

CHAPTER 86

MOTOR VEHICLES AND TRAFFIC REGULATION

SENATE BILL 11-031

BY SENATOR(S) Cadman, Boyd, Scheffel, Tochtrop, Williams S.;
also REPRESENTATIVE(S) Looper, Barker, Labuda, Lee, Soper, Todd, Vigil, Williams A.

AN ACT

CONCERNING MOTOR VEHICLES VALUED AS COLLECTOR'S ITEMS FOR HISTORICAL REASONS.

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

SECTION 1. Article 12 of title 42, Colorado Revised Statutes, is amended, WITH THE RELOCATION OF PROVISIONS, to read:

**PART 1
GENERAL PROVISIONS**

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

(1) "Collector" means an individual or person who is:

(a) The owner of one or more vehicles of historic or special interest who collects, purchases, acquires, trades, or disposes of these vehicles or parts thereof for such owner's use in order to preserve, restore, and maintain a vehicle for hobby purposes or use; or

(b) A bona fide member of a national automobile club or association whose charter recognizes in membership a sincere demonstration of interest in the history of automotive engineering, in the preservation of antique, vintage, or special interest motor vehicles, in a sharing of knowledge and experience with other automotive enthusiasts, or in the promotion of good fellowship among such members or collectors.

(2) "Collector's item" means a motor vehicle, including a truck or truck tractor,

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

that is of:

(a) ~~(H)~~ Model year 1975 or earlier; or

~~(H)~~ (b) Model year 1976 or later that was registered as a collector's item prior to September 1, 2009; except that a vehicle so registered ~~shall~~ is not ~~be~~ eligible for registration as a collector's item upon sale or transfer to a new owner. ~~This paragraph (a) is effective September 1, 2009.~~

~~(b) and (c) (Deleted by amendment, L. 97, p. 358, §1, effective July 1, 1997.)~~

(3) "COMMERCIAL VEHICLE" MEANS A TRAILER, TRUCK, OR TRUCK TRACTOR, AS THOSE TERMS ARE DEFINED IN SECTION 42-1-102.

(4) "DEALER" MEANS A PERSON WHO IS ENGAGED IN THE BUSINESS OR VOCATION OF MANUFACTURING, BUYING, SELLING, TRADING, DESTROYING, OR SALVAGING MOTOR VEHICLES, MOTOR VEHICLE PARTS, MOTOR VEHICLE EQUIPMENT, OR MOTOR VEHICLE ACCESSORIES.

(5) "DEPARTMENT" MEANS THE DEPARTMENT OF REVENUE.

(6) "DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE.

(7) "GARAGE" MEANS A BUILDING OR BUSINESS PLACE USED FOR THE STORAGE OR REPAIR OF MOTOR VEHICLES.

(8) "INSPECTOR" MEANS A PEACE OFFICER OF A LAW ENFORCEMENT AGENCY WHO HAS BEEN CERTIFIED UNDER SECTION 42-5-206 TO INSPECT VEHICLE IDENTIFICATION NUMBERS.

(9) "LAW ENFORCEMENT AGENCY" MEANS THE COLORADO STATE PATROL OR THE AGENCY OF A LOCAL GOVERNMENT AUTHORIZED TO ENFORCE THE LAWS OF COLORADO.

(10) "MOTOR VEHICLE" MEANS A SELF-PROPELLED VEHICLE DESIGNED FOR OPERATION ON THE HIGHWAY AND NOT RUNNING ON RAILS.

(11) **[Formerly 42-12-101 (3)]** "Parts car" means a motor vehicle, generally in ~~nonoperable~~ INOPERABLE condition, ~~which~~ THAT is owned by a collector to furnish or to supply parts that are usually ~~nonobtainable~~ UNOBTAINABLE from normal sources, thus enabling a collector or other collectors to preserve, restore, complete, and maintain a vehicle of historic or special interest.

(12) "REBUILT VEHICLE" MEANS A VEHICLE THAT WAS ASSEMBLED FROM PARTS OF TWO OR MORE COMMERCIALY MANUFACTURED VEHICLES OR THAT HAS BEEN ALTERED IN SUCH A MANNER THAT IT IS NOT READILY RECOGNIZABLE AS A COMMERCIALY MANUFACTURED VEHICLE OF A GIVEN YEAR. "REBUILT VEHICLE" INCLUDES A KIT CAR AND A STREET-ROD VEHICLE.

(13) "STATE" INCLUDES THE TERRITORIES AND THE FEDERAL DISTRICTS OF THE

UNITED STATES.

(14) "STREET-ROD VEHICLE" MEANS A VEHICLE WITH A BODY DESIGN MANUFACTURED IN 1948 OR EARLIER OR WITH A REPRODUCTION COMPONENT THAT RESEMBLES A 1948 OR EARLIER MODEL THAT HAS BEEN MODIFIED FOR SAFE ROAD USE, INCLUDING MODIFICATIONS TO THE DRIVE TRAIN, SUSPENSION, AND BRAKE SYSTEMS, MODIFICATIONS TO THE BODY THROUGH THE USE OF MATERIALS SUCH AS STEEL OR FIBERGLASS, AND MODIFICATIONS TO OTHER SAFETY OR COMFORT FEATURES.

(15) "VEHICLE" MEANS A MOTOR VEHICLE REQUIRED TO HAVE A CERTIFICATE OF TITLE UNDER PART 1 OF ARTICLE 6 OF THIS TITLE BUT DOES NOT INCLUDE COMMERCIAL VEHICLES.

(16) "VEHICLE IDENTIFICATION NUMBER" MEANS THE IDENTIFYING NUMBER, SERIAL NUMBER, ENGINE NUMBER, OR OTHER DISTINGUISHING NUMBER OR MARK, INCLUDING ANY LETTERS, THAT IS UNIQUE TO THE IDENTITY OF A GIVEN VEHICLE OR VEHICLE PART AND THAT WAS PLACED ON A VEHICLE OR VEHICLE PART BY ITS MANUFACTURER OR BY THE DEPARTMENT UNDER EITHER SECTION 42-12-202 OR THE LAWS OF ANOTHER STATE OR COUNTRY.

