

CHAPTER 276

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 12-1038

BY REPRESENTATIVE(S) Loper, Barker, Brown, Priola, Ramirez, Scott, Williams A., Bradford, Coram, DelGrosso, Joshi, Kerr J., Labuda, Liston, Massey, Murray, Singer, Vaad, Becker, Beezley, Conti, Gerou, Pace, Swalm, Swerdfeger, Szabo, Vigil, Wilson;
also SENATOR(S) Williams S., Brophy, Grantham, King K., Lundberg, Spence.

AN ACT

CONCERNING THE CREATION OF A MULTI-YEAR REGISTRATION FOR CLASS A TRAILERS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. Legislative declaration. (1) (a) The general assembly hereby determines that the restoration of Colorado's economy is one of the most critical tasks it must consider. To that end, Colorado needs to remain competitive with the western United States and the nation. An emerging issue dealing with the registration of commercial vehicles in Colorado threatens the state's competitiveness. Under current law and regulations, interstate commercial trailers can be licensed in any state regardless of whether the owner resides in that state. Twenty-six states have created some version of a permanent commercial trailer plate for commercial trailers.

(b) Permanent commercial trailer plates offer several advantages to the enacting state and to trailer owners. States enjoy the reduction in workload as a permanent plate does not need to be processed yearly and most states collect higher revenues with the initial registration because of the projected term of use. The transportation industry benefits as they do not have to locate their trailers across the nation each year to replace the registration on that trailer and they can shop for the best possible pricing in the many states that offer these permanent plate options. In Colorado, the cost of commercial trailer registration is significantly higher than other states.

(2) The general assembly finds that there has been a decrease in both interstate truck and trailer registrations in Colorado over the past five years. The Colorado transportation industry reports a significant reduction not only in registrations 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.

sales of commercial vehicles and trailers but the loss of thousands of jobs as well. The general assembly therefore seeks to create a competitive process for the registration of interstate commercial trailers in Colorado to accomplish two major goals by making the state competitive with other states:

(a) First, to generate new revenue for Colorado by drawing, to Colorado, registrations from other states with a permanent trailer registration option; and

(b) Second, to reduce the number of currently registered interstate commercial trailers that leave Colorado for another state by creating a permanent registration for Colorado.

(3) The general assembly finds that this legislation begins to address major policy issues dealing with the transportation industry in Colorado and helps to take a small step towards making Colorado competitive in the interstate transportation industry. This legislation honors the reality of our current budget situation in Colorado while moving into program options that both generate new revenue for Colorado and help to retain current revenue from the trailer registrations.

SECTION 2. In Colorado Revised Statutes, 42-3-102, **add** (4) as follows:

42-3-102. Periodic registration. (4) (a) (I) IN LIEU OF REGISTERING UNDER SUBSECTIONS (1) TO (3) OF THIS SECTION, AN APPLICANT MAY REGISTER A COMMERCIAL TRAILER OR SEMITRAILER UNDER THIS PARAGRAPH (a) IF:

(A) THE TRAILER OR SEMITRAILER QUALIFIES AS CLASS A PERSONAL PROPERTY;

(B) THE OWNER IS BASED OUTSIDE COLORADO IN ACCORDANCE WITH THE INTERNATIONAL REGISTRATION PLAN; AND

(C) THE OWNER COMPLIES WITH THIS SECTION AND SECTIONS 42-3-107 (28) AND 42-3-313.

(II) A TRAILER OR SEMITRAILER REGISTRATION ISSUED UNDER THIS SUBSECTION (4) DOES NOT EXPIRE EXCEPT WHEN THE VEHICLE CHANGES OWNERSHIP IN ACCORDANCE WITH THIS ARTICLE. THE REGISTRATION EXPIRES UPON THE SALE OR TRANSFER OF THE TRAILER OR SEMITRAILER.

(III) THE DEPARTMENT SHALL ISSUE A LICENSE PLATE TO A TRAILER OR SEMITRAILER REGISTERED UNDER THIS PARAGRAPH (a), BUT A VALIDATING STICKER OR TAB IS NOT ISSUED NOR REQUIRED FOR THE LICENSE PLATE.

