGISTRATION of
23 mortgaged vehicles;

24 (b) Under the name of the mortgagee, the holder of ~~such~~ THE
25 mortgage, or the owner of ~~such~~ THE vehicle; or

26 (c) Under such other system as the director may devise and
27 determine to be necessary for the efficient administration of this part 1.

1 (2) All records of mortgages affecting motor OR POWERSPORTS
2 vehicles ~~shall be~~ ARE public and may be inspected and copies thereof
3 made, as is provided by law respecting public records affecting real
4 property.

5 **SECTION 42.** 42-6-123, Colorado Revised Statutes, is amended
6 to read:

7 **42-6-123. Disposition after mortgaging.** After a mortgage on a
8 motor OR POWERSPORTS vehicle has been filed in the authorized agent's
9 office, the authorized agent shall mail or electronically transfer to the
10 director the certificate of title or bill of sale ~~which~~ THAT the authorized
11 agent has filed in the record. ~~Upon the receipt thereof,~~ The director shall
12 maintain completed electronic records transferred by the authorized agent.
13 The director shall issue a new certificate of title containing, in addition to
14 the other matters ~~and things~~ required to be set forth in certificates of title,
15 a description of the mortgage and all information respecting ~~said~~ THE
16 mortgage and the filing thereof ~~as may appear~~ THAT APPEAR in the
17 certificate of the authorized agent, and the director or the director's
18 authorized agent shall ~~thereafter~~ THEN dispose of ~~said~~ THE new certificate
19 of title containing ~~said~~ THE notation as provided in section 42-6-124.

20 **SECTION 43.** 42-6-124, Colorado Revised Statutes, is amended
21 to read:

22 **42-6-124. Disposition of certificates of title.** (1) ~~All certificates~~
23 ~~of title issued by~~ The director ~~or the director's authorized agent shall be~~
24 ~~disposed of by the director~~ DISPOSE OF A CERTIFICATE OF TITLE ISSUED BY
25 THE DIRECTOR OR THE AUTHORIZED AGENT in the following manner:

26 (a) If the certificate of title that is filed by the ~~director's~~ authorized
27 agent is maintained in an electronic format within the director's and the

1 ~~director's~~ authorized agent's motor AND POWERSPORTS vehicle databases
2 as required by the standards established pursuant to article 71.3 of title 24,
3 C.R.S., the certificate of title shall be disposed of in accordance with
4 paragraphs (b) and (c) of this subsection (1).

5 (b) If it appears from the records in the director's or the ~~director's~~
6 authorized agent's office and from an examination of the certificate of
7 title that the motor OR POWERSPORTS vehicle ~~therein~~ described IN THE
8 CERTIFICATE OF TITLE is not subject to a mortgage filed ~~subsequent to~~
9 AFTER August 1, 1949, or if ~~such~~ THE vehicle is encumbered by a
10 mortgage filed in any county of a state other than the state of Colorado,
11 THE DIRECTOR OR AUTHORIZED AGENT SHALL DELIVER the certificate of
12 title ~~shall be delivered~~ to the person who ~~therein~~ appears to be the owner
13 of the vehicle ~~described~~ or ~~such certificate shall be mailed~~ MAIL THE
14 CERTIFICATE to the owner ~~thereof~~ OF THE VEHICLE at his or her address as
15 ~~the same may appear~~ IT APPEARS in the application, the certificate of title,
16 or other records in the director's or the ~~director's~~ authorized agent's office.

17 (c) If it appears from the records in the office of the director or the
18 ~~director's~~ authorized agent and from the certificate of title that the motor
19 OR POWERSPORTS vehicle ~~therein~~ described IN THE CERTIFICATE OF TITLE
20 is subject to one or more mortgages filed ~~subsequent to~~ AFTER August 1,
21 1949, the director or the ~~director's~~ authorized agent shall electronically
22 maintain or deliver the certificate of title issued by the director to the
23 mortgagee named ~~therein~~ IN THE CERTIFICATE OF TITLE or the holder
24 ~~thereof~~ OF THE CERTIFICATE OF TITLE whose mortgage was first filed in
25 the office of an authorized agent.

