

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

**PREAMENDED**

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

LLS NO. 13-0867.02 Jery Payne x2157

**SENATE BILL 13-280**

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**SENATE SPONSORSHIP**

**Tochtrop,**

**HOUSE SPONSORSHIP**

**(None),**

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**Senate Committees**

Agriculture, Natural Resources, & Energy  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING THE ISSUANCE OF CERTIFICATES OF TITLE FOR**  
102             **OFF-HIGHWAY VEHICLES, AND, IN CONNECTION THEREWITH,**  
103             **MAKING AN APPROPRIATION.**

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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 requires off-highway vehicles to be titled in the same manner as motor vehicles except under statutory provisions that apply to salvage vehicles and assume the vehicle will be registered with the department of revenue. Off-highway vehicles sold before July 1, 2014,

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.*

are exempt until they are sold again. A current registration issued by the department of parks and wildlife is evidence of ownership. Several categories of these vehicles are exempt from bonded title.

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

2 **SECTION 1.** In Colorado Revised Statutes, 33-14.5-103, **amend**

3 (1) as follows:

4 **33-14.5-103. Proof of ownership for registration purposes.**

5 (1) The division shall require proof of ownership for an off-highway  
6 vehicle prior to the initial registration required under this article, but ~~such~~  
7 ~~proof shall not be dependent upon any certificate of title, and no~~  
8 ~~certificate of title shall be issued by the division~~ SHALL NOT ISSUE A  
9 CERTIFICATE OF TITLE FOR THE VEHICLE.

10 **SECTION 2.** 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 OFF-HIGHWAY VEHICLE AS DEFINED IN SECTION 42-6-102, C.R.S., or for  
18 a mobile MANUFACTURED home by the department of revenue or its  
19 authorized agent AS DEFINED IN SECTION 38-29-106, C.R.S., until any tax  
20 due on the sale and purchase of ~~such~~ THE vehicle pursuant to UNDER  
21 section 29-2-106, C.R.S., or section 39-26-106 or imposed by ordinance  
22 of any home rule city has been paid.

23 (6) (a) ~~In the case of~~ a seller-financed sale in which the seller has  
24 added the sales tax due on the sale to the financed sales price of the motor

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

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

23 (7) SUBSECTIONS (1) AND (2) OF THIS SECTION DO NOT APPLY TO  
24 THE SALE OR TRANSFER OF OFF-HIGHWAY VEHICLES BEFORE JULY 1, 2014.  
25 FOR A OFF-HIGHWAY VEHICLE THAT WAS FIRST PURCHASED OR  
26 TRANSFERRED BEFORE JULY 1, 2014, AND IS BEING ISSUED ITS FIRST  
27 CERTIFICATE OF TITLE FOR THE FIRST TIME AFTER THIS DATE, THE

1 DEPARTMENT SHALL NOT VERIFY THAT THE PERSON PAID ANY TAX DUE ON  
2 THE VEHICLE.

3 **SECTION 3.** In Colorado Revised Statutes, 42-6-102, **amend** (1)  
4 and (17) (a); and **add** (1.5), (11.5), and (18.5) as follows:

5 **42-6-102. Definitions.** As used in this part 1, unless the context  
6 otherwise requires:

7 (1) "Authorized agents" means the county clerk and recorder in  
8 each of the counties of the state, including the city and county of  
9 Broomfield, and the manager of revenue or such other official of the city  
10 and county of Denver as may be appointed by the mayor to perform  
11 functions related to the registration of motor vehicles. "ALL-TERRAIN  
12 VEHICLE" MEANS A THREE- OR FOUR-WHEELED VEHICLE THAT TRAVELS ON  
13 LOW-PRESSURE TIRES WITH A SEAT THAT IS STRADDLED BY THE RIDER AND  
14 WITH HANDLEBARS FOR STEERING CONTROL.

15 (1.5) "AUTHORIZED AGENT" MEANS THE COUNTY CLERK AND  
16 RECORDER IN EACH OF THE COUNTIES OF THE STATE OR SUCH OTHER  
17 OFFICIAL OF A CITY AND COUNTY APPOINTED TO PERFORM THE FUNCTION  
18 OF TITLING OF OR RECORDING LIENS ON MOTOR VEHICLES.

19 (11.5) (a) "OFF-HIGHWAY VEHICLE" MEANS A SELF-PROPELLED  
20 VEHICLE THAT IS:

21 (I) DESIGNED TO TRAVEL ON WHEELS OR TRACKS IN CONTACT WITH  
22 THE GROUND;

23 (II) DESIGNED PRIMARILY FOR USE OFF OF THE PUBLIC HIGHWAYS;

24 AND

25 (III) GENERALLY AND COMMONLY USED TO TRANSPORT PERSONS  
26 FOR RECREATIONAL PURPOSES.

27 (b) "OFF-HIGHWAY VEHICLE" INCLUDES VEHICLES COMMONLY

1 KNOWN AS ALL-TERRAIN VEHICLES AND SNOWMOBILES BUT DOES NOT  
2 INCLUDE:

3 (I) TOY VEHICLES;

4 (II) VEHICLES DESIGNED AND USED PRIMARILY FOR TRAVEL ON,  
5 OVER, OR IN THE WATER;

6 (III) MILITARY VEHICLES;

7 (IV) GOLF CARTS OR GOLF CARS;

8 (V) VEHICLES DESIGNED AND USED TO CARRY PERSONS WITH  
9 DISABILITIES;

10 (VI) VEHICLES DESIGNED AND USED SPECIFICALLY FOR  
11 AGRICULTURAL, LOGGING, OR MINING PURPOSES; OR

12 (VII) MOTOR VEHICLES.

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

21 (II) "SALVAGE VEHICLE" DOES NOT INCLUDE AN OFF-HIGHWAY  
22 VEHICLE.

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

1           **SECTION 4.** In Colorado Revised Statutes, **amend** 42-6-103 as  
2 follows:

3           **42-6-103. Application.** ~~The provisions of This part 1 shall apply~~  
4 APPLIES to motor vehicles ~~as defined in section 42-6-102~~ AND  
5 OFF-HIGHWAY VEHICLES; EXCEPT THAT THIS PART 1 DOES NOT APPLY TO  
6 AN OFF-HIGHWAY VEHICLE THAT WAS SOLD OR TRANSFERRED BEFORE  
7 JULY 1, 2014, UNTIL THE OFF-HIGHWAY VEHICLE IS SOLD OR TRANSFERRED  
8 AFTER JULY 1, 2014.

9           **SECTION 5.** In Colorado Revised Statutes, 42-6-107, **amend** (1)  
10 (a) and (2) as follows:

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

1 of a kit vehicle ~~shall be~~ IS the year of manufacture of the kit from which  
2 the vehicle was assembled, as indicated in the manufacturer's statement  
3 of origin.

