

**First Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO**

**REENGROSSED**

*This Version Includes All Amendments  
Adopted in the House of Introduction*

LLS NO. 11-0668.01 Jery Payne

**HOUSE BILL 11-1264**

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**HOUSE SPONSORSHIP**

**Priola and Williams A.,**

**SENATE SPONSORSHIP**

**White and Tochtrop,**

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**House Committees**

Transportation  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING THE APPLICATION OF VEHICLE LAWS TO POWERSPORTS**  
102      **VEHICLES THAT OPERATE ON ROADWAYS.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

The bill authorizes off-highway vehicles to be operated on the road with the following limitations:

- !      The rider must be licensed;
- !      The vehicle must be registered with the department of revenue;

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

HOUSE  
3rd Reading Unamended  
May 5, 2011

HOUSE  
Amended 2nd Reading  
May 4, 2011

- ! The vehicle must be insured;
- ! The vehicle cannot be driven on a road with a speed limit greater than 45 miles per hour except to cross the road;
- ! The vehicle cannot be operated on a limited-access highway or state highway;
- ! The vehicle cannot be driven on paved roads when the local authorities prohibit it;
- ! The driver cannot carry more people than the vehicle is designed for;
- ! The vehicle cannot exceed 45 miles per hour; and
- ! The vehicle must meet equipment standards including: Seats, seatbelts, brakes, stoplights, red reflectors, mirrors, and headlamps.

The Colorado department of transportation and local authorities are authorized to regulate the use of off-highway vehicles on state highways. Drivers of off-highway vehicles must obey the rules of the road.

A dealer may act as the agent of the department of revenue to issue temporary registrations of off-highway vehicles. The department issues license plates to registered vehicles, but the plates do not need to be renewed. The owner pays a registration fee of \$10, a county fee of \$4, and the motorist insurance database fee of \$0.50.

A repair shop may restore a lien on an off-highway vehicle if a person's check is dishonored in the same manner as with motor vehicles.

Powersports vehicles must be titled in the same manner as motor vehicles except those provisions that assume the vehicle will be registered with the department of revenue.

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

2 **SECTION 1.** 10-4-601 (6), Colorado Revised Statutes, is  
3 amended to read:

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

6 (6) "Motor vehicle" means a "motor vehicle" and a "low-power  
7 scooter", as both terms are defined in section 42-1-102, C.R.S.; except  
8 that "motor vehicle" does not include a toy vehicle, snowmobile,  
9 ~~off-highway vehicle~~, or vehicle designed primarily for use on rails.

10 "MOTOR VEHICLE" INCLUDES AN OFF-HIGHWAY VEHICLE ONLY IF IT IS

1 REGISTERED UNDER ARTICLE 3 OF TITLE 42, C.R.S., AND THE DRIVER IS  
2 REQUIRED TO BE LICENSED UNDER SECTION 42-2-103, C.R.S., TO OPERATE  
3 THE VEHICLE.

4 **SECTION 2.** 10-4-617 (5), Colorado Revised Statutes, is  
5 amended to read:

6 **10-4-617. Insurers - biannual fee - auto theft prevention**  
7 **authority.** (5) As used in this section, "motor vehicle" does not include  
8 ~~vehicles~~ A VEHICLE or vehicle ~~combinations~~ COMBINATION with a  
9 declared gross weight of more than twenty-six thousand pounds, OR A  
10 POWER SPORT VEHICLE, TOY VEHICLE, SNOWMOBILE, OFF-HIGHWAY  
11 VEHICLE, OR VEHICLE DESIGNED PRIMARILY FOR USE ON RAILS.

12 **SECTION 3.** Article 14.5 of title 33, Colorado Revised Statutes,  
13 is amended BY THE ADDITION OF A NEW SECTION to read:

14 **33-14.5-100.2. Legislative intent.** THE GENERAL ASSEMBLY  
15 HEREBY DETERMINES THAT REGISTRATION OF OFF-HIGHWAY VEHICLES  
16 UNDER THIS ARTICLE IS NOT A REGISTRATION FEE OR OTHER CHARGE WITH  
17 RESPECT TO THE OPERATION OF A MOTOR VEHICLE UPON A PUBLIC  
18 HIGHWAY.

19 **SECTION 4.** 33-14.5-101 (3), Colorado Revised Statutes, is  
20 amended to read:

21 **33-14.5-101. Definitions.** As used in this article, unless the  
22 context otherwise requires:

23 (3) "Off-highway vehicle" means ~~any~~ A self-propelled vehicle  
24 ~~which~~ THAT is designed to travel on wheels or tracks in contact with the  
25 ground, ~~which~~ THAT is designed primarily for use off of the public  
26 highways, and ~~which~~ THAT is generally and commonly used ~~to transport~~  
27 ~~persons~~ for recreational purposes. "Off-highway vehicle" does not

1 include: ~~the following~~:

2 (a) Vehicles designed and used primarily for travel on, over, or in  
3 the water;

4 (b) Snowmobiles;

5 (c) Military vehicles;

6 (d) Golf carts CARS;

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

8 (f) Vehicles designed and used specifically for agricultural,  
9 logging, or mining purposes; or

10 (g) MOTOR vehicles registered pursuant to article 3 of title 42,  
11 C.R.S.

12 **SECTION 5.** 33-14.5-102 (1) (b), Colorado Revised Statutes, is  
13 amended to read:

14 **33-14.5-102. Off-highway vehicle registration -**  
15 **nonresident-owned or -operated off-highway vehicle permits - fees -**  
16 **applications - requirements - exemptions.** (1) (b) The division shall

17 employ off-highway vehicle agents, including dealers and licensing  
18 agents serving as such for the division of wildlife, for off-highway  
19 vehicle registration pursuant to the provisions of section 33-12-104.

20 Upon receiving a registration application, an agent shall collect the fee  
21 specified pursuant to section 33-10-111 (5) and issue a temporary  
22 registration and shall forward the application to the division, which shall  
23 issue the registration. An agent may retain a commission of not in excess  
24 of one dollar, as authorized by the division, for each registration issued.

25 Any ~~off-highway~~ dealer is authorized to issue a temporary registration  
26 when a person purchases an off-highway vehicle from such dealer.

27 **SECTION 6.** The introductory portion to 33-14.5-108 (1),

1 Colorado Revised Statutes, is amended to read:

2 **33-14.5-108. Off-highway vehicle operation prohibited on**  
3 **streets, roads, and highways.** (1) ~~NO~~ AN off-highway vehicle THAT IS  
4 NOT REGISTERED UNDER ARTICLE 3 OF TITLE 42, C.R.S., may NOT be  
5 operated on the public streets, roads, or highways of this state except in  
6 the following cases:

7 **SECTION 7.** 38-20-106.5, Colorado Revised Statutes, is  
8 amended to read:

9 **38-20-106.5. Motor vehicle repair garages - restoration of**  
10 **liens.** (1) (a) A motor OR POWERSPORTS vehicle repair garage which  
11 THAT is entitled to a lien under section 38-20-106 for motor vehicle  
12 repairs and which THAT has released the motor vehicle upon receipt of  
13 payment for such THE repairs in the form of a check, draft, or order for  
14 the payment of money upon ~~any bank, depository, person, firm, or~~  
15 ~~corporation shall be~~ A FINANCIAL INSTITUTION IS entitled to the restoration  
16 of the lien if:

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

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

22 (b) ~~In the event such~~ IF THE motor OR POWERSPORTS vehicle repair  
23 garage has released ~~the~~ A motor OR POWERSPORTS vehicle upon an open  
24 account, the motor vehicle repair garage ~~shall be~~ IS entitled to restoration  
25 of the lien if:

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

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

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

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

19 **SECTION 8.** 39-26-113 (1), (6) (a), and (6) (b), Colorado  
20 Revised Statutes, are amended, and the said 39-26-113 is further amended  
21 BY THE ADDITION OF A NEW SUBSECTION, to read:

22 **39-26-113. Collection of sales tax - motor vehicles - exemption.**

23 (1) ~~No registration shall be made of~~ THE DEPARTMENT OF REVENUE OR  
24 ITS AUTHORIZED AGENT SHALL NOT REGISTER a motor or other vehicle for  
25 which registration is required ~~and no~~ OR ISSUE A certificate of title ~~shall~~  
26 ~~be issued~~ for ~~such~~ A vehicle, POWERSPORTS VEHICLE, or ~~for a~~ mobile  
27 home by the department of revenue or its authorized agent until any tax

1 due on the sale and purchase of such THE vehicle pursuant to UNDER  
2 section 29-2-106, C.R.S., or section 39-26-106 or imposed by ordinance  
3 of any home rule city has been paid.

4 (6) (a) In the case of a seller-financed sale in which the seller has  
5 added the sales tax due on the sale to the financed sales price of the motor  
6 OR POWERSPORTS vehicle and the purchaser has defaulted or otherwise  
7 failed to make payments due to the seller, the seller shall be entitled to  
8 MAY deduct all portions of the unreceived payments that are attributable  
9 to the sales tax due on the sale from the next sales tax return made by the  
10 seller pursuant to UNDER this article. If the amount to be deducted  
11 pursuant to this subsection (6) exceeds the amount of sales tax to be  
12 remitted by the seller for the next reporting period, the seller may carry  
13 forward the remaining amount of the deduction to future sales tax returns.  
14 In no event shall This subsection (6) be construed to DOES NOT create a  
15 right to a refund or any other payment by the department of revenue to the  
16 seller.

17 (b) For purposes of this subsection (6), "seller-financed sale"  
18 means a retail sale of a motor OR POWERSPORTS vehicle by a seller  
19 licensed pursuant to part 1 of UNDER article 6 of title 12, C.R.S., in which  
20 the seller, or a wholly-owned affiliate or subsidiary of the seller, collects  
21 all or part of the total consideration paid for the motor vehicle in periodic  
22 payments and retains a lien on the motor vehicle until all payments have  
23 been received. Except as otherwise provided in this paragraph (b), the  
24 term does not include a retail sale of a motor vehicle in which a person  
25 other than the seller provides the consideration for the sale and retains a  
26 lien on the motor vehicle until all payments have been made.

27 (7) SUBSECTIONS (1) AND (2) OF THIS SECTION DO NOT APPLY TO

1 POWERSPORTS VEHICLES SOLD OR TRANSFERRED BEFORE APRIL 12, 2012.

2 **SECTION 9.** 42-1-102 (55), (58), (63), and (112), Colorado  
3 Revised Statutes, are amended, and the said 42-1-102 is further amended  
4 BY THE ADDITION OF A NEW SUBSECTION, to read:

5 **42-1-102. Definitions.** As used in articles 1 to 4 of this title,  
6 unless the context otherwise requires:

7 (52.7) "MINIATURE TRUCK" MEANS A TRUCK THAT IS DESIGNED FOR  
8 USE ON OR OFF THE ROADWAY WITH AN ENGINE THAT IS LESS THAN EIGHTY  
9 HORSEPOWER OR SIXTY THOUSAND WATTS AND IS NOT A MOTOR VEHICLE.