26 **SECTION 44.** 42-6-125, Colorado Revised Statutes, is amended
27 to read:

1 **42-6-125. Release of mortgages - rules.** (1) Upon the payment
2 or discharge of the undertaking secured by ~~any~~ A mortgage on a motor OR
3 POWERSPORTS vehicle that has been filed for record ~~in the manner~~
4 ~~prescribed in~~ UNDER section 42-6-121, the legal holder, on a form
5 approved by the director, shall ~~make and execute the notice of~~ NOTIFY
6 THE DIRECTOR OR AUTHORIZED AGENT OF the discharge of the obligation
7 and release of the mortgage securing the obligation and set forth in the
8 notice the facts concerning the right of the holder to release the mortgage
9 as the director ~~by appropriate rule~~ may require ~~which~~ BY RULE. THE
10 LIENHOLDER SHALL INCLUDE IN THE NOTICE OF satisfaction and release
11 ~~shall be affirmed by a statement~~ A signed ~~by the legal lienholder~~
12 AFFIRMATION, noted in the certificate of title on file with the director or
13 the director's authorized agent, ~~and that shall contain or be~~ CONTAINS OR
14 IS accompanied by a written declaration that it is made under the penalties
15 of perjury in the second degree, as defined in section 18-8-503, C.R.S.
16 Thereupon, the holder of the RELEASED mortgage ~~so released~~ shall
17 dispose of the certificate of title as follows:

18 (a) If ~~it appears that~~ the motor OR POWERSPORTS vehicle is
19 encumbered by a mortgage filed ~~in the manner prescribed in~~ UNDER
20 section 42-6-121 ~~subsequent to~~ AFTER the date on which the RELEASED
21 mortgage ~~so released~~ was filed for record, the holder of ~~such~~ THE
22 certificate of title shall deliver the ~~title~~ CERTIFICATE to the person shown
23 to be the holder of the mortgage noted on the title, filed earliest after the
24 filing of the RELEASED mortgage, ~~released~~, or to the person or agent of the
25 person shown to be the assignee or other legal holder of the mortgage or
26 shall mail the title to the mortgagee or holder at ~~his or her~~ THE address
27 APPEARING THEREON. If the certificate is returned unclaimed, ~~it shall be~~

1 ~~sent by~~ THE HOLDER SHALL mail THE CERTIFICATE to the director.

2 (b) If it appears from an examination of the certificate of title that
3 there are no other outstanding mortgages against the motor OR
4 POWERSPORTS vehicle in the title upon the release of the mortgage as
5 provided in this section, the holder of the mortgage shall deliver the
6 certificate of title to the owner of the vehicle or shall mail the title to the
7 owner at his or her address, and, if for any reason the certificate of title
8 is not delivered to the owner ~~of the vehicle~~ or is returned unclaimed, it
9 ~~shall immediately be mailed~~ THE HOLDER SHALL IMMEDIATELY MAIL THE
10 CERTIFICATE to the director.

11 (c) The director's authorized agent shall note in the electronic
12 record of the lien ~~such~~ THE satisfaction or release of ~~such~~ THE lien or
13 mortgage and shall file ~~such~~ THE satisfaction or release of ~~such~~ THE lien
14 as required in section 42-6-122.

15 **SECTION 45.** 42-6-126 (1) (a) and (1) (b) (II), Colorado Revised
16 Statutes, are amended to read:

17 **42-6-126. New certificate upon release of mortgage.**

18 (1) (a) Upon the satisfaction of the debt and release of a mortgage on a
19 motor OR POWERSPORTS vehicle filed for record ~~in the manner prescribed~~
20 ~~in~~ AS REQUIRED BY section 42-6-121:

21 (I) The owner of the vehicle encumbered by the mortgage, the
22 purchaser from or transferee of the owner as appears on the certificate of
23 title, or the holder of ~~any~~ A mortgage that was junior to the mortgage
24 released, upon the receipt of the certificate of title, as provided in section
25 42-6-125, shall deliver the title to the authorized agent who shall transmit
26 the title to the director; or

27 (II) The lienholder shall notify the authorized agent of the

1 satisfaction of the debt and release of the mortgage, setting forth any facts
2 concerning the right of the holder to release the mortgage as the director
3 may require. The LIENHOLDER SHALL SIGN A satisfaction and release ~~shall~~
4 ~~be~~ affirmed by a statement ~~signed by the lienholder noted in the~~
5 ~~certificate of title and shall contain~~ CONTAINING or ~~be~~ accompanied by a
6 written declaration that it is made under the penalties of perjury in the
7 second degree, as defined in section 18-8-503, C.R.S. Upon receiving a
8 valid satisfaction and release, the director or authorized agent shall note
9 the release of the lien and shall issue a certificate of title for the motor
10 vehicle, omitting all reference to the mortgage.