42-12-102. [Formerly 42-6-108.5] Rebuilder's certificate of title. (1) (a) ~~On or after July 1, 2008,~~ If the applicant for a certificate of title to a motor vehicle is unable to provide the director or the authorized agent with a certificate of title duly transferred to ~~such~~ THE applicant or other evidence of ownership that satisfies the director that the applicant owns the vehicle, the director may issue a rebuilder's title for a motor vehicle valued principally because of the vehicle's early date of manufacture, design, or historical interest or valued as a collector's item if:

(I) The motor vehicle is not roadworthy;

(II) The motor vehicle is at least twenty-five years old;

(III) The components of the motor vehicle include at least a rolling chassis;

(IV) The application contains or is accompanied by a statement that complies with paragraph (b) of this subsection (1);

(V) The applicant obtains a certified vehicle identification number inspection; and

(VI) The applicant provides surety that complies with subsection (3) of this section.

(b) The statement required by subparagraph (IV) of paragraph (a) of this subsection (1) ~~shall~~ MUST contain an account of the facts by which the applicant acquired ownership of the vehicle, the source of the title to the vehicle, and such other information as the director may require. The statement ~~shall~~ MUST contain a written declaration that it is made under the penalties of perjury in the second degree, as defined in section 18-8-503, C.R.S.

(2) If a motor vehicle titled ~~pursuant to~~ UNDER this section is later made roadworthy, the department shall issue to an applicant a standard certificate of title if the applicant:

- (a) Obtains a certified vehicle identification number inspection; AND
- (b) FURNISHES A BOND UNDER SUBSECTION (3) OF THIS SECTION.

(3) (a) TO CONVERT A REBUILDER'S TITLE TO A STANDARD CERTIFICATE OF TITLE, the applicant shall furnish evidence of a savings account, deposit, or certificate of deposit meeting the requirements of section 11-35-101, C.R.S., or a good and sufficient bond with a corporate surety. The ~~surety shall be~~ ACCOUNT, DEPOSIT, CERTIFICATE, OR BOND MUST BE in an amount fixed by the director, but not less than twice the reasonable value of the vehicle, determined as of the time of application. The applicant and the applicant's surety shall hold harmless any person who suffers loss or damage by reason of the filing of a certificate of title under this section.

(b) If a person suffers loss or damage by reason of the filing of a certificate of title under this section, the person ~~shall have~~ HAS a right of action against the applicant and the surety on the applicant's bond, against either of whom the person damaged may proceed independently of the other.

(4) ~~A motor vehicle titled pursuant to this section shall not:~~

(a) ~~Be driven~~ A PERSON SHALL NOT DRIVE A MOTOR VEHICLE TITLED UNDER THIS SECTION on the highways until it complies with subsection (5) of this section. ~~or~~

(b) ~~Be deemed a salvage vehicle or receive a salvage certificate of title~~ THE DEPARTMENT OR ITS AUTHORIZED AGENT SHALL NOT CLASSIFY A VEHICLE ISSUED A TITLE UNDER THIS SECTION AS A SALVAGE VEHICLE.

(5) (a) If the motor vehicle's frame and body identification numbers do not match the manufacturer's numbering system as being originally mated or IF THE MOTOR VEHICLE is reconstructed from salvage parts or other motor vehicles or reproduction parts, an application for title ~~under~~ USING subsection (1) or (2) of this section ~~shall be accompanied by~~ MUST INCLUDE evidence of ownership ~~acceptable to the director~~, of the parts, other motor vehicles, or reproduction components used in the reconstruction. IF THE EVIDENCE IS NOT ACCEPTABLE TO THE DIRECTOR, THE DIRECTOR SHALL REJECT THE APPLICATION FOR CERTIFICATE OF TITLE.

(b) The evidence required by paragraph (a) of this subsection (5) ~~shall~~ MUST include or be accompanied by an affidavit stating the facts concerning the reconstruction and an affidavit of physical inspection that includes a computer check of the state and national compilations of wanted and stolen vehicles.

(c) ~~Upon the applicant's compliance with paragraphs (a) and (b)~~ BEFORE ISSUING A CERTIFICATE OF TITLE UNDER PARAGRAPH (a) of this subsection (5), the department shall issue a special vehicle identification number to the vehicle.

42-12-103. Furnishing bond for certificates. (1) IF A COLLECTOR'S ITEM, STREET-ROD VEHICLE, OR HORSELESS CARRIAGE IS TWENTY-FIVE YEARS OLD OR

OLDER, THE APPLICANT HAS HAD A CERTIFIED VEHICLE IDENTIFICATION NUMBER INSPECTION PERFORMED ON THE VEHICLE, AND THE APPLICANT PRESENTS A NOTARIZED BILL OF SALE WITHIN TWENTY-FOUR MONTHS AFTER THE SALE WITH THE TITLE APPLICATION, THEN THE APPLICANT NEED NOT FURNISH SURETY UNDER SECTION 42-6-115 (3). TO BE EXCEPTED FROM THE SURETY REQUIREMENT, AN APPLICANT SHALL SUBMIT TO THE DEPARTMENT A SWORN AFFIDAVIT, UNDER PENALTY OF PERJURY, STATING THAT THE REQUIRED DOCUMENTS SUBMITTED ARE TRUE AND CORRECT.

(2) IF ANY PERSON SUFFERS LOSS OR DAMAGE BY REASON OF THE FILING OF THE CERTIFICATE OF TITLE AS PROVIDED IN THIS SECTION, THE PERSON SHALL HAVE A RIGHT OF ACTION AGAINST THE APPLICANT AND THE SURETY ON THE APPLICANT'S BOND, AGAINST EITHER OF WHOM THE PERSON DAMAGED MAY PROCEED INDEPENDENTLY OF THE OTHER.

42-12-104. Applicability of articles 1, 3, 4, 5, and 6. EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, ARTICLES 1, 3, 4, 5, AND 6 OF THIS TITLE APPLY TO THE TITLING AND REGISTRATION OF A MOTOR VEHICLE.

PART 2 STREET-ROD VEHICLES

42-12-201. [Formerly 42-5-203] Inspections - street-rod vehicles. When an inspector performs a vehicle identification number inspection on a street-rod vehicle, the inspector shall accept the serial number of such street-rod vehicle as the ~~vehicle~~ VEHICLE'S identification number ~~thereof~~; or, if the street-rod vehicle has frame and body identification numbers that do not match or is reconstructed from salvage parts, other vehicles, or reproduction parts, the inspector shall accept the special vehicle identification number assigned to such vehicle by the department ~~of revenue pursuant to~~ BY section ~~42-5-205~~ 42-12-202 as the vehicle identification number.

