

## CHAPTER 245

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**MOTOR VEHICLES AND TRAFFIC REGULATION**


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SENATE BILL 94-220

BY SENATOR Mutzebaugh;  
also REPRESENTATIVES Fleming and Lawrence.

**AN ACT**

**CONCERNING CHARGES FOR VEHICLES IN CONNECTION WITH VEHICLE REGISTRATION, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**

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

**SECTION 1.** 42-3-106 (2), Colorado Revised Statutes, 1993 Repl. Vol., is amended to read:

**42-3-106. Taxable value of classes of property - rate of tax - when and where payable - department duties - apportionment of tax collections.** (2) The annual specific ownership tax payable on every item of Class A personal property shall be computed in accordance with the following schedule:

| <b>Year of service</b>                            | <b>Rate of tax</b>   |
|---|--|
| First year  | 2.10% of taxable value   |
| Second year                                       | 1.50% of taxable value   |
| Third year  | 1.20% of taxable value   |
| Fourth year                                       | .90% of taxable value  |
| Fifth, sixth, seventh,<br>eighth, and ninth years | .45% of taxable value or <del>ten</del><br><del>dollars</del> \$10, whichever is greater |
| Tenth and each later<br>year                      | <del>Ten dollars</del> \$3   |

**SECTION 2.** 42-3-123 (2), (13) (b), (13) (b.3), (13) (b.5), (13) (c), (13) (e), (13) (f), (13) (g), (13) (h), (13) (i), and (13.5) (a) and the introductory portion to 42-3-123 (15), Colorado Revised Statutes, 1993 Repl. Vol., are amended to read:

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

**42-3-123. Registration fees - passenger and passenger-mile taxes.** (2) With respect to passenger-carrying motor vehicles, the weight used in computing annual registration fees shall be that weight published by the manufacturer in approved manuals, and, in case of a dispute over the weight of any such vehicle, the actual weight determined by weighing such vehicle on a certified scale, as provided in section 35-14-122 (6), C.R.S., shall be conclusive. With respect to all other vehicles, the weight used in computing annual registration fees shall be the empty weight thereof, determined by weighing such vehicle on a certified scale, or, in the case of registration fees imposed pursuant to ~~paragraphs (b) and (b.3)~~ PARAGRAPH (b) of subsection (13) of this section, the declared gross vehicle weight of the vehicle declared by the owner of the vehicle at the time of registration.

(13) The annual registration fee for those trucks and truck tractors operated over the public highways of this state, except trucks which are registered under the provisions of subsections (11) and (22) of this section, shall be as follows:

~~(b) (f) Except as provided in paragraph (b.3) of this subsection (13);~~ For each ~~such~~ vehicle registered under this subsection (13) having an empty weight exceeding sixteen thousand pounds, ~~such~~ THE registration fee shall be based upon the declared gross vehicle weight of the vehicle registered ~~and the number of miles operated by the vehicle over the public highways of this state each year,~~ AND THE TOTAL NUMBER OF MILES OPERATED BY THE VEHICLE IN ALL JURISDICTIONS DURING EACH YEAR, according to the following schedule:

| <b>Registration Fee for</b>     |                            |               |                 |  |
|---------------------------------|----------------------------|---------------|-----------------|--|
| <b>Number of Miles Operated</b> |                            |               |                 |  |
| <b>by Vehicle During Year</b>   |                            |               |                 |  |
| <b>Declared</b>                 | <b>Less than 10,000 to</b> |               | <b>Over</b>     |  |
| <b>Gross Vehicle</b>            | <b>10,000</b>              | <b>30,000</b> | <b>30,000</b>   |  |
| <b>Weight (Pounds)</b>          | <b>Per Year</b>            |               | <b>Per Year</b> |  |
| 16,001 but not more than 20,000 | \$ 180                     | \$ 370        | \$ 1,050        |  |
| 20,001 but not more than 24,000 | 200                        | 380           | 1,100           |  |
| 24,001 but not more than 30,000 | 250                        | 410           | 1,200           |  |
| 30,001 but not more than 36,000 | 300                        | 440           | 1,250           |  |
| 36,001 but not more than 42,000 | 350                        | 470           | 1,350           |  |
| 42,001 but not more than 48,000 | 400                        | 590           | 1,400           |  |
| 48,001 but not more than 54,000 | 420                        | 640           | 1,500           |  |
| 54,001 but not more than 60,000 | 430                        | 660           | 1,525           |  |
| 60,001 but not more than 66,000 | 440                        | 720           | 1,650           |  |
| 66,001 but not more than 74,000 | 450                        | 740           | 1,700           |  |
| Over 74,000                     | 460                        | 810           | 1,800           |  |