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

15 (58) "Motor vehicle" means any self-propelled vehicle that is  
16 designed primarily for travel on the public highways and that is generally  
17 and commonly used to transport persons and property over the public  
18 highways or a low-speed electric vehicle; except that the term does not  
19 include low-power scooters, wheelchairs, or vehicles moved solely by  
20 human power. For the purposes of the offenses described in sections  
21 42-2-128, 42-4-1301, 42-4-1301.1, and 42-4-1401 for farm tractors ~~and~~  
22 ~~off-highway vehicles, as defined in section 33-14.5-101 (3), C.R.S.,~~  
23 operated on streets and highways, "motor vehicle" includes a farm tractor  
24 ~~or an off-highway vehicle~~ that is not otherwise classified as a motor  
25 vehicle. For the purposes of sections 42-2-127, 42-2-127.7, 42-2-128,  
26 42-2-138, 42-2-206, 42-4-1301, and 42-4-1301.1, "motor vehicle"  
27 includes a low-power scooter AND AN OFF-HIGHWAY VEHICLE REGISTERED



1 UNDER ARTICLE 3 OF THIS TITLE.

2 (63) "Off-highway vehicle" shall have the same meaning as set  
3 forth in section 33-14.5-101 (3), C.R.S.; EXCEPT THAT "OFF-HIGHWAY  
4 VEHICLE" ALSO INCLUDES A MINIATURE TRUCK.

5 (112) "Vehicle" means a device that is capable of moving itself,  
6 or of being moved, from place to place upon wheels or endless tracks.

7 "Vehicle" includes, without limitation, a bicycle, electrical assisted  
8 bicycle, or EPAMD, but does not include a wheelchair, ~~off-highway~~  
9 ~~vehicle~~, snowmobile, farm tractor, or implement of husbandry designed  
10 primarily or exclusively for use and used in agricultural operations or any  
11 device moved exclusively over stationary rails or tracks or designed to  
12 move primarily through the air.

13 **SECTION 10.** 42-1-210 (1) (a), Colorado Revised Statutes, is  
14 amended to read:

15 **42-1-210. County clerk and recorders and manager of revenue**  
16 **or other appointed official as agents - legislative declaration - fee.**

17 (1) (a) (I) The county clerk and recorder in each county in the state of  
18 Colorado, the clerk and recorder in the city and county of Broomfield,  
19 and, in the city and county of Denver, the manager of revenue or such  
20 other official of the city and county of Denver as may be appointed by the  
21 mayor to perform functions related to the registration of ~~motor~~ vehicles  
22 are hereby designated as the authorized agents of the department for the  
23 administration of the provisions of articles 3 and 6 of this title relating to  
24 registrations of ~~motor~~ vehicles in ~~such counties~~; and EACH COUNTY; for  
25 the enforcement of the provisions of section 42-6-139 ~~relating to~~  
26 ~~CONCERNING~~ the registering and titling of ~~motor~~ vehicles in ~~such counties~~  
27 EACH COUNTY; and for the enforcement of the provisions of section

1 38-29-120, C.R.S., ~~relating to~~ CONCERNING the titling of manufactured  
2 homes; but any such authorized agent in a county ~~has the power to~~ MAY  
3 appoint and employ ~~such motor~~ vehicle registration and license clerks as  
4 ~~are actually necessary in the issuance of motor~~ TO ISSUE vehicle licenses.  
5 ~~and~~

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

20 (III) The county clerk and recorders, the clerk and recorder in the  
21 city and county of Broomfield, and the manager of revenue or such other  
22 official of the city and county of Denver as may be appointed by the  
23 mayor to perform functions related to the registration of motor OR  
24 POWERSPORTS vehicles in the city and county of Denver so designated as  
25 the authorized agents of the department, as provided in this section, shall  
26 serve as such authorized agents under ~~the provisions of~~ this part 2 without  
27 additional remuneration or fees, except as otherwise provided in articles

1 1 to 6 of this title.

2 **SECTION 11.** 42-2-103 (1) (c), (2), and (3), Colorado Revised  
3 Statutes, are amended to read:

4 **42-2-103. Motorcycles - low-power scooters - off-highway**  
5 **vehicles - driver's license required.** (1) (c) A person shall not operate  
6 a two-wheel motorcycle OR A TWO-WHEEL OFF-HIGHWAY VEHICLE  
7 REGISTERED UNDER ARTICLE 3 OF THIS TITLE on a roadway without a  
8 general motorcycle endorsement, but a person who possesses a general  
9 motorcycle endorsement may operate any motorcycle on the roadway.

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

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

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

25 (3) (a) A person who operates a motorcycle in violation of  
26 subsection (1) of this section commits the offense of driving a motor  
27 vehicle without the correct class of license in violation of section

1 42-2-101 (4) and shall be punished as provided in ~~section~~ SECTIONS  
2 42-2-101 (10) AND 42-4-1701.

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

6 **SECTION 12.** 42-3-103, Colorado Revised Statutes, is amended  
7 BY THE ADDITION OF A NEW SUBSECTION to read:

8 **42-3-103. Registration required - exemptions - rules.**

9 (6) (a) EXCEPT AS AUTHORIZED BY SECTION 33-14.5-108, C.R.S., THE  
10 OWNER OF AN OFF-HIGHWAY VEHICLE SHALL NOT OPERATE THE  
11 OFF-HIGHWAY VEHICLE ON THE ROADWAYS UNLESS THE OWNER REGISTERS  
12 THE OFF-HIGHWAY VEHICLE WITH THE DEPARTMENT. THE REGISTRATION  
13 EXPIRES WHEN OWNERSHIP OF THE OFF-HIGHWAY VEHICLE IS  
14 TRANSFERRED TO ANOTHER PERSON.

15 (b) THE DEPARTMENT SHALL PROMULGATE RULES AUTHORIZING  
16 POWERSPORTS VEHICLE DEALERS LICENSED UNDER ARTICLE 6 OF TITLE 12,  
17 C.R.S., TO BE AGENTS OF THE DEPARTMENT FOR ISSUING TEMPORARY  
18 REGISTRATIONS FOR OFF-HIGHWAY VEHICLES.

19 (c) A VIOLATION OF THIS SUBSECTION (6) IS A CLASS B TRAFFIC  
20 INFRACTION.

21 **SECTION 13.** 42-3-105 (1) (d), (2), and (4), Colorado Revised  
22 Statutes, are amended to read:

23 **42-3-105. Application for registration - tax.** (1) (d) (I) The  
24 department ~~or its authorized agents~~ shall not register a motor vehicle, ~~or~~  
25 low-power scooter, OR OFF-HIGHWAY VEHICLE unless the applicant has a  
26 complying motor vehicle insurance policy pursuant to part 6 of article 4  
27 of title 10, C.R.S., or a certificate of self-insurance in full force and effect

1 as required by sections 10-4-619 and 10-4-624, C.R.S. The requirements  
2 of this paragraph (d) apply only to motor vehicles classified as Class C  
3 personal property under section 42-3-106 (2) (c), to light trucks that do  
4 not exceed sixteen thousand pounds empty weight, to sports utility  
5 vehicles that are classified as Class B personal property under section  
6 42-3-106 (2) (b), ~~or~~ to low-power scooters, ~~OR TO OFF-HIGHWAY~~  
7 ~~VEHICLES~~. The applicant shall provide the department ~~or its authorized~~  
8 ~~agents~~ with the proof of insurance certificate or insurance identification  
9 card provided to the applicant by the applicant's insurer pursuant to  
10 section 10-4-604.5, C.R.S., or provide proof of insurance in such other  
11 media as is authorized by the department. Nothing in this paragraph (d)  
12 ~~shall be interpreted to preclude~~ PRECLUDES the department from  
13 electronically transmitting insurance information to designated agents  
14 pursuant to section 42-7-604 for the purpose of ensuring compliance with  
15 mandatory insurance requirements.

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

21 (2) Upon applying for registration, THE DEPARTMENT SHALL  
22 SUPPLY the owner of a motor vehicle, ~~or~~ low-power scooter, ~~shall receive~~  
23 ~~OR OFF-HIGHWAY VEHICLE WITH~~ a written notice printed on the  
24 application for registration in type that is larger than the other information  
25 contained on the application for registration ~~Such notice shall state that~~  
26 motor vehicle insurance or operator's coverage is compulsory in  
27 Colorado, that noncompliance is a CLASS 1 misdemeanor traffic offense,

1 that the minimum penalty for ~~such~~ AN offense is a five-hundred-dollar  
2 fine, and that the maximum penalty for ~~such~~ AN offense is one year's  
3 imprisonment and a one-thousand-dollar fine. ~~and that such~~ THE owner  
4 shall, ~~be required~~ as a condition of obtaining a registration card, to sign  
5 an affirmation clause that appears on the registration ~~The clause shall~~  
6 ~~state~~ STATING, "I swear or affirm in accordance with section 24-12-102,  
7 C.R.S., under penalty of perjury that I now have in effect a complying  
8 policy of motor vehicle insurance including an operator's policy pursuant  
9 to part 6 of article 4 of title 10, C.R.S., or a certificate of self-insurance  
10 to cover the vehicle or operator of the vehicle for which this registration  
11 is issued, and I understand that ~~such~~ MY insurance must be renewed so  
12 that coverage is continuous.

13 Signature \_\_\_\_\_, Date \_\_\_\_\_."

14 (4) (a) A motor vehicle dealer, ~~or~~ used motor vehicle dealer, OR  
15 POWERSPORTS VEHICLE DEALER licensed under article 6 of ~~this~~ title 12,  
16 C.R.S., may act as an authorized agent of the department for the purposes  
17 of compliance with this section and collection of fees required for the  
18 registration of low-power scooters required by this article. When the  
19 owner of the low-power scooter complies with this section, the dealer  
20 shall forward to the department an affidavit swearing that the owner has  
21 insurance, the statement required by subsection (2) of this section, and the  
22 fees required by part 3 of this article for the registration of a low-power  
23 scooter.

24 (b) Notwithstanding any provision of law to the contrary, in a civil  
25 action for damages or indemnification resulting from the operation of a  
26 motor vehicle, a motor vehicle dealer, used motor vehicle dealer,  
27 POWERSPORTS VEHICLE DEALER, or employee thereof ~~shall not be~~ IS NOT

1 liable for an act or omission arising as a result of the dealer or employee  
2 performing the functions of an agent pursuant to this subsection (4).

3 (c) Upon finding a pattern of failure to comply with the  
4 requirements of paragraph (a) of this subsection (4), the department may  
5 withdraw a motor vehicle dealer's, or used motor vehicle dealer's, OR  
6 POWERSPORTS DEALER'S authorization to act as an agent of the  
7 department.

8 **SECTION 14.** 42-3-201, Colorado Revised Statutes, is amended  
9 BY THE ADDITION OF A NEW SUBSECTION to read:

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

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

19 **SECTION 15.** 42-3-202 (1) (a), Colorado Revised Statutes, is  
20 amended to read:

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

1 mobile machinery shall ~~be attached~~ ATTACH THE NUMBER PLATE  
2 ASSIGNED to the rear ~~thereof~~ OF THE VEHICLE. Number plates shall MUST  
3 be so displayed during the current registration year, except as otherwise  
4 provided in this article.