42-12-202. [Formerly 42-5-205] Assignment of a special vehicle identification number by the department. The department ~~of revenue is authorized to~~ MAY assign a special vehicle identification number to any street-rod vehicle whenever required by section ~~42-6-108~~ 42-12-203 and to any vehicle or commercial vehicle whenever no vehicle identification number is found on the vehicle or whenever a vehicle identification number has been removed, changed, altered, or obliterated. ~~Such~~ THE special number ~~shall~~ MUST be affixed to the vehicle or commercial vehicle in the manner and position determined by the department. ~~of revenue. Such~~ THE special number ~~shall then be~~ IS the vehicle identification number required to be recorded by an inspector on the inspection form that is transmitted to the ~~executive director of the department, of revenue, and the vehicle or commercial vehicle shall then be registered and titled under~~ WHICH SHALL REGISTER AND TITLE THE MOTOR VEHICLE USING the special vehicle identification number.

42-12-203. [Formerly 42-6-108] Identification number - title - street-rod vehicles. (1) When a person applies for a certificate of title for a street-rod vehicle, the department shall accept the serial number of ~~such~~ THE street-rod vehicle as its vehicle identification number or the special vehicle identification number assigned

to such vehicle by the department ~~pursuant to~~ UNDER section ~~42-5-205~~ 42-12-202.

(2) A person who applies for a certificate of title for a street-rod vehicle having frame and body identification numbers that do not match the manufacturer's numbering system as being originally mated or that is reconstructed from salvage parts or other motor vehicles or reproduction parts shall furnish evidence of ownership, acceptable to the director, of such salvage parts, other motor vehicles, or reproduction components used in the reconstruction of such vehicle. In addition, the applicant shall ~~also~~ furnish an affidavit stating the facts concerning the reconstruction and an affidavit of physical inspection that includes a computer check of the state and national compilations of wanted and stolen vehicles. ~~Such vehicle reconstructed from salvage parts, other motor vehicles, or reproduction parts~~ THE DEPARTMENT may ~~then be issued~~ ISSUE a special vehicle identification number ~~from the department. The~~ AND TITLE THE street-rod vehicle ~~will then be titled~~ as a rebuilt vehicle. The model year and the year of manufacture that are listed on the certificate of title of a street-rod vehicle ~~shall be~~ ARE the model year and the year of manufacture that the body of such vehicle resembles.

42-12-204. [Formerly 42-4-215.5] Signal lamps and devices - street-rod vehicles and custom motor vehicles - definition. (1) As used in this section, ~~unless the context otherwise requires:~~

(a) "blue dot tail light" means a red lamp installed in the rear of a motor vehicle containing a blue or purple insert that is not more than one inch in diameter.

~~(b) Repealed.~~

(2) A street-rod vehicle or custom motor vehicle may use blue dot tail lights for stop lamps, rear turning indicator lamps, rear hazard lamps, and rear reflectors ~~Such~~ IF THE lamps ~~shall~~ comply with all requirements ~~provided in this~~ OF PART 2 OF article ~~other than color requirements~~ 4 OF THIS TITLE.

PART 3 SPECIAL REGISTRATION OF HORSELESS CARRIAGES AND ORIGINAL PLATES

42-12-301. [Formerly 42-3-219] Special registration of horseless carriages - rules. (1) (a) The department may specially register and issue a horseless carriage special license plate for motor vehicles valued principally because of the vehicles' early date of manufacture, design, or historical interest or valued as collector's items.

(b) ~~In addition to any other registration, the department may approve use of original plates for motor vehicles valued principally because of the vehicles' early date of manufacture, design, or historical interest or valued as collector's items. The use of a vehicle bearing such original plates shall be limited to the uses authorized in subsection (5) of this section when using the original plates authorized in this section. An original plate shall meet the following criteria in order to qualify for use under this paragraph (b):~~

~~(f) The plates were made at least thirty years prior to registration under this section;~~

~~(H) The plates are embossed with the year of original issue;~~

~~(HH) The plates are legible;~~

~~(IV) The plates were issued contemporaneously with the year of manufacture of the vehicle upon which they are displayed, as determined by the department; and~~

~~(V) The plates do not exceed seven characters.~~

~~(c)~~ (b) For the purposes of this section, "early date of manufacture" means that a motor vehicle was manufactured at least fifty years before the current date of registration.

(2) The plates issued under ~~paragraph (a) of subsection (1) of this section shall~~ MUST be of a design, determined by the ~~executive director, of the department. Such design shall be~~ THAT IS different from that used by the state for regular motor vehicle registration.

(3) (a) The ~~executive director of the department~~ shall register ~~such~~ THE vehicles and issue ~~such~~ plates for a period not exceeding five years, but all ~~such~~ THE registrations and plates shall expire on the same date regardless of the date of issue.

(b) Upon the expiration of the five-year period ending with the year 1959, and each five years thereafter, the registration plate originally issued for each vehicle ~~shall~~ MUST remain with the vehicle. The ~~executive director of the department~~ shall issue a tab to be securely fastened to the plate showing the five years for which the motor vehicle is registered.

(c) A ~~registration issued pursuant to~~ PERSON WHO HAS REGISTERED A VEHICLE UNDER this section shall ~~be renewed~~ RENEW THE REGISTRATION within thirty days prior to ~~the~~ ITS expiration date. ~~of the registration.~~ If the application for renewal, together with the fees, is not received by the ~~executive~~ director prior to the expiration date, the ~~executive~~ director shall notify the registered owner, at the address shown by the department's records, by regular mail, to reregister ~~said~~ THE vehicle or surrender the registration plate within ten days after the ~~registration~~ expiration date OF THE REGISTRATION. If the notice is not complied with, the ~~executive~~ director shall secure the return of the plate.

(4) The fee for issuing such registration and special registration plate or tab ~~shall~~ ~~be~~ IS five dollars for each five-year period or fraction thereof. In addition to the five-dollar registration fee, the ~~executive~~ director ~~of the department~~ shall collect the one-dollar-and-fifty-cent annual specific ownership fee provided by law for each year of registration, which additional fee shall be collected for the number of years remaining at the time of registration and issuance or renewal of the registration.

