

CHAPTER 35

MOTOR VEHICLES AND TRAFFIC REGULATION

SENATE BILL 03-061

BY SENATOR(S) Sandoval, Chlouber, Evans, Jones, Tapia, and Tate;
also REPRESENTATIVE(S) Frangas, Cadman, Carroll, Cloer, Hefley, Jahn, Marshall, McFadyen, Sanchez, Stengel, and Weddig.

AN ACT

CONCERNING RESPONSIBILITIES FOR LOCAL ADMINISTRATION OF MOTOR VEHICLE REGISTRATION LAWS FOR THE CITY AND COUNTY OF DENVER.

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

SECTION 1. 38-29-102 (1), Colorado Revised Statutes, is amended to read:

38-29-102. Definitions. As used in this article, unless the context otherwise requires:

(1) "Authorized agent" means the county clerk and recorder in each of the counties of the state, except in the city and county of Denver, and therein the manager of revenue, OR SUCH OTHER OFFICIAL OF THE CITY AND COUNTY OF DENVER AS MAY BE APPOINTED BY THE MAYOR TO PERFORM FUNCTIONS RELATED TO THE REGISTRATION OF MANUFACTURED HOMES, is the authorized agent.

SECTION 2. 38-29-105, Colorado Revised Statutes, is amended to read:

38-29-105. Authorized agents. The county clerk and recorder in each of the counties of the state, except in the city and county of Denver the manager of revenue OR SUCH OTHER OFFICIAL OF THE CITY AND COUNTY OF DENVER AS MAY BE APPOINTED BY THE MAYOR TO PERFORM FUNCTIONS RELATED TO THE REGISTRATION OF MANUFACTURED HOMES, is designated to be the authorized agent of the director and, under the direction of the director, is charged with the administration of the terms and provisions of this article and the rules ~~which~~ THAT may from time to time be adopted for the administration thereof in the county in which such authorized agent holds office.

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

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

42-1-210. County clerk and recorders and manager of revenue or other appointed official as agents - legislative declaration - fee. (1) (a) The county clerk and recorder in each county in the state of Colorado, the clerk and recorder in the city and county of Broomfield, and in the city and county of Denver the manager of revenue OR SUCH OTHER OFFICIAL OF THE CITY AND COUNTY OF DENVER AS MAY BE APPOINTED BY THE MAYOR TO PERFORM FUNCTIONS RELATED TO THE REGISTRATION OF MOTOR VEHICLES, is hereby designated as the authorized agent of the department for the administration of the provisions of articles 3 and 6 of this title relating to registrations of motor vehicles in such county; and for the enforcement of the provisions of section 42-6-139 relating to the registering and titling of motor vehicles in such county; and for the enforcement of the provisions of section 38-29-120, C.R.S., relating to the titling of manufactured homes; but any such authorized agent in a county has the power to appoint and employ such motor vehicle registration and license clerks as are actually necessary in the issuance of motor vehicle licenses and shall retain for the purpose of defraying such expenses, including mailing, a sum equal to two dollars per paid motor vehicle registration and registration requiring a metallic plate, plates, or validation tab or sticker as provided in section 42-3-113. This fee of two dollars shall apply to every registration of a motor vehicle that is designed primarily to be operated or drawn on any highway of this state, except such vehicles as are specifically exempted from payment of any registration fee by the provisions of article 3 of this title, and shall be in addition to the annual registration fee prescribed by law for such vehicle. Such fee of two dollars, when collected by the department, shall be credited to the same fund as registration fees collected by the department. The county clerk and recorders, the clerk and recorder in the city and county of Broomfield, and the manager of revenue OR SUCH OTHER OFFICIAL OF THE CITY AND COUNTY OF DENVER AS MAY BE APPOINTED BY THE MAYOR TO PERFORM FUNCTIONS RELATED TO THE REGISTRATION OF MOTOR VEHICLES in the city and county of Denver so designated as the authorized agents of the department, as provided in this section, shall serve as such authorized agents under the provisions of this part 2 without additional remuneration or fees, except as otherwise provided in articles 1 to 6 of this title.

