

Second Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 12-0180.02 Jery Payne x2157

**HOUSE BILL 12-1066**

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**HOUSE SPONSORSHIP**

**Priola,**

**SENATE SPONSORSHIP**

**(None),**

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**House Committees**

Transportation  
Finance

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE APPLICATION OF VEHICLE LAWS TO POWERSPORTS**  
102 **VEHICLES.**

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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.*

- ! 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; except that the Colorado department of transportation may authorize the use of off-highway vehicles on state highways outside of municipalities;
- ! The vehicle cannot be driven in certain counties or municipalities with larger populations unless the local government has authorized it;
- ! The driver cannot carry more people than the vehicle is designed for;
- ! The vehicle cannot exceed 40 miles per hour; and
- ! The vehicle must meet equipment standards, including: Seats, seatbelts, brakes, stoplights, red reflectors, mirrors, and headlamps.

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.

"Powersports vehicles" include snowmobiles and off-highway vehicles. A repair shop that is entitled to a lien on a powersports vehicle and has released the vehicle for a promise of payment may restore the lien 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 when sold by a powersports dealer except with regard to statutory provisions that assume the vehicle will be registered with the department of revenue. Powersports vehicles may be registered by an owner.

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

2           **SECTION 1.** In Colorado Revised Statutes, 10-4-601, **amend**  
 3 (6), (10) introductory portion, and (10) (b); and **add** (3.5) as follows:

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

6           (3.5) "COVERED OFF-HIGHWAY VEHICLE" HAS THE MEANING SET

1 FORTH IN SECTION 42-1-102 (20.5), C.R.S.

2 (6) "Motor vehicle" means a motor vehicle and a low-power  
3 scooter, as both terms are defined in section 42-1-102, C.R.S., AND A  
4 COVERED OFF-HIGHWAY VEHICLE; except that "motor vehicle" does not  
5 include a toy vehicle, snowmobile, off-highway vehicle, or vehicle  
6 designed primarily for use on rails.

7 (10) "Policy" means ~~an automobile~~ A MOTOR VEHICLE insurance  
8 policy providing coverage for all or any of the following coverages:  
9 Collision, comprehensive, bodily injury liability, property damage  
10 liability, medical payments, and uninsured motorist coverage, or a  
11 combination ~~automobile~~ MOTOR VEHICLE policy providing bodily injury  
12 liability, property damage liability, medical payments, uninsured motorist,  
13 and physical damage coverage, delivered or issued for delivery in this  
14 state, insuring a single individual, or husband and wife, or family  
15 members residing in the same household, as named insured, and under  
16 which the insured vehicles ~~therein~~ designated IN THE POLICY are of the  
17 following types only:

18 (b) Any other four-wheel motor OR COVERED OFF-HIGHWAY  
19 vehicle with a load capacity of ~~fifteen~~ ONE THOUSAND FIVE hundred  
20 pounds or less that is not used in the occupation, profession, or business  
21 of the insured.

22 **SECTION 2.** In Colorado Revised Statutes, **amend** 10-4-606 as  
23 follows:

24 **10-4-606. Further notice.** When ~~automobile~~ bodily injury and  
25 property damage liability coverage is cancelled, other than for  
26 nonpayment of premium, or in the event of failure to renew ~~automobile~~  
27 bodily injury and property damage liability coverage to which section

1 10-4-604 applies, the insurer shall notify the named insured of his OR HER  
2 possible eligibility for ~~automobile~~ liability insurance through an assigned  
3 risk plan established pursuant to section 10-4-412 and shall notify the  
4 insured as to where he OR SHE may obtain information concerning ~~such~~  
5 THE plan. ~~Such~~ TO BE VALID, THE notice ~~shall~~ MUST accompany or be  
6 included in the notice of cancellation or the notice of intent not to renew.

7 **SECTION 3.** In Colorado Revised Statutes, 10-4-608, **amend** (1)  
8 introductory portion, (1) (b), and (1) (d) as follows:

9 **10-4-608. Exemptions.** (1) This part 6 ~~shall~~ DOES not apply to  
10 any policy:

11 (b) Insuring more than four ~~automobiles~~ MOTOR VEHICLES;

12 (d) Covering a garage, ~~automobile sales agency~~ MOTOR VEHICLE  
13 DEALER, AS DEFINED IN SECTION 12-6-102, C.R.S., POWERSPORTS VEHICLE  
14 DEALER, AS DEFINED IN SECTION 12-6-502, C.R.S., repair shop, service  
15 station, or public parking place operation hazard; or

16 **SECTION 4.** In Colorado Revised Statutes, 10-4-609, **amend** (1)  
17 (a) as follows:

18 **10-4-609. Insurance protection against uninsured motorists -**  
19 **applicability.** (1) (a) No ~~automobile liability~~ or motor vehicle liability  
20 policy insuring against loss resulting from liability imposed by law for  
21 bodily injury or death suffered by any person arising out of the ownership,  
22 maintenance, or use of a motor vehicle shall be delivered or issued for  
23 delivery in this state with respect to ~~any~~ A motor vehicle licensed for  
24 highway use in this state unless coverage is provided ~~therein~~ IN or  
25 supplemental ~~thereto~~ TO THE POLICY, in limits for bodily injury or death  
26 set forth in section 42-7-103 (2), C.R.S., under provisions approved by  
27 the commissioner, for the protection of persons insured ~~thereunder~~ UNDER

1 THE POLICY who are legally entitled to recover damages from owners or  
2 operators of uninsured motor vehicles because of bodily injury, sickness,  
3 or disease, including death, resulting therefrom; except that the named  
4 insured may reject ~~such~~ THE coverage in writing.

5 **SECTION 5.** In Colorado Revised Statutes, 10-4-613, **amend** (1)  
6 as follows:

7 **10-4-613. Glass repair and replacement.** (1) No insurance  
8 company, domestic or foreign, or any agent or employee of such a  
9 company, shall require or permit that ~~automobile~~ glass repair or  
10 replacement work must be performed by a particular facility, individual,  
11 or business establishment as a condition of payment of a claim. However,  
12 an insurance company may ~~provide~~ REQUIRE that payments for ~~such~~ THE  
13 work ~~shall~~ be limited to a fair competitive price. No insurance company  
14 that issues, delivers, or renews such a policy shall fail to pay for the repair  
15 or replacement of ~~automobile~~ glass by an insured's chosen vendor, nor  
16 shall any ~~such~~ insurance company engage in any act or practice of  
17 intimidation, coercion, or threat for or against any insured person or entity  
18 to use a particular vendor or location for ~~such~~ glass repair or replacement  
19 work. No insurance company shall agree to refund or rebate any  
20 applicable deductible or portion thereof as an incentive or inducement to  
21 any insured to use a particular vendor or location for glass repair or  
22 replacement work. ~~The provisions of This section shall apply~~ APPLIES to  
23 all policies of insurance delivered, issued for delivery, or renewed in this  
24 state that cover motor vehicles.

25 **SECTION 6.** In Colorado Revised Statutes, 10-4-617, **amend** (5)  
26 as follows:

27 **10-4-617. Insurers - biannual fee - auto theft prevention**

1 **authority.** (5) As used in this section, "motor vehicle" does not include  
2 ~~vehicles~~ A VEHICLE or vehicle ~~combinations~~ COMBINATION with a  
3 declared gross weight of more than twenty-six thousand pounds OR A  
4 POWERSPORTS VEHICLE, TOY VEHICLE, SNOWMOBILE, OFF-HIGHWAY  
5 VEHICLE, OR VEHICLE DESIGNED PRIMARILY FOR USE ON RAILS.

6 **SECTION 7.** In Colorado Revised Statutes, 10-4-621, **amend** (2)  
7 and (3) as follows:

8 **10-4-621. Required coverages are minimum.** (2) ~~On and after~~  
9 ~~January 1, 2005,~~ all Insurers shall offer collision coverage for damage to  
10 insured motor vehicles subject to deductibles of one hundred dollars and  
11 two hundred fifty dollars. Insurers may offer such other reasonable  
12 deductibles as they deem appropriate. IF THE ACCIDENT OCCURS WITHIN  
13 THE UNITED STATES OR ITS TERRITORIES OR POSSESSIONS, collision  
14 coverage ~~shall~~ MUST provide insurance without regard to fault against  
15 accidental property damage to the insured motor vehicle BECAUSE OF:

16 (a) PHYSICAL CONTACT with another motor vehicle or ~~motor~~  
17 ~~vehicle caused by physical contact of the insured with~~ another object; or

18 (b) ~~by~~ THE upset of the insured ~~motor~~ vehicle. ~~if the accident~~  
19 ~~occurs within the United States or its territories or possessions.~~

20 (3) No insurer may surcharge, refuse to write, cancel, or nonrenew  
21 a complying policy of ~~automobile insurance~~ based solely on the method  
22 of compliance or level of coverage chosen, as long as the requirements  
23 are met under section 42-3-105 (1) (d) (I) or (1) (f), C.R.S.

24 **SECTION 8.** In Colorado Revised Statutes, **amend** 10-4-630 (1)  
25 as follows:

26 **10-4-630. Exclusion of named driver.** (1) In any case where an  
27 insurer is authorized under this part 6 to cancel or refuse to renew or

1 increase the premiums on ~~an automobile liability insurance~~ A policy under  
2 which more than one person is insured because of the claim experience  
3 or driving record of one or more but less than all of the persons insured  
4 under the policy, the insurer shall in lieu of cancellation, nonrenewal, or  
5 premium increase offer to continue or renew the insurance but to exclude  
6 from coverage, by name, the person whose claim experience or driving  
7 record would have justified the cancellation or nonrenewal. The  
8 premiums charged on any such policy excluding a named driver shall not  
9 reflect the claims, experience, or driving record of the excluded named  
10 driver.

11 **SECTION 9.** In Colorado Revised Statutes, **amend** 10-4-633 as  
12 follows:

13 **10-4-633. Certification of policy and notice forms.** (1) All  
14 insurers providing ~~automobile~~ MOTOR VEHICLE insurance and who are  
15 authorized by the commissioner to conduct business in Colorado shall  
16 submit an annual report to the commissioner listing any policy forms,  
17 endorsements, cancellation notices, renewal notices, disclosure forms,  
18 notices of proposed premium increases, notices of proposed reductions in  
19 coverage, and ~~such~~ ANY other forms ~~as may be~~ requested by the  
20 commissioner issued or delivered to any policyholder in Colorado. ~~Such~~  
21 THE listing ~~shall~~ MUST be submitted no later than July 1 of each year and  
22 ~~shall~~ MUST contain a certification by an officer of the organization that,  
23 to the best of the officer's knowledge, each policy form, endorsement, or  
24 notice form in use complies with Colorado law. THE COMMISSIONER  
25 SHALL DETERMINE the necessary elements of the certification. ~~shall be~~  
26 ~~determined by the commissioner.~~

27 (2) All insurers providing ~~automobile~~ MOTOR VEHICLE insurance

1 and who are authorized by the commissioner to conduct business in  
2 Colorado shall also submit to the commissioner a ~~list~~ LISTING of any new  
3 policy form, endorsement, cancellation notice, renewal notice, disclosure  
4 form, notice of proposed premium increase, notice of proposed reductions  
5 in coverage, and any other form ~~as may be~~ requested by the commissioner  
6 at least thirty-one days before using ~~such~~ THE policy form, endorsement,  
7 cancellation notice, renewal notice, disclosure form, notice of proposed  
8 premium increase, notice of proposed reductions in coverage, ~~and any~~ OR  
9 other form. ~~as may be requested by the commissioner. Such~~ THE listing  
10 ~~shall~~ MUST also contain a certification by an officer of the organization  
11 that, to the best of the officer's knowledge, each new policy form,  
12 endorsement, or notice form proposed to be used complies with Colorado  
13 law. The COMMISSIONER SHALL DETERMINE THE necessary elements of the  
14 certification. ~~shall be determined by the commissioner.~~

15 (3) The commissioner ~~shall have the power to~~ MAY examine and  
16 investigate insurers authorized to conduct business in Colorado to  
17 determine whether ~~automobile~~ policy forms, endorsements, cancellation  
18 notices, renewal notices, disclosure forms, notices of proposed premium  
19 increases, notices of proposed reductions in coverage, and ~~such~~ ANY other  
20 forms ~~as may be~~ requested by the commissioner comply with the  
21 certification of the organization and statutory mandates.

22 **SECTION 10.** In Colorado Revised Statutes, 10-4-633.5, **amend**  
23 (1) (a) and (5) as follows:

24 **10-4-633.5. Insurance policies - plain language required -**  
25 **rules.** (1) (a) An insurer issuing or renewing ~~automobile~~ insurance  
26 policies subject to this part 6 shall not issue or renew a policy unless the  
27 text of the policy form does not exceed the tenth-grade level, as measured



1 by the Flesch-Kincaid grade level formula, or does not score less than  
2 fifty as measured by the Flesch reading ease formula.

3 (5) (a) ~~The requirements of~~ This section ~~shall~~ DOES not apply to  
4 commercial ~~automobile~~ VEHICLE insurance coverage.

5 (b) For the purpose of this subsection (5), "commercial  
6 ~~automobile~~ VEHICLE insurance coverage" means any insurance coverage  
7 provided to an insured, regardless of the number of vehicles or entities  
8 covered, under a commercial ~~automobile~~ VEHICLE, garage, motor carrier,  
9 or truckers' coverage policy form and rated using either a commercial  
10 manual or rating rule.

11 **SECTION 11.** In Colorado Revised Statutes, 10-4-635, **amend**  
12 (1) (a), (4) introductory portion, and (4) (a) as follows:

13 **10-4-635. Medical payments coverage - disclosure - definitions.**

14 (1) (a) Except as otherwise provided in this subsection (1), no ~~automobile~~  
15 ~~liability~~ or motor vehicle liability policy insuring against loss resulting  
16 from liability imposed by law for bodily injury or death suffered by any  
17 person arising out of the ownership, maintenance, or use of a motor  
18 vehicle shall be delivered or issued for delivery in this state unless  
19 coverage is provided in the policy or in a supplemental policy for medical  
20 payments with benefits of five thousand dollars for bodily injury,  
21 sickness, or disease resulting from the ownership, maintenance, or use of  
22 the ~~motor~~ vehicle.