(5) ~~Motor vehicles having such special registration plates may be used~~ A PERSON MAY DRIVE A MOTOR VEHICLE WITH THE SPECIAL REGISTRATION PLATES AUTHORIZED BY THIS SECTION OR SECTION 42-12-302 on the streets and highways, ~~for driving such vehicle~~ BUT ONLY:

(a) To and from assemblies, conventions, or other meetings where such vehicles

and their ownership are the primary interest;

(b) ~~Vehicles so registered may also be used or driven~~ On special occasions, for demonstrations and parades;

(c) ~~and~~ On occasions when ~~their~~ THE OPERATION OF THE VEHICLE on the streets and highways will not constitute a traffic hazard; AND

(d) ~~They may also be used for traveling~~ To, and from, and ~~while on~~ DURING local, state, or national tours held primarily for the exhibition and enjoyment of such vehicles.

(6) Upon the sale or transfer of a motor vehicle bearing a special registration plate, the plate ~~shall remain~~ REMAINS with the vehicle and ~~be~~ IS transferred to the new owner. The new owner shall title such motor vehicle as provided by law and GIVE notice of the transfer of ownership ~~shall be given~~ to the department.

(7) ~~All~~ Applications for special registration of motor vehicles ~~shall be~~ ARE made directly to the department. ~~of revenue.~~ THE DEPARTMENT SHALL ADMINISTER all matters concerning such registration. ~~shall be administered by the department.~~ ~~All~~ THE DEPARTMENT SHALL TRANSFER fees received from special registrations ~~shall be transferred~~ to the state treasurer, ~~and credited~~ WHO SHALL CREDIT THE FEES to the highway users tax fund.

(8) The ~~executive~~ director may prepare any special forms and issue any rules necessary to implement this section.

(9) When ~~application is made to the executive~~ director RECEIVES AN APPLICATION for a title to a vehicle ~~described in~~ UNDER subsection (1) of this section, the ~~executive~~ director shall accept the original motor or serial number on ~~such~~ THE vehicle and shall not require or issue a special identification number for ~~such~~ THE vehicle.

~~(10) Repealed.~~

42-12-302. Original plates. (1) IN ADDITION TO ANY OTHER REGISTRATION, THE DEPARTMENT MAY APPROVE USE OF THE STYLE OF ORIGINAL PLATES FROM THE VEHICLE'S YEAR OF MANUFACTURE FOR MOTOR VEHICLES VALUED PRINCIPALLY BECAUSE OF THE VEHICLES' EARLY DATE OF MANUFACTURE, DESIGN, OR HISTORICAL INTEREST OR VALUED AS COLLECTOR'S ITEMS. ORIGINAL PLATES MUST MEET THE FOLLOWING CRITERIA IN ORDER TO QUALIFY FOR USE UNDER THIS SECTION:

(a) THE PLATES WERE MADE AT LEAST THIRTY YEARS PRIOR TO REGISTRATION UNDER THIS SECTION;

(b) THE PLATES ARE EMBOSSED WITH THE YEAR OF ORIGINAL ISSUE;

(c) THE PLATES ARE LEGIBLE;

(d) THE PLATES WERE ISSUED CONTEMPORANEOUSLY WITH THE YEAR OF MANUFACTURE OF THE VEHICLE UPON WHICH THEY ARE DISPLAYED, AS DETERMINED

BY THE DEPARTMENT; AND

(e) THE PLATES DO NOT EXCEED SEVEN CHARACTERS.

(2) A PERSON SHALL NOT DRIVE THE VEHICLE BEARING THE ORIGINAL PLATES EXCEPT AS AUTHORIZED IN SECTION 42-12-301 (5).

PART 4
COLLECTOR'S ITEMS

42-12-401. [Formerly 42-12-102] Registration of collector's items - fees - definition. (1) Except for ~~those~~ motor vehicles that are entitled to registration under ~~the provisions of section 42-3-219~~ 42-12-301, OWNERS OF collector's items shall ~~be titled, registered~~ APPLY FOR A TITLE, REGISTER, and PAY a specific ownership tax ~~shall be paid thereon~~ in the same manner as provided in this title for other motor vehicles, with the following exceptions:

(a) Such collector's items ~~shall be~~ ARE registered for periods of five years. The taxes and fees imposed for registration of a collector's item for each five-year registration period ~~shall be~~ IS equal to five times the annual taxes and fees ~~which~~ THAT would otherwise be imposed for the registration of ~~such~~ THE motor vehicle under this title and under title 43, C.R.S.; except that the amount of a surcharge imposed pursuant to section 43-4-804 (1) (a) or 43-4-805 (5) (g), C.R.S., ~~shall be~~ IS the amount specified in the applicable section. In addition to any other ~~such~~ taxes and fees, if a collector's item is registered in a county ~~which~~ THAT is a member of ~~one or more~~ A highway ~~authorities~~ AUTHORITY and ~~such~~ THE authority or ~~authorities~~ have HAS imposed an annual motor vehicle registration fee or ~~fees~~ pursuant to ~~the provisions of section 43-4-506 (1) (k), C.R.S., then five times such annual motor vehicle registration fee or fees shall be~~ IS imposed and remitted to ~~such~~ THE authority. or ~~authorities.~~

(b) ~~(f) No collector's item of model year 1976 or later for which a certification of emissions control is required under sections 42-4-301 to 42-4-316 shall be registered under this section unless a certification of emissions control is obtained for the collector's item. Reregistration of the collector's item by the same owner shall not require the obtainment of a new certification of emissions control, but the collector's item shall not be registered under this section after the sale or transfer of the vehicle to a new owner.~~ THE MOTOR VEHICLE'S COMPLIANCE WITH EMISSIONS STANDARDS IS GOVERNED BY SECTION 42-12-404.

~~(H) (Deleted by amendment, L. 2009, (SB 09-003), ch. 322, p. 1720, § 8, effective June 1, 2009.)~~

(c) The annual registration fee for a truck or truck tractor that has an empty weight of six thousand one pounds or more, or a declared gross vehicle weight of sixteen thousand one pounds or more and is a collector's item, ~~shall be~~ IS sixty-five dollars if such vehicle is used exclusively for noncommercial transportation and only used to drive:

(I) To and from assemblies, conventions, or other meetings where such vehicles and their ownership are the primary interest;

(II) For special occasions, demonstrations, and parades and on occasions when their operation on the streets and highways will not constitute a traffic hazard; or

(III) Traveling to, ~~and from, and while on~~ DURING local, state, or national tours held primarily for the exhibition and enjoyment of such vehicles by their owners.