| <b>REGISTRATION FEE FOR NUMBER OF</b> |                 |               | <b>MILES</b> |
|---------------------------------------|-----------------|---------------|--------------|
| <b>OPERATED BY VEHICLE PER YEAR</b>   |                 |               |              |
| <b>DECLARED</b>                       | <b>30,000</b>   | <b>OVER</b>   |              |
| <b>GROSS VEHICLE</b>                  | <b>AND LESS</b> | <b>30,000</b> |              |
| <b>WEIGHT (POUNDS)</b>                |                 |               |              |

|                                 |        |          |
|---------------------------------|--------|----------|
| 16,001 BUT NOT MORE THAN 20,000 | \$ 270 | \$ 1,490 |
| 20,001 BUT NOT MORE THAN 24,000 | 340    | 1,580    |
| 24,001 BUT NOT MORE THAN 30,000 | 405    | 1,665    |
| 30,001 BUT NOT MORE THAN 36,000 | 475    | 1,755    |
| 36,001 BUT NOT MORE THAN 42,000 | 540    | 1,845    |
| 42,001 BUT NOT MORE THAN 48,000 | 610    | 1,930    |
| 48,001 BUT NOT MORE THAN 54,000 | 675    | 2,020    |
| 54,001 BUT NOT MORE THAN 60,000 | 745    | 2,105    |
| 60,001 BUT NOT MORE THAN 66,000 | 810    | 2,195    |
| 66,001 BUT NOT MORE THAN 74,000 | 880    | 2,285    |
| OVER 74,000                     | 1,015  | 2,370    |

~~(H) Effective January 1, 1991, the fee category provided for in subparagraph (F) of this paragraph (b) for vehicles operated less than ten thousand miles per year shall be divided into two categories, one for vehicles operated less than two thousand five hundred miles per year and one category for vehicles operated at least two thousand five hundred miles but less than ten thousand miles per year. The department shall establish registration fees for each such weight and miles-operated category of vehicles so that, to the extent practicable, the revenue raised by assessments from each such weight and miles-operated category will be approximately equal to the revenue which the department estimates was raised by the assessment of gross ton-mile taxes and registration fees on all vehicles in such weight and miles-operated category of vehicles in calendar year 1988. The registration fees established pursuant to this subparagraph (H) shall also be adjusted by the department pursuant to paragraphs (f), (g), and (h) of this subsection (13).~~

~~(b.3) For each such vehicle registered under this subsection (13) having an empty weight exceeding sixteen thousand pounds which is used in interstate commerce and for which an application is made for apportioned registration, regardless of base jurisdiction, such registration fee shall be determined according to the following schedule:~~

| <b>Declared<br/>Gross Vehicle<br/>Weight (Pounds)</b> | <b>Registration<br/>Fee</b> |
|---|-----------------------------|
| 16,001 but not more than 20,000                       | \$1,050                     |
| 20,001 but not more than 24,000                       | 1,100                       |
| 24,001 but not more than 30,000                       | 1,200                       |
| 30,001 but not more than 36,000                       | 1,250                       |
| 36,001 but not more than 42,000                       | 1,350                       |
| 42,001 but not more than 48,000                       | 1,400                       |
| 48,001 but not more than 54,000                       | 1,500                       |
| 54,001 but not more than 60,000                       | 1,525                       |
| 60,001 but not more than 66,000                       | 1,650                       |
| 66,001 but not more than 74,000                       | 1,700                       |
| Over 74,000   | 1,800                       |

