

STATE OF COLORADO

DEPARTMENT OF REVENUE
Division of Motor Vehicles

Title and Registration Sections
Maren Rubino
Operations Director

Business Location
1881 Pierce Street
Lakewood, CO 80214
Phone (303) 205-5608

Mailing Address
Department of Revenue
Motor Vehicle Title and Registration Sections
Denver CO 80261-0016



Bill Ritter Jr.
Governor

Roxanne Huber
Executive Director

Joan Vecchi
Senior Director

Memo

To: County Clerks

From: Dylan Ikenouye, Registration and License Plate Program Manager

CC: Roxy Huber, Joan Vecchi and Maren Rubino

Date: August 13, 2010

Re: Rule 44 Late Fee Exemption and Rule 47 Expired Temporary Registration Permits – Effective September 1, 2010 (HB10-1212)

TR 10-16

Rule 44 Late Fee Exemption and Rule 47 Expired Temporary Registration Permits were developed pursuant to HB10-1212. This legislation required the Department, to work with the County Clerks, to promulgate rules that establish circumstances where a vehicle owner would be exempted from paying late fees. The legislation requires the rules to be applied uniformly throughout the state.

These rules, and the resulting programming changes, are effective September 1, 2010. Any late fees accrued prior to the September 1, 2010 cannot be exempted.

Existing Exemptions

The late fee exemptions for military, commercial vehicle and stolen vehicles pursuant to SB 09-108 continue to apply. See Registrations Manual Section 17.9 for additional information on the existing exemptions. C.R.S. 42-3-112(3)(a) and (b)

When a customer requests an exemption of the late fee, the circumstances for which a late fee may be exempted are listed below.

Rule 47. Expired Temporary Registration Permits

Late fees will be waived on all expired temporary registration permits.

Rule 44. Late Fee Exemptions

Medical Hardship

A DR 2538 Medical Hardship Late Fee Exemption Affidavit must be submitted by the vehicle owner attesting that a medical hardship prevented the applicant from completing a registration (including new both) or renewal transaction on their vehicle resulting in the assessment of the late fee. The DR 2538 Medical Hardship Late Fee Exemption Affidavit must be completed in full and presented at the time of registration or renewal of a vehicle registration to qualify for the exemption of the late fee. This new form is to be retained by the county per their county retention schedule.

Commercial Vehicle Trailer or Farm Vehicle Trailer

A DR 2505 Late Fee Exemption/Reduction Request must be completed indicating that the commercial vehicle trailer or farm vehicle trailer was idled and was not operated on any public highway in Colorado for at least a full registration period. The form must be presented at the time of registration (including new both) or renewal of a vehicle registration to qualify for exemption or reduction of the late fee. The amount of the late fee reduction is at the county's discretion.

The \$10 late fee, set in HB10-1211 and SB10-198, is not eligible for the late fee exemptions authorized pursuant to HB10-1212, except for commercial vehicle trailers and farm vehicle trailers. See C.R.S. 42-3-112(1.5)(b) and memo TR10-09, HB10-1211 and SB10-198 Late Fees, for additional details.

State Unavailable

When a county is unable to complete a registration (including a new both), a temporary registration permit, or a renewal transaction without modification to the record by the Department and the Department is unavailable, the late fee may be exempted without prior approval. The county must notify the State via email at T&RManagement@spike.dor.state.co.us as soon as possible.

Act of God, Furlough, Information Technology Failure, Office Closure or Weather-Related Delay

Upon confirmation or determination by the Department, an email will be sent to the affected county or counties authorizing the exemption of the late fee for 10 calendar days from the last day of the event. The Department will maintain a log, which will be posted to the CSTARS Information Icon documenting late fee exemption events. The purpose of the log is to provide the counties an audit trail.

Requests for late fee exemptions for Acts of God, Furlough, Information Technology Failure, Office Closure, Weather-Related Delay, or Circumstances not included in Rule 44 must be submitted to the Department by email at T&RManagement@spike.dor.state.co.us as soon as possible to report the event. The County Clerk and Recorder or the Director of Motor Vehicle must request the late fee exemption. Counties must send notification to the Department of any event listed in this rule that will occur after the effective date of this rule, September 1, 2010, even if notification was previously sent to the Department.

The log is on in the CSTARS Information Icon located on your desktop using the following steps:

1. Open the CSTARS Information Icon on your desktop
2. Select Option 5 (Lists, Logs, Directories)
3. Select Option 8 (Late Fee Exemption Log)

Circumstances not included in Rule 44.

The Department will make a determination regarding the exemption of the late fee on a case-by-case basis for circumstances not anticipated in Rule 44 at the recommendation of the county. All exemptions must be pre-approved by the Department in order to maintain consistency statewide. Approved exemption events will be added to the Late Fee Exemption Log and will be taken into consideration for future revisions of Rule 44.

Rebuilt Records

For situations that require records to be rebuilt and because of rebuilding the record a late fee has been assessed, the late fee shall be exempted.

No Record – Expired Temporary Registration Permit

Upon presentation of an expired temporary permit for a vehicle where no CSTAR record for the permit is found the No Record – Expired Temporary Registration Permit late fee exemption shall be used.

Refund Application Process

When a request for exemption of the late fee is denied, the customer **must pay** the late fee. To protest the payment of the late fee, the customer must submit the DR 2468 Late Fee Review and Refund Request, as detailed on the form, within 30 days from the payment date of the late fee. The Executive Director may authorize the Department of Revenue to refund previously collected late fees including the county retained portion of the late fee. Counties will receive notification from DOR to reimburse refunded late fees directly to DOR.

The Late Fee Standard Transaction Job Aide and Late Fee Overview have been updated to reflect these changes. These documents are posted in the Job Aide folder on the CSTAR Information Icon.

Please contact the State Registration Section at 303-205-5607 with any questions.

The information in this memo will be added to the Registration Manual, Section 17 in April 2011.