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

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

23 **42-6-109. Sale or transfer of vehicle.** (1) Except as provided in  
24 section 42-6-113, a person shall not sell or otherwise transfer a motor OR  
25 OFF-HIGHWAY vehicle to a purchaser or transferee without delivering to  
26 the purchaser or transferee a certificate of title to the vehicle duly  
27 transferred in the manner prescribed in section 42-6-110. Except as

1 provided in subsection (2) of this section, the certificate of title may be in  
2 an electronic format. Except as provided in section 42-6-115, ~~no~~ A  
3 purchaser or transferee ~~shall~~ DOES NOT acquire any right, title, or interest  
4 in and to a motor OR OFF-HIGHWAY vehicle purchased by the purchaser or  
5 transferee unless and until he or she obtains from the transferor the  
6 certificate of title duly transferred in accordance with this part 1. A  
7 lienholder may request either a paper or electronic version of a certificate  
8 of title.

9 (2) Except as provided in section 42-6-115, a paper copy of a  
10 certificate of title is necessary for ~~any~~ A transaction in which:

11 (b) The purchaser pays for a motor OR OFF-HIGHWAY vehicle  
12 entirely with cash.

13 **SECTION 7.** In Colorado Revised Statutes, 42-6-110, **amend** (1)  
14 as follows:

15 **42-6-110. Certificate of title - transfer.** (1) Upon the sale or  
16 transfer of a motor OR OFF-HIGHWAY vehicle for which a certificate of  
17 title has been issued or filed, the person in whose name the certificate of  
18 title is registered, if ~~such~~ THE person is ~~other than~~ NOT a dealer, shall  
19 execute a formal transfer of the vehicle described in the certificate. ~~Such~~  
20 ~~transfer shall be affirmed by a statement signed by~~ The person in whose  
21 name the certificate of title is registered or ~~by such~~ THE person's  
22 ~~authorized agent or attorney and shall contain or be~~ AFFIRM THE SALE OR  
23 TRANSFER, accompanied by a written declaration that ~~it~~ THE STATEMENT  
24 is made under the penalties of perjury in the second degree, as defined in  
25 section 18-8-503, C.R.S. The purchaser or transferee, within sixty days  
26 thereafter, shall present ~~such~~ THE certificate, together with an application  
27 for a new certificate of title, to the director or one of the authorized



1 agents, accompanied by the fee required in section 42-6-137 to be paid  
2 for the filing of a new certificate of title; except that, if no title can be  
3 found and the motor vehicle is not roadworthy, the purchaser or transferee  
4 may wait until twenty-four months after the motor vehicle was purchased  
5 to apply for a certificate of title.

6 **SECTION 8.** In Colorado Revised Statutes, 42-6-111, **amend** (1)  
7 and (2) as follows:

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

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

24 **SECTION 9.** In Colorado Revised Statutes, **amend** 42-6-112 as  
25 follows:

26 **42-6-112. Initial registration of a vehicle - dealer responsibility**  
27 **to timely forward certificate of title to purchaser or holder of a**

1 **chattel mortgage. In order to facilitate initial registration of a vehicle, A**  
2 **dealer of motor OR OFF-HIGHWAY vehicles shall, have not more than thirty**  
3 **days after the date of sale of such vehicle to** WITHIN THIRTY DAYS AFTER  
4 THE SALE, deliver or facilitate the delivery of the certificate of title to a  
5 purchaser or the holder of a chattel mortgage on ~~such~~ THE motor OR  
6 OFF-HIGHWAY vehicle subject to section 42-6-109.

7 **SECTION 10.** In Colorado Revised Statutes, **amend** 42-6-113 as  
8 follows:

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

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

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

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

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

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

27 (3) Upon presentation of ~~such a~~ THE bill of sale AND THE

1 MANUFACTURER'S CERTIFICATE OF ORIGIN, ~~to~~ the director or an authorized  
2 agent SHALL FILE a new certificate of title for the vehicle described in the  
3 bill of sale. ~~shall be filed.~~ A DEALER SHALL TRANSFER A new motor OR  
4 OFF-HIGHWAY vehicle ~~that is~~ used by a dealer for demonstration ~~shall be~~  
5 ~~transferred~~ in accordance with this section.

6 **SECTION 11.** In Colorado Revised Statutes, **amend** 42-6-114 as  
7 follows:

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

18 **SECTION 12.** In Colorado Revised Statutes, 42-6-115, **amend**  
19 (1) (a) introductory portion and (3) (b); and **add** (1) (d) as follows:

20 **42-6-115. Furnishing bond for certificates.** (1) (a) If the  
21 applicant for a certificate of title to a motor OR OFF-HIGHWAY vehicle is  
22 unable to provide the director or the authorized agent with a certificate of  
23 title duly transferred to the applicant or other evidence of ownership  
24 satisfactory to the director as specified in rules established ~~pursuant to~~  
25 UNDER section 42-6-104, the director or the authorized agent may file a  
26 certificate of title for the vehicle if the applicant furnishes the director or  
27 the authorized agent with a statement, in a form specified by the director,

1       that contains:

2               (d) UPON RECEIPT OF AN APPLICATION BY THE OWNER OF A MOTOR  
3       OR OFF-HIGHWAY VEHICLE THAT IS SUBJECT TO A LIEN OR MORTGAGE, THE  
4       AUTHORIZED AGENT SHALL NOT ISSUE A CERTIFICATE OF TITLE UNLESS THE  
5       OWNER INCLUDES A SIGNED ORIGINAL OR SIGNED DUPLICATE OF THE  
6       MORTGAGE OR COPY THEREOF, CERTIFIED BY THE HOLDER OF THE  
7       MORTGAGE OR THE HOLDER'S AGENT TO BE A TRUE COPY OF THE SIGNED  
8       ORIGINAL MORTGAGE. UPON RECEIVING THE MORTGAGE, THE AUTHORIZED  
9       AGENT SHALL COMPLY WITH SECTIONS 42-6-121 (2), 42-6-122, AND  
10      42-6-123 CONCERNING THE LIEN OR MORTGAGE.

11             (3) (b) (I) ~~If the A vehicle for which the certificate is filed~~ is  
12      twenty-five years old or older, the applicant has had a certified vehicle  
13      identification number inspection performed on the vehicle, and the  
14      applicant presents a notarized bill of sale within twenty-four months after  
15      the sale with the title application, the applicant need not furnish surety  
16      under this subsection (3). To be excepted from the surety requirement, an  
17      applicant ~~shall~~ MUST submit an affidavit to the department that is sworn  
18      to under penalty of perjury AND that states that the required documents  
19      submitted are true and correct.