~~(b.5) For each such vehicle registered under this subsection (13) which is exempt from the registration fees assessed by the provisions of paragraphs (b) and (b.3) PARAGRAPH (b) of this subsection (13) under the provisions of paragraph (d), (f), (g),~~

or (h) of subsection (15) of this section and which weighs more than sixteen thousand pounds, THE REGISTRATION FEE SHALL BE two hundred thirty-three dollars plus one dollar and fifty cents for each one hundred pounds, or fraction thereof, in excess of sixteen thousand pounds.

(c) Each ~~such~~ vehicle registered under this subsection (13) having an empty weight not in excess of sixteen thousand pounds but which is operated in combination with a trailer or semitrailer, which is commonly referred to as a tractor-trailer, shall be assessed according to the provisions of paragraph (b) ~~or (b.3)~~ of this subsection (13).

(e) Effective January 1, 1990, in addition to the registration fees imposed by paragraphs (b) ~~(b.3)~~; and (b.5) of this subsection (13) and by SUBPARAGRAPH (IV) OF PARAGRAPH (a) OF subsection (19) ~~(a) (IV)~~ of this section, an additional registration fee of ten dollars SHALL BE ASSESSED.

(f) Effective January 1, 1990, the fees provided for in paragraphs (b), (b.3), (b.5), and (c) of this subsection (13) and in subsections (13.2) and (19) (a) (IV) of this section shall be proportionately adjusted by the department to increase the fees in an amount that will generate funds equal to the amount of revenue that the department estimates would have been earned by an additional two-cent excise tax imposed in accordance with section 39-27-202 (1) (c), C.R.S. The purpose of this increase is to raise revenue sufficient to approximate the difference between an excise tax of eighteen cents per gallon and an excise tax of twenty cents per gallon on special fuels.

(g) Effective January 1, 1991, the adjusted fees provided for in paragraph (f) of this subsection (13) shall be proportionately adjusted by the department to increase the fees in an amount that will generate funds equal to the amount of revenue that the department estimates would have been earned by an additional two-cent excise tax imposed in accordance with section 39-27-202 (1) (c), C.R.S. The purpose of this increase is to raise revenue sufficient to approximate the difference between an excise tax of eighteen cents per gallon and an excise tax of twenty-two cents per gallon on special fuels.

(h) Effective January 1, 1992, the adjusted fees provided for in paragraph (g) of this subsection (13) shall be proportionately adjusted by the department to decrease the fees in an amount that will equal the amount of revenue that the department estimates would have been earned by a one-and-one-half cent increase in the excise tax imposed in accordance with section 39-27-202 (1) (c), C.R.S. The purpose of this decrease is to assure that revenues raised by the fees approximate the difference between an excise tax of twenty and one-half cents per gallon and an excise tax of twenty-two cents per gallon on special fuels.

(i) ~~On the September 1 preceding the dates provided for in paragraphs (f), (g), and (h) of this subsection (13), the department shall certify the schedule containing the new fees to the governor and to the president of the senate and the speaker of the house of representatives.~~

(13.5) (a) The owner or operator of any motor vehicle which is exempt from the registration fees assessed by the provisions of paragraphs (b) and (b.3) PARAGRAPH (b) of subsection (13) of this section under the provisions of paragraph (b) or (c) of subsection (15) of this section may apply to the department for a temporary

commercial registration permit for such motor vehicle. Such temporary commercial registration permit shall authorize the operation of such motor vehicle in commerce; ~~under the following restrictions:~~

~~(F)~~ EXCEPT THAT any such motor vehicle which is exempt from such registration fees under the provisions of paragraph (b) or (c) of subsection (15) of this section may be operated solely in agricultural harvest operations within Colorado.