23 (4) This section ~~shall~~ DOES not apply to:

24 (a) A person obtaining ~~an automobile liability~~ or A motor vehicle  
25 policy insuring against loss resulting from the ownership, maintenance,  
26 or use of a motorcycle, low-power scooter, or toy vehicle, as defined in  
27 section 42-1-102, C.R.S., a snowmobile, as defined in section 33-14-101,

1 C.R.S., or any vehicle designed primarily for use off the road or on rails;

2 **SECTION 12.** In Colorado Revised Statutes, 10-4-636, **amend**  
3 (1) (a), (2), (4) introductory portion, (4) (a), (4) (b), (4) (d), and (8) as  
4 follows:

5 **10-4-636. Disclosure requirements for insurance products**  
6 **offered - rules.** (1) (a) An insurer or producer issuing ~~automobile~~  
7 insurance policies shall, as a condition of doing business in this state,  
8 have on file for public inspection at the division a summary disclosure  
9 form that contains an explanation of the major coverages and exclusions  
10 of ~~such~~ THE policies of insurance together with a recitation of general  
11 factors considered in cancellation, nonrenewal, and increase-in-premium  
12 situations. Each summary disclosure form ~~shall~~ MUST provide notice, in  
13 bold-faced ~~letters~~ TYPE, that the policyholder should read the policy for  
14 complete details and ~~such~~ THAT THE disclosure form ~~shall not be~~  
15 ~~construed to~~ DOES NOT replace any provision of the policy itself.

16 (2) In addition to the disclosure required by subsection (1) of this  
17 section, any insurer or producer offering motor vehicle coverage ~~pursuant~~  
18 ~~to~~ UNDER this part 6 shall provide a clear explanation to the insured  
19 regarding the products purchased, the amount of coverage purchased, and  
20 the applicability of the coverage depending on the determination of fault  
21 of the insured in an ~~automobile~~ accident.

22 (4) The disclosure form required by subsection (1) of this section  
23 ~~shall~~ MUST include a disclosure specifying that:

24 (a) Medical payments coverage pays for reasonable health care  
25 expenses incurred for bodily injury caused by ~~an automobile~~ A MOTOR  
26 VEHICLE accident, regardless of fault, up to the policy limits chosen by the  
27 insured;

1 (b) Medical payments coverage is primary to any health insurance  
2 coverage available to an insured when injured in ~~an automobile~~ A MOTOR  
3 VEHICLE accident;

4 (d) An insured who is injured in ~~an automobile~~ A MOTOR VEHICLE  
5 accident will not receive benefits from medical payments coverage for  
6 any medical expenses incurred as a result of an accident that is the fault  
7 of the insured unless medical payments coverage is purchased.

8 (8) The disclosures required by this section ~~shall~~ DO not apply to  
9 commercial ~~automobile~~ VEHICLE insurance policies, as defined by the  
10 commissioner in rules adopted pursuant to section 10-4-641 (1).

11 **SECTION 13.** In Colorado Revised Statutes, 10-4-641, **amend**  
12 (1) as follows:

13 **10-4-641. Rules - medical payments coverage.** (1) The  
14 commissioner shall promulgate any necessary rules for the administration  
15 of medical payments coverage and coordination of benefits and the  
16 implementation of section 10-4-636 (4) concerning disclosures required  
17 to be made regarding medical payments coverage and the definition of  
18 commercial ~~automobile~~ VEHICLE insurance policies for purposes of the  
19 exception allowed in section 10-4-636 (8). Medical payments coverage  
20 ~~shall be~~ IS primary to any health insurance benefit of a person injured in  
21 a motor vehicle accident, and medical payments coverage ~~shall apply~~  
22 APPLIES to any coinsurance or deductible amount required by the injured  
23 person's health coverage plan, as defined in section 10-16-102 (22.5).

24 **SECTION 14.** In Colorado Revised Statutes, **add** 33-14.5-100.5  
25 as follows:

26 **33-14.5-100.5. Legislative declaration.** THE GENERAL ASSEMBLY  
27 FINDS, DETERMINES, AND DECLARES THAT REGISTRATION OF OFF-HIGHWAY

1 VEHICLES UNDER THIS ARTICLE IS NOT A REGISTRATION FEE OR OTHER  
2 CHARGE WITH RESPECT TO THE OPERATION OF A MOTOR VEHICLE UPON A  
3 PUBLIC HIGHWAY.

4 **SECTION 15.** In Colorado Revised Statutes, 33-14.5-101,  
5 **amend** (3) introductory portion, (3) (d), and (3) (g) as follows:

6 **33-14.5-101. Definitions.** As used in this article, unless the  
7 context otherwise requires:

8 (3) "Off-highway vehicle" means ~~any~~ A self-propelled vehicle  
9 ~~which~~ THAT is designed to travel on wheels or tracks in contact with the  
10 ground, ~~which~~ THAT is designed primarily for use off of the public  
11 highways, and ~~which~~ THAT is generally and commonly used ~~to transport~~  
12 ~~persons~~ for recreational purposes. "Off-highway vehicle" does not  
13 include: ~~the following:~~

- 14 (d) Golf ~~carts~~ CARS;
- 15 (g) MOTOR vehicles registered pursuant to article 3 of title 42,  
16 C.R.S.

17 **SECTION 16.** In Colorado Revised Statutes, 33-14.5-108,  
18 **amend** (1) introductory portion as follows:

19 **33-14.5-108. Off-highway vehicle operation prohibited on**  
20 **streets, roads, and highways.** (1) ~~No~~ A PERSON SHALL NOT OPERATE AN  
21 off-highway vehicle ~~may be operated~~ THAT IS NOT REGISTERED UNDER  
22 ARTICLE 3 OF TITLE 42, C.R.S., on the public streets, roads, or highways  
23 of this state except in the following cases:

24 **SECTION 17.** In Colorado Revised Statutes, **amend** 38-20-106.5  
25 as follows:

26 **38-20-106.5. Motor vehicle repair garages - restoration of**  
27 **liens.** (1) (a) A motor OR POWERSPORTS vehicle repair garage ~~which~~

1 THAT is entitled to a lien under section 38-20-106 for ~~motor vehicle~~  
2 repairs and ~~which~~ THAT has released the motor OR POWERSPORTS vehicle  
3 upon receipt of payment for ~~such~~ THE repairs in the form of a check, draft,  
4 or order for the payment of money upon ~~any bank, depository, person,~~  
5 ~~firm, or corporation shall be~~ A FINANCIAL INSTITUTION IS entitled to the  
6 restoration of the lien if:

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

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

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

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

18 (II) The debtor fails, within twelve days after receiving notice  
19 from the ~~motor vehicle repair~~ garage of nonpayment, to pay the amount  
20 due.

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

26 (2) "Notice", as used in subsection (1) of this section, means  
27 notice given to the person entitled ~~thereto~~ TO THE NOTICE, either in person

1 or in writing. ~~Such~~ THE notice in writing shall be conclusively presumed  
2 ~~to have been~~ IS given when deposited by registered or certified mail,  
3 return receipt requested and postage prepaid, in the United States mail  
4 and addressed to ~~such~~ THE person at ~~his~~ THE PERSON'S address as it  
5 appears on the invoice or ~~such~~ ON THE PERSON'S check, draft, or order or,  
6 in the case of an open account, as it appears on the account records of the  
7 motor OR POWERSPORTS vehicle repair garage. ~~Any~~ THE GARAGE SHALL  
8 NOT GIVE notice regarding an open account ~~may only be given subsequent~~  
9 ~~to nonpayment~~ UNTIL AN AGREED PAYMENT IS PAST DUE.

10 **SECTION 18.** In Colorado Revised Statutes, 39-26-113, **amend**  
11 (1), (6) (a), and (6) (b); and **add** (7) as follows:

12 **39-26-113. Collection of sales tax - motor vehicles -**  
13 **powersports vehicles - exemption.** (1) ~~No registration shall be made of~~  
14 THE DEPARTMENT OF REVENUE OR ITS AUTHORIZED AGENT SHALL NOT  
15 REGISTER a motor or other vehicle for which registration is required ~~and~~  
16 ~~no~~ OR ISSUE A certificate of title ~~shall be issued for such~~ A MOTOR vehicle,  
17 POWERSPORTS VEHICLE, or ~~for a mobile home by the department of~~  
18 ~~revenue or its authorized agent~~ until any tax due on the sale and purchase  
19 of ~~such~~ THE vehicle ~~pursuant to~~ UNDER section 29-2-106, C.R.S., or  
20 section 39-26-106 or imposed by ordinance of any home rule city has  
21 been paid.

22 (6) (a) ~~In the case of~~ a seller-financed sale in which the seller has  
23 added the sales tax due on the sale to the financed sales price of the motor  
24 OR POWERSPORTS vehicle and the purchaser has ~~defaulted or otherwise~~  
25 failed to make payments due to the seller, the seller ~~shall be entitled to~~  
26 MAY deduct all portions of the unreceived payments that are attributable  
27 to the sales tax due on the sale from the next sales tax return made by the

1 seller ~~pursuant to~~ UNDER this article. If the amount to be SO deducted  
2 ~~pursuant to this subsection (6)~~ exceeds the amount of sales tax to be  
3 remitted by the seller for the next reporting period, the seller may carry  
4 forward the remaining amount of the deduction to future sales tax returns.  
5 ~~In no event shall~~ This subsection (6) ~~be construed to~~ DOES NOT create a  
6 right to a refund or any other payment by the department of revenue to the  
7 seller.

8 (b) For purposes of this subsection (6), "seller-financed sale"  
9 means a retail sale of a motor OR POWERSPORTS vehicle by a seller  
10 licensed ~~pursuant to part 1 of~~ UNDER article 6 of title 12, C.R.S., in which  
11 the seller, or a wholly-owned affiliate or subsidiary of the seller, collects  
12 all or part of the total consideration paid for the ~~motor~~ vehicle in periodic  
13 payments and retains a lien on the ~~motor~~ vehicle until all payments have  
14 been received. Except as otherwise provided in this paragraph (b), ~~the~~  
15 ~~term~~ "SELLER-FINANCED SALE" does not include a retail sale of a ~~motor~~  
16 vehicle in which a person other than the seller provides the consideration  
17 for the sale and retains a lien on the ~~motor~~ vehicle until all payments have  
18 been made.

19 (7) SUBSECTIONS (1) AND (2) OF THIS SECTION DO NOT APPLY TO  
20 THE SALE OR TRANSFER OF POWERSPORTS VEHICLES BEFORE APRIL 1,  
21 2013. FOR A POWERSPORTS VEHICLE THAT WAS FIRST PURCHASED OR  
22 TRANSFERRED BEFORE APRIL 1, 2014, THE DEPARTMENT SHALL ISSUE THE  
23 INITIAL CERTIFICATE OF TITLE OR INITIALLY REGISTER THE VEHICLE  
24 WITHOUT VERIFYING THAT THE PERSON PAID ANY TAX DUE ON THE  
25 VEHICLE WHEN THE VEHICLE IS ISSUED ITS FIRST CERTIFICATE OF TITLE OR  
26 FIRST REGISTERED EVEN AFTER THE VEHICLE WAS REGISTERED.

27 **SECTION 19.** In Colorado Revised Statutes, 42-1-102, **amend**

1 (58) and (112); and **add** (20.5) [redacted] as follows:

2 **42-1-102. Definitions.** As used in articles 1 to 4 of this title,  
3 unless the context otherwise requires:

4 (20.5) "COVERED OFF-HIGHWAY VEHICLE" MEANS AN  
5 OFF-HIGHWAY VEHICLE [redacted] THAT IS REGISTERED UNDER ARTICLE 3 OF THIS  
6 TITLE. "COVERED OFF-HIGHWAY VEHICLE" DOES NOT INCLUDE AN  
7 OFF-HIGHWAY VEHICLE BEING OPERATED ON A HIGHWAY AS AUTHORIZED  
8 UNDER ONE OR MORE PARAGRAPHS OF SECTION 33-14.5-108 (1), C.R.S.

9 [redacted]

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

23 (112) "Vehicle" means a device that is capable of moving itself,  
24 or of being moved, from place to place upon wheels or endless tracks.  
25 "Vehicle" includes, without limitation, a bicycle, electrical assisted  
26 bicycle, or EPAMD, but does not include a wheelchair, ~~off-highway~~  
27 ~~vehicle~~, snowmobile, farm tractor, or implement of husbandry designed



1 primarily or exclusively for use and used in agricultural operations or any  
2 device moved exclusively over stationary rails or tracks or designed to  
3 move primarily through the air.

4 **SECTION 20.** In Colorado Revised Statutes, 42-1-210, **amend**  
5 (1) (a) as follows:

6 **42-1-210. County clerk and recorders and manager of revenue**  
7 **or other appointed official as agents - legislative declaration - fee.**

8 (1) (a) (I) The county clerk and recorder in each county in the state of  
9 Colorado, the clerk and recorder in the city and county of Broomfield,  
10 and, in the city and county of Denver, the manager of revenue or such  
11 other official of the city and county of Denver as may be appointed by the  
12 mayor to perform functions related to the registration of ~~motor~~ vehicles,  
13 are hereby designated as the authorized agents of the department for the  
14 administration of ~~the provisions of~~ articles 3 and 6 of this title relating to  
15 registrations of ~~motor~~ vehicles in ~~such counties; and~~ EACH COUNTY; for  
16 the enforcement of ~~the provisions of~~ section 42-6-139 ~~relating to~~  
17 CONCERNING the registering and titling of ~~motor~~ vehicles in ~~such counties~~  
18 EACH COUNTY; and for the enforcement of ~~the provisions of~~ section  
19 38-29-120, C.R.S., ~~relating to~~ CONCERNING the titling of manufactured  
20 homes; but any ~~such~~ authorized agent in a county ~~has the power to~~ MAY  
21 appoint and employ ~~such motor~~ vehicle registration and license clerks as  
22 ~~are actually necessary in the issuance of motor~~ TO ISSUE vehicle licenses.  
23 ~~and~~

24 (II) THE AUTHORIZED AGENT shall retain ~~for the purpose of~~  
25 ~~defraying such expenses, including mailing, a sum equal to~~ A FEE OF four  
26 dollars per paid motor OR COVERED OFF-HIGHWAY vehicle registration and  
27 registration requiring a metallic plate, plates, individual temporary

1 registration number plates, or validation tab or sticker as provided in  
2 section 42-3-201. This fee ~~of four dollars shall apply~~ APPLIES to every  
3 registration of a motor OR COVERED OFF-HIGHWAY vehicle, ~~that is~~  
4 ~~designed primarily to be operated or drawn on any highway of this state,~~  
5 except such vehicles as are specifically exempted from payment of any  
6 registration fee by ~~the provisions of~~ article 3 of this title, and ~~shall be~~ IS  
7 in addition to the annual registration fee prescribed by law for ~~such~~ THE  
8 vehicle. The fee ~~of four dollars~~ UNDER THIS SUBPARAGRAPH (II), when  
9 collected by the department, shall be credited to the same fund as  
10 registration fees collected by the department.

