

Second Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 10-0488.01 Jery Payne

HOUSE BILL 10-1172

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HOUSE SPONSORSHIP

Bradford, Nikkel, Sonnenberg, Tipton

SENATE SPONSORSHIP

(None),

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House Committees

Transportation & Energy

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING THE REGISTRATION OF MOBILE MACHINERY IN ORDER TO  
102 PAY SPECIFIC OWNERSHIP TAX.

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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>.)*

**Section 1** makes stylistic changes to clarify the definition of special mobile machinery. **Section 5** deems farm equipment meeting the definition of special mobile machinery to be Class F personal property if the equipment is used for a purpose other than agricultural production. **Section 6** prohibits affixing a prorated registration sticker to special

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.

mobile machinery unless it is registered, prohibits the operation of such machinery unless it is registered, and grants a credit for taxes paid to the owner who converts a vehicle to special mobile machinery.

**Section 7** creates a demonstration plate to be used by people who sell special mobile machinery and sets the fee for the plate. A violation of the demonstration plate requirements is a class 2 misdemeanor. **Section 8** requires a person who sells special mobile machinery to notify the buyer that the owner should register the machinery.

**Section 16** authorizes owners to obtain a temporary registration similar to the temporary registration for motor vehicles.

The remaining sections of the bill contain conforming amendments.

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

2 **SECTION 1.** 42-1-102 (41), (54), and (60), Colorado Revised  
3 Statutes, are amended, and the said 42-1-102 is further amended BY THE  
4 ADDITION OF A NEW SUBSECTION, to read:

5 **42-1-102. Definitions.** As used in articles 1 to 4 of this title,  
6 unless the context otherwise requires:

7 (41) "Gross dollar volume" means the total contracted cost of  
8 work performed or put in place in a given county by the owner or operator  
9 of SPECIAL mobile machinery.

10 (54) ~~"Mobile machinery" or "self-propelled construction~~  
11 ~~equipment" means those vehicles, self-propelled or otherwise, which are~~  
12 ~~not designed primarily for the transportation of persons or cargo over the~~  
13 ~~public highways, and those motor vehicles which may have originally~~  
14 ~~been designed for the transportation of persons or cargo over the public~~  
15 ~~highways, and those motor vehicles which may have originally been~~  
16 ~~designed for the transportation of persons or cargo but which have been~~  
17 ~~redesigned or modified by the mounting thereon of special equipment or~~  
18 ~~machinery, and which may be only incidentally operated or moved over~~  
19 ~~the public highways. This definition includes but is not limited to~~

1 ~~wheeled vehicles commonly used in the construction, maintenance, and~~  
2 ~~repair of roadways, the drilling of wells, and the digging of ditches.~~

3 (60) "Mounted equipment" means any item of ~~tangible personal~~  
4 ~~property~~ weighing more than ~~five hundred~~ ONE THOUSAND pounds which  
5 THAT is ~~rigidly~~ PERMANENTLY mounted on ~~or attached to~~ a vehicle,  
6 ~~subsequent to its manufacture and which, when so mounted on or~~  
7 ~~attached to a vehicle, becomes an integral part thereof essential to the~~  
8 ~~operation of such vehicle in carrying out and accomplishing the purpose~~  
9 ~~for which such vehicle is being used~~ INCLUDING MOUNTING BY MEANS  
10 SUCH AS WELDING OR BOLTING THE EQUIPMENT TO A VEHICLE.

11 (93.5) (a) "SPECIAL MOBILE MACHINERY" MEANS MACHINERY  
12 WEIGHING AT LEAST ONE THOUSAND POUNDS THAT IS PULLED, HAULED, OR  
13 DRIVEN OVER A HIGHWAY AND IS EITHER:

14 (I) A VEHICLE OR EQUIPMENT THAT IS NOT DESIGNED PRIMARILY  
15 FOR THE TRANSPORTATION OF PERSONS OR CARGO OVER THE PUBLIC  
16 HIGHWAYS; OR

17 (II) A MOTOR VEHICLE THAT MAY HAVE BEEN ORIGINALLY  
18 DESIGNED FOR THE TRANSPORTATION OF PERSONS OR CARGO OVER THE  
19 PUBLIC HIGHWAYS, AND HAS BEEN REDESIGNED OR MODIFIED BY THE  
20 ADDITION OF MOUNTED EQUIPMENT OR MACHINERY, AND IS ONLY  
21 INCIDENTALY OPERATED OR MOVED OVER THE PUBLIC HIGHWAYS.

