

CHAPTER 218

TAXATION

HOUSE BILL 08-1171

BY REPRESENTATIVE(S) Casso, Benefield, Ferrandino, Kerr J., Lambert, Lundberg, and Rose;
also SENATOR(S) Gibbs, Cadman, Isgar, Kester, Kopp, Penry, Schwartz, Shaffer, Spence, Taylor, Tochtrop, Ward, and Wiens.

AN ACT

CONCERNING THE EXCLUSION OF A FEDERAL EXCISE TAX PAID ON THE FIRST SALE OF A HEAVY VEHICLE FROM THE PURCHASE PRICE OF SUCH VEHICLE FOR THE PURPOSE OF DETERMINING TAX LIABILITY.

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

SECTION 1. 39-26-102 (7), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

39-26-102. Definitions. As used in this article, unless the context otherwise requires:

(7) (c) WITH RESPECT TO THE PURCHASE PRICE OF A HEAVY TRUCK, TRAILER, OR TRACTOR, THE PRICE TO THE CONSUMER SHALL ALSO BE EXCLUSIVE OF THE FEDERAL EXCISE TAX ON THE FIRST RETAIL SALE OF THE HEAVY TRUCK, TRAILER, OR TRACTOR FOR WHICH THE RETAILER IS LIABLE.

SECTION 2. 42-3-107 (1) (a) (I), Colorado Revised Statutes, is amended to read:

42-3-107. Taxable value of classes of property - rate of tax - when and where payable - department duties - apportionment of tax collections - definitions. (1) (a) (I) The taxable value of every item of Class A or Class B personal property greater than sixteen thousand pounds declared empty vehicle weight shall be the actual purchase price of such property. Such price shall not include any applicable federal excise tax, INCLUDING THE EXCISE TAX ON THE FIRST RETAIL SALE OF A HEAVY TRUCK, TRAILER, OR TRACTOR FOR WHICH THE SELLER IS LIABLE, transportation or shipping costs, or preparation and delivery costs. The taxable value of every item of Class A or Class B personal property less than or equal to

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

sixteen thousand pounds declared empty vehicle weight shall be seventy-five percent of the manufacturer's suggested retail price.

SECTION 3. Effective date - applicability. (1) This act shall take effect September 1, 2008.

(2) However, if a referendum petition is filed against this act or an item, section, or part of this act during the 90-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, then the act, item, section, or part, shall not take effect unless approved by the people at a biennial regular general election and shall take effect on the date specified in subsection (1) or on the date of the official declaration of the vote thereon by proclamation of the governor, whichever is later.

(3) The provisions of this act shall apply to taxes levied upon heavy trucks, trailers, or tractors purchased on or after the applicable effective date of this act.

Approved: May 14, 2008