(b) (I) IN LIEU OF REGISTERING UNDER SUBSECTIONS (1) TO (3) OF THIS SECTION, AN APPLICANT MAY REGISTER A COMMERCIAL TRAILER OR SEMITRAILER UNDER THIS PARAGRAPH (b) IF:

(A) THE TRAILER OR SEMITRAILER QUALIFIES AS CLASS A PERSONAL PROPERTY;

(B) THE OWNER IS BASED IN COLORADO IN ACCORDANCE WITH THE INTERNATIONAL REGISTRATION PLAN;

(C) THE TRAILER OR SEMITRAILER IS IN AT LEAST ITS TENTH YEAR OF SERVICE;
AND

(D) THE OWNER COMPLIES WITH THIS SECTION AND SECTIONS 42-3-107 (28) AND 42-3-313.

(II) A TRAILER OR SEMITRAILER REGISTRATION ISSUED UNDER THIS PARAGRAPH (b) DOES NOT EXPIRE EXCEPT WHEN THE VEHICLE CHANGES OWNERSHIP IN ACCORDANCE WITH THIS ARTICLE. THE REGISTRATION EXPIRES UPON THE SALE OR TRANSFER OF THE TRAILER OR SEMITRAILER.

(III) THE DEPARTMENT SHALL ISSUE A LICENSE PLATE TO A TRAILER OR SEMITRAILER REGISTERED UNDER THIS PARAGRAPH (b), BUT A VALIDATING STICKER OR TAB IS NOT ISSUED NOR REQUIRED FOR THE LICENSE PLATE.

(c) UPON THE SALE OR TRANSFER OF OWNERSHIP OF A TRAILER OR SEMITRAILER REGISTERED UNDER THIS SECTION, THE OWNER SHALL NOTIFY THE DEPARTMENT OF THE SALE OR TRANSFER. UPON REGISTERING A TRAILER OR SEMITRAILER UNDER THIS SECTION, THE DEPARTMENT SHALL NOTIFY THE OWNER OF THIS PROVISION. THE DEPARTMENT SHALL ALSO NOTIFY THE PUBLIC OF THE REQUIREMENTS OF THIS SECTION ON ITS WEB PAGE.

(d) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE OR ARTICLE 6 OF THIS TITLE, A PERSON MAY REGISTER A TRAILER OR SEMITRAILER UNDER THIS SUBSECTION (4) WITH A VALID CERTIFICATE OF TITLE FROM ANOTHER JURISDICTION OF THE UNITED STATES WITHOUT FILING FOR A CERTIFICATE OF TITLE IN COLORADO.

(e) THE DEPARTMENT SHALL ISSUE A REPORT TO THE TRANSPORTATION LEGISLATION REVIEW COMMITTEE CREATED IN SECTION 43-2-145, C.R.S., BY JULY 1, 2014, DETAILING THE NUMBER OF TRAILERS AND SEMITRAILERS REGISTERED UNDER PARAGRAPHS (a) AND (b) OF THIS SUBSECTION (4) AND MAKING RECOMMENDATIONS AS TO THE COST-EFFECTIVENESS OF THE PERMANENT REGISTRATION.

SECTION 3. In Colorado Revised Statutes, 42-3-107, **add** (28) as follows:

42-3-107. Taxable value of classes of property - rate of tax - when and where payable - department duties - apportionment of tax collections - definitions.
(28) THE PREPAID ANNUAL SPECIFIC OWNERSHIP TAX FOR A REGISTRATION ISSUED UNDER SECTION 42-3-102 (4) IS NINETY-FIVE DOLLARS AND FIFTY CENTS.

SECTION 4. In Colorado Revised Statutes, 42-3-113, **add** (11) as follows:

42-3-113. Records of application and registration. (11) THE DEPARTMENT SHALL NOT PLACE AN EXPIRATION DATE ON THE REGISTRATION CARD FOR A CLASS A COMMERCIAL TRAILER OR SEMITRAILER REGISTERED IN COLORADO.

SECTION 5. In Colorado Revised Statutes, 42-3-201, **amend** (2); and **add** (7) as follows:

42-3-201. Number plates furnished - style - periodic reissuance - tabs - rules.

(2) EXCEPT AS PROVIDED IN SUBSECTION (7) OF THIS SECTION, THE OWNER SHALL DISPLAY ON every number plate ~~shall have displayed upon it~~ the registration number assigned to the vehicle and owner, the year number for which it is issued, the month in which it expires, and any other appropriate symbol, word, or words designated by the department. The department may adopt rules for the issuance of permanent number plates that do not display the year number for which it is issued or the month in which it expires. Such plate and the required letters and numerals, except the year number for which issued, ~~shall~~ MUST be of sufficient size to be plainly readable from a distance of one hundred feet during daylight.

