

NOTE: The governor signed this measure on 4/7/2016.

An Act

SENATE BILL 16-010

BY SENATOR(S) Baumgardner, Crowder, Scheffel, Cadman;
also REPRESENTATIVE(S) Becker J., Brown, Klingenschmitt, Melton.

CONCERNING THE PURCHASE OF AN OFF-HIGHWAY VEHICLE BY A DEALER.

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

SECTION 1. In Colorado Revised Statutes, 42-6-102, **add** (11.7) as follows:

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

(11.7) "OFF-HIGHWAY VEHICLE DEALER" MEANS BOTH OF THE FOLLOWING AS DEFINED IN SECTION 12-6-502, C.R.S.:

- (a) A POWERSPORTS VEHICLE DEALER; AND
- (b) A USED POWERSPORTS VEHICLE DEALER.

SECTION 2. In Colorado Revised Statutes, 42-6-148, **amend** (1) and (2) as follows:

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

42-6-148. Off-highway vehicles - sales. (1) (a) Unless the owner has obtained a certificate of title for an off-highway vehicle under this article, a person shall not sell the off-highway vehicle and ~~an off-highway~~ A vehicle dealer shall not purchase the off-highway vehicle; EXCEPT THAT THE DEALER MAY PURCHASE AN OFF-HIGHWAY VEHICLE WITHOUT A CERTIFICATE OF TITLE IF THE VEHICLE HAS NEVER BEEN TITLED AND WAS ORIGINALLY PURCHASED IN:

(I) COLORADO BEFORE JULY 1, 2014; OR

(II) A FOREIGN JURISDICTION THAT DOES NOT OR DID NOT ISSUE CERTIFICATES OF TITLE TO OFF-HIGHWAY VEHICLES WHEN PURCHASED.

(b) IF AN OFF-HIGHWAY VEHICLE DEALER PURCHASES AN OFF-HIGHWAY VEHICLE WITHOUT A CERTIFICATE OF TITLE, THE DEALER SHALL BEFORE FINALIZING THE PURCHASE REQUIRE THE SELLER TO SIGN AN AFFIDAVIT THAT:

(I) IS MADE UNDER PENALTY OF PERJURY;

(II) STATES WHETHER THE VEHICLE IS SUBJECT TO A LIEN INTEREST, AND IF THERE IS A LIEN HOLDER, THE NAME OF THE LIEN HOLDER;

(III) STATES THAT THE SELLER OWNS THE OFF-HIGHWAY VEHICLE;

(IV) INDICATES HOW LONG THE SELLER HAS OWNED THE OFF-HIGHWAY VEHICLE; AND

(V) CONTAINS A WARNING TO THE SELLER THAT FALSIFYING THE AFFIDAVIT IS PERJURY BECAUSE THE AFFIDAVIT IS SUBMITTED TO A PUBLIC OFFICIAL.

(c) UPON BEING CONTACTED BY A POWERSPORTS VEHICLE DEALER, A LAW ENFORCEMENT AGENCY SHALL CHECK THE COLORADO CRIME INFORMATION CENTER COMPUTER SYSTEM TO ASCERTAIN IF THE OFF-HIGHWAY VEHICLE HAS BEEN REPORTED STOLEN. IF THE OFF-HIGHWAY VEHICLE HAS BEEN STOLEN, THE AGENCY SHALL RECOVER AND SECURE THE VEHICLE AND NOTIFY ITS RIGHTFUL OWNER. UPON THE RELEASE OF THE OFF-HIGHWAY VEHICLE TO THE OWNER OR LIENHOLDER, THE AGENCY SHALL ADJUST OR DELETE THE ENTRY IN THE COLORADO CRIME INFORMATION

CENTER COMPUTER SYSTEM.

(d) TO OBTAIN A TITLE FOR AN OFF-HIGHWAY VEHICLE THAT AN OFF-HIGHWAY VEHICLE DEALER PURCHASED WITHOUT A CERTIFICATE OF TITLE, THE DEALER MUST PRESENT TO THE DEPARTMENT AN AFFIDAVIT AS DESCRIBED IN PARAGRAPH (b) OF THIS SUBSECTION (1), SIGNED BY THE SELLER FROM WHOM THE OFF-HIGHWAY VEHICLE DEALER ACQUIRED THE OFF-HIGHWAY VEHICLE.

(e) A sale or purchase made in violation of this subsection (1) is void.

(2) A current off-highway vehicle registration issued under article 14.5 of title 33, C.R.S., is sufficient evidence of ownership to issue a certificate of title under this part 1 IF THE OFF-HIGHWAY VEHICLE WAS FIRST PURCHASED IN COLORADO BEFORE JULY 1, 2014, AND HAS BEEN REGISTERED FOR AT LEAST ONE YEAR.

SECTION 3. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to off-highway vehicle purchases made on or after the applicable effective date of this act.

Bill L. Cadman
PRESIDENT OF
THE SENATE

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CHIEF CLERK OF THE HOUSE
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APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO