

**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.** Article 14.5 of title 33, Colorado Revised Statutes,
5 is amended BY THE ADDITION OF A NEW SECTION to read:

6 **33-14.5-100.2. Legislative intent.** THE GENERAL ASSEMBLY
7 HEREBY DETERMINES THAT REGISTRATION OF OFF-HIGHWAY VEHICLES
8 UNDER THIS ARTICLE IS NOT A REGISTRATION FEE OR OTHER CHARGE WITH
9 RESPECT TO THE OPERATION OF A MOTOR VEHICLE UPON A PUBLIC
10 HIGHWAY.

11 **SECTION 3.** 33-14.5-101 (3), Colorado Revised Statutes, is
12 amended to read:

13 **33-14.5-101. Definitions.** As used in this article, unless the
14 context otherwise requires:

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

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

23 (b) Snowmobiles;

24 (c) Military vehicles;

25 (d) Golf ~~cars~~ CARS;

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

27 (f) Vehicles designed and used specifically for agricultural,

1 logging, or mining purposes; or

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

4 **SECTION 4.** 33-14.5-102 (1) (b), Colorado Revised Statutes, is
5 amended to read:

6 **33-14.5-102. Off-highway vehicle registration -**
7 **nonresident-owned or -operated off-highway vehicle permits - fees -**
8 **applications - requirements - exemptions.** (1) (b) The division shall
9 employ off-highway vehicle agents, including dealers and licensing
10 agents serving as such for the division of wildlife, for off-highway
11 vehicle registration pursuant to the provisions of section 33-12-104.
12 Upon receiving a registration application, an agent shall collect the fee
13 specified pursuant to section 33-10-111 (5) and issue a temporary
14 registration and shall forward the application to the division, which shall
15 issue the registration. An agent may retain a commission of not in excess
16 of one dollar, as authorized by the division, for each registration issued.
17 Any off-highway dealer is authorized to issue a temporary registration
18 when a person purchases an off-highway vehicle from such dealer.

19 **SECTION 5.** The introductory portion to 33-14.5-108 (1),
20 Colorado Revised Statutes, is amended to read:

21 **33-14.5-108. Off-highway vehicle operation prohibited on**
22 **streets, roads, and highways.** (1) ~~NO~~ AN off-highway vehicle THAT IS
23 NOT REGISTERED UNDER ARTICLE 3 OF TITLE 42, C.R.S., may NOT be
24 operated on the public streets, roads, or highways of this state except in
25 the following cases:

26 **SECTION 6.** 38-20-106.5, Colorado Revised Statutes, is
27 amended to read:

1 **38-20-106.5. Motor vehicle repair garages - restoration of**

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

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

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

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

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

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

23 (c) Restoration of such THE lien shall entitle ENTITLES the motor
24 OR POWERSPORTS vehicle repair garage to regain possession of the motor
25 OR POWERSPORTS vehicle. In regaining possession, the motor vehicle
26 repair garage may proceed without judicial process if this can be done
27 without breach of the peace or may proceed by action.

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

11 **SECTION 7.** 39-26-113 (1), (6) (a), and (6) (b), Colorado
12 Revised Statutes, are amended, and the said 39-26-113 is further amended
13 BY THE ADDITION OF A NEW SUBSECTION, to read:

14 **39-26-113. Collection of sales tax - motor vehicles - exemption.**

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

23 (6) (a) ~~In the case of~~ a seller-financed sale in which the seller has
24 added the sales tax due on the sale to the financed sales price of the motor
25 OR POWERSPORTS vehicle and the purchaser has defaulted or ~~otherwise~~
26 failed to make payments due to the seller, the seller ~~shall be entitled to~~
27 MAY deduct all portions of the unreceived payments that are attributable

1 to the sales tax due on the sale from the next sales tax return made by the
2 seller ~~pursuant to~~ UNDER this article. If the amount to be deducted
3 ~~pursuant to this subsection (6)~~ exceeds the amount of sales tax to be
4 remitted by the seller for the next reporting period, the seller may carry
5 forward the remaining amount of the deduction to future sales tax returns.
6 ~~In no event shall~~ This subsection (6) ~~be construed to~~ DOES NOT create a
7 right to a refund or any other payment by the department of revenue to the
8 seller.

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

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

21 **SECTION 8.** 42-1-102 (55), (58), and (112), Colorado Revised
22 Statutes, are amended to read:

23 **42-1-102. Definitions.** As used in articles 1 to 4 of this title,
24 unless the context otherwise requires:

25 (55) "Motorcycle" means a motor vehicle ~~that uses handlebars to~~
26 ~~steer and~~ that is designed to travel on not more than three wheels in
27 contact with the ground; except that ~~the term~~ "MOTORCYCLE" does not

1 include A LOW-SPEED ELECTRIC VEHICLE, a farm tractor, or A low-power
2 scooter.

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

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

25 **SECTION 9.** 42-1-210 (1) (a), Colorado Revised Statutes, is
26 amended to read:

27 **42-1-210. County clerk and recorders and manager of revenue**

1 **or other appointed official as agents - legislative declaration - fee.**

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

18 (II) THE AUTHORIZED AGENT shall retain for the purpose of
19 defraying such expenses, including mailing, a sum equal to A FEE OF four
20 dollars per paid motor vehicle OR OFF-HIGHWAY VEHICLE registration and
21 registration requiring a metallic plate, plates, individual temporary
22 registration number plates, or validation tab or sticker as provided in
23 section 42-3-201. This fee of four dollars shall apply APPLIES to every
24 registration of a motor OR POWERSPORTS vehicle, that is designed
25 primarily to be operated or drawn on any highway of this state, except
26 such vehicles as are specifically exempted from payment of any
27 registration fee by the provisions of article 3 of this title, and shall be in

1 addition to the annual registration fee prescribed by law for ~~such~~ THE
2 vehicle. The fee of four dollars, when collected by the department, shall
3 be credited to the same fund as registration fees collected by the
4 department.

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

14 **SECTION 10.** 42-2-103 (1) (c), (2), and (3), Colorado Revised
15 Statutes, are amended to read:

16 **42-2-103. Motorcycles - low-power scooters - off-highway**
17 **vehicles - driver's license required.** (1) (c) A person shall not operate
18 a two-wheel motorcycle OR A TWO-WHEEL OFF-HIGHWAY VEHICLE
19 REGISTERED UNDER ARTICLE 3 OF THIS TITLE on a roadway without a
20 general motorcycle endorsement, but a person who possesses a general
21 motorcycle endorsement may operate any motorcycle on the roadway.

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

24 (II) THE DRIVER OF AN OFF-HIGHWAY VEHICLE ON A HIGHWAY
25 SHALL POSSESS A VALID DRIVER'S LICENSE OR MINOR DRIVER'S LICENSE
26 UNLESS THE OFF-HIGHWAY VEHICLE IS BEING OPERATED ON A HIGHWAY AS
27 AUTHORIZED BY SECTION 33-14.5-108 (1), C.R.S.

1 (b) ~~No~~ A PERSON SHALL NOT DRIVE A low-power scooter ~~shall be~~
2 ~~operated on any~~ ON THE interstate system as described in section 43-2-101
3 (2), C.R.S., except where a bicycle may be operated on ~~such~~ THE
4 interstate system. A PERSON SHALL NOT DRIVE A LOW-POWER SCOOTER on
5 any limited-access road of the state highway system as described in
6 section 43-2-101 (1), C.R.S., or on ~~any~~ A sidewalk unless ~~such~~ operation
7 is specifically designated. Low-power scooters may be operated upon
8 roadways, except as provided in this section, and in bicycle lanes included
9 within ~~such~~ roadways.

10 (3) (a) A person who operates a motorcycle in violation of
11 subsection (1) of this section commits the offense of driving a motor
12 vehicle without the correct class of license in violation of section
13 42-2-101 (4) and shall be punished as provided in ~~section~~ SECTIONS
14 42-2-101 (10) AND 42-4-1701.

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

18 **SECTION 11.** 42-3-103, Colorado Revised Statutes, is amended
19 BY THE ADDITION OF A NEW SUBSECTION to read:

20 **42-3-103. Registration required - exemptions - rules.**

21 (6) (a) EXCEPT AS AUTHORIZED BY SECTION 33-14.5-108, C.R.S., THE
22 OWNER OF AN OFF-HIGHWAY VEHICLE SHALL NOT OPERATE THE
23 OFF-HIGHWAY VEHICLE ON THE ROADWAYS UNLESS THE OWNER REGISTERS
24 THE OFF-HIGHWAY VEHICLE WITH THE DEPARTMENT. THE REGISTRATION
25 EXPIRES WHEN OWNERSHIP OF THE OFF-HIGHWAY VEHICLE IS
26 TRANSFERRED TO ANOTHER PERSON.

27 (b) THE DEPARTMENT SHALL PROMULGATE RULES AUTHORIZING

1 POWERSPORTS VEHICLE DEALERS LICENSED UNDER ARTICLE 6 OF TITLE 12,
2 C.R.S., TO BE AGENTS OF THE DEPARTMENT FOR ISSUING TEMPORARY
3 REGISTRATIONS FOR OFF-HIGHWAY VEHICLES.