20             (II) AN APPLICANT NEED NOT FURNISH SURETY UNDER THIS  
21      SUBSECTION (3) FOR AN OFF-HIGHWAY VEHICLE IF THE APPLICANT SUBMITS  
22      AN AFFIDAVIT UNDER PENALTY OF PERJURY THAT ATTESTING TO  
23      OWNERSHIP OF THE VEHICLE AND IF THE VEHICLE:

24             (A) WAS MOVED TO COLORADO FROM A STATE NOT ISSUING  
25      CERTIFICATES OF TITLE FOR OFF-HIGHWAY VEHICLES;

26             (B) IS USED AND HELD AS INVENTORY BY A POWERSPORTS DEALER;

27             (C) WAS OWNED BY AN AGENCY OF THE UNITED STATES OR

1 ANOTHER STATE OR A POLITICAL SUBDIVISION THEREOF;  
2 (D) WAS OWNED BY AN AGRICULTURAL PRODUCER AND USED  
3 STRICTLY FOR AGRICULTURAL PURPOSES;  
4 (E) WAS OWNED EXCLUSIVELY FOR THE PURPOSE OF BEING  
5 OPERATED IN AN ORGANIZED COMPETITIVE OR NONCOMPETITIVE EVENT ON  
6 PUBLICLY OR PRIVATELY OWNED OR LEASED LAND; EXCEPT THAT THIS  
7 EXEMPTION DOES NOT APPLY UNLESS THE AGENCY EXERCISING  
8 JURISDICTION OVER THE LAND SPECIFICALLY AUTHORIZES THE ORGANIZED  
9 COMPETITIVE OR NONCOMPETITIVE EVENT; OR  
10 (F) WAS USED BY A DEALER, MANUFACTURER, OR AUTHORIZED  
11 DESIGNEE FOR AN OFF-HIGHWAY VEHICLE OPERATOR EDUCATION OR  
12 SAFETY PROGRAM.

13 **SECTION 13.** In Colorado Revised Statutes, **amend** 42-6-116 as  
14 follows:

15 **42-6-116. Applications for filing of certificates of title - rules.**

16 (1) If a person who desires or who is entitled to a filing of a certificate  
17 of title to a motor OR OFF-HIGHWAY vehicle is required to apply to the  
18 director or the authorized agent, ~~such~~ THE applicant shall apply upon a  
19 form provided by the director in which appears a description of the motor  
20 OR OFF-HIGHWAY vehicle including the make and model, the  
21 manufacturer's number, and a description of any other distinguishing  
22 mark, number, or symbol placed on ~~said~~ THE vehicle by the vehicle  
23 manufacturer for identification purposes, as may be required by the  
24 director by rule adopted in accordance with article 4 of title 24, C.R.S.  
25 The application ~~shall also~~ MUST show the name and correct address of the  
26 owner determined pursuant to section 42-6-139, a class A, class B, class  
27 C, class D, or class F vehicle owner's personal identification number as

1 provided on a state-issued driver's license or assigned by the department,  
2 and the applicant's source of title and ~~shall~~ MUST include a description of  
3 all known mortgages and liens upon the motor OR OFF-HIGHWAY vehicle,  
4 the holder of the lien, the amount originally secured, and the name of the  
5 county and state ~~in which such~~ IF THE OWNER HOLDS A CERTIFICATE OF  
6 TITLE OR THE STATE IF THE OWNER DOES NOT HOLD A CERTIFICATE OF  
7 TITLE WHERE THE mortgage, ~~or~~ lien, OR FINANCING STATEMENT is  
8 recorded or filed. ~~Such~~ THE application ~~shall~~ MUST be verified by a  
9 statement signed by the applicant and ~~shall~~ MUST contain or be  
10 accompanied by a written declaration that it is made under the penalties  
11 of perjury in the second degree, as defined in section 18-8-503, C.R.S.

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

21 **SECTION 14.** In Colorado Revised Statutes, **amend** 42-6-118 as  
22 follows:

23 **42-6-118. Amended certificate.** If the owner of a motor OR  
24 OFF-HIGHWAY vehicle for which a Colorado certificate of title has been  
25 issued or filed replaces any part of the motor OR OFF-HIGHWAY vehicle on  
26 which appears the identification number or symbol described in the  
27 certificate of title and ~~such~~ THE identification number or symbol no longer

1 appears on the motor OR OFF-HIGHWAY vehicle, or incorporates the part  
2 containing the identification number or symbol into another motor OR  
3 OFF-HIGHWAY vehicle, ~~such~~ THE owner shall immediately apply to the  
4 director or an authorized agent for an assigned identification number and  
5 an amended filing of a certificate of title to ~~such~~ THE vehicle.

6 **SECTION 15.** In Colorado Revised Statutes, **amend** 42-6-119 as  
7 follows:

8 **42-6-119. Certificates for vehicles registered in other states.**

9 (1) When a resident of the state acquires the ownership of a motor OR  
10 OFF-HIGHWAY vehicle for which a certificate of title has been issued by  
11 a state other than Colorado, the person acquiring ~~such~~ THE vehicle shall  
12 apply to the director or an authorized agent for the filing of a certificate  
13 of title as in other cases.

14 (2) If a dealer acquires the ownership of a motor OR OFF-HIGHWAY  
15 vehicle by lawful means and the ~~motor~~ vehicle is titled under the laws of  
16 a state other than Colorado, ~~such~~ THE dealer ~~shall not be required to~~ NEED  
17 NOT file a Colorado certificate of title for the vehicle so long as ~~such~~ THE  
18 vehicle remains in the dealer's possession and at the dealer's place of  
19 business solely for the purpose of sale.