22 (b) "SPECIAL MOBILE MACHINERY" INCLUDES VEHICLES  
23 COMMONLY USED IN THE CONSTRUCTION, MAINTENANCE, AND REPAIR OF  
24 ROADWAYS, THE DRILLING OF WELLS, AND THE DIGGING OF DITCHES.

25 **SECTION 2.** 42-3-102 (1) (b) (II), Colorado Revised Statutes, is  
26 amended to read:

27 **42-3-102. Periodic registration - rules.** (1) The department may

1 establish by rule a periodic vehicle registration program whereby certain  
2 vehicles shall be registered at:

3 (b) Five-year intervals upon payment of a five-year registration  
4 fee and any five-year specific ownership tax that may be due. An owner  
5 of any of the following motor vehicles may elect a five-year registration  
6 pursuant to this paragraph (b), which registration shall expire on the last  
7 day of the last month of each five-year registration period:

8 (II) SPECIAL mobile machinery.

9 **SECTION 3.** 42-3-103 (1) (a), Colorado Revised Statutes, is  
10 amended to read:

11 **42-3-103. Registration required - exemptions.** (1) (a) Within  
12 sixty days after purchase, every owner of a motor vehicle, trailer,  
13 semitrailer, or vehicle that is primarily designed to be operated or drawn  
14 upon any highway of this state or any owner of a trailer coach or of  
15 SPECIAL mobile machinery whether or not it is operated on the highways,  
16 shall register such vehicle with the department. A person who violates  
17 this subsection (1) commits a class B traffic infraction.

18 **SECTION 4.** 42-3-104 (3) (e) and (3) (f), Colorado Revised  
19 Statutes, are amended to read:

20 **42-3-104. Exemptions - specific ownership tax - registration**  
21 **- domicile and residency - rules - definitions.** (3) Registration shall not  
22 be required for the following:

23 (e) SPECIAL mobile machinery ~~and self-propelled construction~~  
24 ~~equipment~~ used solely on property owned or leased by the owner of such  
25 machinery and equipment and not operated on the public highways of the  
26 state, if ~~such~~ THE owner lists all of ~~such~~ THE machinery or equipment for  
27 assessment and taxation under part 1 of article 5 of title 39, C.R.S.;

1 (f) SPECIAL mobile machinery ~~and self-propelled construction~~  
2 ~~equipment~~ not operated on the highways of this state owned by a public  
3 utility and taxed under article 4 of title 39, C.R.S.

4 **SECTION 5.** 42-3-106 (2) (e), Colorado Revised Statutes, is  
5 amended to read:

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

10 (e) Every item of SPECIAL mobile machinery ~~and self-propelled~~  
11 ~~construction equipment~~ required to be registered under this article shall  
12 be Class F personal property. FARM MACHINERY MEETING THE  
13 DEFINITION OF SPECIAL MOBILE MACHINERY SHALL BE DEEMED CLASS F  
14 PERSONAL PROPERTY FOR THE CURRENT REGISTRATION YEAR AND THE  
15 NEXT REGISTRATION YEAR IF IT IS USED FOR ANY PURPOSE OTHER THAN  
16 AGRICULTURAL PRODUCTION.

17 **SECTION 6.** 42-3-107 (16) (a), the introductory portion to  
18 42-3-107 (16) (b), and 42-3-107 (16) (e), (17) (b), (18) (b), and (25),  
19 Colorado Revised Statutes, are amended to read:

20 **42-3-107. Taxable value of classes of property - rate of tax -**  
21 **when and where payable - department duties - apportionment of tax**  
22 **collections - definitions.** (16) (a) In lieu of payment of the annual  
23 specific ownership tax in the manner provided in subsection (15) of this  
24 section, the owner of ~~any~~ SPECIAL mobile machinery ~~or self-propelled~~  
25 ~~construction equipment~~ who is an equipment dealer regularly engaged in  
26 the sale or rental of SPECIAL mobile machinery ~~or self-propelled~~  
27 ~~construction equipment~~ and who rents or leases such equipment to

1 another person in which the owner has not held an interest for at least  
2 thirty days may elect to pay specific ownership tax as prescribed in this  
3 subsection (16).