4 (c) A VIOLATION OF THIS SUBSECTION (6) IS A CLASS B TRAFFIC
5 INFRACTION.

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

8 **42-3-105. Application for registration - tax.** (1) (d) (I) The
9 department ~~or its authorized agents~~ shall not register a motor vehicle, ~~or~~
10 low-power scooter, OR OFF-HIGHWAY VEHICLE unless the applicant has a
11 complying motor vehicle insurance policy pursuant to part 6 of article 4
12 of title 10, C.R.S., or a certificate of self-insurance in full force and effect
13 as required by sections 10-4-619 and 10-4-624, C.R.S. The requirements
14 of this paragraph (d) apply only to motor vehicles classified as Class C
15 personal property under section 42-3-106 (2) (c), to light trucks that do
16 not exceed sixteen thousand pounds empty weight, to sports utility
17 vehicles that are classified as Class B personal property under section
18 42-3-106 (2) (b), ~~or~~ to low-power scooters, OR TO OFF-HIGHWAY
19 VEHICLES. The applicant shall provide the department ~~or its authorized~~
20 ~~agents~~ with the proof of insurance certificate or insurance identification
21 card provided to the applicant by the applicant's insurer pursuant to
22 section 10-4-604.5, C.R.S., or provide proof of insurance in such other
23 media as is authorized by the department. Nothing in this paragraph (d)
24 ~~shall be interpreted to preclude~~ PRECLUDES the department from
25 electronically transmitting insurance information to designated agents
26 pursuant to section 42-7-604 for the purpose of ensuring compliance with
27 mandatory insurance requirements.

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

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

25 Signature _____, Date _____."

26 (4) (a) A motor vehicle dealer, ~~or~~ used motor vehicle dealer, OR
27 POWERSPORTS VEHICLE DEALER licensed under article 6 of ~~this~~ title 12,

1 C.R.S., may act as an authorized agent of the department for the purposes
2 of compliance with this section and collection of fees required for the
3 registration of low-power scooters required by this article. When the
4 owner of the low-power scooter complies with this section, the dealer
5 shall forward to the department an affidavit swearing that the owner has
6 insurance, the statement required by subsection (2) of this section, and the
7 fees required by part 3 of this article for the registration of a low-power
8 scooter.

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

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

20 **SECTION 13.** 42-3-201, Colorado Revised Statutes, is amended
21 BY THE ADDITION OF A NEW SUBSECTION to read:

22 **42-3-201. Number plates furnished - style - periodic reissuance**
23 **- tabs - rules.** (7) (a) UPON REGISTRATION OF AN OFF-HIGHWAY VEHICLE,
24 THE DEPARTMENT SHALL ISSUE A LICENSE PLATE FOR THE OFF-HIGHWAY
25 VEHICLE.

26 (b) THE OWNER OF AN OFF-HIGHWAY VEHICLE NEED NOT
27 REREGISTER THE OFF-HIGHWAY VEHICLE SO LONG AS THE OFF-HIGHWAY

1 VEHICLE IS NOT SOLD OR TRANSFERRED TO ANOTHER OWNER. THE OWNER
2 OF AN OFF-HIGHWAY VEHICLE NEED NOT OBTAIN VALIDATING STICKERS OR
3 TABS.

4 **SECTION 14.** 42-3-202 (1) (a), Colorado Revised Statutes, is
5 amended to read:

6 **42-3-202. Number plates to be attached.** (1) (a) ~~Number plates~~
7 ~~assigned to~~ THE OWNER OF a self-propelled vehicle other than a
8 motorcycle, OFF-HIGHWAY VEHICLE, or street rod vehicle, shall ~~be~~
9 ~~attached thereto~~ ATTACH THE NUMBER PLATES ASSIGNED TO THE VEHICLE,
10 one in the front and the other in the rear. ~~The number plate assigned to~~
11 ~~THE OWNER OF~~ a motorcycle, street rod vehicle, trailer, semitrailer, other
12 vehicle drawn by a motor vehicle, OFF-HIGHWAY VEHICLE, or special
13 mobile machinery shall ~~be attached~~ ATTACH THE NUMBER PLATE
14 ASSIGNED to the rear ~~thereof~~ OF THE VEHICLE. Number plates shall MUST
15 be so displayed during the current registration year, except as otherwise
16 provided in this article.

17 **SECTION 15.** 42-3-301 (1) (a), Colorado Revised Statutes, is
18 amended to read:

19 **42-3-301. License plate cash fund - license plate fees.** (1) (a) In
20 addition to the payment of any fees for motor vehicle registration or for
21 the issuance of license plates, decals, or validating tabs, each owner of a
22 motor vehicle OR OFF-HIGHWAY VEHICLE issued a license plate, decal, or
23 validating tab for a motor vehicle pursuant to UNDER this article shall also
24 pay a fee to cover the direct costs of such plates, decals, or tabs. ~~The~~
25 ~~amount of the fee imposed pursuant to this section shall be as specified~~
26 ~~in paragraph (b) of subsection (2) of this section.~~

27 **SECTION 16.** The introductory portion to 42-3-304 (18) (d) (I),

1 Colorado Revised Statutes, is amended to read:

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

22 **SECTION 17.** Part 3 of article 3 of title 42, Colorado Revised
23 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
24 read:

25 **42-3-313. Off-highway registration fee.** (1) THE DEPARTMENT
26 SHALL NOT REGISTER AN OFF-HIGHWAY VEHICLE UNLESS THE OWNER PAYS
27 A TEN-DOLLAR FEE.

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

7 **SECTION 18.** Part 1 of article 4 of title 42, Colorado Revised
8 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
9 read:

10 **42-4-109.7. Off-highway vehicles.** (1) A PERSON RIDING AN
11 OFF-HIGHWAY VEHICLE UPON A ROADWAY HAS ALL OF THE RIGHTS AND IS
12 SUBJECT TO ALL OF THE DUTIES AND PENALTIES APPLICABLE TO THE
13 DRIVER OF A VEHICLE AS SET FORTH IN THIS ARTICLE EXCEPT THOSE
14 PROVISIONS OF THIS ARTICLE THAT, BY THEIR VERY NATURE, CAN HAVE NO
15 APPLICATION.

16 (2) (a) A PERSON SHALL NOT DRIVE AN OFF-HIGHWAY VEHICLE ON
17 A ROADWAY THAT HAS A SPEED LIMIT GREATER THAN FORTY-FIVE MILES
18 PER HOUR; EXCEPT THAT AN OFF-HIGHWAY VEHICLE MAY BE DRIVEN
19 DIRECTLY ACROSS ANY ROADWAY AT AN AT-GRADE CROSSING TO
20 CONTINUE TRAVELING ALONG A ROADWAY WITH A SPEED LIMIT EQUAL TO
21 OR LESS THAN FORTY-FIVE MILES PER HOUR.

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

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

26 (d) EXCEPT AS PROHIBITED BY THIS SECTION, A PERSON MAY
27 OPERATE AN OFF-HIGHWAY VEHICLE ON ANY HIGHWAY OPEN TO MOTOR

1 VEHICLES UNLESS THE LOCAL AUTHORITY HAS PROHIBITED DRIVING
2 OFF-HIGHWAY VEHICLES ON THE HIGHWAY UNDER SECTION 42-4-111.
3 PROHIBITING A PERSON FROM DRIVING ON A HIGHWAY DOES NOT PROHIBIT
4 THE PERSON FROM DRIVING ACROSS THE HIGHWAY AT AN AT-GRADE
5 INTERSECTION WITH ANOTHER HIGHWAY OVER WHICH AN OFF-HIGHWAY
6 VEHICLE IS AUTHORIZED.

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

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

12 (II) THE COLORADO DEPARTMENT OF TRANSPORTATION MAY
13 AUTHORIZE DRIVING AN OFF-HIGHWAY VEHICLE ON A STATE HIGHWAY
14 LOCATED OUTSIDE OF A MUNICIPALITY.

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

18 (4) A PERSON WHO VIOLATES THIS SECTION COMMITS A CLASS B
19 TRAFFIC INFRACTION.

20 **SECTION 19.** The introductory portion to 42-4-111 (1), Colorado
21 Revised Statutes, is amended, and the said 42-4-111 (1) is further
22 amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

23 **42-4-111. Powers of local authorities.** (1) This article ~~shall not~~
24 ~~be deemed to~~ DOES NOT prevent local authorities, with respect to streets
25 and highways under their jurisdiction and within the reasonable exercise
26 of the police power, except those streets and highways that are parts of
27 the state highway system that are subject to section 43-2-135, C.R.S.,

1 from:

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

5 SECTION 20. 42-4-232 (1), Colorado Revised Statutes, is
6 amended to read:

7 42-4-232. Minimum safety standards for motorcycles,
8 low-power scooters, and off-highway vehicles. (1) (a) ~~No~~ A person
9 shall NOT operate ~~any~~ A motorcycle or low-power scooter on ~~any~~ A public
10 highway in this state unless ~~such~~ THE person and any passenger ~~thereon~~
11 is wearing goggles or eyeglasses with lenses made of safety glass or
12 plastic; except that ~~this subsection (1) shall not apply to~~ a person wearing
13 a helmet containing eye protection made of safety glass or plastic ~~NEED~~
14 NOT WEAR GOGGLES OR EYEGLASSES.

