

CHAPTER 310

MOTOR VEHICLES AND TRAFFIC

HOUSE BILL 07-1352

BY REPRESENTATIVE(S) Rice, Hicks, McFadyen, Todd, Carroll M., Frangas, Gallegos, Gardner B., Green, Hodge, King, Lambert, Lundberg, Massey, Merrifield, Solano, Soper, Stafford, Stephens, Vaad, Labuda, and Rose;
also SENATOR(S) Ward, Wiens, Shaffer, and Tochtrop.

AN ACT

CONCERNING THE ISSUANCE OF SPECIAL LICENSE PLATES TO MEMBERS OF THE UNITED STATES ARMED FORCES, AND, IN CONNECTION THEREWITH, CLARIFYING THE APPLICATION OF PROPERTY TAX LAWS AND VOTER REGISTRATION LAWS TO SERVICE MEMBERS, WAIVING CERTAIN FEES AND FILING REQUIREMENTS, AND MAKING AN APPROPRIATION.

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

SECTION 1. 42-3-213 (1) (a) (XIV), Colorado Revised Statutes, is amended, and the said 42-3-213 (1) (a) is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

42-3-213. Special plates - military veterans - rules - retirement. (1) (a) The department shall issue one or more sets of special license plates to the following persons who own a truck that does not exceed sixteen thousand pounds empty weight, a passenger car, a motorcycle, or a noncommercial or recreational vehicle:

(XIV) The current or past spouse, child, SIBLING, GRANDPARENT, or parent of a person who died in the line of duty while serving in the armed forces and deployed to a combat zone.

(XVII) AN HONORABLY DISCHARGED, RETIRED, RESERVE, OR ACTIVE MEMBER OF THE SPECIAL FORCES OF THE UNITED STATES ARMED FORCES.

SECTION 2. 42-3-213, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

42-3-213. Special plates - military veterans - rules - retirement.
(18) Honorably discharged, retired veteran, or active member of the U.S.

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

Army special forces. (a) THE UNITED STATES ARMY SPECIAL FORCES LICENSE PLATE SHALL INDICATE THAT AN OWNER OF A MOTOR VEHICLE TO WHICH SUCH PLATE IS ATTACHED IS A VETERAN, RESERVE MEMBER, OR AN ACTIVE MEMBER OF THE SPECIAL FORCES OF THE UNITED STATES ARMY.

(b) BEGINNING JANUARY 1, 2008, A NATURAL PERSON WHO HAS RECEIVED AN HONORABLE DISCHARGE OR IS AN ACTIVE OR RESERVE MEMBER OF THE UNITED STATES ARMY SPECIAL FORCES MAY USE A UNITED STATES ARMY SPECIAL FORCES LICENSE PLATE. WHEN APPLYING FOR SUCH A LICENSE PLATE, AN APPLICANT SHALL SUBMIT:

(I) PROOF OF AN HONORABLE DISCHARGE OR RETIREMENT OR PROOF THAT THE APPLICANT IS CURRENTLY AN ACTIVE OR RESERVE MEMBER OF THE UNITED STATES ARMY SPECIAL FORCES;

(II) ORDERS OR A DD214 FORM THAT SHOWS AN AWARDED PREFIX "3" OR SUFFIX "S" OR A DESIGNATION OF "5G", 18/180 SERIES MOS, SPECIAL FORCES TAB, OSS, OR UNPIK-8240.

SECTION 3. 42-3-213 (1) (b) (II), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUB-SUBPARAGRAPH to read:

42-3-213. Special plates - military veterans - rules - retirement. (1) (b) (II) Notwithstanding subparagraph (I) of this paragraph (b):

(G) THE ONE-TIME ISSUANCE FEE IMPOSED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) SHALL NOT BE CHARGED FOR ONE SET, PER APPLICANT, OF FALLEN SERVICE MEMBER SPECIAL LICENSE PLATES ISSUED PURSUANT TO SUBSECTION (15) OF THIS SECTION.

SECTION 4. 42-3-213 (1) (f), Colorado Revised Statutes, is amended to read:

42-3-213. Special plates - military veterans - rules - retirement. (1) (f) A person who meets the conditions stated in subparagraph (XIV) of paragraph (a) of this subsection (1) is authorized to be issued a fallen service member special license plate. EXCEPT AS PROVIDED BY SUB-SUBPARAGRAPH (G) OF SUBPARAGRAPH (II) OF PARAGRAPH (b) OF THIS SUBSECTION (1), this paragraph (f) shall not be construed to authorize the spouse, child, SIBLING, GRANDPARENT, or parent to receive a license plate without paying the applicable fees ~~under subparagraph (f) of paragraph (b) of this subsection (1)~~ or if such plate signifies more than that the deceased served in a branch of the armed forces.