4 (b) Authorization for payment of specific ownership tax under this  
5 subsection (16) shall be obtained from the authorized agent in the county  
6 in which the owner's principal place of business is located. The owner  
7 shall also apply for an identifying decal for each item of equipment to be  
8 rented or leased ~~Such identifying decal shall be affixed to the item of~~  
9 ~~equipment at the time it is rented or leased~~ THAT SHALL BE AFFIXED TO  
10 THE ITEM WHEN IT IS RENTED OR LEASED. The owner shall keep records  
11 of each IDENTIFYING decal issued and a description of the item of  
12 equipment to which it is affixed. The fee for each identifying decal shall  
13 be five dollars, ~~which shall be paid when applying~~ UPON APPLICATION to  
14 the authorized agent. ~~Decals expire at the end of each calendar year, and~~  
15 ~~application for new decals shall be made for each calendar year or portion~~  
16 ~~thereof~~ AN IDENTIFYING DECAL SHALL EXPIRE WHEN THE REGISTRATION  
17 OF THE SPECIAL MOBILE MACHINERY TO WHICH IT IS AFFIXED EXPIRES  
18 PURSUANT TO SECTION 42-3-114. AN IDENTIFYING DECAL SHALL NOT BE  
19 ISSUED TO SPECIAL MOBILE MACHINERY UNLESS THE MACHINERY IS  
20 REGISTERED, BUT A DECAL MAY BE ISSUED CONCURRENTLY WITH THE  
21 REGISTRATION AND SHALL EXPIRE PURSUANT TO SECTION 42-3-114. The  
22 owner shall be required to remove ~~such~~ AN identifying decal upon the sale  
23 or change of ownership of such item of equipment. The fee of five  
24 dollars for each identifying decal as required by this section shall be  
25 distributed as follows:

26 (e) The owner of an item of SPECIAL mobile machinery ~~or~~  
27 ~~self-propelled construction equipment~~ that is required to be registered for

1 highway use under section 42-3-304 (14) shall be exempt from payment  
2 of the specific ownership tax at the time of registration if such tax is  
3 collected and remitted under this subsection (16).

4 (17) (b) In lieu of payment of the annual specific ownership tax  
5 in the manner provided in subsection (15) of this section, an owner may  
6 apply for AND PAY prorated specific ownership tax in accordance with  
7 this subsection (17).

8 (18) (b) (I) The owner of any Class F personal property shall,  
9 within sixty days after the purchase of new or used Class F personal  
10 property, apply for registration with the authorized agent.

11 (II) NO PERSON SHALL OPERATE CLASS F PERSONAL PROPERTY  
12 UNLESS THE PROPERTY IS REGISTERED WITH THE AUTHORIZED AGENT.

13 (25) A credit shall be allowed for taxes paid on any item of Class  
14 A, Class B, Class C, Class D, or Class F personal property if the owner  
15 disposes of the vehicle during the registration period ~~Such~~ OR IF THE  
16 OWNER CONVERTS THE VEHICLE FROM ANY CLASS OF PERSONAL PROPERTY  
17 TO CLASS F PROPERTY. THE credit may apply to payments of taxes on a  
18 subsequent application by ~~such~~ THE owner for registration of an item of  
19 Class A, Class B, Class C, Class D, or Class F personal property made  
20 during the ~~said~~ registration period or may be assigned by ~~such~~ THE owner  
21 to the transferee of the property for which taxes were paid; except that,  
22 when the transferee is a dealer in new or used vehicles, ~~such~~ THE  
23 transferee shall account to the owner for any assignment of the credit.  
24 The credit shall be prorated based on the number of months remaining in  
25 the registration period after the transfer and disposal of the vehicle. The  
26 calculation for the credit shall be determined by using the period  
27 beginning with the first day of the month following the date of transfer

1 through the last day of the month for the period for which the vehicle was  
2 registered. Specific ownership tax credit will be allowed only if the total  
3 ownership tax credit due exceeds ten dollars.

4 **SECTION 7.** 42-3-116, Colorado Revised Statutes, is amended  
5 BY THE ADDITION OF A NEW SUBSECTION to read:

6 **42-3-116. Manufacturers or dealers.** (7) (a) A PERSON WHO  
7 SELLS SPECIAL MOBILE MACHINERY IN THE ORDINARY COURSE OF BUSINESS  
8 MAY SUBMIT AN APPLICATION FOR A DEMONSTRATION PLATE.

9 (b) (I) THE DEPARTMENT SHALL ISSUE A DEMONSTRATION PLATE  
10 UPON PAYMENT OF THE FEE SPECIFIED IN SUBPARAGRAPH (II) OF THIS  
11 PARAGRAPH (b) AND UPON APPLICATION OF A MOTOR VEHICLE DEALER OR  
12 WHOLESALER ACCOMPANIED BY SATISFACTORY EVIDENCE THAT THE  
13 APPLICANT IS ENTITLED TO THE PLATE IN ACCORDANCE WITH THIS  
14 SUBSECTION (7).