20 (3) Upon the sale by a dealer of a motor OR OFF-HIGHWAY vehicle,  
21 the certificate of title to which was issued in a state other than Colorado,  
22 the dealer shall, within thirty days after the ~~date of~~ sale, deliver or  
23 facilitate the delivery to the purchaser ~~such~~ THE certificate of title, ~~from~~  
24 ~~a state other than Colorado~~ duly and properly endorsed or assigned to the  
25 purchaser, with a statement by the dealer ~~that shall contain~~ CONTAINING  
26 or ~~be~~ accompanied by a written declaration that it is made under the  
27 penalties of perjury in the second degree, as defined in section 18-8-503,

1 C.R.S., and ~~that shall set~~ SETTING forth the following:

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

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

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

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

23 **SECTION 16.** In Colorado Revised Statutes, **amend** 42-6-120 as  
24 follows:

25 **42-6-120. Security interests upon motor vehicles.** (1) Except  
26 as provided in this section and ~~section~~ SECTIONS 42-6-130 AND 42-6-148,  
27 the provisions of the "Uniform Commercial Code", title 4, C.R.S.,



1 relating to the filing, recording, releasing, renewal, priority, and extension  
2 of chattel mortgages, as ~~the term is~~ defined in section 42-6-102 (9), ~~shall~~  
3 DO not apply to motor OR OFF-HIGHWAY vehicles. ~~Any~~ A mortgage or  
4 refinancing of a mortgage intended by the parties to the mortgage or  
5 refinancing to encumber or create a lien on a motor vehicle, or to be  
6 perfected as a valid lien against the rights of third persons, purchasers for  
7 value without notice, mortgagees, or creditors of the owner, ~~shall~~ MUST  
8 be filed for public record. THE DEPARTMENT OR AUTHORIZED AGENT  
9 SHALL NOTE the fact of filing ~~shall be noted~~ on the owner's certificate of  
10 title or bill of sale substantially in the manner provided in section  
11 42-6-121.

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

20 (3) Notwithstanding any provision of law to the contrary, in the  
21 case of motor vehicles, OFF-HIGHWAY VEHICLES, or trailers, a lease  
22 transaction does not create a sale or security interest solely because it  
23 permits or requires the rental price to be adjusted either upward or  
24 downward under the agreement by reference to the amount realized upon  
25 sale or other disposition of the motor vehicle, OFF-HIGHWAY VEHICLE, or  
26 trailer.

27 (4) The rights of a buyer, lessee, or lien creditor that arise after a

1 mortgage attaches to a motor OR OFF-HIGHWAY vehicle and before  
2 perfection under this article ~~shall be~~ ARE determined by section 4-9-317,  
3 C.R.S.

4 **SECTION 17.** In Colorado Revised Statutes, 42-6-121, **amend**  
5 (1) and (2) as follows:

6 **42-6-121. Filing of mortgage - rules.** (1) The holder of a chattel  
7 mortgage on a motor OR OFF-HIGHWAY vehicle desiring to secure the  
8 rights provided for in this part 1 and to have the existence of the mortgage  
9 and the fact of the filing of the mortgage for public record noted in the  
10 filing of the certificate of title to the encumbered ~~motor~~ vehicle ~~shall~~  
11 MUST present the signed original or signed duplicate of the mortgage or  
12 copy ~~thereof~~ OF THE MORTGAGE, certified by the holder of the mortgage  
13 or the holder's agent to be a true copy of the signed original mortgage,  
14 and the certificate of title or application for certificate of title to the ~~motor~~  
15 vehicle encumbered to the authorized agent of the director in the county  
16 or city and county in which the mortgagor of ~~such motor~~ THE vehicle  
17 resides or where the ~~property~~ VEHICLE is located. The ~~filings~~ HOLDER may  
18 ~~be made~~ FILE either with paper documents or electronically. The mortgage  
19 or refinancing of a loan secured by a mortgage ~~shall~~ MUST state the name  
20 and address of the debtor; the name and address of the mortgagee or name  
21 of the mortgagee's assignee; the make, vehicle identification number, and  
22 year of manufacture of the mortgaged vehicle; and the date and amount  
23 of the loan secured by the mortgage. AN OWNER OF A MOTOR OR  
24 OFF-HIGHWAY VEHICLE APPLYING FOR A CERTIFICATE OF TITLE UNDER  
25 SECTION 42-6-115, 42-6-116, OR 42-6-119 IS DEEMED TO HAVE FILED  
26 UNDER THIS SECTION ON BEHALF OF THE MORTGAGE OR LIEN HOLDER.

27 (2) (a) Upon the receipt of the electronic, original, or duplicate

1 mortgage or certified copy ~~thereof~~ OF THE MORTGAGE and certificate of  
2 title or application for certificate of title, the authorized agent, if satisfied  
3 that the vehicle described in the mortgage is the same as that described in  
4 the certificate of title or filed title, shall file within the director's  
5 authorized agent's motor AND OFF-HIGHWAY vehicle database:

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

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

11 (III) The amount secured by the vehicle;

12 (IV) The date of the mortgage;

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

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

18 (b) The director's authorized agent shall electronically transmit,  
19 when the director's authorized agent uses an electronic filing system, the  
20 certificate of title, application for certificate of title, and mortgage  
21 information to the database of the director for maintenance of a central  
22 registry of motor AND OFF-HIGHWAY vehicle title information pursuant to  
23 section 42-6-147.

24 **SECTION 18.** In Colorado Revised Statutes, **amend** 42-6-122 as  
25 follows:

26 **42-6-122. Disposition of mortgages by agent - rules.** (1) The  
27 authorized agent, upon receipt of the mortgage, shall file the mortgage in

1 the agent's office, ~~Such mortgage shall be~~ appropriately indexed and  
2 cross-indexed:

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

5 (I) Make or vehicle identification number of motor OR  
6 OFF-HIGHWAY vehicles mortgaged;

7 (II) Names of owners of mortgaged motor OR OFF-HIGHWAY  
8 vehicles as ~~the same~~ THEY appear on the certificates of title thereto;

9 (III) The numbers of the certificates of title for motor OR  
10 OFF-HIGHWAY vehicles mortgaged;

11 (IV) The numbers or other identification marks assigned to  
12 registration certificates issued upon the ~~licensing~~ REGISTRATION of  
13 mortgaged vehicles;

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

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

18 (2) All records of mortgages affecting motor OR OFF-HIGHWAY  
19 vehicles ~~shall be~~ ARE public and may be inspected and copies ~~thereof~~ OF  
20 THE RECORDS made, as is provided by law respecting public records  
21 affecting real property.

22 **SECTION 19.** In Colorado Revised Statutes, **amend** 42-6-123 as  
23 follows:

24 **42-6-123. Disposition after mortgaging.** After a mortgage on a  
25 motor OR OFF-HIGHWAY vehicle has been filed in the authorized agent's  
26 office, the authorized agent shall mail, DELIVER, or electronically transfer  
27 to the director the certificate of title or bill of sale ~~which~~ THAT the

1 authorized agent has filed in the record. ~~Upon the receipt thereof, The~~  
2 director shall maintain completed electronic records transferred by the  
3 authorized agent. The director shall issue a new certificate of title  
4 containing, in addition to the other matters ~~and things~~ required to be set  
5 forth in certificates of title, a description of the mortgage and all  
6 information respecting ~~said~~ THE mortgage and the filing thereof ~~as may~~  
7 ~~appear~~ THAT APPEAR in the certificate of the authorized agent, and the  
8 director or the director's authorized agent shall ~~thereafter~~ THEN dispose of  
9 ~~said~~ THE new certificate of title containing ~~said~~ THE notation as provided  
10 in section 42-6-124.

