

DEPARTMENT OF REVENUE

Division of Motor Vehicles – Title and Registration Section

1 CCR 204-10

RULE 44. LATE FEE EXEMPTION, REDUCTION, OR WAIVER

Basis: ~~This regulation is promulgated under the authority of~~ The statutory bases for this rule are sections 42-1-204 and 42-3-112, C.R.S.

Purpose: The following rules ~~and regulations are~~ is promulgated to establish criteria under which a vehicle owner is exempt from the ~~for exempting the late fee~~ Late Fee on vehicles that are subject to taxation and are not registered when required by law ~~and for the reduction or waiver of the Late Fee for the registration of a trailer that is a commercial or farm vehicle and are not registered when required by law.~~

1.0 Definitions

- 1.1 “Act of God” means an unforeseen and uncontrollable natural event that is outside of human control, including but not limited to; ~~hurricane,~~ lightning, fire, flood, tornado, ~~typhoon,~~ and earthquake; that prevents ~~an individual the owner of a vehicle from obtaining a title, utilizing available methods provided for the titling, registration, temporary registration permit~~ Temporary Registration Permit, or ~~renewing the registration renewal of the vehicle registrations.~~
- 1.2 “Commercial Vehicle Trailer” means a ~~non-motorized vehicle used to transport cargo for profit, hire, or otherwise to further the purposes of a business or commercial enterprise~~ trailer, as defined in section 42-1-102(105), C.R.S., ~~including~~ a utility trailer, as defined in section 42-1-102(111), C.R.S., a multipurpose ~~trainer~~ trailer, as defined in section 42-1-102(60.3), C.R.S., a camper trailer, as defined in section 42-1-102(14), or a trailer coach defined in section 42-1-102(106)(a), C.R.S., used to further the purposes of a business or commercial enterprise.
- ~~1.3 “Department” means the Department of Revenue of this state acting directly or through its duly authorized officers and agents.~~
- 1.43 “Farm Vehicle Trailer” means a ~~non-motorized vehicle that meets the requirements pursuant to C.R.S. 42-3-306(4)(a) and is pulled by a motorized vehicle.~~ trailer, as defined in section 42-1-102(105), C.R.S., a utility trailer, as defined in section 42-1-102(111), C.R.S., a multipurpose trailer, as defined in section 42-1-102(60.3), C.R.S., a camper trailer, as defined in section 42-1-102(14), or a trailer coach, as defined in section 42-1-102(106)(a), C.R.S., owned by a farmer or rancher that is operated over the public highways and used commercially to transport to market or place of storage raw agricultural products

actually produced or livestock actually raised by such farmer or rancher or to transport commodities and livestock purchased by such farmer or rancher for personal use and used in such person's farming or ranching operations.

- 1.54 "Furlough" means a government-mandated closure of a ~~government office Motor Vehicle Office in the state, county, or city in which the registrant resides.~~
- 1.65 "Information Technology Failure" means ~~a problem with the Colorado State Title and Registration System (CSTARS)~~ any computer system or related software or hardware malfunction that prevents ~~the authorized agent(s) or the Department successfully completing from being able to perform~~ a vehicle title, registration, ~~temporary registration permit~~ Temporary Registration Permit issuance, or renewal transaction.
- 1.76 "Late Fee" means the fee authorized by ~~C.R.S. section~~ 42-3-112(1), C.R.S.
- ~~1.8 "Late Fee Exemption" means the waiver of the late fee.~~
- 1.97 "Medical Hardship" means ~~certification by a medical professional of~~ medical care, treatment, ~~service~~ and/or physical or mental incapacity ~~medical incapacitation that prevented a person~~ prevents a vehicle owner from ~~utilizing available methods provided for completing the~~ titling, registration, ~~temporary registration permit~~ obtaining a Temporary Registration Permit issuance, or ~~renewal of renewing the vehicle's registrations~~ registration within statutory time requirements ~~for a vehicle for which the person is a named owner.~~
- 1.408 "Medical Professional" ~~means a Colorado physician licensed to practice in this state, a commissioned medical officer, a podiatrist, or an advanced practice nurse.~~ means a "professional" as defined in section 42-3-204(1)(i), C.R.S.
- 1.449 "Motor Vehicle Office" means ~~any~~ county or state ~~motor vehicle~~ office that performs Colorado vehicle title, registration, Temporary Registration Permit issuance, or registration renewal transactions.
- 1.120 "Office Closure" means a closure of a ~~motor vehicle office~~ Motor Vehicle Office ~~for any reason~~ during normal ~~posted~~ business hours.
- 1.131 "Temporary Registration Permit" means a temporary number plate, tag, or certificate registered to a vehicle pursuant to ~~C.R.S. section 42-3-203(3), (a) and (b)~~ C.R.S.
- 1.142 "Weather-Related Delay" means ~~weather or weather-related circumstances the postponement of services availability prevents that prevent the motor vehicle office~~ a Motor Vehicle Office from completing ~~the~~ vehicle titling, registration, ~~temporary registration permit~~ Temporary Registration Permit issuance, or registration renewal ~~of vehicle registrations~~ transactions, as

determined by the Executive Director of the Department or a county commissioner.

