

**Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 20-0216.02 Jery Payne x2157

HOUSE BILL 20-1170

HOUSE SPONSORSHIP

Humphrey, Neville, Rich, Holtorf, Bockenfeld, Carver, Geitner, Liston, Baisley, Williams D., Pelton, Ransom, Valdez D., Sandridge, Catlin, Landgraf, Will, Wilson, Van Winkle, McKean, Soper, Saine

SENATE SPONSORSHIP

Marble, Rankin

House Committees

Transportation & Local Government

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING AUTHORIZATION TO DRIVE MILITARY VEHICLES ON**
102 **ROADWAYS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill allows military vehicles to be driven on roadways.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-1-102, **amend**

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 (58); **repeal** (52.5); and **add** (43.1) and (102.6) as follows:

2 **42-1-102. Definitions.** As used in articles 1 to 4 of this title 42,
3 unless the context otherwise requires:

4 (43.1) "HISTORICAL MILITARY VEHICLE" HAS THE SAME MEANING
5 AS SET FORTH IN SECTION 42-12-101.

6 (52.5) ~~"Military vehicle" means a vehicle of any size or weight
7 that is valued for historical purposes, that was manufactured for use by
8 any nation's armed forces, and that is maintained in a condition that
9 represents its military design and markings.~~

10 (58) (a) "Motor vehicle" means any self-propelled vehicle that is
11 designed primarily for travel on the public highways and that is generally
12 and commonly used to transport persons and property over the public
13 highways or a low-speed electric vehicle.

14 (b) ~~except that the term "MOTOR VEHICLE" does not include
15 electrical assisted bicycles, electric scooters, low-power scooters,
16 wheelchairs, or vehicles moved solely by human power.~~

17 (c) For the purposes of the offenses described in sections
18 42-2-128, 42-4-1301, 42-4-1301.1, and 42-4-1401 for farm tractors and
19 off-highway vehicles, as defined in section 33-14.5-101 (3), operated on
20 streets and highways, "motor vehicle" includes a farm tractor or an
21 off-highway vehicle that is not otherwise classified as a motor vehicle.

22 (d) "MOTOR VEHICLE" INCLUDES A HISTORICAL MILITARY VEHICLE
23 FOR THE PURPOSE OF REGISTRATION IN ACCORDANCE WITH PART 5 OF
24 ARTICLE 12 OF THIS TITLE 42 AND DRIVING ON A HIGHWAY.

25 (e) For the purposes of sections 42-2-127, 42-2-127.7, 42-2-128,
26 42-2-138, 42-2-206, 42-4-1301, and 42-4-1301.1, "motor vehicle"
27 includes a low-power scooter.

1 (102.6) "SURPLUS MILITARY VEHICLE" HAS THE MEANING SET
2 FORTH IN SECTION 42-6-102 (20.5); EXCEPT THAT "SURPLUS MILITARY
3 VEHICLE" DOES NOT INCLUDE A HISTORICAL MILITARY VEHICLE.

4 **SECTION 2.** In Colorado Revised Statutes, **add** 42-4-109.7 as
5 follows:

6 **42-4-109.7. Surplus military vehicles.** A SURPLUS MILITARY
7 VEHICLE MAY BE DRIVEN ON A ROADWAY.

8 **SECTION 3.** In Colorado Revised Statutes, 42-3-120, **amend** (1)
9 as follows:

10 **42-3-120. Department may cancel or deny registration.**

11 (1) The department shall cancel the registration of any vehicle that the
12 department determines is unsafe or unfit to be operated or is not equipped
13 as required by law; EXCEPT THAT THE DEPARTMENT SHALL NOT CANCEL
14 A REGISTRATION MERELY BECAUSE THE VEHICLE IS A HISTORICAL
15 MILITARY VEHICLE.

16 **SECTION 4.** In Colorado Revised Statutes, 42-3-202, **amend** (4)
17 as follows:

18 **42-3-202. Number plates furnished to be attached.**

19 (4) Notwithstanding subsections (1) to (3) of this section, the owner of
20 a HISTORICAL military vehicle ~~may elect to~~ NEED not display the vehicle's
21 assigned license plate if the license plate is physically in the military
22 vehicle and is available for inspection to any peace officer who requests
23 the plate.

24 **SECTION 5.** In Colorado Revised Statutes, 42-6-102, **amend**
25 (6.3) as follows:

26 **42-6-102. Definitions.** As used in this part 1, unless the context
27 otherwise requires:

1 (6.3) "Historical military vehicle" means a vehicle of any size or
2 weight that is valued for historical purposes, that was manufactured for
3 use by any nation's armed forces, and that is maintained in a condition
4 that represents its military design and markings HAS THE MEANING SET
5 FORTH IN SECTION 42-12-101.

6 **SECTION 6.** In Colorado Revised Statutes, 42-12-101, **amend**
7 the introductory portion; and **add** (7.5) as follows:

8 **42-12-101. Definitions.** As used in this article ARTICLE 12, unless
9 the context otherwise requires:

10 (7.5) "HISTORICAL MILITARY VEHICLE" MEANS A VEHICLE OF ANY
11 SIZE OR WEIGHT THAT:

- 12 (a) IS VALUED FOR HISTORICAL PURPOSES;
- 13 (b) WAS MANUFACTURED FOR USE BY ANY NATION'S ARMED
14 FORCES;
- 15 (c) IS A MODEL YEAR 1980 OR AN EARLIER MODEL YEAR; AND
- 16 (d) IS MAINTAINED IN A CONDITION REPRESENTING ITS MILITARY
17 DESIGN AND HISTORICALLY APPROPRIATE MARKINGS.