SECTION 4. The introductory portion to 42-1-211 (4) (a), Colorado Revised Statutes, is amended to read:

42-1-211. Colorado state titling and registration system. (4) (a) There is hereby created the Colorado state titling and registration system advisory committee comprised of seven authorized agents who must be county clerk and recorders, the clerk and recorder in the city and county of Broomfield, or the manager of revenue for the city and county of Denver OR SUCH OTHER OFFICIAL OF THE CITY AND COUNTY OF DENVER AS MAY BE APPOINTED BY THE MAYOR TO PERFORM FUNCTIONS RELATED TO THE REGISTRATION OF MOTOR VEHICLES, and shall be appointed by the executive director of the department. The committee shall:

SECTION 5. 42-1-213, Colorado Revised Statutes, is amended to read:

42-1-213. Commission of county clerk and recorders and manager of revenue or other appointed official. County clerk and recorders, and the manager of revenue in the city and county of Denver OR SUCH OTHER OFFICIAL OF THE CITY AND COUNTY OF DENVER AS MAY BE APPOINTED BY THE MAYOR TO PERFORM

FUNCTIONS RELATED TO THE REGISTRATION OF MOTOR VEHICLES, are authorized to retain fifty cents out of the moneys collected by them on each specific ownership tax, which ~~said~~ fifty cents shall be the only fee allowed county clerk and recorders, and the manager of revenue in the city and county of Denver OR SUCH OTHER OFFICIAL OF THE CITY AND COUNTY OF DENVER AS MAY BE APPOINTED BY THE MAYOR TO PERFORM FUNCTIONS RELATED TO THE REGISTRATION OF MOTOR VEHICLES, for collecting specific ownership taxes and issuing receipts therefor. In counties of the fifth class the sums so retained by the county clerk and recorder shall be used in defraying the necessary expenses in connection with the collection and administration of specific ownership taxes as directed by articles 1 to 4 of this title, but the manager of revenue in the city and county of Denver OR SUCH OTHER OFFICIAL OF THE CITY AND COUNTY OF DENVER AS MAY BE APPOINTED BY THE MAYOR TO PERFORM FUNCTIONS RELATED TO THE REGISTRATION OF MOTOR VEHICLES and the county clerk and recorders in all other counties above the fifth class shall deposit in the general fund of said city and county, or of said county, all such sums so retained under this section, and the necessary costs of said collection and administration shall be paid by regular warrant of said city and county, or county, upon voucher duly submitted and approved.

SECTION 6. 42-3-105 (1) (a), Colorado Revised Statutes, is amended to read:

42-3-105. Application for registration - tax - repeal. (1) (a) Application for the registration of a vehicle required to be registered under this article shall be made by the owner or the owner's agent and, if applicable, simultaneously with the application for certificate of title, as required by this section. The application for registration, which shall be in writing and signed by the owner of such vehicle or the owner's duly authorized agent, shall include: The name of the applicant; the name and correct address of the owner determined pursuant to section 42-6-139, designating the county, school district, and city or town within the limits of which the owner resides; a description of the motor vehicle in such form as shall be required by the department; the purpose for which the vehicle is used; whether the vehicle is a commercial vehicle; the notice described in subsection (2) of this section; whether the applicant requests that the department should, if it approves the application, mail to the owner the license plate required under this article; and such other pertinent information as may be required by the department. In addition, on or after July 1, 1999, any application for new registration of a vehicle shall include the primary body color of the motor vehicle. On and after ~~September 1, 1999~~ JULY 1, 2003, any application submitted in person to a county clerk and recorder, THE manager of revenue OR SUCH OTHER OFFICIAL OF THE CITY AND COUNTY OF DENVER AS MAY BE APPOINTED BY THE MAYOR TO PERFORM FUNCTIONS RELATED TO THE REGISTRATION OF MOTOR VEHICLES, or department office for registration of a motor vehicle that has been previously registered shall include the primary body color of the motor vehicle.