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

22 SECTION 21. 42-4-236 (1) (a.8), Colorado Revised Statutes, is
23 amended to read:

24 42-4-236. Child restraint systems required - definitions -
25 exemptions - repeal. (1) As used in this section, unless the context
26 otherwise requires:

27 (a.8) "Motor vehicle" means a passenger car; a pickup truck; or a

1 van, minivan, or sport utility vehicle with a gross vehicle weight rating of
2 less than ten thousand pounds OR A REGISTERED OFF-HIGHWAY VEHICLE
3 THAT IS REQUIRED TO HAVE A SEATBELT UNDER SECTION 42-4-241.
4 "Motor vehicle" does not include motorcycles, low-power scooters,
5 motorscooters, motorbicycles, motorized bicycles, and farm tractors and
6 implements of husbandry designed primarily or exclusively for use in
7 agricultural operations.

8 **SECTION 22.** 42-4-237 (1) (a), Colorado Revised Statutes, is
9 amended to read:

10 **42-4-237. Safety belt systems - mandatory use - exemptions -**
11 **penalty.** (1) As used in this section:

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

20 **SECTION 23.** Part 2 of article 4 of title 42, Colorado Revised
21 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
22 read:

23 **42-4-241. Equipment - off-highway vehicles.** (1) A PERSON
24 SHALL NOT OPERATE AN OFF-HIGHWAY VEHICLE REGISTERED UNDER
25 ARTICLE 3 OF THIS TITLE ON THE ROADWAY WITH A PASSENGER UNLESS
26 THE PASSENGER HAS EITHER:

27 (a) A SEAT, FOOTREST, AND HANDHOLD IF THE PASSENGER SITS

1 BEHIND THE DRIVER; OR

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

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

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

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

13 (c) TWO RED REFLECTORS MOUNTED ON THE REAR AND VISIBLE AT
14 NIGHT AT A DISTANCE OF ONE HUNDRED FEET BEHIND THE OFF-HIGHWAY
15 VEHICLE WHEN ILLUMINATED BY HEAD LAMPS REQUIRED BY SECTION
16 42-4-205;

17 (d) TWO MIRRORS THAT REFLECT TO THE DRIVER AN
18 UNOBSTRUCTED VIEW OF THE ROADWAY FOR A DISTANCE OF TWO
19 HUNDRED FEET TO THE REAR OF THE OFF-HIGHWAY VEHICLE;

20 (e) A HEAD LAMP AIMED AND SUFFICIENTLY INTENSE TO REVEAL
21 PERSONS AND VEHICLES AT A DISTANCE OF ONE HUNDRED FEET AHEAD ON
22 A STRAIGHT, LEVEL ROAD IF THE OFF-HIGHWAY VEHICLE IS DRIVEN AT
23 NIGHT; AND

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

27 (I) ARE VISIBLE FROM A DISTANCE OF FIVE HUNDRED FEET TO THE

1 REAR;

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

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

6 (3) A PERSON SHALL NOT OPERATE THE HEAD LAMP OF AN
7 OFF-HIGHWAY VEHICLE TO STRIKE THE EYES OF THE DRIVER OF AN
8 APPROACHING VEHICLE.

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

12 (5) A PERSON WHO VIOLATES THIS SECTION COMMITS A CLASS B
13 TRAFFIC INFRACTION.

14 **SECTION 24.** 42-4-1101 (8), Colorado Revised Statutes, is
15 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

16 **42-4-1101. Speed limits.** (8) (h) NOTWITHSTANDING ANY OTHER
17 PROVISION OF THIS SECTION, A PERSON SHALL DRIVE AN OFF-HIGHWAY
18 VEHICLE ON A ROADWAY AT A SPEED NOT IN EXCESS OF FORTY MILES PER
19 HOUR. STATE AND LOCAL AUTHORITIES SHALL NOT AUTHORIZE
20 OFF-HIGHWAY VEHICLES TO EXCEED FORTY MILES PER HOUR ON A
21 ROADWAY.

22 **SECTION 25.** 42-4-1401 (1), Colorado Revised Statutes, is
23 amended to read:

24 **42-4-1401. Reckless driving - penalty.** (1) A person who drives
25 a motor vehicle ~~bicycle, electrical assisted bicycle, or low-power scooter~~
26 OR VEHICLE in such a manner as to indicate either a wanton or a willful
27 disregard for the safety of persons or property is guilty of reckless

1 driving. A person convicted of reckless driving of a bicycle or electrical
2 assisted bicycle shall not be IS NOT subject to the provisions of section
3 42-2-127.

4 **SECTION 26.** 42-4-1402 (1), Colorado Revised Statutes, is
5 amended to read:

6 **42-4-1402. Careless driving - penalty.** (1) A person who drives
7 a motor vehicle ~~bicycle, electrical assisted bicycle, or low-power scooter~~
8 OR VEHICLE in a careless and imprudent manner, without due regard for
9 the width, grade, curves, corners, traffic, and use of the streets and
10 highways and all other attendant circumstances, is guilty of careless
11 driving. A person convicted of careless driving of a bicycle or electrical
12 assisted bicycle shall not be IS NOT subject to the provisions of section
13 42-2-127.

14 **SECTION 27.** 42-4-1409 (2), (3), (5), and (7), Colorado Revised
15 Statutes, are amended to read:

16 **42-4-1409. Compulsory insurance - penalty - legislative intent.**

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

20 (b) A PERSON SHALL NOT OPERATE AN OFF-HIGHWAY VEHICLE
21 REGISTERED UNDER ARTICLE 3 OF THIS TITLE ON A PUBLIC HIGHWAY
22 PURSUANT TO SECTION 42-4-109.7 WITHOUT A COMPLYING POLICY OR
23 CERTIFICATE OF SELF-INSURANCE IN FULL FORCE AND EFFECT AS REQUIRED
24 BY LAW.

25 (3) (a) When an accident occurs or when requested to do so
26 following any lawful A traffic contact or during any A traffic investigation
27 by a peace officer, ~~no owner or operator~~ THE DRIVER of a motor vehicle

1 or low-power scooter shall fail to IMMEDIATELY present to the requesting
2 officer immediate evidence of a complying policy or certificate of
3 self-insurance in full force and effect as required by law.

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

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

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

22 **SECTION 28.** 42-6-102 (17) (a), Colorado Revised Statutes, is
23 amended, and the said 42-6-102 is further amended BY THE ADDITION
24 OF THE FOLLOWING NEW SUBSECTIONS, to read:

25 **42-6-102. Definitions.** As used in this part 1, unless the context
26 otherwise requires:

27 (1.5) "COVERED POWERSPORTS VEHICLE" MEANS A POWERSPORTS

1 VEHICLE:

2 (a) THAT IS SOLD TO OR BY A POWERSPORTS VEHICLE DEALER
3 LICENSED UNDER PART 5 OF ARTICLE 6 OF TITLE 12, C.R.S.; OR

4 (b) THE OWNER OF WHICH ELECTS TO OBTAIN A CERTIFICATE OF
5 TITLE.

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~~ THE damage,
16 as determined by the person who owns the vehicle at the time of ~~such~~ THE
17 occurrence or by the insurer or other person acting on behalf of ~~such~~ THE
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 29.** 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 COVERED~~
3 ~~POWERSPORTS VEHICLES.~~

4 **SECTION 30.** 42-6-107 (1) (a) and (2), Colorado Revised
5 Statutes, are amended to read:

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

26 (2) The DEPARTMENT OR AUTHORIZED AGENT SHALL INCLUDE IN
27 THE electronic record of the certificate or the paper version of the

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

16 **SECTION 31.** 42-6-109 (1), the introductory portion to 42-6-109
17 (2), and 42-6-109 (2) (b), Colorado Revised Statutes, are amended to
18 read:

19 **42-6-109. Sale or transfer of vehicle.** (1) Except as provided in
20 section 42-6-113, no A person shall NOT sell or otherwise transfer a motor
21 OR COVERED POWERSPORTS vehicle to a purchaser or transferee without
22 delivering to such THE purchaser or transferee a certificate of title, which
23 may be electronic, to such THE vehicle duly transferred in the manner
24 prescribed in REQUIRED BY section 42-6-110. No A purchaser or
25 transferee shall DOES NOT acquire any right, title, or interest in and to a
26 motor OR COVERED POWERSPORTS vehicle purchased by such purchaser
27 or transferee unless and until he or she THE PURCHASER OR TRANSFEEE

1 obtains from the transferor the certificate of title ~~duly~~ transferred in
2 accordance with this part 1. A lienholder may request either a paper or
3 electronic version of a certificate of title.

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

6 (b) The purchaser pays for a motor OR COVERED POWERSPORTS
7 vehicle entirely with cash.

