

**HOUSE JOURNAL**  
**SIXTY-EIGHTH GENERAL ASSEMBLY**  
**STATE OF COLORADO**  
**First Regular Session**

One hundred-fourth Legislative Day                      Monday, April 25, 2011

1 Prayer by the Reverend Brad Meuli, Denver Rescue Mission.  
2  
3 The Speaker called the House to order at 10:00 a.m.  
4  
5 Pledge of Allegiance led by Lucy Chase from St. Vincent De Paul,  
6 Denver.  
7  
8 The roll was called with the following result:  
9  
10 Present--62.  
11 Excused--Representative(s) Liston, Nikkel, Sonnenberg--3.  
12

13 The Speaker declared a quorum present.  
14  
15

16 On motion of Representative Ramirez, the reading of the journal of  
17 April 21, 2011, was declared dispensed with and approved as corrected  
18 by the Chief Clerk.  
19  
20

**CONSIDERATION OF MEMORIAL**

21  
22  
23  
24 **HM11-1005** by Representative(s) Vigil and McKinley, Todd, Balmer,  
25 Kerr J., Liston, Massey, Riesberg, Solano, Soper--  
26 Memorializing former Representative Rafael Gallegos.  
27

28 Representative Vigil moved that the Memorial be adopted.  
29

30 The Speaker ordered the memorial read at length.  
31  
32

33  
34  
35 Pursuant to House Rule 26(f) the House stood in recess to allow the  
36 following former members to speak on behalf of the honorable Rafael  
37 Lorenzo Gallegos: Former Representative Paul Weissmann  
38  
39

House reconvened.  
40  
41  
42  
43

1 The memorial was **adopted** by the following roll call vote:  
2

	YES	62	NO	0	EXCUSED	3	ABSENT	0
4	Acree	Y	Fischer	Y	Liston	E	Scott	Y
5	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y
6	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	E
7	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
8	Becker	Y	Hamner	Y	McKinley	Y	Stephens	Y
9	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	Y
10	Bradford	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
11	Brown	Y	Jones	Y	Nikkel	E	Swerdfeger	Y
12	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y
13	Conti	Y	Kagan	Y	Pace	Y	Todd	Y
14	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y
15	Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y
16	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
17	Duran	Y	Labuda	Y	Riesberg	Y	Waller	Y
18	Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	Y
19	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	Y
20							Speaker	Y

21 Current Roll Call added as co-sponsor(s): Representative(s) Acree, Barker,  
22 Baumgardner, Becker, Beezley, Bradford, Brown, Casso, Conti, Coram, Court,  
23 DelGrosso, Duran, Ferrandino, Fields, Fischer, Gardner B., Gardner D., Gerou,  
24 Hamner, Holbert, Hullinghorst, Jones, Joshi, Kagan, Kefalas, Kerr A., Labuda,  
25 Lee, Levy, Looper, McCann, Miklosi, Murray, Pabon, Pace, Peniston, Priola,  
26 Ramirez, Ryden, Schafer S., Scott, Stephens, Summers, Swalm, Swerdfeger,  
27 Szabo, Tyler, Vaad, Waller, Williams A., Wilson, Speaker.

28  
29 Representative Vigil introduced members of the family that were present.  
30

### 31 32 33 **CONSIDERATION OF RESOLUTION(S)**

34  
35 **SJR11-044** by Senator(s) Schwartz; also Representative(s) Jones,  
36 Barker, Bradford, Fischer, Gardner D., Hamner, Lee,  
37 Looper, Nikkel, Priola, Ryden, Schafer S., Scott, Swalm,  
38 Tyler, Wilson--Concerning the proclamation of  
39 April 21, 2011, as "Colorado Outdoor Stewardship Day",  
40 and, in connection therewith, recognizing the importance  
41 of outdoor recreation to the state of Colorado and  
42 acknowledging the efforts of outdoor volunteers and the  
43 Colorado outdoor stewardship advisory council.  
44

45 Printed and placed in members' file)  
46

47 On motion of Representative Jones, the resolution was **adopted** by **viva**  
48 **voce** vote.  
49

50 Co-sponsor(s) added: Representative(s) Baumgardner, Becker, Beezley, Brown,  
51 Casso, Conti, Coram, Court, DelGrosso, Duran, Ferrandino, Fields, Gardner B.,  
52 Gerou, Holbert, Hullinghorst, Joshi, Kefalas, Kerr A., Kerr J., Labuda, Levy,  
53 Massey, McCann, McKinley, Miklosi, Murray, Pace, Peniston, Ramirez,  
54 Riesberg, Solano, Soper, Stephens, Summers, Swerdfeger, Szabo, Todd, Vigil,  
55 Waller, Williams A., Speaker.  
56

**THIRD READING OF BILL(S)--FINAL PASSAGE**

1

2

3 The following bill(s) was(were) considered on Third Reading. The  
4 title(s) was(were) publicly read. Reading of the bill at length was  
5 dispensed with by unanimous consent.

6

7 **HB11-1277** by Representative(s) Massey and Solano; also Senator(s)  
8 Bacon--Concerning statutory changes involving K-12  
9 education, and making an appropriation in connection  
10 therewith.

11

12 The question being "Shall the bill pass?".

13 A roll call vote was taken. As shown by the following recorded vote, a  
14 majority of those elected to the House voted in the affirmative and the bill  
15 was declared **passed**.

16

	YES	62	NO	0	EXCUSED	3	ABSENT	0
18	Acree	Y	Fischer	Y	Liston	E	Scott	Y
19	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y
20	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	E
21	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
22	Becker	Y	Hamner	Y	McKinley	Y	Stephens	Y
23	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	Y
24	Bradford	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
25	Brown	Y	Jones	Y	Nikkel	E	Swerdfeger	Y
26	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y
27	Conti	Y	Kagan	Y	Pace	Y	Todd	Y
28	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y
29	Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y
30	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
31	Duran	Y	Labuda	Y	Riesberg	Y	Waller	Y
32	Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	Y
33	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	Y
34							Speaker	Y

35 Co-sponsor(s) added: Representative(s) Casso, Conti, Court, Fields, Fischer,  
36 Hamner, Hullinghorst, Kerr A., Labuda, Lee, McKinley, Pace, Peniston, Priola,  
37 Riesberg, Schafer S., Summers, Todd, Tyler, Vigil, Wilson.

38

39 **SB11-089** by Senator(s) Jahn, Brophy, Giron, Guzman, Johnston,  
40 King K., Scheffel; also Representative(s) Beezley--  
41 Concerning the continuation of the authority of the  
42 executive director of the department of revenue to issue  
43 written responses upon the request of a taxpayer.

44

45 The question being "Shall the bill pass?".

46 A roll call vote was taken. As shown by the following recorded vote, a  
47 majority of those elected to the House voted in the affirmative and the bill  
48 was declared **passed**.

49

	YES	62	NO	0	EXCUSED	3	ABSENT	0
51	Acree	Y	Fischer	Y	Liston	E	Scott	Y
52	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y
53	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	E
54	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
55	Becker	Y	Hamner	Y	McKinley	Y	Stephens	Y
56	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	Y

1	Bradford	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
2	Brown	Y	Jones	Y	Nikkel	E	Swerdfeger	Y
3	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y
4	Conti	Y	Kagan	Y	Pace	Y	Todd	Y
5	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y
6	Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y
7	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
8	Duran	Y	Labuda	Y	Riesberg	Y	Waller	Y
9	Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	Y
10	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	Y
11							Speaker	Y

12 Co-sponsor(s) added: Representative(s) DelGrosso, Fields, Holbert, Kagan,  
 13 Priola, Schafer S., Wilson.

14  
 15 **SB11-090** by Senator(s) Schwartz, Giron, Guzman; also  
 16 Representative(s) Baumgardner--Concerning the  
 17 continuation of the issuance of permits for weather  
 18 modification operations, and, in connection therewith,  
 19 implementing the sunset review recommendations of the  
 20 department of regulatory agencies.

21  
 22 The question being "Shall the bill pass?".  
 23 A roll call vote was taken. As shown by the following recorded vote, a  
 24 majority of those elected to the House voted in the affirmative and the bill  
 25 was declared **passed**.

27	YES	58	NO	4	EXCUSED	3	ABSENT	0
28	Acree	N	Fischer	Y	Liston	E	Scott	Y
29	Balmer	Y	Gardner B.	Y	Looper	N	Solano	Y
30	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	E
31	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
32	Becker	Y	Hamner	Y	McKinley	Y	Stephens	Y
33	Beezley	N	Holbert	Y	Miklosi	Y	Summers	Y
34	Bradford	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
35	Brown	Y	Jones	Y	Nikkel	E	Swerdfeger	Y
36	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y
37	Conti	N	Kagan	Y	Pace	Y	Todd	Y
38	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y
39	Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y
40	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
41	Duran	Y	Labuda	Y	Riesberg	Y	Waller	Y
42	Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	Y
43	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	Y
44							Speaker	Y

45 Co-sponsor(s) added: Representative(s) Coram, Fields, Fischer, Hamner,  
 46 Kerr J., Wilson.

47  
 48 **SB11-092** by Senator(s) Giron, Schwartz; also Representative(s)  
 49 Hamner--Concerning the continuation of vessel regulation  
 50 by the division of parks and outdoor recreation, and, in  
 51 connection therewith, implementing the sunset review  
 52 recommendations of the department of regulatory  
 53 agencies.

54  
 55 The question being "Shall the bill pass?".  
 56 A roll call vote was taken. As shown by the following recorded vote, a

1 majority of those elected to the House voted in the affirmative and the bill  
2 was declared **passed**.

	YES	62	NO	0	EXCUSED	3	ABSENT	0
5	Acree	Y	Fischer	Y	Liston	E	Scott	Y
6	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y
7	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	E
8	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
9	Becker	Y	Hamner	Y	McKinley	Y	Stephens	Y
10	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	Y
11	Bradford	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
12	Brown	Y	Jones	Y	Nikkel	E	Swerdfeger	Y
13	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y
14	Conti	Y	Kagan	Y	Pace	Y	Todd	Y
15	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y
16	Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y
17	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
18	Duran	Y	Labuda	Y	Riesberg	Y	Waller	Y
19	Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	Y
20	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	Y
21							Speaker	Y

22 Co-sponsor(s) added: Representative(s) Fields, Fischer, Gerou, Schafer S.,  
23 Wilson.

24  
25 **SB11-108** by Senator(s) Jahn, Aguilar, Harvey, Mitchell, Tochtrop,  
26 White, Williams S.; also Representative(s) Szabo--  
27 Concerning the repeal of the "Identity Theft and Financial  
28 Fraud Deterrence Act".

29  
30 The question being "Shall the bill pass?".  
31 A roll call vote was taken. As shown by the following recorded vote, a  
32 majority of those elected to the House voted in the affirmative and the bill  
33 was declared **passed**.

	YES	62	NO	0	EXCUSED	3	ABSENT	0
36	Acree	Y	Fischer	Y	Liston	E	Scott	Y
37	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y
38	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	E
39	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
40	Becker	Y	Hamner	Y	McKinley	Y	Stephens	Y
41	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	Y
42	Bradford	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
43	Brown	Y	Jones	Y	Nikkel	E	Swerdfeger	Y
44	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y
45	Conti	Y	Kagan	Y	Pace	Y	Todd	Y
46	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y
47	Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y
48	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
49	Duran	Y	Labuda	Y	Riesberg	Y	Waller	Y
50	Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	Y
51	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	Y
52							Speaker	Y

53 Co-sponsor(s) added: Representative(s) Barker, Fields, Gardner B., Gerou,  
54 Holbert, Jones, Kerr J., Looper, Massey, Schafer S., Stephens, Summers, Todd,  
55 Vigil, Waller.

56

1 **SB11-124** by Senator(s) Hodge, Lambert, Steadman; also  
 2 Representative(s) Gerou, Ferrandino--Concerning the  
 3 transfer of unspent county TANF reserves to a county, and  
 4 making an appropriation in connection therewith.

5  
 6 The question being "Shall the bill pass?".  
 7 A roll call vote was taken. As shown by the following recorded vote, a  
 8 majority of those elected to the House voted in the affirmative and the bill  
 9 was declared **passed**.

	YES	62	NO	0	EXCUSED	3	ABSENT	0
12	Acree	Y	Fischer	Y	Liston	E	Scott	Y
13	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y
14	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	E
15	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
16	Becker	Y	Hamner	Y	McKinley	Y	Stephens	Y
17	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	Y
18	Bradford	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
19	Brown	Y	Jones	Y	Nikkel	E	Swerdfeger	Y
20	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y
21	Conti	Y	Kagan	Y	Pace	Y	Todd	Y
22	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y
23	Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y
24	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
25	Duran	Y	Labuda	Y	Riesberg	Y	Waller	Y
26	Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	Y
27	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	Y
28							Speaker	Y

29 Co-sponsor(s) added: Representative(s) Bradford, Conti, Hamner, Hullinghorst,  
 30 Labuda, Massey, Schafer S., Stephens, Summers, Todd, Vigil.

31  
 32 **SB11-173** by Senator(s) King S., King K., Morse, Shaffer B.,  
 33 Cadman, Carroll, Giron, Kopp, Roberts, Spence; also  
 34 Representative(s) Gardner B. and Fields--Concerning  
 35 interoperable communications in schools.

36  
 37 The question being "Shall the bill pass?".  
 38 A roll call vote was taken. As shown by the following recorded vote, a  
 39 majority of those elected to the House voted in the affirmative and the bill  
 40 was declared **passed**.

	YES	62	NO	0	EXCUSED	3	ABSENT	0
43	Acree	Y	Fischer	Y	Liston	E	Scott	Y
44	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y
45	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	E
46	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
47	Becker	Y	Hamner	Y	McKinley	Y	Stephens	Y
48	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	Y
49	Bradford	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
50	Brown	Y	Jones	Y	Nikkel	E	Swerdfeger	Y
51	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y
52	Conti	Y	Kagan	Y	Pace	Y	Todd	Y
53	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y
54	Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y
55	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
56	Duran	Y	Labuda	Y	Riesberg	Y	Waller	Y

1	Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	Y
2	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	Y
3							Speaker	Y

4 Co-sponsor(s) added: Representative(s) Barker, Beezley, Bradford, Court,  
5 Duran, Ferrandino, Gerou, Hamner, Holbert, Hulinghorst, Joshi, Kefalas,  
6 Kerr A., Labuda, Looper, Massey, Miklosi, Pabon, Pace, Peniston, Ramirez,  
7 Schafer S., Scott, Solano, Stephens, Todd, Tyler, Vigil, Williams A., Wilson.

8  
9 **SB11-230** by Senator(s) Bacon; also Representative(s) Massey--  
10 Concerning the financing of public schools, and making an  
11 appropriation therefor.

12  
13 As shown by the following roll call vote, a majority of all members  
14 elected to the House voted in the affirmative, and Representative  
15 Ferrandino was given permission to offer a Third Reading amendment:

17	YES	62	NO	0	EXCUSED	3	ABSENT	0
18	Acree	Y	Fischer	Y	Liston	E	Scott	Y
19	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y
20	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	E
21	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
22	Becker	Y	Hamner	Y	McKinley	Y	Stephens	Y
23	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	Y
24	Bradford	Y	Hulinghorst	Y	Murray	Y	Swalm	Y
25	Brown	Y	Jones	Y	Nikkel	E	Swerdfeger	Y
26	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y
27	Conti	Y	Kagan	Y	Pace	Y	Todd	Y
28	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y
29	Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y
30	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
31	Duran	Y	Labuda	Y	Riesberg	Y	Waller	Y
32	Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	Y
33	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	Y
34							Speaker	Y

35  
36 **Third Reading amendment No.**, by Representative Ferrandino.

37  
38 Amend revised bill, page 4, line 19, strike "(XI.5)" and substitute  
39 "(XI.5)".

40  
41 Page 4, line 20, strike "(A)".

42  
43 Page 5, line 24, strike "schools" and substitute "schools".

44  
45 Page 9, line 3, strike "**negative factor reduction cash fund -**".

46  
47 Page 9, line 13, strike "SEPTEMBER 1, 2011," and substitute "THE DATE ON  
48 WHICH THE STATE CONTROLLER PUBLISHES THE COMPREHENSIVE ANNUAL  
49 FINANCIAL REPORT OF THE STATE FOR THE FISCAL YEAR 2010-11,".

50  
51 Page 9, strike lines 22 through 27.

52  
53 Page 10, strike lines 1 and 2 and substitute:

54  
55 "(A) EXCEPT AS OTHERWISE PROVIDED IN SUB-SUBPARAGRAPH (B)  
56 OF THIS SUBPARAGRAPH (XI.5), THE GENERAL FUND SURPLUS SHALL BE

1 TRANSFERRED TO THE STATE EDUCATION FUND CREATED IN SECTION 17 (4)  
2 OF ARTICLE IX OF THE STATE CONSTITUTION.

3  
4 (B) AN AMOUNT EQUAL TO THE ADDITIONAL ESTIMATED REVENUE  
5 SHALL BE TRANSFERRED TO THE STATE PUBLIC SCHOOL FUND CREATED IN  
6 SECTION 22-54-114, C.R.S.; EXCEPT THAT THE TRANSFER PURSUANT TO  
7 THIS SUB-SUBPARAGRAPH (B) SHALL NOT EXCEED SIXTY-SEVEN MILLION  
8 FIVE HUNDRED THOUSAND DOLLARS. FOR PURPOSES OF THIS  
9 SUB-SUBPARAGRAPH (B), "ADDITIONAL ESTIMATED REVENUE" MEANS THE  
10 AMOUNT BY WHICH THE JUNE 2011 ESTIMATE OF GENERAL FUND REVENUE  
11 PREPARED BY THE OFFICE OF STATE PLANNING AND BUDGETING FOR THE  
12 2010-11 FISCAL YEAR EXCEEDS THE MARCH 2011 ESTIMATE OF GENERAL  
13 FUND REVENUE PREPARED BY THE OFFICE OF STATE PLANNING AND  
14 BUDGETING FOR THE 2010-11 FISCAL YEAR."

15  
16 Page 14, line 26, strike "five hundred thousand dollars" and substitute  
17 "three hundred seventy-nine thousand eight hundred eighty-five dollars  
18 (\$22,379,885)."

19  
20 Page 14, line 27, strike "(\$22,500,000)."

21  
22 The amendment was declared **passed** by the following roll call vote:

	YES	62	NO	0	EXCUSED	3	ABSENT	0
25	Acree	Y	Fischer	Y	Liston	E	Scott	Y
26	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y
27	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	E
28	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
29	Becker	Y	Hamner	Y	McKinley	Y	Stephens	Y
30	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	Y
31	Bradford	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
32	Brown	Y	Jones	Y	Nikkel	E	Swerdfeger	Y
33	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y
34	Conti	Y	Kagan	Y	Pace	Y	Todd	Y
35	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y
36	Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y
37	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
38	Duran	Y	Labuda	Y	Riesberg	Y	Waller	Y
39	Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	Y
40	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	Y
41							Speaker	Y

42  
43 As shown by the following roll call vote, a majority of all members  
44 elected to the House voted in the affirmative, and Representative Solano  
45 was given permission to offer a Third Reading amendment:

	YES	62	NO	0	EXCUSED	3	ABSENT	0
48	Acree	Y	Fischer	Y	Liston	E	Scott	Y
49	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y
50	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	E
51	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
52	Becker	Y	Hamner	Y	McKinley	Y	Stephens	Y
53	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	Y
54	Bradford	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
55	Brown	Y	Jones	Y	Nikkel	E	Swerdfeger	Y
56	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y



1	Conti	Y	Kagan	Y	Pace	Y	Todd	Y
2	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y
3	Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y
4	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
5	Duran	Y	Labuda	Y	Riesberg	Y	Waller	Y
6	Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	Y
7	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	Y
8							Speaker	Y

9  
10 **Third Reading amendment No. 2**, by Representative Solano.