11 (b) Upon the receipt by the director of a statement of mortgage
12 release, the director shall:

13 (II) Issue a new certificate of title to the motor OR POWERSPORTS
14 vehicle, omitting all reference to the released mortgage; and

15 **SECTION 46.** 42-6-127 (2), Colorado Revised Statutes, is
16 amended to read:

17 **42-6-127. Duration of lien of mortgage - extensions - rules.**

18 (2) Upon receipt of a mortgage extension, the ~~director's~~ authorized agent
19 shall make and complete the electronic record of the extension as the
20 director by rule may require within the director's or the ~~director's~~
21 authorized agent's motor AND POWERSPORTS vehicle database, and shall
22 note the fact of the extension of the mortgage on the certificate of title,
23 which may be filed electronically. Thereafter, the ~~certificate of title shall~~
24 ~~be returned~~ AUTHORIZED AGENT SHALL RETURN THE CERTIFICATE to the
25 person shown on the certificate to be entitled to the certificate. If any
26 mortgage other than one on a trailer coach; truck tractor; multipurpose
27 trailer, if known when filed; or motor home, that has been filed for record

1 and noted on the certificate of title, has not been released or extended
2 within ten years after the date ~~on which~~ WHEN the mortgage was filed in
3 the office of the ~~director's~~ authorized agent, the person shown by the
4 records in the director's office to be the owner of the motor OR
5 POWERSPORTS vehicle described in the certificate of title, upon ~~making an~~
6 ~~appropriate application therefor~~ FILING AN APPLICATION, may request that
7 ~~any~~ THE AUTHORIZED AGENT REMOVE references to the mortgages shown
8 on the records. ~~of the director's authorized agent be removed by the~~
9 ~~authorized agent.~~ The ~~director's~~ authorized agent shall remove all
10 reference to UNRELEASED OR NOT EXTENDED mortgages shown in the
11 ~~director's~~ authorized agent's records to have been of record in the office
12 of the authorized agent for more than ten years. ~~which mortgages have~~
13 ~~been neither released nor extended as provided in this section.~~

14 **SECTION 47.** 42-6-128, Colorado Revised Statutes, is amended
15 to read:

16 **42-6-128. Validity of mortgage between parties.** Nothing in
17 this part 1 ~~shall be construed to impair~~ IMPAIRS the validity of a mortgage
18 on a motor OR POWERSPORTS vehicle between the parties ~~thereto~~ as long
19 as no purchaser for value, mortgagee, or creditor without actual notice of
20 the existence ~~thereof~~ OF A MORTGAGE has acquired an interest in the
21 motor OR POWERSPORTS vehicle described ~~therein~~ IN THE MORTGAGE,
22 notwithstanding that the parties to ~~said~~ THE mortgage have failed to
23 comply with ~~the provisions of~~ this part 1.

24 **SECTION 48.** 42-6-129 (1), (2), and (4), Colorado Revised
25 Statutes, are amended to read:

26 **42-6-129. Second or other junior mortgages.** (1) On and after
27 July 1, 1977, ~~any~~ A person who takes a ~~second or other~~ junior mortgage

1 on a motor OR POWERSPORTS vehicle for which a Colorado certificate of
2 title has been issued or filed may file ~~said~~ THE mortgage for public record
3 and have the ~~existence thereof~~ MORTGAGE noted or filed on the certificate
4 of title with like effect as in other cases ~~in the manner prescribed in~~ AS
5 REQUIRED BY this section.

6 (2) ~~Such second or~~ THE junior mortgagee or the holder ~~thereof~~ OF
7 THE MORTGAGE shall file ~~said~~ THE mortgage pursuant to the requirements
8 of AS REQUIRED BY section 42-6-121 with the ~~director's~~ authorized agent
9 of the county ~~wherein~~ WHERE the mortgagor of ~~said~~ THE motor OR
10 POWERSPORTS vehicle resides or where the ~~motor~~ vehicle is located and
11 shall accompany ~~said~~ THE mortgage with a written request to have the
12 ~~existence thereof~~ MORTGAGE noted or filed on the certificate of title
13 records of the ~~director's~~ authorized agent pertaining to the ~~motor~~ vehicle
14 covered by the junior or second mortgage. Upon the filing of ~~such~~ THE
15 mortgage, the ~~director's~~ authorized agent shall note in the record of the
16 ~~subject~~ vehicle the day and hour ~~on which such~~ WHEN THE mortgage was
17 received by the agent, ~~and~~ shall make and deliver a receipt for the
18 mortgage to the person filing the mortgage, and shall file the ~~second or~~
19 junior mortgage as required under section 42-6-122.

20 (4) If ~~any~~ A person lawfully in possession of a certificate of title
21 to ~~any~~ A motor OR POWERSPORTS vehicle, upon whom demand is made for
22 the delivery ~~thereof~~ to the authorized agent, ~~omits for any reason~~
23 ~~whatsoever~~, FAILS to deliver or mail the ~~same~~ CERTIFICATE OF TITLE to the
24 authorized agent, ~~such~~ THE person ~~shall be~~ IS liable to the holder of ~~such~~
25 ~~second or~~ THE junior mortgage for all damage sustained by reason of ~~such~~
26 THE omission.