11 (III) ~~The county clerk and recorders, the clerk and recorder in the~~  
12 ~~city and county of Broomfield, and the manager of revenue or such other~~  
13 ~~official of the city and county of Denver as may be appointed by the~~  
14 ~~mayor to perform functions related to the registration of motor vehicles~~  
15 ~~in the city and county of Denver so designated as the authorized agents~~  
16 ~~of the department, as provided in this section, AUTHORIZED AGENTS shall~~  
17 ~~serve as such authorized agents under the provisions of this part 2 without~~  
18 additional remuneration or fees, except as otherwise provided in articles  
19 1 to 6 of this title.

20 **SECTION 21.** In Colorado Revised Statutes, 42-2-103, **amend**  
21 (1) (c), (2), and (3) as follows:

22 **42-2-103. Motorcycles - low-power scooters - off-highway**  
23 **vehicles - driver's license required.** (1) (c) A person shall not operate  
24 a two-wheel motorcycle OR A TWO-WHEEL COVERED OFF-HIGHWAY  
25 VEHICLE on a roadway without a general motorcycle endorsement, but a  
26 person who possesses a general motorcycle endorsement may operate any  
27 motorcycle OR COVERED OFF-HIGHWAY VEHICLE on the roadway.

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

3 (II) THE DRIVER OF A COVERED OFF-HIGHWAY VEHICLE ON A  
4 HIGHWAY SHALL POSSESS A VALID DRIVER'S LICENSE OR MINOR DRIVER'S  
5 LICENSE UNLESS THE COVERED OFF-HIGHWAY VEHICLE IS BEING OPERATED  
6 ON A HIGHWAY AS AUTHORIZED BY ONE OR MORE PARAGRAPHS OF  
7 SECTION 33-14.5-108 (1), C.R.S.

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

17 (3) (a) A person who operates a motorcycle in violation of  
18 subsection (1) of this section commits the offense of driving a motor  
19 vehicle without the correct class of license in violation of section  
20 42-2-101 (4) and shall be punished as provided in ~~section~~ SECTIONS  
21 42-2-101 (10) AND 42-4-1701.

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

25 **SECTION 22.** In Colorado Revised Statutes, 42-2-127, **amend**  
26 (1) (b) and (5) (hh) as follows:

27 **42-2-127. Authority to suspend license - to deny license - type**

1 **of conviction - points.** (1) (b) If ~~any~~ AN applicant for a license to operate  
2 a motor vehicle has illegally operated a motor OR COVERED OFF-HIGHWAY  
3 vehicle ~~in this state~~ prior to the issuance of a valid driver's or minor  
4 driver's license or instruction permit or in violation of the terms of any  
5 instruction permit within thirty-six months prior to ~~said~~ THE application,  
6 the department has the authority to deny the issuance of ~~said~~ THE license  
7 for not more than twelve months.

8 (5) Point system schedule:

9 Type of conviction	Points
10 (hh) Driving a motor OR COVERED OFF-HIGHWAY vehicle while not 11 wearing a seat belt in violation of section 42-2-105.5 (3)	2

12 **SECTION 23.** In Colorado Revised Statutes, 42-2-127.7, **amend**  
13 (2) (a) as follows:

14 **42-2-127.7. Authority to suspend driver's license - uninsured**  
15 **motorists - legislative declaration.** (2) (a) The department may suspend  
16 the driver's license of any person upon its determination that the person  
17 drove a vehicle in this state without having in full force and effect a  
18 complying policy or certificate of self-insurance as required by sections  
19 10-4-619 and 10-4-624, C.R.S., as follows:

20 (I) Upon the first determination that a person operated a motor OR  
21 COVERED OFF-HIGHWAY vehicle ~~in this state~~ without having in full force  
22 and effect a complying policy or certificate of self-insurance as required  
23 pursuant to section 10-4-619 or 10-4-624, C.R.S., the department shall  
24 suspend the driver's license of a person until the person furnishes proof  
25 of financial responsibility, as defined in section 42-7-103 (14), in the  
26 manner contemplated by section 42-7-301 (1), in the amount specified in  
27 section 10-4-620, C.R.S.

1 (II) Upon the second determination that the person operated a  
2 motor OR COVERED OFF-HIGHWAY vehicle ~~in this state~~ without having in  
3 full force and effect a complying policy or certificate of self-insurance as  
4 required by sections 10-4-619 and 10-4-624, C.R.S., within five years, the  
5 department shall suspend the person's driver's license for a period of four  
6 months.

7 (III) Upon the third or subsequent determination that the person  
8 operated a motor OR COVERED OFF-HIGHWAY vehicle ~~in this state~~ without  
9 having in full force and effect a complying policy or certificate of  
10 self-insurance as required by sections 10-4-619 and 10-4-624, C.R.S., the  
11 department shall suspend the person's driver's license for a period of eight  
12 months.

13 **SECTION 24.** In Colorado Revised Statutes, 42-2-206, **amend**  
14 (1) (a) (I), (1) (b) (I) introductory portion, and (2) as follows:

15 **42-2-206. Driving after revocation prohibited.** (1) (a) (I) It is  
16 unlawful for any person to operate ~~any~~ A motor OR COVERED  
17 OFF-HIGHWAY vehicle ~~in this state~~ ON A HIGHWAY while the revocation of  
18 the department prohibiting the operation remains in effect. ~~Any~~ A person  
19 found to be an habitual offender, who operates a motor OR COVERED  
20 OFF-HIGHWAY vehicle ~~in this state~~ ON A HIGHWAY while the revocation of  
21 ~~the department prohibiting such operation~~ is in effect, commits a class 1  
22 misdemeanor.

23 (b) (I) A person commits the crime of aggravated driving with a  
24 revoked license if he or she is found to be an habitual offender and  
25 thereafter operates a motor OR COVERED OFF-HIGHWAY vehicle ~~in this~~  
26 ~~state~~ ON A HIGHWAY while the revocation of the department prohibiting  
27 ~~such~~ operation is in effect and, as a part of the same criminal episode,

1 also commits any of the following offenses:

2 (2) For the purpose of enforcing this section in any case in which  
3 the accused is charged with driving a motor OR COVERED OFF-HIGHWAY  
4 vehicle ON A HIGHWAY while ~~such~~ THE person's license, permit, or  
5 privilege to drive is revoked or is charged with driving ON A HIGHWAY  
6 without a license, the court, before hearing ~~such~~ THE charges, shall  
7 require the district attorney to determine whether ~~such~~ THE person has  
8 been determined to be an habitual offender and by reason of ~~such~~ THE  
9 determination is barred from operating a motor OR COVERED  
10 OFF-HIGHWAY vehicle on the ~~highways of this state~~ HIGHWAY. If the  
11 district attorney determines that the accused has been so held, the district  
12 attorney shall ~~cause~~ BRING the appropriate criminal charges ~~to be lodged~~  
13 against the accused.

14 **SECTION 25.** In Colorado Revised Statutes, 42-3-103, **add** (6)  
15 as follows:

16 **42-3-103. Registration required - exemptions - rules.**

17 (6) (a) EXCEPT AS AUTHORIZED BY SECTION 33-14.5-108, C.R.S., THE  
18 OWNER OF A COVERED OFF-HIGHWAY VEHICLE SHALL NOT OPERATE THE  
19 VEHICLE ON A ROADWAY UNLESS THE OWNER REGISTERS THE VEHICLE  
20 WITH THE DEPARTMENT. THE REGISTRATION EXPIRES WHEN OWNERSHIP OF  
21 THE COVERED OFF-HIGHWAY VEHICLE IS TRANSFERRED TO ANOTHER  
22 PERSON.

23 (b) THE DEPARTMENT SHALL PROMULGATE RULES AUTHORIZING  
24 POWERSPORTS VEHICLE DEALERS LICENSED UNDER ARTICLE 6 OF TITLE 12,  
25 C.R.S., TO BE AGENTS OF THE DEPARTMENT FOR ISSUING TEMPORARY  
26 REGISTRATIONS FOR COVERED OFF-HIGHWAY VEHICLES.

27 (c) A VIOLATION OF THIS SUBSECTION (6) IS A CLASS B TRAFFIC

1       INFRACTION.

2               **SECTION 26.** In Colorado Revised Statutes, 42-3-105, **amend**  
3       (1) (d), (2), and (4) as follows:

4               **42-3-105. Application for registration - tax.** (1) (d) (I) The  
5       department ~~or its authorized agents~~ shall not register a motor vehicle, ~~or~~  
6       low-power scooter, OR COVERED OFF-HIGHWAY VEHICLE unless the  
7       applicant has a complying motor vehicle insurance policy pursuant to part  
8       6 of article 4 of title 10, C.R.S., or a certificate of self-insurance in full  
9       force and effect as required by sections 10-4-619 and 10-4-624, C.R.S.  
10       The requirements of this paragraph (d) apply only to motor vehicles  
11       classified as Class C personal property under section 42-3-106 (2) (c), to  
12       light trucks that do not exceed sixteen thousand pounds empty weight, to  
13       sports utility vehicles that are classified as Class B personal property  
14       under section 42-3-106 (2) (b), ~~or~~ to low-power scooters, OR TO COVERED  
15       OFF-HIGHWAY VEHICLES. The applicant shall provide the department ~~or~~  
16       ~~its authorized agents~~ with the proof of insurance certificate or insurance  
17       identification card provided to the applicant by the applicant's insurer  
18       pursuant to section 10-4-604.5, C.R.S., or provide proof of insurance in  
19       such other media as is authorized by the department. Nothing in this  
20       paragraph (d) ~~shall be interpreted to preclude~~ PRECLUDES the department  
21       from electronically transmitting insurance information to designated  
22       agents pursuant to section 42-7-604 for the purpose of ensuring  
23       compliance with mandatory insurance requirements.

24               (II) ~~Any~~ A person who knowingly provides fraudulent information  
25       or documents under subparagraph (I) of this paragraph (d) to obtain  
26       registration of a motor vehicle, ~~or~~ low-power scooter, OR COVERED  
27       OFF-HIGHWAY VEHICLE is guilty of a misdemeanor and is subject to the

1 criminal and civil penalties provided under section 42-6-139 (3) and (4).

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

22 (4) (a) A motor vehicle dealer, ~~or~~ used motor vehicle dealer, OR  
23 POWERSPORTS VEHICLE DEALER licensed under article 6 of ~~this~~ title 12,  
24 C.R.S., may act as an authorized agent of the department for the purposes  
25 of compliance with this section and collection of fees required for the  
26 registration of low-power scooters required by this article. When the  
27 owner of the low-power scooter complies with this section, the dealer



1 shall forward to the department an affidavit swearing that the owner has  
2 insurance, the statement required by subsection (2) of this section, and the  
3 fees required by part 3 of this article for the registration of a low-power  
4 scooter.

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

11 (c) Upon finding a pattern of failure to comply with the  
12 requirements of paragraph (a) of this subsection (4), the department may  
13 withdraw a motor vehicle dealer's, ~~or~~ used motor vehicle dealer's, OR  
14 POWERSPORTS DEALER'S authorization to act as an agent of the  
15 department.

16 **SECTION 27.** In Colorado Revised Statutes, 42-3-201, **add** (7)  
17 as follows:

18 **42-3-201. Number plates furnished - style - periodic reissuance**  
19 **- tabs - rules.** (7) (a) UPON REGISTRATION OF A COVERED OFF-HIGHWAY  
20 VEHICLE, THE DEPARTMENT SHALL ISSUE A LICENSE PLATE FOR THE  
21 VEHICLE.

22 (b) THE OWNER OF A COVERED OFF-HIGHWAY VEHICLE NEED NOT:

23 (I) REREGISTER THE VEHICLE SO LONG AS THE COVERED  
24 OFF-HIGHWAY VEHICLE IS NOT SOLD OR TRANSFERRED TO ANOTHER  
25 OWNER; OR

26 (II) OBTAIN VALIDATING STICKERS OR TABS.

27 **SECTION 28.** In Colorado Revised Statutes, 42-3-202, **amend**

1 (1) (a) as follows:

2 **42-3-202. Number plates to be attached.** (1) (a) ~~Number plates~~  
3 ~~assigned to~~ THE OWNER OF a self-propelled vehicle other than a  
4 motorcycle, COVERED OFF-HIGHWAY VEHICLE, or street rod vehicle shall  
5 ~~be attached thereto~~ ATTACH THE NUMBER PLATES ASSIGNED TO THE  
6 VEHICLE, one in the front and the other in the rear. The ~~number plate~~  
7 ~~assigned to~~ OWNER OF a motorcycle, street rod vehicle, trailer, semitrailer,  
8 other vehicle drawn by a motor vehicle, COVERED OFF-HIGHWAY VEHICLE,  
9 or special mobile machinery shall ~~be attached~~ ATTACH THE NUMBER  
10 PLATE ASSIGNED to the rear ~~thereof~~ OF THE VEHICLE. Number plates shall  
11 MUST be so displayed during the current registration year, except as  
12 otherwise provided in this article.

13 **SECTION 29.** In Colorado Revised Statutes, 42-3-301, **amend**  
14 (1) (a) as follows:

15 **42-3-301. License plate cash fund - license plate fees.** (1) (a) In  
16 addition to the payment of any fees for motor vehicle registration or for  
17 the issuance of license plates, decals, or validating tabs, each owner of a  
18 motor OR COVERED OFF-HIGHWAY vehicle issued a license plate, decal, or  
19 validating tab for a motor vehicle ~~pursuant to~~ UNDER this article shall also  
20 pay a fee to cover the direct costs of such plates, decals, or tabs. ~~The~~  
21 ~~amount of the fee imposed pursuant to this section shall be as specified~~  
22 ~~in paragraph (b) of subsection (2) of this section.~~

23 **SECTION 30.** In Colorado Revised Statutes, 42-3-304, **amend**  
24 (18) (d) (I) introductory portion as follows:

25 **42-3-304. Registration fees - passenger and passenger-mile**  
26 **taxes - clean screen fund - repeal.** (18) (d) (I) In addition to any other  
27 fee imposed by this section, the owner shall pay, at the time of

1 registration of a motor vehicle, ~~or~~ low-power scooter, OR COVERED  
2 OFF-HIGHWAY VEHICLE a motorist insurance identification fee. The  
3 DEPARTMENT SHALL ADJUST THE fee ~~shall be adjusted~~ annually, ~~by the~~  
4 ~~department~~, based upon moneys appropriated by the general assembly for  
5 the operation of the motorist insurance identification database program,  
6 ~~Prior to July 1, 2011, in no event shall the fee exceed fifty cents. On and~~  
7 ~~after July 1, 2011, in no event shall the fee~~ BUT NOT TO exceed ten cents.  
8 ~~The fee shall be transmitted~~ DEPARTMENT SHALL TRANSMIT THE FEE to the  
9 state treasurer, who shall credit it to a special account within the highway  
10 users tax fund, to be known as the motorist insurance identification  
11 account, which is hereby created. Moneys in the motorist insurance  
12 identification account ~~shall be~~ ARE TO BE used, subject to appropriation  
13 by the general assembly, to cover the costs of administration and  
14 enforcement of the motorist insurance identification database program  
15 created in section 42-7-604 and, for state fiscal years 2010-11 and  
16 2011-12, for expenses incurred in connection with the administration of  
17 article 2 of this title by the division of motor vehicles within the  
18 department; except that:

19 **SECTION 31.** In Colorado Revised Statutes, **add** 42-3-313 as  
20 follows:

21 **42-3-313. Covered off-highway vehicle registration fee.**

22 (1) THE DEPARTMENT SHALL NOT REGISTER A COVERED OFF-HIGHWAY  
23 VEHICLE UNLESS THE OWNER PAYS A TEN-DOLLAR FEE.

