

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 10-0270.01 Jason Gelender

SENATE BILL 10-137

SENATE SPONSORSHIP

Renfroe, Brophy, Kopp, Harvey, Lundberg, Cadman, Scheffel, Penry, Mitchell, King K.,
Kester, Schultheis, Spence

HOUSE SPONSORSHIP

Gardner C.,

Senate Committees
State, Veterans & Military Affairs

House Committees

A BILL FOR AN ACT

101 **CONCERNING AUTHORIZATION FOR A NO-STREET-USE VEHICLE**
102 **REGISTRATION, AND, IN CONNECTION THEREWITH, REDUCING**
103 **THE AMOUNT OF THE SPECIFIC OWNERSHIP TAX LEVIED ON A**
104 **VEHICLE REGISTERED AS A NO-STREET-USE VEHICLE AND**
105 **EXEMPTING THE OWNER OF SUCH A VEHICLE FROM PAYING THE**
106 **ROAD SAFETY AND BRIDGE SAFETY SURCHARGES IMPOSED**
107 **PURSUANT TO SENATE BILL 09-108.**

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

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.

Section 1 of the bill:

- ! Allows a vehicle owner who wishes to idle a vehicle to obtain a no-street-use registration for any registration period that commences on or after September 1, 2010;
- ! Prohibits a vehicle registered as a no-street-use vehicle from being operated on the public highways, requires the department of revenue to provide to the owner of such a vehicle special validating tabs or stickers that clearly distinguish the vehicle from a regularly registered vehicle, and specifies that a person who violates the prohibition commits a class B traffic infraction punishable by:
 - ! The same penalty as the class B traffic infraction of failing to register a vehicle; plus
 - ! An additional penalty in an amount equal to the amount the vehicle owner saved at the time of registration by registering the vehicle as a no-street-use vehicle rather than regularly registering the vehicle;
- ! Reduces the amount of specific ownership tax imposed on a vehicle registered as a no-street-use vehicle by 50%;
- ! Exempts a vehicle registered as a no-street-use vehicle from the road and bridge safety surcharges normally imposed pursuant to Senate Bill 09-108 when a vehicle is registered;
- ! Requires the registering clerk and recorder, or the department of revenue if a vehicle is registered directly with the department, to refund to a vehicle owner who changes a vehicle registration from a regular registration to a no-street-use registration before the regular registration period ends, portions of the road and bridge safety surcharges paid when the vehicle was regularly registered that are proportional to the unused portion of that period; and
- ! Requires a vehicle owner who changes the registration of a vehicle from a no-street-use registration to a regular registration before the no-street-use registration period ends to pay amounts equal to portions of the road and bridge safety surcharges that would have been paid by the owner if the owner had obtained a regular registration when the owner registered the vehicle as a no-street-use vehicle that are proportional to the unused portion of the no-street-use registration period.

Sections 2 and 3 of the bill make conforming amendments.

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

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

5 **42-3-103.5. No-street-use registration - exemption from road**
6 **and bridge safety surcharges.** (1) AN OWNER OF A VEHICLE REQUIRED
7 TO BE REGISTERED UNDER THIS PART 1 WHO WISHES TO IDLE THE VEHICLE
8 MAY APPLY FOR A NO-STREET-USE REGISTRATION FOR THE VEHICLE FOR
9 ANY REGISTRATION PERIOD THAT COMMENCES ON OR AFTER SEPTEMBER
10 1, 2010. A VEHICLE REGISTERED AS A NO-STREET-USE VEHICLE MAY NOT
11 BE OPERATED ON THE PUBLIC HIGHWAYS AT ANY TIME, AND THE
12 DEPARTMENT SHALL PROVIDE TO THE OWNER OF SUCH A VEHICLE SPECIAL
13 VALIDATING TABS OR STICKERS THAT CLEARLY DISTINGUISH THE VEHICLE
14 FROM A VEHICLE REGULARLY REGISTERED FOR STREET USE. A PERSON
15 WHO OPERATES A VEHICLE WITH A NO-STREET-USE REGISTRATION ON THE
16 PUBLIC HIGHWAYS COMMITS A CLASS B TRAFFIC INFRACTION EACH TIME
17 THE VEHICLE IS SO OPERATED AND SHALL PAY THE SAME PENALTY AS A
18 PERSON WHO VIOLATES SECTION 42-3-103 (1) PLUS AN ADDITIONAL
19 PENALTY IN AN AMOUNT EQUAL TO THE AMOUNT THE VEHICLE OWNER
20 SAVED AT THE TIME OF REGISTRATION BY REGISTERING THE VEHICLE AS A
21 NO-STREET-USE VEHICLE RATHER THAN REGULARLY REGISTERING THE
22 VEHICLE.

