

First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 25-0103.01 Jery Payne x2157

HOUSE BILL 25-1112

HOUSE SPONSORSHIP

Titone and Hamrick,

SENATE SPONSORSHIP

Exum,

House Committees

Transportation, Housing & Local Government

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE ENFORCEMENT OF CERTAIN MOTOR VEHICLE
102 STATUTES RELATED TO THE FAILURE TO REGISTER A VEHICLE.

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>.)

The bill authorizes local authorities to enforce the requirement that a vehicle, trailer, semitrailer, or motor vehicle (vehicle) be registered. A conviction by a local authority does not bar a subsequent state prosecution if the subsequent prosecution does not arise from the same event.

A court will waive the following for a violation concerning a failure to register a vehicle:

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

- The penalties imposed for the violation if the court finds that the failure to register the vehicle was for good cause;
- The past-due specific ownership tax if the person demonstrates that the person's household had an income that was 150% or less below the current federal poverty line when the violation occurred; or
- The past-due fees, past-due specific ownership tax, and penalties if the person demonstrates that the person's household had an income that was 100% or less below the current federal poverty line when the violation occurred.

The department of revenue will adopt forms and rules to implement the bill. Current law requires each court to send an abstract of each conviction to the department for the person's driving record. The bill requires this abstract to include any waivers granted under the bill and the amount of the waivers. The department will include information regarding the number and amount of waivers granted in its "SMART Act" hearing.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-4-110, **amend** (1)
 3 introductory portion, (1)(d), and (3) as follows:

4 **42-4-110. Provisions uniform throughout state - legislative**
 5 **declaration.** (1) ~~The provisions of this article shall~~ THIS ARTICLE 4 MUST
 6 be applicable and uniform throughout this state and in all political
 7 subdivisions and municipalities. ~~therein.~~ Cities and counties, incorporated
 8 cities and towns, and counties shall regulate and enforce all traffic and
 9 parking restrictions on streets ~~which~~ THAT are state highways as provided
 10 in section 43-2-135 (1)(g), ~~C.R.S.~~, and all local authorities may enact and
 11 enforce traffic regulations on other roads and streets within their
 12 respective jurisdictions. All such regulations ~~shall be~~ ARE subject to the
 13 following conditions and limitations:

14 (d) (I) ~~In no event shall~~ Local authorities DO NOT have the power
 15 to enact ~~by ordinance~~ regulations governing:

16 (A) The driving of ~~vehicles by persons~~ A VEHICLE BY A PERSON

1 under the influence of alcohol or of a controlled substance, as defined in
2 section 18-18-102 (5), ~~C.R.S.~~, or under the influence of any other drug to
3 a degree that renders ~~any such~~ THE person incapable of safely operating
4 a vehicle, or BY A PERSON whose ability to operate a vehicle is impaired
5 by the consumption of alcohol or by the use of a controlled substance, as
6 defined in section 18-18-102 (5), ~~C.R.S.~~, or any other drug;

7 (B) The ~~registration of vehicles and the~~ licensing of drivers;

8 (C) The duties and obligations of persons involved in traffic
9 accidents; and

10 (D) Vehicle equipment requirements in conflict with the
11 provisions of this ~~article~~; ARTICLE 4.

12 (II) ~~but said~~ Local authorities, within their respective jurisdictions,
13 shall enforce the state laws pertaining to ~~these~~ THE subjects DESCRIBED IN
14 SUBSECTION (1)(d)(I) OF THIS SECTION, and in every charge of violation
15 the complaint ~~shall~~ MUST specify the section of state law under which the
16 charge is made and the state court having jurisdiction.

17 (3) ~~No~~ A person convicted of or ~~pleading guilty to~~ a violation of
18 a municipal traffic ordinance ~~shall~~ IS NOT SUBJECT TO be charged or tried
19 in a state court for the same or a similar offense ARISING FROM THE SAME
20 EVENT.

21 **SECTION 2.** In Colorado Revised Statutes, 42-4-111, **add**
22 (1)(gg) as follows:

23 **42-4-111. Powers of local authorities.** (1) Except as otherwise
24 provided in subsection (2) of this section, this article 4 does not prevent
25 local authorities, with respect to streets and highways under their
26 jurisdiction and within the reasonable exercise of the police power, from:

27 (gg) ENFORCING THE REQUIREMENT THAT A VEHICLE, TRAILER,

1 SEMITRAILER, OR MOTOR VEHICLE BE REGISTERED AS REQUIRED IN
2 ARTICLE 3 OF THIS TITLE 42.

3 **SECTION 3.** In Colorado Revised Statutes, **add** 42-4-1720 as
4 follows:

5 **42-4-1720. Registration violations - waiver - forms and rules.**

6 (1) A COURT SHALL WAIVE THE FOLLOWING PAST-DUE FEES, PAST-DUE
7 SPECIFIC OWNERSHIP TAX, OR PENALTIES FOR FAILING TO REGISTER A
8 VEHICLE, TRAILER, SEMITRAILER, OR MOTOR VEHICLE IN VIOLATION OF
9 SECTION 42-3-103 (1) OR (4), 42-3-114, 42-3-115, OR 42-6-140 OR OF THE
10 RULES OF THE DEPARTMENT IMPLEMENTING SECTION 42-3-102 IF THE
11 PERSON THAT FAILED TO REGISTER THE VEHICLE, TRAILER, SEMITRAILER,
12 OR MOTOR VEHICLE MAKES THE FOLLOWING SHOWINGS:

13 (a) THE COURT SHALL WAIVE THE PENALTIES, INCLUDING THE
14 PENALTIES IN SECTION 42-3-112 OR 42-4-1701, IMPOSED FOR THE
15 VIOLATION IF THE COURT FINDS THAT THE FAILURE TO REGISTER THE
16 VEHICLE WAS FOR GOOD CAUSE, INCLUDING THOSE CAUSES LISTED IN
17 SECTION 42-3-112 (1.5).

18 (b) THE COURT SHALL WAIVE THE PAST-DUE SPECIFIC OWNERSHIP
19 TAX IF THE PERSON DEMONSTRATES, USING A DEPARTMENT FORM, THAT
20 THE PERSON'S HOUSEHOLD HAD AN INCOME THAT IS ONE HUNDRED FIFTY
21 PERCENT OR LESS BELOW THE CURRENT FEDERAL POVERTY LINE FOR THE
22 HOUSEHOLD WHEN THE VIOLATION OCCURRED.

23 (c) THE COURT SHALL WAIVE THE PAST-DUE FEES, PAST-DUE
24 SPECIFIC OWNERSHIP TAX, AND PENALTIES IF THE PERSON DEMONSTRATES,
25 USING A DEPARTMENT FORM, THAT THE PERSON'S HOUSEHOLD HAD AN
26 INCOME THAT IS ONE HUNDRED PERCENT OR LESS BELOW THE CURRENT
27 FEDERAL POVERTY LINE FOR THE HOUSEHOLD WHEN THE VIOLATION

1 OCCURRED.

2 (2) THE DEPARTMENT SHALL ADOPT FORMS AND RULES TO
3 IMPLEMENT SUBSECTIONS (1)(b) AND (1)(c) OF THIS SECTION.

4 (3) BEGINNING IN JANUARY 2028, AND IN JANUARY EVERY YEAR
5 THEREAFTER, THE DEPARTMENT SHALL INCLUDE, AS PART OF ITS
6 PRESENTATION DURING ITS "SMART ACT" HEARING REQUIRED BY
7 SECTION 2-7-203, INFORMATION CONCERNING THE NUMBER OF WAIVERS
8 GRANTED IN ACCORDANCE WITH THIS SECTION AND THE AMOUNT OF THE
9 WAIVED PAST-DUE FEES, THE AMOUNT OF THE WAIVED PAST-DUE SPECIFIC
10 OWNERSHIP TAX, AND THE AMOUNT OF THE WAIVED PENALTIES.

11 **SECTION 4.** In Colorado Revised Statutes, 42-4-1715, **amend**
12 (3) as follows:

13 **42-4-1715. Convictions, judgments, and charges recorded -**
14 **public inspection.** (3) ~~Said~~ THE abstract SUBMITTED IN ACCORDANCE
15 WITH SUBSECTION (2) OF THIS SECTION must:

16 (a) Be made upon a form furnished by the department;

17 (b) ~~and shall~~ Include the name, address, and driver's license
18 number of the party charged;

19 (c) INCLUDE the registration number of the vehicle involved;

20 (d) INCLUDE the nature of the offense, the date of hearing, the
21 plea, the judgment or whether bail WAS forfeited, and the amount of the
22 fine or forfeiture; AND

23 (e) INCLUDE ANY WAIVER GRANTED IN ACCORDANCE WITH
24 SECTION 42-4-1720 AND THE AMOUNT OF THE WAIVED PAST-DUE FEES, THE
25 AMOUNT OF THE WAIVED PAST-DUE SPECIFIC OWNERSHIP TAX, AND THE
26 AMOUNT OF THE WAIVED PENALTIES.

27 **SECTION 5. Act subject to petition - effective date -**

1 **applicability.** (1) This act takes effect July 1, 2027; except that, if a
2 referendum petition is filed pursuant to section 1 (3) of article V of the
3 state constitution against this act or an item, section, or part of this act
4 within the ninety-day period after final adjournment of the general
5 assembly, then the act, item, section, or part will not take effect unless
6 approved by the people at the general election to be held in November
7 2026 and, in such case, will take effect July 1, 2027, or on the date of the
8 official declaration of the vote thereon by the governor, whichever is
9 later.

10 (2) This act applies to offenses committed on or after the
11 applicable effective date of this act.