(15) The registration fees assessed by the provisions of ~~paragraphs (b) and (b.3)~~ PARAGRAPH (b) of subsection (13) of this section shall not apply:

**SECTION 3.** 42-3-134 (2), (13) (b), (13) (c), (13) (d), (13) (e), (13) (g), (13) (h), (13) (i), (13) (j), (13) (k), and (17) (a) and the introductory portion to 42-3-134 (18), Colorado Revised Statutes, 1993 Repl. Vol., as amended by Senate Bill 94-1, enacted at the Second Regular Session of the Fifty-ninth General Assembly, are amended to read:

**42-3-134. Registration fees - passenger and passenger-mile taxes.** (2) With respect to passenger-carrying motor vehicles, the weight used in computing annual registration fees shall be that weight published by the manufacturer in approved manuals, and, in case of a dispute over the weight of any such vehicle, the actual weight determined by weighing such vehicle on a certified scale, as provided in section 35-14-122 (6), C.R.S., shall be conclusive. With respect to all other vehicles, the weight used in computing annual registration fees shall be the empty weight thereof, determined by weighing such vehicle on a certified scale, or, in the case of registration fees imposed pursuant to ~~paragraphs (b) and (c)~~ PARAGRAPH (b) of subsection (13) of this section, the declared gross vehicle weight of the vehicle declared by the owner of the vehicle at the time of registration.

(13) The annual registration fee for those trucks and truck tractors operated over the public highways of this state, except trucks which are registered under the provisions of subsections (12) and (25) of this section, shall be as follows:

(b) ~~(F) Except as provided in paragraph (c) of this subsection (13),~~ For each such vehicle registered under this subsection (13) having an empty weight exceeding sixteen thousand pounds, ~~such~~ THE registration fee shall be based upon the declared gross vehicle weight of the vehicle registered ~~and the number of miles operated by the vehicle over the public highways of this state each year;~~ AND THE TOTAL NUMBER OF MILES OPERATED BY THE VEHICLE IN ALL JURISDICTIONS DURING EACH YEAR, according to the following schedule:

**Registration Fee for  
Number of Miles Operated  
by Vehicle During Year**

| <b>Declared<br/>Gross Vehicle<br/>Weight (Pounds)</b> | <b>Less than 10,000 to Over</b> |                 |                 |
|---|---------------------------------|-----------------|-----------------|
|   | <b>10,000</b>                   | <b>30,000</b>   | <b>30,000</b>   |
|   | <b>Per Year</b>                 | <b>Per Year</b> | <b>Per Year</b> |
| 16,001 but not more than 20,000                       | \$ 180                          | \$ 370          | \$1,050         |
| 20,001 but not more than 24,000                       | 200                             | 380             | 1,100           |

|                                 |     |     |       |
|---------------------------------|-----|-----|-------|
| 24,001 but not more than 30,000 | 250 | 410 | 1,200 |
| 30,001 but not more than 36,000 | 300 | 440 | 1,250 |
| 36,001 but not more than 42,000 | 350 | 470 | 1,350 |
| 42,001 but not more than 48,000 | 400 | 590 | 1,400 |
| 48,001 but not more than 54,000 | 420 | 640 | 1,500 |
| 54,001 but not more than 60,000 | 430 | 660 | 1,525 |
| 60,001 but not more than 66,000 | 440 | 720 | 1,650 |
| 66,001 but not more than 74,000 | 450 | 740 | 1,700 |
| Over 74,000                     | 460 | 810 | 1,800 |

|                                      | REGISTRATION FEE FOR NUMBER OF MILES |                    |
|--------------------------------------|--------------------------------------|--------------------|
|                                      | OPERATED BY VEHICLE PER YEAR         |                    |
|                                      | DECLARED                             |                    |
| <b>GROSS VEHICLE WEIGHT (POUNDS)</b> | <b>30,000 AND LESS</b>               | <b>OVER 30,000</b> |
| 16,001 BUT NOT MORE THAN 20,000      | \$ 270                               | \$ 1,490           |
| 20,001 BUT NOT MORE THAN 24,000      | 340                                  | 1,580              |
| 24,001 BUT NOT MORE THAN 30,000      | 405                                  | 1,665              |
| 30,001 BUT NOT MORE THAN 36,000      | 475                                  | 1,755              |
| 36,001 BUT NOT MORE THAN 42,000      | 540                                  | 1,845              |
| 42,001 BUT NOT MORE THAN 48,000      | 610                                  | 1,930              |
| 48,001 BUT NOT MORE THAN 54,000      | 675                                  | 2,020              |
| 54,001 BUT NOT MORE THAN 60,000      | 745                                  | 2,105              |
| 60,001 BUT NOT MORE THAN 66,000      | 810                                  | 2,195              |
| 66,001 BUT NOT MORE THAN 74,000      | 880                                  | 2,285              |
| OVER 74,000                          | 1,015                                | 2,370              |