11  
12 Amend revised bill, page 10, after line 2 insert:

13  
14 **"SECTION 6.** 22-54-114, Colorado Revised Statutes, is amended  
15 **BY THE ADDITION OF A NEW SUBSECTION** to read:

16  
17 **22-54-114. State public school fund.** (2.7) THE GENERAL  
18 ASSEMBLY INTENDS THAT THE MONEYS TRANSFERRED TO THE STATE  
19 PUBLIC SCHOOL FUND PURSUANT TO SECTION 24-75-201.1 (1) (d) (XI.5),  
20 C.R.S., PURSUANT TO SENATE BILL 11-230, ENACTED IN 2011, BE  
21 AVAILABLE FOR APPROPRIATION DURING THE 2011-12 BUDGET YEAR TO  
22 ACCOUNT FOR MID-YEAR CHANGES IN PUPIL ENROLLMENT AND THE  
23 AT-RISK PUPIL POPULATION AND CHANGES IN ASSESSED VALUATIONS AND  
24 THE SPECIFIC OWNERSHIP TAX FROM THE PRIOR YEAR. "

25  
26 Renumber succeeding sections accordingly.

27  
28 The amendment was declared **passed** by the following roll call vote:

30	YES	62	NO	0	EXCUSED	3	ABSENT	0
31	Acree	Y	Fischer	Y	Liston	E	Scott	Y
32	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y
33	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	E
34	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
35	Becker	Y	Hamner	Y	McKinley	Y	Stephens	Y
36	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	Y
37	Bradford	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
38	Brown	Y	Jones	Y	Nikkel	E	Swerdfeger	Y
39	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y
40	Conti	Y	Kagan	Y	Pace	Y	Todd	Y
41	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y
42	Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y
43	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
44	Duran	Y	Labuda	Y	Riesberg	Y	Waller	Y
45	Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	Y
46	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	Y
47							Speaker	Y

48  
49 The question being, "Shall the bill, as amended, pass?"

50 A roll call vote was taken. As shown by the following recorded vote, a  
51 majority of those elected to the House voted in the affirmative, and the  
52 bill, as amended, was declared **passed**.

54	YES	59	NO	3	EXCUSED	3	ABSENT	0
55	Acree	Y	Fischer	Y	Liston	E	Scott	Y
56	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y

1	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	E
2	Baumgardner	N	Gerou	Y	McCann	Y	Soper	Y
3	Becker	N	Hamner	Y	McKinley	Y	Stephens	Y
4	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	Y
5	Bradford	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
6	Brown	Y	Jones	Y	Nikkel	E	Swerdfeger	Y
7	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y
8	Conti	Y	Kagan	Y	Pace	Y	Todd	Y
9	Coram	Y	Kefalas	Y	Peniston	N	Tyler	Y
10	Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y
11	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
12	Duran	Y	Labuda	Y	Riesberg	Y	Waller	Y
13	Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	Y
14	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	Y
15							Speaker	Y

16 Co-sponsor(s) added: Representative(s) Casso, Conti, Fields, Jones, Kagan,  
17 Labuda, Levy, Summers, Williams A., Wilson.

18

19

20

21 **CONSIDERATION OF CONFERENCE COMMITTEE REPORT(S)**

22

23 **SB11-209** by Senator(s) Hodge, Steadman, Lambert; also  
24 Representative(s) Gerou, Becker, Ferrandino--Concerning  
25 the provision for payment of the expenses of the executive,  
26 legislative, and judicial departments of the state of  
27 Colorado, and of its agencies and institutions, for and  
28 during the fiscal year beginning July 1, 2011, except as  
29 otherwise noted.

30

31 (Conference Committee Report printed in House Journal April 21,  
32 pages 1043-1056.)

33

34 On motion of Representative Gerou, the Conference Committee Report  
35 was **adopted** by the following roll call vote:

36

37	YES	62	NO	0	EXCUSED	3	ABSENT	0
38	Acree	Y	Fischer	Y	Liston	E	Scott	Y
39	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y
40	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	E
41	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
42	Becker	Y	Hamner	Y	McKinley	Y	Stephens	Y
43	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	Y
44	Bradford	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
45	Brown	Y	Jones	Y	Nikkel	E	Swerdfeger	Y
46	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y
47	Conti	Y	Kagan	Y	Pace	Y	Todd	Y
48	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y
49	Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y
50	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
51	Duran	Y	Labuda	Y	Riesberg	Y	Waller	Y
52	Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	Y
53	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	Y
54							Speaker	Y

55

56

1 The question being "Shall the bill, as amended, pass?".  
 2 A roll call vote was taken. As shown by the following recorded vote, a  
 3 majority of those elected to the House voted in the affirmative and the  
 4 bill, as amended, was declared **repassed**.

	YES	56	NO	6	EXCUSED	3	ABSENT	0
7	Acree	Y	Fischer	N	Liston	E	Scott	Y
8	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y
9	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	E
10	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
11	Becker	Y	Hamner	Y	McKinley	Y	Stephens	Y
12	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	Y
13	Bradford	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
14	Brown	Y	Jones	N	Nikkel	E	Swerdfeger	Y
15	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y
16	Conti	Y	Kagan	N	Pace	Y	Todd	Y
17	Coram	Y	Kefalas	Y	Peniston	N	Tyler	Y
18	Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y
19	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
20	Duran	N	Labuda	Y	Riesberg	Y	Waller	Y
21	Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	Y
22	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	N
23							Speaker	Y

24 Co-sponsor(s) added: Representative(s) Acree, Kerr J.

25  
 26 **SB11-226** by Senator(s) Hodge, Steadman, Lambert; also  
 27 Representative(s) Gerou, Becker, Ferrandino--Concerning  
 28 the augmentation of the general fund through transfers of  
 29 certain moneys, and making an appropriation in  
 30 connection therewith.

31  
 32 (Conference Committee Report printed in House Journal April 21,  
 33 pages 1068-1069.)

34  
 35 On motion of Representative Gerou, the Conference Committee Report  
 36 was **adopted** by the following roll call vote:

	YES	59	NO	3	EXCUSED	3	ABSENT	0
39	Acree	Y	Fischer	Y	Liston	E	Scott	Y
40	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y
41	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	E
42	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
43	Becker	Y	Hamner	Y	McKinley	Y	Stephens	Y
44	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	Y
45	Bradford	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
46	Brown	Y	Jones	N	Nikkel	E	Swerdfeger	Y
47	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y
48	Conti	Y	Kagan	Y	Pace	N	Todd	Y
49	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y
50	Court	Y	Kerr A.	N	Priola	Y	Vaad	Y
51	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
52	Duran	Y	Labuda	Y	Riesberg	Y	Waller	Y
53	Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	Y
54	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	Y
55							Speaker	Y

56

1 The question being "Shall the bill, as amended, pass?".  
 2 A roll call vote was taken. As shown by the following recorded vote, a  
 3 majority of those elected to the House voted in the affirmative and the  
 4 bill, as amended, was declared **repassed**.

	YES	48	NO	14	EXCUSED	3	ABSENT	0
7	Acree	N	Fischer	Y	Liston	E	Scott	Y
8	Balmer	N	Gardner B.	Y	Looper	Y	Solano	Y
9	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	E
10	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
11	Becker	Y	Hamner	Y	McKinley	Y	Stephens	Y
12	Beezley	N	Holbert	N	Miklosi	Y	Summers	Y
13	Bradford	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
14	Brown	N	Jones	N	Nikkel	E	Swerdfeger	Y
15	Casso	N	Joshi	Y	Pabon	Y	Szabo	Y
16	Conti	Y	Kagan	Y	Pace	N	Todd	N
17	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y
18	Court	N	Kerr A.	N	Priola	Y	Vaad	Y
19	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	N
20	Duran	N	Labuda	Y	Riesberg	Y	Waller	Y
21	Ferrandino	Y	Lee	Y	Ryden	N	Williams A.	Y
22	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	Y
23							Speaker	Y

24  
25  
26  
27  
28

29 On motion of Representative Summers, the House resolved itself into  
 30 Committee of the Whole for consideration of General Orders, and he was  
 31 called to the Chair to act as Chairman.

32  
33  
34

### 35 **GENERAL ORDERS--SECOND READING OF BILLS**

36

37 The Committee of the Whole having risen, the Chairman reported the  
 38 titles of the following bills had been read (reading at length had been  
 39 dispensed with by unanimous consent), the bills considered and action  
 40 taken thereon as follows:

41

42 (Amendments to the committee amendment are to the printed committee  
 43 report which was printed and placed in the members' bill file.)

44

45 **SB11-179** by Senator(s) Carroll; also Representative(s) Miklosi and  
 46 Kerr J.--Concerning alternative identification that an  
 47 employee engaged in work at an off-site premises may  
 48 provide for purposes of ensuring work site security.

49

50 Ordered revised and placed on the Calendar for Third Reading and Final  
 51 Passage.

52  
53  
54  
55

1 **HB11-1297** by Representative(s) Murray; also Senator(s) Cadman--  
2 Concerning the statewide internet portal authority.  
3

4 Amendment No. 1, Transportation, dated April 20, 2011 and placed in  
5 member's bill file; Report also printed in House Journal, April 21,  
6 page 1068.  
7

8 As amended, ordered engrossed and placed on the Calendar for Third  
9 Reading and Final Passage.  
10

11 **SB11-169** by Senator(s) Boyd; also Representative(s) Summers--  
12 Concerning the regulation of people working within a  
13 physical therapist's scope of practice, and making an  
14 appropriation therefor.  
15

16 Ordered revised and placed on the Calendar for Third Reading and Final  
17 Passage.  
18

---

20  
21 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**  
22

23 Passed Second Reading: **SB11-179, HB11-1297 amended, SB11-169.**  
24

25 The Chairman moved the adoption of the Committee of the Whole  
26 Report. As shown by the following roll call vote, a majority of those  
27 elected to the House voted in the affirmative, and the Report was  
28 **adopted.**  
29

	YES	62	NO	0	EXCUSED	3	ABSENT	0
31	Acree	Y	Fischer	Y	Liston	E	Scott	Y
32	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y
33	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	E
34	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
35	Becker	Y	Hamner	Y	McKinley	Y	Stephens	Y
36	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	Y
37	Bradford	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
38	Brown	Y	Jones	Y	Nikkel	E	Swerdfeger	Y
39	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y
40	Conti	Y	Kagan	Y	Pace	Y	Todd	Y
41	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y
42	Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y
43	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
44	Duran	Y	Labuda	Y	Riesberg	Y	Waller	Y
45	Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	Y
46	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	Y
47							Speaker	Y

1           **REPORT(S) OF COMMITTEE(S) OF REFERENCE**

2  
3           **JUDICIARY**

4 After consideration on the merits, the Committee recommends the  
5 following:

6  
7           **HB11-1292** be postponed indefinitely.  
8  
9

10  
11  
12           **STATE, VETERANS, & MILITARY AFFAIRS**

13 After consideration on the merits, the Committee recommends the  
14 following:

15  
16           **SB11-189** be amended as follows, and as so amended, be referred to  
17 the Committee of the Whole with favorable  
18 recommendation:  
19

20 Amend reengrossed bill, page 2, line 9, strike "(a)," and substitute "(a)  
21 (I),".

22  
23 Page 2, line 11, strike "(H)" and substitute "(I)".  
24

25 Page 2, strikes lines 16 and 17 and substitute "committee of each political  
26 party. Except as otherwise provided by subparagraph (III) of this  
27 paragraph (a), the precinct caucuses shall be".  
28

29 Page 2, strike lines 20 through 22.  
30

31 Page 3, strike lines 1 through 3.  
32

33 Page 5, strike lines 2 through 5 and substitute "~~third Tuesday in March.~~  
34 If a political party holds its precinct caucuses on the first Tuesday in  
35 February in a year in which a presidential election will be held, the county  
36 assemblies of the political party shall be held not less than fifteen days  
37 nor more than ~~forty~~ FIFTY days after the precinct caucuses."  
38

39 Page 9, strike lines 18 and 19 and substitute "TWENTY-ONE DAYS after a  
40 primary election and within ~~twenty-four days~~ THIRTY-ONE DAYS after any  
41 other".  
42

43 Page 10, strike lines 14 and 15 and substitute "thirtieth day after the  
44 PRIMARY election AND NO LATER THAN THE THIRTY-SEVENTH DAY AFTER  
45 ANY OTHER ELECTION."  
46

47 Page 10, after line 15 insert:  
48

49           **"SECTION 19. Effective date.** (1) Except as otherwise  
50 provided in subsection (2) of this section, this act shall take effect upon  
51 passage.  
52

53           (2) Section 16 of this act shall not take effect if House Bill  
54 11-1219 is enacted and becomes law."  
55

56 Renumber succeeding section accordingly.

1 **TRANSPORTATION**

2 After consideration on the merits, the Committee recommends the  
3 following:

4  
5 **HB11-1264** be amended as follows, and as so amended, be referred to  
6 the Committee of the Whole with favorable  
7 recommendation:

8  
9 Amend printed bill, strike everything below the enacting clause and  
10 substitute:

11  
12 **"SECTION 1.** 10-4-601 (6), Colorado Revised Statutes, is  
13 amended to read:

14  
15 **10-4-601. Definitions.** As used in this part 6, unless the context  
16 otherwise requires:

17  
18 (6) "Motor vehicle" means a "motor vehicle" and a "low-power  
19 scooter", as both terms are defined in section 42-1-102, C.R.S.; except  
20 that "motor vehicle" does not include a toy vehicle, snowmobile,  
21 ~~off-highway vehicle~~, or vehicle designed primarily for use on rails.  
22 "MOTOR VEHICLE" INCLUDES AN OFF-HIGHWAY VEHICLE ONLY IF IT IS  
23 REGISTERED UNDER ARTICLE 3 OF TITLE 42, C.R.S., AND THE DRIVER IS  
24 REQUIRED TO BE LICENSED UNDER SECTION 42-2-103, C.R.S., TO OPERATE  
25 THE VEHICLE.

26  
27 **SECTION 2.** Article 14.5 of title 33, Colorado Revised Statutes,  
28 is amended BY THE ADDITION OF A NEW SECTION to read:

29  
30 **33-14.5-100.2. Legislative intent.** THE GENERAL ASSEMBLY  
31 HEREBY DETERMINES THAT REGISTRATION OF OFF-HIGHWAY VEHICLES  
32 UNDER THIS ARTICLE IS NOT A REGISTRATION FEE OR OTHER CHARGE WITH  
33 RESPECT TO THE OPERATION OF A MOTOR VEHICLE UPON A PUBLIC  
34 HIGHWAY.

35  
36 **SECTION 3.** 33-14.5-101 (3), Colorado Revised Statutes, is  
37 amended to read:

38  
39 **33-14.5-101. Definitions.** As used in this article, unless the  
40 context otherwise requires:

41  
42 (3) "Off-highway vehicle" means ~~any~~ A self-propelled vehicle  
43 ~~which~~ THAT is designed to travel on wheels or tracks in contact with the  
44 ground, ~~which~~ THAT is designed primarily for use off of the public  
45 highways, and ~~which~~ THAT is generally and commonly used ~~to transport~~  
46 ~~persons~~ for recreational purposes. "Off-highway vehicle" does not  
47 include: ~~the following~~:

48  
49 (a) Vehicles designed and used primarily for travel on, over, or in  
50 the water;

51  
52 (b) Snowmobiles;

53  
54 (c) Military vehicles;

55  
56 (d) Golf ~~carts~~ CARS;

1 (e) Vehicles designed and used to carry disabled persons;

2  
3 (f) Vehicles designed and used specifically for agricultural,  
4 logging, or mining purposes; or

5  
6 (g) MOTOR vehicles registered pursuant to article 3 of title 42,  
7 C.R.S.

8  
9 **SECTION 4.** 33-14.5-102 (1) (b), Colorado Revised Statutes, is  
10 amended to read:

11  
12 **33-14.5-102. Off-highway vehicle registration -**  
13 **nonresident-owned or -operated off-highway vehicle permits - fees -**  
14 **applications - requirements - exemptions.** (1) (b) The division shall  
15 employ off-highway vehicle agents, including dealers and licensing  
16 agents serving as such for the division of wildlife, for off-highway  
17 vehicle registration pursuant to the provisions of section 33-12-104.  
18 Upon receiving a registration application, an agent shall collect the fee  
19 specified pursuant to section 33-10-111 (5) and issue a temporary  
20 registration and shall forward the application to the division, which shall  
21 issue the registration. An agent may retain a commission of not in excess  
22 of one dollar, as authorized by the division, for each registration issued.  
23 Any ~~off-highway~~ dealer is authorized to issue a temporary registration  
24 when a person purchases an off-highway vehicle from such dealer.

25  
26 **SECTION 5.** The introductory portion to 33-14.5-108 (1),  
27 Colorado Revised Statutes, is amended to read:

28  
29 **33-14.5-108. Off-highway vehicle operation prohibited on**  
30 **streets, roads, and highways.** (1) ~~NO~~ AN off-highway vehicle THAT IS  
31 NOT REGISTERED UNDER ARTICLE 3 OF TITLE 42, C.R.S., may NOT be  
32 operated on the public streets, roads, or highways of this state except in  
33 the following cases:

34  
35 **SECTION 6.** 38-20-106.5, Colorado Revised Statutes, is  
36 amended to read:

37  
38 **38-20-106.5. Motor vehicle repair garages - restoration of**  
39 **liens.** (1) (a) A motor OR POWERSPORTS vehicle repair garage ~~which~~  
40 THAT is entitled to a lien under section 38-20-106 for ~~motor vehicle~~  
41 repairs and ~~which~~ THAT has released the motor vehicle upon receipt of  
42 payment for ~~such~~ THE repairs in the form of a check, draft, or order for  
43 the payment of money upon ~~any bank, depository, person, firm, or~~  
44 ~~corporation shall be~~ A FINANCIAL INSTITUTION IS entitled to the restoration  
45 of the lien if:

46  
47 (I) The check, draft, or order is not honored for full payment or is  
48 dishonored upon its presentment; and if

49  
50 (II) The maker, issuer, or drawer fails, within twelve days after  
51 receiving notice from the motor OR POWERSPORTS vehicle repair garage  
52 of nonpayment or dishonor, to pay the check, draft, or order.

53  
54 (b) ~~In the event such~~ IF THE motor OR POWERSPORTS vehicle repair  
55 garage has released ~~the~~ A motor OR POWERSPORTS vehicle upon an open  
56 account, the ~~motor vehicle repair garage shall be~~ IS entitled to restoration



1 of the lien if:

2

3 (I) The total amount ~~as agreed upon by the parties~~ is not paid  
4 when due as agreed upon by the parties; and if

5

6 (II) The debtor fails, within twelve days after receiving notice  
7 from the motor vehicle repair garage of nonpayment, to pay the amount  
8 due.