15 (II) THE DEPARTMENT SHALL ESTABLISH AND ADJUST THE ANNUAL  
16 FEE FOR A DEMONSTRATION PLATE BASED ON THE AVERAGE OF SPECIFIC  
17 OWNERSHIP TAXES AND REGISTRATION FEES PAID FOR ITEMS OF SPECIAL  
18 MOBILE MACHINERY THAT ARE SEVEN MODEL YEARS OLD OR NEWER  
19 DURING THE PREVIOUS YEAR.

20 (III) A DEMONSTRATION PLATE SHALL BE VALID FOR ONE YEAR.

21 (IV) THE OWNER OF A DEMONSTRATION PLATE SHALL RETURN THE  
22 PLATE TO THE DEPARTMENT WITHIN TEN DAYS AFTER THE SALE OR  
23 CLOSURE OF THE BUSINESS THAT SELLS SPECIAL MOBILE MACHINERY IN  
24 THE ORDINARY COURSE OF BUSINESS.

25 (c) NO PERSON SHALL OPERATE SPECIAL MOBILE MACHINERY WITH  
26 A DEMONSTRATION PLATE UNLESS THE MACHINERY IS OFFERED FOR SALE  
27 AND BEING DEMONSTRATED FOR THE PURPOSES OF A SALE. THE OWNER



1 MAY TRANSFER THE PLATE FROM ONE ITEM OF SPECIAL MOBILE  
2 MACHINERY TO ANOTHER AND WITHOUT REPORTING THE TRANSFER TO THE  
3 DEPARTMENT.

4 (d) A PERSON WHO VIOLATES THIS SUBSECTION (7) IS GUILTY OF A  
5 CLASS 2 MISDEMEANOR, PUNISHABLE PURSUANT TO SECTION 18-1.3-501,  
6 C.R.S.

7 **SECTION 8.** Part 1 of article 3 of title 42, Colorado Revised  
8 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
9 read:

10 **42-3-127. Sale of special mobile machinery.** A PERSON WHO  
11 SELLS SPECIAL MOBILE MACHINERY IN THE ORDINARY COURSE OF BUSINESS  
12 SHALL NOTIFY IN WRITING THE BUYER OF THE MACHINERY THAT THE  
13 MACHINERY IS REQUIRED TO BE REGISTERED UNDER THIS ARTICLE. A  
14 PERSON WHO VIOLATES THIS SECTION COMMITS A CLASS B TRAFFIC  
15 INFRACTION FOR EACH ITEM OF SPECIAL MOBILE MACHINERY SOLD  
16 WITHOUT SUCH A NOTICE.

17 **SECTION 9.** 42-3-201 (1) (a) (I) (E), Colorado Revised Statutes,  
18 is amended to read:

19 **42-3-201. Number plates furnished - style - periodic reissuance**  
20 **- tabs - rules.** (1) (a) (I) The department shall issue to every owner  
21 whose vehicle is registered two number plates; except that the department  
22 shall issue one number plate for the following:

23 (E) An item of SPECIAL mobile machinery. ~~or self-propelled~~  
24 ~~construction equipment.~~

25 **SECTION 10.** 42-3-202 (1) (a), Colorado Revised Statutes, is  
26 amended to read:

27 **42-3-202. Number plates to be attached.** (1) (a) Number plates

1 assigned to a self-propelled vehicle other than a motorcycle or street rod  
2 vehicle shall be attached thereto, one in the front and the other in the rear.  
3 The number plate assigned to a motorcycle, street rod vehicle, trailer,  
4 semitrailer, other vehicle drawn by a motor vehicle, or SPECIAL mobile  
5 machinery ~~or self-propelled construction equipment~~ shall be attached to  
6 the rear thereof. Number plates shall be so displayed during the current  
7 registration year, except as otherwise provided in this article.

8 **SECTION 11.** 42-3-304 (14) and (15), Colorado Revised  
9 Statutes, are amended to read:

10 **42-3-304. Registration fees - passenger and passenger-mile**  
11 **taxes - clean screen fund.** (14) (a) The owner or operator of SPECIAL  
12 mobile machinery ~~or self-propelled construction equipment~~ having an  
13 empty weight not in excess of sixteen thousand pounds that the owner or  
14 operator desires to operate over the public highways of this state shall  
15 register such vehicle under section 42-3-305 (5) (a).