11 **SECTION 20.** In Colorado Revised Statutes, **amend** 42-6-124 as  
12 follows:

13 **42-6-124. Disposition of certificates of title.** (1) ~~All certificates~~  
14 ~~of title issued by The director or the director's authorized agent shall be~~  
15 ~~disposed of by the director~~ DISPOSE OF A CERTIFICATE OF TITLE ISSUED BY  
16 THE DIRECTOR OR THE AUTHORIZED AGENT in the following manner:

17 (a) If the certificate of title that is filed by the ~~director's~~ authorized  
18 agent is maintained in an electronic format within the director's and the  
19 ~~director's~~ authorized agent's motor AND OFF-HIGHWAY vehicle databases  
20 as required by the standards established pursuant to article 71.3 of title 24,  
21 C.R.S., the certificate of title shall be disposed of in accordance with  
22 paragraphs (b) and (c) of this subsection (1).

23 (b) If it appears, from the records in the director's or the ~~director's~~  
24 authorized agent's office and from an examination of the certificate of  
25 title, that the motor OR OFF-HIGHWAY vehicle ~~therein~~ described IN THE  
26 CERTIFICATE OF TITLE is not subject to a mortgage filed ~~subsequent to~~  
27 AFTER August 1, 1949, or if ~~such~~ THE vehicle is encumbered by a

1 mortgage filed in any county of a state other than ~~the state of~~ Colorado,  
2 THE DIRECTOR OR AUTHORIZED AGENT SHALL DELIVER the certificate of  
3 title ~~shall be delivered~~ to the person who ~~therein~~ appears to be the owner  
4 of the vehicle ~~described~~, or ~~such certificate shall be mailed~~ MAIL THE  
5 CERTIFICATE to the owner ~~thereof~~ OF THE VEHICLE at his or her address as  
6 ~~the same may appear~~ IT APPEARS in the application, the certificate of title,  
7 or other records in the director's or the ~~director's~~ authorized agent's office.

8 (c) If it appears, from the records in the office of the director or  
9 the ~~director's~~ authorized agent and from the certificate of title, that the  
10 motor OR OFF-HIGHWAY vehicle ~~therein~~ described IN THE CERTIFICATE OF  
11 TITLE is subject to one or more mortgages filed ~~subsequent to~~ AFTER  
12 August 1, 1949, the director or the ~~director's~~ authorized agent shall  
13 electronically maintain or deliver the certificate of title issued by the  
14 director to the mortgagee named ~~therein~~ IN THE CERTIFICATE OF TITLE or  
15 the holder ~~thereof~~ OF THE CERTIFICATE OF TITLE whose mortgage was first  
16 filed in the office of an authorized agent.

17 **SECTION 21.** In Colorado Revised Statutes, 42-6-125, **amend**  
18 (1) and (2) (a) (I) as follows:

19 **42-6-125. Release of mortgages - rules.** (1) Upon the payment  
20 or discharge of the undertaking secured by ~~any~~ A mortgage on a motor OR  
21 OFF-HIGHWAY vehicle that has been filed for record ~~in the manner~~  
22 ~~prescribed in~~ UNDER section 42-6-121, the legal holder, on a form  
23 approved by the director, shall ~~make and execute the notice~~ NOTIFY THE  
24 DIRECTOR OR AUTHORIZED AGENT of the discharge of the obligation and  
25 release of the mortgage securing the obligation and set forth in the notice  
26 the facts concerning the right of the holder to release the mortgage as the  
27 director ~~by appropriate rule~~ may require ~~which~~ BY RULE. THE LIENHOLDER

1 SHALL INCLUDE IN THE NOTICE OF satisfaction and release ~~shall be~~  
2 ~~affirmed by a statement A signed by the legal lienholder~~ AFFIRMATION,  
3 noted in the certificate of title on file with the director or the director's  
4 authorized agent, ~~and that shall contain or be~~ CONTAINS OR IS  
5 accompanied by a written declaration that it is made under the penalties  
6 of perjury in the second degree, as defined in section 18-8-503, C.R.S.  
7 Thereupon, the holder of the RELEASED mortgage ~~so released~~ shall  
8 dispose of the certificate of title as follows:

9 (a) ~~If it appears that~~ the motor OR OFF-HIGHWAY vehicle is  
10 encumbered by a mortgage filed ~~in the manner prescribed in~~ UNDER  
11 section 42-6-121 ~~subsequent to~~ AFTER the date on which the RELEASED  
12 mortgage ~~so released~~ was filed for record, the holder of ~~such~~ THE  
13 certificate of title shall deliver the ~~title~~ CERTIFICATE to the person shown  
14 to be the holder of the mortgage noted on the title filed earliest after the  
15 filing of the RELEASED mortgage, ~~released~~, or to the person or agent of the  
16 person shown to be the assignee or other legal holder of the mortgage, or  
17 shall mail the ~~title~~ CERTIFICATE to the mortgagee or holder at ~~his or her~~  
18 THE address APPEARING ON THE MORTGAGE. If the certificate is returned  
19 unclaimed, ~~it shall be sent by~~ THE HOLDER SHALL mail THE CERTIFICATE  
20 to the director.

21 (b) If it appears from an examination of the certificate of title that  
22 there are no other outstanding mortgages against the motor OR  
23 OFF-HIGHWAY vehicle ~~in the title~~ upon the release of the mortgage as  
24 provided in this section, the holder of the mortgage shall deliver the  
25 certificate of title to the owner of the vehicle or shall mail the title to the  
26 owner at his or her address, and, if for any reason the certificate of title  
27 is not delivered to the owner ~~of the vehicle~~ or is returned unclaimed, it

1 ~~shall immediately be mailed~~ THE HOLDER SHALL IMMEDIATELY MAIL THE  
2 CERTIFICATE to the director.

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

7 (2) (a) (I) Except when a lienholder can show extenuating  
8 circumstances, within fifteen calendar days after a lien or mortgage on a  
9 motor OR OFF-HIGHWAY vehicle is paid and satisfied, a lienholder shall  
10 release the lien or mortgage as required by subsection (1) of this section.

