

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 12-0963.01 Jery Payne x2157

SENATE BILL 12-184

SENATE SPONSORSHIP

Cadman, Tochtrop

HOUSE SPONSORSHIP

Priola,

Senate Committees

Transportation
Finance
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE REGISTRATION OF SPECIAL MOBILE MACHINERY**
102 **FLEETS, AND, IN CONNECTION THEREWITH, MAKING AN**
103 **APPROPRIATION.**

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>.)

The bill allows an owner of more than 10 pieces of special mobile machinery to register all new special mobile machinery quarterly with the county and to obtain and use special mobile machinery plates, stickers, or certificates to designate that the registration for the machinery is pending.

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.

SENATE
Amended 2nd Reading
May 7, 2012

This allows the owner to renew the registrations for all of the machinery on the same date each year. If the machinery is not intended for highway use, its plate is not required to have an annual validating tab or sticker. Fees are set to implement the bill.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-3-107, **add** (16)

3 (f) as follows:

4 **42-3-107. Taxable value of classes of property - rate of tax -**
5 **when and where payable - department duties - apportionment of tax**

6 **collections - definitions - rules.** (16) (f) (I) IF THE OWNER OF SPECIAL
7 MOBILE MACHINERY WHO IS PAYING SPECIFIC OWNERSHIP TAX UNDER THIS
8 SUBSECTION (16) REGULARLY HAS MORE THAN TEN PIECES OF SPECIAL
9 MOBILE MACHINERY IN THE STATE, THE DEPARTMENT MAY ISSUE TO THE
10 OWNER A REGISTRATION PERIOD CERTIFICATE. THE OWNER MUST PRESENT
11 THE REGISTRATION PERIOD CERTIFICATE TO THE APPROPRIATE
12 AUTHORIZED AGENT NO LATER THAN THE TENTH DAY AFTER THE MONTH
13 WHEN REGISTRATION OF ANY MOTOR VEHICLE IS REQUIRED BY THIS
14 ARTICLE. WHEN SO PRESENTED, THE TWELVE-MONTH PERIOD STATED IN
15 THE REGISTRATION PERIOD CERTIFICATE GOVERNS THE DATE WHEN
16 REGISTRATION IS REQUIRED FOR EACH FLEET VEHICLE OWNED OR LEASED
17 BY THE OWNER.

18 (II) NOTWITHSTANDING ANY PROVISION OF THIS TITLE, THE
19 DEPARTMENT MAY PROMULGATE RULES TO ESTABLISH REQUIREMENTS FOR
20 AN OWNER TO REGISTER A SPECIAL MOBILE MACHINERY FLEET THAT IS
21 IDENTIFIED BY SPECIAL LICENSE PLATES OR STICKERS. IF THE MACHINERY
22 IS NOT INTENDED FOR HIGHWAY USE, THE DEPARTMENT SHALL NOT
23 REQUIRE THE PLATES TO HAVE AN ANNUAL VALIDATING TAB OR STICKER.

1 REGISTRATION FEES PAYABLE ON THE MACHINERY UNDER A MULTI-YEAR
2 AGREEMENT ARE NOT DISCOUNTED BELOW THE OTHERWISE APPLICABLE
3 ANNUAL REGISTRATION FEES.

4 (III) SPECIAL MOBILE MACHINERY REGISTERED UNDER THIS
5 PARAGRAPH (f) OR AFTER THE ISSUANCE OF A REGISTRATION PERIOD
6 CERTIFICATE OR THE EXECUTION OF A MULTI-YEAR AGREEMENT ARE
7 SUBJECT TO SECTION 42-3-109.

8 (IV) (A) THE OWNER SHALL PAY THE ANNUAL REGISTRATION FEES
9 REQUIRED BY SECTIONS 42-3-304 TO 42-3-306 FOR SPECIAL MOBILE
10 MACHINERY, REDUCED BY TWENTY-FIVE PERCENT FOR EACH ELAPSED
11 QUARTER, BEFORE APPLYING FOR THE BALANCE OF THE REGISTRATION
12 PERIOD.

13 (B) THE FEES AND TAXES FOR SPECIAL MOBILE MACHINERY
14 REGISTERED UNDER THIS PARAGRAPH (f) PRIOR TO THE EFFECTIVE DATE OF
15 THE REGISTRATION PERIOD CERTIFICATE OR MULTI-YEAR AGREEMENT
16 MUST BE APPORTIONED IN THE MANNER REQUIRED BY SUBPARAGRAPH (III)
17 OF THIS PARAGRAPH (f).