16 (b) The owner or operator of SPECIAL mobile machinery ~~or~~  
17 ~~self-propelled construction equipment~~ with an empty weight exceeding  
18 sixteen thousand pounds that ~~such~~ THE owner or operator desires to  
19 operate over the public highways of this state shall register ~~such~~ THE  
20 vehicle under section 42-3-305 (5) (b).

21 (15) The owner of SPECIAL mobile machinery, except that  
22 mentioned in sections 42-1-102 (44) and 42-3-104 (3), ~~or self-propelled~~  
23 ~~construction equipment~~ that is not registered for operation on the highway  
24 shall pay a fee of one dollar and fifty cents, which shall not be subject to  
25 any quarterly reduction.

26 **SECTION 12.** 42-3-305 (12) (a), Colorado Revised Statutes, is  
27 amended to read:

1           **42-3-305. Registration fees - passenger and passenger-mile**  
2 **taxes - fee schedule for years of TABOR surplus revenue -**  
3 **applicability.** (12) (a) In lieu of registration under section 42-3-304 (14)  
4 (a), the owner or operator of SPECIAL mobile machinery ~~or self-propelled~~  
5 ~~construction equipment~~ that such THE owner or operator desires to operate  
6 over the public highways of this state may elect to pay an annual fee to  
7 the department computed at the rate of one dollar and ninety cents per ton  
8 of vehicle weight or two dollars and twenty-five cents, whichever is  
9 greater, for operation not to exceed a distance of two thousand five  
10 hundred miles in any registration period.

11           **SECTION 13.** 42-3-306 (12) (a), Colorado Revised Statutes, is  
12 amended to read:

13           **42-3-306. Registration fees - passenger and passenger-mile**  
14 **taxes - fee schedule for years in which TABOR surplus revenue is**  
15 **insufficient.** (12) (a) In lieu of registration under section 42-3-304 (14),  
16 the owner or operator of SPECIAL mobile machinery ~~or self-propelled~~  
17 ~~construction equipment~~ that such THE owner or operator desires to operate  
18 over the public highways of this state may elect to pay an annual fee  
19 computed at the rate of two dollars and fifty cents per ton of vehicle  
20 weight for operation not to exceed a distance of two thousand five  
21 hundred miles in any registration period.

22           **SECTION 14.** 42-3-310 (4), Colorado Revised Statutes, is  
23 amended to read:

24           **42-3-310. Additional registration fees - apportionment of fees.**  
25 (4) Two dollars and fifty cents of each annual vehicle registration fee  
26 imposed by sections 42-3-304 to 42-3-306, exclusive of the annual  
27 registration fees prescribed for motorcycles, trailer coaches, SPECIAL

1 mobile machinery, ~~and self-propelled construction equipment~~, and trailers  
2 having an empty weight of two thousand pounds or less and exclusive of  
3 a registration fee paid for a fractional part of a year, shall not be  
4 transmitted to the department but shall be paid over by the authorized  
5 agent, as collected, to the county treasurer, who shall credit the same to  
6 an account entitled "apportioned vehicle registration fees". On the tenth  
7 day of each month, the county treasurer shall apportion the balance in  
8 ~~such~~ THE account existing on the last day of the immediately preceding  
9 month between the county and the cities and incorporated towns located  
10 within the boundaries of the county on the basis of the record of rural and  
11 urban registrations that indicates the place of residence of each vehicle  
12 owner.

13 **SECTION 15.** 42-4-202 (4) (a), Colorado Revised Statutes, is  
14 amended to read:

15 **42-4-202. Unsafe vehicles - penalty - identification plates.**  
16 (4) (a) Upon its approval, the department shall issue an identification  
17 plate for each vehicle, motor vehicle, trailer, or item of SPECIAL mobile  
18 machinery, ~~or self-propelled construction equipment~~, or similar  
19 implement of equipment, used in any type of construction business which  
20 shall, when said plate is affixed, exempt any such item of equipment,  
21 machinery, trailer, or vehicle from all or part of this section and sections  
22 42-4-204 to 42-4-231 and part 3 of this article.