27 **SECTION 49.** 42-6-130, Colorado Revised Statutes, is amended

1 to read:

2 **42-6-130. Priority of secured interests.** The liens or mortgages
3 filed for record or noted on a certificate of title to a motor OR
4 POWERSPORTS vehicle, as provided in section 42-6-121, ~~shall~~ take priority
5 in the same order that they were filed ~~in the office of~~ WITH the authorized
6 agent; except that the priority of a purchase-money security interest, as
7 defined in section 4-9-103, C.R.S., ~~shall be~~ IS determined in accordance
8 with sections 4-9-317 (e) and 4-9-324 (a), C.R.S.

9 **SECTION 50.** 42-6-131, Colorado Revised Statutes, is amended
10 to read:

11 **42-6-131. Mechanic's, warehouse, and other liens.** Nothing in
12 this part 1 ~~shall be construed to impair~~ IMPAIRS the rights of lien
13 claimants arising under ~~any~~ A mechanic's lien ~~law~~ or the lien of a
14 warehouse or other person claimed for repairs on or storage of ~~any~~ A
15 motor OR POWERSPORTS vehicle, when a mechanic's lien or storage lien
16 originated prior to a mortgage or lien on the motor OR POWERSPORTS
17 vehicle being filed for record and ~~such motor~~ THE vehicle has remained
18 continuously in the possession of the person claiming ~~such~~ THE
19 mechanic's lien or lien for storage.

20 **SECTION 51.** 42-6-133, Colorado Revised Statutes, is amended
21 to read:

22 **42-6-133. Foreign mortgages and liens.** ~~No~~ A mortgage or lien
23 on a motor OR POWERSPORTS vehicle filed for record in a state other than
24 Colorado ~~shall be~~ IS NOT valid and enforceable against the rights of
25 subsequent purchasers for value, creditors, lienholders, or mortgagees
26 having no actual notice of the existence of ~~such~~ THE mortgage or lien. If
27 the certificate of title for ~~such~~ THE vehicle bears any notation adequate to

1 apprise a purchaser, creditor, lienholder, or mortgagee of the existence of
2 a mortgage or lien at the time a third party acquires a right in the motor
3 vehicle, ~~such~~ THE mortgage or lien and the rights of the holder of the
4 mortgage or lien ~~shall be~~ ARE enforceable in this state as though ~~such~~ THE
5 mortgage were filed in Colorado and noted on the certificate of title or
6 noted in the record of the authorized agent ~~pertaining to that~~ FOR THE
7 vehicle ~~pursuant to~~ UNDER section 42-6-121.

8 **SECTION 52.** 42-6-134, Colorado Revised Statutes, is amended
9 to read:

10 **42-6-134. Where application for certificates of title made.**

11 Except as otherwise provided in this part 1, ~~all applications~~ A PERSON
12 SHALL APPLY for recording of certificates of title upon the sale or transfer
13 of a motor OR POWERSPORTS vehicle ~~described in the certificate of title~~
14 ~~shall be directed to and filed~~ with the authorized agent of the county
15 where ~~such~~ THE vehicle will be registered and licensed for operation.

16 **SECTION 53.** 42-6-135 (2), Colorado Revised Statutes, is
17 amended to read:

18 **42-6-135. Lost certificates of title.** (2) If the title owner,
19 lienholder, or mortgagee of a certificate of title loses, misplaces, or
20 accidentally destroys a certificate of title to a motor OR POWERSPORTS
21 vehicle that ~~such~~ THE person holds as described in the certificate of title,
22 upon application, the director or the authorized agent may issue a
23 duplicate copy of the recorded certificate of title as in other cases.

24 **SECTION 54.** 42-6-136 (1), Colorado Revised Statutes, is
25 amended to read:

26 **42-6-136. Surrender and cancellation of certificate - penalty**
27 **for violation.** (1) The owner of a motor OR POWERSPORTS vehicle for

1 which a Colorado certificate of title has been issued, upon the destruction
2 or dismantling of ~~said motor~~ THE vehicle, upon its being changed so that
3 it is no longer a motor OR POWERSPORTS vehicle, or upon its being sold
4 or otherwise disposed of as salvage, shall surrender the certificate of title
5 to the ~~motor~~ vehicle to the director or the authorized agent to be canceled
6 or notify the director or the authorized agent on director-approved forms
7 indicating the loss, destruction or dismantling, or sale for salvage. Upon
8 the owner's procuring the consent of the holders of ~~any~~ unreleased
9 mortgages or liens noted on or recorded as part of the certificate of title,
10 ~~such~~ THE DIRECTOR OR AUTHORIZED AGENT SHALL CANCEL THE
11 certificate. ~~shall be canceled~~. A person who violates this section commits
12 a class 1 petty offense and shall be punished as provided in section
13 18-1.3-503, C.R.S.