11 **SECTION 22.** In Colorado Revised Statutes, 42-6-126, **amend**  
12 (1) (a) and (1) (b) (II) as follows:

13 **42-6-126. New certificate upon release of mortgage - rules.**

14 (1) (a) Upon the satisfaction of the debt and release of a mortgage on a  
15 motor OR OFF-HIGHWAY vehicle filed for record ~~in the manner prescribed~~  
16 ~~in~~ AS REQUIRED BY section 42-6-121:

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

23 (II) The lienholder shall notify the authorized agent of the  
24 satisfaction of the debt and release of the mortgage, setting forth any facts  
25 concerning the right of the holder to release the mortgage as the director  
26 may require. The LIENHOLDER SHALL SIGN A satisfaction and release ~~shall~~  
27 ~~be~~ THAT IS affirmed by a statement ~~signed by the lienholder noted in the~~



1 ~~certificate of title and shall contain~~ CONTAINING or be accompanied by a  
2 written declaration that it is made under the penalties of perjury in the  
3 second degree, as defined in section 18-8-503, C.R.S. Upon receiving a  
4 valid satisfaction and release, the director or authorized agent shall note  
5 the release of the lien and shall issue a certificate of title for the motor  
6 vehicle, omitting all reference to the mortgage.

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

9 (II) Issue a new certificate of title to the motor OR OFF-HIGHWAY  
10 vehicle, omitting all reference to the released mortgage; and

11 **SECTION 23.** In Colorado Revised Statutes, 42-6-127, **amend**  
12 (2) as follows:

13 **42-6-127. Duration of lien of mortgage - extensions - rules.**

14 (2) Upon receipt of a mortgage extension, the ~~director's~~ authorized agent  
15 shall make and complete the electronic record of the extension as the  
16 director by rule may require within the director's or the ~~director's~~  
17 authorized agent's motor AND OFF-HIGHWAY vehicle database, and shall  
18 note the fact of the extension of the mortgage on the certificate of title,  
19 which may be filed electronically. Thereafter, the ~~certificate of title shall~~  
20 ~~be returned~~ AUTHORIZED AGENT SHALL RETURN THE CERTIFICATE to the  
21 person shown on the certificate to be entitled to the certificate. If any  
22 mortgage other than one on a trailer coach; truck tractor; multipurpose  
23 trailer, if known when filed; or motor home ~~that~~ has been filed for record  
24 and noted on the certificate of title AND has not been released or extended  
25 within ten years after the date ~~on which~~ WHEN the mortgage was filed in  
26 the office of the ~~director's~~ authorized agent, the person shown by the  
27 records in the director's office to be the owner of the motor OR

1 OFF-HIGHWAY vehicle described in the certificate of title, upon ~~making an~~  
2 ~~appropriate application therefor~~ FILING AN APPLICATION, may request that  
3 ~~any~~ THE AUTHORIZED AGENT REMOVE references to the mortgages shown  
4 on the records. ~~of the director's authorized agent be removed by the~~  
5 ~~authorized agent.~~ The director's authorized agent shall remove all  
6 reference to mortgages shown in the director's authorized agent's records  
7 to have been of record in the office of the authorized agent for more than  
8 ten years ~~which mortgages have been neither released nor extended as~~  
9 ~~provided in this section~~ WITHOUT BEING RELEASED OR EXTENDED.

10 **SECTION 24.** In Colorado Revised Statutes, **amend** 42-6-128 as  
11 follows:

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

20 **SECTION 25.** In Colorado Revised Statutes, 42-6-129, **amend**  
21 (1), (2), and (4) as follows:

22 **42-6-129. Second or other junior mortgages.** (1) On and after  
23 July 1, 1977, ~~any~~ A person who takes a ~~second or other~~ junior mortgage  
24 on a motor OR OFF-HIGHWAY vehicle for which a Colorado certificate of  
25 title has been issued or filed may file ~~said~~ THE mortgage for public record  
26 and have the existence ~~thereof~~ OF THE MORTGAGE noted or filed on the  
27 certificate of title with like effect as in other cases, ~~in the manner~~

1     ~~prescribed in~~ AS REQUIRED BY this section.

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

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

23            **SECTION 26.** In Colorado Revised Statutes, **amend** 42-6-130 as  
24    follows:

25            **42-6-130. Priority of secured interests.** The liens or mortgages  
26    filed for record or noted on a certificate of title to a motor OR  
27    OFF-HIGHWAY vehicle, as provided in section 42-6-121, ~~shall~~ take priority

1 in the same order that they were filed ~~in the office of~~ WITH the authorized  
2 agent; except that the priority of a purchase-money security interest, as  
3 defined in section 4-9-103, C.R.S., ~~shall be~~ IS determined in accordance  
4 with sections 4-9-317 (e) and 4-9-324 (a), C.R.S.

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

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

16 **SECTION 28.** In Colorado Revised Statutes, **amend** 42-6-133 as  
17 follows:

18 **42-6-133. Foreign mortgages and liens.** ~~No~~ A mortgage or lien  
19 on a motor OR OFF-HIGHWAY vehicle filed for record in a state other than  
20 Colorado ~~shall be~~ IS NOT valid and enforceable against the rights of  
21 subsequent purchasers for value, creditors, lienholders, or mortgagees  
22 having no actual notice of the existence of ~~such~~ THE mortgage or lien. If  
23 the certificate of title for ~~such~~ THE vehicle bears any notation adequate to  
24 apprise a purchaser, creditor, lienholder, or mortgagee of the existence of  
25 a mortgage or lien at the time a third party acquires a right in the motor  
26 vehicle, ~~such~~ THE mortgage or lien and the rights of the holder of the  
27 mortgage or lien ~~shall be~~ ARE enforceable in this state as though ~~such~~ THE

1 mortgage were filed in Colorado and noted on the certificate of title or  
2 noted in the record of the authorized agent ~~pertaining to that~~ FOR THE  
3 vehicle ~~pursuant to~~ UNDER section 42-6-121.

4 **SECTION 29.** In Colorado Revised Statutes, **amend** 42-6-134 as  
5 follows:

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

7 Except as otherwise provided in this part 1, ~~all applications~~ A PERSON  
8 SHALL APPLY for recording of ~~certificates~~ A CERTIFICATE of title upon the  
9 sale or transfer of a motor OR OFF-HIGHWAY vehicle ~~described in the~~  
10 ~~certificate of title shall be directed to and filed~~ with the authorized agent  
11 of the county where ~~such~~ THE vehicle will be registered and licensed for  
12 operation.

13 **SECTION 30.** In Colorado Revised Statutes, 42-6-135, **amend**  
14 (2) as follows:

15 **42-6-135. Lost certificates of title.** (2) If the title owner,  
16 lienholder, or mortgagee of a certificate of title loses, misplaces, or  
17 accidentally destroys a certificate of title to a motor OR OFF-HIGHWAY  
18 vehicle that ~~such~~ THE person holds as described in the certificate of title,  
19 upon application, the director or the authorized agent may issue a  
20 duplicate copy of the recorded certificate of title as in other cases.

