

CHAPTER 88

MOTOR VEHICLES AND TRAFFIC REGULATION

SENATE BILL 03-060

BY SENATOR(S) May R., Entz, Teck, Andrews, and Jones;
also REPRESENTATIVE(S) Stafford.**AN ACT**

CONCERNING THE AUTHORITY OF A FLEET OWNER TO PROCESS THE REGISTRATION RENEWAL FOR A FLEET VEHICLE IN THE COUNTY IN WHICH THE FLEET OWNER'S PRINCIPAL OFFICE IS LOCATED INSTEAD OF IN THE COUNTY IN WHICH THE FLEET VEHICLE IS LOCATED AT THE TIME OF REGISTRATION.

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

SECTION 1. 42-1-102, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

42-1-102. Definitions - repeal. As used in articles 1 to 4 of this title, unless the context otherwise requires:

(72.7) "PRINCIPAL OFFICE" MEANS THE OFFICE IN THIS STATE DESIGNATED BY A FLEET OWNER AS ITS PRINCIPAL PLACE OF BUSINESS.

SECTION 2. 42-3-107 (19), Colorado Revised Statutes, is amended, and the said 42-3-107 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

42-3-107. Taxable value of classes of property - rate of tax - when and where payable - department duties - apportionment of tax collections - definitions. (19) EXCEPT AS PROVIDED IN SUBSECTION (26) OF THIS SECTION, it is the duty of each authorized agent to collect the registration fee on every item of classified personal property located in the agent's county at the time of registration and to collect the specific ownership taxes payable on each such item registered, except those items classified as Class A upon which the specific ownership tax is collected by the department and except those items classified as Class F when such tax is collected under subsection (16) of this section, at the time of registration. The failure of any

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

authorized agent to collect the registration fee and specific ownership tax on any item of classified personal property shall not release the owner thereof from liability for the registration of such vehicle.

(26) (a) NOTWITHSTANDING ANY PROVISION IN THIS ARTICLE TO THE CONTRARY, A FLEET OWNER MAY PROCESS THE REGISTRATION RENEWAL FOR ANY FLEET VEHICLE, WITH THE EXCEPTION OF CLASS A PERSONAL PROPERTY, IN THE COUNTY IN WHICH THE FLEET OWNER'S PRINCIPAL OFFICE OR PRINCIPAL FLEET MANAGEMENT FACILITY IS LOCATED INSTEAD OF IN THE COUNTY IN WHICH THE FLEET VEHICLE IS LOCATED AT THE TIME OF REGISTRATION. ANY FLEET VEHICLE FOR WHICH THE REGISTRATION RENEWAL IS PROCESSED PURSUANT TO THIS SUBSECTION (26) SHALL CONTINUE TO BE REGISTERED IN THE COUNTY IN WHICH IT IS LOCATED AT THE TIME OF REGISTRATION. THE PROVISIONS OF THIS SUBSECTION (26) SHALL NOT APPLY TO ANY FLEET VEHICLE THAT WAS NOT PREVIOUSLY REGISTERED IN COLORADO AT THE TIME OF REGISTRATION.

(b) IF A FLEET OWNER CHOOSES TO PROCESS THE REGISTRATION RENEWAL OF A FLEET VEHICLE IN THE COUNTY IN WHICH THE OWNER'S PRINCIPAL OFFICE OR PRINCIPAL FLEET MANAGEMENT FACILITY IS LOCATED INSTEAD OF IN THE COUNTY IN WHICH THE VEHICLE IS LOCATED, IT IS THE DUTY OF THE AUTHORIZED AGENT IN THE COUNTY WHERE THE OWNER'S PRINCIPAL OFFICE OR PRINCIPAL FLEET MANAGEMENT FACILITY IS LOCATED TO COLLECT THE REGISTRATION FEE AND SPECIFIC OWNERSHIP TAX PAYABLE ON EACH FLEET VEHICLE FOR WHICH THE REGISTRATION RENEWAL IS PROCESSED BY THE FLEET OWNER IN SUCH COUNTY.