14 **SECTION 55.** 42-6-137 (2), (6), (7) (a), and (7) (b), Colorado
15 Revised Statutes, are amended to read:

16 **42-6-137. Fees.** (2) Upon the receipt by an authorized agent of
17 a mortgage for filing under section 42-6-121, 42-6-125, or 42-6-129, THE
18 FILER SHALL PAY the authorized agent ~~shall be paid such fees as are~~
19 ~~imposed by law for the filing of like instruments in the office of the~~
20 ~~county clerk and recorder in the county where such mortgage is filed and~~
21 ~~shall also receive a fee of seven dollars and twenty cents~~ A FEE OF FIVE
22 DOLLARS PER PAGE. FOR RECORDING DOCUMENTS IN EXCESS OF EIGHT
23 AND ONE-HALF INCHES IN WIDTH OR FOURTEEN INCHES IN LENGTH, THE FEE
24 IS TEN DOLLARS PER PAGE. For the issuance or recording of the certificate
25 of title and the notation in the record of the director or the authorized
26 agent of the existence of the mortgage, THE FEE IS SEVEN DOLLARS AND
27 TWENTY CENTS.

1 (6) Upon filing with the director an application for a certificate of
2 title, a motor OR POWERSPORTS vehicle dealer who applies to receive a
3 certificate of title within one working day after application shall pay to
4 ~~such~~ THE director a fee of twenty-five dollars.

5 (7) An authorized agent shall, if possible, provide the following
6 recording of titles on the same day as the date of request by an applicant:

7 (a) A title issued ~~pursuant to~~ BECAUSE OF a transfer of a motor OR
8 POWERSPORTS vehicle currently titled in Colorado;

9 (b) A title issued for a new motor OR POWERSPORTS vehicle upon
10 filing of a manufacturer's statement of origin without liens; and

11 **SECTION 56.** The introductory portion to 42-6-138 (2) and
12 42-6-138 (2) (b), (3), and (4), Colorado Revised Statutes, are amended to
13 read:

14 **42-6-138. Disposition of fees.** (2) ~~All fees collected by~~ The
15 authorized agent SHALL DISPOSE OF ALL FEES COLLECTED under section
16 42-6-137 (5) or 38-29-138 (5), C.R.S., ~~shall be disposed of~~ as follows:

17 (b) For assignment of a new identifying number to a motor OR
18 POWERSPORTS vehicle or manufactured home, THE AUTHORIZED AGENT
19 SHALL RETAIN two dollars and fifty cents ~~shall be retained by the~~
20 ~~authorized agent and disposition made~~ DISPOSE OF IT as provided by law;
21 and SHALL CREDIT one dollar ~~shall be credited~~ to the special purpose
22 account established by section 42-1-211. THE DEPARTMENT SHALL
23 CREDIT all fees ~~collected by the department~~ IT COLLECTS under ~~the~~
24 ~~provisions of~~ section 42-6-137 (1) (a), (4), or (5) or 38-29-138 (1) (a), (4),
25 or (5), C.R.S., ~~shall be credited to such~~ THE special purpose account.

26 (3) THE AUTHORIZED AGENT SHALL RETAIN all fees paid ~~to the~~
27 ~~authorized agent~~ under section 42-6-137 (3) for the extension of a

1 mortgage or lien on a motor OR POWERSPORTS vehicle filed in the
2 authorized agent's office ~~shall be retained by the authorized agent to~~
3 defray the cost of ~~such~~ THE extension or release and shall ~~be disposed of~~
4 ~~by the authorized agent~~ DISPOSE OF THEM as provided by law; except that
5 THE AUTHORIZED AGENT SHALL DISPOSE OF fees for this service that are
6 paid to the authorized agent in the city and county of Denver ~~shall by such~~
7 ~~agent, be disposed of~~ in the same manner as fees retained by the agent
8 that were paid ~~upon application being made~~ for FILING a certificate of title
9 APPLICATION.

10 (4) THE DIRECTOR SHALL CREDIT the fee paid by a motor OR
11 POWERSPORTS vehicle dealer ~~to the director~~ pursuant to section 42-6-137
12 (6) for a certificate of title issued within one working day ~~of~~ AFTER
13 application ~~shall be credited~~ to the special purpose account established by
14 section 42-1-211 (2).