(7) NOTWITHSTANDING SUBSECTIONS (1) AND (2) OF THIS SECTION, THE DEPARTMENT SHALL ISSUE LICENSE PLATES TO A CLASS A COMMERCIAL TRAILER OR SEMITRAILER REGISTERED IN COLORADO THAT DO NOT CONTAIN THE MONTH AND YEAR THE TRAILER EXPIRES, AND A VALIDATING STICKER OR TAB IS NOT ISSUED NOR REQUIRED FOR THE LICENSE PLATES.

SECTION 6. In Colorado Revised Statutes, **add** 42-3-313 as follows:

42-3-313. Fee for long-term or permanent registration - trailers and semitrailers. (1) IN LIEU OF ANY OTHER FEE IMPOSED FOR REGISTRATION, THE FEE FOR REGISTRATION ISSUED UNDER SECTION 42-3-102 (4) IS TWENTY-FOUR DOLLARS AND FIFTY CENTS.

(2) (a) THE DEPARTMENT OR AUTHORIZED AGENT WHO REGISTERED THE COMMERCIAL TRAILER OR SEMITRAILER MAY RETAIN TWO DOLLARS OF THE REGISTRATION FEE.

(b) THE DEPARTMENT OR AUTHORIZED AGENT SHALL RETAIN ONE DOLLAR AND FIFTY CENTS OF THE FEE, WHICH THE DEPARTMENT SHALL TRANSFER TO THE COUNTY, IF APPLICABLE, AND THE COUNTY SHALL ALLOCATE TO THE COUNTY ROAD AND BRIDGE FUND.

(c) THE DEPARTMENT SHALL TRANSFER THE REMAINDER OF THE FEE TO THE STATE TREASURER, WHO SHALL CREDIT THE FOLLOWING AMOUNTS TO THE FOLLOWING FUNDS:

(I) FIFTY CENTS TO THE COLORADO STATE TITLING AND REGISTRATION ACCOUNT CREATED IN SECTION 42-1-211 (2) WITHIN THE HIGHWAY USERS TAX FUND;

(II) TWO DOLLARS AND FIFTY CENTS TO THE LICENSE PLATE CASH FUND CREATED IN SECTION 42-3-301 (1) (b);

(III) FIVE DOLLARS TO THE STATEWIDE BRIDGE ENTERPRISE SPECIAL REVENUE FUND CREATED IN SECTION 43-4-805 (3) (a), C.R.S.; AND

(IV) THE REMAINDER OF THE FEE TO THE HIGHWAY USERS TAX FUND.

SECTION 7. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the Colorado state titling and registration account in the highway users tax fund created in section 42-1-211 (2), Colorado Revised Statutes, not otherwise appropriated, to the department of

revenue, for the fiscal year beginning July 1, 2011, the sum of \$118,000, or so much thereof as may be necessary, to be allocated to the information technology division for the purchase of computer center services.

(2) In addition to any other appropriation, there is hereby appropriated to the governor - lieutenant governor - state planning and budgeting, for the fiscal year beginning July 1, 2011, the sum of \$118,000, or so much thereof as may be necessary, for allocation to the office of information technology, for the provision of computer center services for the department of revenue related to the implementation of this act. Said sum is from reappropriated funds received from the department of revenue out of the appropriation made in subsection (1) of this section.

SECTION 8. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the Colorado state titling and registration account of the highway users tax fund created in section 42-1-211 (2), Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for the fiscal year beginning July 1, 2012, the sum of \$45,147 and 0.3 FTE, or so much thereof as may be necessary, to be allocated for the implementation of this act as follows:

- (a) \$13,147 and 0.3 FTE for the processing of vehicle registrations; and
- (b) \$32,000 for the purchase of computer center services.

(2) In addition to any other appropriation, there is hereby appropriated to the governor - lieutenant governor - state planning and budgeting, for the fiscal year beginning July 1, 2012, the sum of \$32,000, or so much thereof as may be necessary, for allocation to the office of information technology, for the provision of computer center services for the department of revenue related to the implementation of this act. Said sum is from reappropriated funds received from the department of revenue out of the appropriation made in paragraph (b) of subsection (1) of this section.

SECTION 9. Applicability. This act shall apply to registrations issued, and to applications made, on or after August 1, 2012.

SECTION 10. 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: June 8, 2012