

CHAPTER 3

MOTOR VEHICLES AND TRAFFIC REGULATION

SENATE BILL 12S-001

BY SENATOR(S) Cadman, Tochtrop, Brophy, Grantham, Jahn, Johnston, King K., King S., Lambert, Lundberg, Mitchell, Neville, Roberts, Scheffel, White, Williams S., Shaffer B.;
also REPRESENTATIVE(S) Priola and Bradford, Acree, Balmer, Barker, Baumgardner, Becker, Beezley, Brown, Casso, Conti, Coram, Court, DelGrosso, Fields, Fischer, Gardner B., Gerou, Holbert, Hullinghorst, Jones, Kagan, Kefalas, Kerr A., Kerr J., Labuda, Lee, Liston, Looper, Massey, Miklosi, Murray, Nikkel, Pabon, Pace, Peniston, Ramirez, Schafer S., Scott, Singer, Sonnenberg, Soper, Stephens, Summers, Swalm, Swerdfeger, Szabo, Todd, Tyler, Vaad, Vigil, Waller, Williams A., Wilson, Young, McNulty.

AN ACT

CONCERNING THE REGISTRATION OF SPECIAL MOBILE MACHINERY FLEETS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 42-3-107, **add** (16) (f) as follows:

42-3-107. Taxable value of classes of property - rate of tax - when and where payable - department duties - apportionment of tax collections - definitions - rules. (16) (f) (I) IF THE OWNER OF SPECIAL MOBILE MACHINERY WHO IS PAYING SPECIFIC OWNERSHIP TAX UNDER THIS SUBSECTION (16) REGULARLY HAS MORE THAN TEN PIECES OF SPECIAL MOBILE MACHINERY IN THE STATE, THE DEPARTMENT MAY ISSUE TO THE OWNER A REGISTRATION PERIOD CERTIFICATE. THE OWNER MUST PRESENT THE REGISTRATION PERIOD CERTIFICATE TO THE APPROPRIATE AUTHORIZED AGENT NO LATER THAN THE TENTH DAY AFTER THE MONTH WHEN REGISTRATION OF ANY MOTOR VEHICLE IS REQUIRED BY THIS ARTICLE. WHEN SO PRESENTED, THE TWELVE-MONTH PERIOD STATED IN THE REGISTRATION PERIOD CERTIFICATE GOVERNS THE DATE WHEN REGISTRATION IS REQUIRED FOR EACH FLEET VEHICLE OWNED OR LEASED BY THE OWNER.

(II) NOTWITHSTANDING ANY PROVISION OF THIS TITLE, THE DEPARTMENT MAY PROMULGATE RULES TO ESTABLISH REQUIREMENTS FOR AN OWNER TO REGISTER A SPECIAL MOBILE MACHINERY FLEET THAT IS IDENTIFIED BY SPECIAL LICENSE PLATES OR AN IDENTIFYING DECAL. THE DEPARTMENT SHALL NOT REQUIRE THE PLATES TO

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

HAVE AN ANNUAL VALIDATING TAB OR STICKER. REGISTRATION FEES PAYABLE ON THE MACHINERY UNDER A MULTI-YEAR AGREEMENT ARE NOT DISCOUNTED BELOW THE OTHERWISE APPLICABLE ANNUAL REGISTRATION FEES.

(III) SPECIAL MOBILE MACHINERY REGISTERED UNDER THIS PARAGRAPH (f) OR AFTER THE ISSUANCE OF A REGISTRATION PERIOD CERTIFICATE OR THE EXECUTION OF A MULTI-YEAR AGREEMENT ARE SUBJECT TO SECTION 42-3-109.

(IV) (A) THE OWNER SHALL PAY THE ANNUAL REGISTRATION FEES REQUIRED BY SECTIONS 42-3-304 TO 42-3-306 FOR SPECIAL MOBILE MACHINERY, REDUCED BY TWENTY-FIVE PERCENT FOR EACH ELAPSED QUARTER, BEFORE APPLYING FOR THE BALANCE OF THE REGISTRATION PERIOD.

(B) THE FEES AND TAXES FOR SPECIAL MOBILE MACHINERY REGISTERED UNDER THIS PARAGRAPH (f) PRIOR TO THE EFFECTIVE DATE OF THE REGISTRATION PERIOD CERTIFICATE OR MULTI-YEAR AGREEMENT MUST BE APPORTIONED IN THE MANNER REQUIRED BY SUBPARAGRAPH (III) OF THIS PARAGRAPH (f).

