PREAMENDED

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

HOUSE BILL 18-1042

HOUSE SPONSORSHIP

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

SENATE SPONSORSHIP

Scott and Zenzinger, Baumgardner, Cooke

House Committees	Senate Committees
Transportation & Energy	
Appropriations	

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.**

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 **repeal.** (1) BY JANUARY 31, 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;

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

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

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

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

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

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

6 DEPARTMENT:

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

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

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

10   (b) THE FINANCIAL COMMITMENT REQUIRED IN SUBSECTION

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

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

13 SUBDIVISION OF COLORADO, OR THE OWNER OF PERSONAL PROPERTY

14 REGISTERED THROUGH THE EXPEDITED REGISTRATION PROGRAM BY AN

15 ACT OR OMISSION OF THE PRIVATE PROVIDER.

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

17 CONVENIENCE FEE FOR THE SERVICES PROVIDED IN THE EXPEDITED

18 REGISTRATION PROGRAM.

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

20 FROM A PRIVATE PARTY TO IMPLEMENT THE EXPEDITED REGISTRATION

21 PROGRAM IF THE FINANCIAL ASSISTANCE IS DIRECTLY RELATED TO THE

22 EXPEDITED REGISTRATION PROGRAM AND IS NOT CONDITIONAL UPON AN

23 ACT OR CIRCUMSTANCE THAT CONFLICTS WITH STATE LAW.

24   (b) (I) THE DEPARTMENT SHALL TRANSFER ANY MONEY ACCEPTED

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

26 CREDIT IT TO THE COLORADO STATE TITLING AND REGISTRATION ACCOUNT

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

1   (II) THIS SUBSECTION (3)(b) IS REPEALED, EFFECTIVE SEPTEMBER

2   1, 2018.

3   (c) (I) THE DEPARTMENT SHALL TRANSFER ANY MONEY ACCEPTED

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

5   CREDIT IT TO THE COLORADO DRIVES VEHICLE SERVICES ACCOUNT

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

7   (II) (A) THIS SUBSECTION (3)(c) TAKES EFFECT SEPTEMBER 1,

8   2018.

9   (B) THIS SUBSECTION (3)(c)(II) IS REPEALED, EFFECTIVE JULY 1,

10   2019.

11   (d) THE DEPARTMENT SHALL USE ANY MONEY ACCEPTED UNDER

12   THIS SUBSECTION (3) TO IMPLEMENT THIS SECTION.

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

14   DEPARTMENT SHALL ENSURE THAT THE EXPEDITED REGISTRATION

15   PROGRAM:

16   (a) OPERATES EFFICIENTLY;

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

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

19   (c) REGISTERS COMMERCIAL VEHICLES AND COLLECTS AND REMITS

20   TAXES AND FEES IN COMPLIANCE WITH STATE LAW.

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

22   PROMULGATE RULES IN ADDITION TO THE RULES REQUIRED UNDER

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

24   WITH PRIVATE PROVIDERS.

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

26   APPROVE, DENY APPROVAL, SUSPEND APPROVAL, OR REVOKE APPROVAL

27   OF A PRIVATE PROVIDER WHO:

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

2 UNDER THIS SECTION;

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

4 ANY COUNTY IN SEEKING APPROVAL TO PROVIDE EXPEDITED

5 REGISTRATION SERVICES;

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

7 PROMULGATED UNDER THIS SECTION; OR

8   (d) FAILS TO SATISFACTORILY PROVIDE EXPEDITED REGISTRATION

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

10   **SECTION 2. Act subject to petition - effective date.** This act

11 takes effect at 12:01 a.m. on the day following the expiration of the

12 ninety-day period after final adjournment of the general assembly (August

13 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a

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

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

16 within such period, then the act, item, section, or part will not take effect

17 unless approved by the people at the general election to be held in

18 November 2018 and, in such case, will take effect on the date of the

19 official declaration of the vote thereon by the governor.