(d) For purposes of paragraph (c) of this subsection (1), "noncommercial transportation" means a truck or truck tractor used exclusively for private transportation of passengers or cargo for purposes unrelated in any way to a business or commercial enterprise.

(2) (a) An owner of a collector's item that is not operated upon the highways of this state and that is kept on private property for the purpose of maintenance, repair, restoration, rebuilding, or any other similar purpose shall pay an annual specific ownership tax as provided in section 42-3-106 on any such motor vehicle owned by ~~such~~ THE owner, except owners of parts cars as defined in section 42-12-101 (3), or licensed garages or licensed automobile dealers. ~~The payment of~~ The OWNER SHALL PAY THE specific ownership tax ~~shall be made~~ in the manner provided in section ~~42-3-219~~ 42-12-301.

(b) Upon payment of the specific ownership tax as provided in this subsection (2), the department ~~of revenue~~ shall issue to the owner of the motor vehicle for which the tax has been paid a license, sticker, decal, or other device evidencing such payment, as may be prescribed by the ~~executive~~ director. When such device or license is affixed to the motor vehicle for which IT IS issued, the owner of that motor vehicle ~~shall be~~ IS permitted to keep such motor vehicle on private property for the purposes of maintenance, repair, restoration, rebuilding, or renovation.

(3) Notwithstanding the amount specified for any fee in subsection (1) of this section, the ~~executive~~ director ~~of the department of revenue~~ by rule or as otherwise provided by law may reduce the amount of one or more of the fees if necessary pursuant to section 24-75-402 (3), C.R.S., to reduce the uncommitted reserves of the fund to which all or any portion of one or more of the fees is credited. After the uncommitted reserves of the fund are sufficiently reduced, the ~~executive~~ director ~~of the department of revenue~~ by rule or as otherwise provided by law may increase the amount of one or more of the fees as provided in section 24-75-402 (4), C.R.S.

(4) An applicant may apply for personalized license plates issued for a motor vehicle registration issued pursuant to this section. If the applicant complies with section 42-3-211, the department ~~of revenue~~ may issue such plates upon payment of the additional fee required by section 42-3-211 (6) for personalized license plates. If the applicant has existing personalized license plates for a motor vehicle, the applicant may transfer the combination of letters or numbers to a new set of license plates for the vehicle upon paying the fee imposed by section 42-3-211 (6) (a) and upon turning in such existing plates to the department as required by the department. A person who has obtained personalized plates under this subsection (4) shall pay the annual fee imposed by section 42-3-211 (6) (b) to renew such plates. The fees imposed by this subsection (4) ~~shall be~~ ARE in addition to all other taxes and fees imposed for ~~collector~~ COLLECTOR'S license plates.

42-12-402. [Formerly 42-12-103] Storage. A collector may store ONE OR MORE

~~motor vehicles, as described in section 42-12-101, or parts thereof; VEHICLES OR MOTOR VEHICLE PARTS on the collector's private property provided such vehicles and parts cars and the outdoor~~ IF THE VEHICLE, MOTOR VEHICLE PART, AND storage areas AREA are maintained in such a manner that they do SO AS TO not constitute a health hazard, a safety hazard, or a fire hazard; and are effectively screened from ordinary public view by means of a solid fence, trees, shrubbery, or other appropriate means; ~~Such storage areas shall be~~ AND ARE kept free of weeds, trash, and other objectionable items.

42-12-403. [Formerly 42-12-104 (1) and (3)] Special equipment or modification. (1) Unless the presence of special equipment was a prior condition for sale within Colorado at the time an historic or special interest vehicle was manufactured for first use, the presence of such equipment or device ~~shall~~ IS not ~~be~~ required as a condition for current legal use.

~~(3)~~ (2) Any safety device or safety equipment ~~which~~ THAT was manufactured for and installed on a motor vehicle as original equipment must be in proper operating condition when the vehicle is operated on or for highway purposes.

42-12-404. Emissions. (1) ~~[Formerly 42-12-104 (2)] Any~~ A motor vehicle of historic or special interest manufactured prior to the date emission controls were standard equipment on that particular make or model of vehicle is exempted from statutes requiring the inspection and use of such emission controls. ~~Any~~ A motor vehicle using emission controls as standard equipment at the time of manufacture must have such equipment in proper operating condition at all times when the vehicle is operated on or for highway purposes.

(2) A CERTIFICATION OF EMISSIONS CONTROL THAT HAS BEEN ISSUED FOR A MOTOR VEHICLE THAT IS REGISTERED AS A COLLECTOR'S ITEM BEFORE SEPTEMBER 1, 2009, AND THAT IS OF MODEL YEAR 1976 OR LATER IS VALID UNTIL THE MOTOR VEHICLE IS SOLD OR TRANSFERRED.

42-12-405. Registration penalty. IN ADDITION TO ANY OTHER PENALTIES, THE DEPARTMENT SHALL CANCEL THE REGISTRATION OF A NONCOMMERCIAL OR RECREATIONAL VEHICLE, TRUCK, OR TRUCK TRACTOR REGISTERED AS A COLLECTOR'S ITEM PURSUANT TO SECTION 42-12-401 THAT IS USED TO TRANSPORT CARGO OR PASSENGERS FOR PROFIT OR HIRE OR IN A BUSINESS OR COMMERCIAL ENTERPRISE. THE DEPARTMENT SHALL CANCEL THE REGISTRATION OF A TRUCK OR TRUCK TRACTOR REGISTERED AS A COLLECTOR'S ITEM PURSUANT TO SECTION 42-12-401 THAT IS DRIVEN FOR ANY PURPOSE OTHER THAN THOSE PURPOSES ALLOWED IN SECTION 42-12-401 (1) (c).