SECTION 7. 42-3-107 (17) (b), Colorado Revised Statutes, is amended to read:

42-3-107. Taxable value of classes of property - rate of tax - when and where payable - department duties - apportionment of tax collections - definitions. (17) (b) The owner of any Class F personal property shall, within forty-five days after the purchase of any new or used Class F personal property, make application for registration with the local county clerk and recorder or, in the city and county of Broomfield, the clerk and recorder, or, in the city and county of Denver, the manager

of revenue OR SUCH OTHER OFFICIAL OF THE CITY AND COUNTY OF DENVER AS MAY BE APPOINTED BY THE MAYOR TO PERFORM FUNCTIONS RELATED TO THE REGISTRATION OF MOTOR VEHICLES.

SECTION 8. 42-3-110 (2), Colorado Revised Statutes, is amended to read:

42-3-110. Tax year - disposition. (2) Payment of an annual specific ownership tax on a trailer coach to the county clerk and recorder of any county of this state in which the situs of the trailer coach is established at the time of registration, or to the clerk and recorder in the city and county of Broomfield if the situs is in the city and county of Broomfield at the time of registration, or to the manager of revenue of the city and county of Denver OR SUCH OTHER OFFICIAL OF THE CITY AND COUNTY OF DENVER AS MAY BE APPOINTED BY THE MAYOR TO PERFORM FUNCTIONS RELATED TO THE REGISTRATION OF MOTOR VEHICLES if the situs is in Denver at the time of registration, for all of a registration period shall constitute the entire tax payable on such vehicle.

SECTION 9. 42-3-141, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

42-3-141. Payment by bad check - recovery of plates. (4) AS USED IN THIS SECTION, "MANAGER OF REVENUE" MEANS THE MANAGER OF REVENUE OF THE CITY AND COUNTY OF DENVER OR SUCH OTHER OFFICIAL OF THE CITY AND COUNTY OF DENVER AS MAY BE APPOINTED BY THE MAYOR TO PERFORM FUNCTIONS RELATED TO THE REGISTRATION OF MOTOR VEHICLES.

SECTION 10. 42-3-143 (1) (a), Colorado Revised Statutes, is amended to read:

42-3-143. Fleet operators - registration period certificates - multi-year registrations. (1) (a) The department may issue to a fleet operator, upon application of the fleet operator, a registration period certificate. Such registration period certificate shall be presented to the appropriate county clerk and recorder, TO the clerk and recorder in the city and county of Broomfield, or to the manager of revenue in the city and county of Denver OR SUCH OTHER OFFICIAL OF THE CITY AND COUNTY OF DENVER AS MAY BE APPOINTED BY THE MAYOR TO PERFORM FUNCTIONS RELATED TO THE REGISTRATION OF MOTOR VEHICLES no later than the tenth day of the month in which registration of any motor vehicle is required by this article. When so presented, the twelve-month period stated in the registration period certificate shall govern the date on which registration is required for all fleet vehicles owned or leased by the fleet operator.

SECTION 11. 42-6-102 (1), Colorado Revised Statutes, is amended to read:

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

(1) "Authorized agents" means the county clerk and recorder in each of the counties of the state, including the city and county of Broomfield, except in the city and county of Denver, and therein the manager of revenue OR SUCH OTHER OFFICIAL OF THE CITY AND COUNTY OF DENVER AS MAY BE APPOINTED BY THE MAYOR TO PERFORM FUNCTIONS RELATED TO THE REGISTRATION OF MOTOR VEHICLES is the

authorized agent.

SECTION 12. 42-6-105, Colorado Revised Statutes, is amended to read:

42-6-105. Authorized agents. The county clerk and recorder in each of the counties of the state, including the city and county of Broomfield, except in the city and county of Denver the manager of revenue OR SUCH OTHER OFFICIAL OF THE CITY AND COUNTY OF DENVER AS MAY BE APPOINTED BY THE MAYOR TO PERFORM FUNCTIONS RELATED TO THE REGISTRATION OF MOTOR VEHICLES, is designated to be the authorized agent of the director and, under the direction of the director, is charged with the administration of the terms and provisions of this part 1 and the rules that may from time to time be adopted for the administration thereof in the county OR CITY AND COUNTY in which such authorized agent holds office.

SECTION 13. Effective date - applicability. This act shall take effect July 1, 2003, and shall apply to titles issued or renewed for motor vehicles or manufactured homes on or after said date.

SECTION 14. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 12, 2003