

CHAPTER 242

MOTOR VEHICLES AND TRAFFIC REGULATION

SENATE BILL 97-003

BY SENATORS Arnold, Congrove, Powers, and Tebedo;
also REPRESENTATIVES Schwarz, Agler, Dean, Entz, Lawrence, Mace, McElhany, Musgrave, Nichol, Salaz, Schauer, and Taylor.

AN ACT

CONCERNING PAYMENT OF MOTOR VEHICLE TAXES AND FEES IN INSTALLMENTS, AND, IN CONNECTION THEREWITH, AUTHORIZING OWNERS OF TRUCKS AND TRUCK TRACTORS OPERATING IN COLORADO TO PAY REGISTRATION FEES AND SPECIFIC OWNERSHIP TAXES IN INSTALLMENTS.

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

SECTION 1. 42-3-109, Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

42-3-109. Tax for registration period. EXCEPT AS PROVIDED IN SECTION 42-3-109.5, there shall be paid upon any vehicle subject to registration under this article which is purchased during any registration period the prescribed fee for a twelve-month registration. In no event shall the specific ownership tax collected on any classified personal property be less than one dollar and fifty cents.

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

42-3-109.5. Payment of motor vehicle registration fees and specific ownership taxes in installments. (1) AN OWNER OF A MOTOR VEHICLE, OTHER THAN A TRAILER OR SEMITRAILER, CLASSIFIED AS CLASS A OR CLASS B PERSONAL PROPERTY UNDER SECTION 42-3-106 (1) (b) MAY APPLY TO THE DEPARTMENT TO PAY THE TWELVE-MONTH REGISTRATION FEE AND SPECIFIC OWNERSHIP TAX FOR THE OWNER'S FLEET OR FLEETS OF SUCH VEHICLES IN INSTALLMENTS. THE DEPARTMENT SHALL APPROVE AN APPLICATION FROM A FLEET OWNER TO MAKE PAYMENTS FOR A FLEET OR FLEETS IN INSTALLMENTS IF ALL THE FOLLOWING REQUIREMENTS ARE MET:

(a) THE TOTAL OF THE TWELVE-MONTH REGISTRATION FEE AND THE

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

TWELVE-MONTH SPECIFIC OWNERSHIP TAX FOR THE FLEET OR FLEETS EQUALS ONE THOUSAND DOLLARS OR MORE;

(b) THE APPLICANT PAYS ONE-THIRD OF THE TOTAL AMOUNT DUE FOR REGISTRATION AND SPECIFIC OWNERSHIP TAX WITH THE APPLICATION;

(c) THE FLEET OWNER DOES NOT OWE ANY PAST DUE MOTOR VEHICLE REGISTRATION FEES OR SPECIFIC OWNERSHIP TAXES OR ANY OUTSTANDING PENALTIES IMPOSED FOR NONPAYMENT OF SUCH FEES OR TAXES;

(d) THE OWNER IS NOT DENIED THE PRIVILEGE OF PAYING IN INSTALLMENTS PURSUANT TO PARAGRAPH (b) OF SUBSECTION (3) OF THIS SECTION; AND

(e) THE FLEET OWNER HAS OBTAINED A PERFORMANCE BOND ISSUED BY A SURETY COMPANY AUTHORIZED TO DO BUSINESS IN COLORADO, A BANK LETTER OF CREDIT, OR A CERTIFICATE OF DEPOSIT IN AN AMOUNT EQUAL TO NO LESS THAN THE REMAINING AMOUNT OF THE ANNUAL REGISTRATION FEE AND SPECIFIC OWNERSHIP TAX THAT WILL BE PAID IN INSTALLMENTS. THE PERFORMANCE BOND, LETTER OF CREDIT, OR CERTIFICATE OF DEPOSIT SHALL BE PAYABLE TO THE DEPARTMENT IF THE OWNER FAILS TO PAY THE REQUIRED INSTALLMENTS.

(2) IF AN APPLICANT'S APPLICATION TO PAY IN INSTALLMENTS IS APPROVED PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE APPLICANT SHALL PAY THE REMAINDER OF THE REGISTRATION FEE AND SPECIFIC OWNERSHIP TAX IN TWO EQUAL INSTALLMENTS AS FOLLOWS:

(a) THE FIRST INSTALLMENT ON OR BEFORE THE FIRST DAY OF THE FIFTH MONTH OF THE REGISTRATION PERIOD; AND

(b) THE SECOND INSTALLMENT ON OR BEFORE THE FIRST DAY OF THE NINTH MONTH OF THE REGISTRATION PERIOD.

(3) (a) IF A FLEET OWNER FAILS TO PAY ANY INSTALLMENT UNDER THE PROVISIONS OF THIS SECTION ON OR BEFORE THE DATE THE INSTALLMENT WAS DUE, THE REMAINING AMOUNT OF THE REGISTRATION FEE AND SPECIFIC OWNERSHIP TAX THAT IS STILL UNPAID FOR THE FLEET OR FLEETS FOR THE REGISTRATION PERIOD IS DUE IN FULL IMMEDIATELY. SUCH OWNER MAY NOT OPERATE THE VEHICLES IN SUCH FLEET OR FLEETS ON THE HIGHWAYS OF THE STATE UNTIL THE OWNER HAS PAID SUCH AMOUNT.

(b) IF A FLEET OWNER FAILS TO PAY ANY INSTALLMENT FOR ANY MOTOR VEHICLE UNDER THE REQUIREMENTS OF THIS SECTION WITHIN THIRTY DAYS AFTER THE INSTALLMENT WAS DUE, THE DEPARTMENT MAY DENY SUCH OWNER THE PRIVILEGE OF PAYING REGISTRATION FEES AND SPECIFIC OWNERSHIP TAXES IN INSTALLMENTS UNDER THIS SECTION.

(4) THE PROVISIONS OF THIS SECTION DO NOT MODIFY THE AMOUNT OF THE REGISTRATION FEE OR SPECIFIC OWNERSHIP TAX OWED BY AN OWNER FOR A MOTOR VEHICLE DURING A REGISTRATION PERIOD.

(5) THE DEPARTMENT MAY PROMULGATE RULES TO IMPLEMENT THE INSTALLMENT PAYMENT PROCESS ESTABLISHED BY THIS SECTION.

SECTION 3. 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 4. Effective date - applicability. This act shall take effect January 1, 1998, and shall apply to motor vehicles registered or reregistered on or after said date.

SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 3, 1997