

CHAPTER 136

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 11-1004

BY REPRESENTATIVE(S) Baumgardner, Barker, Becker, Bradford, Brown, Coram, DelGrosso, Fields, Gerou, Holbert, Kerr J., Looper, Massey, Murray, Nikkel, Pabon, Pace, Priola, Ramirez, Scott, Vaad, Waller, McKinley;
also SENATOR(S) Harvey, Lambert, Lundberg.

AN ACT

**CONCERNING THE REGISTRATION OF A VEHICLE USED FOR AGRICULTURAL PRODUCTION, AND
MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**

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

SECTION 1. Legislative declaration. The general assembly declares that nothing in this act authorizes a person to use a license plate on a motor vehicle to which the plate has not been assigned in violation of section 42-3-124 or 42-3-202, Colorado Revised Statutes.

SECTION 2. Repeal. 42-3-304 (1) (b) (II), Colorado Revised Statutes, is repealed as follows:

42-3-304. Registration fees - passenger and passenger-mile taxes - clean screen fund - repeal. (1) (b) The following vehicles are exempt from the motorist insurance identification fee:

(II) ~~Trucks and truck tractors that are owned by a farmer or rancher and whose only commercial uses are:~~

~~(A) Transporting to market or place of storage raw agricultural products actually produced or livestock actually raised by such farmer or rancher; or~~

~~(B) Transporting commodities and livestock purchased by such farmer or rancher for use by the farmer or rancher in farming or ranching operations.~~

SECTION 3. 42-3-306 (4), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

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

42-3-306. Registration fees - passenger and passenger-mile taxes - fee schedule. (4) (e) THE DEPARTMENT OR ITS AUTHORIZED AGENT SHALL NOT REQUIRE A PERSON REGISTERING A FARM TRUCK OR TRUCK TRACTOR UNDER THIS SUBSECTION (4) TO DEMONSTRATE THAT THE OWNER'S PRIMARY BUSINESS OR SOURCE OF INCOME IS AGRICULTURE IF THE FARM TRUCK OR TRUCK TRACTOR IS USED PRIMARILY FOR AGRICULTURAL PRODUCTION ON A FARM OR RANCH OWNED OR LEASED BY THE OWNER OF THE TRUCK OR TRUCK TRACTOR, AND THE LAND ON WHICH IT IS USED IS CLASSIFIED AS AGRICULTURAL LAND FOR THE PURPOSES OF LEVYING AND COLLECTING PROPERTY TAX UNDER SECTION 39-1-103, C.R.S.

SECTION 4. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the Colorado state titling and registration account of the highway users tax fund created in section 42-1-211 (2), Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for allocation to the information technology division, for the fiscal year beginning July 1, 2011, the sum of twenty-two thousand two hundred dollars (\$22,200) cash funds, or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated to the governor - lieutenant governor - state planning and budgeting, for allocation to the office of information technology, for the fiscal year beginning July 1, 2011, the sum of twenty-two thousand two hundred dollars (\$22,200), or so much thereof as may be necessary, for the provision of programming services to the department of revenue related to the implementation of this act. Said sum shall be from reappropriated funds received from the department of revenue out of the appropriation made in subsection (1) of this section.

SECTION 5. Act subject to petition - effective date - applicability. (1) 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 (August 10, 2011, if adjournment sine die is on May 11, 2011); 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 shall not take effect unless approved by the people at the general election to be held in November 2012 and shall take effect on the date of the official declaration of the vote thereon by the governor.

(2) The provisions of this act shall apply to applications for registration filed on or after January 1, 2012.

Approved: May 4, 2011