



Off-Highway Vehicles

Division of Motor Vehicles

Department of Revenue

July 20, 2015

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Attachment E

Off-Highway Vehicles

- The purpose of this presentation is to provide a high level overview of
 - The definitions of an Off-Highway Vehicle for title and registration purposes
 - The current titling requirements
 - How many Off-Highway Vehicles are in Colorado
 - Potential registration taxes and fees for Off-Highway Vehicles
 - Tax Class C or Tax Class F
 - Expenditure analysis if legislation is introduced for the registration of Off-Highway Vehicles

Definitions

Term	Title Definition	Registration Definition
<p>Off-Highway Vehicle</p>	<p>42-6-102(11.5)(a), C.R.S. "Off-Highway Vehicle" means a self-propelled vehicle that is: (I) Designed to travel on wheels or tracks in contact with the ground; (II) Designed primarily for use off of the public highways; and (III) Generally and commonly used to transport persons for recreational purposes (b) "Off-Highway Vehicle" includes vehicles commonly known as all-terrain vehicles and snowmobiles but does not include: (I) Toy vehicles; (II) Vehicles designed and used primarily for travel on, over, or in the water; (III) Military vehicles; (IV) Golf carts or golf cars; (V) Vehicles designed and used to carry persons with disabilities; (VI) Vehicles designed and used specifically for agricultural, logging, or mining purposes; or (VII) Motor vehicles</p>	<p>42-1-102(63), C.R.S. "Off-Highway Vehicle" shall have the same meaning as set forth in section 33-14.5-101(3), C.R.S. 33-14.5-101(3), C.R.S. "Off-Highway Vehicle" means any self-propelled vehicle which is designed to travel on wheels or tracks in contact with the ground, which is designed primarily for use off of the public highways, and which is generally and commonly used to transport persons for recreational purposes "Off-Highway Vehicle" does not include the following: (a) Vehicles designed and used primarily for travel on, over, or in the water; (b) Snowmobiles; (c) Military vehicles; (d) Golf carts; (e) Vehicles designed and used to carry individuals with disabilities; (f) Vehicles designed and used specifically for agricultural, logging, or mining purposes; or (g) Vehicles registered pursuant to Article 3 of Title 42, C.R.S.</p>
<p>Snowmobile</p>	<p>42-6-102(18.5), C.R.S. "Snowmobile" means a self-propelled vehicle primarily designed or altered for travel on snow or ice off of the public highways and supported by skis, belts, or cleats "Snowmobile" does not include machinery used for the grooming of snowmobile trails or ski slopes</p>	<p>None</p>
<p>All-Terrain Vehicle</p>	<p>42-6-102(1), C.R.S. "All-Terrain Vehicle" means a three- or four-wheeled vehicle that travels on low-pressure tires with a seat that is straddled by the rider and with handlebars for steering control</p>	<p>None</p>

Title Requirements (SB 13-280)

- Required
 - If the off-highway vehicle or snowmobile is bought or sold by a licensed Colorado Powersports Vehicle Dealer or Auctioneer on or after July 1, 2014
- Optional
 - If the off-highway vehicle was sold or transferred prior to July 1, 2014
 - Private party to private party sale
- Proof of Ownership
 - Manufacturer's Certificate of Origin / Manufacturer's Statement of Origin; or
 - Certificate of Title; or
 - Current Colorado Parks and Wildlife registration
- Off-Highway Vehicles and Snowmobiles may not be issued Salvage Titles

Number of Off-Highway Vehicles in Colorado

- From July 1, 2014 to July 13, 2015 the below titles have been issued
 - 11,440 – Off-Highway Vehicles
 - 1,637 – Snowmobiles
- Registered with Colorado Parks and Wildlife
 - 135,000 Off-Highway Vehicles registered*
 - 13,500 annual growth*

*The fiscal note for HB 15-1054 (Off-Highway Vehicle Roadway Registration) estimated that 135,000 Off-Highway Vehicles were voluntarily registered with Colorado Parks and Wildlife with an estimated annual growth of 10%.

