

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 10-0488.01 Jery Payne

HOUSE BILL 10-1172

HOUSE SPONSORSHIP

Bradford, Nikkel, Sonnenberg, Tipton

SENATE SPONSORSHIP

Cadman,

House Committees

Transportation & Energy
Appropriations

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE REGISTRATION OF MOBILE MACHINERY IN ORDER TO
102 PAY SPECIFIC OWNERSHIP TAX, AND MAKING AN APPROPRIATION
103 THEREFOR.

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.

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
Amended 2nd Reading
April 20, 2010

Section 6 prohibits affixing a prorated registration sticker to special 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.

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

2 **SECTION 1.** 42-1-102 (33), (41), (54), and (60), Colorado
3 Revised Statutes, are amended, and the said 42-1-102 is further amended
4 BY THE 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 (33) "Farm tractor" means every ~~motor vehicle~~ IMPLEMENT OF
8 HUSBANDRY designed and used primarily as a farm implement for
9 drawing plows and mowing machines and other implements of
10 husbandry.

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

14 (54) ~~"Mobile machinery" or "self-propelled construction~~
15 ~~equipment" means those vehicles, self-propelled or otherwise, which are~~
16 ~~not designed primarily for the transportation of persons or cargo over the~~
17 ~~public highways, and those motor vehicles which may have originally~~
18 ~~been designed for the transportation of persons or cargo over the public~~

1 ~~highways, and those motor vehicles which may have originally been~~
2 ~~designed for the transportation of persons or cargo but which have been~~
3 ~~redesigned or modified by the mounting thereon of special equipment or~~
4 ~~machinery, and which may be only incidentally operated or moved over~~
5 ~~the public highways. This definition includes but is not limited to~~
6 ~~wheeled vehicles commonly used in the construction, maintenance, and~~
7 ~~repair of roadways, the drilling of wells, and the digging of ditches.~~

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

16 (93.5) (a) "SPECIAL MOBILE MACHINERY" MEANS MACHINERY
17 THAT IS PULLED, HAULED, OR DRIVEN OVER A HIGHWAY AND IS
18 EITHER:

19 (I) A VEHICLE OR EQUIPMENT THAT IS NOT DESIGNED PRIMARILY
20 FOR THE TRANSPORTATION OF PERSONS OR CARGO OVER THE PUBLIC
21 HIGHWAYS; OR

22 (II) A MOTOR VEHICLE THAT MAY HAVE BEEN ORIGINALLY
23 DESIGNED FOR THE TRANSPORTATION OF PERSONS OR CARGO OVER THE
24 PUBLIC HIGHWAYS, AND HAS BEEN REDESIGNED OR MODIFIED BY THE
25 ADDITION OF MOUNTED EQUIPMENT OR MACHINERY, AND IS ONLY
26 INCIDENTALLY OPERATED OR MOVED OVER THE PUBLIC HIGHWAYS.

27 (b) "SPECIAL MOBILE MACHINERY" INCLUDES VEHICLES

1 COMMONLY USED IN THE CONSTRUCTION, MAINTENANCE, AND REPAIR OF
2 ROADWAYS, THE DRILLING OF WELLS, AND THE DIGGING OF DITCHES.

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

5 **42-3-102. Periodic registration - rules.** (1) The department may
6 establish by rule a periodic vehicle registration program whereby certain
7 vehicles shall be registered at:

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

13 (II) SPECIAL mobile machinery.

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

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

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

25 **42-3-104. Exemptions - specific ownership tax - registration**
26 **- domicile and residency - rules - definitions.** (3) Registration shall not
27 be required for the following:

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

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

9 **SECTION 5.** 42-3-106 (2) (e), Colorado Revised Statutes, is
10 amended, and the said 42-3-106 is further amended BY THE ADDITION
11 OF A NEW SUBSECTION, to read:

12 **42-3-106. Tax imposed - classification - taxable value.** (2) For
13 the purpose of imposing graduated annual specific ownership taxes, the
14 personal property specified in section 6 of article X of the state
15 constitution is classified as follows:

16 (e) Every item of SPECIAL mobile machinery ~~and self-propelled~~
17 ~~construction equipment~~ required to be registered under this article shall
18 be Class F personal property. IF A FARM TRACTOR, MEETING THE
19 DEFINITION OF SPECIAL MOBILE MACHINERY, IS USED FOR ANY PURPOSE
20 OTHER THAN AGRICULTURAL PRODUCTION FOR MORE THAN TWENTY-FOUR
21 HOURS, IT IS CLASS F PERSONAL PROPERTY, BUT IT SHALL BE GRANTED A
22 PRORATED REGISTRATION UNDER SECTION 42-3-107 TO COVER SUCH USE.
23 THE AUTHORIZED AGENT SHALL NOTIFY THE OWNER OF THE FARM
24 TRACTOR OF THE PRORATED REGISTRATION. STORING A FARM TRACTOR
25 AT A SITE DOES NOT GIVE RISE TO A PRESUMPTION THAT THE TRACTOR WAS
26 USED FOR THE SAME PURPOSES THAT OTHER EQUIPMENT IS USED FOR AT
27 THE SITE.