24 (2) THE GENERAL ASSEMBLY SHALL APPROPRIATE MONEYS FROM  
25 THE HIGHWAY USERS TAX FUND FOR THE ADMINISTRATION OF THIS  
26 SECTION, AND THE STATE TREASURER SHALL ALLOCATE THE FEES  
27 CREDITED TO THE FUND UNDER SUBSECTION (1) OF THIS SECTION IN EXCESS

1 OF THE AMOUNT OF THE APPROPRIATIONS AS SPECIFIED IN SECTION  
2 43-4-205 (5.5) (f), C.R.S.

3 **SECTION 32.** In Colorado Revised Statutes, **add** 42-4-109.7 as  
4 follows:

5 **42-4-109.7. Off-highway vehicles.** (1) A PERSON RIDING A  
6 COVERED OFF-HIGHWAY VEHICLE UPON A ROADWAY HAS ALL OF THE  
7 RIGHTS AND IS SUBJECT TO ALL OF THE DUTIES AND PENALTIES APPLICABLE  
8 TO THE DRIVER OF A VEHICLE AS SET FORTH IN THIS ARTICLE EXCEPT  
9 THOSE PROVISIONS OF THIS ARTICLE THAT, BY THEIR VERY NATURE, CAN  
10 HAVE NO APPLICATION.

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

14 (3) (a) A PERSON SHALL NOT DRIVE A COVERED OFF-HIGHWAY  
15 VEHICLE ON A ROADWAY THAT HAS A SPEED LIMIT GREATER THAN  
16 FORTY-FIVE MILES PER HOUR; EXCEPT THAT A COVERED OFF-HIGHWAY  
17 VEHICLE MAY BE DRIVEN DIRECTLY ACROSS ANY ROADWAY AT AN  
18 AT-GRADE CROSSING TO CONTINUE TRAVELING ALONG A ROADWAY WITH  
19 A SPEED LIMIT EQUAL TO OR LESS THAN FORTY-FIVE MILES PER HOUR.

20 (b) A PERSON SHALL NOT OPERATE A COVERED OFF-HIGHWAY  
21 VEHICLE ON A LIMITED-ACCESS HIGHWAY.

22 (c) (I) EXCEPT AS PROHIBITED BY THIS SECTION, A PERSON MAY  
23 OPERATE A COVERED OFF-HIGHWAY VEHICLE ON ANY HIGHWAY OPEN TO  
24 MOTOR VEHICLES WITHIN A MUNICIPALITY THAT HAS FIVE THOUSAND OR  
25 FEWER PEOPLE UNLESS THE MUNICIPALITY HAS PROHIBITED DRIVING  
26 COVERED OFF-HIGHWAY VEHICLES ON THE HIGHWAY. PROHIBITING A  
27 PERSON FROM DRIVING ON A HIGHWAY DOES NOT PROHIBIT THE PERSON

1 FROM DRIVING ACROSS THE HIGHWAY AT AN AT-GRADE INTERSECTION  
2 WITH AN AUTHORIZED HIGHWAY.

3 (II) A PERSON SHALL NOT OPERATE A COVERED OFF-HIGHWAY  
4 VEHICLE ON ANY HIGHWAY OPEN TO MOTOR VEHICLES WITHIN A  
5 MUNICIPALITY OF MORE THAN FIVE THOUSAND PEOPLE UNLESS THE  
6 MUNICIPALITY HAS AUTHORIZED DRIVING COVERED OFF-HIGHWAY  
7 VEHICLES ON THE HIGHWAY. A PERSON MAY DRIVE ACROSS AN  
8 UNAUTHORIZED HIGHWAY AT AN AT-GRADE INTERSECTION WITH AN  
9 AUTHORIZED HIGHWAY.

10 (d) (I) FOR THE PURPOSES OF THIS PARAGRAPH (d):

11 (A) THE FOLLOWING ARE TYPE 1 COUNTIES: ADAMS, ARAPAHOE,  
12 BOULDER, BROOMFIELD, DENVER, DOUGLAS, EL PASO, JEFFERSON,  
13 LARIMER, MESA, PUEBLO, AND WELD; AND

14 (B) THE FOLLOWING ARE TYPE 2 COUNTIES: ALAMOSA,  
15 ARCHULETA, BACA, BENT, CHAFFEE, CHEYENNE, CLEAR CREEK,  
16 CONEJOS, COSTILLA, CROWLEY, CUSTER, DELTA, DOLORES, EAGLE,  
17 ELBERT, FREMONT, GARFIELD, GILPIN, GRAND, GUNNISON, HINSDALE,  
18 HUERFANO, JACKSON, KIOWA, KIT CARSON, LAKE, LA PLATA, LAS  
19 ANIMAS, LINCOLN, LOGAN, MINERAL, MOFFAT, MONTEZUMA,  
20 MONTROSE, MORGAN, OTERO, OURAY, PARK, PHILLIPS, PITKIN,  
21 PROWERS, RIO BLANCO, RIO GRANDE, ROUTT, SAGUACHE, SAN JUAN,  
22 SAN MIGUEL, SEDGWICK, SUMMIT, TELLER, WASHINGTON, AND YUMA.

23 (II) EXCEPT AS PROHIBITED BY THIS SECTION, A PERSON MAY  
24 OPERATE A COVERED OFF-HIGHWAY VEHICLE ON ANY HIGHWAY OPEN TO  
25 MOTOR VEHICLES WITHIN A TYPE 2 COUNTY.

26 (III) A PERSON SHALL NOT OPERATE A COVERED OFF-HIGHWAY  
27 VEHICLE ON ANY HIGHWAY OPEN TO MOTOR VEHICLES WITHIN A TYPE 1

1 COUNTY UNLESS THE MUNICIPALITY HAS AUTHORIZED DRIVING COVERED  
2 OFF-HIGHWAY VEHICLES ON THE HIGHWAY. A PERSON MAY DRIVE ACROSS  
3 AN UNAUTHORIZED HIGHWAY AT AN AT-GRADE INTERSECTION WITH AN  
4 AUTHORIZED HIGHWAY.

5 (IV) THIS PARAGRAPH (d) DOES NOT APPLY WITHIN  
6 MUNICIPALITIES, EXCEPT THAT IT APPLIES TO COUNTY ROADS WITHIN A  
7 MUNICIPALITY.

8 (e) A PERSON SHALL NOT DRIVE A COVERED OFF-HIGHWAY  
9 VEHICLE ON A STATE HIGHWAY; EXCEPT THAT:

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

14 (II) THE COLORADO DEPARTMENT OF TRANSPORTATION MAY  
15 AUTHORIZE DRIVING A COVERED OFF-HIGHWAY VEHICLE ON A STATE  
16 HIGHWAY LOCATED OUTSIDE OF A MUNICIPALITY.

17 (4) A PERSON WHO VIOLATES THIS SECTION COMMITS A CLASS B  
18 TRAFFIC INFRACTION.

19 **SECTION 33.** In Colorado Revised Statutes, 42-4-232, **amend**  
20 (1) as follows:

21 **42-4-232. Minimum safety standards for motorcycles,**  
22 **low-power scooters, and covered off-highway vehicles.** (1) (a) ~~No~~ A  
23 person shall NOT operate ~~any~~ A motorcycle or low-power scooter on ~~any~~  
24 A public highway in this state unless ~~such~~ THE person and any passenger  
25 ~~thereon~~ is wearing goggles or eyeglasses with lenses made of safety glass  
26 or plastic; except that ~~this subsection (1) shall not apply to~~ a person  
27 wearing a helmet containing eye protection made of safety glass or plastic

1 NEED NOT WEAR GOGGLES OR EYEGLASSES.

2 (b) A PERSON SHALL NOT OPERATE A COVERED OFF-HIGHWAY  
3 VEHICLE ON A PUBLIC HIGHWAY IN THIS STATE UNLESS THE PERSON AND  
4 ANY PASSENGER IS WEARING GOGGLES OR EYEGLASSES WITH LENSES MADE  
5 OF SAFETY GLASS OR PLASTIC; EXCEPT THAT A PERSON WEARING A HELMET  
6 CONTAINING EYE PROTECTION MADE OF SAFETY GLASS OR PLASTIC OR  
7 DRIVING A COVERED OFF-HIGHWAY VEHICLE WITH A WINDSHIELD NEED  
8 NOT WEAR GOGGLES OR EYEGLASSES.

9 **SECTION 34.** In Colorado Revised Statutes, 42-4-236, **amend**  
10 (1) (a), (1) (a.5), (1) (b), (1) (c), (2) (a) (I), (2) (b), (2) (c), (3) (b), (3) (d),  
11 and (5); and **add** (1) (a.6) as follows:

12 **42-4-236. Child restraint systems required - definitions -**  
13 **exemptions.** (1) As used in this section, unless the context otherwise  
14 requires:

15 (a) "Child care center" means a facility required to be licensed  
16 under the "Child Care Licensing Act", PART 1 OF article 6 of title 26,  
17 C.R.S.

18 (a.5) "Child restraint system" means a specially designed seating  
19 system that is designed to protect, hold, or restrain a child in a motor  
20 vehicle in such a way as to prevent or minimize injury to the child in the  
21 event of ~~a motor vehicle~~ AN accident AND that is either permanently  
22 affixed to a motor OR COVERED OFF-HIGHWAY vehicle or is affixed to ~~such~~  
23 THE vehicle by a safety belt or a universal attachment system, and that  
24 meets the federal motor vehicle safety standards set forth in section 49  
25 CFR 571.213, as amended.

26 (a.6) "COVERED OFF-HIGHWAY VEHICLE" MEANS A COVERED  
27 OFF-HIGHWAY VEHICLE THAT IS REQUIRED TO HAVE A SEATBELT UNDER

1 SECTION 42-4-242.

2 (b) "Safety belt" means a lap belt, a shoulder belt, or any other belt  
3 or combination of belts installed in a motor OR COVERED OFF-HIGHWAY  
4 vehicle to restrain drivers and passengers, except any ~~such~~ belt that is  
5 physically a part of a child restraint system. "Safety belt" includes the  
6 anchorages, the buckles, and all other equipment directly related to the  
7 operation of safety belts. Proper use of a safety belt means THAT the  
8 shoulder belt, if present, crosses the shoulder and chest and the lap belt  
9 crosses the hips, touching the thighs.

10 (c) "Seating position" means any motor OR COVERED  
11 OFF-HIGHWAY vehicle interior space intended by the ~~motor vehicle~~  
12 manufacturer to provide seating accommodation while the ~~motor~~ vehicle  
13 is in motion.

14 (2) (a) (I) Unless exempted pursuant to subsection (3) of this  
15 section and except as otherwise provided in subparagraphs (II) and (III)  
16 of this paragraph (a), THE DRIVER OR PARENT SHALL PROPERLY RESTRAIN  
17 every child who is under eight years of age and who is being transported  
18 in this state in a motor OR COVERED OFF-HIGHWAY vehicle or in a vehicle  
19 operated by a child care center ~~shall be properly restrained in a child~~  
20 ~~restraint system~~, according to the manufacturer's instructions.

21 (b) Unless excepted pursuant to subsection (3) of this section, THE  
22 DRIVER OR PARENT SHALL RESTRAIN every child who is at least eight years  
23 of age but less than sixteen years of age who is being transported ~~in this~~  
24 ~~state~~ in a motor OR COVERED OFF-HIGHWAY vehicle or in a vehicle  
25 operated by a child care center, AND THE CHILD shall be properly  
26 restrained in a safety belt or child restraint system according to the  
27 manufacturer's instructions.



1 (c) If a parent is in the motor OR COVERED OFF-HIGHWAY vehicle,  
2 it is the responsibility of the parent to ensure that ~~his or her~~ THE child ~~or~~  
3 ~~children are~~ IS provided with, and that ~~they~~ THE CHILD properly ~~use~~ USES,  
4 a child restraint system or safety belt system. If a parent is not in the  
5 motor OR COVERED OFF-HIGHWAY vehicle, it is the responsibility of the  
6 driver transporting a child or children, subject to the requirements of this  
7 section, to ensure that ~~such~~ THE children are provided with and that they  
8 properly use a child restraint system or safety belt system.

9 (3) Except as provided in section 42-2-105.5 (4), subsection (2)  
10 of this section does not apply to a child who:

11 (b) Is less than eight years of age and is being transported in a  
12 motor OR COVERED OFF-HIGHWAY vehicle as a result of a medical or other  
13 life-threatening emergency and a child restraint system is not available;

14 (d) Is the driver of a motor OR COVERED OFF-HIGHWAY vehicle and  
15 is subject to the safety belt requirements provided in section 42-4-237;

16 (5) No person shall use a safety belt or child restraint system,  
17 whichever is applicable under ~~the provisions of~~ this section, for children  
18 under sixteen years of age in a motor OR COVERED OFF-HIGHWAY vehicle  
19 unless it conforms to all applicable federal motor vehicle safety standards.

20 **SECTION 35.** In Colorado Revised Statutes, 42-4-237, **amend**  
21 (1) (a), (1) (b), (2), (4) (a), (5), (6), and (7); and **add** (1) (a.5) as follows:

22 **42-4-237. Safety belt systems - mandatory use - exemptions -**  
23 **penalty.** (1) As used in this section:

24 (a) ~~"Motor vehicle" means a self-propelled vehicle intended~~  
25 ~~primarily for use and operation on the public highways, including~~  
26 ~~passenger cars, station wagons, vans, taxicabs, ambulances, motor homes,~~  
27 ~~and pickups. The term does not include motorcycles, low-power scooters,~~

1 ~~passenger buses, school buses, and farm tractors and implements of~~  
2 ~~husbandry designed primarily or exclusively for use in agricultural~~  
3 ~~operations.~~ "COVERED OFF-HIGHWAY VEHICLE" MEANS A COVERED  
4 OFF-HIGHWAY VEHICLE THAT IS REQUIRED TO HAVE A SEATBELT UNDER  
5 SECTION 42-4-242.