5 **SECTION 16.** 42-3-301 (1) (a), Colorado Revised Statutes, is  
6 amended to read:

7 **42-3-301. License plate cash fund - license plate fees.** (1) (a) In  
8 addition to the payment of any fees for motor vehicle registration or for  
9 the issuance of license plates, decals, or validating tabs, each owner of a  
10 motor vehicle OR OFF-HIGHWAY VEHICLE issued a license plate, decal, or  
11 validating tab for a motor vehicle pursuant to UNDER this article shall also  
12 pay a fee to cover the direct costs of such plates, decals, or tabs. ~~The~~  
13 ~~amount of the fee imposed pursuant to this section shall be as specified~~  
14 ~~in paragraph (b) of subsection (2) of this section.~~

15 **SECTION 17.** The introductory portion to 42-3-304 (18) (d) (I),  
16 Colorado Revised Statutes, is amended to read:

17 **42-3-304. Registration fees - passenger and passenger-mile**  
18 **taxes - clean screen fund - repeal.** (18) (d) (I) In addition to any other  
19 fee imposed by this section, the owner shall pay, at the time of  
20 registration of a motor vehicle, ~~or~~ low-power scooter, OR AN  
21 OFF-HIGHWAY VEHICLE, a motorist insurance identification fee. The  
22 DEPARTMENT SHALL ADJUST THE fee ~~shall be adjusted~~ annually, ~~by the~~  
23 ~~department~~, based upon moneys appropriated by the general assembly for  
24 the operation of the motorist insurance identification database program.  
25 ~~In no event~~ THE DEPARTMENT shall NOT SET the fee TO exceed fifty cents.  
26 ~~The fee shall be transmitted~~ DEPARTMENT SHALL TRANSMIT THE FEE to the  
27 state treasurer, who shall credit it to a special account within the highway



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

10 **SECTION 18.** Part 3 of article 3 of title 42, Colorado Revised  
11 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
12 read:

13 **42-3-313. Off-highway registration fee.** (1) THE DEPARTMENT  
14 SHALL NOT REGISTER AN OFF-HIGHWAY VEHICLE UNLESS THE OWNER PAYS  
15 A TEN-DOLLAR FEE.

16 (2) THE GENERAL ASSEMBLY SHALL APPROPRIATE MONEYS FROM  
17 THE HIGHWAY USERS TAX FUND FOR THE ADMINISTRATION OF THIS  
18 SECTION, AND THE STATE TREASURER SHALL ALLOCATE THE FEES  
19 CREDITED TO THE FUND UNDER SUBSECTION (1) OF THIS SECTION IN EXCESS  
20 OF THE AMOUNT OF THE APPROPRIATIONS AS SPECIFIED IN SECTION  
21 43-4-205 (5.5) (f), C.R.S.

22 **SECTION 19.** Part 1 of article 4 of title 42, Colorado Revised  
23 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
24 read:

25 **42-4-109.7. Off-highway vehicles.** (1) A PERSON RIDING AN  
26 OFF-HIGHWAY VEHICLE UPON A ROADWAY HAS ALL OF THE RIGHTS AND IS  
27 SUBJECT TO ALL OF THE DUTIES AND PENALTIES APPLICABLE TO THE

1 DRIVER OF A VEHICLE AS SET FORTH IN THIS ARTICLE EXCEPT THOSE  
2 PROVISIONS OF THIS ARTICLE THAT, BY THEIR VERY NATURE, CAN HAVE NO  
3 APPLICATION.

4 (2) (a) A PERSON SHALL NOT DRIVE AN OFF-HIGHWAY VEHICLE ON  
5 A ROADWAY THAT HAS A SPEED LIMIT GREATER THAN FORTY-FIVE MILES  
6 PER HOUR; EXCEPT THAT AN OFF-HIGHWAY VEHICLE MAY BE DRIVEN  
7 DIRECTLY ACROSS ANY ROADWAY AT AN AT-GRADE CROSSING TO  
8 CONTINUE TRAVELING ALONG A ROADWAY WITH A SPEED LIMIT EQUAL TO  
9 OR LESS THAN FORTY-FIVE MILES PER HOUR.

10 (b) A PERSON SHALL NOT OPERATE AN OFF-HIGHWAY VEHICLE ON  
11 A LIMITED-ACCESS HIGHWAY.

12 (c) A PERSON MAY OPERATE AN OFF-HIGHWAY VEHICLE ON AN  
13 UNPAVED ROAD TO TRAVEL DIRECTLY FROM THE ACCESS POINT OF AN  
14 OFF-HIGHWAY TRAIL TO THE NEXT ACCESS POINT OF AN OFF-HIGHWAY  
15 TRAIL WITHIN TWENTY-FIVE MILES; EXCEPT THAT THIS PARAGRAPH (c)  
16 DOES NOT APPLY TO ROADS WITHIN A MUNICIPALITY.

17 (d) A PERSON MAY OPERATE AN OFF-HIGHWAY VEHICLE ON ANY  
18 UNPAVED HIGHWAY OPEN TO MOTOR VEHICLES UNLESS THE LOCAL  
19 AUTHORITY HAS PROHIBITED DRIVING OFF-HIGHWAY VEHICLES ON THE  
20 UNPAVED HIGHWAY UNDER SECTION 42-4-111. PROHIBITING A PERSON  
21 FROM DRIVING ON A HIGHWAY DOES NOT PROHIBIT THE PERSON FROM  
22 DRIVING ACROSS THE HIGHWAY AT AN AT-GRADE INTERSECTION WITH AN  
23 AUTHORIZED HIGHWAY.

24 (e) EXCEPT AS PROHIBITED BY THIS SECTION, A PERSON MAY  
25 OPERATE AN OFF-HIGHWAY VEHICLE ON ANY PAVED HIGHWAY OPEN TO  
26 MOTOR VEHICLES IF THE LOCAL AUTHORITY HAS AUTHORIZED DRIVING  
27 OFF-HIGHWAY VEHICLES ON THE HIGHWAY UNDER SECTION 42-4-111. A

1 PERSON MAY DRIVE ACROSS AN UNAUTHORIZED HIGHWAY AT AN  
2 AT-GRADE INTERSECTION WITH AN AUTHORIZED HIGHWAY.

3 (f) A PERSON SHALL NOT DRIVE AN OFF-HIGHWAY VEHICLE ON A  
4 STATE HIGHWAY; EXCEPT THAT:

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

8 (II) THE COLORADO DEPARTMENT OF TRANSPORTATION MAY  
9 AUTHORIZE DRIVING AN OFF-HIGHWAY VEHICLE ON A STATE HIGHWAY  
10 LOCATED OUTSIDE OF A MUNICIPALITY.

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

14 (4) A PERSON WHO VIOLATES THIS SECTION COMMITS A CLASS B  
15 TRAFFIC INFRACTION.

16 **SECTION 20.** The introductory portion to 42-4-111 (1), Colorado  
17 Revised Statutes, is amended, and the said 42-4-111 (1) is further  
18 amended BY THE ADDITION OF THE FOLLOWING NEW  
19 PARAGRAPHS, to read:

20 **42-4-111. Powers of local authorities.** (1) This article ~~shall not~~  
21 ~~be deemed to~~ DOES NOT prevent local authorities, with respect to streets  
22 and highways under their jurisdiction and within the reasonable exercise  
23 of the police power, except those streets and highways that are parts of  
24 the state highway system that are subject to section 43-2-135, C.R.S.,  
25 from:

26 (ee) PROHIBITING OR REGULATING THE USE OF OFF-HIGHWAY  
27 VEHICLES ON ONE OR MORE UNPAVED HIGHWAYS CONSISTENT WITH

1 SECTION 42-4-109.7;

2 (ff) AUTHORIZING THE USE OF OFF-HIGHWAY VEHICLES ON ONE OR  
3 MORE PAVED HIGHWAYS CONSISTENT WITH SECTION 42-4-109.7.

4 SECTION 21. 42-4-232 (1), Colorado Revised Statutes, is  
5 amended to read:

6 42-4-232. Minimum safety standards for motorcycles,  
7 low-power scooters, and off-highway vehicles. (1) (a) ~~No~~ A person  
8 shall NOT operate ~~any~~ A motorcycle or low-power scooter on ~~any~~ A public  
9 highway in this state unless ~~such~~ THE person and any passenger ~~thereon~~  
10 is wearing goggles or eyeglasses with lenses made of safety glass or  
11 plastic; except that ~~this subsection (1) shall not apply to~~ a person wearing  
12 a helmet containing eye protection made of safety glass or plastic NEED  
13 NOT WEAR GOGGLES OR EYEGLASSES.

14 (b) A PERSON SHALL NOT OPERATE AN OFF-HIGHWAY VEHICLE ON  
15 A PUBLIC HIGHWAY IN THIS STATE UNLESS THE PERSON AND ANY  
16 PASSENGER IS WEARING GOGGLES OR EYEGLASSES WITH LENSES MADE OF  
17 SAFETY GLASS OR PLASTIC; EXCEPT THAT A PERSON WEARING A HELMET  
18 CONTAINING EYE PROTECTION MADE OF SAFETY GLASS OR PLASTIC OR  
19 DRIVING AN OFF-HIGHWAY VEHICLE WITH A WINDSHIELD NEED NOT WEAR  
20 GOGGLES OR EYEGLASSES.

21 SECTION 22. 42-4-236 (1) (a.8), Colorado Revised Statutes, is  
22 amended to read:

23 42-4-236. Child restraint systems required - definitions -  
24 exemptions - repeal. (1) As used in this section, unless the context  
25 otherwise requires:

26 (a.8) "Motor vehicle" means a passenger car; a pickup truck; or a  
27 van, minivan, or sport utility vehicle with a gross vehicle weight rating of

1 less than ten thousand pounds OR A REGISTERED OFF-HIGHWAY VEHICLE  
2 THAT IS REQUIRED TO HAVE A SEATBELT UNDER SECTION 42-4-241.  
3 "Motor vehicle" does not include motorcycles, low-power scooters,  
4 motorscooters, motorbicycles, motorized bicycles, and farm tractors and  
5 implements of husbandry designed primarily or exclusively for use in  
6 agricultural operations.

7 **SECTION 23.** 42-4-237 (1) (a), Colorado Revised Statutes, is  
8 amended to read:

9 **42-4-237. Safety belt systems - mandatory use - exemptions -**  
10 **penalty.** (1) As used in this section:

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

19 **SECTION 24.** Part 2 of article 4 of title 42, Colorado Revised  
20 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
21 read:

22 **42-4-241. Equipment - off-highway vehicles.** (1) A PERSON  
23 SHALL NOT OPERATE AN OFF-HIGHWAY VEHICLE REGISTERED UNDER  
24 ARTICLE 3 OF THIS TITLE ON THE ROADWAY WITH A PASSENGER UNLESS  
25 THE PASSENGER HAS EITHER:

26 (a) A SEAT, FOOTREST, AND HANDHOLD IF THE PASSENGER SITS  
27 BEHIND THE DRIVER; OR

1 (b) A SEAT AND SEATBELT IF THE PASSENGER SITS TO THE SIDE OF  
2 THE DRIVER.