21 **SECTION 31.** In Colorado Revised Statutes, 42-6-136, **amend**  
22 (1) as follows:

23 **42-6-136. Surrender and cancellation of certificate - penalty**  
24 **for violation.** (1) The owner of a motor OR OFF-HIGHWAY vehicle for  
25 which a Colorado certificate of title has been issued, upon the destruction  
26 or dismantling of ~~said motor~~ THE vehicle, upon its being changed so that  
27 it is no longer a motor OR OFF-HIGHWAY vehicle, or upon its being sold or

1 otherwise disposed of as salvage, shall surrender the certificate of title to  
2 the ~~motor~~ vehicle to the director or the authorized agent to be canceled or  
3 notify the director or the authorized agent on director-approved forms  
4 indicating the loss, destruction or dismantling, or sale for salvage. Upon  
5 the owner's procuring the consent of the holders of ~~any~~ unreleased  
6 mortgages or liens noted on or recorded as part of the certificate of title,  
7 ~~such~~ THE DIRECTOR OR AUTHORIZED AGENT SHALL CANCEL THE  
8 certificate. ~~shall be canceled.~~ A person who violates this section commits  
9 a class 1 petty offense and shall be punished as provided in section  
10 18-1.3-503, C.R.S.

11 **SECTION 32.** In Colorado Revised Statutes, 42-6-137, **amend**  
12 (2), (6), (7) (a), and (7) (b) as follows:

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

22 (6) Upon filing with the director an application for a certificate of  
23 title, a motor OR OFF-HIGHWAY vehicle dealer who applies to receive a  
24 certificate of title within one working day after application shall pay to  
25 ~~such~~ THE director a fee of twenty-five dollars.

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

1 (a) A title issued pursuant to BECAUSE OF a transfer of a motor OR  
2 OFF-HIGHWAY vehicle currently titled in Colorado;

3 (b) A title issued for a new motor OR OFF-HIGHWAY vehicle upon  
4 filing of a manufacturer's statement of origin without liens; and

5 **SECTION 33.** In Colorado Revised Statutes, 42-6-138, **amend**  
6 (2) introductory portion, (2) (b), (3), and (4) as follows:

7 **42-6-138. Disposition of fees.** (2) ~~All fees collected by The~~  
8 authorized agent SHALL DISPOSE OF ALL FEES COLLECTED under section  
9 42-6-137 (5) or 38-29-138 (5), C.R.S., ~~shall be disposed of~~ as follows:

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

19 (3) THE AUTHORIZED AGENT SHALL RETAIN all fees paid ~~to the~~  
20 ~~authorized agent~~ under section 42-6-137 (3) for the extension of a  
21 mortgage or lien on a motor OR OFF-HIGHWAY vehicle filed in the  
22 authorized agent's office ~~shall be retained by the authorized agent~~ to  
23 defray the cost of ~~such~~ THE extension or release and ~~shall be disposed of~~  
24 ~~by the authorized agent~~ DISPOSE OF THE FEES as provided by law; except  
25 that THE AUTHORIZED AGENT SHALL DISPOSE OF fees for this service that  
26 are paid ~~to the authorized agent~~ in the city and county of Denver ~~shall, by~~  
27 ~~such agent, be disposed of~~ in the same manner as fees retained by the

1 agent that were paid ~~upon application being made~~ for FILING AN  
2 APPLICATION FOR a certificate of title.

3 (4) THE DIRECTOR SHALL CREDIT the fee paid by a motor OR  
4 OFF-HIGHWAY vehicle dealer ~~to the director~~ pursuant to section 42-6-137  
5 (6) for ISSUANCE OF a certificate of title ~~issued~~ within one working day of  
6 AFTER application ~~shall be credited~~ to the special purpose account  
7 established by section 42-1-211 (2).

8 **SECTION 34.** In Colorado Revised Statutes, 42-6-139, **amend**  
9 (1), (2), and (4) as follows:

10 **42-6-139. Registration and title application - where made.**

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

19 (b) A PERSON'S RESIDENCE FOR THE PURPOSES OF TITLING AN  
20 OFF-HIGHWAY VEHICLE IS THE SAME AS DETERMINED BY PARAGRAPH (a)  
21 OF THIS SUBSECTION (1).

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

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



1 vehicle is principally operated and maintained; or

2 ~~(b)~~ (II) For ~~any~~ A motor vehicle for TO which ~~the provisions of~~

3 SUBPARAGRAPH (I) OF THIS paragraph (a) ~~of this subsection (2) do~~ DOES

4 not apply, the address of the owner's residence; except that, if a motor

5 vehicle is permanently maintained at an address other than the address of

6 the owner's residence, ~~such motor~~ THE vehicle shall be registered at the

7 address where ~~such motor~~ THE vehicle is permanently maintained.

8 (b) EXCEPT AS MAY BE OTHERWISE PROVIDED BY RULE OF THE

9 DIRECTOR, IT IS UNLAWFUL FOR A PERSON WHO IS A RESIDENT OF THE

10 STATE TO PROCURE A CERTIFICATE OF TITLE TO AN OFF-HIGHWAY VEHICLE

11 AT AN ADDRESS OTHER THAN:

12 (I) FOR AN OFF-HIGHWAY VEHICLE OWNED BY A BUSINESS AND

13 OPERATED PRIMARILY FOR BUSINESS PURPOSES, THE ADDRESS WHERE THE

14 VEHICLE IS PRINCIPALLY OPERATED AND MAINTAINED; OR

15 (II) FOR AN OFF-HIGHWAY VEHICLE TO WHICH SUBPARAGRAPH (I)

16 OF THIS PARAGRAPH (b) DOES NOT APPLY, THE ADDRESS OF THE OWNER'S

17 RESIDENCE; EXCEPT THAT, IF AN OFF-HIGHWAY VEHICLE IS PERMANENTLY

18 MAINTAINED AT AN ADDRESS OTHER THAN THE ADDRESS OF THE OWNER'S

19 RESIDENCE, THE VEHICLE MUST BE REGISTERED AT THE ADDRESS WHERE

20 THE VEHICLE IS PERMANENTLY MAINTAINED.

21 (4) In addition to any other applicable penalty, a person who

22 ~~registers a motor vehicle in violation of the provisions of~~ VIOLATES

23 subsection (2) of this section, section 42-3-103 (4) (a), or section

24 42-6-140 ~~shall be~~ IS subject to a civil penalty of five hundred dollars.

25 ~~Such~~ THE violation ~~shall be~~ IS determined by, assessed by, and paid to the

26 municipality or county where the motor OR OFF-HIGHWAY vehicle is or

27 should have been registered, subject to judicial review pursuant to rule

1 106 (a) (4) of the Colorado rules of civil procedure.