6 (a.5) "MOTOR VEHICLE" MEANS A SELF-PROPELLED VEHICLE  
7 INTENDED PRIMARILY FOR USE AND OPERATION ON THE PUBLIC HIGHWAYS,  
8 INCLUDING PASSENGER CARS, STATION WAGONS, VANS, TAXICABS,  
9 AMBULANCES, MOTOR HOMES, AND PICKUPS. "MOTOR VEHICLE" DOES NOT  
10 INCLUDE MOTORCYCLES, LOW-POWER SCOOTERS, PASSENGER BUSES,  
11 SCHOOL BUSES, AND FARM TRACTORS AND IMPLEMENTS OF HUSBANDRY  
12 DESIGNED PRIMARILY OR EXCLUSIVELY FOR USE IN AGRICULTURAL  
13 OPERATIONS.

14 (b) "Safety belt system" means a system utilizing a lap belt, a  
15 shoulder belt, or any other belt or combination of belts installed in a  
16 motor OR COVERED OFF-HIGHWAY vehicle to restrain drivers and  
17 passengers, which system conforms to federal motor vehicle safety  
18 standards.

19 (2) Unless exempted pursuant to subsection (3) of this section,  
20 every driver of and every front seat passenger in a motor OR COVERED  
21 OFF-HIGHWAY vehicle equipped with a safety belt system shall wear a  
22 fastened safety belt while the motor OR COVERED OFF-HIGHWAY vehicle  
23 is being operated on a street or highway in this state.

24 (4) (a) Except as otherwise provided in paragraph (b) of this  
25 subsection (4), ~~any~~ A person who operates a motor OR COVERED  
26 OFF-HIGHWAY vehicle while ~~such~~ THE person or any passenger is in  
27 violation of the requirement of subsection (2) of this section commits a

1 class B traffic infraction. Penalties collected pursuant to this subsection  
2 (4) shall be transmitted to the appropriate authority pursuant to ~~the~~  
3 ~~provisions of section 42-1-217 (1) (e) and (2).~~

4 (5) ~~No A LAW ENFORCEMENT OFFICER SHALL NOT CITE A driver in~~  
5 ~~OF a motor OR COVERED OFF-HIGHWAY vehicle shall be cited for a~~  
6 ~~violation of subsection (2) of this section unless such THE LAW~~  
7 ~~ENFORCEMENT OFFICER STOPPED THE driver was stopped by a law~~  
8 ~~enforcement officer for an alleged violation of articles 1 to 4 of this title~~  
9 ~~other than a violation of this section.~~

10 (6) Testimony at a trial for a violation charged pursuant to  
11 subsection (4) of this section may include:

12 (a) Testimony by a law enforcement officer that the officer  
13 observed the person charged ~~operating~~ DRIVING a motor OR COVERED  
14 OFF-HIGHWAY vehicle while ~~said operator~~ THE DRIVER or any passenger  
15 was in violation of the requirement of subsection (2) of this section; or

16 (b) Evidence that the driver removed the safety belts or knowingly  
17 drove a MOTOR OR COVERED OFF-HIGHWAY vehicle from which the safety  
18 belts had been removed.

19 (7) Evidence of failure to comply with ~~the requirement of~~  
20 ~~subsection (2) of this section shall be~~ IS admissible to mitigate damages  
21 with respect to any person who was involved in a motor OR COVERED  
22 OFF-HIGHWAY vehicle accident and who seeks in any subsequent litigation  
23 to recover damages for injuries resulting from the accident. ~~Such THE~~  
24 ~~mitigation shall be~~ IS limited to awards for pain and suffering and ~~shall~~  
25 ~~DOES not be used for limiting~~ AFFECT THE recovery of economic loss and  
26 medical payments.

27 **SECTION 36.** In Colorado Revised Statutes, **add** 42-4-242 as

1 follows:

2 **42-4-242. Equipment - covered off-highway vehicles.** (1) A  
3 PERSON SHALL NOT OPERATE A COVERED OFF-HIGHWAY VEHICLE ON THE  
4 ROADWAY WITH A PASSENGER UNLESS THE PASSENGER HAS EITHER:

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

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

9 (2) A PERSON SHALL NOT OPERATE A COVERED OFF-HIGHWAY  
10 VEHICLE ON THE ROADWAY UNLESS THE COVERED OFF-HIGHWAY VEHICLE  
11 IS EQUIPPED WITH THE FOLLOWING IN GOOD WORKING ORDER:

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

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

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

21 (d) TWO MIRRORS THAT REFLECT TO THE DRIVER AN  
22 UNOBSTRUCTED VIEW OF THE ROADWAY FOR A DISTANCE OF TWO  
23 HUNDRED FEET TO THE REAR OF THE COVERED OFF-HIGHWAY VEHICLE;

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

1 (f) TWO TAIL LIGHTS EMITTING A RED LIGHT WHEN THE  
2 HEADLAMPS ARE LIGHTED, IF THE COVERED OFF-HIGHWAY VEHICLE IS  
3 DRIVEN AT NIGHT, THAT:

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

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

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

10 (3) A PERSON SHALL NOT OPERATE THE HEAD LAMP OF A COVERED  
11 OFF-HIGHWAY VEHICLE TO STRIKE THE EYES OF THE DRIVER OF AN  
12 APPROACHING VEHICLE.

13 (4) TO BE OPERATED ON THE ROADWAY, A COVERED OFF-HIGHWAY  
14 VEHICLE MUST CONFORM WITH APPLICABLE FEDERAL MANUFACTURING  
15 EQUIPMENT STANDARDS FOR COVERED OFF-HIGHWAY VEHICLES.

16 (5) A PERSON WHO VIOLATES THIS SECTION COMMITS A CLASS B  
17 TRAFFIC INFRACTION.

18 **SECTION 37.** In Colorado Revised Statutes, 42-4-1101, **add** (8)  
19 (h) as follows:

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

26 **SECTION 38.** In Colorado Revised Statutes, 42-4-1301.1,  
27 **amend** (1), (2) (a) (I), and (2) (b) (I) as follows:

1           **42-4-1301.1. Expressed consent for the taking of blood, breath,**  
2 **urine, or saliva sample - testing.** (1) ~~Any~~ A person who drives ~~any~~ A  
3 motor OR COVERED OFF-HIGHWAY vehicle upon the ~~streets and highways~~  
4 ~~and elsewhere throughout this state shall be~~ HIGHWAY IS deemed to have  
5 expressed ~~such~~ THE person's consent to the provisions of this section.

6           (2) (a) (I) A person who drives a motor OR COVERED  
7 OFF-HIGHWAY vehicle upon the ~~streets and highways and elsewhere~~  
8 ~~throughout this state shall be~~ HIGHWAY IS required to take and complete,  
9 and to cooperate in the taking and completing of, any test or tests of the  
10 person's breath or blood for the purpose of determining the alcoholic  
11 content of the person's blood or breath when ~~so~~ requested and directed by  
12 a law enforcement officer having probable cause to believe that the  
13 person was driving a motor OR COVERED OFF-HIGHWAY vehicle in  
14 violation of the prohibitions against DUI, DUI per se, DWAI, habitual  
15 user, or UDD. Except as otherwise provided in this section, if a person  
16 who is twenty-one years of age or older requests that the test be a blood  
17 test, then the test shall be of his or her blood; but, if the person requests  
18 that a specimen of his or her blood not be drawn, then a specimen of the  
19 person's breath shall be obtained and tested. A person who is under  
20 twenty-one years of age shall be entitled to request a blood test unless the  
21 alleged violation is UDD, in which case a specimen of the person's breath  
22 shall be obtained and tested, except as provided in subparagraph (II) of  
23 this paragraph (a).

24           (b) (I) ~~Any~~ A person who drives ~~any~~ A motor OR COVERED  
25 OFF-HIGHWAY vehicle upon the ~~streets and highways and elsewhere~~  
26 ~~throughout this state shall be~~ HIGHWAY IS required to submit to and to  
27 complete, and to cooperate in the completing of, a test or tests of ~~such~~

1 THE person's blood, saliva, and urine for the purpose of determining the  
2 drug content within the person's system when so requested and directed  
3 by a law enforcement officer having probable cause to believe that the  
4 person was driving a motor OR COVERED OFF-HIGHWAY vehicle in  
5 violation of the prohibitions against DUI, DWAI, or habitual user and  
6 when it is reasonable to require ~~such~~ THE testing of blood, saliva, and  
7 urine to determine whether ~~such~~ THE person was under the influence of,  
8 or impaired by, one or more drugs, or one or more controlled substances,  
9 or a combination of both alcohol and one or more drugs, or a combination  
10 of both alcohol and one or more controlled substances.

11 **SECTION 39.** In Colorado Revised Statutes, 42-4-1401, **amend**  
12 (1) as follows:

13 **42-4-1401. Reckless driving - penalty.** (1) A person who drives  
14 a motor vehicle ~~bicycle, electrical assisted bicycle, or low-power scooter~~  
15 OR VEHICLE in such a manner as to indicate either a wanton or a willful  
16 disregard for the safety of persons or property is guilty of reckless  
17 driving. A person convicted of reckless driving of a bicycle or electrical  
18 assisted bicycle ~~shall not be~~ IS NOT subject to ~~the provisions of~~ section  
19 42-2-127.

20 **SECTION 40.** In Colorado Revised Statutes, 42-4-1402, **amend**  
21 (1) as follows:

22 **42-4-1402. Careless driving - penalty.** (1) A person who drives  
23 a motor vehicle ~~bicycle, electrical assisted bicycle, or low-power scooter~~  
24 OR VEHICLE in a careless and imprudent manner, without due regard for  
25 the width, grade, curves, corners, traffic, and use of the streets and  
26 highways and all other attendant circumstances, is guilty of careless  
27 driving. A person convicted of careless 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 41.** In Colorado Revised Statutes, 42-4-1409, **amend**  
4 (2), (3), (5), and (7) as follows:

5 **42-4-1409. Compulsory insurance - penalty - legislative intent.**

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

9 (b) A PERSON SHALL NOT OPERATE A COVERED OFF-HIGHWAY  
10 VEHICLE ON A PUBLIC HIGHWAY PURSUANT TO SECTION 42-4-109.7  
11 WITHOUT A COMPLYING POLICY OR CERTIFICATE OF SELF-INSURANCE IN  
12 FULL FORCE AND EFFECT AS REQUIRED BY LAW.

13 (3) When an accident occurs or when requested to do so following  
14 ~~any lawful~~ A traffic contact or during ~~any~~ A traffic investigation by a  
15 peace officer, ~~no owner or operator~~ THE DRIVER of a motor vehicle,  
16 COVERED OFF-HIGHWAY VEHICLE, or low-power scooter shall ~~fail to~~  
17 IMMEDIATELY present to the requesting officer ~~immediate~~ evidence of a  
18 complying policy or certificate of self-insurance in full force and effect  
19 as required by law.

20 (5) Testimony of the failure of any owner or operator of a motor  
21 vehicle, ~~or~~ low-power scooter, OR COVERED OFF-HIGHWAY VEHICLE to  
22 present immediate evidence of a complying policy or certificate of  
23 self-insurance in full force and effect as required by law, when requested  
24 to do so by a peace officer, shall constitute prima facie evidence, at a trial  
25 concerning a violation charged under subsection (1) or (2) of this section,  
26 that ~~such~~ THE owner or operator of a motor vehicle violated subsection (1)  
27 or (2) of this section.



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

5 **SECTION 42.** In Colorado Revised Statutes, 42-6-102, **amend**  
6 (17) (a); and **add** (1.5), (11.5), (13.5), and (18.5) as follows:

7 **42-6-102. Definitions.** As used in this part 1, unless the context  
8 otherwise requires:

9 (1.5) "COVERED POWERSPORTS VEHICLE" MEANS A POWERSPORTS  
10 VEHICLE:

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

13 (b) THE OWNER OF WHICH ELECTS TO OBTAIN A CERTIFICATE OF  
14 TITLE.

15 (11.5) "OFF-HIGHWAY VEHICLE" HAS THE MEANING SET FORTH IN  
16 SECTION 33-14.5-101, C.R.S.

17 (13.5) "POWERSPORTS VEHICLE" MEANS:

18 (a) AN OFF-HIGHWAY VEHICLE; OR

19 (b) A SNOWMOBILE.

20 (17) (a) (I) "Salvage vehicle" means a vehicle that is damaged by  
21 collision, fire, flood, accident, trespass, or other occurrence, excluding  
22 hail damage, to the extent that the cost of repairing the vehicle to a  
23 roadworthy condition and for legal operation on the highways exceeds the  
24 vehicle's retail fair market value immediately prior to ~~such~~ THE damage,  
25 as determined by the person who owns the vehicle at the time of ~~such~~ THE  
26 occurrence or by the insurer or other person acting on behalf of ~~such~~ THE  
27 owner.

1 (II) "SALVAGE VEHICLE" DOES NOT INCLUDE A POWERSPORTS  
2 VEHICLE.

3 (18.5) "SNOWMOBILE" MEANS A SELF-PROPELLED VEHICLE  
4 PRIMARILY DESIGNED OR ALTERED FOR TRAVEL ON SNOW OR ICE OFF OF  
5 THE PUBLIC HIGHWAYS AND SUPPORTED BY SKIS, BELTS, OR CLEATS.  
6 "SNOWMOBILE" DOES NOT INCLUDE MACHINERY USED FOR THE GROOMING  
7 OF SNOWMOBILE TRAILS OR SKI SLOPES.

8 **SECTION 43.** In Colorado Revised Statutes, **amend** 42-6-103  
9 as follows:

10 **42-6-103. Application.** ~~The provisions of This part 1 shall apply~~  
11 APPLIES to motor vehicles ~~as defined in section 42-6-102~~ AND COVERED  
12 POWERSPORTS VEHICLES.

