

CHAPTER 106

TAXATION

HOUSE BILL 17-1103

BY REPRESENTATIVE(S) Nordberg and Pabon, Williams D., Arndt, Kraft-Tharp, Liston, McKean, Rosenthal, Young;
also SENATOR(S) Gardner and Moreno, Cooke, Holbert, Kagan, Lambert, Lundberg, Merrifield, Neville T., Priola, Todd,
Grantham.

AN ACT**CONCERNING A STATE SALES AND USE TAX EXEMPTION FOR HISTORIC AIRCRAFT ON LOAN FOR PUBLIC DISPLAY.**

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

SECTION 1. Legislative declaration. The general assembly finds, determines, and declares that the primary purpose of the sales and use tax exemption in section 39-26-711.9 is to encourage the owners of historic aircraft to loan the historic aircraft to museums in the state for public display, demonstration, educational, or museum promotional purposes.

SECTION 2. In Colorado Revised Statutes, **add** 39-26-711.9 as follows:

39-26-711.9. Historic aircraft on loan for public display - definition. (1) ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, A HISTORIC AIRCRAFT THAT IS ON LOAN FOR PUBLIC DISPLAY, DEMONSTRATION, EDUCATIONAL, OR MUSEUM PROMOTIONAL PURPOSES IS EXEMPT FROM TAXATION UNDER THE PROVISIONS OF PARTS 1 AND 2 OF THIS ARTICLE 26 IF:

(a) THE HISTORIC AIRCRAFT IS ON LOAN FOR PUBLIC DISPLAY, DEMONSTRATION, EDUCATIONAL, OR MUSEUM PROMOTIONAL PURPOSES TO A PUBLICLY OWNED MUSEUM IN THE STATE OR TO A NONPROFIT MUSEUM IN THE STATE THAT OPERATES UNDER SECTION 501 (c)(3) OF THE FEDERAL "INTERNAL REVENUE CODE OF 1986", AS AMENDED;

(b) THE HISTORIC AIRCRAFT WILL BE USED ONLY FOR PUBLIC DISPLAY, DEMONSTRATION, EDUCATIONAL, OR MUSEUM PROMOTIONAL PURPOSES WHILE WITHIN THE STATE BUT AWAY FROM THE MUSEUM TO WHICH THE HISTORIC AIRCRAFT

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

IS ON LOAN; AND

(c) THE MUSEUM TO WHICH THE HISTORIC AIRCRAFT IS ON LOAN FOR PUBLIC DISPLAY, DEMONSTRATION, EDUCATIONAL, OR MUSEUM PROMOTIONAL PURPOSES IS OPEN TO THE PUBLIC FOR AT LEAST TWENTY HOURS EVERY WEEK.

(2) FOR PURPOSES OF THIS SECTION, "HISTORIC AIRCRAFT" MEANS ANY ORIGINAL, RESTORED, OR REPLICATED OF A HEAVIER-THAN-AIR AIRCRAFT THAT IS AT LEAST THIRTY-FIVE YEARS OLD.

SECTION 3. Act subject to petition - effective date. 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 9, 2017, if adjournment sine die is on May 10, 2017); 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 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: April 4, 2017