SECTION 2. 4-2.5-104 (1) (a), Colorado Revised Statutes, is amended to read:

4-2.5-104. Leases subject to other law. (1) A lease, although subject to this article, is also subject to any applicable:

(a) Certificate of title statute of this state (including vessels under article 13 of title 33, C.R.S., snowmobiles under article 14 of title 33, C.R.S., mobile homes under article 29 of title 38, C.R.S., aircraft under article 2 of title 41, C.R.S., and motor vehicles under article 6 OR 12 of title 42, C.R.S.);

SECTION 3. 12-6-102 (17) (f), Colorado Revised Statutes, is amended to read:

12-6-102. Definitions. As used in this part 1 and in part 5 of this article, unless the context or section 12-6-502 otherwise requires:

(17) "Used motor vehicle dealer" means any person who, for commission or with intent to make a profit or gain of money or other thing of value, sells, exchanges, leases, or offers an interest in used motor vehicles, or attempts to negotiate a sale, exchange, or lease of used and new motor vehicles or who is engaged wholly or in part in the business of selling used motor vehicles, whether or not such motor vehicles are owned by such person. The sale of three or more used motor vehicles or the offering for sale of more than three used motor vehicles at the same address or telephone number in any one calendar year shall be prima facie evidence that a person is engaged in the business of selling used motor vehicles. "Used motor vehicle dealer" includes any owner of real property who allows more than three used motor vehicles to be offered for sale on such property during one calendar year unless said property is leased to a licensed used motor vehicle dealer. "Used motor vehicle dealer" does not include:

(f) Any person who only sells or exchanges no more than four motor vehicles that are collector's items pursuant to section ~~42-3-219~~, C.R.S., or pursuant to UNDER PART 3 OR 4 OF article 12 of title 42, C.R.S.;

SECTION 4. 42-3-121 (1) (g), (1) (h), and (2) (c), Colorado Revised Statutes, are amended to read:

42-3-121. Violation of registration provisions - penalty. (1) It is unlawful to commit any of the following acts:

(g) To use or permit the use of a truck or truck tractor registered as a collector's item pursuant to section ~~42-12-102~~ 42-12-401 (1) (c) to transport cargo or passengers for profit or hire or in a business or commercial enterprise;

(h) To drive or permit to be driven a truck or truck tractor registered as a collector's item pursuant to section ~~42-12-102~~ 42-12-401 (1) (c) for any purpose other than those purposes allowed in section ~~42-12-102~~ 42-12-401 (1) (c).

(2)(c) A person who violates paragraph (f) or (g) of subsection (1) of this section commits a class B traffic infraction. ~~In addition to the penalties prescribed for a violation of paragraph (f) or (g) of subsection (1) of this section, the department shall cancel the registration of a noncommercial or recreational vehicle, truck, or truck tractor registered as a collector's item pursuant to section 42-12-102 (1) (c) that has been used to transport cargo or passengers for profit or hire or in a business or commercial enterprise. The department shall cancel the registration of a truck or truck tractor registered as a collector's item pursuant to section 42-12-102 (1) (c) that has been driven for any purpose other than those purposes allowed in section 42-12-102 (1) (c).~~

SECTION 5. 42-4-206 (1) and (4), Colorado Revised Statutes, are amended to read:

42-4-206. Tail lamps and reflectors. (1) TO BE OPERATED ON A ROAD, every motor vehicle, trailer, semitrailer, and pole trailer and any other vehicle ~~which~~ THAT is being drawn at the end of a train of vehicles ~~shall~~ MUST be equipped with at least one tail lamp mounted on the rear, which, when lighted as required in section 42-4-204, ~~shall emit~~ EMITS a red light plainly visible from a distance of five hundred feet to the rear; except that, in the case of a train of vehicles, only the tail lamp on the rear-most vehicle need actually be seen from the distance specified, ~~and~~ except as provided in section ~~42-4-215.5~~ 42-12-204. Furthermore, every ~~such~~ vehicle registered in this state and manufactured or assembled after January 1, 1958, ~~shall~~ MUST be equipped with at least two tail lamps mounted on the rear, on the same level and as widely spaced laterally as practicable, which, when lighted as required in section 42-4-204, ~~shall~~ comply with ~~the provisions of~~ this section.

(4) TO BE OPERATED ON A ROAD, every motor vehicle ~~operated on and after January 1, 1958, upon a highway in the state of Colorado shall~~ MUST carry on the rear, either as part of a tail lamp or separately, one red reflector meeting the requirements of this section; except that vehicles of the type mentioned in section 42-4-207 ~~shall~~ MUST be equipped with reflectors as required ~~in those sections applicable thereto and except as~~ BY LAW UNLESS OTHERWISE provided in section ~~42-4-215.5~~ 42-12-204.

SECTION 6. 42-4-215 (1), (2), and (7), Colorado Revised Statutes, are amended to read:

42-4-215. Signal lamps and devices - additional lighting equipment. (1) TO BE OPERATED ON A ROAD, any motor vehicle may be equipped, and when required under this article ~~shall~~ MUST be equipped, with a stop lamp or lamps on the rear of the vehicle ~~which~~ THAT, except as provided in section ~~42-4-215.5, shall~~ 42-12-204, display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than one hundred feet to the rear in normal sunlight, ~~and which shall be~~ THAT ARE actuated upon application of the service (foot) brake, and ~~which~~ THAT may but need not be incorporated with one or more other rear lamps. Such stop lamp or lamps may also be automatically actuated by a mechanical device when the vehicle is reducing speed or stopping. If two or more stop lamps are installed on any motor vehicle, any device actuating such lamps ~~shall~~ MUST be so designed and installed that all stop lamps are actuated by such device.

(2) Any motor vehicle may be equipped, and when required under this article ~~shall~~ MUST be equipped, with lamps showing to the front and rear for the purpose of indicating an intention to turn either to the right or to the left. ~~Such~~ THE lamps showing to the front ~~shall~~ MUST be located on the same level and as widely spaced laterally as practicable and when in use ~~shall~~ display a white or amber light, or any shade of color between white and amber, visible from a distance of not less than one hundred feet to the front in normal sunlight, and the lamps showing to the rear ~~shall~~ MUST be located at the same level and as widely spaced laterally as practicable and, except as provided in section ~~42-4-215.5~~ 42-12-204, when in use ~~shall~~ MUST display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than one hundred feet to the rear in normal sunlight. When actuated, ~~such~~ THE lamps ~~shall~~ MUST indicate the intended direction of turning by flashing the light showing to the front and rear on the side toward which the turn is made.

