

CHAPTER 264

MOTOR VEHICLES AND TRAFFIC REGULATION

SENATE BILL 14-075

BY SENATOR(S) Baumgardner, Aguilar, Brophy, Cadman, Crowder, Grantham, Heath, Herpin, Hodge, Johnston, Kerr, King, Lambert, Lundberg, Marble, Newell, Nicholson, Renfroe, Rivera, Roberts, Scheffel, Tochtrop, Todd, Ulibarri, Carroll; also REPRESENTATIVE(S) Sonnenberg, Exum, Garcia, Gardner, Ginal, Hammer, Labuda, Lebsock, Lee, Melton, Moreno, Murray, Rosenthal, Ryden, Salazar, Schafer, Scott, Singer, Williams, Young.

AN ACT

CONCERNING THE REGISTRATION OF MOTOR VEHICLES FOR MEMBERS OF THE UNITED STATES ARMED FORCES WHO ARE DEPLOYED OUTSIDE THE UNITED STATES, AND, IN CONNECTION THEREWITH, MAKING AND REDUCING APPROPRIATIONS.

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

SECTION 1. In Colorado Revised Statutes, 42-3-107, **amend** (8) and (10) 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. (8) (a) ~~EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (8), the annual specific ownership tax payable on every item of Class B personal property shall be computed in accordance with the following schedule~~ IS:

Year of service	Rate of tax
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, eighth, and ninth years	.45% of taxable value or \$10, whichever is greater
Tenth and each later year	\$ 3

(b) (I) IN LIEU OF PAYING THE SPECIFIC OWNERSHIP TAX REQUIRED IN PARAGRAPH (a) OF THIS SUBSECTION (8), AN OWNER WHO QUALIFIES MAY PAY OWNERSHIP TAX

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

UNDER THIS PARAGRAPH (b). THE SPECIFIC OWNERSHIP TAX PAYABLE ON CLASS B PERSONAL PROPERTY UNDER SIXTEEN THOUSAND POUNDS EMPTY WEIGHT IS ONE DOLLAR FOR EACH FULL YEAR WHILE THE OWNER IS A MEMBER OF THE UNITED STATES ARMED FORCES AND HAS ORDERS TO SERVE OUTSIDE THE UNITED STATES. IF THE OWNER SERVES LESS THAN A FULL YEAR OUTSIDE THE UNITED STATES, THE TAX IS THE AMOUNT ESTABLISHED BY PARAGRAPH (a) OF THIS SUBSECTION (8), PRORATED ACCORDING TO THE NUMBER OF MONTHS THE OWNER WAS IN THE UNITED STATES.

(II) IN ORDER TO QUALIFY FOR THE TAX RATE IMPOSED BY THIS PARAGRAPH (b), THE OWNER MUST:

(A) SHOW THE DEPARTMENT MILITARY ORDERS TO SERVE OUTSIDE THE UNITED STATES OR ANY EVIDENCE ACCEPTABLE TO THE DEPARTMENT THAT THE OWNER SERVED OUTSIDE THE UNITED STATES; AND

(B) FILE A SIGNED AFFIDAVIT THAT THE MOTOR VEHICLE WILL NOT BE OPERATED ON A HIGHWAY WHEN THE TAX RATE APPLIES.

(III) IF A PERSON HAS ALREADY PAID TAXES AT THE RATE REQUIRED IN PARAGRAPH (a) OF THIS SUBSECTION (8) BUT IS ELIGIBLE TO PAY TAXES UNDER THIS PARAGRAPH (b), THE DEPARTMENT SHALL CREDIT THE PERSON THE DIFFERENCE BETWEEN THE RATE IN PARAGRAPH (a) OF THIS SUBSECTION (8) AND THE PRORATED RATE IMPOSED IN THIS PARAGRAPH (b) TOWARDS THE PERSON'S SPECIFIC OWNERSHIP TAXES FOR SUCCEEDING YEARS.

(IV) THIS PARAGRAPH (b) ONLY APPLIES TO A MOTOR VEHICLE THAT IS LESS THAN TEN MODEL-YEARS OLD AND LESS THAN SIXTEEN THOUSAND POUNDS EMPTY WEIGHT.