8 **SECTION 32.** 42-6-110 (1), Colorado Revised Statutes, is
9 amended to read:

10 **42-6-110. Certificate of title - transfer.** (1) Upon the sale or
11 transfer of a motor OR COVERED POWERSPORTS vehicle for which a
12 certificate of title has been issued or filed, the person in whose name the
13 certificate of title is registered, if ~~such~~ THE person is ~~other than~~ NOT a
14 dealer, shall execute a formal transfer of the vehicle described in the
15 certificate. ~~Such transfer shall be affirmed by a statement signed by~~ The
16 person in whose name the certificate of title is registered or ~~by such~~ THE
17 person's ~~authorized~~ agent or attorney and shall ~~contain or be~~ AFFIRM THE
18 SALE OR TRANSFER, accompanied by a written declaration that ~~it~~ THE
19 STATEMENT is made under the penalties of perjury in the second degree,
20 as defined in section 18-8-503, C.R.S. The purchaser or transferee,
21 within sixty days thereafter, shall present ~~such~~ THE certificate, together
22 with an application for a new certificate of title, to the director or one of
23 the authorized agents, accompanied by the fee required in section
24 42-6-137 to be paid for the filing of a new certificate of title; except that,
25 if no title can be found and the motor vehicle is not roadworthy, the
26 purchaser or transferee may wait until twenty-four months after the motor
27 vehicle was purchased to apply for a certificate of title.

1 **SECTION 33.** 42-6-111 (1) and (2), Colorado Revised Statutes,
2 are amended to read:

3 **42-6-111. Sale to dealers - certificate need not issue.** (1) Upon
4 the sale or transfer to a dealer of a motor OR COVERED POWERSPORTS
5 vehicle for which a Colorado certificate of title has been issued, THE
6 DEALER SHALL TRANSFER AND FILE the certificate of title to the motor OR
7 COVERED POWERSPORTS vehicle; ~~shall be transferred and filed;~~ except
8 that, so long as the vehicle remains in the dealer's possession and at the
9 dealer's place of business for sale and for no other purpose, ~~such~~ THE
10 dealer ~~shall not be required to~~ NEED NOT procure or file a new certificate
11 of title as is otherwise required in this part 1.

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

19 **SECTION 34.** 42-6-112, Colorado Revised Statutes, is amended
20 to read:

21 **42-6-112. Initial registration of a vehicle - dealer responsibility**
22 **to timely forward certificate of title to purchaser or holder of a**
23 **chattel mortgage.** ~~In order~~ To facilitate initial registration of a vehicle,
24 a dealer of motor OR COVERED POWERSPORTS vehicles shall, ~~have not~~
25 ~~more than thirty days after the date of sale of such vehicle to~~ WITHIN
26 THIRTY DAYS AFTER THE SALE, deliver or facilitate the delivery of the
27 certificate of title to a purchaser or the holder of a chattel mortgage on

1 ~~such~~ THE motor OR COVERED POWERSPORTS vehicle subject to section
2 42-6-109.

3 **SECTION 35.** 42-6-113, Colorado Revised Statutes, is amended
4 to read:

5 **42-6-113. New vehicles - bill of sale - certificate of title - rules.**

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

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

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

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

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

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

1 **SECTION 36.** 42-6-114, Colorado Revised Statutes, is amended
2 to read:

3 **42-6-114. Transfers by bequest, descent, or law.** Upon the
4 transfer of ownership of a motor OR COVERED POWERSPORTS vehicle by
5 inheritance or by operation of law, as in proceedings in bankruptcy,
6 insolvency, replevin, attachment, execution, or other judicial sale, or
7 ~~whenever such~~ IF THE vehicle is sold to satisfy storage or repair charges
8 or repossessed to satisfy a secured debt, the director or the authorized
9 agent may issue, upon the surrender of any available certificate of title
10 and presentation of such proof of ownership as the director may
11 reasonably require or a court order, a new certificate of title on behalf of
12 the new owner, and ~~disposition shall be made~~ DISPOSE OF THE
13 CERTIFICATE as in other cases.

14 **SECTION 37.** 42-6-115 (1), Colorado Revised Statutes, is
15 amended to read:

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

1 any liens are attached to ~~such~~ THE motor vehicle, the date of the liens, the
2 amount secured by the vehicle, where ~~such~~ THE liens are of public record,
3 and the right of the applicant to have a certificate of title filed on behalf
4 of the applicant. The statement ~~shall~~ MUST contain or be accompanied by
5 a 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 (b) UPON RECEIPT OF AN APPLICATION BY THE OWNER OF A MOTOR
11 OR COVERED POWERSPORTS VEHICLE THAT IS SUBJECT TO A LIEN OR
12 MORTGAGE, THE AUTHORIZED AGENT SHALL, WHEN ISSUING THE TITLE,
13 COMPLY WITH SECTIONS 42-6-121 (2), 42-6-122, AND 42-6-123
14 CONCERNING THE LIEN OR MORTGAGE.

15 **SECTION 38.** 42-6-116, Colorado Revised Statutes, is amended
16 to read:

17 **42-6-116. Applications for filing of certificates of title - rules.**

18 (1) If a person who desires or who is entitled to a filing of a certificate
19 of title to a motor OR COVERED POWERSPORTS vehicle is required to apply
20 to the director or the authorized agent, ~~such~~ THE applicant shall apply
21 upon a form provided by the director in which appears a description of
22 the motor OR COVERED POWERSPORTS vehicle including the make and
23 model, the manufacturer's number, and a description of any other
24 distinguishing mark, number, or symbol placed on ~~said~~ THE vehicle by the
25 vehicle manufacturer for identification purposes, as may be required by
26 the director by rule adopted in accordance with article 4 of title 24, C.R.S.
27 The application ~~shall also~~ MUST show the name and correct address of the

1 owner determined pursuant to section 42-6-139, a class A, class B, class
2 C, class D, or class F vehicle owner's personal identification number as
3 provided on a state-issued driver's license or assigned by the department,
4 and the applicant's source of title and ~~shall~~ include a description of all
5 known mortgages and liens upon the motor OR COVERED POWERSPORTS
6 vehicle, the holder of the lien, the amount originally secured, and the
7 name of the county and state in which ~~such~~ THE mortgage or lien is
8 recorded or filed. ~~Such~~ THE application ~~shall~~ MUST be verified by a
9 statement signed by the applicant and ~~shall~~ contain or be accompanied by
10 a written declaration that it is made under the penalties of perjury in the
11 second degree, as defined in section 18-8-503, C.R.S.

12 (2) UPON RECEIPT OF AN APPLICATION BY THE OWNER OF A MOTOR
13 OR COVERED POWERSPORTS VEHICLE THAT IS SUBJECT TO A LIEN OR
14 MORTGAGE, THE AUTHORIZED AGENT SHALL, WHEN ISSUING THE TITLE,
15 COMPLY WITH SECTIONS 42-6-121 (2), 42-6-122, AND 42-6-123
16 CONCERNING THE LIEN OR MORTGAGE.

17 **SECTION 39.** 42-6-118, Colorado Revised Statutes, is amended
18 to read:

19 **42-6-118. Amended certificate.** If the owner of a motor OR
20 COVERED POWERSPORTS vehicle for which a Colorado certificate of title
21 has been issued or filed replaces any part of the motor OR COVERED
22 POWERSPORTS vehicle on which appears the identification number or
23 symbol described in the certificate of title and ~~such~~ THE identification
24 number or symbol no longer appears on the motor OR COVERED
25 POWERSPORTS vehicle, or incorporates the part containing the
26 identification number or symbol into another motor OR COVERED
27 POWERSPORTS vehicle, ~~such~~ THE owner shall immediately apply to the

1 director or an authorized agent for an assigned identification number and
2 an amended filing of a certificate of title to ~~such~~ THE vehicle.

3 **SECTION 40.** 42-6-119, Colorado Revised Statutes, is amended
4 to read:

5 **42-6-119. Certificates for vehicles registered in other states.**

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

11 (2) If a dealer acquires the ownership of a motor OR COVERED
12 POWERSPORTS vehicle by lawful means and the ~~motor~~ vehicle is titled
13 under the laws of a state other than Colorado, ~~such~~ THE dealer ~~shall not~~
14 ~~be required to~~ NEED NOT file a Colorado certificate of title for the vehicle
15 so long as ~~such~~ THE vehicle remains in the dealer's possession and at the
16 dealer's place of business solely for the purpose of sale.

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

27 (a) That ~~such~~ THE dealer, ~~has warranted and,~~ by the execution of

1 ~~such~~ THE affidavit, ~~does warrant~~ WARRANTS to the purchaser and all
2 persons who ~~shall~~ claim through the NAMED purchaser ~~named~~ that, at the
3 time of the sale, transfer, and delivery by the dealer, the vehicle described
4 was free and clear of all liens and mortgages except as might ~~therein~~
5 appear IN THE CERTIFICATE OF TITLE;

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

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

9 (4) If the purchaser of the vehicle completes and includes the
10 vehicle identification number inspection form as part of the application
11 for filing of a Colorado certificate of title to ~~such~~ THE vehicle and
12 accompanies the application with the affidavit required by subsection (3)
13 of this section and the duly endorsed or assigned certificate of title from
14 a state other than Colorado, a Colorado certificate of title may be filed in
15 the same manner as upon the sale or transfer of a motor OR COVERED
16 POWERSPORTS vehicle for which a Colorado certificate of title has been
17 issued or filed. Upon the filing by the director or the authorized agent of
18 ~~such~~ THE certificate of title, the director or the authorized agent may
19 dispose of ~~such~~ THE certificate of title and shall record ~~such~~ THE
20 certificate of title as provided in section 42-6-124.

