

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 17-1057.01 Jery Payne x2157

SENATE BILL 17-251

SENATE SPONSORSHIP

Tate,

HOUSE SPONSORSHIP

(None),

Senate Committees

Business, Labor, & Technology

House Committees

A BILL FOR AN ACT

101 **CONCERNING ACCESS TO THE DEPARTMENT OF REVENUE'S RECORDS**
102 **CONCERNING OWNERSHIP INTERESTS IN MOTOR VEHICLES BY**
103 **CERTAIN STATE-REGULATED ENTITIES.**

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://leg.colorado.gov>.)

Currently, a tow carrier who tows abandoned motor vehicles uses an electronic system to access department records to ascertain and notify the motor vehicle's owner and lienholder. The bill allows insurers and salvage pools to use the same system to determine a motor vehicle's owner and lienholder.

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.*

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-6-110, **add** (1.7)
3 as follows:

4 **42-6-110. Certificate of title - transfer - department records.**

5 (1.7) (a) THE DEPARTMENT SHALL ALLOW AN INSURER, AS DEFINED IN
6 SECTION 10-1-102 AND THAT IS REGULATED UNDER TITLE 10, OR A
7 SALVAGE POOL THAT IS LICENSED AS A USED MOTOR VEHICLE DEALER TO
8 USE THE ELECTRONIC SYSTEMS CREATED IN SECTION 42-4-2103 (3)(c)(III)
9 TO ACCESS OWNER AND LIENHOLDER INFORMATION OF A MOTOR VEHICLE
10 IN THE DEPARTMENT'S RECORDS IF THE MOTOR VEHICLE IS:

11 (I) THE SUBJECT OF AN INSURANCE CLAIM BEING PROCESSED BY
12 THE INSURER; OR

13 (II) POSSESSED BY A SALVAGE POOL.

14 (b) THE DEPARTMENT SHALL ENSURE THAT THE INFORMATION
15 AVAILABLE TO THE INSURER OR THE SALVAGE POOL IS CORRECT AND IS
16 LIMITED TO THE INFORMATION NEEDED TO VERIFY AND CONTACT THE
17 OWNER AND LIENHOLDER OF THE MOTOR VEHICLE.

18 (c) THE DEPARTMENT MAY CHARGE THE INSURER OR THE SALVAGE
19 POOL A FEE IN AN AMOUNT NOT TO EXCEED THE LESSER OF FIVE DOLLARS
20 OR THE DIRECT AND INDIRECT COSTS OF IMPLEMENTING THIS SUBSECTION
21 (1.7). THE DEPARTMENT SHALL DEPOSIT THE FEE IN THE SPECIAL PURPOSE
22 ACCOUNT CREATED IN SECTION 42-1-211.

23 **SECTION 2.** In Colorado Revised Statutes, 42-3-105, **amend**
24 **(1)(c)(I) introductory portion and (1)(c)(I)(H) as follows:**

25 **42-3-105. Application for registration - tax.** (1) (c) (I) The
26 **department may require those vehicle-related entities specified by rule to**

1 verify information concerning any vehicle through the physical inspection
2 of such THE vehicle. The information required to be verified by such a
3 physical inspection shall MUST include:

4 (H) The odometer reading of such vehicle; EXCEPT THAT THE
5 DEPARTMENT NEED NOT REQUIRE AN ODOMETER READING FOR
6 ABANDONED VEHICLES BEING TITLED IN ACCORDANCE WITH SECTION
7 42-4-1810 OR 42-4-2109; and

8 **SECTION 3.** In Colorado Revised Statutes, 42-6-107, amend
9 (1)(b) as follows:

10 **42-6-107. Certificates of title - contents - rules.** (1) (b) (I) The
11 department may require those vehicle-related entities specified by
12 regulation to verify information concerning a vehicle through the physical
13 inspection of such THE vehicle. The information required to be verified
14 by such a physical inspection shall MUST include:

15 (A) The vehicle identification number or numbers;

16 (B) The make of vehicle;

17 (C) The vehicle model, the type of vehicle;

18 (D) The year of manufacture of such vehicle;

19 (E) The type of fuel used by such vehicle;

20 (F) The odometer reading of such vehicle; EXCEPT THAT THE
21 DEPARTMENT NEED NOT REQUIRE AN ODOMETER READING FOR AN
22 ABANDONED VEHICLE BEING TITLED IN ACCORDANCE WITH SECTION
23 42-4-1810 OR 42-4-2109; and

24 (G) Such other information as may be required by the department.

25 (II) For the purposes of this paragraph (b) SUBSECTION (1)(b),
26 "vehicle-related entity" means an authorized agent or designated
27 employee of such agent, a Colorado law enforcement officer, a licensed

1 Colorado dealer, a licensed inspection and readjustment station, or a
2 licensed diesel inspection station.

3 **SECTION 4. Act subject to petition - effective date.** This act
4 takes effect at 12:01 a.m. on the day following the expiration of the
5 ninety-day period after final adjournment of the general assembly (August
6 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
7 referendum petition is filed pursuant to section 1 (3) of article V of the
8 state constitution against this act or an item, section, or part of this act
9 within such period, then the act, item, section, or part will not take effect
10 unless approved by the people at the general election to be held in
11 November 2018 and, in such case, will take effect on the date of the
12 official declaration of the vote thereon by the governor.