15 **SECTION 57.** 42-6-139 (1), (2), and (4), Colorado Revised
16 Statutes, are amended to read:

17 **42-6-139. Registration and title application - where made.**

18 (1) (a) For purposes of this section, a person's residence ~~shall be~~ IS the
19 person's principal or primary home or place of abode, to be determined in
20 the same manner as residency for voter registration purposes as provided
21 in sections 1-2-102 and 31-10-201, C.R.S.; except that "voter
22 registration" ~~shall be~~ IS substituted for WITH "motor vehicle registration"
23 as a circumstance to be taken into account in determining ~~such~~ THE
24 principal or primary home or place of abode.

25 (b) A PERSON'S RESIDENCE FOR THE PURPOSES OF TITLING A
26 POWERSPORTS VEHICLE IS THE SAME AS DETERMINED BY PARAGRAPH (a)
27 OF THIS SUBSECTION (1).

1 (2) (a) Except as may be otherwise provided by rule of the
2 director, it is unlawful for ~~any~~ A person who is a resident of the state to
3 register, ~~to~~ obtain a license for, or ~~to~~ procure a certificate of title to, a
4 motor vehicle at any address other than:

5 ~~(a)~~ (I) For a motor vehicle ~~that is~~ owned by a business and
6 operated primarily for business purposes, the address where ~~such~~ THE
7 vehicle is principally operated and maintained; or

8 ~~(b)~~ (II) For ~~any~~ A motor vehicle ~~for~~ TO which ~~the provisions of~~
9 SUBPARAGRAPH (I) OF THIS paragraph (a) ~~of this subsection (2) do~~ DOES
10 not apply, the address of the owner's residence; except that, if a motor
11 vehicle is permanently maintained at an address other than the address of
12 the owner's residence, ~~such motor~~ THE vehicle shall be registered at the
13 address where ~~such motor~~ THE vehicle is permanently maintained.

14 (b) EXCEPT AS MAY BE OTHERWISE PROVIDED BY RULE OF THE
15 DIRECTOR, IT IS UNLAWFUL FOR A PERSON WHO IS A RESIDENT OF THE
16 STATE TO PROCURE A CERTIFICATE OF TITLE TO A POWERSPORTS VEHICLE
17 AT ANY ADDRESS OTHER THAN:

18 (I) FOR A POWERSPORTS VEHICLE OWNED BY A BUSINESS AND
19 OPERATED PRIMARILY FOR BUSINESS PURPOSES, THE ADDRESS WHERE THE
20 VEHICLE IS PRINCIPALLY OPERATED AND MAINTAINED; OR

21 (II) FOR A POWERSPORTS VEHICLE TO WHICH SUBPARAGRAPH (I)
22 OF THIS PARAGRAPH (b) DOES NOT APPLY, THE ADDRESS OF THE OWNER'S
23 RESIDENCE; EXCEPT THAT, IF A POWERSPORTS VEHICLE IS PERMANENTLY
24 MAINTAINED AT AN ADDRESS OTHER THAN THE ADDRESS OF THE OWNER'S
25 RESIDENCE, THE VEHICLE MUST BE REGISTERED AT THE ADDRESS WHERE
26 THE VEHICLE IS PERMANENTLY MAINTAINED.

27 (4) In addition to any other applicable penalty, a person who

1 ~~registers a motor vehicle in violation of the provisions of~~ VIOLATES
2 subsection (2) of this section, section 42-3-103 (4) (a), or section
3 42-6-140 ~~shall be~~ IS subject to a civil penalty of five hundred dollars.
4 ~~Such~~ THE violation ~~shall be~~ IS determined by, assessed by, and paid to the
5 municipality or county where the motor OR POWERSPORTS vehicle is or
6 should have been registered, subject to judicial review pursuant to rule
7 106 (a) (4) of the Colorado rules of civil procedure.

8 **SECTION 58.** 42-6-140, Colorado Revised Statutes, is amended
9 to read:

10 **42-6-140. Registration upon becoming resident.** (1) Within
11 ninety days after becoming a resident of Colorado, the owner of a motor
12 vehicle shall apply for a Colorado certificate of title, a license, and
13 registration for the vehicle that is registered, that is licensed, or for which
14 a certificate of title is issued in another state.

15 (2) WITHIN NINETY DAYS AFTER BECOMING A RESIDENT OF
16 COLORADO, THE OWNER OF A POWERSPORTS VEHICLE SHALL APPLY FOR A
17 COLORADO CERTIFICATE OF TITLE FOR THE VEHICLE.

18 (3) ~~Any~~ A person who violates ~~the provisions of~~ this section is
19 subject to the penalties provided in sections 42-6-139 and 43-4-804 (1)
20 (d), C.R.S.