21 **SECTION 41.** 42-6-120, Colorado Revised Statutes, is amended
22 to read:

23 **42-6-120. Security interests upon motor vehicles.** (1) Except
24 as provided in this section and ~~section~~ SECTIONS 42-6-130 AND 42-6-148,
25 the provisions of the "Uniform Commercial Code", title 4, C.R.S.,
26 relating to the filing, recording, releasing, renewal, priority, and extension
27 of chattel mortgages, as ~~the term is~~ defined in section 42-6-102 (9), ~~shall~~

1 DO not apply to motor OR COVERED POWERSPORTS vehicles. Any A
2 mortgage or refinancing of a mortgage intended by the parties to the
3 mortgage or refinancing to encumber or create a lien on a motor vehicle,
4 or to be perfected as a valid lien against the rights of third persons,
5 purchasers for value without notice, mortgagees, or creditors of the
6 owner, shall MUST be filed for public record. THE DEPARTMENT OR
7 AUTHORIZED AGENT SHALL NOTE the fact of filing shall be noted on the
8 owner's certificate of title or bill of sale substantially in the manner
9 provided in section 42-6-121.

10 (2) ~~The provisions of This section and section 42-6-121 shall DO~~
11 ~~not apply to any A mortgage or security interest upon any A vehicle or~~
12 ~~motor vehicle held for sale or lease which THAT constitutes inventory as~~
13 ~~defined in section 4-9-102, C.R.S. As to such mortgages or security~~
14 ~~interests, the provisions of article 9 of title 4, C.R.S., shall apply, and THE~~
15 ~~perfection of such mortgages or security interests, shall be made pursuant~~
16 ~~thereto, and the rights of the parties, shall be ARE governed and~~
17 ~~determined thereby BY ARTICLE 9 OF TITLE 4, C.R.S.~~

18 (3) Notwithstanding any provision of law to the contrary, in the
19 case of motor vehicles, COVERED POWERSPORTS VEHICLES, or trailers, a
20 lease transaction does not create a sale or security interest solely because
21 it permits or requires the rental price to be adjusted either upward or
22 downward under the agreement by reference to the amount realized upon
23 sale or other disposition of the motor vehicle, COVERED POWERSPORTS
24 VEHICLE, or trailer.

25 (4) The rights of a buyer, lessee, or lien creditor that arise after a
26 mortgage attaches to a motor OR COVERED POWERSPORTS vehicle and
27 before perfection under this article shall be ARE determined by section

1 4-9-317, C.R.S.

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

4 42-6-121. Filing of mortgage - rules. (1) The holder of a chattel
5 mortgage on a motor OR COVERED POWERSPORTS vehicle desiring to
6 secure the rights provided for in this part 1 and to have the existence of
7 the mortgage and the fact of the filing of the mortgage for public record
8 noted in the filing of the certificate of title to the encumbered motor
9 vehicle shall MUST present the signed original or signed duplicate of the
10 mortgage or copy thereof certified by the holder of the mortgage or the
11 holder's agent to be a true copy of the signed original mortgage and the
12 certificate of title or application for certificate of title to the motor vehicle
13 encumbered to the authorized agent of the director in the county or city
14 and county in which the mortgagor of such motor THE vehicle resides or
15 where the property is located. The filings HOLDER may be made FILE
16 either with paper documents or electronically. The mortgage or
17 refinancing of a loan secured by a mortgage shall MUST state the name
18 and address of the debtor; the name and address of the mortgagee or name
19 of the mortgagee's assignee; the make, vehicle identification number, and
20 year of manufacture of the mortgaged vehicle; and the date and amount
21 of the loan secured by the mortgage.

22 (2) (a) Upon the receipt of the electronic, original, or duplicate
23 mortgage or certified copy thereof OF THE MORTGAGE and certificate of
24 title or application for certificate of title, the authorized agent, if satisfied
25 that the vehicle described in the mortgage is the same as that described in
26 the certificate of title or filed title, shall file within the director's
27 authorized agent's motor AND COVERED POWERSPORTS vehicle database:

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

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

6 (III) The amount secured by the vehicle;

7 (IV) The date of the mortgage;

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

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

13 (b) The director's authorized agent shall electronically transmit,
14 when the director's authorized agent uses an electronic filing system, the
15 certificate of title, application for certificate of title, and mortgage
16 information to the database of the director for maintenance of a central
17 registry of motor AND COVERED POWERSPORTS vehicle title information
18 pursuant to section 42-6-147.

19 **SECTION 43.** 42-6-122, Colorado Revised Statutes, is amended
20 to read:

21 **42-6-122. Disposition of mortgages by agent - rules.** (1) The
22 authorized agent, upon receipt of the mortgage, shall file the mortgage in
23 the agent's office, ~~Such mortgage shall be~~ appropriately indexed and
24 cross-indexed:

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

27 (I) Make or vehicle identification number of motor OR COVERED

1 POWERSPORTS vehicles mortgaged;

2 (II) Names of owners of mortgaged motor OR COVERED
3 POWERSPORTS vehicles as ~~the same~~ THEY appear on the certificates of title
4 thereto;

5 (III) The numbers of the certificates of title for motor OR COVERED
6 POWERSPORTS vehicles mortgaged;

7 (IV) The numbers or other identification marks assigned to
8 registration certificates issued upon the ~~licensing~~ REGISTRATION of
9 mortgaged vehicles;

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

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

14 (2) All records of mortgages affecting motor OR COVERED
15 POWERSPORTS vehicles ~~shall be~~ ARE public and may be inspected and
16 copies ~~thereof~~ OF THE RECORDS made, as is provided by law respecting
17 public records affecting real property.

18 **SECTION 44.** 42-6-123, Colorado Revised Statutes, is amended
19 to read:

20 **42-6-123. Disposition after mortgaging.** After a mortgage on a
21 motor OR COVERED POWERSPORTS vehicle has been filed in the authorized
22 agent's office, the authorized agent shall mail or electronically transfer to
23 the director the certificate of title or bill of sale ~~which~~ THAT the
24 authorized agent has filed in the record. ~~Upon the receipt thereof,~~ The
25 director shall maintain completed electronic records transferred by the
26 authorized agent. The director shall issue a new certificate of title
27 containing, in addition to the other matters ~~and things~~ required to be set

1 forth in certificates of title, a description of the mortgage and all
2 information respecting ~~said~~ THE mortgage and the filing thereof ~~as may~~
3 ~~appear~~ THAT APPEAR in the certificate of the authorized agent, and the
4 director or the director's authorized agent shall ~~thereafter~~ THEN dispose of
5 ~~said~~ THE new certificate of title containing ~~said~~ THE notation as provided
6 in section 42-6-124.

7 **SECTION 45.** 42-6-124, Colorado Revised Statutes, is amended
8 to read:

9 **42-6-124. Disposition of certificates of title.** (1) ~~All certificates~~
10 ~~of title issued by~~ The director ~~or the director's authorized agent shall be~~
11 ~~disposed of by the director~~ DISPOSE OF A CERTIFICATE OF TITLE ISSUED BY
12 THE DIRECTOR OR THE AUTHORIZED AGENT in the following manner:

13 (a) If the certificate of title that is filed by the ~~director's~~ authorized
14 agent is maintained in an electronic format within the director's and the
15 ~~director's~~ authorized agent's motor AND COVERED POWERSPORTS vehicle
16 databases as required by the standards established pursuant to article 71.3
17 of title 24, C.R.S., the certificate of title shall be disposed of in
18 accordance with paragraphs (b) and (c) of this subsection (1).

19 (b) If it appears from the records in the director's or the ~~director's~~
20 authorized agent's office and from an examination of the certificate of
21 title that the motor OR COVERED POWERSPORTS vehicle ~~therein~~ described
22 IN THE CERTIFICATE OF TITLE is not subject to a mortgage filed ~~subsequent~~
23 ~~to~~ AFTER August 1, 1949, or if ~~such~~ THE vehicle is encumbered by a
24 mortgage filed in any county of a state other than the state of Colorado,
25 THE DIRECTOR OR AUTHORIZED AGENT SHALL DELIVER the certificate of
26 title ~~shall be delivered~~ to the person who ~~therein~~ appears to be the owner
27 of the vehicle ~~described~~; or ~~such certificate shall be mailed~~ MAIL THE

1 CERTIFICATE to the owner thereof OF THE VEHICLE at his or her address as
2 the same may appear IT APPEARS in the application, the certificate of title,
3 or other records in the director's or the director's authorized agent's office.

4 (c) If it appears from the records in the office of the director or the
5 director's authorized agent and from the certificate of title that the motor
6 OR COVERED POWERSPORTS vehicle therein described IN THE CERTIFICATE
7 OF TITLE is subject to one or more mortgages filed subsequent to AFTER
8 August 1, 1949, the director or the director's authorized agent shall
9 electronically maintain or deliver the certificate of title issued by the
10 director to the mortgagee named therein IN THE CERTIFICATE OF TITLE or
11 the holder thereof OF THE CERTIFICATE OF TITLE whose mortgage was first
12 filed in the office of an authorized agent.

