

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 10-0038.01 Jason Gelender

SENATE BILL 10-044

SENATE SPONSORSHIP

Lundberg, Kester, King K., Mitchell, Scheffel, Schultheis

HOUSE SPONSORSHIP

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A BILL FOR AN ACT

101 CONCERNING THE REPEAL OF STATUTORY CHANGES ENACTED BY
102 SENATE BILL 09-108.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Effective July 1, 2010:

! **Section 2** of the bill repeals the mandatory late vehicle registration fee of \$25 per month up to a maximum of \$100 enacted by Senate Bill 09-108 and reinstates the waivable fee of up to \$10 that was in effect prior to the enactment of

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

Senate Bill 09-108.

! **Section 5** of the bill repeals the supplemental unregistered vehicle fine of \$25 per month up to a maximum of \$100 enacted by Senate Bill 09-108 that is imposed on a person who is convicted of a misdemeanor for knowingly failing to register a vehicle within 90 days of becoming a Colorado resident.

Sections 1, 3, 4, and 6 of the bill make conforming amendments.

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

2 **SECTION 1.** 42-3-103 (4) (a), Colorado Revised Statutes, is
3 amended to read:

4 **42-3-103. Registration required - exemptions.** (4) (a) Within
5 ninety days after becoming a resident of Colorado, an owner of a motor
6 vehicle required to be registered by subsection (1) of this section shall
7 register such vehicle with the department, irrespective of such vehicle
8 being registered within another state or country. A person who violates
9 this paragraph (a) is subject to the penalties provided in ~~sections~~ SECTION
10 42-6-139. and ~~43-4-804 (1) (d), C.R.S.~~

11 **SECTION 2.** 42-3-112, Colorado Revised Statutes, is amended
12 to read:

13 **42-3-112. Failure to pay tax - penalty.** (1) If a vehicle subject
14 to taxation under this article is not registered when required by law, the
15 vehicle owner ~~shall pay~~ IS SUBJECT TO a late fee of ~~twenty-five dollars for~~
16 ~~each month or portion of a month following the expiration of the~~
17 ~~registration period, or, if applicable, the expiration of the grace period~~
18 ~~described in section 42-3-114 for which the vehicle is unregistered;~~
19 ~~except that the amount of the late fee shall not exceed one hundred~~
20 ~~dollars. The late fee shall be~~ UP TO TEN DOLLARS, AS DETERMINED BY THE
21 DEPARTMENT OR AUTHORIZED AGENT REGISTERING THE VEHICLE, WHICH

1 IS due when the vehicle is registered. THE DEPARTMENT OR THE
2 AUTHORIZED AGENT REGISTERING THE VEHICLE MAY WAIVE THE LATE FEE.

3 (2) ~~Ten dollars of~~ The late registration fee shall be retained by the
4 department or the authorized agent who registers the motor vehicle. Each
5 authorized agent shall remit to the department no less frequently than
6 once a month, but otherwise at the time and in the manner required by the
7 executive director of the department, the remainder of the late registration
8 fees collected by the authorized agent. The executive director shall
9 forward all late registration fees remitted by authorized agents plus the
10 remainder of the late registration fees collected directly by the department
11 to the state treasurer, who shall credit the fees to the highway users tax
12 fund in accordance with section 43-4-804 (1) (e), C.R.S.

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

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

23 (b) ~~The person who owns the vehicle is in the active military~~
24 ~~service of the United States and is serving outside the state when a~~
25 ~~registration period and grace period for renewal of registration for the~~
26 ~~vehicle end and the vehicle is not operated on any public highway of the~~
27 ~~state between the time the registration period and grace period end and~~

1 the time the vehicle is reregistered. Nothing in this paragraph (b) shall be
2 construed to exempt the owner of such a vehicle from paying any fees
3 imposed pursuant to this article other than the late fee before again
4 operating the vehicle on a public highway in this state or from paying any
5 taxes imposed pursuant to this article.

6 (c) The vehicle registration expired during the period the vehicle
7 was reported stolen.

8 **SECTION 3.** 42-6-140, Colorado Revised Statutes, is amended
9 to read:

10 **42-6-140. Registration upon becoming resident.** Within ninety
11 days after becoming a resident of Colorado, the owner of a motor vehicle
12 shall apply for a Colorado certificate of title, a license, and registration
13 for the vehicle that is registered, that is licensed, or for which a certificate
14 of title is issued in another state. Any person who violates the provisions
15 of this section is subject to the penalties provided in ~~sections~~ SECTION
16 42-6-139. and ~~43-4-804 (1) (d), C.R.S.~~

17 **SECTION 4.** 43-4-205 (6.3), Colorado Revised Statutes, is
18 amended to read:

19 **43-4-205. Allocation of fund.** (6.3) Revenues from the
20 ~~surcharges, fees, and fines~~ SURCHARGES AND FEES credited to the highway
21 users tax fund pursuant to section 43-4-804 (1) shall be allocated and
22 expended in accordance with the formula specified in paragraph (b) of
23 subsection (6) of this section.

24 **SECTION 5.** The introductory portion to 43-4-804 (1) and
25 43-4-804 (1) (d) and (1) (e), Colorado Revised Statutes, are amended to
26 read:

27 **43-4-804. Highway safety projects - surcharges and fees -**

1 **crediting of moneys to highway users tax fund.** (1) On and after July
2 1, 2009, the following ~~surcharges, fees, and fines~~ SURCHARGES AND FEES
3 shall be collected and credited to the highway users tax fund created in
4 section 43-4-201 (1) (a) and allocated to the state highway fund, counties,
5 and municipalities as specified in section 43-4-205 (6.3):

6 (d) ~~(F) A supplemental unregistered vehicle fine imposed in~~
7 ~~addition to the fine imposed pursuant to section 42-6-139 (3), C.R.S.,~~
8 ~~upon conviction of a misdemeanor for knowingly failing to register a~~
9 ~~vehicle within ninety days of becoming a resident of this state as required~~
10 ~~by section 42-3-103 (4) (a), C.R.S.~~

11 ~~(H) The supplemental unregistered vehicle fine shall be collected~~
12 ~~at the same time as the fine imposed pursuant to section 42-6-139 (3),~~
13 ~~C.R.S. The amount of the supplemental unregistered vehicle fine shall be~~
14 ~~twenty-five dollars for each month or portion of a month that the vehicle~~
15 ~~remained unregistered following the ninety-day period during which~~
16 ~~initial registration was required; except that the amount of the~~
17 ~~supplemental unregistered vehicle fine shall not exceed one hundred~~
18 ~~dollars. All supplemental unregistered vehicle fines shall be forwarded~~
19 ~~to the state treasurer, who shall credit the fines to the highway users tax~~
20 ~~fund.~~

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

23 **SECTION 6.** The introductory portion to 43-4-811 (1), Colorado
24 Revised Statutes, is amended to read:

25 **43-4-811. Transit and rail division - funding for local transit**
26 **grants.** (1) Notwithstanding any other provision of law, for state fiscal
27 year 2009-10 and for each succeeding state fiscal year the allocation of

1 the ~~surcharges, fees, and fines~~ SURCHARGES AND FEES imposed and
2 credited to the highway users tax fund created in section 43-4-201 (1) (a)
3 pursuant to section 43-4-804 (1) and allocated to the state highway fund,
4 counties, and municipalities as specified in section 43-4-205 (6.3) shall
5 be modified as follows:

6 **SECTION 7. Effective date.** This act shall take effect July 1,
7 2010, and shall apply to late registration fees accrued on or after said
8 date.

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