

**First Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 11-0075.02 Jery Payne

**HOUSE BILL 11-1093**

---

**HOUSE SPONSORSHIP**

**Bradford**, Sonnenberg

**SENATE SPONSORSHIP**

**Cadman**,

---

**House Committees**  
Transportation

**Senate Committees**  
Transportation

---

**A BILL FOR AN ACT**

101     **CONCERNING THE PAYMENT OF SPECIFIC OWNERSHIP TAX ON SPECIAL**  
102             **MOBILE MACHINERY.**

---

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

Currently, farm equipment meeting the definition of special mobile machinery must be registered as Class F personal property if it is used for any purpose other than agricultural production for more than 24 hours. **Section 1** of the bill extends the period to 72 hours. **Section 2** changes the specific ownership tax on special mobile machinery that is at least 10

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

HOUSE  
3rd Reading Unamended  
February 9, 2011

HOUSE  
Amended 2nd Reading  
February 8, 2011

years old to \$5.

Currently, the penalty for failure to register or reregister special mobile machinery is the greater of \$500 or double the amount of tax due. **Section 3** changes the penalty to the lesser of those amounts.

---

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

2 **SECTION 1.** 42-3-106 (2) (e), Colorado Revised Statutes, is  
3 amended to read:

4 **42-3-106. Tax imposed - classification - taxable value.** (2) For  
5 the purpose of imposing graduated annual specific ownership taxes, the  
6 personal property specified in section 6 of article X of the state  
7 constitution is classified as follows:

8 (e) Every item of special mobile machinery, except power takeoff  
9 equipment, that is required to be registered under this article is Class F  
10 personal property. If a farm tractor, meeting the definition of special  
11 mobile machinery, is used for any purpose other than agricultural  
12 production for more than a ~~twenty-four-hour~~ SEVENTY-TWO-HOUR period  
13 at the site where it is used for nonagricultural purposes, it is Class F  
14 personal property, but it ~~shall be~~ IS granted a prorated registration under  
15 section 42-3-107 to cover ~~such~~ THE use. The authorized agent shall notify  
16 the owner of the farm tractor of the prorated registration. Storing a farm  
17 tractor at a site does not give rise to a presumption that the tractor was  
18 used for the same purposes that other equipment is used for at the site.

19 **SECTION 2.** 42-3-107 (16) (c) and (17) (e) (II), Colorado  
20 Revised Statutes, are amended to read:

21 **42-3-107. Taxable value of classes of property - rate of tax -**  
22 **when and where payable - department duties - apportionment of tax**  
23 **collections - definitions.** (16) (c) Upon receiving authorization pursuant

1 to UNDER paragraph (b) of this subsection (16), the owner shall collect  
2 from the user the specific ownership tax in the amount equivalent to two  
3 percent of the amount of the rental or lease payment. No later than the  
4 twentieth day of each month, the owner shall submit a report, using forms  
5 furnished by the department, to the authorized agent in the EACH county  
6 in which WHERE the equipment is used, together with the remittance for  
7 all OF THE taxes collected FOR THE USE IN THE COUNTY for the preceding  
8 month. A copy of each report shall be submitted simultaneously by the  
9 owner to the department. \_\_\_\_\_

10 (17) (e) (II) ~~No owner may~~ A PERSON SHALL NOT operate special  
11 mobile machinery in Colorado unless the owner has paid the specific  
12 ownership tax assessed pursuant to this article, ~~nor~~ AND A PERSON shall  
13 ~~any owner~~ NOT operate special mobile machinery in Colorado after the  
14 expiration of the period for which the specific ownership tax was assessed  
15 PAID. A person who violates ~~the provisions of this subparagraph (II) shall~~  
16 ~~be~~ IS subject to, in addition to any other ~~applicable~~ penalty, an  
17 administrative penalty of THE LESSER OF five hundred dollars or double  
18 the amount of the specific ownership tax. ~~whichever is greater. Such THE~~  
19 penalty may be levied by AN AUTHORIZED AGENT OR a peace officer ~~as~~  
20 ~~described in section 16-2.5-101, C.R.S., and authorized~~ UNDER THE  
21 AUTHORITY GRANTED by section 42-8-104 (2). ~~Such THE violation shall~~  
22 ~~be~~ IS TO BE determined by, paid to, and retained by the municipality or  
23 county ~~in which such~~ WHERE THE motor vehicle is or should have been  
24 registered, subject to judicial review pursuant to rule 106 (a) (4) of the  
25 Colorado rules of civil procedure.

1           **SECTION 3. Safety clause.** The general assembly hereby finds,  
2 determines, and declares that this act is necessary for the immediate  
3 preservation of the public peace, health, and safety.