13 **SECTION 46.** 42-6-125, Colorado Revised Statutes, is amended
14 to read:

15 **42-6-125. Release of mortgages - rules.** (1) Upon the payment
16 or discharge of the undertaking secured by any A mortgage on a motor OR
17 COVERED POWERSPORTS vehicle that has been filed for record in the
18 manner prescribed in UNDER section 42-6-121, the legal holder, on a form
19 approved by the director, shall ~~make and execute the notice of~~ NOTIFY
20 THE DIRECTOR OR AUTHORIZED AGENT OF the discharge of the obligation
21 and release of the mortgage securing the obligation and set forth in the
22 notice the facts concerning the right of the holder to release the mortgage
23 as the director by appropriate rule may require which BY RULE. THE
24 LIENHOLDER SHALL INCLUDE IN THE NOTICE OF satisfaction and release
25 ~~shall be affirmed by a statement~~ A signed by the legal lienholder
26 AFFIRMATION, noted in the certificate of title on file with the director or
27 the director's authorized agent, and that ~~shall contain or be~~ CONTAINS OR

1 IS accompanied by a written declaration that it is made under the penalties
2 of perjury in the second degree, as defined in section 18-8-503, C.R.S.
3 Thereupon, the holder of the RELEASED mortgage ~~so released~~ shall
4 dispose of the certificate of title as follows:

5 (a) ~~If it appears that the motor OR COVERED POWERSPORTS vehicle~~
6 ~~is encumbered by a mortgage filed in the manner prescribed in~~ UNDER
7 ~~section 42-6-121 subsequent to~~ AFTER the date on which the RELEASED
8 ~~mortgage so released~~ was filed for record, the holder of ~~such~~ THE
9 certificate of title shall deliver the ~~title~~ CERTIFICATE to the person shown
10 to be the holder of the mortgage noted on the title, filed earliest after the
11 filing of the RELEASED mortgage, ~~released~~, or to the person or agent of the
12 person shown to be the assignee or other legal holder of the mortgage or
13 shall mail the title to the mortgagee or holder at ~~his or her~~ THE address
14 APPEARING THEREON. If the certificate is returned unclaimed, ~~it shall be~~
15 ~~sent by~~ THE HOLDER SHALL mail THE CERTIFICATE to the director.

16 (b) If it appears from an examination of the certificate of title that
17 there are no other outstanding mortgages against the motor OR COVERED
18 POWERSPORTS vehicle in the title upon the release of the mortgage as
19 provided in this section, the holder of the mortgage shall deliver the
20 certificate of title to the owner of the vehicle or shall mail the title to the
21 owner at his or her address, and, if for any reason the certificate of title
22 is not delivered to the owner ~~of the vehicle~~ or is returned unclaimed, ~~it~~
23 ~~shall immediately be mailed~~ THE HOLDER SHALL IMMEDIATELY MAIL THE
24 CERTIFICATE to the director.

25 (c) The director's authorized agent shall note in the electronic
26 record of the lien ~~such~~ THE satisfaction or release of ~~such~~ THE lien or
27 mortgage and shall file ~~such~~ THE satisfaction or release of ~~such~~ THE lien

1 as required in section 42-6-122.

2 **SECTION 47.** 42-6-126 (1) (a) and (1) (b) (II), Colorado Revised
3 Statutes, are amended to read:

4 **42-6-126. New certificate upon release of mortgage.**

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

8 (I) The owner of the vehicle encumbered by the mortgage, the
9 purchaser from or transferee of the owner as appears on the certificate of
10 title, or the holder of ~~any~~ A mortgage that was junior to the mortgage
11 released, upon the receipt of the certificate of title, as provided in section
12 42-6-125, shall deliver the title to the authorized agent who shall transmit
13 the title to the director; or

14 (II) The lienholder shall notify the authorized agent of the
15 satisfaction of the debt and release of the mortgage, setting forth any facts
16 concerning the right of the holder to release the mortgage as the director
17 may require. The LIENHOLDER SHALL SIGN A satisfaction and release ~~shall~~
18 ~~be~~ affirmed by a statement ~~signed by the lienholder noted in the~~
19 ~~certificate of title and shall contain~~ CONTAINING or ~~be~~ accompanied by a
20 written declaration that it is made under the penalties of perjury in the
21 second degree, as defined in section 18-8-503, C.R.S. Upon receiving a
22 valid satisfaction and release, the director or authorized agent shall note
23 the release of the lien and shall issue a certificate of title for the motor
24 vehicle, omitting all reference to the mortgage.

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

27 (II) Issue a new certificate of title to the motor OR COVERED

1 POWERSPORTS vehicle, omitting all reference to the released mortgage;
2 and

3 **SECTION 48.** 42-6-127 (2), Colorado Revised Statutes, is
4 amended to read:

5 **42-6-127. Duration of lien of mortgage - extensions - rules.**

6 (2) Upon receipt of a mortgage extension, the director's authorized agent
7 shall make and complete the electronic record of the extension as the
8 director by rule may require within the director's or the director's
9 authorized agent's motor AND COVERED POWERSPORTS vehicle database,
10 and shall note the fact of the extension of the mortgage on the certificate
11 of title, which may be filed electronically. Thereafter, the ~~certificate of~~
12 ~~title shall be returned~~ AUTHORIZED AGENT SHALL RETURN THE
13 CERTIFICATE to the person shown on the certificate to be entitled to the
14 certificate. If any mortgage other than one on a trailer coach; truck
15 tractor; multipurpose trailer, if known when filed; or motor home, that has
16 been filed for record and noted on the certificate of title, has not been
17 released or extended within ten years after the date ~~on which~~ WHEN the
18 mortgage was filed in the office of the director's authorized agent, the
19 person shown by the records in the director's office to be the owner of the
20 motor OR COVERED POWERSPORTS vehicle described in the certificate of
21 title, upon ~~making an appropriate application therefor~~ FILING AN
22 APPLICATION, may request that ~~any~~ THE AUTHORIZED AGENT REMOVE
23 references to the mortgages shown on the records. ~~of the director's~~
24 ~~authorized agent be removed by the authorized agent.~~ The director's
25 authorized agent shall remove all reference to UNRELEASED OR NOT
26 EXTENDED mortgages shown in the director's authorized agent's records
27 to have been of record in the office of the authorized agent for more than

1 ten years. which mortgages have been neither released nor extended as
2 provided in this section.

3 **SECTION 49.** 42-6-128, Colorado Revised Statutes, is amended
4 to read:

5 **42-6-128. Validity of mortgage between parties.** Nothing in
6 this part 1 shall be construed to impair IMPAIRS the validity of a mortgage
7 on a motor OR COVERED POWERSPORTS vehicle between the parties thereto
8 as long as no purchaser for value, mortgagee, or creditor without actual
9 notice of the existence thereof OF A MORTGAGE has acquired an interest
10 in the motor OR COVERED POWERSPORTS vehicle described therein IN THE
11 MORTGAGE, notwithstanding that the parties to said THE mortgage have
12 failed to comply with the provisions of this part 1.

13 **SECTION 50.** 42-6-129 (1), (2), and (4), Colorado Revised
14 Statutes, are amended to read:

15 **42-6-129. Second or other junior mortgages.** (1) On and after
16 July 1, 1977, any A person who takes a second or other junior mortgage
17 on a motor OR COVERED POWERSPORTS vehicle for which a Colorado
18 certificate of title has been issued or filed may file said THE mortgage for
19 public record and have the existence thereof MORTGAGE noted or filed on
20 the certificate of title with like effect as in other cases, in the manner
21 prescribed in AS REQUIRED BY this section.

22 (2) Such second or THE junior mortgagee or the holder thereof OF
23 THE MORTGAGE shall file said THE mortgage pursuant to the requirements
24 of AS REQUIRED BY section 42-6-121 with the director's authorized agent
25 of the county wherein WHERE the mortgagor of said THE motor OR
26 COVERED POWERSPORTS vehicle resides or where the motor vehicle is
27 located and shall accompany said THE mortgage with a written request to

1 have the ~~existence thereof~~ MORTGAGE noted or filed on the certificate of
2 title records of the ~~director's~~ authorized agent pertaining to the ~~motor~~
3 vehicle covered by the junior or second mortgage. Upon the filing of
4 ~~such~~ THE mortgage, the ~~director's~~ authorized agent shall note in the record
5 of the ~~subject~~ vehicle the day and hour ~~on which such~~ WHEN THE
6 mortgage was received by the agent, ~~and~~ shall make and deliver a receipt
7 for the mortgage to the person filing the mortgage, and shall file the
8 ~~second or junior~~ mortgage as required under section 42-6-122.