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

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

9 (b) A STOP LAMP DISPLAYING A RED OR AMBER LIGHT THAT IS  
10 ACTUATED BY ACTIVATING THE BRAKES AND IS VISIBLE FROM A DISTANCE  
11 OF ONE HUNDRED FEET;

12 (c) TWO RED REFLECTORS MOUNTED ON THE REAR AND VISIBLE AT  
13 NIGHT AT A DISTANCE OF ONE HUNDRED FEET BEHIND THE OFF-HIGHWAY  
14 VEHICLE WHEN ILLUMINATED BY HEAD LAMPS REQUIRED BY SECTION  
15 42-4-205;

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

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

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

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

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

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

5 (3) A PERSON SHALL NOT OPERATE THE HEAD LAMP OF AN  
6 OFF-HIGHWAY VEHICLE TO STRIKE THE EYES OF THE DRIVER OF AN  
7 APPROACHING VEHICLE.

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

11 (5) A PERSON WHO VIOLATES THIS SECTION COMMITS A CLASS B  
12 TRAFFIC INFRACTION.

13 **SECTION 25.** 42-4-1101 (8), Colorado Revised Statutes, is  
14 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

15 **42-4-1101. Speed limits.** (8) (h) NOTWITHSTANDING ANY OTHER  
16 PROVISION OF THIS SECTION, A PERSON SHALL DRIVE AN OFF-HIGHWAY  
17 VEHICLE ON A ROADWAY AT A SPEED NOT IN EXCESS OF FORTY MILES PER  
18 HOUR. STATE AND LOCAL AUTHORITIES SHALL NOT AUTHORIZE  
19 OFF-HIGHWAY VEHICLES TO EXCEED FORTY MILES PER HOUR ON A  
20 ROADWAY.

21 **SECTION 26.** 42-4-1401 (1), Colorado Revised Statutes, is  
22 amended to read:

23 **42-4-1401. Reckless driving - penalty.** (1) A person who drives  
24 a motor vehicle ~~bicycle, electrical assisted bicycle, or low-power scooter~~  
25 OR VEHICLE in such a manner as to indicate either a wanton or a willful  
26 disregard for the safety of persons or property is guilty of reckless  
27 driving. A person convicted of reckless driving of a bicycle or electrical

1 ~~assisted bicycle shall not be~~ IS NOT subject to ~~the provisions of~~ section  
2 42-2-127.

3 **SECTION 27.** 42-4-1402 (1), Colorado Revised Statutes, is  
4 amended to read:

5 **42-4-1402. Careless driving - penalty.** (1) A person who drives  
6 a motor vehicle ~~bicycle, electrical assisted bicycle, or low-power scooter~~  
7 OR VEHICLE in a careless and imprudent manner, without due regard for  
8 the width, grade, curves, corners, traffic, and use of the streets and  
9 highways and all other attendant circumstances, is guilty of careless  
10 driving. A person convicted of careless driving of a bicycle or electrical  
11 ~~assisted bicycle shall not be~~ IS NOT subject to ~~the provisions of~~ section  
12 42-2-127.

13 **SECTION 28.** 42-4-1409 (2), (3), (5), and (7), Colorado Revised  
14 Statutes, are amended to read:

15 **42-4-1409. Compulsory insurance - penalty - legislative intent.**

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

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

24 (3) (a) When an accident occurs or when requested to do so  
25 following ~~any lawful~~ A traffic contact or during ~~any~~ A traffic investigation  
26 by a peace officer, ~~no owner or operator~~ THE DRIVER of a motor vehicle  
27 or low-power scooter shall ~~fail to~~ IMMEDIATELY present to the requesting



1 officer immediate evidence of a complying policy or certificate of  
2 self-insurance in full force and effect as required by law.

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

9 (5) Testimony of the failure of any owner or operator of a motor  
10 vehicle, or low-power scooter, OR OFF-HIGHWAY VEHICLE to present  
11 immediate evidence of a complying policy or certificate of self-insurance  
12 in full force and effect as required by law, when requested to do so by a  
13 peace officer, shall constitute prima facie evidence, at a trial concerning  
14 a violation charged under subsection (1) or (2) of this section, that such  
15 owner or operator of a motor vehicle violated subsection (1) or (2) of this  
16 section.

17 (7) The owner of a motor vehicle, or low-power scooter, OR  
18 OFF-HIGHWAY VEHICLE, upon receipt of an affirmation of insurance as  
19 described in section 42-3-113 (2) and (3), shall sign and date such  
20 affirmation in the space provided.

21 **SECTION 29.** 42-6-102 (17) (a), Colorado Revised Statutes, is  
22 amended, and the said 42-6-102 is further amended BY THE ADDITION  
23 OF THE FOLLOWING NEW SUBSECTIONS, to read:

24 **42-6-102. Definitions.** As used in this part 1, unless the context  
25 otherwise requires:

26 (1.5) "COVERED POWERSPORTS VEHICLE" MEANS A POWERSPORTS  
27 VEHICLE:

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

3 (b) THE OWNER OF WHICH ELECTS TO OBTAIN A CERTIFICATE OF  
4 TITLE.

5 (11.5) "OFF-HIGHWAY VEHICLE" HAS THE MEANING SET FORTH IN  
6 SECTION 33-14.5-101, C.R.S.

7 (13.5) "POWERSPORTS VEHICLE" MEANS ONE OF THE FOLLOWING:

8 (a) AN OFF-HIGHWAY VEHICLE; OR

9 (b) A SNOWMOBILE.

10 (17) (a) (I) "Salvage vehicle" means a vehicle that is damaged by  
11 collision, fire, flood, accident, trespass, or other occurrence, excluding  
12 hail damage, to the extent that the cost of repairing the vehicle to a  
13 roadworthy condition and for legal operation on the highways exceeds the  
14 vehicle's retail fair market value immediately prior to such THE damage,  
15 as determined by the person who owns the vehicle at the time of such THE  
16 occurrence or by the insurer or other person acting on behalf of such THE  
17 owner.

18 (II) "SALVAGE VEHICLE" DOES NOT INCLUDE A POWERSPORTS  
19 VEHICLE.

20 (18.5) "SNOWMOBILE" MEANS A SELF-PROPELLED VEHICLE  
21 PRIMARILY DESIGNED OR ALTERED FOR TRAVEL ON SNOW OR ICE OFF OF  
22 THE PUBLIC HIGHWAYS AND SUPPORTED BY SKIS, BELTS, OR CLEATS.  
23 "SNOWMOBILE" DOES NOT INCLUDE MACHINERY USED FOR THE GROOMING  
24 OF SNOWMOBILE TRAILS OR SKI SLOPES.

25 **SECTION 30.** 42-6-103, Colorado Revised Statutes, is amended  
26 to read:

27 **42-6-103. Application.** ~~The provisions of This part 1 shall apply~~

1 APPLIES to motor vehicles as defined in section ~~42-6-102~~ AND COVERED  
2 POWERSPORTS VEHICLES.

3 **SECTION 31.** 42-6-107 (1) (a) and (2), Colorado Revised  
4 Statutes, are amended to read:

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

25 (2) The DEPARTMENT OR AUTHORIZED AGENT SHALL INCLUDE IN  
26 THE electronic record of the certificate or the paper version of the  
27 certificate ~~shall contain~~ a description of every lien to which ON the motor

1 OR COVERED POWERSPORTS vehicle ~~is subject, as~~ THAT appears in the  
2 application for the certificate of title or as is ~~noted and shown to be~~  
3 unreleased upon a PRIOR certificate of title ~~issued after August 1, 1949,~~  
4 for ~~such~~ THE vehicle, including the date of ~~such~~ THE lien, the original  
5 amount secured by the vehicle, the named lienee, and the county in which  
6 the lien appears of record if it is of public record. The DEPARTMENT OR  
7 AUTHORIZED AGENT SHALL NUMBER certificates and electronic records  
8 ~~shall be numbered~~ consecutively by counties, beginning with number one.  
9 The certificate of title filed with the authorized agent ~~shall be~~ IS prima  
10 facie evidence of the contents of the record and that the person in whose  
11 name the certificate is registered is the lawful owner of the vehicle.  
12 Except as provided in section 42-6-118, ~~said~~ THE certificate ~~shall be~~  
13 REMAINS effective after filing until the vehicle described in the record is  
14 sold or ownership is ~~otherwise~~ transferred.

15 **SECTION 32.** 42-6-109 (1), the introductory portion to 42-6-109  
16 (2), and 42-6-109 (2) (b), Colorado Revised Statutes, are amended to  
17 read:

18 **42-6-109. Sale or transfer of vehicle.** (1) Except as provided in  
19 section 42-6-113, ~~no~~ A person shall NOT sell or ~~otherwise~~ transfer a motor  
20 OR COVERED POWERSPORTS vehicle to a purchaser or transferee without  
21 delivering to ~~such~~ THE purchaser or transferee a certificate of title, which  
22 may be electronic, to ~~such~~ THE vehicle duly transferred in the manner  
23 ~~prescribed in~~ REQUIRED BY section 42-6-110. ~~No~~ A purchaser or  
24 transferee ~~shall~~ DOES NOT acquire any right, title, or interest in and to a  
25 motor OR COVERED POWERSPORTS vehicle ~~purchased by such purchaser~~  
26 ~~or transferee unless and until he or she~~ THE PURCHASER OR TRANSFEREE  
27 obtains from the transferor the certificate of title ~~duly~~ transferred in

1 accordance with this part 1. A lienholder may request either a paper or  
2 electronic version of a certificate of title.

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

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

7 **SECTION 33.** 42-6-110 (1), Colorado Revised Statutes, is  
8 amended to read:

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

27 **SECTION 34.** 42-6-111 (1) and (2), Colorado Revised Statutes,

1 are amended to read:

2 **42-6-111. Sale to dealers - certificate need not issue.** (1) Upon  
3 the sale or transfer to a dealer of a motor OR COVERED POWERSPORTS  
4 vehicle for which a Colorado certificate of title has been issued, THE  
5 DEALER SHALL TRANSFER AND FILE the certificate of title to the motor OR  
6 COVERED POWERSPORTS vehicle; ~~shall be transferred and filed;~~ except  
7 that, so long as the vehicle remains in the dealer's possession and at the  
8 dealer's place of business for sale and for no other purpose, ~~such~~ THE  
9 dealer ~~shall not be required to~~ NEED NOT procure or file a new certificate  
10 of title as is otherwise required in this part 1.

