

**Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 22-0735.02 Jery Payne x2157

SENATE BILL 22-123

SENATE SPONSORSHIP

Lundeen, Woodward

HOUSE SPONSORSHIP

(None),

Senate Committees

State, Veterans, & Military Affairs

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE SUSPENSION OF PENALTIES FOR THE FAILURE TO**
102 **REGISTER A VEHICLE DURING A SPECIFIED PERIOD.**

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>.)

If the owner of a vehicle fails to title or register the vehicle as required by statute, current law imposes the following penalties, when applicable:

- For failing to register a motor vehicle, trailer, semitrailer, or vehicle within 60 days after purchase, a penalty of \$50 and a surcharge of \$16;

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

- For failing to title or register a vehicle within 90 days after becoming a resident:
 - A fine of \$300 or 10 days in county jail;
 - A supplemental unregistered vehicle fine of \$25 to \$100 for each month after the 90-day period; and
 - A civil penalty of \$500;
- For failing to apply for a certificate of title within 60 days after purchasing a motor vehicle or off-highway vehicle, a penalty of \$15 to \$100;
- For failing to follow any part of the titling statute, including applying for or obtaining a certificate of title, a fine of \$300 or 10 days in county jail;
- For failing to register a vehicle, a late fee of \$25 to \$100 for each month after the expiration of the registration; and
- For failing to register a vehicle that is without motive power and weighs 16,000 pounds or less or a camper trailer or a multipurpose trailer, a late fee of \$10.

If an owner failed to title or register a vehicle within the 60- or 90-day period required by law between January 1, 2021, and January 1, 2023, and the owner titles or registers the vehicle by June 1, 2023, the bill exempts the owner from the penalties, fines, surcharges, and late fees imposed by statute.

If a person has already paid statutory penalties, fines, surcharges, and late fees incurred on or after January 1, 2021, and before January 1, 2023, the person may apply to the department of revenue (department) for reimbursement. The department will reimburse the person from money appropriated for that purpose from the general fund. The highway users tax fund is reimbursed from the general fund for the portion of these penalties, fines, surcharges, and late fees that are not paid to the highway users tax fund.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 42-1-236 as
 3 follows:

4 **42-1-236. Failure to title and register - penalties waived -**
 5 **reimbursements for penalties based on failure to obtain a certificate**
 6 **of title or register a vehicle - rules - repeal.** (1) NOTWITHSTANDING
 7 SECTION 42-3-103 (1)(a) OR (4)(a), 42-3-112 (1) OR (1.7), 42-6-110 (2),
 8 42-6-139 (3) OR (4), 42-6-140, 42-6-142 (2), OR 43-4-804, A PERSON IS

1 EXEMPT FROM ANY PENALTY, FINE, SURCHARGE, OR LATE FEE UNDER ANY
2 OF THOSE SECTIONS IF:

3 (a) THE PENALTY, FINE, SURCHARGE, OR LATE FEE IS BASED UPON
4 THE PERSON'S FAILURE TO:

5 (I) APPLY FOR OR OBTAIN A CERTIFICATE OF TITLE FOR A MOTOR
6 VEHICLE OR OFF-HIGHWAY VEHICLE IN ACCORDANCE WITH ARTICLE 6 OF
7 THIS TITLE 42; OR

8 (II) REGISTER A VEHICLE IN ACCORDANCE WITH ARTICLE 3 OF THIS
9 TITLE 42;

10 (b) THE FAILURE DESCRIBED IN SUBSECTION (1)(a) OF THIS
11 SECTION OCCURRED DURING THE PERIOD BEGINNING JANUARY 1, 2021,
12 AND ENDING JANUARY 1, 2023; AND

13 (c) BY JUNE 1, 2023, THE PERSON HAS:

14 (I) OBTAINED A CERTIFICATE OF TITLE FOR THE MOTOR VEHICLE OR
15 OFF-HIGHWAY VEHICLE IF REQUIRED BY ARTICLE 6 OF THIS TITLE 42; AND

16 (II) REGISTERED THE VEHICLE IF REQUIRED BY ARTICLE 3 OF THIS
17 TITLE 42.

