

## CHAPTER 209

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**MOTOR VEHICLES AND TRAFFIC REGULATION**

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**HOUSE BILL 06-1294**

BY REPRESENTATIVE(S) Decker, and Sullivan;  
also SENATOR(S) Isgar, Entz, May R., Taylor, and Williams.

**AN ACT**

**CONCERNING THE ISSUANCE OF A REBUILDER'S CERTIFICATE OF TITLE FOR MOTOR VEHICLES FOR THE PURPOSES OF RESTORING SUCH VEHICLES.**

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

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

**42-6-108.5. Rebuilder's certificate of title.** (1) (a) ON OR AFTER JULY 1, 2008, IF THE APPLICANT FOR A CERTIFICATE OF TITLE TO A MOTOR VEHICLE IS UNABLE TO PROVIDE THE DIRECTOR OR THE AUTHORIZED AGENT WITH A CERTIFICATE OF TITLE DULY TRANSFERRED TO SUCH APPLICANT OR OTHER EVIDENCE OF OWNERSHIP THAT SATISFIES THE DIRECTOR THAT THE APPLICANT OWNS THE VEHICLE, THE DIRECTOR MAY ISSUE A REBUILDER'S TITLE FOR A MOTOR VEHICLE VALUED PRINCIPALLY BECAUSE OF THE VEHICLE'S EARLY DATE OF MANUFACTURE, DESIGN, OR HISTORICAL INTEREST OR VALUED AS A COLLECTOR'S ITEM IF:

(I) THE MOTOR VEHICLE IS NOT ROADWORTHY;

(II) THE MOTOR VEHICLE IS AT LEAST TWENTY-FIVE YEARS OLD;

(III) THE COMPONENTS OF THE MOTOR VEHICLE INCLUDE AT LEAST A ROLLING CHASSIS;

(IV) THE APPLICATION CONTAINS OR IS ACCOMPANIED BY A STATEMENT THAT COMPLIES WITH PARAGRAPH (b) OF THIS SUBSECTION (1);

(V) THE APPLICANT OBTAINS A CERTIFIED VEHICLE IDENTIFICATION NUMBER INSPECTION; AND

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

(VI) THE APPLICANT PROVIDES SURETY THAT COMPLIES WITH SUBSECTION (3) OF THIS SECTION.

(b) THE STATEMENT REQUIRED BY SUBPARAGRAPH (IV) OF PARAGRAPH (a) OF THIS SUBSECTION (1) SHALL CONTAIN AN ACCOUNT OF THE FACTS BY WHICH THE APPLICANT ACQUIRED OWNERSHIP OF THE VEHICLE, THE SOURCE OF THE TITLE TO THE VEHICLE, AND SUCH OTHER INFORMATION AS THE DIRECTOR MAY REQUIRE. THE STATEMENT SHALL CONTAIN A WRITTEN DECLARATION THAT IT IS MADE UNDER THE PENALTIES OF PERJURY IN THE SECOND DEGREE, AS DEFINED IN SECTION 18-8-503, C.R.S.

(2) IF A MOTOR VEHICLE TITLED PURSUANT TO THIS SECTION IS LATER MADE ROADWORTHY, THE DEPARTMENT SHALL ISSUE TO AN APPLICANT A STANDARD CERTIFICATE OF TITLE IF THE APPLICANT OBTAINS A CERTIFIED VEHICLE IDENTIFICATION NUMBER INSPECTION.

(3) (a) THE APPLICANT SHALL FURNISH EVIDENCE OF A SAVINGS ACCOUNT, DEPOSIT, OR CERTIFICATE OF DEPOSIT MEETING THE REQUIREMENTS OF SECTION 11-35-101, C.R.S., OR A GOOD AND SUFFICIENT BOND WITH A CORPORATE SURETY. THE SURETY SHALL BE IN AN AMOUNT FIXED BY THE DIRECTOR, BUT NOT LESS THAN TWICE THE REASONABLE VALUE OF THE VEHICLE, DETERMINED AS OF THE TIME OF APPLICATION. THE APPLICANT AND THE APPLICANT'S SURETY SHALL HOLD HARMLESS ANY PERSON WHO SUFFERS LOSS OR DAMAGE BY REASON OF THE FILING OF A CERTIFICATE OF TITLE UNDER THIS SECTION.

(b) IF A PERSON SUFFERS LOSS OR DAMAGE BY REASON OF THE FILING OF A CERTIFICATE OF TITLE UNDER THIS SECTION, THE PERSON SHALL HAVE A RIGHT OF ACTION AGAINST THE APPLICANT AND THE SURETY ON THE APPLICANT'S BOND, AGAINST EITHER OF WHOM THE PERSON DAMAGED MAY PROCEED INDEPENDENTLY OF THE OTHER.

(4) A MOTOR VEHICLE TITLED PURSUANT TO THIS SECTION SHALL NOT:

(a) BE DRIVEN ON THE HIGHWAYS UNTIL IT COMPLIES WITH SUBSECTION (5) OF THIS SECTION; OR

(b) BE DEEMED A SALVAGE VEHICLE OR RECEIVE A SALVAGE CERTIFICATE OF TITLE.

(5) (a) IF THE MOTOR VEHICLE'S FRAME AND BODY IDENTIFICATION NUMBERS DO NOT MATCH THE MANUFACTURER'S NUMBERING SYSTEM AS BEING ORIGINALLY MATED OR IS RECONSTRUCTED FROM SALVAGE PARTS OR OTHER MOTOR VEHICLES OR REPRODUCTION PARTS, AN APPLICATION FOR TITLE UNDER SUBSECTION (1) OR (2) OF THIS SECTION SHALL BE ACCOMPANIED BY EVIDENCE OF OWNERSHIP, ACCEPTABLE TO THE DIRECTOR, OF THE PARTS, OTHER MOTOR VEHICLES, OR REPRODUCTION COMPONENTS USED IN THE RECONSTRUCTION.

(b) THE EVIDENCE REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION (5) SHALL INCLUDE OR BE ACCOMPANIED BY AN AFFIDAVIT STATING THE FACTS CONCERNING THE RECONSTRUCTION AND AN AFFIDAVIT OF PHYSICAL INSPECTION THAT INCLUDES

A COMPUTER CHECK OF THE STATE AND NATIONAL COMPILATIONS OF WANTED AND STOLEN VEHICLES.

(c) UPON THE APPLICANT'S COMPLIANCE WITH PARAGRAPHS (a) AND (b) OF THIS SUBSECTION (5), THE DEPARTMENT SHALL ISSUE A SPECIAL VEHICLE IDENTIFICATION NUMBER TO THE VEHICLE.

**SECTION 2.** 42-6-102, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

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

(15.5) (a) "ROLLING CHASSIS" MEANS THAT:

(I) FOR A MOTORCYCLE, THE MOTORCYCLE HAS A FRAME, A MOTOR, FRONT FORKS, A TRANSMISSION, AND WHEELS;

(II) FOR A MOTOR VEHICLE THAT IS NOT A MOTORCYCLE, THE MOTOR VEHICLE HAS A FRAME, A BODY, A SUSPENSION, AN AXLE, A STEERING MECHANISM, AND WHEELS.

(b) NOTHING IN THIS SUBSECTION (15.5) SHALL BE CONSTRUED TO REQUIRE ANY LISTED PARTS TO BE OPERABLE, IN WORKING ORDER, OR ROADWORTHY.

**SECTION 3. Effective date.** This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution (August 9, 2006, if adjournment sine die is on May 10, 2006); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: May 17, 2006