13 **SECTION 44.** In Colorado Revised Statutes, 42-6-107, **amend**  
14 (1) (a) and (2) as follows:

15 **42-6-107. Certificates of title - contents - rules.** (1) (a) ~~At~~ THE  
16 DEPARTMENT OR AUTHORIZED AGENT SHALL MAIL certificates of title to  
17 motor OR COVERED POWERSPORTS vehicles issued under this part 1 ~~shall~~  
18 ~~be mailed~~ to the applicant, except as provided in section 42-6-124, and  
19 THE DIRECTOR SHALL RETAIN AND APPROPRIATELY INDEX AND FILE  
20 information appearing and concerning the issuance ~~thereof shall be~~  
21 ~~retained by the director and appropriately indexed and filed in the~~  
22 ~~director's office.~~ **SUCH** OF THE CERTIFICATES OF TITLE. THE certificates  
23 may be electronic records ~~pursuant to~~ IN COMPLIANCE WITH rules adopted  
24 by the director. ~~and~~, In addition to other information that the director may  
25 by rule require, ~~shall~~ THE CERTIFICATES MUST contain the make and model  
26 of the motor OR COVERED POWERSPORTS vehicle ~~for which the certificate~~  
27 ~~is issued or the record is created, where such~~ DESCRIBED IN THE RECORD,

1 IF THE information is available, together with the motor and any OTHER  
2 serial number of the vehicle, and a description of ~~such~~ ANY other marks  
3 or symbols ~~as may be~~ placed upon the vehicle by the vehicle  
4 manufacturer for identification purposes. The year ~~that is~~ listed on the  
5 certificate of title of a kit vehicle ~~shall be~~ IS the year of manufacture of  
6 the kit from which the vehicle was assembled, as indicated in the  
7 manufacturer's statement of origin.

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

25 **SECTION 45.** In Colorado Revised Statutes, 42-6-109, **amend**  
26 (1), (2) introductory portion, and (2) (b) as follows:

27 **42-6-109. Sale or transfer of vehicle.** (1) Except as provided in

1 section 42-6-113, ~~no~~ A person shall NOT sell or otherwise transfer a motor  
2 OR COVERED POWERSPORTS vehicle to a purchaser or transferee without  
3 delivering to ~~such~~ THE purchaser or transferee a certificate of title, which  
4 may be electronic, to ~~such~~ THE vehicle duly transferred in the manner  
5 ~~prescribed in~~ REQUIRED BY section 42-6-110. ~~No~~ A purchaser or  
6 transferee ~~shall~~ DOES NOT acquire any right, title, or interest in and to a  
7 motor OR COVERED POWERSPORTS vehicle ~~purchased by such purchaser~~  
8 ~~or transferee unless and until he or she~~ THE PURCHASER OR TRANSFEREE  
9 obtains from the transferor the certificate of title ~~duly~~ transferred in  
10 accordance with this part 1. A lienholder may request either a paper or  
11 electronic version of a certificate of title.

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

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

16 **SECTION 46.** In Colorado Revised Statutes, 42-6-110, **amend**  
17 (1) as follows:

18 **42-6-110. Certificate of title - transfer.** (1) Upon the sale or  
19 transfer of a motor OR COVERED POWERSPORTS vehicle for which a  
20 certificate of title has been issued or filed, the person in whose name the  
21 certificate of title is registered, if ~~such~~ THE person is ~~other than~~ NOT a  
22 dealer, shall execute a formal transfer of the vehicle described in the  
23 certificate. ~~Such transfer shall be affirmed by a statement signed by~~ The  
24 person in whose name the certificate of title is registered or ~~by such~~ THE  
25 person's ~~authorized~~ agent or attorney and shall ~~contain or be~~ AFFIRM THE  
26 SALE OR TRANSFER, accompanied by a written declaration that ~~it~~ THE  
27 STATEMENT is made under the penalties of perjury in the second degree,

1 as defined in section 18-8-503, C.R.S. The purchaser or transferee, within  
2 sixty days thereafter, shall present ~~such~~ THE certificate, together with an  
3 application for a new certificate of title, to the director or one of the  
4 authorized agents, accompanied by the fee required in section 42-6-137  
5 to be paid for the filing of a new certificate of title; except that, if no title  
6 can be found and the motor vehicle is not roadworthy, the purchaser or  
7 transferee may wait until twenty-four months after the motor vehicle was  
8 purchased to apply for a certificate of title.

9 **SECTION 47.** In Colorado Revised Statutes, 42-6-111, **amend**  
10 (1) and (2) as follows:

11 **42-6-111. Sale to dealers - certificate need not issue.** (1) Upon  
12 the sale or transfer to a dealer of a motor OR COVERED POWERSPORTS  
13 vehicle for which a Colorado certificate of title has been issued, THE  
14 DEALER SHALL TRANSFER AND FILE the certificate of title to the motor OR  
15 COVERED POWERSPORTS vehicle; ~~shall be transferred and filed;~~ except  
16 that, so long as the vehicle remains in the dealer's possession and at the  
17 dealer's place of business for sale and for no other purpose, ~~such~~ THE  
18 dealer ~~shall not be required to~~ NEED NOT procure or file a new certificate  
19 of title as is otherwise required in this part 1.

20 (2) If a motor OR COVERED POWERSPORTS vehicle dealer wishes  
21 to obtain a new certificate of title, ~~to a motor vehicle, such~~ THE dealer  
22 may present the old certificate of title to the director with the fee imposed  
23 by section 42-6-137 (6), whereupon the director shall issue a new  
24 certificate of title to ~~such~~ THE dealer within one working day after  
25 application. This subsection (2) ~~shall~~ DOES not apply to a motor OR  
26 COVERED POWERSPORTS vehicle subject to a lien.

27 **SECTION 48.** In Colorado Revised Statutes, **amend** 42-6-112

1 as follows:

2 **42-6-112. Initial registration of a vehicle - dealer responsibility**  
3 **to timely forward certificate of title to purchaser or holder of a**  
4 **chattel mortgage.** ~~In order~~ To facilitate initial registration of a vehicle,  
5 a dealer of motor OR COVERED POWERSPORTS vehicles shall, ~~have not~~  
6 ~~more than thirty days after the date of sale of such vehicle to~~ WITHIN  
7 THIRTY DAYS AFTER THE SALE, deliver or facilitate the delivery of the  
8 certificate of title to a purchaser or the holder of a chattel mortgage on  
9 ~~such~~ THE motor OR COVERED POWERSPORTS vehicle subject to section  
10 42-6-109.

11 **SECTION 49.** In Colorado Revised Statutes, **amend** 42-6-113 as  
12 follows:

13 **42-6-113. New vehicles - bill of sale - certificate of title - rules.**

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

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

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

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

24 (c) ~~shall~~ Contain, in addition to other information that the director  
25 may by rule require, the make and model of the motor OR COVERED  
26 POWERSPORTS vehicle, ~~so sold or transferred~~, the identification number  
27 placed upon the vehicle by the manufacturer for identification purposes,

1 the manufacturer's suggested retail price, and the date of the sale or  
2 transfer, together with a description of any mortgage or lien on the  
3 vehicle that secures any part of the purchase price.

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

9 **SECTION 50.** In Colorado Revised Statutes, **amend** 42-6-114  
10 as follows:

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

22 **SECTION 51.** In Colorado Revised Statutes, 42-6-115, **amend**  
23 (1) as follows:

24 **42-6-115. Furnishing bond for certificates.** (1) (a) If the  
25 applicant for a certificate of title to a motor OR COVERED POWERSPORTS  
26 vehicle is unable to provide the director or the authorized agent with a  
27 certificate of title duly transferred to ~~such~~ THE applicant, a bill of sale, or

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

18 (b) UPON RECEIPT OF AN APPLICATION BY THE OWNER OF A MOTOR  
19 OR COVERED POWERSPORTS VEHICLE THAT IS SUBJECT TO A LIEN OR  
20 MORTGAGE, THE AUTHORIZED AGENT SHALL NOT ISSUE A CERTIFICATE OF  
21 TITLE UNLESS THE OWNER INCLUDES A SIGNED ORIGINAL OR SIGNED  
22 DUPLICATE OF THE MORTGAGE OR COPY THEREOF CERTIFIED BY THE  
23 HOLDER OF THE MORTGAGE OR THE HOLDER'S AGENT TO BE A TRUE COPY  
24 OF THE SIGNED ORIGINAL MORTGAGE. UPON RECEIVING THE MORTGAGE,  
25 THE AUTHORIZED AGENT SHALL COMPLY WITH SECTIONS 42-6-121 (2),  
26 42-6-122, AND 42-6-123 CONCERNING THE LIEN OR MORTGAGE.

27 **SECTION 52.** In Colorado Revised Statutes, **amend** 42-6-116



1 as follows:

2 **42-6-116. Applications for filing of certificates of title - rules.**

3 (1) If a person who desires or who is entitled to a filing of a certificate  
4 of title to a motor OR COVERED POWERSPORTS vehicle is required to apply  
5 to the director or the authorized agent, ~~such~~ THE applicant shall apply  
6 upon a form provided by the director in which appears a description of  
7 the motor OR COVERED POWERSPORTS vehicle including the make and  
8 model, the manufacturer's number, and a description of any other  
9 distinguishing mark, number, or symbol placed on ~~said~~ THE vehicle by the  
10 vehicle manufacturer for identification purposes, as may be required by  
11 the director by rule adopted in accordance with article 4 of title 24, C.R.S.  
12 The application ~~shall also~~ MUST show the name and correct address of the  
13 owner determined pursuant to section 42-6-139, a class A, class B, class  
14 C, class D, or class F vehicle owner's personal identification number as  
15 provided on a state-issued driver's license or assigned by the department,  
16 and the applicant's source of title and ~~shall~~ MUST include a description of  
17 all known mortgages and liens upon the motor OR COVERED  
18 POWERSPORTS vehicle, the holder of the lien, the amount originally  
19 secured, and the name of the county and state ~~in which such~~ IF THE  
20 OWNER HOLDS A CERTIFICATE OF TITLE OR THE STATE IF THE OWNER DOES  
21 NOT HOLD A CERTIFICATE OF TITLE WHERE THE mortgage, ~~or~~ lien, OR  
22 FINANCING STATEMENT is recorded or filed. ~~Such~~ THE application ~~shall~~  
23 MUST be verified by a statement signed by the applicant and ~~shall~~ MUST  
24 contain or be accompanied by a written declaration that it is made under  
25 the penalties of perjury in the second degree, as defined in section  
26 18-8-503, C.R.S.

27 (2) UPON RECEIPT OF AN APPLICATION BY THE OWNER OF A MOTOR

1 OR COVERED POWERSPORTS VEHICLE THAT IS SUBJECT TO A LIEN OR  
2 MORTGAGE, THE AUTHORIZED AGENT SHALL NOT ISSUE A CERTIFICATE OF  
3 TITLE UNLESS THE OWNER INCLUDES A SIGNED ORIGINAL OR SIGNED  
4 DUPLICATE OF THE MORTGAGE OR COPY THEREOF CERTIFIED BY THE  
5 HOLDER OF THE MORTGAGE OR THE HOLDER'S AGENT TO BE A TRUE COPY  
6 OF THE SIGNED ORIGINAL MORTGAGE. UPON RECEIVING THE MORTGAGE,  
7 THE AUTHORIZED AGENT SHALL COMPLY WITH SECTIONS 42-6-121 (2),  
8 42-6-122, AND 42-6-123 CONCERNING THE LIEN OR MORTGAGE.

9 **SECTION 53.** In Colorado Revised Statutes, **amend** 42-6-118 as  
10 follows:

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

22 **SECTION 54.** In Colorado Revised Statutes, **amend** 42-6-119  
23 as follows:

24 **42-6-119. Certificates for vehicles registered in other states.**

25 (1) When a resident of the state acquires the ownership of a motor OR  
26 COVERED POWERSPORTS vehicle for which a certificate of title has been  
27 issued by a state other than Colorado, the person acquiring ~~such~~ THE

1 vehicle shall apply to the director or an authorized agent for the filing of  
2 a certificate of title as in other cases.

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

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

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

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

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

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

13           **SECTION 55.** In Colorado Revised Statutes, **amend** 42-6-120  
14 as follows:

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

1 provided in section 42-6-121.

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

10 (3) Notwithstanding any provision of law to the contrary, in the  
11 case of motor vehicles, COVERED POWERSPORTS VEHICLES, or trailers, a  
12 lease transaction does not create a sale or security interest solely because  
13 it permits or requires the rental price to be adjusted either upward or  
14 downward under the agreement by reference to the amount realized upon  
15 sale or other disposition of the motor vehicle, COVERED POWERSPORTS  
16 VEHICLE, or trailer.

17 (4) The rights of a buyer, lessee, or lien creditor that arise after a  
18 mortgage attaches to a motor OR COVERED POWERSPORTS vehicle and  
19 before perfection under this article ~~shall be~~ ARE determined by section  
20 4-9-317, C.R.S.

21 **SECTION 56.** In Colorado Revised Statutes, 42-6-121, **amend**  
22 (1) and (2) as follows:

23 **42-6-121. Filing of mortgage - rules.** (1) The holder of a chattel  
24 mortgage on a motor OR COVERED POWERSPORTS vehicle desiring to  
25 secure the rights provided for in this part 1 and to have the existence of  
26 the mortgage and the fact of the filing of the mortgage for public record  
27 noted in the filing of the certificate of title to the encumbered ~~motor~~

1 vehicle ~~shall~~ MUST present the signed original or signed duplicate of the  
2 mortgage or copy ~~thereof~~ OF THE MORTGAGE certified by the holder of the  
3 mortgage or the holder's agent to be a true copy of the signed original  
4 mortgage and the certificate of title or application for certificate of title  
5 to the ~~motor~~ vehicle encumbered to the authorized agent of the director  
6 in the county or city and county in which the mortgagor of ~~such motor~~  
7 THE vehicle resides or where the property is located. The ~~filings~~ HOLDER  
8 may ~~be made~~ FILE either with paper documents or electronically. The  
9 mortgage or refinancing of a loan secured by a mortgage ~~shall~~ MUST state  
10 the name and address of the debtor; the name and address of the  
11 mortgagee or name of the mortgagee's assignee; the make, vehicle  
12 identification number, and year of manufacture of the mortgaged vehicle;  
13 and the date and amount of the loan secured by the mortgage. AN OWNER  
14 OF A MOTOR OR POWERSPORTS VEHICLE APPLYING FOR A CERTIFICATE OF  
15 TITLE UNDER SECTION 42-6-115, 42-6-116, OR 42-6-119 IS DEEMED TO  
16 HAVE FILED UNDER THIS SECTION ON BEHALF OF THE MORTGAGE OR LIEN  
17 HOLDER.

