HOUSE BILL 20-1170

A BILL FOR AN ACT

CONCERNING AUTHORIZATION TO DRIVE MILITARY VEHICLES ON ROADWAYS.

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 allows military vehicles to be driven on roadways.

1 Be it enacted by the General Assembly of the State of Colorado:
2 SECTION 1. In Colorado Revised Statutes, 42-1-102, amend

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment. Capital letters or bold & italic numbers indicate new material to be added to existing statute. Dashes through the words indicate deletions from existing statute.
42-1-102. Definitions. As used in articles 1 to 4 of this title 42, unless the context otherwise requires:

(43.1) "HISTORICAL MILITARY VEHICLE" HAS THE SAME MEANING AS SET FORTH IN SECTION 42-12-101.

(52.5) "Military vehicle" means a vehicle of any size or weight that is valued for historical purposes, that was manufactured for use by any nation's armed forces, and that is maintained in a condition that represents its military design and markings.

(58) (a) "Motor vehicle" means any self-propelled vehicle that is designed primarily for travel on the public highways and that is generally and commonly used to transport persons and property over the public highways or a low-speed electric vehicle.

(b) except that the term "MOTOR VEHICLE" does not include electrical assisted bicycles, electric scooters, low-power scooters, wheelchairs, or vehicles moved solely by human power.

(c) For the purposes of the offenses described in sections 42-2-128, 42-4-1301, 42-4-1301.1, and 42-4-1401 for farm tractors and off-highway vehicles, as defined in section 33-14.5-101 (3), operated on streets and highways, "motor vehicle" includes a farm tractor or an off-highway vehicle that is not otherwise classified as a motor vehicle.

(d) "MOTOR VEHICLE" INCLUDES A HISTORICAL MILITARY VEHICLE FOR THE PURPOSE OF REGISTRATION IN ACCORDANCE WITH PART 5 OF ARTICLE 12 OF THIS TITLE 42 AND DRIVING ON A HIGHWAY.

(e) For the purposes of sections 42-2-127, 42-2-127.7, 42-2-128, 42-2-138, 42-2-206, 42-4-1301, and 42-4-1301.1, "motor vehicle" includes a low-power scooter.
"Surplus military vehicle" has the meaning set forth in Section 42-6-102 (20.5); except that "surplus military vehicle" does not include a historical military vehicle.

SECTION 2. In Colorado Revised Statutes, add 42-4-109.7 as follows:

42-4-109.7. Surplus military vehicles. A surplus military vehicle may be driven on a roadway.

SECTION 3. In Colorado Revised Statutes, 42-3-120, amend (1) as follows:

42-3-120. Department may cancel or deny registration.

(1) The department shall cancel the registration of any vehicle that the department determines is unsafe or unfit to be operated or is not equipped as required by law; except that the department shall not cancel a registration merely because the vehicle is a historical military vehicle.

SECTION 4. In Colorado Revised Statutes, 42-3-202, amend (4) as follows:

42-3-202. Number plates furnished to be attached.

(4) Notwithstanding subsections (1) to (3) of this section, the owner of a historical military vehicle may elect not to display the vehicle's assigned license plate if the license plate is physically in the military vehicle and is available for inspection to any peace officer who requests the plate.

SECTION 5. In Colorado Revised Statutes, 42-6-102, amend (6.3) as follows:

42-6-102. Definitions. As used in this part 1, unless the context otherwise requires:
(6.3) "Historical military vehicle" means a vehicle of any size or weight that is valued for historical purposes, that was manufactured for use by any nation's armed forces, and that is maintained in a condition that represents its military design and markings.

SECTION 6. In Colorado Revised Statutes, 42-12-101, amend the introductory portion; and add (7.5) as follows:

42-12-101. Definitions. As used in this article ARTICLE 12, unless the context otherwise requires:

(7.5) "HISTORICAL MILITARY VEHICLE" MEANS A VEHICLE OF ANY SIZE OR WEIGHT THAT:

(a) IS VALUED FOR HISTORICAL PURPOSES;

(b) WAS MANUFACTURED FOR USE BY ANY NATION'S ARMED FORCES;

(c) IS A MODEL YEAR 1980 OR AN EARLIER MODEL YEAR; AND

(d) IS MAINTAINED IN A CONDITION REPRESENTING ITS MILITARY DESIGN AND HISTORICALLY APPROPRIATE MARKINGS.

SECTION 7. In Colorado Revised Statutes, add part 5 to article 12 of title 42 as follows:

PART 5

HISTORICAL MILITARY VEHICLES

42-12-501. Certificates of title. (1) The owner of a historical military vehicle may elect to be issued a title as a motor vehicle if:

(a) Other than the vehicle not being a motor vehicle, the historical military vehicle is qualified to be issued a certificate of title under article 6 of this title 42;
(b) The owner pays any fees imposed in Article 6 of this Title 42; and

(c) The owner signs an affidavit that the vehicle will be used only in accordance with Section 42-12-503.

(2) The department shall issue a certificate of title for a surplus military vehicle as an off-highway vehicle despite the vehicle being titled as a historical military vehicle by the previous owner if the surplus military vehicle:

(a) Has been transferred to another person; and

(b) The owner does not intend to maintain and use the vehicle in accordance with this Part 5.

42-12-502. Registration. The department shall register and issue a license plate to a historical military vehicle if the owner signs an affidavit that the vehicle will be used in accordance with Section 42-12-503; the vehicle is qualified, other than not being a motor vehicle, to be registered under Article 3 of this Title 42; and the owner pays any taxes or fees imposed in Article 3 of this Title 42.

42-12-503. Authorized use. (1) A person may drive a registered historical military vehicle on the highways, but only:

(a) To and from assemblies, conventions, or other meetings where historical military vehicles and their ownership are the primary interest;

(b) On special occasions, for demonstrations and parades;

(c) On occasions when the operation of the vehicle on the highways will not constitute a traffic hazard; and
(d) To, from, and during local, state, or national tours held primarily for the exhibition and enjoyment of historical military vehicles.

(2) A person shall not drive a historical military vehicle on the highways unless in compliance with subsection (1) of this section.

(3) A person who violates subsection (1) of this section commits a class B traffic infraction. The department may cancel the registration of a historical military vehicle that violates subsection (1) of this section.

42-12-504. Emissions. A historical military vehicle is exempt from statutes requiring the inspection and use of emission controls, as required in parts 3 and 4 of article 4 of this title 42. To operate a historical military vehicle on a highway, a historical military vehicle that had emission controls as standard equipment at the time of manufacture must have the equipment in proper operating condition.

SECTION 8. Act subject to petition - effective date. 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 5, 2020, if adjournment sine die is on May 6, 2020); 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 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.