- 2.0 Requirements for Exemption, Waiver, or Reduction of Late Fees.:** ~~The following requirements shall apply to each title, registration, temporary registrations permit, or renewal transaction in which the late fee exemption is granted. Persons requesting a late fee exemption must meet the requirement of this rule. For multiple vehicles, the requirements must be met for each specific vehicle.~~
- 2.1 ~~Commercial Vehicle Trailers~~** ~~The Department will reduce or waive a Late Fee for a Commercial Vehicle Trailer upon receiving a completed form DR 2505 Late Fee Exemption/Reduction Request at the Motor Vehicle Office in the vehicle owners county of residence certifying that (1) the owner uses the vehicle in the operation of a commercial business and (2) as a part of the normal operation of the business idles the vehicle so that it is not operated on a public highway for a full registration period.~~
- ~~A. The DR-2505 Late Fee Exemption/Reduction Request Affidavit will be required attesting that the commercial vehicle trailer was idled and was not operated on any public highway in Colorado for at least a full registration period.~~
- ~~B. The late fee will be exempted or reduced upon the presentation of the completed DR-2505 Late Fee Exemption/Redemption Request affidavit at the time of titling, registration or renewal of vehicle registrations.~~
- 2.2 ~~Farm Vehicle Trailers~~** ~~The Department will reduce or waive a Late Fee for a Farm Vehicle Trailer upon receiving a completed form DR 2505 Late Fee Exemption/Reduction Request at the Motor Vehicle office in the vehicle owners county of residence certifying that (1) the owner uses the vehicle commercially to transport to market or place of storage raw agricultural products actually produced or livestock actually raised by such farmer or rancher or to transport commodities and livestock purchased by such farmer or rancher for personal use and used in such person's farming or ranching operation and (2) as a part of the normal operations idles the vehicle so that it is not operated on a public highway for a full registration period.~~
- ~~A. The DR-2505 Late Fee Exemption/Reduction Request Affidavit will be required attesting that the farm vehicle trailer was idled and was not operated on any public highway in Colorado for at least a full registration period.~~
- ~~B. The late fee will be exempted or reduced upon the presentation of the completed DR-2505 Late Fee Exemption/Redemption Request affidavit at the time of titling, registration or renewal of vehicle registrations.~~

- 2.3 ~~Medical Hardship~~ The Department will not impose a Late Fee for Medical Hardship upon receiving a completed form DR 2538 Medical Hardship Late Fee Exemption Affidavit at the Motor Vehicle Office in the vehicle owners' county of residence.
- A. ~~The DR 2538 Medical Hardship Late Fee Exemption Affidavit will be required from the vehicle owner attesting that a medical hardship has prevented the applicant from completing a title, registration or renewal transaction on his or her vehicle resulting in the assessment of the late fee. The printed name, the license number and signature of the medical professional must be included on the DR 2538.~~
- B. ~~The late fee will be exempted upon the presentation of the DR 2538 Medical Hardship Late Fee Exemption Affidavit at the time of titling, registration or renewal of vehicle registrations.~~
- 2.4 The Department will not impose a Late Fee for a vehicle upon receiving a completed form DR 2505 Late Fee Exemption/Reduction Request at the Motor Vehicle office in the vehicle owner's county of residence certifying that the owner (1) uses the vehicle in the operation of a commercial business and (2), as a part of the normal operation of the business, idles the vehicle so that it is not operated on a public highway for a full registration period.
- 2.5 The Department will not impose a Late Fee on a vehicle owner who is in the active military service of the United States and who satisfies the requirements of section 42-3-112(3)(b), C.R.S. The vehicle owner must provide:
- A. Military orders or other proof that the owner was serving outside the state at the time the vehicle was required to be registered; and
- B. An affidavit stating that the vehicle was not operated on any public highway in Colorado between the time the registration period and grace period ended and the vehicle is reregistered.
- 2.46 ~~Upon confirmation or determination by the Department that one of the below events has occurred, the Department shall issue an electronic correspondence to the affected county or counties authorizing the exemption of the late fee for 10 calendar days from the last day of the event. Upon approval of the Department, an owner of a vehicle may be entitled to waiver of a Late Fee if any of the events below occur and prevent the vehicle owner from accessing title and registration services. Upon approval by the Department, the Motor Vehicle Office shall exempt such vehicle owners for the period of the event, and for 10 calendar days following the last day of the event. If the vehicle owner fails to complete the titling, registration, Temporary Registration Permit issuance, or registration renewal of the vehicle, the Late Fee will be charged, unless the vehicle is otherwise exempt pursuant to this rule. If an event affects only one Motor~~