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

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

26 (II) The name and address of the mortgagee named and the name  
27 and address of the holder of ~~such~~ THE mortgage, if ~~such person is other~~

1 ~~than the mortgagee named,~~ THE HOLDER IS NOT THE NAMED MORTGAGEE;

2 (III) The amount secured by the vehicle;

3 (IV) The date of the mortgage;

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

6 (VI) ~~such~~ ANY other information regarding the filing of the  
7 mortgage in the office of the director's authorized agent as may be  
8 required by the director by rule.

9 (b) The director's authorized agent shall electronically transmit,  
10 when the director's authorized agent uses an electronic filing system, the  
11 certificate of title, application for certificate of title, and mortgage  
12 information to the database of the director for maintenance of a central  
13 registry of motor AND COVERED POWERSPORTS vehicle title information  
14 pursuant to section 42-6-147.

15 **SECTION 57.** In Colorado Revised Statutes, **amend** 42-6-122  
16 as follows:

17 **42-6-122. Disposition of mortgages by agent - rules.** (1) The  
18 authorized agent, upon receipt of the mortgage, shall file the mortgage in  
19 the agent's office, ~~Such mortgage shall be~~ appropriately indexed and  
20 cross-indexed:

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

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

25 (II) Names of owners of mortgaged motor OR COVERED  
26 POWERSPORTS vehicles as ~~the same~~ THEY appear on the certificates of title  
27 thereto;

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

3 (IV) The numbers or other identification marks assigned to  
4 registration certificates issued upon the ~~licensing~~ REGISTRATION of  
5 mortgaged vehicles;

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

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

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

14 **SECTION 58.** In Colorado Revised Statutes, **amend** 42-6-123  
15 as follows:

16 **42-6-123. Disposition after mortgaging.** After a mortgage on a  
17 motor OR COVERED POWERSPORTS vehicle has been filed in the authorized  
18 agent's office, the authorized agent shall mail or electronically transfer to  
19 the director the certificate of title or bill of sale ~~which~~ THAT the  
20 authorized agent has filed in the record. ~~Upon the receipt thereof,~~ The  
21 director shall maintain completed electronic records transferred by the  
22 authorized agent. The director shall issue a new certificate of title  
23 containing, in addition to the other matters ~~and things~~ required to be set  
24 forth in certificates of title, a description of the mortgage and all  
25 information respecting ~~said~~ THE mortgage and the filing thereof ~~as may~~  
26 ~~appear~~ THAT APPEAR in the certificate of the authorized agent, and the  
27 director or the director's authorized agent shall ~~thereafter~~ THEN dispose of



1 ~~said~~ THE new certificate of title containing ~~said~~ THE notation as provided  
2 in section 42-6-124.

3 **SECTION 59.** In Colorado Revised Statutes, **amend** 42-6-124  
4 as follows:

5 **42-6-124. Disposition of certificates of title.** (1) ~~All certificates~~  
6 ~~of title issued by~~ The director ~~or the director's authorized agent shall be~~  
7 ~~disposed of by the director~~ DISPOSE OF A CERTIFICATE OF TITLE ISSUED BY  
8 THE DIRECTOR OR THE AUTHORIZED AGENT in the following manner:

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

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

27 (c) If it appears, from the records in the office of the director or

1 the ~~director's~~ authorized agent and from the certificate of title, that the  
2 motor OR COVERED POWERSPORTS vehicle ~~therein~~ described IN THE  
3 CERTIFICATE OF TITLE is subject to one or more mortgages filed  
4 ~~subsequent to~~ AFTER August 1, 1949, the director or the ~~director's~~  
5 authorized agent shall electronically maintain or deliver the certificate of  
6 title issued by the director to the mortgagee named ~~therein~~ IN THE  
7 CERTIFICATE OF TITLE or the holder ~~thereof~~ OF THE CERTIFICATE OF TITLE  
8 whose mortgage was first filed in the office of an authorized agent.

9 **SECTION 60.** In Colorado Revised Statutes, 42-6-125, **amend**  
10 (1) and (2) (a) (I) as follows:

11 **42-6-125. Release of mortgages - rules.** (1) Upon the payment  
12 or discharge of the undertaking secured by ~~any~~ A mortgage on a motor OR  
13 COVERED POWERSPORTS vehicle that has been filed for record ~~in the~~  
14 ~~manner prescribed in~~ UNDER section 42-6-121, the legal holder, on a form  
15 approved by the director, shall ~~make and execute the notice of~~ NOTIFY  
16 THE DIRECTOR OR AUTHORIZED AGENT OF the discharge of the obligation  
17 and release of the mortgage securing the obligation and set forth in the  
18 notice the facts concerning the right of the holder to release the mortgage  
19 as the director ~~by appropriate rule~~ may require ~~which~~ BY RULE. THE  
20 LIENHOLDER SHALL INCLUDE IN THE NOTICE OF satisfaction and release  
21 ~~shall be affirmed by a statement~~ A signed ~~by the legal lienholder~~  
22 AFFIRMATION, noted in the certificate of title on file with the director or  
23 the director's authorized agent, ~~and that shall contain or be~~ CONTAINS OR  
24 IS accompanied by a written declaration that it is made under the penalties  
25 of perjury in the second degree, as defined in section 18-8-503, C.R.S.  
26 Thereupon, the holder of the RELEASED mortgage ~~so released~~ shall  
27 dispose of the certificate of title as follows:

1           (a) If it appears that the motor OR COVERED POWERSPORTS vehicle  
2 is encumbered by a mortgage filed in the manner prescribed in UNDER  
3 section 42-6-121 subsequent to AFTER the date on which the RELEASED  
4 mortgage so released was filed for record, the holder of such THE  
5 certificate of title shall deliver the title CERTIFICATE to the person shown  
6 to be the holder of the mortgage noted on the title filed earliest after the  
7 filing of the RELEASED mortgage, released, or to the person or agent of the  
8 person shown to be the assignee or other legal holder of the mortgage, or  
9 shall mail the title CERTIFICATE to the mortgagee or holder at his or her  
10 THE address APPEARING ON THE MORTGAGE. If the certificate is returned  
11 unclaimed, it shall be sent by THE HOLDER SHALL mail THE CERTIFICATE  
12 to the director.

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

22           (c) The director's authorized agent shall note in the electronic  
23 record of the lien such THE satisfaction or AND release of such THE lien  
24 or mortgage and shall file such A NOTICE OF THE satisfaction or AND  
25 release of such lien as required in ACCORDANCE WITH section 42-6-122.

26           (2) (a) (I) Except when a lienholder can show extenuating  
27 circumstances, within fifteen calendar days after a lien or mortgage on a

1 motor OR POWERSPORTS vehicle is paid and satisfied, a lienholder shall  
2 release the lien or mortgage as required by subsection (1) of this section.

3 **SECTION 61.** In Colorado Revised Statutes, 42-6-126, **amend**  
4 (1) (a) and (1) (b) (II) as follows:

5 **42-6-126. New certificate upon release of mortgage.**

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

9 (I) The owner of the vehicle encumbered by the mortgage, the  
10 purchaser from or transferee of the owner as appears on the certificate of  
11 title, or the holder of ~~any~~ A mortgage that was junior to the mortgage  
12 released, upon the receipt of the certificate of title, as provided in section  
13 42-6-125, shall deliver the title to the authorized agent who shall transmit  
14 the title to the director; or

15 (II) The lienholder shall notify the authorized agent of the  
16 satisfaction of the debt and release of the mortgage, setting forth any facts  
17 concerning the right of the holder to release the mortgage as the director  
18 may require. The LIENHOLDER SHALL SIGN A satisfaction and release ~~shall~~  
19 ~~be~~ affirmed by a statement ~~signed by the lienholder noted in the~~  
20 ~~certificate of title and shall contain~~ CONTAINING or ~~be~~ accompanied by a  
21 written declaration that it is made under the penalties of perjury in the  
22 second degree, as defined in section 18-8-503, C.R.S. Upon receiving a  
23 valid satisfaction and release, the director or authorized agent shall note  
24 the release of the lien and shall issue a certificate of title for the motor  
25 vehicle, omitting all reference to the mortgage.

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

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

4 **SECTION 62.** In Colorado Revised Statutes, 42-6-127, **amend**  
5 (2) as follows:

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

7 (2) Upon receipt of a mortgage extension, the ~~director's~~ authorized agent  
8 shall make and complete the electronic record of the extension as the  
9 director by rule may require within the director's or the ~~director's~~  
10 authorized agent's motor AND COVERED POWERSPORTS vehicle database,  
11 and shall note the fact of the extension of the mortgage on the certificate  
12 of title, which may be filed electronically. Thereafter, the ~~certificate of~~  
13 ~~title shall be returned~~ AUTHORIZED AGENT SHALL RETURN THE  
14 CERTIFICATE to the person shown on the certificate to be entitled to the  
15 certificate. If any mortgage other than one on a trailer coach; truck  
16 tractor; multipurpose trailer, if known when filed; or motor home ~~that~~ has  
17 been filed for record and noted on the certificate of title AND has not been  
18 released or extended within ten years after the date ~~on which~~ WHEN the  
19 mortgage was filed in the office of the ~~director's~~ authorized agent, the  
20 person shown by the records in the director's office to be the owner of the  
21 motor OR COVERED POWERSPORTS vehicle described in the certificate of  
22 title, upon ~~making an appropriate application therefor~~ FILING AN  
23 APPLICATION, may request that ~~any~~ THE AUTHORIZED AGENT REMOVE  
24 references to the mortgages shown on the records. ~~of the director's~~  
25 ~~authorized agent be removed by the authorized agent.~~ The director's  
26 authorized agent shall remove all reference to mortgages shown in the  
27 ~~director's~~ authorized agent's records to have been of record in the office

1 of the authorized agent for more than ten years WITHOUT BEING RELEASED  
2 OR EXTENDED. ~~which mortgages have been neither released nor extended~~  
3 ~~as provided in this section.~~

4 **SECTION 63.** In Colorado Revised Statutes, **amend** 42-6-128  
5 as follows:

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

14 **SECTION 64.** In Colorado Revised Statutes, 42-6-129, **amend**  
15 (1), (2), and (4) as follows:

16 **42-6-129. Second or other junior mortgages.** (1) On and after  
17 July 1, 1977, ~~any~~ A person who takes a ~~second or other~~ junior mortgage  
18 on a motor OR COVERED POWERSPORTS vehicle for which a Colorado  
19 certificate of title has been issued or filed may file ~~said~~ THE mortgage for  
20 public record and have the ~~existence thereof~~ MORTGAGE noted or filed on  
21 the certificate of title with like effect as in other cases, ~~in the manner~~  
22 ~~prescribed in~~ AS REQUIRED BY this section.

23 (2) ~~Such second or~~ THE junior mortgagee or the holder ~~thereof~~ OF  
24 THE MORTGAGE shall file ~~said~~ THE mortgage pursuant to the requirements  
25 of AS REQUIRED BY section 42-6-121 with the ~~director's~~ authorized agent  
26 of the county ~~wherein~~ WHERE the mortgagor of ~~said~~ THE motor OR  
27 COVERED POWERSPORTS vehicle resides or where the ~~motor~~ vehicle is

1 located, and shall accompany ~~said~~ THE mortgage with a written request  
2 to have the ~~existence thereof~~ MORTGAGE noted or filed on the certificate  
3 of title records of the ~~director's~~ authorized agent pertaining to the ~~motor~~  
4 vehicle covered by the junior or second mortgage. Upon the filing of ~~such~~  
5 THE mortgage, the ~~director's~~ authorized agent shall note in the record of  
6 the ~~subject~~ vehicle the day and hour ~~on which such~~ WHEN THE mortgage  
7 was received by the agent, ~~and~~ shall make and deliver a receipt for the  
8 mortgage to the person filing the mortgage, and shall file the ~~second or~~  
9 junior mortgage as required under section 42-6-122.

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

17 **SECTION 65.** In Colorado Revised Statutes, **amend** 42-6-130  
18 as follows:

19 **42-6-130. Priority of secured interests.** The liens or mortgages  
20 filed for record or noted on a certificate of title to a motor OR COVERED  
21 POWERSPORTS vehicle, as provided in section 42-6-121, ~~shall~~ take priority  
22 in the same order that they were filed ~~in the office of~~ WITH the authorized  
23 agent; except that the priority of a purchase-money security interest, as  
24 defined in section 4-9-103, C.R.S., ~~shall be~~ IS determined in accordance  
25 with sections 4-9-317 (e) and 4-9-324 (a), C.R.S.

26 **SECTION 66.** In Colorado Revised Statutes, **amend** 42-6-131  
27 as follows:

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

10           **SECTION 67.** In Colorado Revised Statutes, **amend** 42-6-133  
11 as follows:

12           **42-6-133. Foreign mortgages and liens.** ~~No~~ A mortgage or lien  
13 on a motor OR COVERED POWERSPORTS vehicle filed for record in a state  
14 other than Colorado ~~shall be~~ IS NOT valid and enforceable against the  
15 rights of subsequent purchasers for value, creditors, lienholders, or  
16 mortgagees having no actual notice of the existence of ~~such~~ THE mortgage  
17 or lien. If the certificate of title for ~~such~~ THE vehicle bears any notation  
18 adequate to apprise a purchaser, creditor, lienholder, or mortgagee of the  
19 existence of a mortgage or lien at the time a third party acquires a right in  
20 the motor vehicle, ~~such~~ THE mortgage or lien and the rights of the holder  
21 of the mortgage or lien ~~shall be~~ ARE enforceable in this state as though  
22 ~~such~~ THE mortgage were filed in Colorado and noted on the certificate of  
23 title or noted in the record of the authorized agent ~~pertaining to that~~ FOR  
24 THE vehicle ~~pursuant to~~ UNDER section 42-6-121.

25           **SECTION 68.** In Colorado Revised Statutes, **amend** 42-6-134  
26 as follows:

27           **42-6-134. Where application for certificates of title made.**



1 Except as otherwise provided in this part 1, ~~all applications~~ A PERSON  
2 SHALL APPLY for recording of certificates of title upon the sale or transfer  
3 of a motor OR COVERED POWERSPORTS vehicle ~~described in the certificate~~  
4 ~~of title shall be directed to and filed~~ with the authorized agent of the  
5 county where ~~such~~ THE vehicle will be registered and licensed for  
6 operation.

7 **SECTION 69.** In Colorado Revised Statutes, 42-6-135, **amend**  
8 (2) as follows:

9 **42-6-135. Lost certificates of title.** (2) If the title owner,  
10 lienholder, or mortgagee of a certificate of title loses, misplaces, or  
11 accidentally destroys a certificate of title to a motor OR COVERED  
12 POWERSPORTS vehicle that ~~such~~ THE person holds as described in the  
13 certificate of title, upon application, the director or the authorized agent  
14 may issue a duplicate copy of the recorded certificate of title as in other  
15 cases.

