

CHAPTER 199

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 13-1153

BY REPRESENTATIVE(S) Tyler, Fischer, Priola, Scott, Young, Fields, Ginal, Hullinghorst, Lee, Melton, Williams, Mitsch Bush, Schafer;
also SENATOR(S) Hudak, Newell.

AN ACT

CONCERNING THE AUTHORIZATION OF OWNERS OF RENTAL SPECIAL MOBILE MACHINERY TO PAY SPECIFIC OWNERSHIP TAX THROUGH AN ELECTRONIC REPORTING PROCESS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 42-3-107, **amend** (16) (c) and (16) (d) 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 - rules. (16) (c) (I) Upon receiving authorization under paragraph (b) of this subsection (16), the owner shall collect from the user the specific ownership tax in the amount equivalent to two percent of the amount of the rental or lease payment.

(II) No later than the twentieth day of each month, the owner shall submit a report, using forms furnished by the department, to the authorized agent in each county where the equipment is used, together with the remittance of the taxes collected for the use in the county for the preceding month. THE OWNER SHALL SIMULTANEOUSLY SUBMIT a copy of each report ~~shall be submitted simultaneously by the owner~~ to the department. THIS SUBPARAGRAPH (II) DOES NOT APPLY WHEN MODIFIED BY SUBPARAGRAPH (III) OF PARAGRAPH (d) OF THIS SUBSECTION (16).

(d) (I) ~~Such reports shall be made~~ EXCEPT AS MODIFIED BY SUBPARAGRAPH (III) OF THIS PARAGRAPH (d), THE OWNER SHALL MAKE THE REPORT **monthly** to the department and to the authorized agent in the county where the equipment is located with a user, even if no specific ownership taxes were collected by the owner in the previous month.

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

(II) Failure to make such ~~reports~~ REPORT in a period of sixty days ~~shall be~~ IS grounds for the termination of ~~such~~ THE owner's right to pay the specific ownership taxes on the owner's Class F personal property in the manner provided under this subsection (16). If the owner fails to remit specific ownership taxes received from a renter or lessee during such sixty-day period, the authorized agent may proceed to collect ~~such~~ THE delinquent taxes in the manner authorized in subsection (21) of this section.

(III) THE DEPARTMENT SHALL ALLOW THE OWNER TO FILE THE REPORT ELECTRONICALLY WITH THE DEPARTMENT OF REVENUE EITHER BY ELECTRONIC TRANSMISSION OR BY ELECTRONICALLY READABLE MEDIA AS DETERMINED BY RULE. IF THE FILING IS MADE UNDER THIS SUBPARAGRAPH (III), THE OWNER NEED NOT FILE WITH THE AUTHORIZED AGENT. THE DEPARTMENT SHALL MAKE THE INFORMATION IN THE REPORT AVAILABLE TO THE AUTHORIZED AGENTS IN THE COUNTIES WHERE THE EQUIPMENT IS RENTED OR USED. THIS SUBPARAGRAPH (III) DOES NOT RELIEVE THE OWNER OF THE REQUIREMENT TO REMIT PAYMENT OF THE TAX TO THE COUNTY IN ACCORDANCE WITH SUBPARAGRAPH (II) OF PARAGRAPH (c) OF THIS SUBSECTION (16).

SECTION 2. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of revenue, for the fiscal year beginning July 1, 2013, the sum of \$98,411 and 0.4 FTE, or so much thereof as may be necessary, for allocation to the taxation business group for personal services and contract programming services related to the implementation of this act.

SECTION 3. Act subject to petition - effective date - applicability. (1) 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 7, 2013, if adjournment sine die is on May 8, 2013); 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 2014 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to reports filed on or after January 1, 2014.

Approved: May 11, 2013