(H) Effective January 1, 1991, the fee category provided for in subparagraph (I) of this paragraph (b) for vehicles operated less than ten thousand miles per year shall be divided into two categories, one for vehicles operated less than two thousand five hundred miles per year and one category for vehicles operated at least two thousand five hundred miles but less than ten thousand miles per year. The department shall establish registration fees for each such weight and miles-operated category of vehicles so that, to the extent practicable, the revenue raised by assessments from each such weight and miles-operated category will be approximately equal to the revenue which the department estimates was raised by the assessment of gross ton-mile taxes and registration fees on all vehicles in such weight and miles-operated category of vehicles in calendar year 1988. The registration fees established pursuant to this subparagraph (H) shall also be adjusted by the department pursuant to paragraphs (h) to (j) of this subsection (13):

(c) For each such vehicle registered under this subsection (13) having an empty weight exceeding sixteen thousand pounds which is used in interstate commerce and for which an application is made for apportioned registration, regardless of base jurisdiction, such registration fee shall be determined according to the following schedule:

| <b>Declared Gross Vehicle Weight (Pounds)</b> | <b>Registration Fee</b> |
|---|-------------------------|
|---|-------------------------|

|                                 |          |
|---------------------------------|----------|
| 16,001 but not more than 20,000 | \$ 1,050 |
| 20,001 but not more than 24,000 | 1,100    |
| 24,001 but not more than 30,000 | 1,200    |
| 30,001 but not more than 36,000 | 1,250    |
| 36,001 but not more than 42,000 | 1,350    |
| 42,001 but not more than 48,000 | 1,400    |
| 48,001 but not more than 54,000 | 1,500    |
| 54,001 but not more than 60,000 | 1,525    |
| 60,001 but not more than 66,000 | 1,650    |
| 66,001 but not more than 74,000 | 1,700    |
| Over 74,000                     | 1,800    |

(d) For each ~~such~~ vehicle registered under this subsection (13) which is exempt from the registration fees assessed by the provisions of ~~paragraphs (b) and (c)~~ PARAGRAPH (b) of this subsection (13) under the provisions of paragraph (d), (f), (g), or (h) of subsection (18) of this section and which weighs more than sixteen thousand pounds, THE REGISTRATION FEE SHALL BE two hundred thirty-three dollars plus one dollar and fifty cents for each one hundred pounds, or fraction thereof, in excess of sixteen thousand pounds.

(e) Each ~~such~~ vehicle registered under this subsection (13) having an empty weight not in excess of sixteen thousand pounds but which is operated in combination with a trailer or semitrailer, which is commonly referred to as a tractor-trailer, shall be assessed according to the provisions of paragraph (b) ~~or (c)~~ of this subsection (13).

(g) Effective January 1, 1990, in addition to the registration fees imposed by paragraphs (b) ~~to~~ AND (d) of this subsection (13) and by subparagraph (IV) of paragraph (a) of subsection (22) of this section, an additional registration fee of ten dollars SHALL BE ASSESSED.