11 (2) If a motor OR COVERED POWERSPORTS vehicle dealer wishes  
12 to obtain a new certificate, ~~of title to a motor vehicle, such~~ THE dealer  
13 may present the old certificate of title to the director with the fee imposed  
14 by section 42-6-137 (6), whereupon the director shall issue a new  
15 certificate of title to ~~such~~ THE dealer within one working day after  
16 application. This subsection (2) ~~shall~~ DOES not apply to a motor OR  
17 COVERED POWERSPORTS vehicle subject to a lien.

18 **SECTION 35.** 42-6-112, Colorado Revised Statutes, is amended  
19 to read:

20 **42-6-112. Initial registration of a vehicle - dealer responsibility**  
21 **to timely forward certificate of title to purchaser or holder of a**  
22 **chattel mortgage.** ~~In order~~ To facilitate initial registration of a vehicle,  
23 a dealer of motor OR COVERED POWERSPORTS vehicles shall, ~~have not~~  
24 ~~more than thirty days after the date of sale of such vehicle to~~ WITHIN  
25 THIRTY DAYS AFTER THE SALE, deliver or facilitate the delivery of the  
26 certificate of title to a purchaser or the holder of a chattel mortgage on  
27 ~~such~~ THE motor OR COVERED POWERSPORTS vehicle subject to section

1 42-6-109.

2 SECTION 36. 42-6-113, Colorado Revised Statutes, is amended  
3 to read:

4 42-6-113. New vehicles - bill of sale - certificate of title - rules.

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

9 (2) The bill of sale ~~shall~~ MUST:

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

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

15 (c) ~~shall~~ Contain, in addition to other information that the director  
16 may by rule require, the make and model of the motor OR COVERED  
17 POWERSPORTS vehicle, ~~so sold or transferred~~, the identification number  
18 placed upon the vehicle by the manufacturer for identification purposes,  
19 the manufacturer's suggested retail price, and the date of the sale or  
20 transfer, together with a description of any mortgage or lien on the  
21 vehicle that secures any part of the purchase price.

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

27 SECTION 37. 42-6-114, Colorado Revised Statutes, is amended

1 to read:

2 **42-6-114. Transfers by bequest, descent, or law.** Upon the  
3 transfer of ownership of a motor OR COVERED POWERSPORTS vehicle by  
4 inheritance or by operation of law, as in proceedings in bankruptcy,  
5 insolvency, replevin, attachment, execution, or other judicial sale, or  
6 ~~whenever such~~ IF THE vehicle is sold to satisfy storage or repair charges  
7 or repossessed to satisfy a secured debt, the director or the authorized  
8 agent may issue, upon the surrender of any available certificate of title  
9 and presentation of such proof of ownership as the director may  
10 reasonably require or a court order, a new certificate of title on behalf of  
11 the new owner, and ~~disposition shall be made~~ DISPOSE OF THE  
12 CERTIFICATE as in other cases.

13 **SECTION 38.** 42-6-115 (1), Colorado Revised Statutes, is  
14 amended to read:

15 **42-6-115. Furnishing bond for certificates.** (1) (a) If the  
16 applicant for a certificate of title to a motor OR COVERED POWERSPORTS  
17 vehicle is unable to provide the director or the authorized agent with a  
18 certificate of title duly transferred to ~~such~~ THE applicant, a bill of sale, or  
19 other evidence of ownership that satisfies the director that the applicant  
20 owns the vehicle, a certificate of title for ~~such~~ THE vehicle may be filed  
21 by the director or the authorized agent upon the applicant furnishing the  
22 director or the authorized agent with a statement, in such form as required  
23 by the director. The statement ~~shall~~ MUST contain a recital of the facts  
24 and circumstances by which the applicant acquired the ownership and  
25 possession of ~~such~~ THE vehicle, the source of the title to the vehicle, and  
26 such other information as the director may require to determine whether  
27 any liens are attached to ~~such~~ THE motor vehicle, the date of the liens, the



1 amount secured by the vehicle, where ~~such~~ THE liens are of public record,  
2 and the right of the applicant to have a certificate of title filed on behalf  
3 of the applicant. The statement ~~shall~~ MUST contain or be accompanied by  
4 a written declaration that it is made under the penalties of perjury in the  
5 second degree, as defined in section 18-8-503, C.R.S., and ~~shall~~ MUST  
6 accompany the application for the certificate as required in section  
7 42-6-116. Any evidence submitted to and maintained by the director or  
8 the authorized agent may be maintained in a paper or electronic version.

9 (b) UPON RECEIPT OF AN APPLICATION BY THE OWNER OF A MOTOR  
10 OR COVERED POWERSPORTS VEHICLE THAT IS SUBJECT TO A LIEN OR  
11 MORTGAGE, THE AUTHORIZED AGENT SHALL NOT ISSUE A CERTIFICATE OF  
12 TITLE UNLESS THE OWNER INCLUDES A SIGNED ORIGINAL OR SIGNED  
13 DUPLICATE OF THE MORTGAGE OR COPY THEREOF CERTIFIED BY THE  
14 HOLDER OF THE MORTGAGE OR THE HOLDER'S AGENT TO BE A TRUE COPY  
15 OF THE SIGNED ORIGINAL MORTGAGE. UPON RECEIVING THE MORTGAGE,  
16 THE AUTHORIZED AGENT SHALL COMPLY WITH SECTIONS 42-6-121 (2),  
17 42-6-122, AND 42-6-123 CONCERNING THE LIEN OR MORTGAGE.

18 **SECTION 39.** 42-6-116, Colorado Revised Statutes, is amended  
19 to read:

20 **42-6-116. Applications for filing of certificates of title - rules.**

21 (1) If a person who desires or who is entitled to a filing of a certificate  
22 of title to a motor OR COVERED POWERSPORTS vehicle is required to apply  
23 to the director or the authorized agent, ~~such~~ THE applicant shall apply  
24 upon a form provided by the director in which appears a description of  
25 the motor OR COVERED POWERSPORTS vehicle including the make and  
26 model, the manufacturer's number, and a description of any other  
27 distinguishing mark, number, or symbol placed on ~~said~~ THE vehicle by the

1 vehicle manufacturer for identification purposes, as may be required by  
2 the director by rule adopted in accordance with article 4 of title 24, C.R.S.  
3 The application ~~shall also~~ MUST show the name and correct address of the  
4 owner determined pursuant to section 42-6-139, a class A, class B, class  
5 C, class D, or class F vehicle owner's personal identification number as  
6 provided on a state-issued driver's license or assigned by the department,  
7 and the applicant's source of title and ~~shall~~ include a description of all  
8 known mortgages and liens upon the motor OR COVERED POWERSPORTS  
9 vehicle, the holder of the lien, the amount originally secured, and the  
10 name of the county and state ~~in which such~~ IF THE OWNER HOLDS A  
11 CERTIFICATE OF TITLE OR THE STATE IF THE OWNER DOES NOT HOLD A  
12 CERTIFICATE OF TITLE WHERE THE mortgage, ~~or~~ lien, OR FINANCING  
13 STATEMENT is recorded or filed. ~~Such~~ THE application ~~shall~~ MUST be  
14 verified by a statement signed by the applicant and ~~shall~~ contain or be  
15 accompanied by a written declaration that it is made under the penalties  
16 of perjury in the second degree, as defined in section 18-8-503, C.R.S.

17 (2) UPON RECEIPT OF AN APPLICATION BY THE OWNER OF A MOTOR  
18 OR COVERED POWERSPORTS VEHICLE THAT IS SUBJECT TO A LIEN OR  
19 MORTGAGE, THE AUTHORIZED AGENT SHALL NOT ISSUE A CERTIFICATE OF  
20 TITLE UNLESS THE OWNER INCLUDES A SIGNED ORIGINAL OR SIGNED  
21 DUPLICATE OF THE MORTGAGE OR COPY THEREOF CERTIFIED BY THE  
22 HOLDER OF THE MORTGAGE OR THE HOLDER'S AGENT TO BE A TRUE COPY  
23 OF THE SIGNED ORIGINAL MORTGAGE. UPON RECEIVING THE MORTGAGE,  
24 THE AUTHORIZED AGENT SHALL COMPLY WITH SECTIONS 42-6-121 (2),  
25 42-6-122, AND 42-6-123 CONCERNING THE LIEN OR MORTGAGE.

26 **SECTION 40.** 42-6-118, Colorado Revised Statutes, is amended  
27 to read:

1           **42-6-118. Amended certificate.** If the owner of a motor OR  
2 COVERED POWERSPORTS vehicle for which a Colorado certificate of title  
3 has been issued or filed replaces any part of the motor OR COVERED  
4 POWERSPORTS vehicle on which appears the identification number or  
5 symbol described in the certificate of title and ~~such~~ THE identification  
6 number or symbol no longer appears on the motor OR COVERED  
7 POWERSPORTS vehicle, or incorporates the part containing the  
8 identification number or symbol into another motor OR COVERED  
9 POWERSPORTS vehicle, ~~such~~ THE owner shall immediately apply to the  
10 director or an authorized agent for an assigned identification number and  
11 an amended filing of a certificate of title to ~~such~~ THE vehicle.

12           **SECTION 41.** 42-6-119, Colorado Revised Statutes, is amended  
13 to read:

14           **42-6-119. Certificates for vehicles registered in other states.**

15           (1) When a resident of the state acquires the ownership of a motor OR  
16 COVERED POWERSPORTS vehicle for which a certificate of title has been  
17 issued by a state other than Colorado, the person acquiring ~~such~~ THE  
18 vehicle shall apply to the director or an authorized agent for the filing of  
19 a certificate of title as in other cases.

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

26           (3) Upon the sale by a dealer of a motor OR COVERED  
27 POWERSPORTS vehicle, the certificate of title to which was issued in a

1 state other than Colorado, the dealer shall, within thirty days after the date  
2 of sale, deliver or facilitate the delivery to the purchaser ~~such~~ THE  
3 certificate of title from a state other than Colorado duly and properly  
4 endorsed or assigned to the purchaser with a statement by the dealer ~~that~~  
5 ~~shall contain~~ CONTAINING or be accompanied by a written declaration that  
6 it is made under the penalties of perjury in the second degree, as defined  
7 in section 18-8-503, C.R.S., and ~~that shall set~~ SETTING forth the  
8 following:

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

15 (b) That the vehicle is not a stolen vehicle; and

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

18 (4) If the purchaser of the vehicle completes and includes the  
19 vehicle identification number inspection form as part of the application  
20 for filing of a Colorado certificate of title to ~~such~~ THE vehicle and  
21 accompanies the application with the affidavit required by subsection (3)  
22 of this section and the duly endorsed or assigned certificate of title from  
23 a state other than Colorado, a Colorado certificate of title may be filed in  
24 the same manner as upon the sale or transfer of a motor OR COVERED  
25 POWERSPORTS vehicle for which a Colorado certificate of title has been  
26 issued or filed. Upon the filing by the director or the authorized agent of  
27 ~~such~~ THE certificate of title, the director or the authorized agent may

1 dispose of ~~such~~ THE certificate of title and shall record ~~such~~ THE  
2 certificate of title as provided in section 42-6-124.