9 (4) If ~~any~~ A person lawfully in possession of a certificate of title
10 to ~~any~~ A motor OR COVERED POWERSPORTS vehicle, upon whom demand
11 is made for the delivery ~~thereof~~ to the authorized agent, ~~omits, for any~~
12 ~~reason whatsoever,~~ FAILS to deliver or mail the ~~same~~ CERTIFICATE OF
13 TITLE to the authorized agent, ~~such~~ THE person ~~shall be~~ IS liable to the
14 holder of ~~such second or~~ THE junior mortgage for all damage sustained by
15 reason of ~~such~~ THE omission.

16 **SECTION 51.** 42-6-130, Colorado Revised Statutes, is amended
17 to read:

18 **42-6-130. Priority of secured interests.** The liens or mortgages
19 filed for record or noted on a certificate of title to a motor OR COVERED
20 POWERSPORTS vehicle, as provided in section 42-6-121, ~~shall~~ take priority
21 in the same order that they were filed ~~in the office of~~ WITH the authorized
22 agent; except that the priority of a purchase-money security interest, as
23 defined in section 4-9-103, C.R.S., ~~shall be~~ IS determined in accordance
24 with sections 4-9-317 (e) and 4-9-324 (a), C.R.S.

25 **SECTION 52.** 42-6-131, Colorado Revised Statutes, is amended
26 to read:

27 **42-6-131. Mechanic's, warehouse, and other liens.** Nothing in

1 this part 1 ~~shall be construed to impair~~ IMPAIRS the rights of lien
2 claimants arising under ~~any mechanics'~~ A MECHANIC'S lien law or the lien
3 of a warehouse or other person claimed for repairs on or storage of ~~any~~
4 A motor OR COVERED POWERSPORTS vehicle, when a mechanic's lien or
5 storage lien originated prior to a mortgage or lien on the motor OR
6 COVERED POWERSPORTS vehicle being filed for record and ~~such motor~~
7 THE vehicle has remained continuously in the possession of the person
8 claiming ~~such~~ THE mechanic's lien or lien for storage.

9 **SECTION 53.** 42-6-133, Colorado Revised Statutes, is amended
10 to read:

11 **42-6-133. Foreign mortgages and liens.** ~~No~~ A mortgage or lien
12 on a motor OR COVERED POWERSPORTS vehicle filed for record in a state
13 other than Colorado ~~shall be~~ IS NOT valid and enforceable against the
14 rights of subsequent purchasers for value, creditors, lienholders, or
15 mortgagees having no actual notice of the existence of ~~such~~ THE mortgage
16 or lien. If the certificate of title for ~~such~~ THE vehicle bears any notation
17 adequate to apprise a purchaser, creditor, lienholder, or mortgagee of the
18 existence of a mortgage or lien at the time a third party acquires a right in
19 the motor vehicle, ~~such~~ THE mortgage or lien and the rights of the holder
20 of the mortgage or lien ~~shall be~~ ARE enforceable in this state as though
21 ~~such~~ THE mortgage were filed in Colorado and noted on the certificate of
22 title or noted in the record of the authorized agent ~~pertaining to that~~ FOR
23 THE vehicle ~~pursuant to~~ UNDER section 42-6-121.

24 **SECTION 54.** 42-6-134, Colorado Revised Statutes, is amended
25 to read:

26 **42-6-134. Where application for certificates of title made.**
27 Except as otherwise provided in this part 1, ~~all applications~~ A PERSON

1 SHALL APPLY for recording of certificates of title upon the sale or transfer
2 of a motor OR COVERED POWERSPORTS vehicle ~~described in the certificate~~
3 ~~of title shall be directed to and filed~~ with the authorized agent of the
4 county where ~~such~~ THE vehicle will be registered and licensed for
5 operation.

6 SECTION 55. 42-6-135 (2), Colorado Revised Statutes, is
7 amended to read:

8 42-6-135. Lost certificates of title. (2) If the title owner,
9 lienholder, or mortgagee of a certificate of title loses, misplaces, or
10 accidentally destroys a certificate of title to a motor OR COVERED
11 POWERSPORTS vehicle that ~~such~~ THE person holds as described in the
12 certificate of title, upon application, the director or the authorized agent
13 may issue a duplicate copy of the recorded certificate of title as in other
14 cases.

15 SECTION 56. 42-6-136 (1), Colorado Revised Statutes, is
16 amended to read:

17 42-6-136. Surrender and cancellation of certificate - penalty
18 for violation. (1) The owner of a motor OR COVERED POWERSPORTS
19 vehicle for which a Colorado certificate of title has been issued, upon the
20 destruction or dismantling of ~~said motor~~ THE vehicle, upon its being
21 changed so that it is no longer a motor OR COVERED POWERSPORTS
22 vehicle, or upon its being sold or otherwise disposed of as salvage, shall
23 surrender the certificate of title to the ~~motor~~ vehicle to the director or the
24 authorized agent to be canceled or notify the director or the authorized
25 agent on director-approved forms indicating the loss, destruction or
26 dismantling, or sale for salvage. Upon the owner's procuring the consent
27 of the holders of ~~any~~ unreleased mortgages or liens noted on or recorded

1 as part of the certificate of title, ~~such~~ THE DIRECTOR OR AUTHORIZED
2 AGENT SHALL CANCEL THE certificate. ~~shall be canceled.~~ A person who
3 violates this section commits a class 1 petty offense and shall be punished
4 as provided in section 18-1.3-503, C.R.S.

5 **SECTION 57.** 42-6-137 (2), (6), (7) (a), and (7) (b), Colorado
6 Revised Statutes, are amended to read:

7 **42-6-137. Fees.** (2) Upon the receipt by an authorized agent of
8 a mortgage for filing under section 42-6-121, 42-6-125, or 42-6-129, THE
9 FILER SHALL PAY the authorized agent ~~shall be paid such fees as are~~
10 ~~imposed by law for the filing of like instruments in the office of the~~
11 ~~county clerk and recorder in the county where such mortgage is filed and~~
12 ~~shall also receive a fee of seven dollars and twenty cents~~ A FEE OF FIVE
13 DOLLARS PER PAGE. FOR RECORDING DOCUMENTS IN EXCESS OF EIGHT
14 AND ONE-HALF INCHES IN WIDTH OR FOURTEEN INCHES IN LENGTH, THE FEE
15 IS TEN DOLLARS PER PAGE. For the issuance or recording of the certificate
16 of title and the notation in the record of the director or the authorized
17 agent of the existence of the mortgage, THE FEE IS SEVEN DOLLARS AND
18 TWENTY CENTS.

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

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

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

27 (b) A title issued for a new motor OR COVERED POWERSPORTS

1 vehicle upon filing of a manufacturer's statement of origin without liens;
2 and

3 **SECTION 58.** The introductory portion to 42-6-138 (2) and
4 42-6-138 (2) (b), (3), and (4), Colorado Revised Statutes, are amended to
5 read:

6 **42-6-138. Disposition of fees.** (2) ~~All fees collected by The~~
7 authorized agent SHALL DISPOSE OF ALL FEES COLLECTED under section
8 42-6-137 (5) or 38-29-138 (5), C.R.S., ~~shall be disposed of~~ as follows:

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

18 (3) THE AUTHORIZED AGENT SHALL RETAIN all fees paid to the
19 ~~authorized agent~~ under section 42-6-137 (3) for the extension of a
20 mortgage or lien on a motor OR COVERED POWERSPORTS vehicle filed in
21 the authorized agent's office ~~shall be retained by the authorized agent to~~
22 defray the cost of ~~such~~ THE extension or release and ~~shall be disposed of~~
23 ~~by the authorized agent~~ DISPOSE OF THEM as provided by law; except that
24 THE AUTHORIZED AGENT SHALL DISPOSE OF fees for this service that are
25 paid to the ~~authorized agent~~ in the city and county of Denver ~~shall, by~~
26 ~~such agent, be disposed of~~ in the same manner as fees retained by the
27 agent that were paid ~~upon application being made~~ for FILING a certificate

1 of title APPLICATION.

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

7 **SECTION 59.** 42-6-139 (1), (2), and (4), Colorado Revised
8 Statutes, are amended to read:

9 **42-6-139. Registration and title application - where made.**

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

17 (b) A PERSON'S RESIDENCE FOR THE PURPOSES OF TITLING A
18 COVERED POWERSPORTS VEHICLE IS THE SAME AS DETERMINED BY
19 PARAGRAPH (a) OF THIS SUBSECTION (1).

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

24 (a) (I) For a motor vehicle that is owned by a business and
25 operated primarily for business purposes, the address where such THE
26 vehicle is principally operated and maintained; or

27 (b) (II) For any A motor vehicle for TO which the provisions of

1 SUBPARAGRAPH (I) OF THIS paragraph (a) of this subsection (2) do DOES
2 not apply, the address of the owner's residence; except that, if a motor
3 vehicle is permanently maintained at an address other than the address of
4 the owner's residence, ~~such motor~~ THE vehicle shall be registered at the
5 address where ~~such motor~~ THE vehicle is permanently maintained.