18 (2) (a) A PERSON MAY APPLY TO THE DEPARTMENT FOR
19 REIMBURSEMENT UNDER THIS SECTION IF:

20 (I) THE PERSON PAID A PENALTY, FINE, SURCHARGE, OR LATE FEE
21 AS A RESULT OF A VIOLATION OF SECTION 42-3-103 (1)(a) OR (4)(a),
22 42-6-110 (1), 42-6-140, 42-6-142, OR A SUBSTANTIALLY SIMILAR
23 ORDINANCE OR RESOLUTION OF A LOCAL AUTHORITY; AND

24 (II) THE VIOLATION OCCURRED ON OR AFTER JANUARY 1, 2021,
25 AND BEFORE JANUARY 1, 2023.

26 (b) UPON RECEIVING AN APPLICATION UNDER SUBSECTION (2)(a)
27 OF THIS SECTION, THE DEPARTMENT SHALL REIMBURSE ANY PERSON WHO

1 HAS SUBSEQUENTLY OBTAINED A CERTIFICATE OF TITLE OR REGISTERED
2 THE MOTOR VEHICLE, AS APPLICABLE, AND PAID A PENALTY, FINE,
3 SURCHARGE, OR LATE FEE DESCRIBED IN SUBSECTION (2)(a) OF THIS
4 SECTION IF THE PERSON PRESENTS EVIDENCE SUFFICIENT TO DEMONSTRATE
5 THAT THE PERSON PAID THE PENALTY, FINE, SURCHARGE, OR LATE FEE FOR
6 A VIOLATION THAT OCCURRED ON OR AFTER JANUARY 1, 2021, AND
7 BEFORE JANUARY 1, 2023. THE GENERAL ASSEMBLY SHALL APPROPRIATE
8 AN AMOUNT FROM THE GENERAL FUND TO THE DEPARTMENT THAT IS
9 NECESSARY TO MAKE REIMBURSEMENTS AS REQUIRED BY THIS
10 SUBSECTION (2).

11 (c) THE DEPARTMENT MAY:

12 (I) USE THE RECORDS OF THE APPLICANT'S DRIVER'S HISTORY MADE
13 AND MAINTAINED IN ACCORDANCE WITH SECTION 42-2-121 TO VERIFY
14 THAT THE APPLICANT HAS PAID THE PENALTY, FINE, SURCHARGE, OR LATE
15 FEE DESCRIBED IN SUBSECTION (2)(a) OF THIS SECTION; AND

16 (II) PROMULGATE RULES NECESSARY TO IMPLEMENT THIS SECTION.

17 (3) (a) BY JUNE 15, 2023, THE DEPARTMENT SHALL:

18 (I) CALCULATE THE TOTAL AMOUNT OF LATE FEES NOT PAID TO
19 THE HIGHWAY USERS TAX FUND AS A RESULT OF THE SUSPENSION OF FINES
20 AND FEES THAT WOULD HAVE OTHERWISE BEEN IMPOSED UNDER SECTIONS
21 42-3-112 AND 43-4-804 BEGINNING ON THE EFFECTIVE DATE OF THIS
22 SECTION AND ENDING JANUARY 1, 2023; AND

23 (II) NOTIFY THE STATE TREASURER OF THE TOTAL AMOUNT
24 CALCULATED IN ACCORDANCE WITH SUBSECTION (3)(a)(I) OF THIS
25 SECTION.

26 (b) BY JUNE 30, 2023, THE STATE TREASURER SHALL TRANSFER
27 THE TOTAL AMOUNT THAT THE DEPARTMENT CALCULATED UNDER

1 SUBSECTION (3)(a)(I) OF THIS SECTION FROM THE GENERAL FUND TO THE
2 HIGHWAY USERS TAX FUND.

3 (4) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2024.

4 **SECTION 2. Act subject to petition - effective date -**
5 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
6 the expiration of the ninety-day period after final adjournment of the
7 general assembly; except that, if a referendum petition is filed pursuant
8 to section 1 (3) of article V of the state constitution against this act or an
9 item, section, or part of this act within such period, then the act, item,
10 section, or part will not take effect unless approved by the people at the
11 general election to be held in November 2022 and, in such case, will take
12 effect on the date of the official declaration of the vote thereon by the
13 governor.

14 (2) This act applies to violations occurring on or after January 1,
15 2021, and before January 1, 2023, and applications or issuances of
16 certificates of title or registrations made on or after the applicable
17 effective date of this act.