ENGROSSED

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

LLS NO. 18-0292.01 Jery Payne x2157

HOUSE BILL 18-1042

HOUSE SPONSORSHIP

Becker J. and Ginal, Buck, Esgar, Hooton, Lawrence

SENATE SPONSORSHIP

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House Committees
Transportation & Energy
Appropriations

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE CREATION OF A PROGRAM TO AUTHORIZE PRIVATE

102   PROVIDERS TO REGISTER COMMERCIAL VEHICLES AS CLASS A

103   PERSONAL PROPERTY, AND, IN CONNECTION THEREWITH,

104   MAKING AND REDUCING AN APPROPRIATION.

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://leg.colorado.gov/.)*

Transportation Legislation Review Committee. The bill creates
the expedited registration program (program). The program authorizes the
department of revenue to promulgate rules authorizing private providers

to register interstate commercial vehicles. The provider may collect and retain a convenience fee.

The bill requires the program to:
! Operate efficiently;
! Result in overall cost savings to the state by providing additional services or by increasing the speed or quality of service; and
! Register commercial vehicles and collect taxes and fees in compliance with state law.

To qualify, a private provider must:
! Be approved by the department;
! Use appropriate software approved by the department; and
! Submit evidence of financial responsibility.

The department may deny, suspend, or revoke the authority to be a provider if the provider violates the law, makes a material misstatement in an application, or fails to perform.

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

2   **SECTION 1.** In Colorado Revised Statutes, **add** 42-1-233 as

3   follows:

4   **42-1-233. Expedited registration program - private vendor**

5   **providing services to register Class A commercial vehicles - rules.**

6   (1) BEGINNING JANUARY 1, 2019, THE DEPARTMENT SHALL CREATE AND

7   IMPLEMENT AN EXPEDITED REGISTRATION PROGRAM. THE EXPEDITED

8   REGISTRATION PROGRAM AUTHORIZES PRIVATE PROVIDERS TO REGISTER

9   COMMERCIAL VEHICLES THAT ARE CLASSIFIED AS CLASS A PERSONAL

10   PROPERTY IN SECTION 42-3-106. THIS INCLUDES COLLECTING AND

11   REMITTING THE TAXES AND FEES FOR THE REGISTRATION TO THE

12   DEPARTMENT.

13   (2) (a) THE DEPARTMENT SHALL PROMULGATE RULES

14   AUTHORIZING A PRIVATE PROVIDER TO PARTICIPATE IN THE EXPEDITED

15   REGISTRATION PROGRAM IF THE PROVIDER:

16   (I) HAS BEEN APPROVED BY THE DEPARTMENT;

1   (II) USES SOFTWARE THAT IS APPROVED BY THE DEPARTMENT TO

2 CALCULATE THE AMOUNT OF TAXES AND FEES IMPOSED IN THIS TITLE 42

3 AND THAT IS UPDATED REGULARLY TO TAKE INTO ACCOUNT ANY CHANGES

4 TO THE TAXES AND FEES IMPOSED IN THIS TITLE 42; AND

5   (III) PROCURES AND FILES WITH THE DEPARTMENT EVIDENCE OF

6 ANY OF THE FOLLOWING IN AN AMOUNT DETERMINED BY RULE BY THE

7 DEPARTMENT:

8   (A) A SAVINGS ACCOUNT, DEPOSIT, OR CERTIFICATE OF DEPOSIT

9 MEETING THE REQUIREMENTS OF SECTION 11-35-101; OR

10   (B) A BOND ISSUED BY A LICENSED CORPORATE SURETY.

