

**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. 11-0007.01 Jery Payne

HOUSE BILL 11-1004

HOUSE SPONSORSHIP

Baumgardner,

SENATE SPONSORSHIP

Harvey,

House Committees

Agriculture, Livestock, & Natural Resources
Appropriations

Senate Committees

State, Veterans & Military Affairs
Finance
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE REGISTRATION OF A VEHICLE USED FOR**
102 **AGRICULTURAL PRODUCTION, AND MAKING AN APPROPRIATION**
103 **IN CONNECTION THEREWITH.**

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, a county clerk may require a person to demonstrate that his or her primary business is agriculture to register a motor vehicle as a farm truck. The bill exempts a person whose vehicle is used primarily for agriculture on a farm or ranch that is classified as agricultural land for

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 22, 2011

HOUSE
Amended 2nd Reading
February 21, 2011

property tax purposes. The bill also repeals the farm truck and tractor exemption to the motorist insurance identification fee.

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

2 **SECTION 1. Legislative declaration.** The general assembly
3 declares that nothing in this act authorizes a person to use a license plate
4 on a motor vehicle to which the plate has not been assigned in violation
5 of section 42-3-124 or 42-3-202, Colorado Revised Statutes.

6 **SECTION 2. Repeal.** 42-3-304 (1) (b) (II), Colorado Revised
7 Statutes, is repealed as follows:

8 **42-3-304. Registration fees - passenger and passenger-mile**
9 **taxes - clean screen fund - repeal.** (1) (b) The following vehicles are
10 exempt from the motorist insurance identification fee:

11 ~~(II) Trucks and truck tractors that are owned by a farmer or~~
12 ~~rancher and whose only commercial uses are:~~

13 ~~(A) Transporting to market or place of storage raw agricultural~~
14 ~~products actually produced or livestock actually raised by such farmer or~~
15 ~~rancher; or~~

16 ~~(B) Transporting commodities and livestock purchased by such~~
17 ~~farmer or rancher for use by the farmer or rancher in farming or ranching~~
18 ~~operations.~~

19 **SECTION 3.** 42-3-306 (4), Colorado Revised Statutes, is
20 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

21 **42-3-306. Registration fees - passenger and passenger-mile**
22 **taxes - fee schedule.** (4) (e) **THE** DEPARTMENT OR ITS AUTHORIZED
23 AGENT SHALL NOT REQUIRE A PERSON REGISTERING A FARM TRUCK OR
24 TRUCK TRACTOR UNDER THIS SUBSECTION (4) TO DEMONSTRATE THAT THE
25 OWNER'S PRIMARY BUSINESS OR SOURCE OF INCOME IS AGRICULTURE IF THE

1 FARM TRUCK OR TRUCK TRACTOR IS USED PRIMARILY FOR AGRICULTURAL
2 PRODUCTION ON A FARM OR RANCH OWNED OR LEASED BY THE OWNER OF
3 THE TRUCK OR TRUCK TRACTOR, AND THE LAND ON WHICH IT IS USED IS
4 CLASSIFIED AS AGRICULTURAL LAND FOR THE PURPOSES OF LEVYING AND
5 COLLECTING PROPERTY TAX UNDER SECTION 39-1-103, C.R.S.

6 **SECTION 4. Appropriation.** (1) In addition to any other
7 appropriation, there is hereby appropriated, out of any moneys in the
8 Colorado state titling and registration account of the highway users tax
9 fund created in section 42-1-211 (2), Colorado Revised Statutes, not
10 otherwise appropriated, to the department of revenue, for allocation to the
11 information technology division, for the fiscal year beginning July 1,
12 2011, the sum of twenty-two thousand two hundred dollars (\$22,200) cash
13 funds, or so much thereof as may be necessary, for the implementation of
14 this act.

15 (2) In addition to any other appropriation, there is hereby
16 appropriated to the governor - lieutenant governor - state planning and
17 budgeting, for allocation to the office of information technology, for the
18 fiscal year beginning July 1, 2011, the sum of twenty-two thousand two
19 hundred dollars (\$22,200), or so much thereof as may be necessary, for the
20 provision of programming services to the department of revenue related
21 to the implementation of this act. Said sum shall be from reappropriated
22 funds received from the department of revenue out of the appropriation
23 made in subsection (1) of this section.

24 **SECTION 5. Act subject to petition - effective date -**
25 **applicability.** (1) This act shall take effect at 12:01 a.m. on the day
26 following the expiration of the ninety-day period after final adjournment
27 of the general assembly (August 10, 2011, if adjournment sine die is on

1 May 11, 2011); except that, if a referendum petition is filed pursuant to
2 section 1 (3) of article V of the state constitution against this act or an
3 item, section, or part of this act within such period, then the act, item,
4 section, or part shall not take effect unless approved by the people at the
5 general election to be held in November 2012 and shall take effect on the
6 date of the official declaration of the vote thereon by the governor.

7 (2) The provisions of this act shall apply to applications for
8 registration filed on or after January 1, 2012.