

**First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 25-0103.01 Jery Payne x2157

HOUSE BILL 25-1112

HOUSE SPONSORSHIP

Titone and Hamrick,

SENATE SPONSORSHIP

Exum,

House Committees

Transportation, Housing & Local Government
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE ENFORCEMENT OF CERTAIN MOTOR VEHICLE**
102 **STATUTES RELATED TO THE FAILURE TO REGISTER A VEHICLE.**

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>.)

The bill authorizes local authorities to enforce the requirement that a vehicle, trailer, semitrailer, or motor vehicle (vehicle) be registered. A conviction by a local authority does not bar a subsequent state prosecution if the subsequent prosecution does not arise from the same event.

A court will waive the following for a violation concerning a failure to register a vehicle:

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

- The penalties imposed for the violation if the court finds that the failure to register the vehicle was for good cause;
- The past-due specific ownership tax if the person demonstrates that the person's household had an income that was 150% or less below the current federal poverty line when the violation occurred; or
- The past-due fees, past-due specific ownership tax, and penalties if the person demonstrates that the person's household had an income that was 100% or less below the current federal poverty line when the violation occurred.

The department of revenue will adopt forms and rules to implement the bill. Current law requires each court to send an abstract of each conviction to the department for the person's driving record. The bill requires this abstract to include any waivers granted under the bill and the amount of the waivers. The department will include information regarding the number and amount of waivers granted in its "SMART Act" hearing.

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

SECTION 1. In Colorado Revised Statutes, 42-4-110, **amend** (1) introductory portion, (1)(d), and (3) as follows:

42-4-110. Provisions uniform throughout state - legislative declaration. (1) ~~The provisions of this article shall~~ THIS ARTICLE 4 MUST be applicable and uniform throughout this state and in all political subdivisions and municipalities. ~~therein.~~ Cities and counties, incorporated cities and towns, and counties shall regulate and enforce all traffic and parking restrictions on streets ~~which~~ THAT are state highways as provided in section 43-2-135 (1)(g), ~~C.R.S.~~, and all local authorities may enact and enforce traffic regulations on other roads and streets within their respective jurisdictions. All such regulations ~~shall be~~ ARE subject to the following conditions and limitations:

(d) (I) ~~In no event shall~~ Local authorities DO NOT have the power to enact ~~by ordinance~~ regulations governing:

(A) The driving of ~~vehicles by persons~~ A VEHICLE BY A PERSON

1 under the influence of alcohol or of a controlled substance, as defined in
2 section 18-18-102 (5), ~~C.R.S.~~, or under the influence of any other drug to
3 a degree that renders ~~any such~~ THE person incapable of safely operating
4 a vehicle, or BY A PERSON whose ability to operate a vehicle is impaired
5 by the consumption of alcohol or by the use of a controlled substance, as
6 defined in section 18-18-102 (5), ~~C.R.S.~~, or any other drug;

7 (B) The ~~registration of vehicles and the~~ licensing of drivers;

8 (C) The duties and obligations of persons involved in traffic
9 accidents; and

10 (D) Vehicle equipment requirements in conflict with the
11 provisions of this ~~article~~; ARTICLE 4.

12 (II) ~~but said~~ Local authorities, within their respective jurisdictions,
13 shall enforce the state laws pertaining to ~~these~~ THE subjects DESCRIBED IN
14 SUBSECTION (1)(d)(I) OF THIS SECTION, and in every charge of violation
15 the complaint ~~shall~~ MUST specify the section of state law under which the
16 charge is made and the state court having jurisdiction.

17 (3) ~~No~~ A person convicted of or ~~pleading guilty to~~ a violation of
18 a municipal traffic ordinance ~~shall~~ IS NOT SUBJECT TO be charged or tried
19 in a state court for the same or a similar offense ARISING FROM THE SAME
20 EVENT.

21 **SECTION 2.** In Colorado Revised Statutes, 42-4-111, **add**
22 (1)(gg) as follows:

23 **42-4-111. Powers of local authorities.** (1) Except as otherwise
24 provided in subsection (2) of this section, this article 4 does not prevent
25 local authorities, with respect to streets and highways under their
26 jurisdiction and within the reasonable exercise of the police power, from:

27 (gg) ENFORCING THE REQUIREMENT THAT A VEHICLE, TRAILER,

1 SEMITRAILER, OR MOTOR VEHICLE BE REGISTERED AS REQUIRED IN
2 ARTICLE 3 OF THIS TITLE 42.

3 **SECTION 3.** In Colorado Revised Statutes, **add 42-3-128** as
4 follows:

5 **42-3-128. Registration violations - waiver - forms and rules -**
6 **repeal.** (1) (a) IF A TRAILER, SEMITRAILER, OR MOTOR VEHICLE HAS NOT
7 BEEN REGISTERED IN VIOLATION OF SECTION 42-3-103 (1) OR (4),
8 42-3-114, 42-3-115, OR 42-6-140 OR OF THE RULES OF THE DEPARTMENT
9 IMPLEMENTING SECTION 42-3-102, THE DEPARTMENT SHALL WAIVE:

10 (I) THE PAST-DUE SPECIFIC OWNERSHIP TAX IF THE INDIVIDUAL
11 DEMONSTRATES THAT THE INDIVIDUAL'S HOUSEHOLD HAS AN INCOME
12 THAT IS ONE HUNDRED FIFTY PERCENT OR LESS BELOW THE CURRENT
13 FEDERAL POVERTY LINE FOR THE HOUSEHOLD; OR

14 (II) THE PAST-DUE FEES, LATE FEES, AND PAST-DUE SPECIFIC
15 OWNERSHIP TAX IF THE INDIVIDUAL DEMONSTRATES THAT THE
16 INDIVIDUAL'S HOUSEHOLD HAS AN INCOME THAT IS ONE HUNDRED
17 PERCENT OR LESS BELOW THE CURRENT FEDERAL POVERTY LINE FOR THE
18 HOUSEHOLD.