2 **SECTION 35.** In Colorado Revised Statutes, **amend** 42-6-141 as  
3 follows:

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

10 **SECTION 36.** In Colorado Revised Statutes, 42-6-142, **amend**  
11 (1) as follows:

12 **42-6-142. Penalties.** (1) ~~No~~ A person ~~may~~ SHALL NOT sell,  
13 transfer, or in any manner dispose of a motor OR OFF-HIGHWAY vehicle in  
14 this state without complying with this part 1.

15 **SECTION 37.** In Colorado Revised Statutes, 42-6-145, **amend**  
16 (1) as follows:

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

25 (b) A PERSON REQUIRED TO APPLY FOR A CERTIFICATE OF TITLE ==  
26 == OF AN OFF-HIGHWAY VEHICLE SHALL USE THE IDENTIFICATION NUMBER  
27 PLACED UPON THE VEHICLE BY THE MANUFACTURER OR THE SPECIAL

1 VEHICLE IDENTIFICATION NUMBER ASSIGNED TO THE OFF-HIGHWAY  
2 VEHICLE BY THE DEPARTMENT. THE DEPARTMENT SHALL NOT ISSUE A  
3 CERTIFICATE OF TITLE == UNLESS IT USES THE IDENTIFICATION NUMBER  
4 OF THE OFF-HIGHWAY VEHICLE; EXCEPT THAT, IF THE VEHICLE DOES NOT  
5 HAVE A CONFORMING IDENTIFICATION NUMBER OR IS A DUPLICATE, THE  
6 DEPARTMENT SHALL ASSIGN A SPECIAL IDENTIFICATION NUMBER FOR THE  
7 CERTIFICATE OF TITLE == AND REQUIRE THE OWNER TO PLACE THE NUMBER  
8 ON THE VEHICLE.

9 **SECTION 38.** In Colorado Revised Statutes, 42-6-146, **amend**  
10 (1), (3), and (4) as follows:

11 **42-6-146. Repossession of motor vehicle or off-highway vehicle**  
12 **- owner must notify law enforcement agency - definition - penalty.**

13 (1) If a mortgagee, lienholder, or the mortgagee's or lienholder's assignee  
14 or the agent of either repossesses a motor OR OFF-HIGHWAY vehicle  
15 because of default in the terms of a secured debt, the reposessor shall  
16 notify, either ~~verbally~~ ORALLY or in writing, a law enforcement agency,  
17 as provided in this section, of the ~~fact of such~~ repossession, the name of  
18 the owner, the name of the reposessor, and the name of the mortgagee,  
19 lienholder, or assignee. ~~Such~~ THE notification ~~shall~~ MUST be made at least  
20 one hour before, ~~or~~ IF POSSIBLE, AND IN ANY EVENT no later than one hour  
21 after, the repossession occurs. If ~~such~~ THE repossession takes place in an  
22 incorporated city or town, the reposessor shall notify the police  
23 department, town marshal, or other local law enforcement agency of ~~such~~  
24 THE city or town. If ~~such~~ THE repossession takes place in the  
25 unincorporated area of a county, the reposessor shall notify the county  
26 sheriff.

27 (3) If a motor OR OFF-HIGHWAY vehicle being repossessed is

1 subject to the "Uniform Commercial Code - Secured Transactions",  
2 article 9 of title 4, C.R.S., the repossession ~~shall be~~ IS governed by ~~the~~  
3 ~~provisions of~~ section 4-9-629, C.R.S.

4 (4) As used in this section, the term "repossessor" means the party  
5 who physically takes possession of the motor OR OFF-HIGHWAY vehicle  
6 and drives, tows, or transports the ~~motor~~ vehicle for delivery to the  
7 mortgagee, lienholder, or assignee or the agent of ~~such~~ THE mortgagee,  
8 lienholder, or assignee.

9 **SECTION 39.** In Colorado Revised Statutes, **add** 42-6-148 as  
10 follows:

11 **42-6-148. Off-highway vehicles - sales.** (1) UNLESS THE OWNER  
12 HAS OBTAINED A CERTIFICATE OF TITLE FOR AN OFF-HIGHWAY VEHICLE  
13 UNDER THIS ARTICLE, A PERSON SHALL NOT SELL THE OFF-HIGHWAY  
14 VEHICLE AND AN OFF-HIGHWAY VEHICLE DEALER SHALL NOT PURCHASE  
15 THE OFF-HIGHWAY VEHICLE. A SALE OR PURCHASE MADE IN VIOLATION OF  
16 THIS SUBSECTION (1) IS VOID.

17 (2) A CURRENT OFF-HIGHWAY VEHICLE REGISTRATION ISSUED  
18 UNDER ARTICLE 14.5 OF TITLE 33, C.R.S., IS SUFFICIENT EVIDENCE OF  
19 OWNERSHIP TO ISSUE A CERTIFICATE OF TITLE UNDER THIS PART 1.

20 (3) UNTIL AN OFF-HIGHWAY VEHICLE IS ISSUED A CERTIFICATE OF  
21 TITLE, THE ATTACHMENT, RECORDING, PERFECTION, PRIORITY, RENEWAL,  
22 EXTENSION, MODIFICATION, RELEASING, TERMINATION, FORECLOSURE,  
23 AND ANY OTHER ASPECT OF A SECURITY INTEREST IN AN OFF-HIGHWAY  
24 VEHICLE IS GOVERNED BY THE "UNIFORM COMMERCIAL CODE", TITLE 4,  
25 C.R.S.

26 **SECTION 40. Appropriation.** (1) In addition to any other  
27 appropriation, there is hereby appropriated, out of any moneys in the

1 Colorado state titling and registration account in the highway users tax  
2 fund created in section 42-1-211 (2), Colorado Revised Statutes, not  
3 otherwise appropriated, to the department of revenue, for the fiscal year  
4 beginning July 1, 2013, the sum of \$25,900, or so much thereof as may  
5 be necessary, to be allocated to the information technology division for  
6 the purchase of computer center services.

7 (2) In addition to any other appropriation, there is hereby  
8 appropriated to the governor - lieutenant governor - state planning and  
9 budgeting, for the fiscal year beginning July 1, 2013, the sum of \$25,900,  
10 or so much thereof as may be necessary, for allocation to the office of  
11 information technology, for the provision of computer center services for  
12 the department of revenue related to the implementation of this act. Said  
13 sum is from reappropriated funds received from the department of  
14 revenue out of the appropriation made in subsection (1) of this section.

15 **SECTION 41. Applicability.** This act applies to acts committed  
16 on or after July 1, 2014.

17 **SECTION 42. Safety clause.** The general assembly hereby finds,  
18 determines, and declares that this act is necessary for the immediate  
19 preservation of the public peace, health, and safety.