3 **SECTION 42.** 42-6-120, Colorado Revised Statutes, is amended  
4 to read:

5 **42-6-120. Security interests upon motor vehicles.** (1) Except  
6 as provided in this section and ~~section~~ SECTIONS 42-6-130 AND 42-6-148,  
7 the provisions of the "Uniform Commercial Code", title 4, C.R.S.,  
8 relating to the filing, recording, releasing, renewal, priority, and extension  
9 of chattel mortgages, as ~~the term is~~ defined in section 42-6-102 (9), ~~shall~~  
10 DO not apply to motor OR COVERED POWERSPORTS vehicles. ~~Any~~ A  
11 mortgage or refinancing of a mortgage intended by the parties to the  
12 mortgage or refinancing to encumber or create a lien on a motor vehicle,  
13 or to be perfected as a valid lien against the rights of third persons,  
14 purchasers for value without notice, mortgagees, or creditors of the  
15 owner, ~~shall~~ MUST be filed for public record. THE DEPARTMENT OR  
16 AUTHORIZED AGENT SHALL NOTE the fact of filing ~~shall be noted~~ on the  
17 owner's certificate of title or bill of sale substantially in the manner  
18 provided in section 42-6-121.

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

27 (3) Notwithstanding any provision of law to the contrary, in the

1 case of motor vehicles, COVERED POWERSPORTS VEHICLES, or trailers, a  
2 lease transaction does not create a sale or security interest solely because  
3 it permits or requires the rental price to be adjusted either upward or  
4 downward under the agreement by reference to the amount realized upon  
5 sale or other disposition of the motor vehicle, COVERED POWERSPORTS  
6 VEHICLE, or trailer.

7 (4) The rights of a buyer, lessee, or lien creditor that arise after a  
8 mortgage attaches to a motor OR COVERED POWERSPORTS vehicle and  
9 before perfection under this article ~~shall be~~ ARE determined by section  
10 4-9-317, C.R.S.

11 **SECTION 43.** 42-6-121 (1) and (2), Colorado Revised Statutes,  
12 are amended to read:

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

1 of the mortgagee's assignee; the make, vehicle identification number, and  
2 year of manufacture of the mortgaged vehicle; and the date and amount  
3 of the loan secured by the mortgage. AN OWNER OF A MOTOR OR  
4 POWERSPORTS VEHICLE APPLYING FOR A CERTIFICATE OF TITLE UNDER  
5 SECTION 42-6-115, 42-6-116, OR 42-6-119 IS DEEMED TO HAVE FILED  
6 UNDER THIS SECTION ON BEHALF OF THE MORTGAGE OR LIEN HOLDER.

7 (2) (a) Upon the receipt of the electronic, original, or duplicate  
8 mortgage or certified copy thereof OF THE MORTGAGE and certificate of  
9 title or application for certificate of title, the authorized agent, if satisfied  
10 that the vehicle described in the mortgage is the same as that described in  
11 the certificate of title or filed title, shall file within the director's  
12 authorized agent's motor AND COVERED POWERSPORTS vehicle database:

13 (I) Notice of such THE mortgage or lien in which shall appear  
14 APPEARS the day on which the mortgage was received for filing;

15 (II) The name and address of the mortgagee named and the name  
16 and address of the holder of such THE mortgage, if such person is other  
17 than the mortgagee named, THE HOLDER IS NOT THE NAMED MORTGAGEE;

18 (III) The amount secured by the vehicle;

19 (IV) The date of the mortgage;

20 (V) The day and year on which the mortgage was filed for public  
21 record; and

22 (VI) such ANY other information regarding the filing of the  
23 mortgage in the office of the director's authorized agent as may be  
24 required by the director by rule.

25 (b) The director's authorized agent shall electronically transmit,  
26 when the director's authorized agent uses an electronic filing system, the  
27 certificate of title, application for certificate of title, and mortgage

1 information to the database of the director for maintenance of a central  
2 registry of motor AND COVERED POWERSPORTS vehicle title information  
3 pursuant to section 42-6-147.

4 **SECTION 44.** 42-6-122, Colorado Revised Statutes, is amended  
5 to read:

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

10 (a) Under one or more of the following headings in accordance  
11 with the rules adopted by the director:

12 (I) Make or vehicle identification number of motor OR COVERED  
13 POWERSPORTS vehicles mortgaged;

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

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

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

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

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

26 (2) All records of mortgages affecting motor OR COVERED  
27 POWERSPORTS vehicles ~~shall be~~ ARE public and may be inspected and



1 copies thereof OF THE RECORDS made, as is provided by law respecting  
2 public records affecting real property.

3 **SECTION 45.** 42-6-123, Colorado Revised Statutes, is amended  
4 to read:

5 **42-6-123. Disposition after mortgaging.** After a mortgage on a  
6 motor OR COVERED POWERSPORTS vehicle has been filed in the authorized  
7 agent's office, the authorized agent shall mail or electronically transfer to  
8 the director the certificate of title or bill of sale ~~which~~ THAT the  
9 authorized agent has filed in the record. ~~Upon the receipt thereof,~~ The  
10 director shall maintain completed electronic records transferred by the  
11 authorized agent. The director shall issue a new certificate of title  
12 containing, in addition to the other matters ~~and things~~ required to be set  
13 forth in certificates of title, a description of the mortgage and all  
14 information respecting ~~said~~ THE mortgage and the filing thereof ~~as may~~  
15 ~~appear~~ THAT APPEAR in the certificate of the authorized agent, and the  
16 director or the director's authorized agent shall ~~thereafter~~ THEN dispose of  
17 ~~said~~ THE new certificate of title containing ~~said~~ THE notation as provided  
18 in section 42-6-124.

19 **SECTION 46.** 42-6-124, Colorado Revised Statutes, is amended  
20 to read:

21 **42-6-124. Disposition of certificates of title.** (1) ~~All certificates~~  
22 ~~of title issued by~~ The director ~~or the director's authorized agent shall be~~  
23 ~~disposed of by the director~~ DISPOSE OF A CERTIFICATE OF TITLE ISSUED BY  
24 THE DIRECTOR OR THE AUTHORIZED AGENT in the following manner:

25 (a) If the certificate of title that is filed by the ~~director's~~ authorized  
26 agent is maintained in an electronic format within the director's and the  
27 ~~director's~~ authorized agent's motor AND COVERED POWERSPORTS vehicle

1 databases as required by the standards established pursuant to article 71.3  
2 of title 24, C.R.S., the certificate of title shall be disposed of in  
3 accordance with paragraphs (b) and (c) of this subsection (1).

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

16 (c) If it appears from the records in the office of the director or the  
17 ~~director's~~ authorized agent and from the certificate of title that the motor  
18 OR COVERED POWERSPORTS vehicle ~~therein~~ described IN THE CERTIFICATE  
19 OF TITLE is subject to one or more mortgages filed ~~subsequent to~~ AFTER  
20 August 1, 1949, the director or the ~~director's~~ authorized agent shall  
21 electronically maintain or deliver the certificate of title issued by the  
22 director to the mortgagee named ~~therein~~ IN THE CERTIFICATE OF TITLE or  
23 the holder ~~thereof~~ OF THE CERTIFICATE OF TITLE whose mortgage was first  
24 filed in the office of an authorized agent.

25 **SECTION 47.** 42-6-125, Colorado Revised Statutes, is amended  
26 to read:

27 **42-6-125. Release of mortgages - rules.** (1) Upon the payment

1 or discharge of the undertaking secured by ~~any~~ A mortgage on a motor OR  
2 COVERED POWERSPORTS vehicle that has been filed for record ~~in the~~  
3 ~~manner prescribed in~~ UNDER section 42-6-121, the legal holder, on a form  
4 approved by the director, shall ~~make and execute the notice of~~ NOTIFY  
5 THE DIRECTOR OR AUTHORIZED AGENT OF the discharge of the obligation  
6 and release of the mortgage securing the obligation and set forth in the  
7 notice the facts concerning the right of the holder to release the mortgage  
8 as the director ~~by appropriate rule~~ may require ~~which~~ BY RULE. THE  
9 LIENHOLDER SHALL INCLUDE IN THE NOTICE OF satisfaction and release  
10 ~~shall be affirmed by a statement~~ A signed by the legal lienholder  
11 AFFIRMATION, noted in the certificate of title on file with the director or  
12 the director's authorized agent, ~~and that shall contain or be~~ CONTAINS OR  
13 IS accompanied by a written declaration that it is made under the penalties  
14 of perjury in the second degree, as defined in section 18-8-503, C.R.S.  
15 Thereupon, the holder of the RELEASED mortgage ~~so released~~ shall  
16 dispose of the certificate of title as follows:

17 (a) If it ~~appears that~~ the motor OR COVERED POWERSPORTS vehicle  
18 is encumbered by a mortgage filed ~~in the manner prescribed in~~ UNDER  
19 section 42-6-121 ~~subsequent to~~ AFTER the date on which the RELEASED  
20 mortgage ~~so released~~ was filed for record, the holder of ~~such~~ THE  
21 certificate of title shall deliver the ~~title~~ CERTIFICATE to the person shown  
22 to be the holder of the mortgage noted on the title, filed earliest after the  
23 filing of the RELEASED mortgage, ~~released~~, or to the person or agent of the  
24 person shown to be the assignee or other legal holder of the mortgage or  
25 shall mail the title to the mortgagee or holder at ~~his or her~~ THE address  
26 APPEARING THEREON. If the certificate is returned unclaimed, ~~it shall be~~  
27 ~~sent by~~ THE HOLDER SHALL mail THE CERTIFICATE to the director.

1 (b) If it appears from an examination of the certificate of title that  
2 there are no other outstanding mortgages against the motor OR COVERED  
3 POWERSPORTS vehicle in the title upon the release of the mortgage as  
4 provided in this section, the holder of the mortgage shall deliver the  
5 certificate of title to the owner of the vehicle or shall mail the title to the  
6 owner at his or her address, and, if for any reason the certificate of title  
7 is not delivered to the owner of the vehicle or is returned unclaimed, it  
8 shall immediately be mailed THE HOLDER SHALL IMMEDIATELY MAIL THE  
9 CERTIFICATE to the director.

10 (c) The director's authorized agent shall note in the electronic  
11 record of the lien such THE satisfaction or release of such THE lien or  
12 mortgage and shall file such THE satisfaction or release of such THE lien  
13 as required in section 42-6-122.