1 (6) (a) IF A MOTOR VEHICLE AND THE EQUIPMENT MOUNTED ON
2 THE VEHICLE ARE THE SAME MODEL YEAR:

3 (I) THE OWNER OF THE MOTOR VEHICLE AND THE MOUNTED
4 EQUIPMENT MAY REGISTER BOTH AS CLASS F PERSONAL PROPERTY; OR

5 (II) THE OWNER OF THE MOTOR VEHICLE MAY REGISTER THE
6 VEHICLE AS CLASS A, CLASS B, OR CLASS C PERSONAL PROPERTY AND
7 THE MOUNTED EQUIPMENT MAY BE REGISTERED AS CLASS F PERSONAL
8 PROPERTY.

9 (b) IF A MOTOR VEHICLE AND THE EQUIPMENT MOUNTED ON THE
10 VEHICLE ARE DIFFERENT MODEL YEARS:

11 (I) THE OWNER OF THE MOTOR VEHICLE SHALL REGISTER THE
12 VEHICLE AS CLASS A, CLASS B, OR CLASS C PERSONAL PROPERTY; AND

13 (II) THE OWNER OF THE VEHICLE SHALL REGISTER THE MOUNTED
14 EQUIPMENT AS CLASS F PERSONAL PROPERTY.

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

18 **42-3-107. Taxable value of classes of property - rate of tax -**
19 **when and where payable - department duties - apportionment of tax**
20 **collections - definitions.** (16) (a) In lieu of payment of the annual
21 specific ownership tax in the manner provided in subsection (15) of this
22 section, the owner of ~~any~~ SPECIAL mobile machinery ~~or self-propelled~~
23 ~~construction equipment~~ who is an equipment dealer regularly engaged in
24 the sale or rental of SPECIAL mobile machinery ~~or self-propelled~~
25 ~~construction equipment~~ and who rents or leases such equipment to
26 another person in which the owner has not held an interest for at least
27 thirty days may elect to pay specific ownership tax as prescribed in this

1 subsection (16).

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

24 (e) The owner of an item of SPECIAL mobile machinery ~~or~~
25 ~~self-propelled construction equipment~~ that is required to be registered for
26 highway use under section 42-3-304 (14) shall be exempt from payment
27 of the specific ownership tax at the time of registration if such tax is

1 collected and remitted under this subsection (16).

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

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

9 (II) NO PERSON SHALL OPERATE CLASS F PERSONAL PROPERTY
10 UNLESS THE PROPERTY IS REGISTERED WITH THE AUTHORIZED AGENT OR
11 EXEMPT FROM REGISTRATION PURSUANT TO SECTION 42-3-104 (3).

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

1 registered. Specific ownership tax credit will be allowed only if the total
2 ownership tax credit due exceeds ten dollars.

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

5 **42-3-116. Manufacturers or dealers.** (7) (a) A PERSON WHO
6 SELLS SPECIAL MOBILE MACHINERY IN THE ORDINARY COURSE OF BUSINESS
7 MAY SUBMIT AN APPLICATION FOR A DEMONSTRATION PLATE.

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

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

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

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

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

1 MACHINERY TO ANOTHER AND WITHOUT REPORTING THE TRANSFER TO THE
2 DEPARTMENT.

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

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

9 **42-3-127. Sale of special mobile machinery.** A PERSON WHO
10 SELLS SPECIAL MOBILE MACHINERY IN THE ORDINARY COURSE OF BUSINESS
11 SHALL NOTIFY IN WRITING THE BUYER OF THE MACHINERY THAT THE
12 MACHINERY IS REQUIRED TO BE REGISTERED UNDER THIS ARTICLE. A
13 PERSON WHO VIOLATES THIS SECTION COMMITS A CLASS B TRAFFIC
14 INFRACTION FOR EACH ITEM OF SPECIAL MOBILE MACHINERY SOLD
15 WITHOUT SUCH A NOTICE.