18 **SECTION 7.** In Colorado Revised Statutes, **add** part 5 to article
19 12 of title 42 as follows:

20 **PART 5**

21 **HISTORICAL MILITARY VEHICLES**

22 **42-12-501. Certificates of title.** (1) THE OWNER OF A HISTORICAL
23 MILITARY VEHICLE MAY ELECT TO BE ISSUED A TITLE AS A MOTOR VEHICLE
24 IF:

- 25 (a) OTHER THAN THE VEHICLE NOT BEING A MOTOR VEHICLE, THE
26 HISTORICAL MILITARY VEHICLE IS QUALIFIED TO BE ISSUED A CERTIFICATE
27 OF TITLE UNDER ARTICLE 6 OF THIS TITLE 42;

1 (b) THE OWNER PAYS ANY FEES IMPOSED IN ARTICLE 6 OF THIS
2 TITLE 42; AND

3 (c) THE OWNER SIGNS AN AFFIDAVIT THAT THE VEHICLE WILL BE
4 USED ONLY IN ACCORDANCE WITH SECTION 42-12-503.

5 (2) THE DEPARTMENT SHALL ISSUE A CERTIFICATE OF TITLE FOR A
6 SURPLUS MILITARY VEHICLE AS AN OFF-HIGHWAY VEHICLE DESPITE THE
7 VEHICLE BEING TITLED AS A HISTORICAL MILITARY VEHICLE BY THE
8 PREVIOUS OWNER IF THE SURPLUS MILITARY VEHICLE:

9 (a) HAS BEEN TRANSFERRED TO ANOTHER PERSON; AND

10 (b) THE OWNER DOES NOT INTEND TO MAINTAIN AND USE THE
11 VEHICLE IN ACCORDANCE WITH THIS PART 5.

12 **42-12-502. Registration.** THE DEPARTMENT SHALL REGISTER AND
13 ISSUE A LICENSE PLATE TO A HISTORICAL MILITARY VEHICLE IF THE OWNER
14 SIGNS AN AFFIDAVIT THAT THE VEHICLE WILL BE USED IN ACCORDANCE
15 WITH SECTION 42-12-503; THE VEHICLE IS QUALIFIED, OTHER THAN NOT
16 BEING A MOTOR VEHICLE, TO BE REGISTERED UNDER ARTICLE 3 OF THIS
17 TITLE 42; AND THE OWNER PAYS ANY TAXES OR FEES IMPOSED IN ARTICLE
18 3 OF THIS TITLE 42.

19 **42-12-503. Authorized use.** (1) A PERSON MAY DRIVE A
20 REGISTERED HISTORICAL MILITARY VEHICLE ON THE HIGHWAYS, BUT
21 ONLY:

22 (a) TO AND FROM ASSEMBLIES, CONVENTIONS, OR OTHER
23 MEETINGS WHERE HISTORICAL MILITARY VEHICLES AND THEIR OWNERSHIP
24 ARE THE PRIMARY INTEREST;

25 (b) ON SPECIAL OCCASIONS, FOR DEMONSTRATIONS AND PARADES;

26 (c) ON OCCASIONS WHEN THE OPERATION OF THE VEHICLE ON THE
27 HIGHWAYS WILL NOT CONSTITUTE A TRAFFIC HAZARD; AND

1 (d) TO, FROM, AND DURING LOCAL, STATE, OR NATIONAL TOURS
2 HELD PRIMARILY FOR THE EXHIBITION AND ENJOYMENT OF HISTORICAL
3 MILITARY VEHICLES.

4 (2) A PERSON SHALL NOT DRIVE A HISTORICAL MILITARY VEHICLE
5 ON THE HIGHWAYS UNLESS IN COMPLIANCE WITH SUBSECTION (1) OF THIS
6 SECTION.

7 (3) A PERSON WHO VIOLATES SUBSECTION (1) OF THIS SECTION
8 COMMITS A CLASS B TRAFFIC INFRACTION. THE DEPARTMENT MAY CANCEL
9 THE REGISTRATION OF A HISTORICAL MILITARY VEHICLE THAT VIOLATES
10 SUBSECTION (1) OF THIS SECTION.

11 **42-12-504. Emissions.** A HISTORICAL MILITARY VEHICLE IS
12 EXEMPT FROM STATUTES REQUIRING THE INSPECTION AND USE OF
13 EMISSION CONTROLS, AS REQUIRED IN PARTS 3 AND 4 OF ARTICLE 4 OF THIS
14 TITLE 42. TO OPERATE A HISTORICAL MILITARY VEHICLE ON A HIGHWAY,
15 A HISTORICAL MILITARY VEHICLE THAT HAD EMISSION CONTROLS AS
16 STANDARD EQUIPMENT AT THE TIME OF MANUFACTURE MUST HAVE THE
17 EQUIPMENT IN PROPER OPERATING CONDITION.

18 **SECTION 8. Act subject to petition - effective date.** This act
19 takes effect at 12:01 a.m. on the day following the expiration of the
20 ninety-day period after final adjournment of the general assembly (August
21 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
22 referendum petition is filed pursuant to section 1 (3) of article V of the
23 state constitution against this act or an item, section, or part of this act
24 within such period, then the act, item, section, or part will not take effect
25 unless approved by the people at the general election to be held in
26 November 2020 and, in such case, will take effect on the date of the
27 official declaration of the vote thereon by the governor.