Registration Fee Estimates

- Assuming that similar registration fees would be assessed on Off-Highway Vehicle registrations it is estimated that the below fees to be collected
 - Registered as a Tax Class C vehicle (passenger vehicle) between \$67.87 – 129.76*
 - Registered as a Tax Class F vehicle (special mobile machinery) between \$51.57 - \$2,038.80*

*Assumes that current statutorily required fees are applied to off-highway vehicle registrations and there is no new fee required or exemption of certain fees

Specific Ownership Tax Estimates

- Assuming that similar specific ownership taxes would be assessed on Off-Highway Vehicle registrations it is estimated that the bellow taxes to be collected
 - Registered as a Tax Class C vehicle (passenger vehicle) between 85% of MSRP and between 2.10% - 0.45% of taxable value*
 - Registered as a Tax Class F vehicle (special mobile machinery) 85% of MSRP and between 2.10% - 0.50% of taxable value*

*Assumes that current statutorily required taxes and rates are applied to off-highway vehicle registrations and there is no new taxes required or exemption of certain taxes

Expenditure Analysis

- Factors included in the expenditure analysis to register Off-Highway Vehicles are
 - Programming of various systems used to register and renew vehicles, issue inventory, and account for and distribute taxes and fees collected
 - Potential increases in workload for call center support, record search and history support, and document scanning, retention and retrieval
 - Inventory increases for license plates, validation tabs, registration paper, temporary registration permits, and renewal post cards

Questions

- For more information, please contact the Department's Legislative Liaison
 - Saskia Young
 - Saskia.young@state.co.us
 - 303.866.2819

Overview

C.R.S. 42-6-102(11.5), 42-6-102(18.5), and 42-6-148

- ◆ SB 13-280 allows for titling of off highway vehicles.
- ◆ Title is required for powersports vehicle dealers and auctioneers who are licensed dealers to buy or sell **on or after July 1, 2014**.
- ◆ Titling is optional for private party to private party sales.
- ◆ All forms can be found at www.colorado.gov/revenue
- ◆ For questions please contact the Title and Registration Section, Customer Service Center at 303-205-5608.



Titling Off-Highway Vehicles

Senate Bill 13-280—Effective 07/01/14

Colorado Revised Statutes
42-6-102(11.5), 42-6-102(18.5), 42-6-148

Information for Powersports Dealers
and
Auctioneers



Colorado Department of Revenue
Division of Motor Vehicles
Title & Registration Section

1881 Pierce Street
Lakewood, CO 80214
303-205-5608

Revised 11/7/2014

Titling Off Highway Vehicles

Definitions

Off-Highway Vehicle (OHV) - C.R.S. 42-6-102 (11.5)

A self-propelled vehicle that is:

- ◆ Designed to travel on wheels or tracks in contact with the ground.
- ◆ Designed primarily for use off of the public highways and generally and commonly used to transport persons for recreational purposes.
- ◆ Off-highway vehicles include vehicles commonly known as all-terrain vehicles and snowmobiles.
- ◆ Off-highway vehicles **do not include**:
 - ◇ Toy vehicles (any vehicle with wheels and is not designed for use on the public highways or for off-road use)
 - ◇ Vehicles designed and used primarily for travel on, over, or in the water
 - ◇ Military vehicles
 - ◇ Golf carts or golf cars
 - ◇ Vehicles designed and used to carry persons with disabilities
 - ◇ Vehicles designed and used specifically for agricultural, logging, or mining purposes
 - ◇ Motor vehicles

Snowmobile - C.R.S. 42-6-102 (18.5)

- ◆ A self-propelled vehicle primarily designed or altered for travel on snow or ice off of the public highways and supported by skis, belts, or cleats.
- ◆ Snowmobile **does not include** machinery used for the grooming of snowmobile trails or ski slopes.

Exceptions

- ◆ Odometer disclosure is optional.
- ◆ OHV is exempt from titling if used exclusively for agricultural purposes on private land.
- ◆ Cannot be a "Salvage Vehicle".

Titling Requirements for Dealers

All current titling laws, processes, and procedures apply.

- ◆ Dealers have 30 days to deliver title to customers.
- ◆ Owner's address of residence is used unless the OHV is permanently maintained at a different address. Businesses will use the address where the vehicle is principally operated and maintained.