21 **SECTION 59.** 42-6-141, Colorado Revised Statutes, is amended
22 to read:

23 **42-6-141. Director's records to be public.** ~~All~~ Records in the
24 director's office pertaining to the title to a motor OR POWERSPORTS vehicle
25 ~~shall be~~ ARE public records ~~and shall be~~ subject to ~~the provisions of~~
26 section 42-1-206. This ~~shall include any~~ INCLUDES records regarding
27 ownership of and mortgages or liens on a vehicle for which a Colorado

1 certificate of title has been issued.

2 **SECTION 60.** 42-6-142 (1), Colorado Revised Statutes, is
3 amended to read:

4 **42-6-142. Penalties.** (1) No person may sell, transfer, or in any
5 manner dispose of a motor OR POWERSPORTS vehicle in this state without
6 complying with this part 1.

7 **SECTION 61.** 42-6-145 (1), Colorado Revised Statutes, is
8 amended to read:

9 **42-6-145. Use of vehicle identification numbers in applications.**

10 (1) (a) A person required to apply for a certificate of title or registration
11 of a motor vehicle shall use the identification number placed upon the
12 ~~motor~~ vehicle by the manufacturer or the special vehicle identification
13 number assigned to the motor vehicle by the department pursuant to
14 section 42-5-205. The DEPARTMENT SHALL USE THE SAME
15 IDENTIFICATION NUMBER OF THE MOTOR VEHICLE FOR THE certificate of
16 title and registration card. ~~issued by the department shall use the~~
17 ~~identification number of the motor vehicle.~~

18 (b) A PERSON REQUIRED TO APPLY FOR A CERTIFICATE OF TITLE OR
19 REGISTRATION OF A POWERSPORTS VEHICLE SHALL USE THE
20 IDENTIFICATION NUMBER PLACED UPON THE VEHICLE BY THE
21 MANUFACTURER OR THE SPECIAL VEHICLE IDENTIFICATION NUMBER
22 ASSIGNED TO THE POWERSPORTS VEHICLE BY THE DEPARTMENT. THE
23 DEPARTMENT SHALL USE THE SAME IDENTIFICATION NUMBER OF THE
24 POWERSPORTS VEHICLE FOR THE CERTIFICATE OF TITLE.

25 **SECTION 62.** 42-6-146 (1), (3), and (4), Colorado Revised
26 Statutes, are amended to read:

27 **42-6-146. Repossession of motor vehicle or powersports**

1 **vehicle - owner must notify law enforcement agency - penalty.** (1) If
2 a mortgagee, lienholder, or the mortgagee's or lienholder's assignee or the
3 agent of either repossesses a motor OR POWERSPORTS vehicle because of
4 default in the terms of a secured debt, the reposessor shall notify, either
5 ~~verbally~~ ORALLY or in writing, a law enforcement agency, as provided in
6 this section, of the ~~fact of such~~ repossession, the name of the owner, the
7 name of the reposessor, and the name of the mortgagee, lienholder, or
8 assignee. ~~Such~~ THE notification ~~shall~~ MUST be made at least one hour
9 before or no later than one hour after the repossession occurs. If ~~such~~ THE
10 repossession takes place in an incorporated city or town, the reposessor
11 shall notify the police department, town marshal, or other local law
12 enforcement agency of ~~such~~ THE city or town. If ~~such~~ THE repossession
13 takes place in the unincorporated area of a county, the reposessor shall
14 notify the county sheriff.

15 (3) If a motor OR POWERSPORTS vehicle being repossessed is
16 subject to the "Uniform Commercial Code - Secured Transactions",
17 article 9 of title 4, C.R.S., the repossession ~~shall be~~ IS governed by ~~the~~
18 ~~provisions of~~ section 4-9-629, C.R.S.

19 (4) As used in this section, the term "reposessor" means the party
20 who physically takes possession of the motor OR POWERSPORTS vehicle
21 and drives, tows, or transports the ~~motor~~ vehicle for delivery to the
22 mortgagee, lienholder, or assignee or the agent of ~~such~~ THE mortgagee,
23 lienholder, or assignee.

24 **SECTION 63.** Part 1 of article 6 of title 42, Colorado Revised
25 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
26 read:

27 **42-6-148. Implementation of powersports vehicle titling.**

1 (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART 1, THE
2 OWNER OF A POWERSPORTS VEHICLE THAT WAS FIRST SOLD TO THE
3 CONSUMER BEFORE JANUARY 1, 2012, NEED NOT OBTAIN A CERTIFICATE
4 OF TITLE ON THE POWERSPORTS VEHICLE UNTIL JANUARY 1, 2013.

5 (2) A POWERSPORTS REGISTRATION ISSUED UNDER ARTICLE 14.5
6 OF TITLE 33, C.R.S., BY JANUARY 1, 2011, AND A CURRENT YEAR'S
7 REGISTRATION, IF A REGISTRATION ISSUED ON OR AFTER JANUARY 1, 2011,
8 IS NOT THE CURRENT YEAR'S REGISTRATION, ARE SUFFICIENT EVIDENCE OF
9 OWNERSHIP TO ISSUE A TITLE CERTIFICATE PURSUANT TO THIS PART 1.