(C) AN AUTHORIZED AGENT MAY ISSUE INDIVIDUAL REGISTRATION NUMBER PLATES, AN IDENTIFYING DECAL, OR CERTIFICATES UPON APPLICATION BY AN OWNER OF SPECIAL MOBILE MACHINERY OR THE OWNER'S AGENT AND THE PAYMENT OF A REGISTRATION FEE OF SEVEN DOLLARS. OF THE SEVEN-DOLLAR FEE, THREE DOLLARS AND SIXTY CENTS IS TO BE RETAINED BY THE AUTHORIZED AGENT OR DEPARTMENT ISSUING THE PLATES, IDENTIFYING DECAL, OR CERTIFICATES; FORTY CENTS IS TO BE REMITTED MONTHLY TO THE DEPARTMENT, WHICH SHALL THEN TRANSMIT IT TO THE STATE TREASURER FOR CREDIT TO THE HIGHWAY USERS TAX FUND; AND THREE DOLLARS IS AVAILABLE UPON APPROPRIATION BY THE GENERAL ASSEMBLY TO FUND THE ADMINISTRATION AND ENFORCEMENT OF THIS PARAGRAPH (f). THE OWNER OR THE OWNER'S AGENT MAY THEN AFFIX THE PLATE, IDENTIFYING DECAL, OR CERTIFICATE TO SPECIAL MOBILE MACHINERY PURCHASED OR BROUGHT INTO THE STATE PENDING REGISTRATION.

(V) AN OWNER ISSUED A REGISTRATION PERIOD CERTIFICATE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH (f) MAY REGISTER AND PAY REGISTRATION FEES AND OTHER LICENSE FEES DUE FOR THE SPECIAL MOBILE MACHINERY NO LATER THAN THE TWENTIETH DAY OF EACH QUARTER FOR ALL NEW SPECIAL MOBILE MACHINERY DELIVERED INTO THE STATE DURING THE PRECEDING QUARTER. THE OWNER SHALL SUBMIT A REPORT IDENTIFYING NEW EQUIPMENT, USING FORMS FURNISHED BY THE DEPARTMENT, TO THE AUTHORIZED AGENT IN THE COUNTY WHERE THE MACHINERY WAS FIRST DELIVERED INTO THE STATE, TOGETHER WITH THE REMITTANCE FOR ALL FEES DUE FOR THE PRECEDING QUARTER. THE OWNER SHALL SIMULTANEOUSLY SUBMIT A COPY OF EACH REPORT TO THE DEPARTMENT. THE MACHINERY IS DEEMED REGISTERED PENDING THE TIMELY FILING OF THE REPORT SO LONG AS THE MACHINERY DISPLAYS THE NUMBERED PLATE, IDENTIFYING DECAL, OR CERTIFICATE REQUIRED BY THE DEPARTMENT.

SECTION 2. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated to the department of revenue, for the fiscal year beginning July 1, 2012, the sum of \$126,563 and 0.8 FTE, or so much thereof as may be necessary, to be allocated for the implementation of this act as follows:

(a) \$28,426 and 0.8 FTE for personal services in the division of motor vehicles, titles section; said sum is from that portion of the special mobile machinery registration fee revenue that is designated to fund administration and enforcement expenses pursuant to section 42-3-107 (16) (f) (IV) (C), Colorado Revised Statutes;

(b) \$21,917 for operating expenses and postage in the central department operations division and the division of motor vehicles, titles section; said sum is from that portion of the special mobile machinery registration fee revenue that is designated to fund administration and enforcement expenses pursuant to section 42-3-107 (16) (f) (IV) (C), Colorado Revised Statutes; and

(c) \$76,220 for the purchase of computer center services in the information technology division; of said sum, \$63,476 is from the Colorado state titling and registration account of the highway users tax fund created in section 42-1-211 (2), Colorado Revised Statutes, and \$12,744 is from that portion of the special mobile machinery registration fee revenue that is designated to fund administration and enforcement expenses pursuant to section 42-3-107 (16) (f) (IV) (C), Colorado Revised Statutes.

(2) In addition to any other appropriation, there is hereby appropriated to the governor - lieutenant governor - state planning and budgeting, for the fiscal year beginning July 1, 2012, the sum of \$76,220, or so much thereof as may be necessary, for allocation to the office of information technology, for the provision of computer center services for the department of revenue related to the implementation of this act. Said sum is from reappropriated funds received from the department of revenue out of the appropriation made in paragraph (c) of subsection (1) of this section.

(3) 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 (1) (b), Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for the fiscal year beginning July 1, 2012, the sum of \$124,492, or so much thereof as may be necessary, for allocation to the division of motor vehicles for the purchase of license plates related to the implementation of this act.

SECTION 3. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; 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 will not take effect unless approved by the people at the general election to be held in November 2012 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) The provisions of this act apply to acts committed on or after January 1, 2013.

Approved: June 8, 2012