Vehicle Office in a county with multiple offices, the exemption will apply for all Motor Vehicle Offices in that county.

- A. Act of God
- B. Furlough
- C. Information Technology Failure
- D. Office Closure
- E. Weather-Related Delay

~~If one or more offices are closed in a county due to a weather-related delay, the late fee will be exempted for all the offices in that county.~~

2.57 If a county is unable to complete a title, registration, ~~temporary registration permit~~ Temporary Registration Permit issuance, or renewal transaction without modification of the transaction or record by the Department and the Department offices are closed, ~~the late fee may be exempted~~ a Late Fee will not be imposed.

~~2.7 The Department will maintain a log documenting late fee exemption events and such log shall be available to the counties through electronic means.~~

2.78 The Department will ~~make a determination of the exemption of the late fee on a case by case basis for circumstances not included in this regulation rule and those exemptions must be pre-approved by the Department.~~ determine whether to grant a Late Fee exemption on a case by case basis for circumstances not included in this rule. Any such exemption must be approved by the Department before a county can grant a Late Fee exemption for vehicles in their county. The Department may determine to grant Late Fee exemptions on its own initiative.

2.9 Pursuant to section 42-3-112(1.5)(a)(III), C.R.S., a Motor Vehicle Office will not assess or collect a late Fee for an expired Temporary Registration Permit or temporary tag, certificate, or permit issued by another state.

~~2.8 When a late fee exemption is denied, the customer must pay the late fee Late. and may submit a request for further review on forms required by the Department within 30 days from the payment date of the late fee to the Executive Director of the Department of Revenue.~~

- ~~A. The request for review must include the customer's contact information including name and address and all facts related to the situation that prevented the customer from the timely titling, registration, temporary registration permit, or renewal of the vehicle registration.~~

~~B. The Executive Director may refund previously collected late fees after a review of the submitted forms and the information contained therein.~~

~~2.9 Late fees accrued prior to the effective date of this rule are due and shall not be exempted.~~

~~2.10 Nothing in this rule shall be construed to exempt the owner of a vehicle from paying any taxes or fees imposed pursuant to article 3 of title Title 42, C.R.S., other than the late fee.~~

2.10 Each County Clerk and Recorder and/or County Motor Vehicle Supervisor must complete and submit to the Department a monthly report attesting to the Late Fee waivers, reductions, and exemptions granted to vehicles in their county. The Department may audit these reports, and if additional documentation is required to support a Late Fee waiver, reduction, or exemption given by a county, the county will be given notice and must provide supporting documentation within 10 days of the notice.

3.0 Appeal from Denial of Late Fee Refund

3.1 If a county denies a request to waive, reduce, or allow an exemption from a Late Fee the vehicle owner must pay the Late Fee. The Motor Vehicle Office will not complete the vehicle title, registration, Temporary Registration Permit issuance, or registration renewal transaction on a vehicle until the Late Fee is paid.

A. If the Department determines that the request for waiver, reduction, or exemption from a Late Fee should have been granted, the Department will refund the previously collected Late Fee. The vehicle owner must complete any additional documents required by the Department to process refunds.

B. If the Department determines that the request for a waiver, reduction, or exemption was correctly denied, the Department will mail a notice of denial to the vehicle owner at the address provided on the DR 2468 Late Fee Review and Refund Request.

3.2 A vehicle owner who has received a notice of denial may, within 60 days of the date of the notice of denial, request a hearing on the denial by submitting a written request for hearing with the Hearings Division of the Department.

3.3 The hearing will be held at the Department of Revenue, Hearings Division. The hearing officer will be an authorized representative designated by the Executive Director. The Department employee who completed the review and denial of the waiver, reduction, or exemption request need not be present at the hearing unless required by the hearing officer, or unless requested in writing by the vehicle owner at the time the written request for hearing is submitted. If the

Department employee is not present at the hearing, the hearing office may use documents and any affidavit submitted by the Department.