9

10 (c) Restoration of ~~such~~ THE lien ~~shall entitle~~ ENTITLES the motor  
11 OR POWERSPORTS vehicle repair garage to regain possession of the motor  
12 OR POWERSPORTS vehicle. In regaining possession, the ~~motor vehicle~~  
13 ~~repair~~ garage may proceed without judicial process if this can be done  
14 without breach of the peace or may proceed by action.

15

16 (2) "Notice", as used in subsection (1) of this section, means  
17 notice given to the person entitled thereto, either in person or in writing.  
18 ~~Such~~ THE notice in writing ~~shall be conclusively presumed to have been~~  
19 IS given when deposited by registered or certified mail, return receipt  
20 requested and postage prepaid, in the United States mail and addressed to  
21 ~~such~~ THE person at ~~his~~ THE PERSON'S address as it appears on the invoice  
22 or ~~such~~ check, draft, or order or, in the case of an open account, as it  
23 appears on the account records of the motor OR POWERSPORTS vehicle  
24 repair garage. ~~Any~~ THE GARAGE SHALL NOT GIVE notice regarding an  
25 open account ~~may only be given subsequent to~~ BEFORE nonpayment.

26

27 **SECTION 7.** 39-26-113 (1), (6) (a), and (6) (b), Colorado  
28 Revised Statutes, are amended, and the said 39-26-113 is further amended  
29 BY THE ADDITION OF A NEW SUBSECTION, to read:

30

31 **39-26-113. Collection of sales tax - motor vehicles - exemption.**

32 (1) ~~No registration shall be made of~~ THE DEPARTMENT OF REVENUE OR  
33 ITS AUTHORIZED AGENT SHALL NOT REGISTER a motor or other vehicle for  
34 which registration is required ~~and no~~ OR ISSUE A certificate of title ~~shall~~  
35 ~~be issued for such~~ A vehicle, POWERSPORTS VEHICLE, or ~~for a~~ mobile  
36 home ~~by the department of revenue or its authorized agent~~ until any tax  
37 due on the sale and purchase of ~~such~~ THE vehicle ~~pursuant to~~ UNDER  
38 section 29-2-106, C.R.S., or section 39-26-106 or imposed by ordinance  
39 of any home rule city has been paid.

40

41 (6) (a) ~~In the case of~~ a seller-financed sale in which the seller has  
42 added the sales tax due on the sale to the financed sales price of the motor  
43 OR POWERSPORTS vehicle and the purchaser has defaulted or ~~otherwise~~  
44 failed to make payments due to the seller, the seller ~~shall be entitled to~~  
45 MAY deduct all portions of the unreceived payments that are attributable  
46 to the sales tax due on the sale from the next sales tax return made by the  
47 seller ~~pursuant to~~ UNDER this article. If the amount to be deducted  
48 ~~pursuant to this subsection (6)~~ exceeds the amount of sales tax to be  
49 remitted by the seller for the next reporting period, the seller may carry  
50 forward the remaining amount of the deduction to future sales tax returns.  
51 ~~In no event shall~~ This subsection (6) ~~be construed to~~ DOES NOT create a  
52 right to a refund or any other payment by the department of revenue to the  
53 seller.

54

55 (b) For purposes of this subsection (6), "seller-financed sale"  
56 means a retail sale of a motor OR POWERSPORTS vehicle by a seller

1 licensed pursuant to ~~part 1~~ of UNDER article 6 of title 12, C.R.S., in which  
2 the seller, or a wholly-owned affiliate or subsidiary of the seller, collects  
3 all or part of the total consideration paid for the ~~motor~~ vehicle in periodic  
4 payments and retains a lien on the ~~motor~~ vehicle until all payments have  
5 been received. Except as otherwise provided in this paragraph (b), the  
6 term does not include a retail sale of a ~~motor~~ vehicle in which a person  
7 other than the seller provides the consideration for the sale and retains a  
8 lien on the ~~motor~~ vehicle until all payments have been made.

9  
10 (7) SUBSECTIONS (1) AND (2) OF THIS SECTION DO NOT APPLY TO  
11 POWERSPORTS VEHICLES SOLD OR TRANSFERRED BEFORE APRIL 12, 2012.

12  
13 **SECTION 8.** 42-1-102 (55), (58), and (112), Colorado Revised  
14 Statutes, are amended to read:

15  
16 **42-1-102. Definitions.** As used in articles 1 to 4 of this title,  
17 unless the context otherwise requires:

18  
19 (55) "Motorcycle" means a motor vehicle ~~that uses handlebars to~~  
20 ~~steer and~~ that is designed to travel on not more than three wheels in  
21 contact with the ground; except that ~~the term~~ "MOTORCYCLE" does not  
22 include A LOW-SPEED ELECTRIC VEHICLE, a farm tractor, or A low-power  
23 scooter.

24  
25 (58) "Motor vehicle" means any self-propelled vehicle that is  
26 designed primarily for travel on the public highways and that is generally  
27 and commonly used to transport persons and property over the public  
28 highways or a low-speed electric vehicle; except that the term does not  
29 include low-power scooters, wheelchairs, or vehicles moved solely by  
30 human power. For the purposes of the offenses described in sections  
31 42-2-128, 42-4-1301, 42-4-1301.1, and 42-4-1401 for farm tractors ~~and~~  
32 ~~off-highway vehicles, as defined in section 33-14.5-101 (3), C.R.S.,~~  
33 operated on streets and highways, "motor vehicle" includes a farm tractor  
34 ~~or an off-highway vehicle~~ that is not otherwise classified as a motor  
35 vehicle. For the purposes of sections 42-2-127, 42-2-127.7, 42-2-128,  
36 42-2-138, 42-2-206, 42-4-1301, and 42-4-1301.1, "motor vehicle"  
37 includes a low-power scooter AND AN OFF-HIGHWAY VEHICLE REGISTERED  
38 UNDER ARTICLE 3 OF THIS TITLE.

39  
40 (112) "Vehicle" means a device that is capable of moving itself,  
41 or of being moved, from place to place upon wheels or endless tracks.  
42 "Vehicle" includes, without limitation, a bicycle, electrical assisted  
43 bicycle, or EPAMD, but does not include a wheelchair, ~~off-highway~~  
44 ~~vehicle~~, snowmobile, farm tractor, or implement of husbandry designed  
45 primarily or exclusively for use and used in agricultural operations or any  
46 device moved exclusively over stationary rails or tracks or designed to  
47 move primarily through the air.

48  
49 **SECTION 9.** 42-1-210 (1) (a), Colorado Revised Statutes, is  
50 amended to read:

51  
52 **42-1-210. County clerk and recorders and manager of revenue**  
53 **or other appointed official as agents - legislative declaration - fee.**  
54 (1) (a) (I) The county clerk and recorder in each county in the state of  
55 Colorado, the clerk and recorder in the city and county of Broomfield,  
56 and, in the city and county of Denver, the manager of revenue or such

1 other official of the city and county of Denver as may be appointed by the  
 2 mayor to perform functions related to the registration of motor vehicles  
 3 are hereby designated as the authorized agents of the department for the  
 4 administration of the provisions of articles 3 and 6 of this title relating to  
 5 registrations of motor vehicles in such counties; and EACH COUNTY; for  
 6 the enforcement of the provisions of section 42-6-139 relating to  
 7 CONCERNING the registering and titling of motor vehicles in such counties  
 8 EACH COUNTY; and for the enforcement of the provisions of section  
 9 38-29-120, C.R.S., relating to CONCERNING the titling of manufactured  
 10 homes; but any such authorized agent in a county has the power to MAY  
 11 appoint and employ such motor vehicle registration and license clerks as  
 12 are actually necessary in the issuance of motor TO ISSUE vehicle licenses.  
 13 and

14 (II) THE AUTHORIZED AGENT shall retain for the purpose of  
 15 defraying such expenses, including mailing, a sum equal to A FEE OF four  
 16 dollars per paid motor vehicle OR OFF-HIGHWAY VEHICLE registration and  
 17 registration requiring a metallic plate, plates, individual temporary  
 18 registration number plates, or validation tab or sticker as provided in  
 19 section 42-3-201. This fee of four dollars shall apply APPLIES to every  
 20 registration of a motor OR POWERSPORTS vehicle, that is designed  
 21 primarily to be operated or drawn on any highway of this state, except  
 22 such vehicles as are specifically exempted from payment of any  
 23 registration fee by the provisions of article 3 of this title, and shall be in  
 24 addition to the annual registration fee prescribed by law for such THE  
 25 vehicle. The fee of four dollars, when collected by the department, shall  
 26 be credited to the same fund as registration fees collected by the  
 27 department.  
 28

29 (III) The county clerk and recorders, the clerk and recorder in the  
 30 city and county of Broomfield, and the manager of revenue or such other  
 31 official of the city and county of Denver as may be appointed by the  
 32 mayor to perform functions related to the registration of motor OR  
 33 POWERSPORTS vehicles in the city and county of Denver so designated as  
 34 the authorized agents of the department, as provided in this section, shall  
 35 serve as such authorized agents under the provisions of this part 2 without  
 36 additional remuneration or fees, except as otherwise provided in articles  
 37 1 to 6 of this title.  
 38

39 **SECTION 10.** 42-2-103 (1) (c), (2), and (3), Colorado Revised  
 40 Statutes, are amended to read:  
 41

42 **42-2-103. Motorcycles - low-power scooters - off-highway**  
 43 **vehicles - driver's license required.** (1) (c) A person shall not operate  
 44 a two-wheel motorcycle OR A TWO-WHEEL OFF-HIGHWAY VEHICLE  
 45 REGISTERED UNDER ARTICLE 3 OF THIS TITLE on a roadway without a  
 46 general motorcycle endorsement, but a person who possesses a general  
 47 motorcycle endorsement may operate any motorcycle on the roadway.  
 48

49 (2) (a) (I) ~~An operator~~ A DRIVER of a low-power scooter shall  
 50 possess a valid driver's license or minor driver's license.  
 51

52 (II) THE DRIVER OF AN OFF-HIGHWAY VEHICLE ON A HIGHWAY  
 53 SHALL POSSESS A VALID DRIVER'S LICENSE OR MINOR DRIVER'S LICENSE  
 54 UNLESS THE OFF-HIGHWAY VEHICLE IS BEING OPERATED ON A HIGHWAY AS  
 55 AUTHORIZED BY SECTION 33-14.5-108 (1), C.R.S.  
 56

1 (b) ~~No~~ A PERSON SHALL NOT DRIVE A low-power scooter ~~shall be~~  
 2 ~~operated on any~~ ON THE interstate system as described in section 43-2-101  
 3 (2), C.R.S., except where a bicycle may be operated on ~~such~~ THE  
 4 interstate system. A PERSON SHALL NOT DRIVE A LOW-POWER SCOOTER on  
 5 any limited-access road of the state highway system as described in  
 6 section 43-2-101 (1), C.R.S., or on ~~any~~ A sidewalk unless ~~such~~ operation  
 7 is specifically designated. Low-power scooters may be operated upon  
 8 roadways, except as provided in this section, and in bicycle lanes included  
 9 within ~~such~~ roadways.

10  
 11 (3) (a) A person who operates a motorcycle in violation of  
 12 subsection (1) of this section commits the offense of driving a motor  
 13 vehicle without the correct class of license in violation of section  
 14 42-2-101 (4) and shall be punished as provided in ~~section~~ SECTIONS  
 15 42-2-101 (10) AND 42-4-1701.

16  
 17 (b) A PERSON WHO VIOLATES SUBSECTION (2) OF THIS SECTION  
 18 COMMITS A CLASS B TRAFFIC INFRACTION, AND SHALL BE PUNISHED BY A  
 19 FINE OF FIFTY DOLLARS AS PROVIDED IN SECTION 42-4-1701 (4).

20  
 21 **SECTION 11.** 42-3-103, Colorado Revised Statutes, is amended  
 22 BY THE ADDITION OF A NEW SUBSECTION to read:

23  
 24 **42-3-103. Registration required - exemptions - rules.**

25 (6) (a) EXCEPT AS AUTHORIZED BY SECTION 33-14.5-108, C.R.S., THE  
 26 OWNER OF AN OFF-HIGHWAY VEHICLE SHALL NOT OPERATE THE  
 27 OFF-HIGHWAY VEHICLE ON THE ROADWAYS UNLESS THE OWNER REGISTERS  
 28 THE OFF-HIGHWAY VEHICLE WITH THE DEPARTMENT. THE REGISTRATION  
 29 EXPIRES WHEN OWNERSHIP OF THE OFF-HIGHWAY VEHICLE IS  
 30 TRANSFERRED TO ANOTHER PERSON.

31  
 32 (b) THE DEPARTMENT SHALL PROMULGATE RULES AUTHORIZING  
 33 POWERSPORTS VEHICLE DEALERS LICENSED UNDER ARTICLE 6 OF TITLE 12,  
 34 C.R.S., TO BE AGENTS OF THE DEPARTMENT FOR ISSUING TEMPORARY  
 35 REGISTRATIONS FOR OFF-HIGHWAY VEHICLES.

36  
 37 (c) A VIOLATION OF THIS SUBSECTION (6) IS A CLASS B TRAFFIC  
 38 INFRACTION.

39  
 40 **SECTION 12.** 42-3-105 (1) (d), (2), and (4), Colorado Revised  
 41 Statutes, are amended to read:

42  
 43 **42-3-105. Application for registration - tax.** (1) (d) (I) The  
 44 department ~~or its authorized agents~~ shall not register a motor vehicle, ~~or~~  
 45 low-power scooter, OR OFF-HIGHWAY VEHICLE unless the applicant has a  
 46 complying motor vehicle insurance policy pursuant to part 6 of article 4  
 47 of title 10, C.R.S., or a certificate of self-insurance in full force and effect  
 48 as required by sections 10-4-619 and 10-4-624, C.R.S. The requirements  
 49 of this paragraph (d) apply only to motor vehicles classified as Class C  
 50 personal property under section 42-3-106 (2) (c), to light trucks that do  
 51 not exceed sixteen thousand pounds empty weight, to sports utility  
 52 vehicles that are classified as Class B personal property under section  
 53 42-3-106 (2) (b), ~~or~~ to low-power scooters, OR TO OFF-HIGHWAY  
 54 VEHICLES. The applicant shall provide the department ~~or its authorized~~  
 55 ~~agents~~ with the proof of insurance certificate or insurance identification  
 56 card provided to the applicant by the applicant's insurer pursuant to

1 section 10-4-604.5, C.R.S., or provide proof of insurance in such other  
2 media as is authorized by the department. Nothing in this paragraph (d)  
3 ~~shall be interpreted to preclude~~ PRECLUDES the department from  
4 electronically transmitting insurance information to designated agents  
5 pursuant to section 42-7-604 for the purpose of ensuring compliance with  
6 mandatory insurance requirements.

7  
8 (II) ~~Any~~ A person who knowingly provides fraudulent information  
9 or documents under subparagraph (I) of this paragraph (d) to obtain  
10 registration of a motor vehicle, ~~or~~ low-power scooter, OR OFF-HIGHWAY  
11 VEHICLE is guilty of a misdemeanor and is subject to the criminal and  
12 civil penalties provided under section 42-6-139 (3) and (4).

13  
14 (2) Upon applying for registration, THE DEPARTMENT SHALL  
15 SUPPLY the owner of a motor vehicle, ~~or~~ low-power scooter, ~~shall receive~~  
16 OR OFF-HIGHWAY VEHICLE WITH a written notice printed on the  
17 application for registration in type that is larger than the other information  
18 contained on the application for registration ~~Such notice shall state~~ that  
19 motor vehicle insurance or operator's coverage is compulsory in  
20 Colorado, that noncompliance is a CLASS 1 misdemeanor traffic offense,  
21 that the minimum penalty for ~~such~~ AN offense is a five-hundred-dollar  
22 fine, and that the maximum penalty for ~~such~~ AN offense is one year's  
23 imprisonment and a one-thousand-dollar fine. ~~and that such~~ THE owner  
24 shall, ~~be required~~ as a condition of obtaining a registration card, to sign  
25 an affirmation clause that appears on the registration ~~The clause shall~~  
26 ~~state~~ STATING, "I swear or affirm in accordance with section 24-12-102,  
27 C.R.S., under penalty of perjury that I now have in effect a complying  
28 policy of motor vehicle insurance including an operator's policy pursuant  
29 to part 6 of article 4 of title 10, C.R.S., or a certificate of self-insurance  
30 to cover the vehicle or operator of the vehicle for which this registration  
31 is issued, and I understand that ~~such~~ MY insurance must be renewed so  
32 that coverage is continuous.

33  
34 Signature \_\_\_\_\_, Date \_\_\_\_\_."

35  
36 (4) (a) A motor vehicle dealer, ~~or~~ used motor vehicle dealer, OR  
37 POWERSPORTS VEHICLE DEALER licensed under article 6 of ~~this~~ title 12,  
38 C.R.S., may act as an authorized agent of the department for the purposes  
39 of compliance with this section and collection of fees required for the  
40 registration of low-power scooters required by this article. When the  
41 owner of the low-power scooter complies with this section, the dealer  
42 shall forward to the department an affidavit swearing that the owner has  
43 insurance, the statement required by subsection (2) of this section, and the  
44 fees required by part 3 of this article for the registration of a low-power  
45 scooter.

46  
47 (b) Notwithstanding any provision of law to the contrary, in a civil  
48 action for damages or indemnification resulting from the operation of a  
49 motor vehicle, a motor vehicle dealer, used motor vehicle dealer,  
50 POWERSPORTS VEHICLE DEALER, or employee thereof ~~shall not be~~ IS NOT  
51 liable for an act or omission arising as a result of the dealer or employee  
52 performing the functions of an agent pursuant to this subsection (4).

53  
54 (c) Upon finding a pattern of failure to comply with the  
55 requirements of paragraph (a) of this subsection (4), the department may  
56 withdraw a motor vehicle dealer's, ~~or~~ used motor vehicle dealer's, OR

1 POWERSPORTS DEALER'S authorization to act as an agent of the  
2 department.

3

4 **SECTION 13.** 42-3-201, Colorado Revised Statutes, is amended  
5 BY THE ADDITION OF A NEW SUBSECTION to read:

6

7 **42-3-201. Number plates furnished - style - periodic reissuance**  
8 **- tabs - rules.** (7) (a) UPON REGISTRATION OF AN OFF-HIGHWAY VEHICLE,  
9 THE DEPARTMENT SHALL ISSUE A LICENSE PLATE FOR THE OFF-HIGHWAY  
10 VEHICLE.

11

12 (b) THE OWNER OF AN OFF-HIGHWAY VEHICLE NEED NOT  
13 REREGISTER THE OFF-HIGHWAY VEHICLE SO LONG AS THE OFF-HIGHWAY  
14 VEHICLE IS NOT SOLD OR TRANSFERRED TO ANOTHER OWNER. THE OWNER  
15 OF AN OFF-HIGHWAY VEHICLE NEED NOT OBTAIN VALIDATING STICKERS OR  
16 TABS.