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

18 **42-3-201. Number plates furnished - style - periodic reissuance**
19 **- tabs - rules.** (1) (a) (I) The department shall issue to every owner
20 whose vehicle is registered two number plates; except that the department
21 shall issue one number plate for the following:

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

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

26 **42-3-202. Number plates to be attached.** (1) (a) Number plates
27 assigned to a self-propelled vehicle other than a motorcycle or street rod

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

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

9 **42-3-304. Registration fees - passenger and passenger-mile**
10 **taxes - clean screen fund.** (14) (a) The owner or operator of SPECIAL
11 mobile machinery ~~or self-propelled construction equipment~~ having an
12 empty weight not in excess of sixteen thousand pounds that the owner or
13 operator desires to operate over the public highways of this state shall
14 register such vehicle under section 42-3-305 (5) (a).

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

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

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

27 **42-3-305. Registration fees - passenger and passenger-mile**

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

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

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

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

23 **42-3-310. Additional registration fees - apportionment of fees.**
24 (4) Two dollars and fifty cents of each annual vehicle registration fee
25 imposed by sections 42-3-304 to 42-3-306, exclusive of the annual
26 registration fees prescribed for motorcycles, trailer coaches, SPECIAL
27 mobile machinery, ~~and self-propelled construction equipment,~~ and trailers

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

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

14 **42-4-202. Unsafe vehicles - penalty - identification plates.**

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

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

24 **42-3-203. Standardized plates - rules.** (3) (a) (I) The
25 department may issue individual temporary registration number plates,
26 tags, or certificates good for a period not to exceed sixty days upon
27 application by ~~any~~ AN owner OF A MOTOR VEHICLE or the owner's agent

1 and the payment of a registration fee of two dollars, one dollar and sixty
2 cents thereof to be retained by the authorized agent or department issuing
3 the plates, tags, or certificates and the remainder to be remitted monthly
4 to the department to be transmitted to the state treasurer for credit to the
5 highway users tax fund.

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

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

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

20 **42-6-102. Definitions.** As used in this part 1, unless the context
21 otherwise requires:

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

27 (d) SPECIAL mobile machinery ~~self-propelled construction~~

1 ~~equipment~~, or industrial machinery not designed primarily for highway
2 transportation.

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

5 **14-10-122. Modification and termination of provisions for**
6 **maintenance, support, and property disposition - automatic lien -**
7 **repeal.** (1.5) (d) **Lien on motor vehicles.** (II) For purposes of this
8 subsection (1.5), "motor vehicle" means any self-propelled vehicle that
9 is designed primarily for travel on the public highways and that is
10 generally and commonly used to transport persons and property over the
11 public highways, trailers, semitrailers, and trailer coaches, without motive
12 power; that has a net equity value based upon the loan value identified for
13 such vehicle in the national automobile dealers' association car guide of
14 not less than five thousand dollars at the time of the filing of the notice of
15 lien and that meets such additional conditions as the state board of human
16 services may establish by rule; and on which vehicle a lien already exists
17 that is filed for public record and noted accordingly on the owner's
18 certificate of title. "Motor vehicle" does not include low-power scooters,
19 as defined in section 42-1-102, C.R.S.; vehicles that operate only upon
20 rails or tracks laid in place on the ground or that travel through the air or
21 that derive their motive power from overhead electric lines; farm tractors,
22 farm trailers, and other machines and tools used in the production,
23 harvesting, and care of farm products; and SPECIAL mobile machinery
24 ~~self-propelled construction equipment~~, or industrial machinery not
25 designed primarily for highway transportation. "Motor vehicle" does not
26 include a vehicle that has a net equity value based upon the loan value
27 identified for such vehicle in the national automobile dealers' association

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

5 **SECTION 19. Appropriation.** In addition to any other
6 appropriation, there is hereby appropriated, out of any moneys in the
7 license plate cash fund created in section 42-3-301 (1) (b), Colorado
8 Revised Statutes, not otherwise appropriated, to the department of
9 revenue, for allocation to the division of motor vehicles, driver and
10 vehicle services, for the fiscal year beginning July 1, 2010, the sum of
11 five hundred sixty dollars (\$560) cash funds, or so much thereof as may
12 be necessary, for the implementation of this act.

13 **SECTION 20. Act subject to petition - specified effective date**
14 **- applicability.** (1) This act shall take effect October 1, 2010; except
15 that, if a referendum petition is filed pursuant to section 1 (3) of article V
16 of the state constitution against this act or an item, section, or part of this
17 act within the ninety-day period after final adjournment of the general
18 assembly, then the act, item, section, or part shall not take effect unless
19 approved by the people at the general election to be held in November
20 2010 and shall take effect on the date of the official declaration of the
21 vote thereon by the governor.

22 (2) The provisions of this act shall apply to offenses committed
23 and applications submitted on or after the applicable effective date of this
24 act.