

CHAPTER 80

TAXATION

SENATE BILL 13-134

BY SENATOR(S) Baumgardner, Brophy, King;

also REPRESENTATIVE(S) Sonnenberg, Conti, Coram, Holbert.

AN ACT**CONCERNING THE PROCESS FOR COLLECTING SALES TAX DUE ON MOTOR VEHICLES PURCHASED THROUGH AN AUCTION SALE.***Be it enacted by the General Assembly of the State of Colorado:***SECTION 1.** In Colorado Revised Statutes, 39-26-113, **add** (7) as follows:**39-26-113. Collection of sales tax - motor vehicles - exemption - process for motor vehicles sold at auction - exception - definition.**

(7) (a) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, FOR ANY MOTOR VEHICLE SOLD THROUGH AN AUCTION SALE, UNLESS PARAGRAPH (b) OF THIS SUBSECTION (7) APPLIES, ALL SALES TAX DUE FOR THE PURCHASE OF THE MOTOR VEHICLE SHALL NOT BE COLLECTED BY THE AUCTIONEER, BUT SHALL BE COLLECTED BY THE COUNTY CLERK OR OTHER AUTHORIZED AGENT OF THE COUNTY OR CITY AND COUNTY IN WHICH THE MOTOR VEHICLE IS TO BE REGISTERED.

(b) THE METHOD OF SALES TAX COLLECTION SPECIFIED BY PARAGRAPH (a) OF THIS SUBSECTION (7) DOES NOT APPLY TO THE SALE OF A MOTOR VEHICLE AT AUCTION SALE IF THE AUCTIONEER IS ALSO AN AUTOMOBILE DEALER LICENSED UNDER PART 1 OF ARTICLE 6 OF TITLE 12, C.R.S.

SECTION 2. 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

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

official declaration of the vote thereon by the governor.

(2) This act applies to motor vehicles sold at auction on or after the applicable effective date of this act.

Approved: March 29, 2013