SECTION 5. 42-3-204 (2) (c), Colorado Revised Statutes, is amended to read:

42-3-204. Parking privileges for persons with disabilities - applicability. (2) (c) Such license plate or placard shall be issued to such person upon presentation to the department of a written statement, verified by a physician licensed to practice medicine in this state or practicing medicine pursuant to section 12-36-106 (3) (i), C.R.S., that such person is a person with a disability. The application for such a license plate or placard shall be sent to the department each year; except that a person who has been issued a disabled veteran special license

plate shall not send an application to the department every year. ~~The application for a disabled special license plate that qualifies for parking privileges pursuant to this section shall be sent to the department upon transfer of such plate to another vehicle.~~

SECTION 6. 42-3-104 (1), Colorado Revised Statutes, is amended, and the said 42-3-104 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

42-3-104. Exemptions - specific ownership tax - registration - domicile and residency - rules - definitions. (1) Only those items of classified personal property that are owned by the United States government or an agency or instrumentality thereof, ~~or~~ by the state of Colorado or a political subdivision thereof, OR BY A SERVICE MEMBER EITHER INDIVIDUALLY OR JOINTLY WITH A DEPENDENT shall be exempt from payment of the annual specific ownership tax imposed in this article.

(9) (a) NOTWITHSTANDING THAT A SERVICE MEMBER HAS REGISTERED TO VOTE IN COLORADO OR PAID OR NOT PAID TAXES IN THE SERVICE MEMBER'S STATE OF RESIDENCE, PERSONAL PROPERTY OWNED BY THE SERVICE MEMBER, EITHER INDIVIDUALLY OR JOINTLY WITH A DEPENDENT, WHILE THE SERVICE MEMBER IS A RESIDENT OF ANOTHER STATE BUT DOMICILED IN COLORADO IN COMPLIANCE WITH MILITARY ORDERS, SHALL BE EXEMPT FROM THE IMPOSITION OF THE ANNUAL SPECIFIC OWNERSHIP TAX IMPOSED BY THIS ARTICLE.

(b) THE PERSONAL PROPERTY OF A SERVICE MEMBER WHO IS A RESIDENT OF ANOTHER STATE BUT DOMICILED IN COLORADO IN COMPLIANCE WITH MILITARY ORDERS SHALL BE NOT BE DEEMED TO BE LOCATED IN, BE PRESENT IN, OR HAVE A SITUS IN THE LOCAL JURISDICTION OF COLORADO.

(c) A SERVICE MEMBER SHALL NEITHER LOSE NOR ACQUIRE RESIDENCY OR DOMICILE IN COLORADO FOR THE PURPOSE OF TAXATION, WITH REGARD TO PERSONAL PROPERTY OF THE SERVICE MEMBER IN ANY TAX JURISDICTION OF COLORADO, IF THE DOMICILE IS IN COMPLIANCE WITH MILITARY ORDERS.

(d) THE RESIDENCY OF A SERVICE MEMBER SHALL NOT BE ESTABLISHED SOLELY FOR THE PURPOSE OF TAXATION. A SERVICE MEMBER SHALL BE DEEMED TO BE A RESIDENT OF COLORADO WHEN THE SERVICE MEMBER IS NOT DOMICILED IN COLORADO IF THE DOMICILE IS IN COMPLIANCE WITH MILITARY ORDERS AND THE SERVICE MEMBER IS A RESIDENT AS DEFINED BY SECTION 42-1-102 (81).

(e) FOR THE PURPOSE OF VOTING IN A FEDERAL, STATE, OR LOCAL ELECTION, A SERVICE MEMBER WHO IS IN COLORADO IN COMPLIANCE WITH MILITARY ORDERS SHALL NOT:

(I) BE DEEMED TO HAVE LOST RESIDENCE OR DOMICILE IN ANOTHER STATE REGARDLESS OF WHETHER THE PERSON INTENDS TO RETURN TO THE OTHER STATE;

(II) BE DEEMED TO HAVE ACQUIRED RESIDENCE OR DOMICILE IN ANOTHER STATE;
OR

(III) BE DEEMED TO BECOME A RESIDENT OF ANOTHER STATE.

(f) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT MAY ISSUE FORMS AND PROMULGATE RULES NECESSARY TO IMPLEMENT THIS SUBSECTION (9).

(10) FOR THE PURPOSES OF THIS SECTION:

(a) "DEPENDENT" MEANS A SERVICE MEMBER'S SPOUSE, CHILD, OR AN INDIVIDUAL FOR WHOM THE SERVICE MEMBER HAS PROVIDED MORE THAN ONE-HALF OF THE INDIVIDUAL'S SUPPORT FOR AT LEAST ONE HUNDRED EIGHTY DAYS IMMEDIATELY PRECEDING AN APPLICATION FOR SPECIFIC OWNERSHIP TAX EXEMPTION.

(b) "SERVICE MEMBER" MEANS A MEMBER OF THE UNITED STATES ARMED FORCES.

SECTION 7. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the license plate cash fund created in section 42-3-301, Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for allocation to the division of motor vehicles, for the fiscal year beginning July 1, 2007, the sum of sixteen thousand eighty dollars (\$16,080), or so much thereof as may be necessary, for the implementation of this act.

SECTION 8. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 8, 2007, if adjournment sine die is on May 9, 2007); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: May 26, 2007