14 **SECTION 48.** 42-6-126 (1) (a) and (1) (b) (II), Colorado Revised  
15 Statutes, are amended to read:

16 **42-6-126. New certificate upon release of mortgage.**

17 (1) (a) Upon the satisfaction of the debt and release of a mortgage on a  
18 motor OR COVERED POWERSPORTS vehicle filed for record in the manner  
19 prescribed in AS REQUIRED BY section 42-6-121:

20 (I) The owner of the vehicle encumbered by the mortgage, the  
21 purchaser from or transferee of the owner as appears on the certificate of  
22 title, or the holder of any A mortgage that was junior to the mortgage  
23 released, upon the receipt of the certificate of title, as provided in section  
24 42-6-125, shall deliver the title to the authorized agent who shall transmit  
25 the title to the director; or

26 (II) The lienholder shall notify the authorized agent of the  
27 satisfaction of the debt and release of the mortgage, setting forth any facts

1 concerning the right of the holder to release the mortgage as the director  
2 may require. The LIENHOLDER SHALL SIGN A satisfaction and release shall  
3 be affirmed by a statement signed by the lienholder noted in the  
4 certificate of title and shall contain CONTAINING or be accompanied by a  
5 written declaration that it is made under the penalties of perjury in the  
6 second degree, as defined in section 18-8-503, C.R.S. Upon receiving a  
7 valid satisfaction and release, the director or authorized agent shall note  
8 the release of the lien and shall issue a certificate of title for the motor  
9 vehicle, omitting all reference to the mortgage.

10 (b) Upon the receipt by the director of a statement of mortgage  
11 release, the director shall:

12 (II) Issue a new certificate of title to the motor OR COVERED  
13 POWERSPORTS vehicle, omitting all reference to the released mortgage;  
14 and

15 **SECTION 49.** 42-6-127 (2), Colorado Revised Statutes, is  
16 amended to read:

17 **42-6-127. Duration of lien of mortgage - extensions - rules.**

18 (2) Upon receipt of a mortgage extension, the director's authorized agent  
19 shall make and complete the electronic record of the extension as the  
20 director by rule may require within the director's or the director's  
21 authorized agent's motor AND COVERED POWERSPORTS vehicle database,  
22 and shall note the fact of the extension of the mortgage on the certificate  
23 of title, which may be filed electronically. Thereafter, the certificate of  
24 title shall be returned AUTHORIZED AGENT SHALL RETURN THE  
25 CERTIFICATE to the person shown on the certificate to be entitled to the  
26 certificate. If any mortgage other than one on a trailer coach; truck  
27 tractor; multipurpose trailer, if known when filed; or motor home, that has

1 been filed for record and noted on the certificate of title, has not been  
2 released or extended within ten years after the date ~~on which~~ WHEN the  
3 mortgage was filed in the office of the ~~director's~~ authorized agent, the  
4 person shown by the records in the director's office to be the owner of the  
5 motor OR COVERED POWERSPORTS vehicle described in the certificate of  
6 title, upon ~~making an appropriate application therefor~~ FILING AN  
7 APPLICATION, may request that ~~any~~ THE AUTHORIZED AGENT REMOVE  
8 references to the mortgages shown on the records. ~~of the director's~~  
9 ~~authorized agent be removed by the authorized agent.~~ The director's  
10 authorized agent shall remove all reference to UNRELEASED OR NOT  
11 EXTENDED mortgages shown in the ~~director's~~ authorized agent's records  
12 to have been of record in the office of the authorized agent for more than  
13 ten years. ~~which mortgages have been neither released nor extended as~~  
14 ~~provided in this section.~~

15 **SECTION 50.** 42-6-128, Colorado Revised Statutes, is amended  
16 to read:

17 **42-6-128. Validity of mortgage between parties.** Nothing in  
18 this part 1 ~~shall be construed to impair~~ IMPAIRS the validity of a mortgage  
19 on a motor OR COVERED POWERSPORTS vehicle between the parties ~~thereto~~  
20 as long as no purchaser for value, mortgagee, or creditor without actual  
21 notice of the existence ~~thereof~~ OF A MORTGAGE has acquired an interest  
22 in the motor OR COVERED POWERSPORTS vehicle described ~~therein~~ IN THE  
23 MORTGAGE, notwithstanding that the parties to ~~said~~ THE mortgage have  
24 failed to comply with ~~the provisions of~~ this part 1.

25 **SECTION 51.** 42-6-129 (1), (2), and (4), Colorado Revised  
26 Statutes, are amended to read:

27 **42-6-129. Second or other junior mortgages.** (1) On and after

1 July 1, 1977, ~~any~~ A person who takes a ~~second or other~~ junior mortgage  
2 on a motor OR COVERED POWERSPORTS vehicle for which a Colorado  
3 certificate of title has been issued or filed may file ~~said~~ THE mortgage for  
4 public record and have the ~~existence thereof~~ MORTGAGE noted or filed on  
5 the certificate of title with like effect as in other cases, ~~in the manner~~  
6 ~~prescribed in~~ AS REQUIRED BY this section.

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

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

1           **SECTION 52.** 42-6-130, Colorado Revised Statutes, is amended  
2 to read:

3           **42-6-130. Priority of secured interests.** The liens or mortgages  
4 filed for record or noted on a certificate of title to a motor OR COVERED  
5 POWERSPORTS vehicle, as provided in section 42-6-121, shall take priority  
6 in the same order that they were filed in the office of WITH the authorized  
7 agent; except that the priority of a purchase-money security interest, as  
8 defined in section 4-9-103, C.R.S., shall be IS determined in accordance  
9 with sections 4-9-317 (e) and 4-9-324 (a), C.R.S.

10           **SECTION 53.** 42-6-131, Colorado Revised Statutes, is amended  
11 to read:

12           **42-6-131. Mechanic's, warehouse, and other liens.** Nothing in  
13 this part 1 shall be construed to impair IMPAIRS the rights of lien  
14 claimants arising under any mechanics' A MECHANIC'S lien law or the lien  
15 of a warehouse or other person claimed for repairs on or storage of any  
16 A motor OR COVERED POWERSPORTS vehicle, when a mechanic's lien or  
17 storage lien originated prior to a mortgage or lien on the motor OR  
18 COVERED POWERSPORTS vehicle being filed for record and such motor  
19 THE vehicle has remained continuously in the possession of the person  
20 claiming such THE mechanic's lien or lien for storage.

21           **SECTION 54.** 42-6-133, Colorado Revised Statutes, is amended  
22 to read:

23           **42-6-133. Foreign mortgages and liens.** No A mortgage or lien  
24 on a motor OR COVERED POWERSPORTS vehicle filed for record in a state  
25 other than Colorado shall be IS NOT valid and enforceable against the  
26 rights of subsequent purchasers for value, creditors, lienholders, or  
27 mortgagees having no actual notice of the existence of such THE mortgage



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

9 **SECTION 55.** 42-6-134, Colorado Revised Statutes, is amended  
10 to read:

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 **SECTION 56.** 42-6-135 (2), Colorado Revised Statutes, is  
19 amended to read:

20 **42-6-135. Lost certificates of title.** (2) If the title owner,  
21 lienholder, or mortgagee of a certificate of title loses, misplaces, or  
22 accidentally destroys a certificate of title to a motor OR COVERED  
23 POWERSPORTS vehicle that ~~such~~ THE person holds as described in the  
24 certificate of title, upon application, the director or the authorized agent  
25 may issue a duplicate copy of the recorded certificate of title as in other  
26 cases.

27 **SECTION 57.** 42-6-136 (1), Colorado Revised Statutes, is

1 amended to read:

2 **42-6-136. Surrender and cancellation of certificate - penalty**  
3 **for violation.** (1) The owner of a motor OR COVERED POWERSPORTS  
4 vehicle for which a Colorado certificate of title has been issued, upon the  
5 destruction or dismantling of ~~said motor~~ THE vehicle, upon its being  
6 changed so that it is no longer a motor OR COVERED POWERSPORTS  
7 vehicle, or upon its being sold or otherwise disposed of as salvage, shall  
8 surrender the certificate of title to the ~~motor~~ vehicle to the director or the  
9 authorized agent to be canceled or notify the director or the authorized  
10 agent on director-approved forms indicating the loss, destruction or  
11 dismantling, or sale for salvage. Upon the owner's procuring the consent  
12 of the holders of ~~any~~ unreleased mortgages or liens noted on or recorded  
13 as part of the certificate of title, ~~such~~ THE DIRECTOR OR AUTHORIZED  
14 AGENT SHALL CANCEL THE certificate. ~~shall be canceled.~~ A person who  
15 violates this section commits a class 1 petty offense and shall be punished  
16 as provided in section 18-1.3-503, C.R.S.

17 **SECTION 58.** 42-6-137 (2), (6), (7) (a), and (7) (b), Colorado  
18 Revised Statutes, are amended to read:

19 **42-6-137. Fees.** (2) Upon the receipt by an authorized agent of  
20 a mortgage for filing under section 42-6-121, 42-6-125, or 42-6-129, THE  
21 FILER SHALL PAY the authorized agent ~~shall be paid such fees as are~~  
22 ~~imposed by law for the filing of like instruments in the office of the~~  
23 ~~county clerk and recorder in the county where such mortgage is filed and~~  
24 ~~shall also receive a fee of seven dollars and twenty cents~~ A FEE OF FIVE  
25 DOLLARS PER PAGE. FOR RECORDING DOCUMENTS IN EXCESS OF EIGHT  
26 AND ONE-HALF INCHES IN WIDTH OR FOURTEEN INCHES IN LENGTH, THE FEE  
27 IS TEN DOLLARS PER PAGE. For the issuance or recording of the certificate

1 of title and the notation in the record of the director or the authorized  
2 agent of the existence of the mortgage, THE FEE IS SEVEN DOLLARS AND  
3 TWENTY CENTS.

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

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

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

12 (b) A title issued for a new motor OR COVERED POWERSPORTS  
13 vehicle upon filing of a manufacturer's statement of origin without liens;  
14 and

15 **SECTION 59.** The introductory portion to 42-6-138 (2) and  
16 42-6-138 (2) (b), (3), and (4), Colorado Revised Statutes, are amended to  
17 read:

18 **42-6-138. Disposition of fees.** (2) ~~All fees collected by~~ The  
19 authorized agent SHALL DISPOSE OF ALL FEES COLLECTED under section  
20 42-6-137 (5) or 38-29-138 (5), C.R.S., ~~shall be disposed of~~ as follows:

21 (b) For assignment of a new identifying number to a motor OR  
22 COVERED POWERSPORTS vehicle or manufactured home, THE AUTHORIZED  
23 AGENT SHALL RETAIN two dollars and fifty cents ~~shall be retained by the~~  
24 ~~authorized agent and disposition made~~ DISPOSE OF IT as provided by law;  
25 and SHALL CREDIT one dollar ~~shall be credited~~ to the special purpose  
26 account established by section 42-1-211. THE DEPARTMENT SHALL  
27 CREDIT all fees ~~collected by the department~~ IT COLLECTS under the

1 provisions of section 42-6-137 (1) (a), (4), or (5) or 38-29-138 (1) (a), (4),  
2 or (5), C.R.S., shall be credited to such THE special purpose account.

3 (3) THE AUTHORIZED AGENT SHALL RETAIN all fees paid to the  
4 authorized agent under section 42-6-137 (3) for the extension of a  
5 mortgage or lien on a motor OR COVERED POWERSPORTS vehicle filed in  
6 the authorized agent's office shall be retained by the authorized agent to  
7 defray the cost of such THE extension or release and shall be disposed of  
8 by the authorized agent DISPOSE OF THEM as provided by law; except that  
9 THE AUTHORIZED AGENT SHALL DISPOSE OF fees for this service that are  
10 paid to the authorized agent in the city and county of Denver shall, by  
11 such agent, be disposed of in the same manner as fees retained by the  
12 agent that were paid upon application being made for FILING a certificate  
13 of title APPLICATION.