How to Acquire a Title

Complete a Title/Registration Application (Form DR 2395) and submit with one of the following supporting documents:

- ◆ Manufacturer Certificate of Origin (MCO) / Manufacturer Statement of Origin (MSO)
- ◆ Certificate of Title
- ◆ If in inventory prior to July 1, 2014, a Statement of Fact (Form DR 2444) for each OHV. In the statement section write or type:
 - Prior to July 1, 2014, the off-highway vehicle detailed above was held as inventory by:*
 - Dealer Name
 - Address
 - City, CO Zip
 - Phone Number

Dealers purchase from, or trade with, an individual on or after July 1, 2014:

C.R.S. 42-6-148 requires an individual to obtain title prior to selling an OHV to a dealer.

Individual may obtain title by providing **one** of the following:

- ◇ Certificate of Title
- ◇ MCO/MSO
- ◇ Current Colorado Parks and Wildlife Registration (Registration Card, **Computer Generated 60 Day Temporary Registration** form & **Computer Generated Record Print** form are acceptable from Colorado Parks and Wildlife or any State Park with the exception of Chatfield State Park)

Note: Dealers may obtain title on behalf of the customer by Power of Attorney (Form DR 2174 or DR 2175). After the title has been established in the individual's name, the dealer may make the assignment by POA on the title.

Dealers Establishing Ownership

Establishing Title by Surety Bond

Dealers unable to provide acceptable proof of ownership documents may obtain title by following the bond process outlined in the Title or Salvage Title Established by Surety Bond Checklist (Form DR 2922).

Exceptions to the Purchase of the Surety Bond

No surety bond is required if any of the following apply:

- ◆ OHV is 25 years or older (A certified VIN inspection and notarized bill of sale within 24 months of purchase are required).
- ◆ OHV was used by a dealer, manufacturer, or authorized designee for an OHV operator education or safety program.
- ◆ OHV was used and held as inventory by a powersports dealer.

Note: Dealer must submit a Statement of Fact (Form DR 2444) attesting to ownership of the vehicle and specifying which of the bond exemptions apply.

Lien Verification

- ◆ If a Colorado Title exists, request a title search using Form DR 2489A.
- ◆ If a Colorado Title does not exist, verify through the Uniform Commercial Code (UCC).

Taxes and Fees

Taxes and Fees are the same as with motor vehicles.

- ◆ Dealer collects any taxes that are in common with the dealer's address and the buyer's address.
- ◆ Dealer titles processing timeframe and fees:
 - ◇ State office \$25 (one day turn around)
 - ◇ County office \$7.20 (verify turn around with county)

OFF-HIGHWAY VEHICLE - TAX CLASSES

If done as Passenger Vehicle (Tax Class C)

Tax or Fee	C.R.S.	Amount	Amt Distributed to State	State Fund	Amt Distributed to County
Age of Vehicle	42-3-306(2)(b)(II)	\$7.00 - \$12.00	\$7.00 - \$12.00	Highways Users Tax Fund	\$0.00
Base Fee - Passenger Vehicle	42-3-306(2)(b)(I)(A)	\$6.00 - \$20.90	\$6.00 - \$20.90	Highways Users Tax Fund	\$0.00
Bridge Safety Surcharge	43-4-805(5)(g)(I)	\$13.00 - \$32.00	\$13.00 - \$32.00	Highway Users Tax Fund	\$0.00
Clerk Hire Fee	42-1-210(1)(a)	\$4.00	\$0.00	n/a	\$4.00
County Road and Bridge	42-3-310(1)	\$1.50	\$0.00	n/a	\$1.50
CSTARS Fee - Not Exempt MIIDB	42-3-306(14)(a)	\$0.50	\$0.50	CSTARS Special Purpose Account	\$0.00
E-470 & Public Highway Authority Tollway Fee	43-4-506(1)(k)	\$10.00	\$10.00	E-470 or Tolling Authority	\$0.00
Emergency Medical Services	42-3-304(21)	\$2.00	\$2.00	Emergency Medical Fund	\$0.00
Emissions Fee - Program Area	42-3-304(18)(a)	\$0.70	\$0.70	Air Account	\$0.00
Emissions Fee - Statewide	42-3-304(18)(a)	\$0.50	\$0.50	Air Account	\$0.00
Emissions Registration Fee - Program Area	42-3-304(18)(b)	\$1.50	\$1.50	Air Account	\$0.00
Material Fee - PAS License Plate	42-3-301	\$3.78	\$3.78	License Plate Cash Fund	\$0.00
Material Fee - Month Tab	42-3-301	\$0.11	\$0.11	License Plate Cash Fund	\$0.00
Material Fee - Year Tab	42-3-301	\$0.17	\$0.17	License Plate Cash Fund	\$0.00
Motorist Insurance Information Database	42-3-304(18)(d)(I)	\$0.10	\$0.10	Motorist Insurance Informatin Database	\$0.00
Peace Office Standards Training	42-3-304(24)	\$1.00	\$0.95	Peace Officer Standards Training Fund	\$0.10
Road Safety Surcharge	43-4-804(1)(a)(I)	\$16.00 - \$39.00	\$16.00 - \$39.00	Highway Users Tax Fund	\$0.00
Specific Ownership Tax - Tax Class C	42-3-107(15)	See below	\$0.50	CSTARS Special Purpose Account	All but \$0.50

