

CHAPTER 255

TAXATION

HOUSE BILL 08-1261

BY REPRESENTATIVE(S) Buescher, Benefield, Borodkin, Jahn, Kerr A., Kerr J., Labuda, Lambert, Lundberg, Madden, McFadyen, Primavera, Rice, and Riesberg;
also SENATOR(S) Bacon, Brophy, Cadman, Gibbs, Gordon, Groff, Harvey, Isgar, Kopp, McElhany, Penry, Romer, Sandoval, Schultheis, Shaffer, Spence, Taylor, Veiga, Ward, Wiens, Williams, Windels, Kester, Mitchell S., Morse, Renfro, and Tochtrop.

AN ACT

CONCERNING THE EXEMPTION FROM SALES TAX OF THE SALE OF AIRCRAFT TO BE REMOVED FROM THE STATE.

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

SECTION 1. Part 7 of article 26 of title 39, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

39-26-711.5. Aircraft - use outside state. (1) THE SALE OF A NEW OR USED AIRCRAFT SHALL BE EXEMPT FROM TAXATION UNDER THE PROVISIONS OF PART 1 OF THIS ARTICLE IF:

- (a) THE AIRCRAFT IS SOLD TO A PERSON WHO IS NOT A RESIDENT OF THE STATE;
- (b) THE AIRCRAFT WILL BE REMOVED FROM THE STATE WITHIN ONE HUNDRED TWENTY DAYS AFTER THE DATE OF THE SALE; AND
- (c) THE AIRCRAFT WILL NOT BE IN THE STATE MORE THAN SEVENTY-THREE DAYS IN ANY OF THE THREE CALENDAR YEARS FOLLOWING THE CALENDAR YEAR IN WHICH THE AIRCRAFT IS REMOVED FROM THE STATE PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (1).

(2) A PURCHASER OF AN AIRCRAFT WHO CLAIMS THE EXEMPTION ALLOWED BY THIS SECTION SHALL, AT THE TIME OF PURCHASE, PROVIDE TO THE SELLER AN AFFIDAVIT THAT THE PURCHASER IS NOT A RESIDENT OF THE STATE AND THAT THE PURCHASER AGREES TO PAY THE TAX IMPOSED BY PART 1 OF THIS ARTICLE IF THE PURCHASER FAILS TO COMPLY WITH THE REQUIREMENTS OF PARAGRAPHS (b) AND

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

(c) OF SUBSECTION (1) OF THIS SECTION.

(3) AN AIRCRAFT THAT IS HANGARED OR PARKED OVERNIGHT SHALL BE CONSIDERED TO BE IN THE STATE FOR PURPOSES OF THIS SECTION.

SECTION 2. Effective date - applicability. (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-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, (August 6, 2008, if adjournment sine die is on May 7, 2008); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) The provisions of this act shall apply to transactions occurring on or after the applicable effective date of this act.

Approved: May 20, 2008