14 (4) THE DIRECTOR SHALL CREDIT the fee paid by a motor OR  
15 COVERED POWERSPORTS vehicle dealer to the director pursuant to section  
16 42-6-137 (6) for a certificate of title issued within one working day of  
17 AFTER application shall be credited to the special purpose account  
18 established by section 42-1-211 (2).

19 **SECTION 60.** 42-6-139 (1), (2), and (4), Colorado Revised  
20 Statutes, are amended to read:

21 **42-6-139. Registration and title application - where made.**

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

1 principal or primary home or place of abode.

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

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

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

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

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

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

25 (II) FOR A COVERED POWERSPORTS VEHICLE TO WHICH  
26 SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) DOES NOT APPLY, THE  
27 ADDRESS OF THE OWNER'S RESIDENCE; EXCEPT THAT, IF A COVERED

1 POWERSPORTS VEHICLE IS PERMANENTLY MAINTAINED AT AN ADDRESS  
2 OTHER THAN THE ADDRESS OF THE OWNER'S RESIDENCE, THE VEHICLE  
3 MUST BE REGISTERED AT THE ADDRESS WHERE THE VEHICLE IS  
4 PERMANENTLY MAINTAINED.

5 (4) In addition to any other applicable penalty, a person who  
6 registers a motor vehicle in violation of the provisions of VIOLATES  
7 subsection (2) of this section, section 42-3-103 (4) (a), or section  
8 42-6-140 shall be IS subject to a civil penalty of five hundred dollars.  
9 Such THE violation shall be IS determined by, assessed by, and paid to the  
10 municipality or county where the motor OR COVERED POWERSPORTS  
11 vehicle is or should have been registered, subject to judicial review  
12 pursuant to rule 106 (a) (4) of the Colorado rules of civil procedure.

13 **SECTION 61.** 42-6-141, Colorado Revised Statutes, is amended  
14 to read:

15 **42-6-141. Director's records to be public.** All Records in the  
16 director's office pertaining to the title to a motor OR COVERED  
17 POWERSPORTS vehicle shall be ARE public records and shall be subject to  
18 the provisions of section 42-1-206. This shall include any INCLUDES  
19 records regarding ownership of and mortgages or liens on a vehicle for  
20 which a Colorado certificate of title has been issued.

21 **SECTION 62.** 42-6-142 (1), Colorado Revised Statutes, is  
22 amended to read:

23 **42-6-142. Penalties.** (1) No A person may SHALL NOT sell,  
24 transfer, or in any manner dispose of a motor OR COVERED POWERSPORTS  
25 vehicle in this state without complying with this part 1.

26 **SECTION 63.** 42-6-145 (1), Colorado Revised Statutes, is  
27 amended to read:

1           **42-6-145. Use of vehicle identification numbers in applications**

2   **- rules.** (1) (a) A person required to apply for a certificate of title or  
3 registration of a motor vehicle shall use the identification number placed  
4 upon the ~~motor~~ vehicle by the manufacturer or the special vehicle  
5 identification number assigned to the motor vehicle by the department  
6 pursuant to section 42-5-205. The DEPARTMENT SHALL USE THE SAME  
7 IDENTIFICATION NUMBER OF THE MOTOR VEHICLE FOR THE certificate of  
8 title and registration card. ~~issued by the department shall use the~~  
9 ~~identification number of the motor vehicle.~~

10           (b) A PERSON REQUIRED TO APPLY FOR A CERTIFICATE OF TITLE OR  
11 REGISTRATION OF A COVERED POWERSPORTS VEHICLE SHALL USE THE  
12 IDENTIFICATION NUMBER PLACED UPON THE VEHICLE BY THE  
13 MANUFACTURER OR THE SPECIAL VEHICLE IDENTIFICATION NUMBER  
14 ASSIGNED TO THE COVERED POWERSPORTS VEHICLE BY THE DEPARTMENT.  
15 THE DEPARTMENT SHALL USE THE SAME IDENTIFICATION NUMBER OF THE  
16 COVERED POWERSPORTS VEHICLE FOR THE CERTIFICATE OF TITLE.

17           **SECTION 64.** 42-6-146 (1), (3), and (4), Colorado Revised  
18 Statutes, are amended to read:

19           **42-6-146. Repossession of motor vehicle or covered**  
20 **powersports vehicle - owner must notify law enforcement agency -**  
21 **penalty.** (1) If a mortgagee, lienholder, or the mortgagee's or  
22 lienholder's assignee or the agent of either repossesses a motor OR  
23 COVERED POWERSPORTS vehicle because of default in the terms of a  
24 secured debt, the reposessor shall notify, either ~~verbally~~ ORALLY or in  
25 writing, a law enforcement agency, as provided in this section, of the fact  
26 of such repossession, the name of the owner, the name of the reposessor,  
27 and the name of the mortgagee, lienholder, or assignee. ~~Such~~ THE

1 notification ~~shall~~ MUST be made at least one hour before or no later than  
2 one hour after the repossession occurs. If ~~such~~ THE repossession takes  
3 place in an incorporated city or town, the reposessor shall notify the  
4 police department, town marshal, or other local law enforcement agency  
5 of ~~such~~ THE city or town. If ~~such~~ THE repossession takes place in the  
6 unincorporated area of a county, the reposessor shall notify the county  
7 sheriff.

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

17 **SECTION 65.** Part 1 of article 6 of title 42, Colorado Revised  
18 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
19 read:

20 **42-6-148. Powersports vehicles - dealer sales.** (1) A PERSON  
21 SHALL NOT SELL A POWERSPORTS VEHICLE TO A POWERSPORTS VEHICLE  
22 DEALER AND A POWERSPORTS VEHICLE DEALER SHALL NOT PURCHASE A  
23 POWERSPORTS VEHICLE UNLESS THE OWNER HAS OBTAINED A TITLE FOR  
24 THE POWERSPORTS VEHICLE UNDER THIS ARTICLE. A SALE OR PURCHASE  
25 MADE IN VIOLATION OF THIS SECTION IS VOID AB INITIO.

26 (2) UNTIL A COVERED POWERSPORTS VEHICLE IS ISSUED A  
27 CERTIFICATE OF TITLE, THE ATTACHMENT, RECORDING, PERFECTION,



1 PRIORITY, RENEWAL, EXTENSION, MODIFICATION, RELEASING,  
2 TERMINATION, FORECLOSURE, AND ANY OTHER ASPECT OF A SECURITY  
3 INTEREST IN A COVERED POWERSPORTS VEHICLE IS GOVERNED BY THE  
4 "UNIFORM COMMERCIAL CODE", TITLE 4, C.R.S.

5 SECTION 66. 42-4-1701 (4) (a) (I) (A) and (4) (a) (I) (B),  
6 Colorado Revised Statutes, is amended to read:

7 42-4-1701. Traffic offenses and infractions classified -  
8 penalties - penalty and surcharge schedule - repeal. (4) (a) (I) Except  
9 as provided in paragraph (c) of subsection (5) of this section, every  
10 person who is convicted of, who admits liability for, or against whom a  
11 judgment is entered for a violation of any provision of this title to which  
12 paragraph (a) or (b) of subsection (5) of this section apply shall be fined  
13 or penalized, and have a surcharge levied thereon pursuant to sections  
14 24-4.1-119 (1) (f) and 24-4.2-104 (1) (b) (I), C.R.S., in accordance with  
15 the penalty and surcharge schedule set forth in sub-subparagraphs (A) to  
16 (P) of this subparagraph (I); or, if no penalty or surcharge is specified in  
17 the schedule, the penalty for class A and class B traffic infractions shall  
18 be fifteen dollars, and the surcharge shall be four dollars. These penalties  
19 and surcharges shall apply whether the defendant acknowledges the  
20 defendant's guilt or liability in accordance with the procedure set forth by  
21 paragraph (a) of subsection (5) of this section or is found guilty by a court  
22 of competent jurisdiction or has judgment entered against the defendant  
23 by a county court magistrate. Penalties and surcharges for violating  
24 specific sections shall be as follows:

25 Section Violated	Penalty	Surcharge
26 (A) Drivers' license violations:		
27 42-2-101 (1) or (4)	\$ 35.00	\$ 10.00

1	42-2-101 (2), (3), or (5)	■	15.00	6.00
2	<del>42-2-103</del>	■	<del>15.00</del>	<del>6.00</del>
3	<del>42-2-105</del>	■	<del>70.00</del>	<del>10.00</del>
4	42-2-103 (3)(a)	■	15.00	6.00
5	42-2-103 (3)(b)		50.00	6.00
6	42-2-105	■	70.00	10.00
7	42-2-105.5 (4)	■	65.00	10.00
8	42-2-106	■	70.00	10.00
9	42-2-116 (6)(a)	■	30.00	6.00
10	42-2-119		15.00	6.00
11	42-2-134	■	35.00	10.00
12	42-2-136	■	35.00	10.00
13	42-2-139	■	35.00	10.00
14	42-2-140	■	35.00	10.00
15	42-2-141	■	35.00	10.00
16	<b>(B) Registration and taxation violations:</b>			
17	<del>42-3-103</del>		<del>\$ 50.00</del>	<del>\$ 16.00</del>
18	<del>42-3-113</del>		<del>15.00</del>	<del>6.00</del>
19	42-3-103 (1)(a) AND (6)		50.00	16.00
20	42-3-113		15.00	6.00
21	42-3-202		15.00	6.00
22	42-3-116		50.00	16.00
23	42-3-121 (1)(a)		75.00	24.00
24	42-3-121 (1)(c)		35.00	10.00
25	42-3-121 (1)(f), (1)(g),			
26	and (1)(h)		75.00	24.00
27	42-3-304 to 42-3-306		50.00	16.00

1           **SECTION 67.** 43-4-205 (5.5) (f), Colorado Revised Statutes, is  
2 amended to read:

3           **43-4-205. Allocation of fund.** (5.5) The following highway  
4 users tax fund revenues shall be allocated and expended in accordance  
5 with the formula specified in subsection (5) of this section:

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

10           **SECTION 68. Act subject to petition - effective date -**  
11 **applicability.** (1) This act shall take effect July 1, 2012; except that, if  
12 a referendum petition is filed pursuant to section 1 (3) of article V of the  
13 state constitution against this act or an item, section, or part of this act  
14 within the ninety-day period after final adjournment of the general  
15 assembly, then the act, item, section, or part shall not take effect unless  
16 approved by the people at the general election to be held in November  
17 2012 and shall take effect on July 1, 2012, or on the date of the official  
18 declaration of the vote thereon by the governor, whichever is later.

19           (2) The provisions of this act shall apply to acts occurring or  
20 applications filed on or after April 1, 2013.