17

18 **SECTION 14.** 42-3-202 (1) (a), Colorado Revised Statutes, is  
19 amended to read:

20

21 **42-3-202. Number plates to be attached.** (1) (a) ~~Number plates~~  
22 ~~assigned to~~ THE OWNER OF a self-propelled vehicle other than a  
23 motorcycle, OFF-HIGHWAY VEHICLE, or street rod vehicle, shall ~~be~~  
24 ~~attached thereto~~ ATTACH THE NUMBER PLATES ASSIGNED TO THE VEHICLE,  
25 one in the front and the other in the rear. ~~The number plate assigned to~~  
26 THE OWNER OF a motorcycle, street rod vehicle, trailer, semitrailer, other  
27 vehicle drawn by a motor vehicle, OFF-HIGHWAY VEHICLE, or special  
28 mobile machinery shall ~~be attached~~ ATTACH THE NUMBER PLATE  
29 ASSIGNED to the rear ~~thereof~~ OF THE VEHICLE. Number plates shall MUST  
30 be so displayed during the current registration year, except as otherwise  
31 provided in this article.

32

33 **SECTION 15.** 42-3-301 (1) (a), Colorado Revised Statutes, is  
34 amended to read:

35

36 **42-3-301. License plate cash fund - license plate fees.** (1) (a) In  
37 addition to the payment of any fees for motor vehicle registration or for  
38 the issuance of license plates, decals, or validating tabs, each owner of a  
39 motor vehicle OR OFF-HIGHWAY VEHICLE issued a license plate, decal, or  
40 validating tab for a motor vehicle pursuant to UNDER this article shall also  
41 pay a fee to cover the direct costs of such plates, decals, or tabs. ~~The~~  
42 ~~amount of the fee imposed pursuant to this section shall be as specified~~  
43 ~~in paragraph (b) of subsection (2) of this section.~~

44

45 **SECTION 16.** The introductory portion to 42-3-304 (18) (d) (I),  
46 Colorado Revised Statutes, is amended to read:

47

48 **42-3-304. Registration fees - passenger and passenger-mile**  
49 **taxes - clean screen fund - repeal.** (18) (d) (I) In addition to any other  
50 fee imposed by this section, the owner shall pay, at the time of  
51 registration of a motor vehicle, or low-power scooter, OR AN  
52 OFF-HIGHWAY VEHICLE, a motorist insurance identification fee. The  
53 DEPARTMENT SHALL ADJUST THE fee ~~shall be adjusted~~ annually, by the  
54 ~~department~~, based upon moneys appropriated by the general assembly for  
55 the operation of the motorist insurance identification database program.  
56 ~~In no event~~ THE DEPARTMENT shall NOT SET the fee TO exceed fifty cents.

1 ~~The fee shall be transmitted~~ DEPARTMENT SHALL TRANSMIT THE FEE to the  
2 state treasurer, who shall credit it to a special account within the highway  
3 users tax fund, to be known as the motorist insurance identification  
4 account, which is hereby created. THE DEPARTMENT SHALL USE moneys  
5 in the motorist insurance identification account, ~~shall be used~~, subject to  
6 appropriation by the general assembly, to cover the costs of  
7 administration and enforcement of the motorist insurance identification  
8 database program, created in section 42-7-604 and, for state fiscal years  
9 ~~2010-11~~ and YEAR 2011-12, for expenses incurred in connection with the  
10 administration of article 2 of this title by the division of motor vehicles  
11 within the department; except that:

12  
13 **SECTION 17.** Part 3 of article 3 of title 42, Colorado Revised  
14 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
15 read:

16  
17 **42-3-313. Off-highway registration fee.** (1) THE DEPARTMENT  
18 SHALL NOT REGISTER AN OFF-HIGHWAY VEHICLE UNLESS THE OWNER PAYS  
19 A TEN-DOLLAR FEE.

20  
21 (2) THE GENERAL ASSEMBLY SHALL APPROPRIATE MONEYS FROM  
22 THE HIGHWAY USERS TAX FUND FOR THE ADMINISTRATION OF THIS  
23 SECTION, AND THE DEPARTMENT OF TRANSPORTATION SHALL ALLOCATE  
24 THE FEES CREDITED TO THE FUND UNDER SUBSECTION (1) OF THIS SECTION  
25 IN EXCESS OF THE AMOUNT OF THE APPROPRIATIONS AS SPECIFIED IN  
26 SECTION 43-4-205 (5.5) (f), C.R.S.

27  
28 **SECTION 18.** Part 1 of article 4 of title 42, Colorado Revised  
29 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
30 read:

31  
32 **42-4-109.7. Off-highway vehicles.** (1) A PERSON RIDING AN  
33 OFF-HIGHWAY VEHICLE UPON A ROADWAY HAS ALL OF THE RIGHTS AND IS  
34 SUBJECT TO ALL OF THE DUTIES AND PENALTIES APPLICABLE TO THE  
35 DRIVER OF A VEHICLE AS SET FORTH IN THIS ARTICLE EXCEPT THOSE  
36 PROVISIONS OF THIS ARTICLE THAT, BY THEIR VERY NATURE, CAN HAVE NO  
37 APPLICATION.

38  
39 (2) (a) A PERSON SHALL NOT DRIVE AN OFF-HIGHWAY VEHICLE ON  
40 A ROADWAY THAT HAS A SPEED LIMIT GREATER THAN FORTY-FIVE MILES  
41 PER HOUR; EXCEPT THAT AN OFF-HIGHWAY VEHICLE MAY BE DRIVEN  
42 DIRECTLY ACROSS ANY ROADWAY AT AN AT-GRADE CROSSING TO  
43 CONTINUE TRAVELING ALONG A ROADWAY WITH A SPEED LIMIT EQUAL TO  
44 OR LESS THAN FORTY-FIVE MILES PER HOUR.

45  
46 (b) A PERSON SHALL NOT OPERATE AN OFF-HIGHWAY VEHICLE ON  
47 A LIMITED-ACCESS HIGHWAY.

48  
49 (c) A PERSON MAY OPERATE AN OFF-HIGHWAY VEHICLE ON AN  
50 UNPAVED ROADWAY.

51  
52 (d) EXCEPT AS PROHIBITED BY THIS SECTION, A PERSON MAY  
53 OPERATE AN OFF-HIGHWAY VEHICLE ON ANY HIGHWAY OPEN TO MOTOR  
54 VEHICLES UNLESS THE LOCAL AUTHORITY HAS PROHIBITED DRIVING  
55 OFF-HIGHWAY VEHICLES ON THE HIGHWAY UNDER SECTION 42-4-111.  
56 PROHIBITING A PERSON FROM DRIVING ON A HIGHWAY DOES NOT PROHIBIT

1 THE PERSON FROM DRIVING ACROSS THE HIGHWAY AT AN AT-GRADE  
2 INTERSECTION WITH ANOTHER HIGHWAY OVER WHICH AN OFF-HIGHWAY  
3 VEHICLE IS AUTHORIZED.

4  
5 (e) A PERSON SHALL NOT DRIVE AN OFF-HIGHWAY VEHICLE ON A  
6 STATE HIGHWAY; EXCEPT THAT:

7  
8 (I) A PERSON MAY DRIVE AN OFF-HIGHWAY VEHICLE TO DIRECTLY  
9 CROSS A STATE HIGHWAY AT AN AT-GRADE CROSSING TO CONTINUE  
10 TRAVELING ALONG A ROADWAY THAT IS NOT A STATE HIGHWAY; AND

11  
12 (II) THE COLORADO DEPARTMENT OF TRANSPORTATION MAY  
13 AUTHORIZE DRIVING AN OFF-HIGHWAY VEHICLE ON A STATE HIGHWAY  
14 LOCATED OUTSIDE OF A MUNICIPALITY.

15  
16 (3) A PERSON SHALL NOT USE AN OFF-HIGHWAY VEHICLE TO CARRY  
17 MORE PERSONS AT ONE TIME THAN THE NUMBER FOR WHICH IT IS DESIGNED  
18 AND EQUIPPED.

19  
20 (4) A PERSON WHO VIOLATES THIS SECTION COMMITS A CLASS B  
21 TRAFFIC INFRACTION.

22  
23 **SECTION 19.** The introductory portion to 42-4-111 (1), Colorado  
24 Revised Statutes, is amended, and the said 42-4-111 (1) is further  
25 amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

26  
27 **42-4-111. Powers of local authorities.** (1) This article ~~shall not~~  
28 ~~be deemed to~~ DOES NOT prevent local authorities, with respect to streets  
29 and highways under their jurisdiction and within the reasonable exercise  
30 of the police power, except those streets and highways that are parts of  
31 the state highway system that are subject to section 43-2-135, C.R.S.,  
32 from:

33  
34 (ee) PROHIBITING OR REGULATING THE USE OF OFF-HIGHWAY  
35 VEHICLES ON ONE OR MORE PAVED HIGHWAYS CONSISTENT WITH SECTION  
36 42-4-109.7.

37  
38 **SECTION 20.** 42-4-232 (1), Colorado Revised Statutes, is  
39 amended to read:

40  
41 **42-4-232. Minimum safety standards for motorcycles,**  
42 **low-power scooters, and off-highway vehicles.** (1) (a) ~~No~~ A person  
43 shall NOT operate ~~any~~ A motorcycle or low-power scooter on ~~any~~ A public  
44 highway in this state unless ~~such~~ THE person and any passenger ~~thereon~~  
45 is wearing goggles or eyeglasses with lenses made of safety glass or  
46 plastic; except that ~~this subsection (1) shall not apply to~~ a person wearing  
47 a helmet containing eye protection made of safety glass or plastic NEED  
48 NOT WEAR GOGGLES OR EYEGLASSES.

49  
50 (b) A PERSON SHALL NOT OPERATE AN OFF-HIGHWAY VEHICLE ON  
51 A PUBLIC HIGHWAY IN THIS STATE UNLESS THE PERSON AND ANY  
52 PASSENGER IS WEARING GOGGLES OR EYEGLASSES WITH LENSES MADE OF  
53 SAFETY GLASS OR PLASTIC; EXCEPT THAT A PERSON WEARING A HELMET  
54 CONTAINING EYE PROTECTION MADE OF SAFETY GLASS OR PLASTIC OR  
55 DRIVING AN OFF-HIGHWAY VEHICLE WITH A WINDSHIELD NEED NOT WEAR  
56 GOGGLES OR EYEGLASSES.



1           **SECTION 21.** 42-4-236 (1) (a.8), Colorado Revised Statutes, is  
2 amended to read:

3  
4           **42-4-236. Child restraint systems required - definitions -**  
5 **exemptions - repeal.** (1) As used in this section, unless the context  
6 otherwise requires:

7  
8           (a.8) "Motor vehicle" means a passenger car; a pickup truck; or a  
9 van, minivan, or sport utility vehicle with a gross vehicle weight rating of  
10 less than ten thousand pounds OR A REGISTERED OFF-HIGHWAY VEHICLE  
11 THAT IS REQUIRED TO HAVE A SEATBELT UNDER SECTION 42-4-241.  
12 "Motor vehicle" does not include motorcycles, low-power scooters,  
13 motorscooters, motorbicycles, motorized bicycles, and farm tractors and  
14 implements of husbandry designed primarily or exclusively for use in  
15 agricultural operations.

16  
17           **SECTION 22.** 42-4-237 (1) (a), Colorado Revised Statutes, is  
18 amended to read:

19  
20           **42-4-237. Safety belt systems - mandatory use - exemptions -**  
21 **penalty.** (1) As used in this section:

22  
23           (a) "Motor vehicle" means a self-propelled vehicle intended  
24 primarily for use and operation on the public highways, including  
25 passenger cars, station wagons, vans, taxicabs, ambulances, motor homes,  
26 and pickups OR A REGISTERED OFF-HIGHWAY VEHICLE THAT IS REQUIRED  
27 TO HAVE A SEATBELT UNDER SECTION 42-4-241. The term does not  
28 include motorcycles, low-power scooters, passenger buses, school buses,  
29 and farm tractors and implements of husbandry designed primarily or  
30 exclusively for use in agricultural operations.

31  
32           **SECTION 23.** Part 2 of article 4 of title 42, Colorado Revised  
33 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
34 read:

35  
36           **42-4-241. Equipment - off-highway vehicles.** (1) A PERSON  
37 SHALL NOT OPERATE AN OFF-HIGHWAY VEHICLE REGISTERED UNDER  
38 ARTICLE 3 OF THIS TITLE ON THE ROADWAY WITH A PASSENGER UNLESS  
39 THE PASSENGER HAS EITHER:

40  
41           (a) A SEAT, FOOTREST, AND HANDHOLD IF THE PASSENGER SITS  
42 BEHIND THE DRIVER; OR

43  
44           (b) A SEAT AND SEATBELT IF THE PASSENGER SITS TO THE SIDE OF  
45 THE DRIVER.

46  
47           (2) A PERSON SHALL NOT OPERATE AN OFF-HIGHWAY VEHICLE  
48 REGISTERED UNDER ARTICLE 3 OF THIS TITLE ON THE ROADWAY UNLESS  
49 THE OFF-HIGHWAY VEHICLE IS EQUIPPED WITH THE FOLLOWING IN GOOD  
50 WORKING ORDER:

51  
52           (a) BRAKES THAT ENABLE THE OPERATOR TO MAKE THE WHEELS  
53 SKID ON DRY, LEVEL, AND CLEAN PAVEMENT;

54  
55           (b) A STOP LAMP DISPLAYING A RED OR AMBER LIGHT THAT IS  
56 ACTUATED BY ACTIVATING THE BRAKES AND IS VISIBLE FROM A DISTANCE

1 OF ONE HUNDRED FEET;

2

3 (c) TWO RED REFLECTORS MOUNTED ON THE REAR AND VISIBLE AT  
4 NIGHT AT A DISTANCE OF ONE HUNDRED FEET BEHIND THE OFF-HIGHWAY  
5 VEHICLE WHEN ILLUMINATED BY HEAD LAMPS REQUIRED BY SECTION  
6 42-4-205;

7

8 (d) TWO MIRRORS THAT REFLECT TO THE DRIVER AN  
9 UNOBSTRUCTED VIEW OF THE ROADWAY FOR A DISTANCE OF TWO  
10 HUNDRED FEET TO THE REAR OF THE OFF-HIGHWAY VEHICLE;

11

12 (e) A HEAD LAMP AIMED AND SUFFICIENTLY INTENSE TO REVEAL  
13 PERSONS AND VEHICLES AT A DISTANCE OF ONE HUNDRED FEET AHEAD ON  
14 A STRAIGHT, LEVEL ROAD IF THE OFF-HIGHWAY VEHICLE IS DRIVEN AT  
15 NIGHT; AND

16

17 (f) TWO TAIL LIGHTS EMITTING A RED LIGHT WHEN THE  
18 HEADLAMPS ARE LIGHTED, IF THE OFF-HIGHWAY VEHICLE IS DRIVEN AT  
19 NIGHT, THAT:

20

21 (I) ARE VISIBLE FROM A DISTANCE OF FIVE HUNDRED FEET TO THE  
22 REAR;

23

24 (II) ARE MOUNTED ON THE REAR, ON THE SAME LEVEL AND AS  
25 WIDELY SPACED Laterally AS PRACTICABLE; AND

26

27 (III) ARE LOCATED AT A HEIGHT OF NOT MORE THAN  
28 SEVENTY-TWO INCHES NOR LESS THAN TWENTY INCHES.

29

30 (3) A PERSON SHALL NOT OPERATE THE HEAD LAMP OF AN  
31 OFF-HIGHWAY VEHICLE TO STRIKE THE EYES OF THE DRIVER OF AN  
32 APPROACHING VEHICLE.

33

34 (4) TO BE OPERATED ON THE ROADWAY, AN OFF-HIGHWAY VEHICLE  
35 MUST CONFORM WITH APPLICABLE FEDERAL MANUFACTURING EQUIPMENT  
36 STANDARDS FOR OFF-HIGHWAY VEHICLES.

37

38 (5) A PERSON WHO VIOLATES THIS SECTION COMMITS A CLASS B  
39 TRAFFIC INFRACTION.

40

41 **SECTION 24.** 42-4-1101 (8), Colorado Revised Statutes, is  
42 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

43

44 **42-4-1101. Speed limits.** (8) (h) NOTWITHSTANDING ANY OTHER  
45 PROVISION OF THIS SECTION, A PERSON SHALL DRIVE AN OFF-HIGHWAY  
46 VEHICLE ON A ROADWAY AT A SPEED NOT IN EXCESS OF FORTY MILES PER  
47 HOUR. STATE AND LOCAL AUTHORITIES SHALL NOT AUTHORIZE  
48 OFF-HIGHWAY VEHICLES TO EXCEED FORTY MILES PER HOUR ON A  
49 ROADWAY.

50

51 **SECTION 25.** 42-4-1401 (1), Colorado Revised Statutes, is  
52 amended to read:

53

54 **42-4-1401. Reckless driving - penalty.** (1) A person who drives  
55 a motor vehicle ~~bicycle, electrical assisted bicycle, or low-power scooter~~  
56 OR VEHICLE in such a manner as to indicate either a wanton or a willful

1 disregard for the safety of persons or property is guilty of reckless  
2 driving. A person convicted of reckless driving of a bicycle or electrical  
3 assisted bicycle ~~shall not be~~ IS NOT subject to ~~the provisions of~~ section  
4 42-2-127.

5

6 **SECTION 26.** 42-4-1402 (1), Colorado Revised Statutes, is  
7 amended to read:

8

9 **42-4-1402. Careless driving - penalty.** (1) A person who drives  
10 a motor vehicle ~~bicycle, electrical assisted bicycle, or low-power scooter~~  
11 OR VEHICLE in a careless and imprudent manner, without due regard for  
12 the width, grade, curves, corners, traffic, and use of the streets and  
13 highways and all other attendant circumstances, is guilty of careless  
14 driving. A person convicted of careless driving of a bicycle or electrical  
15 assisted bicycle ~~shall not be~~ IS NOT subject to ~~the provisions of~~ section  
16 42-2-127.

17

18 **SECTION 27.** 42-4-1409 (2), (3), (5), and (7), Colorado Revised  
19 Statutes, are amended to read:

20

21 **42-4-1409. Compulsory insurance - penalty - legislative intent.**

22 (2) (a) ~~No~~ A person shall NOT operate a motor vehicle or low-power  
23 scooter on the public highways of this state without a complying policy  
24 or certificate of self-insurance in full force and effect as required by law.

25

26 (b) A PERSON SHALL NOT OPERATE AN OFF-HIGHWAY VEHICLE  
27 REGISTERED UNDER ARTICLE 3 OF THIS TITLE ON A PUBLIC HIGHWAY  
28 PURSUANT TO SECTION 42-4-109.7 WITHOUT A COMPLYING POLICY OR  
29 CERTIFICATE OF SELF-INSURANCE IN FULL FORCE AND EFFECT AS REQUIRED  
30 BY LAW.

31

32 (3) (a) When an accident occurs or when requested to do so  
33 following ~~any lawful~~ A traffic contact or during ~~any~~ A traffic investigation  
34 by a peace officer, ~~no owner or operator~~ THE DRIVER of a motor vehicle  
35 or low-power scooter shall ~~fail to~~ IMMEDIATELY present to the requesting  
36 officer ~~immediate~~ evidence of a complying policy or certificate of  
37 self-insurance in full force and effect as required by law.

38

39 (b) WHEN AN ACCIDENT OCCURS OR WHEN REQUESTED TO DO SO  
40 FOLLOWING A TRAFFIC CONTACT OR DURING A TRAFFIC INVESTIGATION BY  
41 A PEACE OFFICER, THE DRIVER OF AN OFF-HIGHWAY VEHICLE REGISTERED  
42 UNDER ARTICLE 3 OF THIS TITLE SHALL IMMEDIATELY PRESENT TO THE  
43 REQUESTING OFFICER EVIDENCE OF A COMPLYING POLICY OR CERTIFICATE  
44 OF SELF-INSURANCE IN FULL FORCE AND EFFECT AS REQUIRED BY LAW.

45

46 (5) Testimony of the failure of any owner or operator of a motor  
47 vehicle, ~~or~~ low-power scooter, OR OFF-HIGHWAY VEHICLE to present  
48 immediate evidence of a complying policy or certificate of self-insurance  
49 in full force and effect as required by law, when requested to do so by a  
50 peace officer, shall constitute prima facie evidence, at a trial concerning  
51 a violation charged under subsection (1) or (2) of this section, that such  
52 owner or operator of a motor vehicle violated subsection (1) or (2) of this  
53 section.

54

55 (7) The owner of a motor vehicle, ~~or~~ low-power scooter, OR  
56 OFF-HIGHWAY VEHICLE, upon receipt of an affirmation of insurance as

1 described in section 42-3-113 (2) and (3), shall sign and date such  
2 affirmation in the space provided.

3

4 **SECTION 28.** 42-6-102 (17) (a), Colorado Revised Statutes, is  
5 amended, and the said 42-6-102 is further amended BY THE ADDITION  
6 OF THE FOLLOWING NEW SUBSECTIONS, to read:

7

8 **42-6-102. Definitions.** As used in this part 1, unless the context  
9 otherwise requires:

10

11 (1.5) "COVERED POWERSPORTS VEHICLE" MEANS A POWERSPORTS  
12 VEHICLE:

13

14 (a) THAT IS SOLD TO OR BY A POWERSPORTS VEHICLE DEALER  
15 LICENSED UNDER PART 5 OF ARTICLE 6 OF TITLE 12, C.R.S.; OR

16

17 (b) THE OWNER OF WHICH ELECTS TO OBTAIN A CERTIFICATE OF  
18 TITLE.

19

20 (11.5) "OFF-HIGHWAY VEHICLE" HAS THE MEANING SET FORTH IN  
21 SECTION 33-14.5-101, C.R.S.

22

23 (13.5) "POWERSPORTS VEHICLE" MEANS ONE OF THE FOLLOWING:

24

25 (a) AN OFF-HIGHWAY VEHICLE; OR

26

27 (b) A SNOWMOBILE.

28

29 (17) (a) (I) "Salvage vehicle" means a vehicle that is damaged by  
30 collision, fire, flood, accident, trespass, or other occurrence, excluding  
31 hail damage, to the extent that the cost of repairing the vehicle to a  
32 roadworthy condition and for legal operation on the highways exceeds the  
33 vehicle's retail fair market value immediately prior to ~~such~~ THE damage,  
34 as determined by the person who owns the vehicle at the time of ~~such~~ THE  
35 occurrence or by the insurer or other person acting on behalf of ~~such~~ THE  
36 owner.

37

38 (II) "SALVAGE VEHICLE" DOES NOT INCLUDE A POWERSPORTS  
39 VEHICLE.

40

41 (18.5) "SNOWMOBILE" MEANS A SELF-PROPELLED VEHICLE  
42 PRIMARILY DESIGNED OR ALTERED FOR TRAVEL ON SNOW OR ICE OFF OF  
43 THE PUBLIC HIGHWAYS AND SUPPORTED BY SKIS, BELTS, OR CLEATS.  
44 "SNOWMOBILE" DOES NOT INCLUDE MACHINERY USED FOR THE GROOMING  
45 OF SNOWMOBILE TRAILS OR SKI SLOPES.

46

47 **SECTION 29.** 42-6-103, Colorado Revised Statutes, is amended  
48 to read:

49

50 **42-6-103. Application.** ~~The provisions of This part 1 shall apply~~  
51 APPLIES to motor vehicles as defined in section 42-6-102 AND COVERED  
52 POWERSPORTS VEHICLES.

53

54 **SECTION 30.** 42-6-107 (1) (a) and (2), Colorado Revised  
55 Statutes, are amended to read:

56

1           **42-6-107. Certificates of title - contents - rules.** (1) (a) ~~At~~ THE  
 2 DEPARTMENT OR AUTHORIZED AGENT SHALL MAIL certificates of title to  
 3 motor OR COVERED POWERSPORTS vehicles issued under this part 1 ~~shall~~  
 4 ~~be mailed~~ to the applicant, except as provided in section 42-6-124, and  
 5 THE DIRECTOR SHALL RETAIN AND APPROPRIATELY INDEX AND FILE  
 6 information appearing and concerning the issuance ~~thereof shall be~~  
 7 ~~retained by the director and appropriately indexed and filed in the~~  
 8 ~~director's office.~~ ~~Such~~ OF THE CERTIFICATES OF TITLE. THE certificates  
 9 may be electronic records ~~pursuant to~~ IN COMPLIANCE WITH rules adopted  
 10 by the director. ~~and~~, In addition to other information that the director may  
 11 by rule require, ~~shall~~ THE CERTIFICATES MUST contain the make and model  
 12 of the motor OR COVERED POWERSPORTS vehicle ~~for which the certificate~~  
 13 ~~is issued or the record is created, where such~~ DESCRIBED IN THE RECORD,  
 14 IF THE information is available, together with the motor and any OTHER  
 15 serial number of the vehicle, and a description of ~~such~~ ANY other marks  
 16 or symbols ~~as may be~~ placed upon the vehicle by the vehicle  
 17 manufacturer for identification purposes. The year ~~that is~~ listed on the  
 18 certificate of title of a kit vehicle ~~shall be~~ IS the year of manufacture of  
 19 the kit from which the vehicle was assembled, as indicated in the  
 20 manufacturer's statement of origin.

21  
 22           (2) The DEPARTMENT OR AUTHORIZED AGENT SHALL INCLUDE IN  
 23 THE electronic record of the certificate or the paper version of the  
 24 certificate ~~shall contain~~ a description of every lien ~~to which~~ ON the motor  
 25 OR COVERED POWERSPORTS vehicle ~~is subject, as~~ THAT appears in the  
 26 application for the certificate of title or as is ~~noted and shown to be~~  
 27 unreleased upon a PRIOR certificate of title ~~issued after August 1, 1949,~~  
 28 for ~~such~~ THE vehicle, including the date of ~~such~~ THE lien, the original  
 29 amount secured by the vehicle, the named lienee, and the county in which  
 30 the lien appears of record if it is of public record. The DEPARTMENT OR  
 31 AUTHORIZED AGENT SHALL NUMBER certificates and electronic records  
 32 ~~shall be numbered~~ consecutively by counties, beginning with number one.  
 33 The certificate of title filed with the authorized agent ~~shall be~~ IS prima  
 34 facie evidence of the contents of the record and that the person in whose  
 35 name the certificate is registered is the lawful owner of the vehicle.  
 36 Except as provided in section 42-6-118, ~~said~~ THE certificate ~~shall be~~  
 37 REMAINS effective after filing until the vehicle described in the record is  
 38 sold or ownership is ~~otherwise~~ transferred.

39  
 40           **SECTION 31.** 42-6-109 (1), the introductory portion to 42-6-109  
 41 (2), and 42-6-109 (2) (b), Colorado Revised Statutes, are amended to  
 42 read:

43  
 44           **42-6-109. Sale or transfer of vehicle.** (1) Except as provided in  
 45 section 42-6-113, ~~no~~ A person shall NOT sell or ~~otherwise~~ transfer a motor  
 46 OR COVERED POWERSPORTS vehicle to a purchaser or transferee without  
 47 delivering to ~~such~~ THE purchaser or transferee a certificate of title, which  
 48 may be electronic, to ~~such~~ THE vehicle duly transferred in the manner  
 49 ~~prescribed in~~ REQUIRED BY section 42-6-110. ~~No~~ A purchaser or  
 50 transferee ~~shall~~ DOES NOT acquire any right, title, or interest in and to a  
 51 motor OR COVERED POWERSPORTS vehicle ~~purchased by such purchaser~~  
 52 ~~or transferee unless and until he or she~~ THE PURCHASER OR TRANSFEREE  
 53 obtains from the transferor the certificate of title ~~duly~~ transferred in  
 54 accordance with this part 1. A lienholder may request either a paper or  
 55 electronic version of a certificate of title.

56

1 (2) A ~~paper copy of~~ PERSON SHALL USE a certificate of title ~~shall~~  
2 ~~be necessary~~ for any A transaction in which:

3  
4 (b) The purchaser pays for a motor OR COVERED POWERSPORTS  
5 vehicle entirely with cash.

6  
7 **SECTION 32.** 42-6-110 (1), Colorado Revised Statutes, is  
8 amended to read:

9  
10 **42-6-110. Certificate of title - transfer.** (1) Upon the sale or  
11 transfer of a motor OR COVERED POWERSPORTS vehicle for which a  
12 certificate of title has been issued or filed, the person in whose name the  
13 certificate of title is registered, if ~~such~~ THE person is ~~other than~~ NOT a  
14 dealer, shall execute a formal transfer of the vehicle described in the  
15 certificate. ~~Such transfer shall be affirmed by a statement signed by~~ The  
16 person in whose name the certificate of title is registered or ~~by such~~ THE  
17 person's ~~authorized~~ agent or attorney and shall ~~contain or be~~ AFFIRM THE  
18 SALE OR TRANSFER, accompanied by a written declaration that ~~it~~ THE  
19 STATEMENT is made under the penalties of perjury in the second degree,  
20 as defined in section 18-8-503, C.R.S. The purchaser or transferee,  
21 within sixty days thereafter, shall present ~~such~~ THE certificate, together  
22 with an application for a new certificate of title, to the director or one of  
23 the authorized agents, accompanied by the fee required in section  
24 42-6-137 to be paid for the filing of a new certificate of title; except that,  
25 if no title can be found and the motor vehicle is not roadworthy, the  
26 purchaser or transferee may wait until twenty-four months after the motor  
27 vehicle was purchased to apply for a certificate of title.

28  
29 **SECTION 33.** 42-6-111 (1) and (2), Colorado Revised Statutes,  
30 are amended to read:

31  
32 **42-6-111. Sale to dealers - certificate need not issue.** (1) Upon  
33 the sale or transfer to a dealer of a motor OR COVERED POWERSPORTS  
34 vehicle for which a Colorado certificate of title has been issued, THE  
35 DEALER SHALL TRANSFER AND FILE the certificate of title to the motor OR  
36 COVERED POWERSPORTS vehicle; ~~shall be transferred and filed;~~ except  
37 that, so long as the vehicle remains in the dealer's possession and at the  
38 dealer's place of business for sale and for no other purpose, ~~such~~ THE  
39 dealer ~~shall not be required to~~ NEED NOT procure or file a new certificate  
40 of title as is otherwise required in this part 1.

41  
42 (2) If a motor OR COVERED POWERSPORTS vehicle dealer wishes  
43 to obtain a new certificate, ~~of title to a motor vehicle,~~ ~~such~~ THE dealer  
44 may present the old certificate of title to the director with the fee imposed  
45 by section 42-6-137 (6), whereupon the director shall issue a new  
46 certificate of title to ~~such~~ THE dealer within one working day after  
47 application. This subsection (2) ~~shall~~ DOES not apply to a motor OR  
48 COVERED POWERSPORTS vehicle subject to a lien.

49  
50 **SECTION 34.** 42-6-112, Colorado Revised Statutes, is amended  
51 to read:

52  
53 **42-6-112. Initial registration of a vehicle - dealer responsibility**  
54 **to timely forward certificate of title to purchaser or holder of a**  
55 **chattel mortgage.** ~~In order~~ To facilitate initial registration of a vehicle,  
56 a dealer of motor OR COVERED POWERSPORTS vehicles shall, ~~have not~~

1 ~~more than thirty days after the date of sale of such vehicle to~~ WITHIN  
2 THIRTY DAYS AFTER THE SALE, deliver or facilitate the delivery of the  
3 certificate of title to a purchaser or the holder of a chattel mortgage on  
4 ~~such~~ THE motor OR COVERED POWERSPORTS vehicle subject to section  
5 42-6-109.

6  
7 **SECTION 35.** 42-6-113, Colorado Revised Statutes, is amended  
8 to read:

9  
10 **42-6-113. New vehicles - bill of sale - certificate of title - rules.**

11 (1) Upon the sale or transfer by a dealer of a new motor OR COVERED  
12 POWERSPORTS vehicle, ~~such~~ THE dealer shall, upon delivery, make,  
13 execute, and deliver to the purchaser or transferee a sufficient bill of sale  
14 and the manufacturer's certificate of origin.

15  
16 (2) The bill of sale ~~shall~~ MUST:

17  
18 (a) Be affirmed by a statement signed by ~~such~~ THE dealer, ~~shall~~  
19 ~~contain~~ CONTAINING or be accompanied by a written declaration that it is  
20 made under the penalties of perjury in the second degree, as defined in  
21 section 18-8-503, C.R.S.;

22  
23 (b) ~~shall~~ Be in such form as the director may require; and

24  
25 (c) ~~shall~~ Contain, in addition to other information that the director  
26 may by rule require, the make and model of the motor OR COVERED  
27 POWERSPORTS vehicle, ~~so sold or transferred~~, the identification number  
28 placed upon the vehicle by the manufacturer for identification purposes,  
29 the manufacturer's suggested retail price, and the date of the sale or  
30 transfer, together with a description of any mortgage or lien on the  
31 vehicle that secures any part of the purchase price.

32  
33 (3) Upon presentation of ~~such a~~ THE bill of sale, ~~to~~ the director or  
34 an authorized agent SHALL FILE a new certificate of title for the vehicle  
35 described in the bill of sale. ~~shall be filed~~. A DEALER SHALL TRANSFER A  
36 new motor OR COVERED POWERSPORTS vehicle ~~that is~~ used by a dealer for  
37 demonstration ~~shall be transferred~~ in accordance with this section.

38  
39 **SECTION 36.** 42-6-114, Colorado Revised Statutes, is amended  
40 to read:

41  
42 **42-6-114. Transfers by bequest, descent, or law.** Upon the  
43 transfer of ownership of a motor OR COVERED POWERSPORTS vehicle by  
44 inheritance or by operation of law, as in proceedings in bankruptcy,  
45 insolvency, replevin, attachment, execution, or other judicial sale, or  
46 ~~whenever such~~ IF THE vehicle is sold to satisfy storage or repair charges  
47 or repossessed to satisfy a secured debt, the director or the authorized  
48 agent may issue, upon the surrender of any available certificate of title  
49 and presentation of such proof of ownership as the director may  
50 reasonably require or a court order, a new certificate of title on behalf of  
51 the new owner, and ~~disposition shall be made~~ DISPOSE OF THE  
52 CERTIFICATE as in other cases.

53  
54 **SECTION 37.** 42-6-115 (1), Colorado Revised Statutes, is  
55 amended to read:

56

1           **42-6-115. Furnishing bond for certificates.** (1) (a) If the  
2 applicant for a certificate of title to a motor OR COVERED POWERSPORTS  
3 vehicle is unable to provide the director or the authorized agent with a  
4 certificate of title duly transferred to ~~such~~ THE applicant, a bill of sale, or  
5 other evidence of ownership that satisfies the director that the applicant  
6 owns the vehicle, a certificate of title for ~~such~~ THE vehicle may be filed  
7 by the director or the authorized agent upon the applicant furnishing the  
8 director or the authorized agent with a statement, in such form as required  
9 by the director. The statement ~~shall~~ MUST contain a recital of the facts  
10 and circumstances by which the applicant acquired the ownership and  
11 possession of ~~such~~ THE vehicle, the source of the title to the vehicle, and  
12 such other information as the director may require to determine whether  
13 any liens are attached to ~~such~~ THE motor vehicle, the date of the liens, the  
14 amount secured by the vehicle, where ~~such~~ THE liens are of public record,  
15 and the right of the applicant to have a certificate of title filed on behalf  
16 of the applicant. The statement ~~shall~~ MUST contain or be accompanied by  
17 a written declaration that it is made under the penalties of perjury in the  
18 second degree, as defined in section 18-8-503, C.R.S., and ~~shall~~ MUST  
19 accompany the application for the certificate as required in section  
20 42-6-116. Any evidence submitted to and maintained by the director or  
21 the authorized agent may be maintained in a paper or electronic version.  
22

23           (b) UPON RECEIPT OF AN APPLICATION BY THE OWNER OF A MOTOR  
24 OR COVERED POWERSPORTS VEHICLE THAT IS SUBJECT TO A LIEN OR  
25 MORTGAGE, THE AUTHORIZED AGENT SHALL, WHEN ISSUING THE TITLE,  
26 COMPLY WITH SECTIONS 42-6-121 (2), 42-6-122, AND 42-6-123  
27 CONCERNING THE LIEN OR MORTGAGE.  
28

29           **SECTION 38.** 42-6-116, Colorado Revised Statutes, is amended  
30 to read:  
31

32           **42-6-116. Applications for filing of certificates of title - rules.**  
33 (1) If a person who desires or who is entitled to a filing of a certificate  
34 of title to a motor OR COVERED POWERSPORTS vehicle is required to apply  
35 to the director or the authorized agent, ~~such~~ THE applicant shall apply  
36 upon a form provided by the director in which appears a description of  
37 the motor OR COVERED POWERSPORTS vehicle including the make and  
38 model, the manufacturer's number, and a description of any other  
39 distinguishing mark, number, or symbol placed on ~~said~~ THE vehicle by the  
40 vehicle manufacturer for identification purposes, as may be required by  
41 the director by rule adopted in accordance with article 4 of title 24, C.R.S.  
42 The application ~~shall also~~ MUST show the name and correct address of the  
43 owner determined pursuant to section 42-6-139, a class A, class B, class  
44 C, class D, or class F vehicle owner's personal identification number as  
45 provided on a state-issued driver's license or assigned by the department,  
46 and the applicant's source of title and ~~shall~~ include a description of all  
47 known mortgages and liens upon the motor OR COVERED POWERSPORTS  
48 vehicle, the holder of the lien, the amount originally secured, and the  
49 name of the county and state in which ~~such~~ THE mortgage or lien is  
50 recorded or filed. ~~Such~~ THE application ~~shall~~ MUST be verified by a  
51 statement signed by the applicant and ~~shall~~ contain or be accompanied by  
52 a written declaration that it is made under the penalties of perjury in the  
53 second degree, as defined in section 18-8-503, C.R.S.  
54

55           (2) UPON RECEIPT OF AN APPLICATION BY THE OWNER OF A MOTOR  
56 OR COVERED POWERSPORTS VEHICLE THAT IS SUBJECT TO A LIEN OR



1 MORTGAGE, THE AUTHORIZED AGENT SHALL, WHEN ISSUING THE TITLE,  
2 COMPLY WITH SECTIONS 42-6-121 (2), 42-6-122, AND 42-6-123  
3 CONCERNING THE LIEN OR MORTGAGE.

4  
5 **SECTION 39.** 42-6-118, Colorado Revised Statutes, is amended  
6 to read:

7  
8 **42-6-118. Amended certificate.** If the owner of a motor OR  
9 COVERED POWERSPORTS vehicle for which a Colorado certificate of title  
10 has been issued or filed replaces any part of the motor OR COVERED  
11 POWERSPORTS vehicle on which appears the identification number or  
12 symbol described in the certificate of title and ~~such~~ THE identification  
13 number or symbol no longer appears on the motor OR COVERED  
14 POWERSPORTS vehicle, or incorporates the part containing the  
15 identification number or symbol into another motor OR COVERED  
16 POWERSPORTS vehicle, ~~such~~ THE owner shall immediately apply to the  
17 director or an authorized agent for an assigned identification number and  
18 an amended filing of a certificate of title to ~~such~~ THE vehicle.

