

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

April 21, 2016
Date

Committee on Transportation.

After consideration on the merits, the Committee recommends the following:

SB16-140 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the consent calendar:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, 12-6-118, **add** (8)
4 as follows:

5 **12-6-118. Licenses - grounds for denial, suspension, or**
6 **revocation.** (8) IN ANY DISCIPLINARY HEARING, ACTION, OR ORDER OF
7 THE BOARD INVOLVING A VIOLATION OF SECTION 42-6-112 OR 42-6-119
8 (3), C.R.S., IT IS AN AFFIRMATIVE DEFENSE THAT THE DEALER HAS TAKEN
9 EVERY REASONABLE ACTION NECESSARY TO DELIVER OR FACILITATE THE
10 DELIVERY OF THE CERTIFICATE OF TITLE WITHIN THIRTY DAYS. TO
11 QUALIFY AS HAVING TAKEN EVERY REASONABLE ACTION TO DELIVER OR
12 FACILITATE THE DELIVERY OF THE CERTIFICATE OF TITLE, THE DEALER
13 MUST HAVE, AT A MINIMUM:

14 (a) PROCESSED AND MAILED ANY REQUIRED LOAN PAYOFFS IN A
15 REASONABLE AMOUNT OF TIME;

16 (b) CONTACTED THE PRIOR LENDER AND TAKEN ANY ACTIONS
17 NECESSARY TO OBTAIN A CERTIFICATE OF TITLE OR DUPLICATE
18 CERTIFICATE OF TITLE, EITHER OF WHICH MUST BE FREE OF LIENS;

19 (c) TAKEN ANY ACTION NECESSARY TO OBTAIN INFORMATION OR
20 SIGNATURES FROM THE PRIOR OWNER NECESSARY TO HAVE A NEW
21 CERTIFICATE OF TITLE ISSUED FOR THE MOTOR VEHICLE;

1 (d) SUBMITTED ALL PAPERWORK THAT THE DEALER HAS OBTAINED
2 TO THE AUTHORIZED AGENT AND THAT IS NECESSARY TO HAVE A NEW
3 CERTIFICATE OF TITLE ISSUED FOR THE MOTOR VEHICLE; AND

4 (e) CORRECTED ANY ERRORS IN ANY FILINGS WITH THE
5 DEPARTMENT IN A REASONABLE AMOUNT OF TIME.

6 **SECTION 2.** In Colorado Revised Statutes, 42-3-203, **add** (3) (e)
7 as follows:

8 **42-3-203. Standardized plates - notice of funding through**
9 **gifts, grants, and donations - rules - repeal.** (3) (e) A DEALER MAY
10 ISSUE A SECOND TEMPORARY REGISTRATION NUMBER PLATE IN
11 ACCORDANCE WITH THIS SUBSECTION (3) IF THE DEALER:

12 (I) HAS ISSUED A TEMPORARY PLATE TO THE OWNER WHEN
13 SELLING THE MOTOR VEHICLE TO THE OWNER;

14 (II) HAS NOT DELIVERED OR FACILITATED THE DELIVERY OF THE
15 CERTIFICATE OF TITLE TO THE PURCHASER OR THE HOLDER OF A CHATTEL
16 MORTGAGE AS REQUIRED IN SECTION 42-6-112 OR 42-6-119 (3) WITHIN
17 SIXTY DAYS AFTER THE MOTOR VEHICLE WAS PURCHASED; AND

18 (III) HAS TAKEN EVERY REASONABLE ACTION NECESSARY TO
19 DELIVER OR FACILITATE THE DELIVERY OF THE CERTIFICATE OF TITLE.

20 **SECTION 3. Act subject to petition - effective date -**
21 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
22 the expiration of the ninety-day period after final adjournment of the
23 general assembly (August 10, 2016, if adjournment sine die is on May 11,
24 2016); except that, if a referendum petition is filed pursuant to section 1
25 (3) of article V of the state constitution against this act or an item, section,
26 or part of this act within such period, then the act, item, section, or part
27 will not take effect unless approved by the people at the general election
28 to be held in November 2016 and, in such case, will take effect on the
29 date of the official declaration of the vote thereon by the governor.

30 (2) This act applies to purchases made, and to temporary
31 certificates of registration issued, on or after the applicable effective date
32 of this act."

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