

CHAPTER 375

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 18-1042

BY REPRESENTATIVE(S) Becker J. and Ginal, Buck, Esgar, Hooton, Lawrence, McKean, Van Winkle, Duran;
also SENATOR(S) Scott and Zenzinger, Baumgardner, Cooke, Lambert, Martinez Humenik, Moreno, Smallwood, Sonnenberg,
Tate, Todd.

AN ACT

CONCERNING THE CREATION OF A PROGRAM TO AUTHORIZE PRIVATE PROVIDERS TO REGISTER COMMERCIAL VEHICLES AS CLASS A PERSONAL PROPERTY, AND, IN CONNECTION THEREWITH, MAKING AND REDUCING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, **add** 42-1-233 as follows:

42-1-233. Expedited registration program - private vendor providing services to register Class A commercial vehicles - rules. (1) BEGINNING JANUARY 1, 2019, THE DEPARTMENT SHALL CREATE AND IMPLEMENT AN EXPEDITED REGISTRATION PROGRAM. THE EXPEDITED REGISTRATION PROGRAM AUTHORIZES PRIVATE PROVIDERS TO REGISTER COMMERCIAL VEHICLES THAT ARE CLASSIFIED AS CLASS A PERSONAL PROPERTY IN SECTION 42-3-106. THIS INCLUDES COLLECTING AND REMITTING THE TAXES AND FEES FOR THE REGISTRATION TO THE DEPARTMENT.

(2) (a) THE DEPARTMENT SHALL PROMULGATE RULES AUTHORIZING A PRIVATE PROVIDER TO PARTICIPATE IN THE EXPEDITED REGISTRATION PROGRAM IF THE PROVIDER:

(I) HAS BEEN APPROVED BY THE DEPARTMENT;

(II) USES SOFTWARE THAT IS APPROVED BY THE DEPARTMENT TO CALCULATE THE AMOUNT OF TAXES AND FEES IMPOSED IN THIS TITLE 42 AND THAT IS UPDATED REGULARLY TO TAKE INTO ACCOUNT ANY CHANGES TO THE TAXES AND FEES IMPOSED IN THIS TITLE 42; AND

(III) PROCURES AND FILES WITH THE DEPARTMENT EVIDENCE OF ANY OF THE

Capital letters or bold & italic numbers indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

FOLLOWING IN AN AMOUNT DETERMINED BY RULE BY THE DEPARTMENT:

(A) A SAVINGS ACCOUNT, DEPOSIT, OR CERTIFICATE OF DEPOSIT MEETING THE REQUIREMENTS OF SECTION 11-35-101; OR

(B) A BOND ISSUED BY A LICENSED CORPORATE SURETY.

(b) THE FINANCIAL COMMITMENT REQUIRED IN SUBSECTION (2)(a)(III) OF THIS SECTION MUST PROVIDE FOR THE REIMBURSEMENT OF ANY DAMAGES CAUSED TO THE STATE OF COLORADO, A POLITICAL SUBDIVISION OF COLORADO, OR THE OWNER OF PERSONAL PROPERTY REGISTERED THROUGH THE EXPEDITED REGISTRATION PROGRAM BY AN ACT OR OMISSION OF THE PRIVATE PROVIDER.

(c) A PRIVATE PROVIDER MAY COLLECT AND RETAIN A CONVENIENCE FEE FOR THE SERVICES PROVIDED IN THE EXPEDITED REGISTRATION PROGRAM.

(3) (a) THE DEPARTMENT MAY ACCEPT FINANCIAL ASSISTANCE FROM A PRIVATE PARTY TO IMPLEMENT THE EXPEDITED REGISTRATION PROGRAM IF THE FINANCIAL ASSISTANCE IS DIRECTLY RELATED TO THE EXPEDITED REGISTRATION PROGRAM AND IS NOT CONDITIONAL UPON AN ACT OR CIRCUMSTANCE THAT CONFLICTS WITH STATE LAW.

(b) THE DEPARTMENT SHALL TRANSFER ANY MONEY ACCEPTED UNDER THIS SUBSECTION (3) TO THE STATE TREASURER, WHO SHALL CREDIT IT TO THE COLORADO DRIVES VEHICLE SERVICES ACCOUNT CREATED IN SECTION 42-1-211 (2)(b)(I).

(c) THE DEPARTMENT SHALL USE ANY MONEY ACCEPTED UNDER THIS SUBSECTION (3) TO IMPLEMENT THIS SECTION.

(4) TO IMPLEMENT THE EXPEDITED REGISTRATION PROGRAM, THE DEPARTMENT SHALL ENSURE THAT THE EXPEDITED REGISTRATION PROGRAM:

(a) OPERATES EFFICIENTLY;

(b) PROVIDES ADDITIONAL SERVICES OR INCREASES THE SPEED OR QUALITY OF SERVICES AT AN OVERALL COST SAVINGS TO THE STATE; AND

(c) REGISTERS COMMERCIAL VEHICLES AND COLLECTS AND REMITS TAXES AND FEES IN COMPLIANCE WITH STATE LAW.

(5) TO IMPLEMENT THIS SECTION, THE DEPARTMENT MAY PROMULGATE RULES IN ADDITION TO THE RULES REQUIRED UNDER SUBSECTION (2)(a) OF THIS SECTION AND MAY ENTER INTO CONTRACTS WITH PRIVATE PROVIDERS.

(6) SUBJECT TO ARTICLE 4 OF TITLE 24, THE DEPARTMENT MAY APPROVE, DENY APPROVAL, SUSPEND APPROVAL, OR REVOKE APPROVAL OF A PRIVATE PROVIDER WHO:

(a) VIOLATES THE LAW IN THE PROVISION OF SERVICES APPROVED UNDER THIS SECTION;

(b) MAKES A MATERIAL MISSTATEMENT TO THE DEPARTMENT OR ANY COUNTY IN SEEKING APPROVAL TO PROVIDE EXPEDITED REGISTRATION SERVICES;

(c) FAILS TO COMPLY WITH THIS SECTION OR ANY RULES PROMULGATED UNDER THIS SECTION; OR

(d) FAILS TO SATISFACTORILY PROVIDE EXPEDITED REGISTRATION SERVICES OR TO COLLECT OR REMIT APPROPRIATE TAXES AND FEES.

SECTION 2. Appropriation - adjustments to 2018 long bill. (1) To implement this act, the general fund appropriation made in the annual general appropriation act for the 2018-19 state fiscal year to the department of revenue for personal services related to driver services is decreased by \$30,747, and the related FTE is decreased by 0.9 FTE.

(2) For the 2018-19 state fiscal year, \$25,471 is appropriated to the department of revenue. This appropriation is from the general fund and is based on an assumption that the department will require an additional 0.6 FTE. To implement this act, the department may use this appropriation for personal services related to driver services.

(3) For the 2018-19 state fiscal year, \$26,141 is appropriated to the department of revenue. This appropriation is from the general fund. To implement this act, the department may use this appropriation as follows:

(a) \$10,125 for operating expenses related to vehicle services; and

(b) \$16,016 for the purchase of information technology services.

(4) For the 2018-19 state fiscal year, \$16,016 is appropriated to the office of the governor for use by the office of information technology. This appropriation is from reappropriated funds received from the department of revenue under subsection (3)(b) of this section. To implement this act, the office may use this appropriation to provide information technology services for the department of revenue.

SECTION 3. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: June 6, 2018