Tax Class	C.R.S.	Description	Weight	Taxable Value	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10 +
C	42-3-106(2)(c) 42-3-107(9) & (10)	Every motor vehicle not included in Class A or Class B shall be Class C personal property	N/A	85% Manufacturer's Suggested Retail Price	2.1% of taxable value	1.5% of taxable value	1.2% of taxable value	0.9% of taxable value	.45% of taxable value	.45% of taxable value	.45% of taxable value	.45% of taxable value	.45% of taxable value	\$3

If done as SMM (Tax Class F)

Tax or Fee	C.R.S.	Amount	Amt Distributed to State	State Fund	Amt Distributed to County
Title Application	42-6-137(1)(a)	\$7.20	\$3.20	CSTARS Special Purpose Account	\$4.00
Base Fee - SMM Operated 2,500 Miles or Less	42-3-304(14)(a)	\$7.60 - \$234.50	\$7.60 - \$234.60	Highway Users Tax Fund	\$0.00
Base Fee - SMM Operated 2,500 Miles or More	42-3-304(14)(b)	\$330.00 - \$1,975.00	\$330.00 - \$1,975.00	Highway Users Tax Fund	\$0.00
Bridge Safety Surcharge	43-4-805(5)(g)(I)	\$13.00 - \$32.00	\$13.00 - \$32.00	Highway Users Tax Fund	\$0.00
Clerk Hire Fee	42-1-210(1)(a)	\$4.00	\$0.00	n/a	\$4.00
County Road and Bridge	42-3-310(1)	\$1.50	\$0.00	n/a	\$1.50
CSTARS Fee - Exempt MIIDB	42-3-306(14)(b)	\$0.10	\$0.10	CSTARS Special Purpose Account	\$0.00
Material Fee - SMM License Plate (Single Plate Only)	42-3-301	\$1.89	\$1.89	License Plate Cash Fund	\$0.00
Material Fee - Month Tab	42-3-301	\$0.11	\$0.11	License Plate Cash Fund	\$0.00
Material Fee - Year Tab	42-3-301	\$0.17	\$0.17	License Plate Cash Fund	\$0.00
Road Safety Surcharge	43-4-804(1)(a)(I)	\$16.00 - \$39.00	\$16.00 - \$39.00	Highway Users Tax Fund	\$0.00
Specific Ownership Tax - Tax Class F	42-3-107(15)	See below	\$0.50	CSTARS Special Purpose Account	All but \$0.50

Tax Class	C.R.S.	Description	Weight	Taxable Value	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10 +
F	42-3-106(2)(e) 42-3-107(15)	Every item of special mobile machinery. Farm Tractor meeting the requirements of 42-3-106(2)(e). Mounted Equipment.	N/A	Various - Acquired prior to 1-1-97 Factory list price. If equipment mounted - Factory list price + 75% of original price of equipment. If factory list not available, 75% or original retail delivered price + 75 % or original retail delivered price of mounted equipment. Acquired on or after 01-01-97, 85% of MSRP. If equipment mounted - 85% of MSRP + 85% of MSRP of mounted equipment. If MSRP not available, 100% of original retail delivered price. If equipment mounted - 100% of original retail delivered price + 100% of original retail delivered price of mounted equipment.	2.1% of taxable value	1.5% of taxable value	1.25% of taxable value	1% of taxable value	.75% of taxable value	.50% of taxable value, but not less than \$5	.50% of taxable value, but not less than \$5	.50% of taxable value, but not less than \$5	.50% of taxable value, but not less than \$5	.50% of taxable value, but not less than \$5