18 (C) AN AUTHORIZED AGENT MAY ISSUE INDIVIDUAL REGISTRATION
19 NUMBER PLATES, STICKERS, OR CERTIFICATES UPON APPLICATION BY AN
20 OWNER OF SPECIAL MOBILE MACHINERY OR THE OWNER'S AGENT AND THE
21 PAYMENT OF A REGISTRATION FEE OF SEVEN DOLLARS. OF THE
22 SEVEN-DOLLAR FEE, THREE DOLLARS AND SIXTY CENTS IS TO BE RETAINED
23 BY THE AUTHORIZED AGENT OR DEPARTMENT ISSUING THE PLATES,
24 STICKERS, OR CERTIFICATES; FORTY CENTS IS TO BE REMITTED MONTHLY
25 TO THE DEPARTMENT, WHICH SHALL THEN TRANSMIT IT TO THE STATE
26 TREASURER FOR CREDIT TO THE HIGHWAY USERS TAX FUND; AND THREE
27 DOLLARS IS AVAILABLE UPON APPROPRIATION BY THE GENERAL ASSEMBLY

1 TO FUND THE ADMINISTRATION AND ENFORCEMENT OF THIS PARAGRAPH
2 (f). THE OWNER OR THE OWNER'S AGENT MAY THEN AFFIX THE PLATE,
3 STICKER, OR CERTIFICATE TO SPECIAL MOBILE MACHINERY PURCHASED OR
4 BROUGHT INTO THE STATE PENDING REGISTRATION.

5 (V) AN OWNER ISSUED A REGISTRATION PERIOD CERTIFICATE
6 UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH (f) MAY REGISTER AND
7 PAY REGISTRATION FEES AND OTHER LICENSE FEES DUE FOR THE SPECIAL
8 MOBILE MACHINERY NO LATER THAN THE TWENTIETH DAY OF EACH
9 QUARTER FOR ALL NEW SPECIAL MOBILE MACHINERY DELIVERED INTO THE
10 STATE DURING THE PRECEDING QUARTER. THE OWNER SHALL SUBMIT A
11 REPORT, USING FORMS FURNISHED BY THE DEPARTMENT, TO THE
12 AUTHORIZED AGENT IN THE COUNTY WHERE THE MACHINERY WAS FIRST
13 DELIVERED INTO THE STATE, TOGETHER WITH THE REMITTANCE FOR ALL
14 TAXES AND FEES DUE FOR THE PRECEDING QUARTER. THE OWNER SHALL
15 SIMULTANEOUSLY SUBMIT A COPY OF EACH REPORT TO THE DEPARTMENT.
16 THE MACHINERY IS DEEMED REGISTERED PENDING THE TIMELY FILING OF
17 THE REPORT SO LONG AS THE MACHINERY DISPLAYS THE NUMBERED
18 PLATE, STICKER, OR CERTIFICATE REQUIRED BY THE DEPARTMENT.

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20 **SECTION 2. Appropriation.** (1) In addition to any other
21 appropriation, there is hereby appropriated, out of any moneys in the
22 Colorado state titling and registration account of the highway users tax
23 fund created in section 42-1-211 (2), Colorado Revised Statutes, not
24 otherwise appropriated, to the department of revenue, for the fiscal year
25 beginning July 1, 2012, the sum of \$126,563 and 0.8 FTE, or so much
26 thereof as may be necessary, to be allocated for the implementation of this
27 act as follows:

1 (a) \$28,426 and 0.8 FTE for personal services in the division of
2 motor vehicles, titles section;

3 (b) \$21,917 for operating expenses and postage in the central
4 department operations division and the division of motor vehicle, titles
5 section; and

6 (c) \$76,220 for the purchase of computer center services in the
7 information technology division.

8 (2) In addition to any other appropriation, there is hereby
9 appropriated to the governor - lieutenant governor - state planning and
10 budgeting, for the fiscal year beginning July 1, 2012, the sum of \$76,220,
11 or so much thereof as may be necessary, for allocation to the office of
12 information technology, for the provision of computer center services for
13 the department of revenue related to the implementation of this act. Said
14 sum is from reappropriated funds received from the department of
15 revenue out of the appropriation made in paragraph (c) of subsection (1)
16 of this section.

17 (3) In addition to any other appropriation, there is hereby
18 appropriated, out of any moneys in the license plate cash fund created in
19 section 42-3-301 (1) (b), Colorado Revised Statutes, not otherwise
20 appropriated, to the department of revenue, for the fiscal year beginning
21 July 1, 2012, the sum of \$124,492, or so much thereof as may be
22 necessary, for allocation to the division of motor vehicles for the purchase
23 of license plates related to the implementation of this act.

24 **SECTION 3. Act subject to petition - effective date -**
25 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
26 the expiration of the ninety-day period after final adjournment of the
27 general assembly (August 8, 2012, if adjournment sine die is on May 9,

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

7 (2) The provisions of this act apply to acts committed on or after
8 January 1, 2013.