(10) (a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (10), the annual specific ownership tax payable on every item of Class C personal property ~~shall be computed in accordance with the following schedule~~ IS:

Year of service	Rate of tax
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, eighth, and ninth years	.45% of taxable value
Tenth and each later year	\$ 3

(b) (I) IN LIEU OF PAYING THE SPECIFIC OWNERSHIP TAX REQUIRED IN PARAGRAPH (a) OF THIS SUBSECTION (10), AN OWNER WHO QUALIFIES MAY PAY OWNERSHIP TAX UNDER THIS PARAGRAPH (b). THE SPECIFIC OWNERSHIP TAX PAYABLE ON CLASS C PERSONAL PROPERTY IS ONE DOLLAR FOR EACH FULL YEAR WHILE THE OWNER IS A MEMBER OF THE UNITED STATES ARMED FORCES AND HAS ORDERS TO SERVE OUTSIDE THE UNITED STATES. IF THE OWNER SERVES LESS THAN A FULL YEAR OUTSIDE THE UNITED STATES, THE TAX IS THE AMOUNT ESTABLISHED BY PARAGRAPH (a) OF THIS SUBSECTION (10), PRORATED ACCORDING TO THE NUMBER

OF MONTHS THE OWNER WAS IN THE UNITED STATES.

(II) IN ORDER TO QUALIFY FOR THE TAX RATE IMPOSED BY THIS PARAGRAPH (b), THE OWNER MUST:

(A) SHOW THE DEPARTMENT MILITARY ORDERS TO SERVE OUTSIDE THE UNITED STATES OR ANY EVIDENCE ACCEPTABLE TO THE DEPARTMENT THAT THE OWNER SERVED OUTSIDE THE UNITED STATES; AND

(B) FILE A SIGNED AFFIDAVIT THAT THE MOTOR VEHICLE WILL NOT BE OPERATED ON A HIGHWAY WHEN THE TAX RATE APPLIES.

(III) IF A PERSON HAS ALREADY PAID TAXES AT THE RATE REQUIRED IN PARAGRAPH (a) OF THIS SUBSECTION (10) BUT IS ELIGIBLE TO PAY TAXES UNDER THIS PARAGRAPH (b), THE DEPARTMENT SHALL CREDIT THE PERSON THE DIFFERENCE BETWEEN THE RATE IN PARAGRAPH (a) OF THIS SUBSECTION (10) AND THE PRORATED RATE IMPOSED IN THIS PARAGRAPH (b) TOWARDS THE PERSON'S SPECIFIC OWNERSHIP TAXES FOR SUCCEEDING YEARS.

(IV) THIS PARAGRAPH (b) ONLY APPLIES TO A MOTOR VEHICLE THAT IS LESS THAN TEN MODEL-YEARS OLD.

SECTION 2. In Colorado Revised Statutes, **add 42-3-314** as follows:

42-3-314. Military deployment. (1) **Motor vehicle fees exempted.** IF THE OWNER IS A MEMBER OF THE UNITED STATES ARMED FORCES AND HAS ORDERS TO SERVE OUTSIDE THE UNITED STATES, THE OWNER MAY EXEMPT THE CLASS C PERSONAL PROPERTY OR CLASS B PERSONAL PROPERTY UNDER SIXTEEN THOUSAND POUNDS EMPTY WEIGHT FROM THE REGISTRATION FEES IMPOSED UNDER THIS PART 3 DURING THE TIME THE OWNER IS SERVING. IF THE OWNER SERVES LESS THAN ONE YEAR OUTSIDE THE UNITED STATES, THE FEES ARE EXEMPT FOR THE PORTION OF THE YEAR THAT THE OWNER SERVED OUTSIDE THE UNITED STATES, PRORATED ACCORDING TO THE NUMBER OF MONTHS THE OWNER WAS IN THE UNITED STATES.

(2) **Qualifications.** IN ORDER FOR A MOTOR VEHICLE TO QUALIFY FOR THE EXEMPTION FROM REGISTRATION FEES UNDER THIS SECTION, THE OWNER MUST:

(a) SHOW THE DEPARTMENT MILITARY ORDERS TO SERVE OUTSIDE THE UNITED STATES OR ANY EVIDENCE ACCEPTABLE TO THE DEPARTMENT THAT THE OWNER SERVED OUTSIDE THE UNITED STATES; AND

(b) FILE A SIGNED AFFIDAVIT THAT THE MOTOR VEHICLE WILL NOT BE OPERATED ON A HIGHWAY DURING THE EXEMPTION PERIOD.