19  
20 **SECTION 40.** 42-6-119, Colorado Revised Statutes, is amended  
21 to read:

22  
23 **42-6-119. Certificates for vehicles registered in other states.**  
24 (1) When a resident of the state acquires the ownership of a motor OR  
25 COVERED POWERSPORTS vehicle for which a certificate of title has been  
26 issued by a state other than Colorado, the person acquiring ~~such~~ THE  
27 vehicle shall apply to the director or an authorized agent for the filing of  
28 a certificate of title as in other cases.

29  
30 (2) If a dealer acquires the ownership of a motor OR COVERED  
31 POWERSPORTS vehicle by lawful means and the ~~motor~~ vehicle is titled  
32 under the laws of a state other than Colorado, ~~such~~ THE dealer ~~shall not~~  
33 ~~be required to~~ NEED NOT file a Colorado certificate of title for the vehicle  
34 so long as ~~such~~ THE vehicle remains in the dealer's possession and at the  
35 dealer's place of business solely for the purpose of sale.

36  
37 (3) Upon the sale by a dealer of a motor OR COVERED  
38 POWERSPORTS vehicle, the certificate of title to which was issued in a  
39 state other than Colorado, the dealer shall, within thirty days after the ~~date~~  
40 ~~of~~ sale, deliver or facilitate the delivery to the purchaser ~~such~~ THE  
41 certificate of title from a state other than Colorado duly and properly  
42 endorsed or assigned to the purchaser with a statement by the dealer ~~that~~  
43 ~~shall contain~~ CONTAINING or be accompanied by a written declaration that  
44 it is made under the penalties of perjury in the second degree, as defined  
45 in section 18-8-503, C.R.S., and ~~that shall set~~ SETTING forth the  
46 following:

47  
48 (a) That ~~such~~ THE dealer, ~~has warranted and,~~ by the execution of  
49 ~~such~~ THE affidavit, ~~does warrant~~ WARRANTS to the purchaser and all  
50 persons who ~~shall~~ claim through the NAMED purchaser ~~named~~ that, at the  
51 time of the sale, transfer, and delivery by the dealer, the vehicle described  
52 was free and clear of all liens and mortgages except as might ~~therein~~  
53 appear IN THE CERTIFICATE OF TITLE;

54  
55 (b) That the vehicle is not a stolen vehicle; and  
56

1 (c) That ~~such~~ THE dealer had good, sure, and adequate title to, and  
2 full ~~right and~~ authority to sell and transfer, the vehicle.  
3

4 (4) If the purchaser of the vehicle completes and includes the  
5 vehicle identification number inspection form as part of the application  
6 for filing of a Colorado certificate of title to ~~such~~ THE vehicle and  
7 accompanies the application with the affidavit required by subsection (3)  
8 of this section and the duly endorsed or assigned certificate of title from  
9 a state other than Colorado, a Colorado certificate of title may be filed in  
10 the same manner as upon the sale or transfer of a motor OR COVERED  
11 POWERSPORTS vehicle for which a Colorado certificate of title has been  
12 issued or filed. Upon the filing by the director or the authorized agent of  
13 ~~such~~ THE certificate of title, the director or the authorized agent may  
14 dispose of ~~such~~ THE certificate of title and shall record ~~such~~ THE  
15 certificate of title as provided in section 42-6-124.  
16

17 **SECTION 41.** 42-6-120, Colorado Revised Statutes, is amended  
18 to read:  
19

20 **42-6-120. Security interests upon motor vehicles.** (1) Except  
21 as provided in this section and ~~section~~ SECTIONS 42-6-130 AND 42-6-148,  
22 the provisions of the "Uniform Commercial Code", title 4, C.R.S.,  
23 relating to the filing, recording, releasing, renewal, priority, and extension  
24 of chattel mortgages, as ~~the term is~~ defined in section 42-6-102 (9), ~~shall~~  
25 DO not apply to motor OR COVERED POWERSPORTS vehicles. ~~Any~~ A  
26 mortgage or refinancing of a mortgage intended by the parties to the  
27 mortgage or refinancing to encumber or create a lien on a motor vehicle,  
28 or to be perfected as a valid lien against the rights of third persons,  
29 purchasers for value without notice, mortgagees, or creditors of the  
30 owner, ~~shall~~ MUST be filed for public record. THE DEPARTMENT OR  
31 AUTHORIZED AGENT SHALL NOTE the fact of filing ~~shall be noted~~ on the  
32 owner's certificate of title or bill of sale substantially in the manner  
33 provided in section 42-6-121.  
34

35 (2) ~~The provisions of~~ This section and section 42-6-121 ~~shall~~ DO  
36 not apply to ~~any~~ A mortgage or security interest upon ~~any~~ A vehicle or  
37 motor vehicle held for sale or lease ~~which~~ THAT constitutes inventory as  
38 defined in section 4-9-102, C.R.S. ~~As to such mortgages or security~~  
39 ~~interests, the provisions of article 9 of title 4, C.R.S., shall apply, and~~ THE  
40 perfection of ~~such~~ mortgages or security interests, ~~shall be made pursuant~~  
41 ~~thereto,~~ and the rights of the parties, ~~shall be~~ ARE governed and  
42 ~~determined thereby~~ BY ARTICLE 9 OF TITLE 4, C.R.S.  
43

44 (3) Notwithstanding any provision of law to the contrary, in the  
45 case of motor vehicles, COVERED POWERSPORTS VEHICLES, or trailers, a  
46 lease transaction does not create a sale or security interest solely because  
47 it permits or requires the rental price to be adjusted either upward or  
48 downward under the agreement by reference to the amount realized upon  
49 sale or other disposition of the motor vehicle, COVERED POWERSPORTS  
50 VEHICLE, or trailer.  
51

52 (4) The rights of a buyer, lessee, or lien creditor that arise after a  
53 mortgage attaches to a motor OR COVERED POWERSPORTS vehicle and  
54 before perfection under this article ~~shall be~~ ARE determined by section  
55 4-9-317, C.R.S.  
56

1           **SECTION 42.** 42-6-121 (1) and (2), Colorado Revised Statutes,  
2 are amended to read:

3  
4           **42-6-121. Filing of mortgage - rules.** (1) The holder of a chattel  
5 mortgage on a motor OR COVERED POWERSPORTS vehicle desiring to  
6 secure the rights provided for in this part 1 and to have the existence of  
7 the mortgage and the fact of the filing of the mortgage for public record  
8 noted in the filing of the certificate of title to the encumbered ~~motor~~  
9 vehicle ~~shall~~ MUST present the signed original or signed duplicate of the  
10 mortgage or copy thereof certified by the holder of the mortgage or the  
11 holder's agent to be a true copy of the signed original mortgage and the  
12 certificate of title or application for certificate of title to the ~~motor~~ vehicle  
13 encumbered to the authorized agent of the director in the county or city  
14 and county in which the mortgagor of ~~such motor~~ THE vehicle resides or  
15 where the property is located. The ~~filings~~ HOLDER may ~~be made~~ FILE  
16 either ~~with~~ paper documents or electronically. The mortgage or  
17 refinancing of a loan secured by a mortgage ~~shall~~ MUST state the name  
18 and address of the debtor; the name and address of the mortgagee or name  
19 of the mortgagee's assignee; the make, vehicle identification number, and  
20 year of manufacture of the mortgaged vehicle; and the date and amount  
21 of the loan secured by the mortgage.

22  
23           (2) (a) Upon the receipt of the electronic, original, or duplicate  
24 mortgage or certified copy ~~thereof~~ OF THE MORTGAGE and certificate of  
25 title or application for certificate of title, the authorized agent, if satisfied  
26 that the vehicle described in the mortgage is the same as that described in  
27 the certificate of title or filed title, shall file within the director's  
28 authorized agent's motor AND COVERED POWERSPORTS vehicle database:

29  
30           (I) Notice of ~~such~~ THE mortgage or lien in which ~~shall appear~~  
31 APPEARS the day on which the mortgage was received for filing;

32  
33           (II) The name and address of the mortgagee named and the name  
34 and address of the holder of ~~such~~ THE mortgage, if ~~such person is other~~  
35 ~~than the mortgagee named~~, THE HOLDER IS NOT THE NAMED MORTGAGEE;

36  
37           (III) The amount secured by the vehicle;

38  
39           (IV) The date of the mortgage;

40  
41           (V) The day and year on which the mortgage was filed for public  
42 record; and

43  
44           (VI) ~~such~~ ANY other information regarding the filing of the  
45 mortgage in the office of the director's authorized agent as may be  
46 required by the director by rule.

47  
48           (b) The director's authorized agent shall electronically transmit,  
49 when the director's authorized agent uses an electronic filing system, the  
50 certificate of title, application for certificate of title, and mortgage  
51 information to the database of the director for maintenance of a central  
52 registry of motor AND COVERED POWERSPORTS vehicle title information  
53 pursuant to section 42-6-147.

54  
55           **SECTION 43.** 42-6-122, Colorado Revised Statutes, is amended  
56 to read:

1           **42-6-122. Disposition of mortgages by agent - rules.** (1) The  
2 authorized agent, upon receipt of the mortgage, shall file the mortgage in  
3 the agent's office, ~~Such mortgage shall be~~ appropriately indexed and  
4 cross-indexed:

5  
6           (a) Under one or more of the following headings in accordance  
7 with the rules adopted by the director:

8  
9           (I) Make or vehicle identification number of motor OR COVERED  
10 POWERSPORTS vehicles mortgaged;

11  
12           (II) Names of owners of mortgaged motor OR COVERED  
13 POWERSPORTS vehicles as ~~the same~~ THEY appear on the certificates of title  
14 thereto;

15  
16           (III) The numbers of the certificates of title for motor OR COVERED  
17 POWERSPORTS vehicles mortgaged;

18  
19           (IV) The numbers or other identification marks assigned to  
20 registration certificates issued upon the ~~licensing~~ REGISTRATION of  
21 mortgaged vehicles;

22  
23           (b) Under the name of the mortgagee, the holder of ~~such~~ THE  
24 mortgage, or the owner of ~~such~~ THE vehicle; or

25  
26           (c) Under such other system as the director may devise and  
27 determine to be necessary for the efficient administration of this part 1.

28  
29           (2) All records of mortgages affecting motor OR COVERED  
30 POWERSPORTS vehicles ~~shall be~~ ARE public and may be inspected and  
31 copies ~~thereof~~ OF THE RECORDS made, as is provided by law respecting  
32 public records affecting real property.

33  
34           **SECTION 44.** 42-6-123, Colorado Revised Statutes, is amended  
35 to read:

36  
37           **42-6-123. Disposition after mortgaging.** After a mortgage on a  
38 motor OR COVERED POWERSPORTS vehicle has been filed in the authorized  
39 agent's office, the authorized agent shall mail or electronically transfer to  
40 the director the certificate of title or bill of sale ~~which~~ THAT the  
41 authorized agent has filed in the record. ~~Upon the receipt thereof,~~ The  
42 director shall maintain completed electronic records transferred by the  
43 authorized agent. The director shall issue a new certificate of title  
44 containing, in addition to the other matters ~~and things~~ required to be set  
45 forth in certificates of title, a description of the mortgage and all  
46 information respecting ~~said~~ THE mortgage and the filing thereof ~~as may~~  
47 ~~appear~~ THAT APPEAR in the certificate of the authorized agent, and the  
48 director or the director's authorized agent shall ~~thereafter~~ THEN dispose of  
49 ~~said~~ THE new certificate of title containing ~~said~~ THE notation as provided  
50 in section 42-6-124.

51  
52           **SECTION 45.** 42-6-124, Colorado Revised Statutes, is amended  
53 to read:

54  
55           **42-6-124. Disposition of certificates of title.** (1) ~~All certificates~~  
56 ~~of title issued by~~ The director or the director's authorized agent shall be

1 ~~disposed of by the director~~ DISPOSE OF A CERTIFICATE OF TITLE ISSUED BY  
 2 THE DIRECTOR OR THE AUTHORIZED AGENT in the following manner:  
 3

4 (a) If the certificate of title that is filed by the ~~director's~~ authorized  
 5 agent is maintained in an electronic format within the director's and the  
 6 ~~director's~~ authorized agent's motor AND COVERED POWERSPORTS vehicle  
 7 databases as required by the standards established pursuant to article 71.3  
 8 of title 24, C.R.S., the certificate of title shall be disposed of in  
 9 accordance with paragraphs (b) and (c) of this subsection (1).  
 10

11 (b) If it appears from the records in the director's or the ~~director's~~  
 12 authorized agent's office and from an examination of the certificate of  
 13 title that the motor OR COVERED POWERSPORTS vehicle ~~therein~~ described  
 14 IN THE CERTIFICATE OF TITLE is not subject to a mortgage filed ~~subsequent~~  
 15 ~~to~~ AFTER August 1, 1949, or if ~~such~~ THE vehicle is encumbered by a  
 16 mortgage filed in any county of a state other than the state of Colorado,  
 17 THE DIRECTOR OR AUTHORIZED AGENT SHALL DELIVER the certificate of  
 18 title ~~shall be delivered~~ to the person who ~~therein~~ appears to be the owner  
 19 of the vehicle ~~described~~, or ~~such certificate shall be mailed~~ MAIL THE  
 20 CERTIFICATE to the owner ~~thereof~~ OF THE VEHICLE at his or her address as  
 21 ~~the same may appear~~ IT APPEARS in the application, the certificate of title,  
 22 or other records in the director's or the ~~director's~~ authorized agent's office.  
 23

24 (c) If it appears from the records in the office of the director or the  
 25 ~~director's~~ authorized agent and from the certificate of title that the motor  
 26 OR COVERED POWERSPORTS vehicle ~~therein~~ described IN THE CERTIFICATE  
 27 OF TITLE is subject to one or more mortgages filed ~~subsequent to~~ AFTER  
 28 August 1, 1949, the director or the ~~director's~~ authorized agent shall  
 29 electronically maintain or deliver the certificate of title issued by the  
 30 director to the mortgagee named ~~therein~~ IN THE CERTIFICATE OF TITLE or  
 31 the holder ~~thereof~~ OF THE CERTIFICATE OF TITLE whose mortgage was first  
 32 filed in the office of an authorized agent.  
 33

34 **SECTION 46.** 42-6-125, Colorado Revised Statutes, is amended  
 35 to read:  
 36

37 **42-6-125. Release of mortgages - rules.** (1) Upon the payment  
 38 or discharge of the undertaking secured by ~~any~~ A mortgage on a motor OR  
 39 COVERED POWERSPORTS vehicle that has been filed for record ~~in the~~  
 40 ~~manner prescribed in~~ UNDER section 42-6-121, the legal holder, on a form  
 41 approved by the director, shall ~~make and execute the notice of~~ NOTIFY  
 42 THE DIRECTOR OR AUTHORIZED AGENT OF the discharge of the obligation  
 43 and release of the mortgage securing the obligation and set forth in the  
 44 notice the facts concerning the right of the holder to release the mortgage  
 45 as the director ~~by appropriate rule~~ may require ~~which~~ BY RULE. THE  
 46 LIENHOLDER SHALL INCLUDE IN THE NOTICE OF satisfaction and release  
 47 ~~shall be affirmed by a statement~~ A signed by the legal lienholder  
 48 AFFIRMATION, noted in the certificate of title on file with the director or  
 49 the director's authorized agent, ~~and that shall contain or be~~ CONTAINS OR  
 50 IS accompanied by a written declaration that it is made under the penalties  
 51 of perjury in the second degree, as defined in section 18-8-503, C.R.S.  
 52 Thereupon, the holder of the RELEASED mortgage ~~so released~~ shall  
 53 dispose of the certificate of title as follows:  
 54

55 (a) If it appears that the motor OR COVERED POWERSPORTS vehicle  
 56 is encumbered by a mortgage filed ~~in the manner prescribed in~~ UNDER

1 section 42-6-121 ~~subsequent to~~ AFTER the date on which the RELEASED  
 2 mortgage ~~so released~~ was filed for record, the holder of ~~such~~ THE  
 3 certificate of title shall deliver the ~~title~~ CERTIFICATE to the person shown  
 4 to be the holder of the mortgage noted on the title, filed earliest after the  
 5 filing of the RELEASED mortgage, ~~released~~, or to the person or agent of the  
 6 person shown to be the assignee or other legal holder of the mortgage or  
 7 shall mail the title to the mortgagee or holder at ~~his or her~~ THE address  
 8 APPEARING THEREON. If the certificate is returned unclaimed, ~~it shall be~~  
 9 ~~sent by~~ THE HOLDER SHALL mail THE CERTIFICATE to the director.

10  
 11 (b) If it appears from an examination of the certificate of title that  
 12 there are no other outstanding mortgages against the motor OR COVERED  
 13 POWERSPORTS vehicle in the title upon the release of the mortgage as  
 14 provided in this section, the holder of the mortgage shall deliver the  
 15 certificate of title to the owner of the vehicle or shall mail the title to the  
 16 owner at his or her address, and, if for any reason the certificate of title  
 17 is not delivered to the owner ~~of the vehicle~~ or is returned unclaimed, ~~it~~  
 18 ~~shall immediately be mailed~~ THE HOLDER SHALL IMMEDIATELY MAIL THE  
 19 CERTIFICATE to the director.

20  
 21 (c) The director's authorized agent shall note in the electronic  
 22 record of the lien ~~such~~ THE satisfaction or release of ~~such~~ THE lien or  
 23 mortgage and shall file ~~such~~ THE satisfaction or release of ~~such~~ THE lien  
 24 as required in section 42-6-122.

25  
 26 **SECTION 47.** 42-6-126 (1) (a) and (1) (b) (II), Colorado Revised  
 27 Statutes, are amended to read:

28  
 29 **42-6-126. New certificate upon release of mortgage.**  
 30 (1) (a) Upon the satisfaction of the debt and release of a mortgage on a  
 31 motor OR COVERED POWERSPORTS vehicle filed for record ~~in the manner~~  
 32 ~~prescribed in~~ AS REQUIRED BY section 42-6-121:

33  
 34 (I) The owner of the vehicle encumbered by the mortgage, the  
 35 purchaser from or transferee of the owner as appears on the certificate of  
 36 title, or the holder of ~~any~~ A mortgage that was junior to the mortgage  
 37 released, upon the receipt of the certificate of title, as provided in section  
 38 42-6-125, shall deliver the title to the authorized agent who shall transmit  
 39 the title to the director; or

40  
 41 (II) The lienholder shall notify the authorized agent of the  
 42 satisfaction of the debt and release of the mortgage, setting forth any facts  
 43 concerning the right of the holder to release the mortgage as the director  
 44 may require. The LIENHOLDER SHALL SIGN A satisfaction and release ~~shall~~  
 45 ~~be affirmed by a statement signed by the lienholder noted in the~~  
 46 ~~certificate of title and shall contain~~ CONTAINING or be accompanied by a  
 47 written declaration that it is made under the penalties of perjury in the  
 48 second degree, as defined in section 18-8-503, C.R.S. Upon receiving a  
 49 valid satisfaction and release, the director or authorized agent shall note  
 50 the release of the lien and shall issue a certificate of title for the motor  
 51 vehicle, omitting all reference to the mortgage.

