

CHAPTER 197

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 97-1142

BY REPRESENTATIVES Kreutz, May, Tucker, Adkins, K. Alexander, Allen, Arrington, Clarke, Dyer, Entz, Hagedorn, Mace, Musgrave, Nichol Schwarz, Swenson, Tupa, Young and Zimmerman;
also SENATOR Lacy.

AN ACT

CONCERNING COMPLIANCE WITH MOTOR VEHICLE REGISTRATION REQUIREMENTS.

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

SECTION 1. 42-2-107 (2), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

42-2-107. Application for license or instruction permit - anatomical gifts - donations to organ and tissue donation awareness fund - legislative declaration.

(2) (a) Every application shall state the full name, date of birth, sex, and residence address of the applicant; briefly describe the applicant; be signed by the applicant with such applicant's usual signature; have affixed thereon the applicant's fingerprint; and state whether the licensee has ever been licensed as a minor driver, provisional driver, or driver and, if so, when and by what state or country and whether any such license has ever been denied, suspended, or revoked, the reasons therefor, and the date thereof. These statements shall be verified by the applicant's signature thereon.

(b) (I) IN ADDITION TO THE REQUIREMENTS OF PARAGRAPH (a) OF THIS SUBSECTION (2), AN APPLICATION SHALL STATE THAT:

(A) THE APPLICANT UNDERSTANDS THAT, AS A RESIDENT OF THE STATE OF COLORADO, ANY MOTOR VEHICLE OWNED BY THE APPLICANT MUST BE REGISTERED IN COLORADO PURSUANT TO THE LAWS OF THE STATE AND THE APPLICANT MAY BE SUBJECT TO CRIMINAL PENALTIES, CIVIL PENALTIES, CANCELLATION OR DENIAL OF THE APPLICANT'S DRIVER'S LICENSE, AND LIABILITY FOR ANY UNPAID REGISTRATION FEES AND SPECIFIC OWNERSHIP TAXES IF THE APPLICANT FAILS TO COMPLY WITH SUCH REGISTRATION REQUIREMENTS; AND

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

(B) THE APPLICANT AGREES, WITHIN THIRTY DAYS AFTER THE DATE THE APPLICANT BECAME A RESIDENT, TO REGISTER IN COLORADO ANY VEHICLE OWNED BY THE APPLICANT.

(II) THE APPLICANT SHALL VERIFY THE STATEMENTS REQUIRED BY THIS PARAGRAPH (b) BY THE APPLICANT'S SIGNATURE ON THE APPLICATION.

SECTION 2. 42-2-122 (1), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

42-2-122. Department may cancel license - provisional license for physical or mental limitations. (1) The department has the authority to cancel, deny, or deny the reissuance of any driver's, minor driver's, or provisional driver's license upon determining that the licensee was not entitled to the issuance thereof for any of the following reasons:

(e) FAILURE OF THE LICENSEE TO REGISTER IN COLORADO ALL VEHICLES OWNED BY THE LICENSEE UNDER THE REQUIREMENTS OF SECTION 42-3-103.

SECTION 3. 42-2-302 (1), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

42-2-302. Department may issue - limitations. (1) (a) Any person, which for purposes of this part 3 means a resident of this state, may be issued an identification card by the department certified by the registrant and attested by the department as to true name, date of birth, current address, social security number, if any, and any other identifying data the department may require. Every application for an identification card shall be signed and verified by the applicant before a person authorized to administer oaths or by an employee of the department.

(b) (I) IN ADDITION TO THE REQUIREMENTS OF PARAGRAPH (a) OF THIS SUBSECTION (1), AN APPLICATION FOR AN IDENTIFICATION CARD SHALL STATE THAT:

(A) THE APPLICANT UNDERSTANDS THAT, AS A RESIDENT OF THE STATE OF COLORADO, ANY MOTOR VEHICLE OWNED BY THE APPLICANT MUST BE REGISTERED IN COLORADO PURSUANT TO THE LAWS OF THE STATE AND THE APPLICANT MAY BE SUBJECT TO CRIMINAL PENALTIES, CIVIL PENALTIES, CANCELLATION OR DENIAL OF THE APPLICANT'S IDENTIFICATION CARD, AND LIABILITY FOR ANY UNPAID REGISTRATION FEES AND SPECIFIC OWNERSHIP TAXES IF THE APPLICANT FAILS TO COMPLY WITH SUCH REGISTRATION REQUIREMENTS; AND

(B) THE APPLICANT AGREES, WITHIN THIRTY DAYS AFTER THE DATE THE APPLICANT BECAME A RESIDENT, TO REGISTER IN COLORADO ANY VEHICLE OWNED BY THE APPLICANT.

(II) THE APPLICANT SHALL VERIFY THE STATEMENTS REQUIRED BY THIS PARAGRAPH (b) BY THE APPLICANT'S SIGNATURE ON THE APPLICATION.