(3) IF A PERSON HAS ALREADY PAID THE NORMAL FEES UNDER THIS PART 3 FOR A MOTOR VEHICLE THAT IS ELIGIBLE FOR AN EXEMPTION UNDER THIS SECTION, THE DEPARTMENT SHALL CREDIT THE PERSON THE EXEMPTED PORTION OF THE FEE AMOUNT TOWARDS THE PERSON'S FEES FOR SUCCEEDING YEARS.

(4) **Violations.** A PERSON SHALL NOT OPERATE THE MOTOR VEHICLE DURING THE TIME COVERED BY THE AFFIDAVIT FILED UNDER SUBSECTION (2) OF THIS SECTION. A

VIOLATION OF THIS SECTION IS A CLASS B TRAFFIC INFRACTION.

SECTION 3. In Colorado Revised Statutes, **add** 43-4-814 as follows:

43-4-814. Military deployment. (1) **Motor vehicle fees exempted.** IF THE OWNER IS A MEMBER OF THE UNITED STATES ARMED FORCES AND HAS ORDERS TO SERVE OUTSIDE THE UNITED STATES, THE OWNER MAY EXEMPT THE CLASS C PERSONAL PROPERTY OR CLASS B PERSONAL PROPERTY UNDER SIXTEEN THOUSAND POUNDS EMPTY WEIGHT FROM THE REGISTRATION FEES IMPOSED UNDER THIS PART 8 DURING THE TIME THE OWNER IS SERVING. IF THE OWNER SERVES LESS THAN ONE YEAR OUTSIDE THE UNITED STATES, THE FEES ARE EXEMPT FOR THE PORTION OF THE YEAR THAT THE OWNER SERVED OUTSIDE THE UNITED STATES, PRORATED ACCORDING TO THE NUMBER OF MONTHS THE OWNER WAS IN THE UNITED STATES.

(2) **Qualifications.** IN ORDER TO QUALIFY FOR THE EXEMPTION FROM REGISTRATION FEES UNDER THIS SECTION, THE OWNER MUST:

(a) SHOW THE DEPARTMENT MILITARY ORDERS TO SERVE OUTSIDE THE UNITED STATES OR ANY EVIDENCE ACCEPTABLE TO THE DEPARTMENT THAT THE OWNER SERVED OUTSIDE THE UNITED STATES; AND

(b) FILE A SIGNED AFFIDAVIT THAT THE MOTOR VEHICLE WILL NOT BE OPERATED ON A HIGHWAY DURING THE EXEMPTION PERIOD.

(3) IF A PERSON HAS ALREADY PAID THE NORMAL FEES UNDER THIS PART 8 FOR A MOTOR VEHICLE THAT IS ELIGIBLE FOR AN EXEMPTION UNDER THIS SECTION, THE DEPARTMENT SHALL CREDIT THE PERSON THE EXEMPTED PORTION OF THE FEE AMOUNT TOWARDS THE PERSON'S FEES FOR SUCCEEDING YEARS.

(4) **Violations.** A PERSON SHALL NOT OPERATE THE MOTOR VEHICLE DURING THE TIME COVERED BY THE AFFIDAVIT FILED UNDER SUBSECTION (2) OF THIS SECTION. A VIOLATION OF THIS SECTION IS A CLASS B TRAFFIC INFRACTION.

SECTION 4. Appropriation - adjustments to 2014 long bill. (1) For the implementation of this act, the general fund appropriation made in the annual general appropriation act to the controlled maintenance trust fund created in section 24-75-302.5 (2) (a), Colorado Revised Statutes, for the fiscal year beginning July 1, 2014, is decreased by \$81,749.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund, not otherwise appropriated, to the department of education, for the fiscal year beginning July 1, 2014, the sum of \$68,921, or so much thereof as may be necessary, for allocation to the state share of districts' total program funding related to the implementation of this act.

(3) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund, not otherwise appropriated, to the department of revenue, for the fiscal year beginning July 1, 2014, the sum of \$12,828, or so much thereof as may be necessary, for allocation to the division of motor vehicles related to the implementation of this act.

(4) 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 the fiscal year beginning July 1, 2014, the sum of \$104,030, or so much thereof as may be necessary, for the purchase of computer center services related to the implementation of this act.

(5) 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, 2014, the sum of \$104,030, 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 subsection (4) of this section.

SECTION 5. 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 (August 6, 2014, if adjournment sine die is on May 7, 2014); 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 2014 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to taxes and fees due on or after January 1, 2015.

Approved: May 26, 2014