52  
 53 (b) Upon the receipt by the director of a statement of mortgage  
 54 release, the director shall:

55  
 56 (II) Issue a new certificate of title to the motor OR COVERED

1 POWERSPORTS vehicle, omitting all reference to the released mortgage;  
2 and

3  
4 **SECTION 48.** 42-6-127 (2), Colorado Revised Statutes, is  
5 amended to read:

6  
7 **42-6-127. Duration of lien of mortgage - extensions - rules.**  
8 (2) Upon receipt of a mortgage extension, the ~~director's~~ authorized agent  
9 shall make and complete the electronic record of the extension as the  
10 director by rule may require within the director's or the ~~director's~~  
11 authorized agent's motor AND COVERED POWERSPORTS vehicle database,  
12 and shall note the fact of the extension of the mortgage on the certificate  
13 of title, which may be filed electronically. Thereafter, the ~~certificate of~~  
14 ~~title shall be returned~~ AUTHORIZED AGENT SHALL RETURN THE  
15 CERTIFICATE to the person shown on the certificate to be entitled to the  
16 certificate. If any mortgage other than one on a trailer coach; truck  
17 tractor; multipurpose trailer, if known when filed; or motor home, that has  
18 been filed for record and noted on the certificate of title, has not been  
19 released or extended within ten years after the date ~~on which~~ WHEN the  
20 mortgage was filed in the office of the ~~director's~~ authorized agent, the  
21 person shown by the records in the director's office to be the owner of the  
22 motor OR COVERED POWERSPORTS vehicle described in the certificate of  
23 title, upon ~~making an appropriate application therefor~~ FILING AN  
24 APPLICATION, may request that ~~any~~ THE AUTHORIZED AGENT REMOVE  
25 references to the mortgages shown on the records. ~~of the director's~~  
26 ~~authorized agent be removed by the authorized agent.~~ The ~~director's~~  
27 authorized agent shall remove all reference to UNRELEASED OR NOT  
28 EXTENDED mortgages shown in the ~~director's~~ authorized agent's records  
29 to have been of record in the office of the authorized agent for more than  
30 ten years. ~~which mortgages have been neither released nor extended as~~  
31 ~~provided in this section.~~

32  
33 **SECTION 49.** 42-6-128, Colorado Revised Statutes, is amended  
34 to read:

35  
36 **42-6-128. Validity of mortgage between parties.** Nothing in  
37 this part 1 ~~shall be construed to impair~~ IMPAIRS the validity of a mortgage  
38 on a motor OR COVERED POWERSPORTS vehicle between the parties ~~thereto~~  
39 as long as no purchaser for value, mortgagee, or creditor without actual  
40 notice of the existence ~~thereof~~ OF A MORTGAGE has acquired an interest  
41 in the motor OR COVERED POWERSPORTS vehicle described ~~therein~~ IN THE  
42 MORTGAGE, notwithstanding that the parties to ~~said~~ THE mortgage have  
43 failed to comply with ~~the provisions of~~ this part 1.

44  
45 **SECTION 50.** 42-6-129 (1), (2), and (4), Colorado Revised  
46 Statutes, are amended to read:

47  
48 **42-6-129. Second or other junior mortgages.** (1) On and after  
49 July 1, 1977, ~~any~~ A person who takes a ~~second or other~~ junior mortgage  
50 on a motor OR COVERED POWERSPORTS vehicle for which a Colorado  
51 certificate of title has been issued or filed may file ~~said~~ THE mortgage for  
52 public record and have the ~~existence thereof~~ MORTGAGE noted or filed on  
53 the certificate of title with like effect as in other cases, ~~in the manner~~  
54 ~~prescribed in~~ AS REQUIRED BY this section.

55  
56 (2) ~~Such second or~~ THE junior mortgagee or the holder ~~thereof~~ OF

1 THE MORTGAGE shall file ~~said~~ THE mortgage pursuant to the requirements  
 2 ~~of~~ AS REQUIRED BY section 42-6-121 with the director's authorized agent  
 3 of the county ~~wherein~~ WHERE the mortgagor of ~~said~~ THE motor OR  
 4 COVERED POWERSPORTS vehicle resides or where the ~~motor~~ vehicle is  
 5 located and shall accompany ~~said~~ THE mortgage with a written request to  
 6 have the ~~existence thereof~~ MORTGAGE noted or filed on the certificate of  
 7 title records of the director's authorized agent pertaining to the ~~motor~~  
 8 vehicle covered by the junior or second mortgage. Upon the filing of  
 9 ~~such~~ THE mortgage, the director's authorized agent shall note in the record  
 10 of the ~~subject~~ vehicle the day and hour ~~on which such~~ WHEN THE  
 11 mortgage was received by the agent, ~~and~~ shall make and deliver a receipt  
 12 for the mortgage to the person filing the mortgage, and shall file the  
 13 ~~second or junior~~ mortgage as required under section 42-6-122.

14  
 15 (4) If ~~any~~ A person lawfully in possession of a certificate of title  
 16 to ~~any~~ A motor OR COVERED POWERSPORTS vehicle, upon whom demand  
 17 is made for the delivery ~~thereof~~ to the authorized agent, ~~omits, for any~~  
 18 ~~reason whatsoever,~~ FAILS to deliver or mail the ~~same~~ CERTIFICATE OF  
 19 TITLE to the authorized agent, ~~such~~ THE person ~~shall be~~ IS liable to the  
 20 holder of ~~such second or~~ THE junior mortgage for all damage sustained by  
 21 reason of ~~such~~ THE omission.

22  
 23 **SECTION 51.** 42-6-130, Colorado Revised Statutes, is amended  
 24 to read:

25  
 26 **42-6-130. Priority of secured interests.** The liens or mortgages  
 27 filed for record or noted on a certificate of title to a motor OR COVERED  
 28 POWERSPORTS vehicle, as provided in section 42-6-121, ~~shall~~ take priority  
 29 in the same order that they were filed ~~in the office of~~ WITH the authorized  
 30 agent; except that the priority of a purchase-money security interest, as  
 31 defined in section 4-9-103, C.R.S., ~~shall be~~ IS determined in accordance  
 32 with sections 4-9-317 (e) and 4-9-324 (a), C.R.S.

33  
 34 **SECTION 52.** 42-6-131, Colorado Revised Statutes, is amended  
 35 to read:

36  
 37 **42-6-131. Mechanic's, warehouse, and other liens.** Nothing in  
 38 this part 1 ~~shall be construed to impair~~ IMPAIRS the rights of lien  
 39 claimants arising under ~~any mechanics'~~ A MECHANIC'S lien ~~law~~ or the lien  
 40 of a warehouse or other person claimed for repairs on or storage of ~~any~~  
 41 A motor OR COVERED POWERSPORTS vehicle, when a mechanic's lien or  
 42 storage lien originated prior to a mortgage or lien on the motor OR  
 43 COVERED POWERSPORTS vehicle being filed for record and ~~such motor~~  
 44 THE vehicle has remained continuously in the possession of the person  
 45 claiming ~~such~~ THE mechanic's lien or lien for storage.

46  
 47 **SECTION 53.** 42-6-133, Colorado Revised Statutes, is amended  
 48 to read:

49  
 50 **42-6-133. Foreign mortgages and liens.** ~~No~~ A mortgage or lien  
 51 on a motor OR COVERED POWERSPORTS vehicle filed for record in a state  
 52 other than Colorado ~~shall be~~ IS NOT valid and enforceable against the  
 53 rights of subsequent purchasers for value, creditors, lienholders, or  
 54 mortgagees having no actual notice of the existence of ~~such~~ THE mortgage  
 55 or lien. If the certificate of title for ~~such~~ THE vehicle bears any notation  
 56 adequate to apprise a purchaser, creditor, lienholder, or mortgagee of the



1 existence of a mortgage or lien at the time a third party acquires a right in  
2 the motor vehicle, ~~such~~ THE mortgage or lien and the rights of the holder  
3 of the mortgage or lien ~~shall be~~ ARE enforceable in this state as though  
4 ~~such~~ THE mortgage were filed in Colorado and noted on the certificate of  
5 title or noted in the record of the authorized agent ~~pertaining to that~~ FOR  
6 THE vehicle ~~pursuant to~~ UNDER section 42-6-121.

7  
8 **SECTION 54.** 42-6-134, Colorado Revised Statutes, is amended  
9 to read:

10  
11 **42-6-134. Where application for certificates of title made.**  
12 Except as otherwise provided in this part 1, ~~all applications~~ A PERSON  
13 SHALL APPLY for recording of certificates of title upon the sale or transfer  
14 of a motor OR COVERED POWERSPORTS vehicle ~~described in the certificate~~  
15 ~~of title shall be directed to and filed~~ with the authorized agent of the  
16 county where ~~such~~ THE vehicle will be registered and licensed for  
17 operation.

18  
19 **SECTION 55.** 42-6-135 (2), Colorado Revised Statutes, is  
20 amended to read:

21  
22 **42-6-135. Lost certificates of title.** (2) If the title owner,  
23 lienholder, or mortgagee of a certificate of title loses, misplaces, or  
24 accidentally destroys a certificate of title to a motor OR COVERED  
25 POWERSPORTS vehicle that ~~such~~ THE person holds as described in the  
26 certificate of title, upon application, the director or the authorized agent  
27 may issue a duplicate copy of the recorded certificate of title as in other  
28 cases.

29  
30 **SECTION 56.** 42-6-136 (1), Colorado Revised Statutes, is  
31 amended to read:

32  
33 **42-6-136. Surrender and cancellation of certificate - penalty**  
34 **for violation.** (1) The owner of a motor OR COVERED POWERSPORTS  
35 vehicle for which a Colorado certificate of title has been issued, upon the  
36 destruction or dismantling of ~~said motor~~ THE vehicle, upon its being  
37 changed so that it is no longer a motor OR COVERED POWERSPORTS  
38 vehicle, or upon its being sold or otherwise disposed of as salvage, shall  
39 surrender the certificate of title to the ~~motor~~ vehicle to the director or the  
40 authorized agent to be canceled or notify the director or the authorized  
41 agent on director-approved forms indicating the loss, destruction or  
42 dismantling, or sale for salvage. Upon the owner's procuring the consent  
43 of the holders of ~~any~~ unreleased mortgages or liens noted on or recorded  
44 as part of the certificate of title, ~~such~~ THE DIRECTOR OR AUTHORIZED  
45 AGENT SHALL CANCEL THE certificate. ~~shall be canceled.~~ A person who  
46 violates this section commits a class 1 petty offense and shall be punished  
47 as provided in section 18-1.3-503, C.R.S.

48  
49 **SECTION 57.** 42-6-137 (2), (6), (7) (a), and (7) (b), Colorado  
50 Revised Statutes, are amended to read:

51  
52 **42-6-137. Fees.** (2) Upon the receipt by an authorized agent of  
53 a mortgage for filing under section 42-6-121, 42-6-125, or 42-6-129, THE  
54 FILER SHALL PAY the authorized agent ~~shall be paid such fees as are~~  
55 ~~imposed by law for the filing of like instruments in the office of the~~  
56 ~~county clerk and recorder in the county where such mortgage is filed and~~

1 ~~shall also receive a fee of seven dollars and twenty cents~~ A FEE OF FIVE  
2 DOLLARS PER PAGE. FOR RECORDING DOCUMENTS IN EXCESS OF EIGHT  
3 AND ONE-HALF INCHES IN WIDTH OR FOURTEEN INCHES IN LENGTH, THE FEE  
4 IS TEN DOLLARS PER PAGE. For the issuance or recording of the certificate  
5 of title and the notation in the record of the director or the authorized  
6 agent of the existence of the mortgage, THE FEE IS SEVEN DOLLARS AND  
7 TWENTY CENTS.

8  
9 (6) Upon filing with the director an application for a certificate of  
10 title, a motor OR COVERED POWERSPORTS vehicle dealer who applies to  
11 receive a certificate of title within one working day after application shall  
12 pay to ~~such~~ THE director a fee of twenty-five dollars.

13  
14 (7) An authorized agent shall, if possible, provide the following  
15 recording of titles on the same day as the date of request by an applicant:

16  
17 (a) A title issued ~~pursuant to~~ BECAUSE OF a transfer of a motor OR  
18 COVERED POWERSPORTS vehicle currently titled in Colorado;

19  
20 (b) A title issued for a new motor OR COVERED POWERSPORTS  
21 vehicle upon filing of a manufacturer's statement of origin without liens;  
22 and

23  
24 **SECTION 58.** The introductory portion to 42-6-138 (2) and  
25 42-6-138 (2) (b), (3), and (4), Colorado Revised Statutes, are amended to  
26 read:

27  
28 **42-6-138. Disposition of fees.** (2) ~~All fees collected by~~ The  
29 authorized agent SHALL DISPOSE OF ALL FEES COLLECTED under section  
30 42-6-137 (5) or 38-29-138 (5), C.R.S., ~~shall be disposed of~~ as follows:

31  
32 (b) For assignment of a new identifying number to a motor OR  
33 COVERED POWERSPORTS vehicle or manufactured home, THE AUTHORIZED  
34 AGENT SHALL RETAIN two dollars and fifty cents ~~shall be retained by the~~  
35 ~~authorized agent and disposition made~~ DISPOSE OF IT as provided by law;  
36 and SHALL CREDIT one dollar ~~shall be credited~~ to the special purpose  
37 account established by section 42-1-211. THE DEPARTMENT SHALL  
38 CREDIT all fees ~~collected by the department~~ IT COLLECTS under ~~the~~  
39 ~~provisions of~~ section 42-6-137 (1) (a), (4), or (5) or 38-29-138 (1) (a), (4),  
40 or (5), C.R.S., ~~shall be credited~~ to ~~such~~ THE special purpose account.

41  
42 (3) THE AUTHORIZED AGENT SHALL RETAIN all fees paid ~~to the~~  
43 ~~authorized agent~~ under section 42-6-137 (3) for the extension of a  
44 mortgage or lien on a motor OR COVERED POWERSPORTS vehicle filed in  
45 the authorized agent's office ~~shall be retained by the authorized agent~~ to  
46 defray the cost of ~~such~~ THE extension or release and ~~shall be disposed of~~  
47 ~~by the authorized agent~~ DISPOSE OF THEM as provided by law; except that  
48 THE AUTHORIZED AGENT SHALL DISPOSE OF fees for this service that are  
49 paid ~~to the authorized agent~~ in the city and county of Denver ~~shall, by~~  
50 ~~such agent, be disposed of~~ in the same manner as fees retained by the  
51 agent that were paid ~~upon application being made~~ for FILING a certificate  
52 of title APPLICATION.

53  
54 (4) THE DIRECTOR SHALL CREDIT the fee paid by a motor OR  
55 COVERED POWERSPORTS vehicle dealer ~~to the director~~ pursuant to section  
56 42-6-137 (6) for a certificate of title issued within one working day of

1 AFTER application ~~shall be credited~~ to the special purpose account  
2 established by section 42-1-211 (2).

3

4 **SECTION 59.** 42-6-139 (1), (2), and (4), Colorado Revised  
5 Statutes, are amended to read:

6

7 **42-6-139. Registration and title application - where made.**

8 (1) (a) For purposes of this section, a person's residence ~~shall be~~ IS the  
9 person's principal or primary home or place of abode, to be determined in  
10 the same manner as residency for voter registration purposes as provided  
11 in sections 1-2-102 and 31-10-201, C.R.S.; except that "voter  
12 registration" ~~shall be~~ IS substituted for WITH "motor vehicle registration"  
13 as a circumstance to be taken into account in determining ~~such~~ THE  
14 principal or primary home or place of abode.

15

16 (b) A PERSON'S RESIDENCE FOR THE PURPOSES OF TITLING A  
17 COVERED POWERSPORTS VEHICLE IS THE SAME AS DETERMINED BY  
18 PARAGRAPH (a) OF THIS SUBSECTION (1).

19

20 (2) (a) Except as may be otherwise provided by rule of the  
21 director, it is unlawful for ~~any~~ A person who is a resident of the state to  
22 register, to obtain a license for, or to procure a certificate of title to, a  
23 motor vehicle at any address other than:

24

25 (a) (I) For a motor vehicle ~~that is~~ owned by a business and  
26 operated primarily for business purposes, the address where ~~such~~ THE  
27 vehicle is principally operated and maintained; or

28

29 (b) (II) For ~~any~~ A motor vehicle for TO which ~~the provisions of~~  
30 SUBPARAGRAPH (I) OF THIS paragraph (a) ~~of this subsection (2) do~~ DOES  
31 not apply, the address of the owner's residence; except that, if a motor  
32 vehicle is permanently maintained at an address other than the address of  
33 the owner's residence, ~~such motor~~ THE vehicle shall be registered at the  
34 address where ~~such motor~~ THE vehicle is permanently maintained.

35

36 (b) EXCEPT AS MAY BE OTHERWISE PROVIDED BY RULE OF THE  
37 DIRECTOR, IT IS UNLAWFUL FOR A PERSON WHO IS A RESIDENT OF THE  
38 STATE TO PROCURE A CERTIFICATE OF TITLE TO A COVERED POWERSPORTS  
39 VEHICLE AT ANY ADDRESS OTHER THAN:

40

41 (I) FOR A COVERED POWERSPORTS VEHICLE OWNED BY A BUSINESS  
42 AND OPERATED PRIMARILY FOR BUSINESS PURPOSES, THE ADDRESS WHERE  
43 THE VEHICLE IS PRINCIPALLY OPERATED AND MAINTAINED; OR

44

45 (II) FOR A COVERED POWERSPORTS VEHICLE TO WHICH  
46 SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) DOES NOT APPLY, THE  
47 ADDRESS OF THE OWNER'S RESIDENCE; EXCEPT THAT, IF A COVERED  
48 POWERSPORTS VEHICLE IS PERMANENTLY MAINTAINED AT AN ADDRESS  
49 OTHER THAN THE ADDRESS OF THE OWNER'S RESIDENCE, THE VEHICLE  
50 MUST BE REGISTERED AT THE ADDRESS WHERE THE VEHICLE IS  
51 PERMANENTLY MAINTAINED.

52

53 (4) In addition to any other applicable penalty, a person who  
54 registers a motor vehicle in violation of the provisions of VIOLATES  
55 subsection (2) of this section, section 42-3-103 (4) (a), or section  
56 42-6-140 ~~shall be~~ IS subject to a civil penalty of five hundred dollars.

1 ~~Such~~ THE violation ~~shall be~~ IS determined by, assessed by, and paid to the  
2 municipality or county where the motor OR COVERED POWERSPORTS  
3 vehicle is or should have been registered, subject to judicial review  
4 pursuant to rule 106 (a) (4) of the Colorado rules of civil procedure.

5  
6 **SECTION 60.** 42-6-141, Colorado Revised Statutes, is amended  
7 to read:

8  
9 **42-6-141. Director's records to be public.** ~~All~~ Records in the  
10 director's office pertaining to the title to a motor OR COVERED  
11 POWERSPORTS vehicle ~~shall be~~ ARE public records ~~and shall be~~ subject to  
12 ~~the provisions of~~ section 42-1-206. This ~~shall include any~~ INCLUDES  
13 records regarding ownership of and mortgages or liens on a vehicle for  
14 which a Colorado certificate of title has been issued.

