

CHAPTER 207

MOTOR VEHICLES AND TRAFFIC REGULATION

SENATE BILL 97-089

BY SENATORS Powers, Arnold, Congrove, Hernandez, Martinez, Schroeder, Tebedo, and Weddig;
also REPRESENTATIVES Schauer, May, Mace, Musgrave, Reeser, and Taylor.

AN ACT

CONCERNING THE REGISTRATION OF TRUCKS AS COLLECTORS' ITEMS.

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

SECTION 1. The introductory portion to 42-12-101 (2), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

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

(2) "Collector's item" means a motor vehicle, INCLUDING A TRUCK OR TRUCK TRACTOR, which is:

SECTION 2. 42-12-102 (1), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS to read:

42-12-102. Registration of collectors' items. (1) Except for those motor vehicles which are entitled to registration under the provisions of section 42-3-138, collectors' items shall be titled, registered, and a specific ownership tax shall be paid thereon in the same manner as provided in this title for other motor vehicles, with the following exceptions:

(c) THE ANNUAL REGISTRATION FEE FOR A TRUCK OR TRUCK TRACTOR THAT HAS AN EMPTY WEIGHT OF SIX THOUSAND ONE POUNDS OR MORE OR A DECLARED GROSS VEHICLE WEIGHT OF SIXTEEN THOUSAND ONE POUNDS OR MORE AND IS A COLLECTORS' ITEM, SHALL BE SIXTY-FIVE DOLLARS IF SUCH VEHICLE IS USED EXCLUSIVELY FOR NONCOMMERCIAL TRANSPORTATION AND ONLY USED TO DRIVE:

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

(I) TO AND FROM ASSEMBLIES, CONVENTIONS, OR OTHER MEETINGS WHERE SUCH VEHICLES AND THEIR OWNERSHIP ARE THE PRIMARY INTEREST;

(II) FOR SPECIAL OCCASIONS, DEMONSTRATIONS, AND PARADES AND ON OCCASIONS WHEN THEIR OPERATION ON THE STREETS AND HIGHWAYS WILL NOT CONSTITUTE A TRAFFIC HAZARD; OR

(III) TRAVELING TO AND FROM AND WHILE ON LOCAL, STATE, OR NATIONAL TOURS HELD PRIMARILY FOR THE EXHIBITION AND ENJOYMENT OF SUCH VEHICLES BY THEIR OWNERS.

(d) FOR PURPOSES OF PARAGRAPH (c) OF THIS SUBSECTION (1), "NONCOMMERCIAL TRANSPORTATION" MEANS A TRUCK OR TRUCK TRACTOR USED EXCLUSIVELY FOR PRIVATE TRANSPORTATION OF PASSENGERS OR CARGO FOR PURPOSES UNRELATED IN ANY WAY TO A BUSINESS OR COMMERCIAL ENTERPRISE.

SECTION 3. 42-3-133 (1), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS to read:

42-3-133. Violation of registration provisions - penalty. (1) It is unlawful for any person to commit any of the following acts:

(g) TO USE OR PERMIT THE USE OF ANY TRUCK OR TRUCK TRACTOR REGISTERED AS A COLLECTOR'S ITEM PURSUANT TO SECTION 42-12-102 (1) (c) TO TRANSPORT CARGO OR PASSENGERS FOR PROFIT OR HIRE OR IN ANY BUSINESS OR COMMERCIAL ENTERPRISE.

(h) TO DRIVE OR PERMIT TO BE DRIVEN ANY TRUCK OR TRUCK TRACTOR REGISTERED AS A COLLECTOR'S ITEM PURSUANT TO SECTION 42-12-102 (1) (c) FOR ANY PURPOSE OTHER THAN THOSE PURPOSES ALLOWED IN SECTION 42-12-102 (1) (c).

SECTION 4. 42-3-133 (2) (c), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

42-3-133. Violation of registration provisions - penalty. (2) (c) Any person who violates paragraph (f) OR (g) of subsection (1) of this section commits a class B traffic infraction. In addition to the penalties prescribed for a violation of paragraph (f) OR (g) of subsection (1) of this section, the department shall cancel the registration of any noncommercial or recreational vehicle ~~which~~ OR ANY TRUCK OR TRUCK TRACTOR REGISTERED AS A COLLECTOR'S ITEM PURSUANT TO SECTION 42-12-102 (1) (c) THAT has been used to transport cargo or passengers for profit or hire or in any business or commercial enterprise. THE DEPARTMENT SHALL ALSO CANCEL THE REGISTRATION OF ANY TRUCK OR TRUCK TRACTOR REGISTERED AS A COLLECTOR'S ITEM PURSUANT TO SECTION 42-12-102 (1) (c) THAT HAS BEEN DRIVEN FOR ANY PURPOSE OTHER THAN THOSE PURPOSES ALLOWED IN SECTION 42-12-102 (1) (c).

SECTION 5. The introductory portion to 42-3-134 (13), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

42-3-134. Registration fees - passenger and passenger-mile taxes. (13) The

annual registration fee for those trucks and truck tractors operated over the public highways of this state, except trucks ~~which~~ THAT are registered under the provisions of subsections (12) and (25) of this section AND SECTION 42-12-102 (1) (c), shall be as follows:

SECTION 6. 42-4-1701 (4) (a) (I) (B), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

42-4-1701. Traffic offenses and infractions classified - penalties - penalty and surcharge schedule. (4) (a) (I) Except as provided in paragraph (c) of subsection (5) of this section, every person who is convicted of, who admits liability for, or against whom a judgment is entered for a violation of any provision of this title to which the provisions of paragraph (a) or (b) of subsection (5) of this section apply shall be fined or penalized, and have a surcharge levied thereon pursuant to section 24-4.2-104 (1) (b) (I), C.R.S., in accordance with the penalty and surcharge schedule set forth in sub-subparagraphs (A) to (P) of this subparagraph (I); or, if no penalty or surcharge is specified in the schedule, the penalty for class A and class B traffic infractions shall be fifteen dollars, and the surcharge shall be two dollars. These penalties and surcharges shall apply whether the defendant acknowledges the defendant's guilt or liability in accordance with the procedure set forth by paragraph (a) of subsection (5) of this section or is found guilty by a court of competent jurisdiction or has judgment entered against the defendant by a county court magistrate. Penalties and surcharges for violating specific sections shall be as follows:

(B) Registration and taxation violations:

42-3-103	\$ 50.00	\$ 6.00
42-3-112	15.00	2.00
42-3-123	15.00	2.00
42-3-127	50.00	6.00
42-3-133 (1)(a)	75.00	9.00
42-3-133 (1)(c)	35.00	4.00
42-3-133 (1)(f), (1)(g), AND (1)(h)	75.00	9.00
42-3-134	50.00	6.00

SECTION 7. No appropriation. The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act.

SECTION 8. Effective date - applicability. This act shall take effect January 1, 1998, and shall apply to offenses committed on or after said date.

SECTION 9. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 27, 1997