10 (3) UNTIL A POWERSPORTS VEHICLE IS ISSUED A CERTIFICATE OF
11 TITLE, THE ATTACHMENT, RECORDING, PERFECTION, PRIORITY, RENEWAL,
12 EXTENSION, MODIFICATION, RELEASING, TERMINATION, FORECLOSURE,
13 AND ANY OTHER ASPECT OF A SECURITY INTEREST IN A POWERSPORTS
14 VEHICLE IS GOVERNED BY THE "UNIFORM COMMERCIAL CODE", TITLE 4,
15 C.R.S.

16 **SECTION 64.** 42-4-1701 (4) (a) (I) (A) and (4) (a) (I) (B),
17 Colorado Revised Statutes, is amended to read:

18 **42-4-1701. Traffic offenses and infractions classified -**
19 **penalties - penalty and surcharge schedule - repeal.** (4) (a) (I) Except
20 as provided in paragraph (c) of subsection (5) of this section, every
21 person who is convicted of, who admits liability for, or against whom a
22 judgment is entered for a violation of any provision of this title to which
23 paragraph (a) or (b) of subsection (5) of this section apply shall be fined
24 or penalized, and have a surcharge levied thereon pursuant to sections
25 24-4.1-119 (1) (f) and 24-4.2-104 (1) (b) (I), C.R.S., in accordance with
26 the penalty and surcharge schedule set forth in sub-subparagraphs (A) to
27 (P) of this subparagraph (I); or, if no penalty or surcharge is specified in

1 the schedule, the penalty for class A and class B traffic infractions shall
 2 be fifteen dollars, and the surcharge shall be four dollars. These penalties
 3 and surcharges shall apply whether the defendant acknowledges the
 4 defendant's guilt or liability in accordance with the procedure set forth by
 5 paragraph (a) of subsection (5) of this section or is found guilty by a court
 6 of competent jurisdiction or has judgment entered against the defendant
 7 by a county court magistrate. Penalties and surcharges for violating
 8 specific sections shall be as follows:

9	Section Violated	Penalty	Surcharge
10	(A) Drivers' license violations:		
11	42-2-101 (1) or (4)	\$ 35.00	\$ 10.00
12	42-2-101 (2), (3), or (5)	15.00	6.00
13	42-2-103	15.00	6.00
14	42-2-105	70.00	10.00
15	42-2-103 (3)(a)	15.00	6.00
16	42-2-103 (3)(b)	50.00	6.00
17	42-2-105	70.00	10.00
18	42-2-105.5 (4)	65.00	10.00
19	42-2-106	70.00	10.00
20	42-2-116 (6)(a)	30.00	6.00
21	42-2-119	15.00	6.00
22	42-2-134	35.00	10.00
23	42-2-136	35.00	10.00
24	42-2-139	35.00	10.00
25	42-2-140	35.00	10.00
26	42-2-141	35.00	10.00
27	(B) Registration and taxation violations:		

1	42-3-103	\$ 50.00	\$ 16.00
2	42-3-113	15.00	6.00
3	42-3-103 (1)(a) AND (6)	\$ 50.00	\$ 16.00
4	42-3-113	15.00	6.00
5	42-3-202	15.00	6.00
6	42-3-116	50.00	16.00
7	42-3-121 (1)(a)	75.00	24.00
8	42-3-121 (1)(c)	35.00	10.00
9	42-3-121 (1)(f), (1)(g),		
10	and (1)(h)	75.00	24.00
11	42-3-304 to 42-3-306	50.00	16.00

12 **SECTION 65.** 43-4-205 (5.5) (f), Colorado Revised Statutes, is
13 amended to read:

14 **43-4-205. Allocation of fund.** (5.5) The following highway
15 users tax fund revenues shall be allocated and expended in accordance
16 with the formula specified in subsection (5) of this section:

17 (f) Revenues from fees that are credited to the fund pursuant to
18 ~~section~~ SECTIONS 42-3-311 (1) AND 42-3-313 (2), C.R.S., and that exceed
19 the amount of appropriations made from the fund pursuant to those
20 sections for the purpose of defraying specified administrative expenses;



22 **SECTION 66. Effective date - applicability.** This act shall take
23 effect July 1, 2011, and shall apply to acts or applications occurring on or
24 after April 1, 2012.

25 **SECTION 67. Safety clause.** The general assembly hereby finds,
26 determines, and declares that this act is necessary for the immediate
27 preservation of the public peace, health, and safety.