(7) Any vehicle may be equipped with lamps ~~which~~ THAT may be used for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking, or passing and, when so equipped and when the ~~said~~ vehicle is not in motion or is being operated at a speed of twenty-five miles per hour or less and at no other time, may display such warning in addition to any other warning signals required by this article. The lamps used to display such warning to the front ~~shall~~ MUST be mounted at the same level and as widely spaced laterally as practicable and ~~shall~~ display simultaneously flashing white or amber lights, or any shade of color between white and amber. The lamps used to display ~~such~~ THE warning to the rear ~~shall~~ MUST be mounted at the same level and as widely spaced laterally as practicable and, except as provided in section ~~42-4-215.5, shall~~ 42-12-204, show simultaneously flashing amber or red lights, or any shade of color between amber and red. These warning lights ~~shall~~ MUST be visible from a distance of not less than five hundred feet under normal atmospheric conditions at night.

SECTION 7. 42-4-229 (4), Colorado Revised Statutes, is amended to read:

42-4-229. Safety glazing material in motor vehicles. (4) ~~No~~ A person shall NOT operate a motor vehicle on ~~any~~ A highway ~~within this state~~ unless ~~such~~ THE vehicle is equipped with a front windshield as provided in this section, except as provided in section 42-4-232 (1) and except for motor vehicles registered as collector's items under section ~~42-3-219~~ 42-12-301 OR 42-12-302.

SECTION 8. Repeal. 42-4-304 (3) (c), Colorado Revised Statutes, is repealed as follows:

42-4-304. Definitions relating to automobile inspection and readjustment program. As used in sections 42-4-301 to 42-4-316, unless the context otherwise requires:

(3) (c) ~~Effective September 1, 2009, a certification of emissions control that has been issued for any motor vehicle that is registered as a collector's item under the provisions of section 42-12-102 and that is of model year 1976 or later shall be valid until the motor vehicle is sold or transferred.~~

SECTION 9. 42-4-304 (18), Colorado Revised Statutes, is amended to read:

42-4-304. Definitions relating to automobile inspection and readjustment program. As used in sections 42-4-301 to 42-4-316, unless the context otherwise requires:

(18) "Motor vehicle", as applicable to the AIR program, includes only a motor vehicle that is operated with four wheels or more on the ground, self-propelled by a spark-ignited engine burning gasoline, gasoline blends, gaseous fuel, blends of liquid gasoline and gaseous fuels, alcohol, alcohol blends, or other similar fuels, having a personal property classification of A, B, or C pursuant to section 42-3-106, and for which registration in this state is required for operation on the public roads and highways or which motor vehicle is owned or operated or both by a nonresident who meets the requirements set forth in section 42-4-310 (1) (c). "Motor vehicle" does not include kit vehicles; vehicles registered pursuant to section ~~42-3-219~~

42-12-301 or 42-3-306 (4); vehicles registered pursuant to section ~~42-12-102~~ 42-12-401 that are of model year 1975 or earlier or that have two-stroke cycle engines manufactured prior to 1980; or vehicles registered as street-rods pursuant to section 42-3-201.

SECTION 10. The introductory portion to 42-3-306 (5), Colorado Revised Statutes, is amended to read:

42-3-306. Registration fees - passenger and passenger-mile taxes - fee schedule. (5) The annual registration fee for those trucks and truck tractors operated over the public highways of this state, except trucks that are registered under subsections (4) and (13) of this section and section ~~42-12-102~~ 42-12-401 (1) (c), shall be IS as follows:

SECTION 11. 42-4-310 (1) (d) (II) (B) and (1) (d) (VIII) (A), Colorado Revised Statutes, are amended to read:

42-4-310. Periodic emissions control inspection required. (1) (d) (II) (B) ~~For the basic emissions program, effective January 1, 1994, no emissions-related repair waiver shall be issued for any vehicle that is registered as a collector's item pursuant to the provisions of section 42-12-102 and that is of the model year 1976 or later.~~

(VIII) (A) For the enhanced emissions program except as provided in sub-subparagraph (B) of this subparagraph (VIII), ~~effective January 1, 1995,~~ for businesses that operate nineteen or fewer vehicles and for private motor vehicles only of a model year 1967 or earlier required to be registered in the enhanced emissions program area, after any adjustments or repairs required pursuant to UNDER section 42-4-306, if total expenditures of at least seventy-five dollars have been made to bring the vehicle into compliance with applicable emissions standards and the vehicle still does not meet the standards, a certification of emissions waiver shall be issued for the vehicle. ~~No emissions-related repair waiver shall be issued for vehicles that are registered as collector's items pursuant to section 42-12-102 and that are of a model year 1976 or later.~~

SECTION 12. The introductory portion to 42-4-311 (2) and 42-4-311 (2) (b) and (3) (a) (II), Colorado Revised Statutes, are amended to read:

42-4-311. Operation of inspection and readjustment stations - inspection-only facilities - fleet inspection stations - motor vehicle dealer test facilities - enhanced inspection centers. (2) A licensed inspection and readjustment ~~STATION, inspection-only facilities FACILITY, fleet inspection stations, and STATION, motor vehicle dealer test facilities, and FACILITY, OR~~ authorized enhanced inspection ~~centers CENTER~~ shall NOT issue a certification of emissions control to a motor vehicle ~~only~~ EXCEPT upon forms prescribed by the executive director. ~~and a certification of emissions compliance or, if applicable, emissions waiver shall be issued by the licensed inspection and readjustment station, inspection-only facility, fleet inspection station, or motor vehicle dealer test facility or authorized enhanced inspection center to a motor vehicle only after SUCH STATION, FACILITY, OR CENTER SHALL NOT ISSUE A CERTIFICATION OF EMISSIONS COMPLIANCE OR EMISSION WAIVER UNLESS the licensed or authorized emissions inspector or emissions mechanic performing said THE inspection at said station~~

determines that:

(b) The exhaust gas and, if applicable, evaporative emissions from the motor vehicle do not comply with the applicable emissions standards after the adjustments and repairs required in accordance with BY section 42-4-306 have been performed and there is no evidence of emissions system tampering or visible smoke, in which case a certification of emissions waiver shall be issued. A FLEET EMISSION INSPECTOR SHALL NOT ISSUE A certification of emissions waiver ~~shall not be issued by a fleet emissions inspector~~ within the enhanced program area. ~~A certification of emissions waiver shall not be issued for a motor vehicle registered as a collector's item under the provisions of section 42-12-102.~~

(3) (a) (II) No verification of emissions test ~~shall~~ IS REQUIRED TO be issued to or required for any motor vehicle ~~which~~ THAT is registered as a collector's item pursuant to ~~the provisions of section 42-12-102~~ 42-12-401.