16 **SECTION 70.** In Colorado Revised Statutes, 42-6-136, **amend**  
17 (1) as follows:

18 **42-6-136. Surrender and cancellation of certificate - penalty**  
19 **for violation.** (1) The owner of a motor OR COVERED POWERSPORTS  
20 vehicle for which a Colorado certificate of title has been issued, upon the  
21 destruction or dismantling of ~~said motor~~ THE vehicle, upon its being  
22 changed so that it is no longer a motor OR COVERED POWERSPORTS  
23 vehicle, or upon its being sold or otherwise disposed of as salvage, shall  
24 surrender the certificate of title to the ~~motor~~ vehicle to the director or the  
25 authorized agent to be canceled or notify the director or the authorized  
26 agent on director-approved forms indicating the loss, destruction or  
27 dismantling, or sale for salvage. Upon the owner's procuring the consent

1 of the holders of ~~any~~ unreleased mortgages or liens noted on or recorded  
2 as part of the certificate of title, ~~such~~ THE DIRECTOR OR AUTHORIZED  
3 AGENT SHALL CANCEL THE certificate. ~~shall be canceled~~. A person who  
4 violates this section commits a class 1 petty offense and shall be punished  
5 as provided in section 18-1.3-503, C.R.S.

6 **SECTION 71.** In Colorado Revised Statutes, 42-6-137, **amend**  
7 (2), (6), (7) (a), and (7) (b) as follows:

8 **42-6-137. Fees.** (2) Upon the receipt by an authorized agent of a  
9 mortgage for filing under section 42-6-121, 42-6-125, or 42-6-129, THE  
10 FILER SHALL PAY the authorized agent ~~shall be paid such~~ THE fees as THAT  
11 are imposed by law for the filing of like instruments in the office of the  
12 county clerk and recorder ~~in the county where such mortgage is filed~~ and,  
13 IN ADDITION, ~~shall also receive~~ a fee of seven dollars and twenty cents for  
14 the issuance or recording of the certificate of title and the notation ~~in the~~  
15 ~~record of the director or the authorized agent~~ of the existence of the  
16 mortgage.

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

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

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

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

1           **SECTION 72.** In Colorado Revised Statutes, 42-6-138, **amend**  
2 (2) introductory portion, (2) (b), (3), and (4) as follows:

3           **42-6-138. Disposition of fees.** (2) ~~All fees collected by The~~  
4 authorized agent SHALL DISPOSE OF ALL FEES COLLECTED under section  
5 42-6-137 (5) or 38-29-138 (5), C.R.S., ~~shall be disposed of~~ as follows:

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

15           (3) THE AUTHORIZED AGENT SHALL RETAIN all fees paid ~~to the~~  
16 ~~authorized agent~~ under section 42-6-137 (3) for the extension of a  
17 mortgage or lien on a motor OR COVERED POWERSPORTS vehicle filed in  
18 the authorized agent's office ~~shall be retained by the authorized agent~~ to  
19 defray the cost of ~~such~~ THE extension or release and ~~shall be disposed of~~  
20 ~~by the authorized agent~~ DISPOSE OF THEM as provided by law; except that  
21 THE AUTHORIZED AGENT SHALL DISPOSE OF fees for this service that are  
22 paid ~~to the authorized agent~~ in the city and county of Denver ~~shall, by~~  
23 ~~such agent, be disposed of~~ in the same manner as fees retained by the  
24 agent that were paid ~~upon application being made~~ for FILING AN  
25 APPLICATION FOR a certificate of title.

26           (4) THE DIRECTOR SHALL CREDIT the fee paid by a motor OR  
27 COVERED POWERSPORTS vehicle dealer ~~to the director~~ pursuant to section

1 42-6-137 (6) for a certificate of title issued within one working day of  
2 AFTER application ~~shall be credited~~ to the special purpose account  
3 established by section 42-1-211 (2).

4 **SECTION 73.** In Colorado Revised Statutes, 42-6-139, **amend**  
5 (1), (2), and (4) as follows:

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

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

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

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

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

25 (b) (II) For ~~any~~ A motor vehicle for TO which ~~the provisions of~~  
26 SUBPARAGRAPH (I) OF THIS paragraph (a) of this subsection (2) ~~do~~ DOES  
27 not apply, the address of the owner's residence; except that, if a motor

1 vehicle is permanently maintained at an address other than the address of  
2 the owner's residence, ~~such motor~~ THE vehicle shall be registered at the  
3 address where ~~such motor~~ THE vehicle is permanently maintained.

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

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

11 (II) FOR A COVERED POWERSPORTS VEHICLE TO WHICH  
12 SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) DOES NOT APPLY, THE  
13 ADDRESS OF THE OWNER'S RESIDENCE; EXCEPT THAT, IF A COVERED  
14 POWERSPORTS VEHICLE IS PERMANENTLY MAINTAINED AT AN ADDRESS  
15 OTHER THAN THE ADDRESS OF THE OWNER'S RESIDENCE, THE VEHICLE  
16 MUST BE REGISTERED AT THE ADDRESS WHERE THE VEHICLE IS  
17 PERMANENTLY MAINTAINED.

18 (4) In addition to any other applicable penalty, a person who  
19 ~~registers a motor vehicle in violation of the provisions of~~ VIOLATES  
20 subsection (2) of this section, section 42-3-103 (4) (a), or section  
21 42-6-140 ~~shall be~~ IS subject to a civil penalty of five hundred dollars.  
22 ~~Such~~ THE violation ~~shall be~~ IS determined by, assessed by, and paid to the  
23 municipality or county where the motor OR COVERED POWERSPORTS  
24 vehicle is or should have been registered, subject to judicial review  
25 pursuant to rule 106 (a) (4) of the Colorado rules of civil procedure.

26 **SECTION 74.** In Colorado Revised Statutes, **amend** 42-6-141  
27 as follows:

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

7           **SECTION 75.** In Colorado Revised Statutes, 42-6-142, **amend**  
8 (1) as follows:

9           **42-6-142. Penalties.** (1) ~~No~~ A person ~~may~~ SHALL NOT sell,  
10 transfer, or in any manner dispose of a motor OR COVERED POWERSPORTS  
11 vehicle in this state without complying with this part 1.

12           **SECTION 76.** In Colorado Revised Statutes, 42-6-145, **amend**  
13 (1) as follows:

14           **42-6-145. Use of vehicle identification numbers in applications**  
15 **- rules.** (1) (a) A person required to apply for a certificate of title or  
16 registration of a motor vehicle shall use the identification number placed  
17 upon the motor vehicle by the manufacturer or the special vehicle  
18 identification number assigned to the motor vehicle by the department  
19 pursuant to section 42-12-202. The DEPARTMENT SHALL NOT ISSUE A  
20 certificate of title ~~and~~ OR registration card ~~issued by the department shall~~  
21 ~~use~~ UNLESS IT USES the identification number of the motor vehicle.

22           (b) A PERSON REQUIRED TO APPLY FOR A CERTIFICATE OF TITLE OR  
23 REGISTRATION OF A COVERED POWERSPORTS VEHICLE SHALL USE THE  
24 IDENTIFICATION NUMBER PLACED UPON THE VEHICLE BY THE  
25 MANUFACTURER OR THE SPECIAL VEHICLE IDENTIFICATION NUMBER  
26 ASSIGNED TO THE COVERED POWERSPORTS VEHICLE BY THE DEPARTMENT.  
27 THE DEPARTMENT SHALL NOT ISSUE A CERTIFICATE OF TITLE OR

1 REGISTRATION CARD UNLESS IT USES THE IDENTIFICATION NUMBER OF THE  
2 COVERED POWERSPORTS VEHICLE.

3 **SECTION 77.** In Colorado Revised Statutes, 42-6-146, **amend**  
4 (1), (3), and (4) as follows:

5 **42-6-146. Repossession of motor vehicle or covered**  
6 **powersports vehicle - owner must notify law enforcement agency -**  
7 **penalty.** (1) If a mortgagee, lienholder, or the mortgagee's or lienholder's  
8 assignee or the agent of either repossesses a motor OR COVERED  
9 POWERSPORTS vehicle because of default in the terms of a secured debt,  
10 the reposessor shall notify, either ~~verbally~~ ORALLY or in writing, a law  
11 enforcement agency, as provided in this section, of the ~~fact of such~~  
12 repossession, the name of the owner, the name of the reposessor, and the  
13 name of the mortgagee, lienholder, or assignee. ~~Such~~ THE notification  
14 ~~shall~~ MUST be made at least one hour before, ~~or~~ IF POSSIBLE, AND IN ANY  
15 EVENT no later than one hour after, the repossession occurs. If ~~such~~ THE  
16 repossession takes place in an incorporated city or town, the reposessor  
17 shall notify the police department, town marshal, or other local law  
18 enforcement agency of ~~such~~ THE city or town. If ~~such~~ THE repossession  
19 takes place in the unincorporated area of a county, the reposessor shall  
20 notify the county sheriff.

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

25 (4) As used in this section, the term "reposessor" means the party  
26 who physically takes possession of the motor OR COVERED POWERSPORTS  
27 vehicle and drives, tows, or transports the ~~motor~~ vehicle for delivery to

1 the mortgagee, lienholder, or assignee or the agent of ~~such~~ THE  
2 mortgagee, lienholder, or assignee.

3 **SECTION 78.** In Colorado Revised Statutes, **add** 42-6-148 as  
4 follows:

5 **42-6-148. Powersports vehicles - sales.** (1) UNLESS THE OWNER  
6 HAS OBTAINED A CERTIFICATE OF TITLE FOR THE POWERSPORTS VEHICLE  
7 UNDER THIS ARTICLE, A PERSON SHALL NOT SELL A POWERSPORTS VEHICLE  
8 TO A POWERSPORTS VEHICLE DEALER AND A POWERSPORTS VEHICLE  
9 DEALER SHALL NOT PURCHASE A POWERSPORTS VEHICLE. A SALE OR  
10 PURCHASE MADE IN VIOLATION OF THIS SUBSECTION (1) IS VOID AB INITIO.

11 (2) A POWERSPORTS REGISTRATION ISSUED UNDER ARTICLE 14.5  
12 OF TITLE 33, C.R.S., BY JULY 1, 2014, AND A CURRENT YEAR'S  
13 REGISTRATION, IF A REGISTRATION ISSUED ON OR AFTER JULY 1, 2014, IS  
14 NOT THE CURRENT YEAR'S REGISTRATION, ARE SUFFICIENT EVIDENCE OF  
15 OWNERSHIP TO ISSUE A CERTIFICATE OF TITLE UNDER THIS PART 1.

16 (3) UNTIL A COVERED POWERSPORTS VEHICLE IS ISSUED A  
17 CERTIFICATE OF TITLE, THE ATTACHMENT, RECORDING, PERFECTION,  
18 PRIORITY, RENEWAL, EXTENSION, MODIFICATION, RELEASING,  
19 TERMINATION, FORECLOSURE, AND ANY OTHER ASPECT OF A SECURITY  
20 INTEREST IN A COVERED POWERSPORTS VEHICLE IS GOVERNED BY THE  
21 "UNIFORM COMMERCIAL CODE", TITLE 4, C.R.S.

22 **SECTION 79.** In Colorado Revised Statutes, 42-4-1701, **amend**  
23 (4) (a) (I) introductory portion, (4) (a) (I) (A), and (4) (a) (I) (B) as  
24 follows:

25 **42-4-1701. Traffic offenses and infractions classified -**  
26 **penalties - penalty and surcharge schedule - repeal.** (4) (a) (I) Except  
27 as provided in paragraph (c) of subsection (5) of this section, every



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

16	<b>Section Violated</b>	<b>Penalty</b>	<b>Surcharge</b>
17	<b>(A) Drivers' license violations:</b>		
18	42-2-101 (1) or (4)	\$ 35.00	\$ 10.00
19	42-2-101 (2), (3), or (5)	15.00	6.00
20	<del>42-2-103</del>	<del>15.00</del>	<del>6.00</del>
21	<del>42-2-105</del>	<del>70.00</del>	<del>10.00</del>
22	42-2-103 (3)(a)	15.00	6.00
23	42-2-103 (3)(b)	50.00	6.00
24	42-2-105	70.00	10.00
25	42-2-105.5 (4)	65.00	10.00
26	42-2-106	70.00	10.00
27	42-2-116 (6)(a)	30.00	6.00

1	42-2-119	15.00	6.00
2	42-2-134	35.00	10.00
3	42-2-136	35.00	10.00
4	42-2-139	35.00	10.00
5	42-2-140	35.00	10.00
6	42-2-141	35.00	10.00

7           **(B) Registration and taxation violations:**

8	<del>42-3-103</del>	<del>\$ 50.00</del>	<del>\$ 16.00</del>
9	<del>42-3-113</del>	<del>15.00</del>	<del>6.00</del>
10	42-3-103 (1)(a) AND (6)	\$ 50.00	\$ 16.00
11	42-3-113	15.00	6.00
12	42-3-202	15.00	6.00
13	42-3-116	50.00	16.00
14	42-3-121 (1)(a)	75.00	24.00
15	42-3-121 (1)(c)	35.00	10.00
16	42-3-121 (1)(f), (1)(g),		
17	and (1)(h)	75.00	24.00
18	42-3-304 to 42-3-306	50.00	16.00

19           **SECTION 80.** In Colorado Revised Statutes, 43-4-205, **amend**  
20 (5.5) (f) as follows:

21           **43-4-205. Allocation of fund.** (5.5) The following highway users  
22 tax fund revenues shall be allocated and expended in accordance with the  
23 formula specified in subsection (5) of this section:

24           (f) Revenues from fees that are credited to the fund ~~pursuant to~~  
25 ~~section~~ UNDER SECTIONS 42-3-311 (1) AND 42-3-313 (2), C.R.S., and that  
26 exceed the amount of appropriations made from the fund pursuant to  
27 those sections for the purpose of defraying specified administrative

1 expenses;

2 **SECTION 81. Act subject to petition - effective date -**

3 **applicability.** (1) This act shall take effect July 1, 2013; except that, if

4 a referendum petition is filed pursuant to section 1 (3) of article V of the

5 state constitution against this act or an item, section, or part of this act

6 within the ninety-day period after final adjournment of the general

7 assembly, then the act, item, section, or part shall not take effect unless

8 approved by the people at the general election to be held in November

9 2012 and shall take effect on July 1, 2012, or on the date of the official

10 declaration of the vote thereon by the governor, whichever is later.

11 (2) The provisions of this act shall apply to acts occurring on or

12 after April 1, 2014.