23 **SECTION 16.** 42-3-203 (3) (a), Colorado Revised Statutes, is  
24 amended to read:

25 **42-3-203. Standardized plates - rules.** (3) (a) (I) The  
26 department may issue individual temporary registration number plates,  
27 tags, or certificates good for a period not to exceed sixty days upon

1 application by ~~any~~ AN owner OF A MOTOR VEHICLE or the owner's agent  
2 and the payment of a registration fee of two dollars, one dollar and sixty  
3 cents ~~thereof~~ to be retained by the authorized agent or department issuing  
4 the plates, tags, or certificates and the remainder to be remitted monthly  
5 to the department to be transmitted to the state treasurer for credit to the  
6 highway users tax fund.

7 (II) THE AUTHORIZED AGENT MAY ISSUE INDIVIDUAL TEMPORARY  
8 REGISTRATION NUMBER PLATES, TAGS, OR CERTIFICATES GOOD FOR A  
9 PERIOD NOT TO EXCEED SIXTY DAYS UPON APPLICATION BY AN OWNER OF  
10 SPECIAL MOBILE MACHINERY OR THE OWNER'S AGENT AND THE PAYMENT  
11 OF A REGISTRATION FEE OF TWO DOLLARS, ONE DOLLAR AND SIXTY CENTS  
12 TO BE RETAINED BY THE AUTHORIZED AGENT OR DEPARTMENT ISSUING  
13 THE PLATES, TAGS, OR CERTIFICATES AND THE REMAINDER TO BE  
14 REMITTED MONTHLY TO THE DEPARTMENT TO BE TRANSMITTED TO THE  
15 STATE TREASURER FOR CREDIT TO THE HIGHWAY USERS TAX FUND.

16 (III) It is unlawful for a person to use such number plate, tag, or  
17 certificate after it expires. A person who violates any provision of this  
18 paragraph (a) commits a class B traffic infraction.

19 **SECTION 17.** 42-6-102 (10) (d), Colorado Revised Statutes, is  
20 amended to read:

21 **42-6-102. Definitions.** As used in this part 1, unless the context  
22 otherwise requires:

23 (10) "Motor vehicle" means any self-propelled vehicle that is  
24 designed primarily for travel on the public highways and is generally and  
25 commonly used to transport persons and property over the public  
26 highways, including trailers, semitrailers, and trailer coaches, without  
27 motive power. "Motor vehicle" does not include the following:

1 (d) SPECIAL mobile machinery ~~self-propelled construction~~  
2 ~~equipment~~, or industrial machinery not designed primarily for highway  
3 transportation.

4 **SECTION 18.** 14-10-122 (1.5) (d) (II), Colorado Revised  
5 Statutes, is amended to read:

6 **14-10-122. Modification and termination of provisions for**  
7 **maintenance, support, and property disposition - automatic lien -**  
8 **repeal.** (1.5) (d) **Lien on motor vehicles.** (II) For purposes of this  
9 subsection (1.5), "motor vehicle" means any self-propelled vehicle that  
10 is designed primarily for travel on the public highways and that is  
11 generally and commonly used to transport persons and property over the  
12 public highways, trailers, semitrailers, and trailer coaches, without motive  
13 power; that has a net equity value based upon the loan value identified for  
14 such vehicle in the national automobile dealers' association car guide of  
15 not less than five thousand dollars at the time of the filing of the notice of  
16 lien and that meets such additional conditions as the state board of human  
17 services may establish by rule; and on which vehicle a lien already exists  
18 that is filed for public record and noted accordingly on the owner's  
19 certificate of title. "Motor vehicle" does not include low-power scooters,  
20 as defined in section 42-1-102, C.R.S.; vehicles that operate only upon  
21 rails or tracks laid in place on the ground or that travel through the air or  
22 that derive their motive power from overhead electric lines; farm tractors,  
23 farm trailers, and other machines and tools used in the production,  
24 harvesting, and care of farm products; and SPECIAL mobile machinery  
25 ~~self-propelled construction equipment~~, or industrial machinery not  
26 designed primarily for highway transportation. "Motor vehicle" does not  
27 include a vehicle that has a net equity value based upon the loan value

1 identified for such vehicle in the national automobile dealers' association  
2 car guide of less than five thousand dollars at the time of the filing of the  
3 notice of lien and does not include a vehicle that is not otherwise  
4 encumbered by a lien or mortgage that is filed for public record and noted  
5 accordingly on the owner's certificate of title.

6 **SECTION 19. Specified effective date - applicability.** This act  
7 shall take effect July 1, 2010, and shall apply to offenses committed and  
8 applications submitted on or after said date.

9 **SECTION 20. Safety clause.** The general assembly hereby finds,  
10 determines, and declares that this act is necessary for the immediate  
11 preservation of the public peace, health, and safety.