15  
16 **SECTION 61.** 42-6-142 (1), Colorado Revised Statutes, is  
17 amended to read:

18  
19 **42-6-142. Penalties.** (1) ~~No~~ A person ~~may~~ SHALL NOT sell,  
20 transfer, or in any manner dispose of a motor OR COVERED POWERSPORTS  
21 vehicle in this state without complying with this part 1.

22  
23 **SECTION 62.** 42-6-145 (1), Colorado Revised Statutes, is  
24 amended to read:

25  
26 **42-6-145. Use of vehicle identification numbers in applications**  
27 **- rules.** (1) (a) A person required to apply for a certificate of title or  
28 registration of a motor vehicle shall use the identification number placed  
29 upon the ~~motor~~ vehicle by the manufacturer or the special vehicle  
30 identification number assigned to the motor vehicle by the department  
31 pursuant to section 42-5-205. The DEPARTMENT SHALL USE THE SAME  
32 IDENTIFICATION NUMBER OF THE MOTOR VEHICLE FOR THE certificate of  
33 title and registration card. ~~issued by the department shall use the~~  
34 ~~identification number of the motor vehicle.~~

35  
36 (b) A PERSON REQUIRED TO APPLY FOR A CERTIFICATE OF TITLE OR  
37 REGISTRATION OF A COVERED POWERSPORTS VEHICLE SHALL USE THE  
38 IDENTIFICATION NUMBER PLACED UPON THE VEHICLE BY THE  
39 MANUFACTURER OR THE SPECIAL VEHICLE IDENTIFICATION NUMBER  
40 ASSIGNED TO THE COVERED POWERSPORTS VEHICLE BY THE DEPARTMENT.  
41 THE DEPARTMENT SHALL USE THE SAME IDENTIFICATION NUMBER OF THE  
42 COVERED POWERSPORTS VEHICLE FOR THE CERTIFICATE OF TITLE.

43  
44 **SECTION 63.** 42-6-146 (1), (3), and (4), Colorado Revised  
45 Statutes, are amended to read:

46  
47 **42-6-146. Repossession of motor vehicle or covered**  
48 **powersports vehicle - owner must notify law enforcement agency -**  
49 **penalty.** (1) If a mortgagee, lienholder, or the mortgagee's or  
50 lienholder's assignee or the agent of either repossesses a motor OR  
51 COVERED POWERSPORTS vehicle because of default in the terms of a  
52 secured debt, the reposessor shall notify, either ~~verbally~~ ORALLY or in  
53 writing, a law enforcement agency, as provided in this section, of the ~~fact~~  
54 ~~of such~~ repossession, the name of the owner, the name of the reposessor,  
55 and the name of the mortgagee, lienholder, or assignee. ~~Such~~ THE  
56 notification ~~shall~~ MUST be made at least one hour before or no later than

1 one hour after the repossession occurs. If ~~such~~ THE repossession takes  
2 place in an incorporated city or town, the reposessor shall notify the  
3 police department, town marshal, or other local law enforcement agency  
4 of ~~such~~ THE city or town. If ~~such~~ THE repossession takes place in the  
5 unincorporated area of a county, the reposessor shall notify the county  
6 sheriff.

7  
8 (3) If a motor OR COVERED POWERSPORTS vehicle being  
9 repossessed is subject to the "Uniform Commercial Code - Secured  
10 Transactions", article 9 of title 4, C.R.S., the repossession ~~shall be~~ IS  
11 governed by ~~the provisions of~~ section 4-9-629, C.R.S.

12  
13 (4) As used in this section, the term "reposessor" means the party  
14 who physically takes possession of the motor OR COVERED POWERSPORTS  
15 vehicle and drives, tows, or transports the ~~motor~~ vehicle for delivery to  
16 the mortgagee, lienholder, or assignee or the agent of ~~such~~ THE  
17 mortgagee, lienholder, or assignee.

18  
19 **SECTION 64.** Part 1 of article 6 of title 42, Colorado Revised  
20 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
21 read:

22  
23 **42-6-148. Powersports vehicles - dealer sales.** (1) A PERSON  
24 SHALL NOT SELL A POWERSPORTS VEHICLE TO A POWERSPORTS VEHICLE  
25 DEALER AND A POWERSPORTS VEHICLE DEALER SHALL NOT PURCHASE A  
26 POWERSPORTS VEHICLE UNLESS THE OWNER HAS OBTAINED A TITLE FOR  
27 THE POWERSPORTS VEHICLE UNDER THIS ARTICLE. A SALE OR PURCHASE  
28 MADE IN VIOLATION OF THIS SECTION IS VOID AB INITIO.

29  
30 (2) UNTIL A COVERED POWERSPORTS VEHICLE IS ISSUED A  
31 CERTIFICATE OF TITLE, THE ATTACHMENT, RECORDING, PERFECTION,  
32 PRIORITY, RENEWAL, EXTENSION, MODIFICATION, RELEASING,  
33 TERMINATION, FORECLOSURE, AND ANY OTHER ASPECT OF A SECURITY  
34 INTEREST IN A COVERED POWERSPORTS VEHICLE IS GOVERNED BY THE  
35 "UNIFORM COMMERCIAL CODE", TITLE 4, C.R.S.

36  
37 **SECTION 65.** 42-4-1701 (4) (a) (I) (A) and (4) (a) (I) (B),  
38 Colorado Revised Statutes, is amended to read:

39  
40 **42-4-1701. Traffic offenses and infractions classified -**  
41 **penalties - penalty and surcharge schedule - repeal.** (4) (a) (I) Except  
42 as provided in paragraph (c) of subsection (5) of this section, every  
43 person who is convicted of, who admits liability for, or against whom a  
44 judgment is entered for a violation of any provision of this title to which  
45 paragraph (a) or (b) of subsection (5) of this section apply shall be fined  
46 or penalized, and have a surcharge levied thereon pursuant to sections  
47 24-4.1-119 (1) (f) and 24-4.2-104 (1) (b) (I), C.R.S., in accordance with  
48 the penalty and surcharge schedule set forth in sub-subparagraphs (A) to  
49 (P) of this subparagraph (I); or, if no penalty or surcharge is specified in  
50 the schedule, the penalty for class A and class B traffic infractions shall  
51 be fifteen dollars, and the surcharge shall be four dollars. These penalties  
52 and surcharges ~~shall~~ apply whether the defendant acknowledges the  
53 defendant's guilt or liability in accordance with the procedure set forth by  
54 paragraph (a) of subsection (5) of this section or is found guilty by a court  
55 of competent jurisdiction or has judgment entered against the defendant  
56 by a county court magistrate. Penalties and surcharges for violating

1 specific sections shall be as follows:  
2

3	Section Violated	Penalty	Surcharge
4	(A) Drivers' license violations:		
5	42-2-101 (1) or (4)	\$ 35.00	\$ 10.00
6	42-2-101 (2), (3), or (5)	15.00	6.00
7	<del>42-2-103</del>	<del>15.00</del>	<del>6.00</del>
8	<del>42-2-105</del>	<del>70.00</del>	<del>10.00</del>
9	42-2-103 (3)(a)	15.00	6.00
10	42-2-103 (3)(b)	50.00	6.00
11	42-2-105	70.00	10.00
12	42-2-105.5 (4)	65.00	10.00
13	42-2-106	70.00	10.00
14	42-2-116 (6)(a)	30.00	6.00
15	42-2-119	15.00	6.00
16	42-2-134	35.00	10.00
17	42-2-136	35.00	10.00
18	42-2-139	35.00	10.00
19	42-2-140	35.00	10.00
20	42-2-141	35.00	10.00

21	(B) Registration and taxation violations:		
22			
23	<del>42-3-103</del>	<del>\$ 50.00</del>	<del>\$ 16.00</del>
24	<del>42-3-113</del>	<del>15.00</del>	<del>6.00</del>
25	42-3-103 (1)(a) AND (6)	50.00	16.00
26	42-3-113	15.00	6.00
27	42-3-202	15.00	6.00
28	42-3-116	50.00	16.00
29	42-3-121 (1)(a)	75.00	24.00
30	42-3-121 (1)(c)	35.00	10.00
31	42-3-121 (1)(f), (1)(g),		
32	and (1)(h)	75.00	24.00
33	42-3-304 to 42-3-306	50.00	16.00

34  
35 **SECTION 66.** 43-4-205 (5.5) (f), Colorado Revised Statutes, is  
36 amended to read:

37  
38 **43-4-205. Allocation of fund.** (5.5) The following highway  
39 users tax fund revenues shall be allocated and expended in accordance  
40 with the formula specified in subsection (5) of this section:

41  
42 (f) Revenues from fees that are credited to the fund pursuant to  
43 ~~section~~ SECTIONS 42-3-311 (1) AND 42-3-313 (2), C.R.S., and that exceed  
44 the amount of appropriations made from the fund pursuant to those  
45 sections for the purpose of defraying specified administrative expenses;

46  
47 **SECTION 67. Act subject to petition - effective date -**  
48 **applicability.** (1) This act shall take effect July 1, 2012; except that, if  
49 a referendum petition is filed pursuant to section 1 (3) of article V of the  
50 state constitution against this act or an item, section, or part of this act  
51 within the ninety-day period after final adjournment of the general  
52 assembly, then the act, item, section, or part shall not take effect unless  
53 approved by the people at the general election to be held in November  
54 2012 and shall take effect on July 1, 2012, or on the date of the official  
55 declaration of the vote thereon by the governor, whichever is later.

56

1 (2) The provisions of this act shall apply to acts occurring or  
2 applications filed on or after April 1, 2013."  
3  
4  
5

6 **SB11-180** be referred to the Committee of the Whole with favorable  
7 recommendation.  
8  
9

---

10  
11 **MESSAGE(S) FROM THE SENATE**  
12

13 The Senate has granted permission to the First Conference Committee to  
14 go beyond the scope of the differences between the two houses, on  
15 SB11-219.  
16

17 The Senate has postponed indefinitely HB11-1049. The bills are returned  
18 herewith.  
19

---

20  
21 **APPOINTMENT**  
22

23  
24 The Speaker announced the temporary appointment of Representative  
25 Becker to replace Representative Liston to the Committee on Economic  
26 & Business Development.  
27

---

28  
29 House in recess. House reconvened.  
30  
31

---

32  
33 **FIRST REPORT OF FIRST CONFERENCE COMMITTEE**  
34 **on HB11-1209**  
35

36 This Report Amends the Rerevised Bill.  
37

38 To the President of the Senate and the  
39 Speaker of the House of Representatives:  
40

41 Your first conference committee appointed on HB11-1209,  
42 concerning the creation of a small business navigator by the small  
43 business assistance center under the office of economic development, has  
44 met and reports that it has agreed upon the following:  
45

46 That the House accede to the Senate amendments made to the bill,  
47 as the amendments appear in the rerevised bill, with the following  
48 changes:  
49

50 Amend rerevised bill, page 3, line 5, after "(b)" insert "(I)".  
51

52 Page 3, line 9, strike "(I)" and substitute "(A)".  
53

54 Page 3, line 10, strike "(II)" and substitute "(B)".  
55

56 Page 3, line 14, strike "(III)" and substitute "(C)".

1 Page 3, line 16, strike "(IV)" and substitute "(D)".

2

3 Page 3, line 17, strike "(V)" and substitute "(E)".

4

5 Page 3, after line 18 insert:

6

7           "(II) ON OR BEFORE JANUARY 15, 2012, AND ON OR BEFORE EACH  
8 JANUARY 15 THEREAFTER, THE COLORADO OFFICE OF ECONOMIC  
9 DEVELOPMENT SHALL SUBMIT A REPORT TO THE BUSINESS, LABOR, AND  
10 TECHNOLOGY COMMITTEE OF THE SENATE AND THE ECONOMIC AND  
11 BUSINESS DEVELOPMENT COMMITTEE OF THE HOUSE OF REPRESENTATIVES,  
12 OR SUCH SUCCESSOR COMMITTEES, WHICH REPORT SHALL INCLUDE THE  
13 NUMBER OF SMALL BUSINESSES BEING SERVED BY THE SMALL BUSINESS  
14 NAVIGATOR."

15

16 Respectfully submitted,

17     House Committee:

18       (signed)

19       Matt K. Jones

20       Marsha Looper

21       Tom Massey

22

23

24

25

26           **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

27

28 The Speaker has signed: **HB11-1080, 1097, 1216, 1258.**

29

30

31

32

33           **MESSAGE(S) FROM THE SENATE**

34

35

36 The Senate has adopted the First Report of the First Conference  
37 Committee on HB11-1209, as printed in Senate Journal, April 21, 2011,  
38 pages 819-820, and repassed the bill as amended. The bill is returned  
39 herewith.

40

41 Upon announcement of President Shaffer, Senator Bacon will replace  
42 Senator Mitchell as prime sponsor on HB11-1199.

43

44

45

46

47           **MESSAGE(S) FROM THE GOVERNOR**

48

49 I certify I received the following on the 25th day of April 25, 2011, at  
50 12:30 p.m. The original is on file in the records of the House of  
51 Representatives of the General Assembly.

52

53

54

55

Marilyn Eddins,  
Chief Clerk of the House



1 April 22, 2011

2

3 To the Honorable  
4 House of Representatives  
5 Sixty-eighth General Assembly  
6 Second Regular Session  
7 Denver, CO 80203

8

9 Ladies and Gentlemen:

10

11 I have the honor to inform you that I have approved and filed with the  
12 Secretary of State the following act:

13

14 **HB11-1182** CONCERNING THE ADJUSTMENT OF SPECIFIED VEHICLE FEES  
15 CREDITED TO SPECIAL PURPOSE ACCOUNTS WITHIN THE  
16 HIGHWAY USERS TAX FUND, AND MAKING AN APPROPRIATION  
17 THEREFOR

18

19 Approved April 22, 2011 at 8:54 a.m.

20

21 **HB11-1198** CONCERNING A REORGANIZATION OF THE STATUTES  
22 GOVERNING MOTOR CARRIERS, AND, IN CONNECTION  
23 THEREWITH, CONSOLIDATING THE FORMER ARTICLES 10, 11, 13,  
24 14, AND 16 OF TITLE 40, COLORADO REVISED STATUTES, INTO  
25 A SINGLE ARTICLE AND MAKING SUBSTANTIVE AND  
26 NONSUBSTANTIVE AMENDMENTS TO PROVISIONS GRANTING  
27 REGULATORY AUTHORITY TO THE PUBLIC UTILITIES  
28 COMMISSION

29

30 Approved April 22, 2011 at 8:55 a.m.

31

32 Sincerely,  
33 (signed)  
34 John W. Hickenlooper  
35 Governor

36

37

38

39

**INTRODUCTION OF BILLS**  
**First Reading**

40

41

42 The following bills were read by title and referred to the committees  
43 indicated:

44

45 **HB11-1303** by Representative(s) Gardner B., Labuda, Levy, Murray,  
46 Waller; also Senator(s) Brophy, Carroll, Morse, Roberts,  
47 Schwartz--Concerning nonsubstantive revisions of statutes  
48 in the Colorado Revised Statutes, as amended, and, in  
49 connection therewith, amending or repealing obsolete,  
50 inconsistent, and conflicting provisions of law and  
51 clarifying the language to reflect the legislative intent of  
52 the laws.

53 Committee on Judiciary

54

55 **HB11-1304** by Representative(s) Szabo, Court, Acree, Baumgardner,  
56 Becker, Beezley, Bradford, Brown, Casso, Coram,

- 1 DelGrosso, Fields, Gardner D., Hamner, Kerr A., Kerr J.,  
 2 Lee, Levy, Liston, Looper, McNulty, Miklosi, Peniston,  
 3 Priola, Ryden, Schafer S., Scott, Solano, Soper,  
 4 Swerdfeger, Todd, Williams A., Wilson; also Senator(s)  
 5 Cadman, Johnston, Grantham--Concerning a requirement  
 6 that the ballot title of a statewide measure be written in  
 7 plain language.  
 8 Committee on State, Veterans, & Military Affairs  
 9
- 10 **SB11-060** by Senator(s) Boyd and White; also Representative(s)  
 11 Gardner B. and Kerr A.--Concerning the alcohol content  
 12 of alcohol beverages that are available for consumption on  
 13 a licensed premises.  
 14 Committee on Economic and Business Development  
 15
- 16 **SB11-166** by Senator(s) Johnston; also Representative(s) Wilson--  
 17 Concerning the "Uniform Disclaimer of Property Interests  
 18 Act".  
 19 Committee on Judiciary  
 20
- 21 **SB11-199** by Senator(s) Tochtrop; also Representative(s) Riesberg--  
 22 Concerning workers' compensation.  
 23 Committee on Economic and Business Development  
 24
- 25 **SB11-203** by Senator(s) Schwartz; also Representative(s)  
 26 Sonnenberg--Concerning the species conservation trust  
 27 fund, and, in connection therewith, approving the species  
 28 conservation eligibility list.  
 29 Committee on Agriculture, Livestock, & Natural Resources  
 30
- 31 **SB11-208** by Senator(s) Schwartz and Hodge, Bacon, Boyd, Brophy,  
 32 Cadman, Foster, Giron, Grantham, Guzman, Heath,  
 33 Hudak, Jahn, King S., Kopp, Lambert, Nicholson, Shaffer  
 34 B., Spence, Steadman, Tochtrop, White, Williams S.; also  
 35 Representative(s) Sonnenberg and Gerou, Acree, Barker,  
 36 Baumgardner, Becker, Beezley, Bradford, Coram,  
 37 Ferrandino, Gardner B., Hamner, Holbert, Joshi, Labuda,  
 38 Looper, Massey, McCann, Miklosi, Murray, Nikkel,  
 39 Priola, Ramirez, Ryden, Schafer S., Scott, Stephens,  
 40 Summers, Swalm, Swerdfeger, Waller, Wilson--  
 41 Concerning the consolidation of wildlife entities with  
 42 parks and outdoor recreation entities under the department  
 43 of natural resources.  
 44 Committee on Agriculture, Livestock, & Natural Resources  
 45
- 46 **SB11-231** by Senator(s) Steadman; also Representative(s) Nikkel--  
 47 Concerning operation of the Colorado channel authority,  
 48 and, in connection therewith, allowing the authority to  
 49 make available via the internet audio recordings of  
 50 proceedings of the general assembly and requiring certain  
 51 members of the board of directors of the authority to be  
 52 serving members of the general assembly and to represent  
 53 the major political parties in each house.  
 54 Committee on State, Veterans, & Military Affairs  
 55  
 56

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**LAY OVER OF CALENDAR ITEM(S)**

On motion of Representative Stephens, the following item(s) on the Calendar (was)were laid over until April 26, retaining place on Calendar:

- Consideration of Special Orders--**HB11-1149 amended.**
- Consideration of General Orders--**HB11-1212, SB11-076, HB11-1294, 1223, 1285, SB11-045.**
- Consideration of Resolution(s)--**SJR11-009, 041.**
- Consideration of Senate Amendment(s)--**HB11-1230, 1196, 1026, 1076, 1145, 1146, 1218.**



On motion of Representative Stephens, the House adjourned until 9:00 a.m., April 26, 2011.

Approved:  
FRANK McNULTY,  
Speaker

Attest:  
MARILYN EDDINS,  
Chief Clerk