19 (b) TO RECEIVE A WAIVER UNDER SUBSECTION (1)(a) OF THIS
20 SECTION, THE INDIVIDUAL MUST VERIFY THE INDIVIDUAL'S HOUSEHOLD
21 INCOME TO THE DEPARTMENT USING A THIRD-PARTY INCOME
22 VERIFICATION, INCLUDING A COURT OF COMPETENT JURISDICTION, THE
23 FEDERAL INTERNAL REVENUE SERVICE, THE DEPARTMENT, OR A
24 THIRD-PARTY INCOME VERIFICATION SERVICE LICENSED OR APPROVED FOR
25 USE IN THIS STATE.

26 (2) THE DEPARTMENT MAY ADOPT RULES TO IMPLEMENT
27 SUBSECTIONS (1)(b) AND (1)(c) OF THIS SECTION.

1 (3) BEGINNING IN JANUARY 2028, AND IN JANUARY EVERY YEAR
2 THEREAFTER, THE DEPARTMENT SHALL INCLUDE, AS PART OF ITS
3 PRESENTATION DURING ITS "SMART ACT" HEARING REQUIRED BY
4 SECTION 2-7-203, INFORMATION CONCERNING THE NUMBER OF WAIVERS
5 GRANTED IN ACCORDANCE WITH THIS SECTION AND THE AMOUNT OF THE
6 WAIVED PAST-DUE FEES, THE AMOUNT OF THE WAIVED PAST-DUE SPECIFIC
7 OWNERSHIP TAX, AND THE AMOUNT OF THE WAIVED PENALTIES.

8 (4) THIS SECTION IS REPEALED, EFFECTIVE JANUARY 1, 2028.

9 **SECTION 4.** In Colorado Revised Statutes, **add** 42-4-1720 as
10 follows:

11 **42-4-1720. Registration violations - dismissal upon compliance**
12 **- notice required.** (1) A COURT MAY DISMISS A VIOLATION FOR FAILING
13 TO REGISTER A VEHICLE, TRAILER, SEMITRAILER, OR MOTOR VEHICLE IN
14 VIOLATION OF SECTION 42-3-103 (1) OR (4), 42-3-114, 42-3-115, OR
15 42-6-140 OR OF THE RULES OF THE DEPARTMENT IMPLEMENTING SECTION
16 42-3-102 IF:

17 (a) THE VEHICLE, TRAILER, SEMITRAILER, OR MOTOR VEHICLE WAS
18 UNREGISTERED FOR NO MORE THAN FOUR MONTHS AT THE TIME OF THE
19 VIOLATION;

20 (b) THE OWNER REGISTERED THE VEHICLE, TRAILER, SEMITRAILER,
21 OR MOTOR VEHICLE BEFORE THE OWNER'S FIRST COURT DATE AS LISTED ON
22 THE CITATION OR SUMMONS; AND

23 (c) THE OWNER PAYS TO THE COURT A THIRTY-DOLLAR
24 ADMINISTRATIVE DISMISSAL FEE.

25 (2) A CITATION OR SUMMONS FORMS USED BY LAW ENFORCEMENT
26 TO CHARGE A PERSON FOR A VIOLATION DESCRIBED IN THE INTRODUCTORY
27 PORTION OF SUBSECTION (1) OF THIS SECTION MUST INCLUDE THE

1 FOLLOWING NOTICE ON THE COPY GIVEN TO THE DEFENDANT'S COPY:

2 IF THIS CITATION OR SUMMONS CONTAINS AN OFFENSE FOR
3 VIOLATING REGISTRATION REQUIREMENTS FOR A TRAILER,
4 SEMITRAILER, OR MOTOR VEHICLE, YOU MAY BE ELIGIBLE TO
5 HAVE THE REGISTRATION CHARGE DISMISSED BY THE
6 COURT IF THE REGISTRATION THAT LED TO THIS CITATION
7 OR SUMMONS IS EXPIRED FOR FOUR (4) MONTHS OR LESS AT
8 THE TIME OF THE VIOLATION AND IF YOU OBTAIN OR RENEW
9 THE TRAILER, SEMITRAILER, OR MOTOR VEHICLE
10 REGISTRATION PRIOR TO THE FIRST COURT DATE LISTED ON
11 THIS CITATION/SUMMONS. IF THIS OFFENSE IS DISMISSED BY
12 THE COURT, THE COURT WILL REQUIRE A \$30
13 ADMINISTRATIVE DISMISSAL FEE TO BE PAID TO THE COURT.

14 **SECTION 5. Act subject to petition - effective date -**
15 **applicability.** (1) This act takes effect July 1, 2027; except that, if a
16 referendum petition is filed pursuant to section 1 (3) of article V of the
17 state constitution against this act or an item, section, or part of this act
18 within the ninety-day period after final adjournment of the general
19 assembly, then the act, item, section, or part will not take effect unless
20 approved by the people at the general election to be held in November
21 2026 and, in such case, will take effect July 1, 2027, or on the date of the
22 official declaration of the vote thereon by the governor, whichever is
23 later.

24 (2) This act applies to offenses committed on or after the
25 applicable effective date of this act.