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

10 (I) FOR A COVERED POWERSPORTS VEHICLE OWNED BY A BUSINESS
11 AND OPERATED PRIMARILY FOR BUSINESS PURPOSES, THE ADDRESS WHERE
12 THE VEHICLE IS PRINCIPALLY OPERATED AND MAINTAINED; OR

13 (II) FOR A COVERED POWERSPORTS VEHICLE TO WHICH
14 SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) DOES NOT APPLY, THE
15 ADDRESS OF THE OWNER'S RESIDENCE; EXCEPT THAT, IF A COVERED
16 POWERSPORTS VEHICLE IS PERMANENTLY MAINTAINED AT AN ADDRESS
17 OTHER THAN THE ADDRESS OF THE OWNER'S RESIDENCE, THE VEHICLE
18 MUST BE REGISTERED AT THE ADDRESS WHERE THE VEHICLE IS
19 PERMANENTLY MAINTAINED.

20 (4) In addition to any other applicable penalty, a person who
21 ~~registers a motor vehicle in violation of the provisions of~~ VIOLATES
22 subsection (2) of this section, section 42-3-103 (4) (a), or section
23 42-6-140 ~~shall be~~ IS subject to a civil penalty of five hundred dollars.
24 ~~Such~~ THE violation ~~shall be~~ IS determined by, assessed by, and paid to the
25 municipality or county where the motor OR COVERED POWERSPORTS
26 vehicle is or should have been registered, subject to judicial review
27 pursuant to rule 106 (a) (4) of the Colorado rules of civil procedure.

1 **SECTION 60.** 42-6-141, Colorado Revised Statutes, is amended
2 to read:

3 **42-6-141. Director's records to be public.** ~~All~~ Records in the
4 director's office pertaining to the title to a motor OR COVERED
5 POWERSPORTS vehicle ~~shall be~~ ARE public records ~~and shall be~~ subject to
6 ~~the provisions of~~ section 42-1-206. This ~~shall include any~~ INCLUDES
7 records regarding ownership of and mortgages or liens on a vehicle for
8 which a Colorado certificate of title has been issued.

9 **SECTION 61.** 42-6-142 (1), Colorado Revised Statutes, is
10 amended to read:

11 **42-6-142. Penalties.** (1) ~~No~~ A person ~~may~~ SHALL NOT sell,
12 transfer, or in any manner dispose of a motor OR COVERED POWERSPORTS
13 vehicle in this state without complying with this part 1.

14 **SECTION 62.** 42-6-145 (1), Colorado Revised Statutes, is
15 amended to read:

16 **42-6-145. Use of vehicle identification numbers in applications**
17 **- rules.** (1) (a) A person required to apply for a certificate of title or
18 registration of a motor vehicle shall use the identification number placed
19 upon the ~~motor~~ vehicle by the manufacturer or the special vehicle
20 identification number assigned to the motor vehicle by the department
21 pursuant to section 42-5-205. The DEPARTMENT SHALL USE THE SAME
22 IDENTIFICATION NUMBER OF THE MOTOR VEHICLE FOR THE certificate of
23 title and registration card. ~~issued by the department shall use the~~
24 ~~identification number of the motor vehicle.~~

25 (b) A PERSON REQUIRED TO APPLY FOR A CERTIFICATE OF TITLE OR
26 REGISTRATION OF A COVERED POWERSPORTS VEHICLE SHALL USE THE
27 IDENTIFICATION NUMBER PLACED UPON THE VEHICLE BY THE

1 MANUFACTURER OR THE SPECIAL VEHICLE IDENTIFICATION NUMBER
2 ASSIGNED TO THE COVERED POWERSPORTS VEHICLE BY THE DEPARTMENT.
3 THE DEPARTMENT SHALL USE THE SAME IDENTIFICATION NUMBER OF THE
4 COVERED POWERSPORTS VEHICLE FOR THE CERTIFICATE OF TITLE.

5 **SECTION 63.** 42-6-146 (1), (3), and (4), Colorado Revised
6 Statutes, are amended to read:

7 **42-6-146. Repossession of motor vehicle or covered**
8 **powersports vehicle - owner must notify law enforcement agency -**

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

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

27 (4) As used in this section, the term "reposessor" means the party

1 who physically takes possession of the motor OR COVERED POWERSPORTS
2 vehicle and drives, tows, or transports the motor vehicle for delivery to
3 the mortgagee, lienholder, or assignee or the agent of such THE
4 mortgagee, lienholder, or assignee.

5 **SECTION 64.** Part 1 of article 6 of title 42, Colorado Revised
6 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
7 read:

8 **42-6-148. Powersports vehicles - dealer sales.** (1) A PERSON
9 SHALL NOT SELL A POWERSPORTS VEHICLE TO A POWERSPORTS VEHICLE
10 DEALER AND A POWERSPORTS VEHICLE DEALER SHALL NOT PURCHASE A
11 POWERSPORTS VEHICLE UNLESS THE OWNER HAS OBTAINED A TITLE FOR
12 THE POWERSPORTS VEHICLE UNDER THIS ARTICLE. A SALE OR PURCHASE
13 MADE IN VIOLATION OF THIS SECTION IS VOID AB INITIO.

14 (2) UNTIL A COVERED POWERSPORTS VEHICLE IS ISSUED A
15 CERTIFICATE OF TITLE, THE ATTACHMENT, RECORDING, PERFECTION,
16 PRIORITY, RENEWAL, EXTENSION, MODIFICATION, RELEASING,
17 TERMINATION, FORECLOSURE, AND ANY OTHER ASPECT OF A SECURITY
18 INTEREST IN A COVERED POWERSPORTS VEHICLE IS GOVERNED BY THE
19 "UNIFORM COMMERCIAL CODE", TITLE 4, C.R.S.

20 **SECTION 65.** 42-4-1701 (4) (a) (I) (A) and (4) (a) (I) (B),
21 Colorado Revised Statutes, is amended to read:

22 **42-4-1701. Traffic offenses and infractions classified -**
23 **penalties - penalty and surcharge schedule - repeal.** (4) (a) (I) Except
24 as provided in paragraph (c) of subsection (5) of this section, every
25 person who is convicted of, who admits liability for, or against whom a
26 judgment is entered for a violation of any provision of this title to which
27 paragraph (a) or (b) of subsection (5) of this section apply shall be fined

1 or penalized, and have a surcharge levied thereon pursuant to sections
 2 24-4.1-119 (1) (f) and 24-4.2-104 (1) (b) (I), C.R.S., in accordance with
 3 the penalty and surcharge schedule set forth in sub-subparagraphs (A) to
 4 (P) of this subparagraph (I); or, if no penalty or surcharge is specified in
 5 the schedule, the penalty for class A and class B traffic infractions shall
 6 be fifteen dollars, and the surcharge shall be four dollars. These penalties
 7 and surcharges shall apply whether the defendant acknowledges the
 8 defendant's guilt or liability in accordance with the procedure set forth by
 9 paragraph (a) of subsection (5) of this section or is found guilty by a court
 10 of competent jurisdiction or has judgment entered against the defendant
 11 by a county court magistrate. Penalties and surcharges for violating
 12 specific sections shall be as follows:

Section Violated	Penalty	Surcharge
(A) Drivers' license violations:		
42-2-101 (1) or (4)	\$ 35.00	\$ 10.00
42-2-101 (2), (3), or (5)	15.00	6.00
42-2-103	15.00	6.00
42-2-105	70.00	10.00
42-2-103 (3)(a)	15.00	6.00
42-2-103 (3)(b)	50.00	6.00
42-2-105	70.00	10.00
42-2-105.5 (4)	65.00	10.00
42-2-106	70.00	10.00
42-2-116 (6)(a)	30.00	6.00
42-2-119	15.00	6.00
42-2-134	35.00	10.00
42-2-136	35.00	10.00

1	42-2-139		35.00	10.00
2	42-2-140		35.00	10.00
3	42-2-141		35.00	10.00
4	(B) Registration and taxation violations:			
5	42-3-103		\$ 50.00	\$ 16.00
6	42-3-113		15.00	6.00
7	42-3-103 (1)(a) AND (6)		50.00	16.00
8	42-3-113		15.00	6.00
9	42-3-202		15.00	6.00
10	42-3-116		50.00	16.00
11	42-3-121 (1)(a)		75.00	24.00
12	42-3-121 (1)(c)		35.00	10.00
13	42-3-121 (1)(f), (1)(g),			
14	and (1)(h)		75.00	24.00
15	42-3-304 to 42-3-306		50.00	16.00

16 **SECTION 66.** 43-4-205 (5.5) (f), Colorado Revised Statutes, is
17 amended to read:

18 **43-4-205. Allocation of fund.** (5.5) The following highway
19 users tax fund revenues shall be allocated and expended in accordance
20 with the formula specified in subsection (5) of this section:

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

25 **SECTION 67. Act subject to petition - effective date -**
26 **applicability.** (1) This act shall take effect July 1, 2012; except that, if
27 a referendum petition is filed pursuant to section 1 (3) of article V of the

1 state constitution against this act or an item, section, or part of this act
2 within the ninety-day period after final adjournment of the general
3 assembly, then the act, item, section, or part shall not take effect unless
4 approved by the people at the general election to be held in November
5 2012 and shall take effect on July 1, 2012, or on the date of the official
6 declaration of the vote thereon by the governor, whichever is later.

7 (2) The provisions of this act shall apply to acts occurring or
8 applications filed on or after April 1, 2013.