(h) Effective January 1, 1990, the fees provided for in paragraphs (b) to (c) of this subsection (13) and in subsections (15) and (22) (a) (IV) of this section shall be proportionately adjusted by the department to increase the fees in an amount that will generate funds equal to the amount of revenue that the department estimates would have been earned by an additional two-cent excise tax imposed in accordance with section 39-27-202 (1) (c), C.R.S. The purpose of this increase is to raise revenue sufficient to approximate the difference between an excise tax of eighteen cents per gallon and an excise tax of twenty cents per gallon on special fuels:

(i) Effective January 1, 1991, the adjusted fees provided for in paragraph (h) of this subsection (13) shall be proportionately adjusted by the department to increase the fees in an amount that will generate funds equal to the amount of revenue that the department estimates would have been earned by an additional two-cent excise tax imposed in accordance with section 39-27-202 (1) (c), C.R.S. The purpose of this increase is to raise revenue sufficient to approximate the difference between an excise tax of eighteen cents per gallon and an excise tax of twenty-two cents per gallon on special fuels:

(j) Effective January 1, 1992, the adjusted fees provided for in paragraph (i) of this subsection (13) shall be proportionately adjusted by the department to decrease the fees in an amount that will equal the amount of revenue that the department estimates

~~would have been earned by a one-and-one-half cent increase in the excise tax imposed in accordance with section 39-27-202 (1) (c), C.R.S. The purpose of this decrease is to assure that revenues raised by the fees approximate the difference between an excise tax of twenty and one-half cents per gallon and an excise tax of twenty-two cents per gallon on special fuels.~~

~~(k) On the September 1 preceding the dates provided for in paragraphs (h) to (j) of this subsection (13), the department shall certify the schedule containing the new fees to the governor and to the president of the senate and the speaker of the house of representatives.~~

(17) (a) The owner or operator of any motor vehicle which is exempt from the registration fees assessed by the provisions of ~~paragraphs (b) and (c)~~ PARAGRAPH (b) of subsection (13) of this section under the provisions of paragraph (b) or (c) of subsection (18) of this section may apply to the department for a temporary commercial registration permit for such motor vehicle. Such temporary commercial registration permit shall authorize the operation of such motor vehicle in commerce; except that any such motor vehicle which is exempt from such registration fees under the provisions of paragraph (b) or (c) of subsection (18) of this section may be operated solely in agricultural harvest operations within Colorado.

(18) The registration fees assessed by the provisions of ~~paragraphs (b) and (c)~~ PARAGRAPH (b) of subsection (13) of this section shall not apply:

**SECTION 4.** 43-2-145, Colorado Revised Statutes, 1993 Repl. Vol., is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**43-2-145. Highway legislation review - committee - repeal.** (7) (a) THE COMMITTEE SHALL REVIEW THE REGISTRATION FEES PRESCRIBED IN SECTION 42-3-123 (13) (b), C.R.S., AS AMENDED BY SENATE BILL 94-220, ENACTED BY THE SECOND REGULAR SESSION OF THE FIFTY-NINTH GENERAL ASSEMBLY, TO DETERMINE THE IMPACT OF THE REGISTRATION FEES ON THE PERSONS OR ENTITIES RESPONSIBLE FOR PAYMENT OF SUCH REGISTRATION FEES AND ON THE COLLECTION OF REVENUES. BEFORE JANUARY 1, 1995, THE COMMITTEE SHALL RECOMMEND TO THE GENERAL ASSEMBLY ANY LEGISLATION NECESSITATED BY THE COMMITTEE'S FINDINGS.

(b) THIS SUBSECTION (7) IS REPEALED, EFFECTIVE JULY 1, 1995.

**SECTION 5. Appropriation.** (1) In addition to any other appropriation, there is hereby appropriated, to the department of revenue, for the fiscal year beginning July 1, 1994, the sum of sixteen thousand three hundred fifty-one dollars (\$16,351), or so much thereof as may be necessary, for the implementation of this act. Of said sum, seven thousand eleven dollars (\$7,011) shall be from the distributive data processing subaccount of the highway users tax fund and nine thousand three hundred forty dollars (\$9,340) shall be from the highway users tax fund.

(2) The general assembly has determined that all other requirements of this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act.

**SECTION 6. Effective date.** Section 3 of this act shall take effect January 1,

1995, and the remainder of this act shall take effect upon passage.

**SECTION 7. 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: May 25, 1994