(c) THE AUTHORIZED AGENT IN ANY COUNTY IN WHICH A FLEET VEHICLE REGISTRATION RENEWAL IS PROCESSED PURSUANT TO THIS SECTION SHALL RETAIN THE SUM AUTHORIZED PURSUANT TO SECTION 42-1-210 (1) (a) TO DEFRAY THE COSTS ASSOCIATED WITH VEHICLE REGISTRATION AND SHALL NOT DISBURSE SUCH SUM TO THE COUNTY IN WHICH THE FLEET VEHICLE IS LOCATED AT THE TIME OF REGISTRATION. THE AUTHORIZED AGENT IN THE COUNTY IN WHICH A FLEET VEHICLE REGISTRATION RENEWAL IS PROCESSED PURSUANT TO THIS SECTION SHALL TRANSMIT TO THE DEPARTMENT ALL FEES AND MONEYS COLLECTED BY THE AGENT PURSUANT TO SECTION 42-1-214.

(d) THE AUTHORIZED AGENT IN ANY COUNTY IN WHICH A FLEET VEHICLE REGISTRATION RENEWAL IS PROCESSED PURSUANT TO THIS SECTION SHALL TRANSMIT THE REGISTRATION FEES COLLECTED PURSUANT TO SECTION 42-3-139 TO THE DEPARTMENT. THE DEPARTMENT SHALL THEN TRANSMIT SUCH FEES TO THE AUTHORIZED AGENT IN THE COUNTY IN WHICH THE FLEET VEHICLE IS LOCATED AT THE TIME OF REGISTRATION, AND THE AUTHORIZED AGENT SHALL TRANSMIT SUCH FEES TO THE COUNTY TREASURER PURSUANT TO SECTION 42-3-139.

(e) THE ANNUAL SPECIFIC OWNERSHIP TAX ON EACH FLEET VEHICLE FOR WHICH THE REGISTRATION RENEWAL IS PROCESSED IN THE COUNTY IN WHICH THE FLEET OWNER'S PRINCIPAL OFFICE IS LOCATED SHALL BECOME DUE AND PAYABLE TO THE AUTHORIZED AGENT IN SUCH COUNTY PURSUANT TO THIS ARTICLE. THE AUTHORIZED AGENT IN SUCH COUNTY SHALL APPORTION THE SPECIFIC OWNERSHIP TAXES COLLECTED FOR ALL FLEET VEHICLES FOR WHICH THE REGISTRATION RENEWAL IS PROCESSED IN SUCH COUNTY PURSUANT TO THIS SUBSECTION (26) TO THE COUNTIES IN WHICH THE FLEET VEHICLES ARE LOCATED AT THE TIME OF REGISTRATION IN

PROPORTION TO THE NUMBER OF FLEET VEHICLES LOCATED IN EACH COUNTY.

(f) (I) THE PROVISIONS OF THIS SUBSECTION (26) SHALL APPLY TO REGISTRATION RENEWAL FOR FLEET VEHICLES UPON IMPLEMENTATION OF THE COLORADO STATE TITLING AND REGISTRATION SYSTEM, ESTABLISHED IN SECTION 42-1-211, BY THE DEPARTMENT.

(II) THE DEPARTMENT SHALL NOTIFY THE REVISOR OF STATUTES IN WRITING ON OR BEFORE JANUARY 1, 2006, WHETHER THE COLORADO STATE TITLING AND REGISTRATION SYSTEM HAS BEEN IMPLEMENTED BY THE DEPARTMENT.

(g) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO AFFECT THE ALLOCATION OF HIGHWAY USERS TAX FUND MONEYS TO COUNTIES OR MUNICIPALITIES PURSUANT TO SECTIONS 43-4-207 AND 43-4-208, C.R.S.

SECTION 3. Effective date. 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.

Approved: March 28, 2003