SECTION 4. Part 3 of article 2 of title 42, Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

42-2-304.5. Cancellation or denial of identification card - failure to register vehicles in Colorado. THE DEPARTMENT MAY CANCEL, DENY, OR DENY REISSUANCE OF AN IDENTIFICATION CARD UPON DETERMINING THAT THE REGISTRANT HAS FAILED TO REGISTER IN COLORADO ALL VEHICLES OWNED BY THE REGISTRANT UNDER THE REQUIREMENTS OF SECTION 42-3-103. UPON SUCH CANCELLATION, THE REGISTRANT SHALL SURRENDER THE IDENTIFICATION CARD TO THE DEPARTMENT. THE REGISTRANT IS ENTITLED TO A HEARING UNDER THE PROCEDURES PROVIDED IN SECTION 42-2-122.

SECTION 5. 42-2-403 (2), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

42-2-403. Department authority - rules and regulations - federal requirements. (2) (c) (I) IN ADDITION TO ANY OTHER REQUIREMENTS, AN APPLICATION FOR A COMMERCIAL DRIVER'S LICENSE SHALL STATE THAT:

(A) THE APPLICANT UNDERSTANDS THAT, AS A RESIDENT OF THE STATE OF COLORADO, ANY MOTOR VEHICLE OWNED BY THE APPLICANT MUST BE REGISTERED IN COLORADO PURSUANT TO THE LAWS OF THE STATE AND THE APPLICANT MAY BE SUBJECT TO CRIMINAL PENALTIES, CIVIL PENALTIES, CANCELLATION OR DENIAL OF THE APPLICANT'S DRIVER'S LICENSE, AND LIABILITY FOR ANY UNPAID REGISTRATION FEES AND SPECIFIC OWNERSHIP TAXES IF THE APPLICANT FAILS TO COMPLY WITH SUCH REGISTRATION REQUIREMENTS; AND

(B) THE APPLICANT AGREES, WITHIN THIRTY DAYS AFTER THE DATE THE APPLICANT BECAME A RESIDENT, TO REGISTER IN COLORADO ANY VEHICLE OWNED BY THE APPLICANT.

(II) THE APPLICANT SHALL VERIFY THE STATEMENTS REQUIRED BY THIS PARAGRAPH (c) BY THE APPLICANT'S SIGNATURE ON THE APPLICATION.

SECTION 6. 42-3-103 (4) (a), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

42-3-103. Registration required - exemptions. (4) (a) When any owner or operator or any occupant of a vehicle, as specified in subsection (1) of this section, which is or has been duly registered for the current year in another state or country of which such owner, operator, or occupant has been a resident becomes a resident of this state, as defined in section 42-1-102, the said owner shall, irrespective of such previous registration, immediately apply to the department and obtain registration for such vehicle in this state WITHIN THIRTY DAYS AFTER BECOMING A RESIDENT OF COLORADO. Any person who violates any provision of this paragraph (a) ~~commits a class B traffic infraction~~ IS SUBJECT TO THE PENALTIES PROVIDED IN SECTION 42-6-139.

SECTION 7. 42-6-139 (3) and (4), Colorado Revised Statutes, 1993 Repl. Vol., as amended, are amended, and the said 42-6-139 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

42-6-139. Registration - where made. (3) Any person who knowingly violates any of the provisions of subsection (2) of this section, SECTION 42-3-103 (4) (a), SECTION 42-6-140, or any rule or regulation of the director relating thereto made

pursuant to the authority conferred upon the director in this part 1 is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of five hundred dollars. ~~or by imprisonment in the county jail for not less than ten days nor more than six months, or by both such fine and imprisonment.~~

(4) In addition to any other applicable penalty, a person who registers a motor vehicle in violation of the provisions of subsection (2) of this section, SECTION 42-3-103 (4) (a), OR SECTION 42-6-140 shall be subject to a civil penalty of five hundred dollars. Such violation shall be determined by, and such penalty shall be assessed by and paid to, the municipality or county in which such motor vehicle should have been registered, subject to judicial review pursuant to rule 106 (a) (4) of the Colorado rules of civil procedure.

(5) ANY PERSON SUBJECT TO THE PENALTIES PROVIDED BY THIS SECTION CONTINUES TO BE LIABLE FOR ANY UNPAID REGISTRATION FEES, SPECIFIC OWNERSHIP TAXES, OR OTHER TAXES AND FEES CONNECTED WITH THE REGISTRATION OF A VEHICLE THAT ARE OWED BY SUCH PERSON.

SECTION 8. 42-6-140, Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

42-6-140. Registration upon becoming resident. If any person who is a resident of a state other than Colorado is the owner of a motor vehicle for which a certificate of title has been issued by a state other than Colorado or if such vehicle is registered under the laws of and licensed for operation in a state other than Colorado, such person upon changing his or her place of residence to Colorado, within thirty days thereafter, shall make application for a Colorado certificate of title to such vehicle in the manner prescribed in this article and shall register the same and procure a Colorado license therefor as is provided by law. ANY PERSON WHO VIOLATES THE PROVISIONS OF THIS SECTION IS SUBJECT TO THE PENALTIES PROVIDED IN SECTION 42-6-139.

SECTION 9. No appropriation. The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act.

SECTION 10. Effective date - applicability. (1) 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; 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.

(2) The provisions of this act shall apply to offenses committed on or after the applicable effective date of this act.

Approved: May 27, 1997