11   (b) THE FINANCIAL COMMITMENT REQUIRED IN SUBSECTION

12 (2)(a)(III) OF THIS SECTION MUST PROVIDE FOR THE REIMBURSEMENT OF

13 ANY DAMAGES CAUSED TO THE STATE OF COLORADO, A POLITICAL

14 SUBDIVISION OF COLORADO, OR THE OWNER OF PERSONAL PROPERTY

15 REGISTERED THROUGH THE EXPEDITED REGISTRATION PROGRAM BY AN

16 ACT OR OMISSION OF THE PRIVATE PROVIDER.

17   (c) A PRIVATE PROVIDER MAY COLLECT AND RETAIN A

18 CONVENIENCE FEE FOR THE SERVICES PROVIDED IN THE EXPEDITED

19 REGISTRATION PROGRAM.

20   (3) (a) THE DEPARTMENT MAY ACCEPT FINANCIAL ASSISTANCE

21 FROM A PRIVATE PARTY TO IMPLEMENT THE EXPEDITED REGISTRATION

22 PROGRAM IF THE FINANCIAL ASSISTANCE IS DIRECTLY RELATED TO THE

23 EXPEDITED REGISTRATION PROGRAM AND IS NOT CONDITIONAL UPON AN

24 ACT OR CIRCUMSTANCE THAT CONFLICTS WITH STATE LAW.

25

26   (b) THE DEPARTMENT SHALL TRANSFER ANY MONEY ACCEPTED

27 UNDER THIS SUBSECTION (3) TO THE STATE TREASURER, WHO SHALL

1 CREDIT IT TO THE COLORADO DRIVES VEHICLE SERVICES ACCOUNT

2 CREATED IN SECTION 42-1-211 (2)(b)(I).

3

4 (c) THE DEPARTMENT SHALL USE ANY MONEY ACCEPTED UNDER

5 THIS SUBSECTION (3) TO IMPLEMENT THIS SECTION.

6 (4) TO IMPLEMENT THE EXPEDITED REGISTRATION PROGRAM, THE

7 DEPARTMENT SHALL ENSURE THAT THE EXPEDITED REGISTRATION

8 PROGRAM:

9 (a) OPERATES EFFICIENTLY;

10 (b) PROVIDES ADDITIONAL SERVICES OR INCREASES THE SPEED OR

11 QUALITY OF SERVICES AT AN OVERALL COST SAVINGS TO THE STATE; AND

12 (c) REGISTERS COMMERCIAL VEHICLES AND COLLECTS AND REMITS

13 TAXES AND FEES IN COMPLIANCE WITH STATE LAW.

14 (5) TO IMPLEMENT THIS SECTION, THE DEPARTMENT MAY

15 PROMULGATE RULES IN ADDITION TO THE RULES REQUIRED UNDER

16 SUBSECTION (2)(a) OF THIS SECTION AND MAY ENTER INTO CONTRACTS

17 WITH PRIVATE PROVIDERS.

18 (6) SUBJECT TO ARTICLE 4 OF TITLE 24, THE DEPARTMENT MAY

19 APPROVE, DENY APPROVAL, SUSPEND APPROVAL, OR REVOKE APPROVAL

20 OF A PRIVATE PROVIDER WHO:

21 (a) VIOLATES THE LAW IN THE PROVISION OF SERVICES APPROVED

22 UNDER THIS SECTION;

23 (b) MAKES A MATERIAL MISSTATEMENT TO THE DEPARTMENT OR

24 ANY COUNTY IN SEEKING APPROVAL TO PROVIDE EXPEDITED

25 REGISTRATION SERVICES;

26 (c) FAILS TO COMPLY WITH THIS SECTION OR ANY RULES

27 PROMULGATED UNDER THIS SECTION; OR

1   (d) FAILS TO SATISFACTORILY PROVIDE EXPEDITED REGISTRATION

2 SERVICES OR TO COLLECT OR REMIT APPROPRIATE TAXES AND FEES.

3   **SECTION 2. Appropriation - adjustments to 2018 long bill.**

4 To implement this act, the cash funds appropriation from the licensing

5 services cash fund created in section 42-2-114.5 (1), C.R.S., made in the

6 annual general appropriation act for the 2018-19 state fiscal year to the

7 department of revenue for personal services related to driver services is

8 decreased by $30,747, and the related FTE is decreased by 0.9 FTE.

9   (2) For the 2018-19 state fiscal year, $25,471 is appropriated to

10 the department of revenue. This appropriation is from the licensing

11 services cash fund created in section 42-2-114.5 (1), C.R.S., and is based

12 on an assumption that the department will require an additional 0.6 FTE.

13 To implement this act, the department may use this appropriation for

14 personal services related to driver services.

15   (3) For the 2018-19 state fiscal year, $26,141 is appropriated to

16 the department of revenue. This appropriation is from the Colorado

17 DRIVES vehicle services account in the highway users tax fund created

18 in section 42-1-211 (2)(b)(I), C.R.S. To implement this act, the

19 department may use this appropriation as follows:

20   (a) $10,125 for operating expenses related to vehicle services; and

21   (b) $16,016 for the purchase of information technology services.

22   (4) For the 2018-19 state fiscal year, $16,016 is appropriated to

23 the office of the governor for use by the office of information technology.

24 This appropriation is from reappropriated funds received from the

25 department of revenue under subsection (3)(b) of this section. To

26 implement this act, the office may use this appropriation to provide

27 information technology services for the department of revenue.

1   **SECTION 3. Act subject to petition - effective date.** This act
2   takes effect at 12:01 a.m. on the day following the expiration of the
3   ninety-day period after final adjournment of the general assembly (August
4   8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
5   referendum petition is filed pursuant to section 1 (3) of article V of the
6   state constitution against this act or an item, section, or part of this act
7   within such period, then the act, item, section, or part will not take effect
8   unless approved by the people at the general election to be held in
9   November 2018 and, in such case, will take effect on the date of the
10   official declaration of the vote thereon by the governor.