

First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 23-0240.01 Jed Franklin x5484

SENATE BILL 23-049

SENATE SPONSORSHIP

Zenzinger and Van Winkle,

HOUSE SPONSORSHIP

Snyder and Bockenfeld,

Senate Committees

Finance
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE REGISTRATION EXEMPTION FOR SPECIAL MOBILE**
102 **MACHINERY, AND, IN CONNECTION THEREWITH, ELIMINATING**
103 **THE REQUIREMENT THAT AN OWNER OF SUCH MACHINERY**
104 **REGULARLY HAVE AT LEAST ONE THOUSAND ITEMS OF SUCH**
105 **MACHINERY IN THE STATE TO OBTAIN A REGISTRATION EXEMPT**
106 **CERTIFICATE FOR THE MACHINERY AND MAKING AN**
107 **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://leg.colorado.gov>.)

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

SENATE
Amended 2nd Reading
March 10, 2023

Under current law, an owner of special mobile machinery may obtain from the department of revenue a registration exempt certificate for the special mobile machinery only if the owner regularly has 1,000 or more items of special mobile machinery in the state. The bill allows an owner of any amount of special mobile machinery located in the state to obtain a registration exempt certificate for the special mobile machinery.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-3-107, **amend**
3 (16)(g)(I)(A), (16)(g)(III) and (25)(a)(I); and add (16)(g)(V) 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 - repeal.** (16) (g) (I) An owner of special
7 mobile machinery who pays specific ownership taxes in accordance with
8 this subsection (16) may apply to the department for a registration exempt
9 certificate, which the department shall issue to the owner if:

10 (A) The department verifies that the owner regularly has ~~one~~
11 ~~thousand or more items of such~~ AT LEAST TWO HUNDRED FIFTY ITEMS OF
12 special mobile machinery in the state;

13 (16) (g) (III) An item of special mobile machinery that is owned
14 by a person to whom the department has issued a registration exempt
15 certificate is not required to be registered, and the department shall not
16 require the owner of THE special mobile machinery to obtain license
17 plates, annual validating tabs, or identifying decals for the item of special
18 mobile machinery. Notwithstanding the exemptions from registration and
19 licensing requirements for any such item of special mobile machinery, at
20 the time during each calendar year in which specific ownership tax is first
21 paid for the item as required by subsection (16)(c)(II) of this section, the
22 owner of the item shall also pay directly to the department all fees and

1 surcharges that would otherwise be paid at the time of registration
2 PURSUANT TO SUBSECTION (16)(g)(V) OF THIS SECTION; except that the
3 owner shall not pay any fee imposed pursuant to section 42-3-301 for the
4 purpose of covering the direct costs of license plates, decals, or validating
5 tabs or any fee that would otherwise be retained by an authorized agent
6 for the purpose of defraying the direct costs incurred by the authorized
7 agent in registering or issuing license plates, decals, or validating tabs for
8 the item. The department shall transmit all additional registration fees
9 imposed pursuant to section 42-3-310 that it receives from owners of
10 special mobile machinery to whom the department has issued a
11 registration exempt certificate to the county treasurer of each county of
12 the state in proportion to the total amount of vehicle registrations
13 statewide represented by vehicle registrations within the county, and each
14 county treasurer shall apportion the fees within the county in the manner
15 specified in section 42-3-310.

16 (V) AN OWNER ISSUED A REGISTRATION EXEMPT CERTIFICATE
17 PURSUANT TO THIS SUBSECTION (16)(g) SHALL PAY ALL FEES AND
18 SURCHARGES THAT WOULD OTHERWISE BE PAID AT THE TIME OF
19 REGISTRATION FOR THE SPECIAL MOBILE MACHINERY NO LATER THAN THE
20 TWENTIETH DAY AFTER THE CERTIFICATE EXPIRES FOR ALL NEW SPECIAL
21 MOBILE MACHINERY DELIVERED INTO THE STATE DURING THE PERIOD OF
22 THE CERTIFICATE. THE OWNER MAY TAKE CREDIT FOR SURCHARGES AND
23 REGISTRATION FEES ON SPECIAL MOBILE MACHINERY THAT THE OWNER
24 DISPOSED OF OR REMOVED FROM THE STATE DURING THE PRECEDING YEAR.
25 TOGETHER WITH PAYMENT FOR THE FEES AND SURCHARGES DUE, THE
26 OWNER SHALL SUBMIT A REPORT TO THE DEPARTMENT IDENTIFYING ALL
27 EQUIPMENT THAT WAS NEW, DISPOSED OF, OR REMOVED DURING THE

1 PRECEDING YEAR, USING A FORM FURNISHED BY THE DEPARTMENT.

2 (25) (a) (I) Except as provided in subsection (25)(b) of this
3 section, the department shall allow a credit for taxes, surcharges, and
4 registration fees paid on any item of Class A, Class B, Class C, Class D,
5 or Class F personal property, other than Class F personal property for
6 which the department has issued a registration exempt certificate in
7 accordance with subsection (16)(g) of this section, if the owner disposes
8 of the vehicle during the registration period or if the owner converts the
9 vehicle from any class of personal property to Class F property. The
10 credit may apply to payments of taxes, surcharges, and registration fees
11 on a subsequent application by the owner for registration of an item of
12 Class A, Class B, Class C, Class D, or Class F personal property made
13 during the registration period, or the credit may be assigned by the owner
14 to the transferee of the property for which taxes, surcharges, or
15 registration fees were paid; except that, when the transferee is a dealer in
16 new or used vehicles, the transferee shall account to the owner for any
17 assignment of the credit.

18 **SECTION 2. Appropriation.** (1) For the 2023-24 state fiscal
19 year, \$122,165 is appropriated to the department of revenue for use by the
20 division of motor vehicles. This appropriation is from Colorado DRIVES
21 vehicle services account in the highway users tax fund created in section
22 42-1-211 (2), C.R.S. To implement this act, the division may use this
23 appropriation as follows:

24 (a) \$56,990 for personal services related to vehicle services,
25 which amount is based on an assumption that the division will require an
26 additional 0.9 FTE;

27 (b) \$21,975 for operating expenses related to vehicle services; and

1 (c) \$43,200 for DRIVES maintenance and support.

2 **SECTION 3. Act subject to petition - effective date.** This act
3 takes effect at 12:01 a.m. on the day following the expiration of the
4 ninety-day period after final adjournment of the general assembly; except
5 that, if a referendum petition is filed pursuant to section 1 (3) of article V
6 of the state constitution against this act or an item, section, or part of this
7 act within such period, then the act, item, section, or part will not take
8 effect unless approved by the people at the general election to be held in
9 November 2024 and, in such case, will take effect on the date of the
10 official declaration of the vote thereon by the governor.