SECTION 13. 42-4-401 (5), Colorado Revised Statutes, is amended to read:

42-4-401. Definitions. As used in this part 4, unless the context otherwise requires:

(5) "Diesel powered motor vehicle" or "diesel vehicle" as applicable to opacity inspections, includes only a motor vehicle with four wheels or more on the ground, powered by an internal combustion, compression ignition, diesel fueled engine, and also includes any motor vehicle having a personal property classification of A, B, or C, pursuant to section 42-3-106, as specified on its vehicle registration, and for which registration in this state is required for operation on the public roads and highways. "Diesel vehicle" does not include: ~~the following:~~ Vehicles registered pursuant to UNDER section ~~42-3-219~~ or 42-12-301; VEHICLES TAXED UNDER SECTION 42-3-306 (4); or off-the-road diesel powered vehicles or heavy construction equipment.

SECTION 14. 42-5-101 (11), Colorado Revised Statutes, is amended to read:

42-5-101. Definitions. As used in this part 1, unless the context otherwise requires:

(11) "Vehicle identification number" means any identifying number, serial number, engine number, or other distinguishing number or mark, including letters, if any, that is unique to the identity of a given vehicle or component part thereof that was placed on a vehicle or engine by its manufacturer or by authority of the department of revenue pursuant to section ~~42-5-205~~ 42-12-202 or in accordance with the laws of another state or country.

SECTION 15. 42-5-201 (13), Colorado Revised Statutes, is amended to read:

42-5-201. Definitions. As used in this part 2, unless the context otherwise requires:

(13) "Vehicle identification number" means any identifying number, serial number, engine number, or other distinguishing number or mark, including letters,

if any, that is unique to the identity of a given vehicle or commercial vehicle or component part thereof that was placed on a vehicle, commercial vehicle, or engine by its manufacturer or by authority of the department of revenue pursuant to UNDER section ~~42-5-205~~ 42-12-202 or in accordance with the laws of another state or country.

SECTION 16. 42-6-115 (3), Colorado Revised Statutes, is amended to read:

42-6-115. Furnishing bond for certificates. (3) (a) Except as provided by paragraph (b) of this subsection (3) ~~OR SECTION 42-12-402, THE DEPARTMENT OR AN AUTHORIZED AGENT SHALL NOT FILE A certificate of title shall be filed~~ under this section until the applicant furnishes evidence of a savings account, deposit, or certificate of deposit meeting the requirements of section 11-35-101, C.R.S., or a good and sufficient bond with a corporate surety, to the state, in an amount to be fixed by the director, not less than twice the reasonable value of the vehicle determined as of the time of application. The applicant and the applicant's surety shall hold harmless any person who suffers loss or damage by reason of the filing of a certificate under this section.

(b) If the vehicle for which the certificate is filed is twenty-five years old or older, the applicant has had a certified vehicle identification number inspection performed on the vehicle, and the applicant presents a notarized bill of sale within twenty-four months after ~~such~~ THE sale with the title application, then the applicant ~~shall not be required to~~ NEED NOT furnish surety pursuant to UNDER this subsection (3). To be excepted from the surety requirement, an applicant shall submit an affidavit to the department that is sworn to under penalty of perjury that states that the required documents submitted are true and correct.

SECTION 17. 42-6-117 (2), Colorado Revised Statutes, is amended to read:

42-6-117. Filing of certificate. (2) No certificate of title may be filed for a vehicle required to have its vehicle identification number inspected pursuant to section 42-5-202 unless a vehicle identification number inspection form has been transmitted to the director or the authorized agent showing the number recorded from the vehicle or the number assigned to the vehicle pursuant to UNDER section ~~42-5-205~~ 42-12-202.

SECTION 18. 42-6-145 (1), Colorado Revised Statutes, is amended to read:

42-6-145. Use of vehicle identification numbers in applications - rules. (1) A person required to apply for a certificate of title or registration of a motor vehicle shall use the identification number placed upon the motor vehicle by the manufacturer or the special vehicle identification number assigned to the motor vehicle by the department pursuant to section ~~42-5-205~~ 42-12-202. The certificate of title and registration card issued by the department shall use the identification number of the motor vehicle.

SECTION 19. 42-9-110, Colorado Revised Statutes, is amended to read:

42-9-110. Exemption - antique motor vehicles. ~~The provisions of~~ This article ~~shall~~ DOES not apply to repairs of any motor vehicle twenty-five or more years old

or of any motor vehicle ~~which~~ THAT is a collector's item as defined in section 42-12-101. ~~(2)~~.

SECTION 20. 43-4-804 (1) (a) (VI), Colorado Revised Statutes, is amended to read:

43-4-804. Highway safety projects - surcharges and fees - crediting of moneys to highway users tax fund. (1) (a) (VI) The road safety surcharge shall not be imposed on any vehicle for which the department of revenue has issued a horseless carriage special license plate pursuant to section ~~42-3-219 (1) (a)~~ 42-12-301, C.R.S.

SECTION 21. 43-4-805 (5) (g) (VII), Colorado Revised Statutes, is amended to read:

43-4-805. Statewide bridge enterprise - creation - board - funds - powers and duties - reporting requirements - legislative declaration. (5) In addition to any other powers and duties specified in this section, the bridge enterprise board has the following powers and duties:

(g) (VII) The bridge safety surcharge ~~shall~~ IS NOT BE imposed on any vehicle for which the department of revenue has issued a horseless carriage special license plate pursuant to section ~~42-3-219 (1) (a)~~ 42-12-301, C.R.S.

SECTION 22. Repeal of provisions being relocated in this act. Sections 42-6-108.5, 42-5-203, 42-5-205, 42-6-108, 42-4-215.5, and 42-3-219, Colorado Revised Statutes, are repealed.

SECTION 23. Act subject to petition - 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 (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.

Approved: March 31, 2011