23 (2) THE OWNER OF A VEHICLE BEING REGISTERED AS A
24 NO-STREET-USE VEHICLE SHALL PAY THE FULL AMOUNT OF THE
25 REGISTRATION FEES IMPOSED PURSUANT TO THIS ARTICLE AND ONE-HALF
26 OF THE AMOUNT OF THE SPECIFIC OWNERSHIP TAXES IMPOSED PURSUANT

1 TO THIS ARTICLE ON AN IDENTICAL VEHICLE BEING REGULARLY
2 REGISTERED FOR STREET USE BUT SHALL NOT BE SUBJECT TO THE ROAD
3 SAFETY SURCHARGE IMPOSED PURSUANT TO SECTION 43-4-804 (1) (a),
4 C.R.S., OR ANY BRIDGE SAFETY SURCHARGE IMPOSED PURSUANT TO
5 SECTION 43-4-805 (5) (g), C.R.S.

6 (3) (a) IF THE OWNER OF A VEHICLE CHANGES ITS REGISTRATION
7 FROM A REGULAR REGISTRATION TO A NO-STREET-USE REGISTRATION
8 BEFORE THE REGULAR REGISTRATION PERIOD ENDS, PERCENTAGES OF THE
9 ROAD SAFETY SURCHARGE IMPOSED PURSUANT TO SECTION 43-4-804 (1)
10 (a), C.R.S., AND ANY BRIDGE SAFETY SURCHARGE IMPOSED PURSUANT TO
11 SECTION 43-4-805 (5) (g), C.R.S., WHEN THE VEHICLE WAS REGULARLY
12 REGISTERED EQUAL TO THE PERCENTAGE OF THE REGULAR REGISTRATION
13 PERIOD REPRESENTED BY THE UNUSED PORTION OF THAT PERIOD SHALL BE
14 REFUNDED TO THE OWNER BY THE AUTHORIZED AGENT, OR, IF THE
15 VEHICLE IS REGISTERED WITH THE DEPARTMENT ITSELF, BY THE
16 DEPARTMENT, AT THE TIME THE REGISTRATION IS CHANGED.

17 (b) IF THE OWNER OF A VEHICLE CHANGES ITS REGISTRATION FROM
18 A NO-STREET-USE REGISTRATION TO A REGULAR REGISTRATION BEFORE
19 THE NO-STREET-USE REGISTRATION PERIOD ENDS, THE OWNER SHALL PAY
20 PERCENTAGES OF THE AMOUNTS OF THE ROAD SAFETY SURCHARGE
21 IMPOSED PURSUANT TO SECTION 43-4-804 (1) (a), C.R.S., AND ANY
22 BRIDGE SAFETY SURCHARGE IMPOSED PURSUANT TO SECTION 43-4-805 (5)
23 (g), C.R.S., THAT WOULD HAVE BEEN PAID IF THE OWNER HAD OBTAINED
24 A REGULAR REGISTRATION RATHER THAN A NO-STREET-USE REGISTRATION
25 WHEN THE OWNER LAST REGISTERED THE VEHICLE EQUAL TO THE
26 PERCENTAGE OF THE NO-STREET-USE REGISTRATION PERIOD REPRESENTED
27 BY THE UNUSED PORTION OF THAT PERIOD.

1 **SECTION 2.** 42-3-106 (1), Colorado Revised Statutes, is
2 amended to read:

3 **42-3-106. Tax imposed - classification - taxable value.** (1) The
4 owner of each item of classified personal property shall pay an annual
5 specific ownership tax unless exempted by this article. ~~Such~~ EXCEPT AS
6 OTHERWISE PROVIDED IN SECTION 42-3-103.5, THE specific ownership tax
7 shall be annually computed in accordance with section 42-3-107 in lieu
8 of all annual ad valorem taxes.

9 **SECTION 3.** The introductory portion to 43-4-804 (1) (a) (I) and
10 43-4-804 (1) (a) (II), Colorado Revised Statutes, are amended to read:

11 **43-4-804. Highway safety projects - surcharges and fees -**
12 **crediting of moneys to highway users tax fund.** (1) On and after July
13 1, 2009, the following surcharges, fees, and fines shall be collected and
14 credited to the highway users tax fund created in section 43-4-201 (1) (a)
15 and allocated to the state highway fund, counties, and municipalities as
16 specified in section 43-4-205 (6.3):

17 (a) (I) A road safety surcharge, which, except as otherwise
18 provided in subparagraphs (III) and (VI) of this paragraph (a) AND
19 SECTION 42-3-103.5, C.R.S., shall be imposed for any registration period
20 that commences on or after July 1, 2009, upon the registration of any
21 vehicle for which a registration fee must be paid pursuant to the
22 provisions of part 3 of article 3 of title 42, C.R.S. Except as otherwise
23 provided in subparagraphs (IV) and (V) of this paragraph (a), the amount
24 of the surcharge shall be:

25 (II) The road safety surcharge shall be imposed when a vehicle is
26 registered as required by article 3 of title 42, C.R.S. Each authorized
27 agent shall remit to the department of revenue no less frequently than

1 once a month, but otherwise at the time and in the manner required by the
2 executive director of the department of revenue, ~~and~~ THE NET AMOUNT OF
3 THE road safety surcharges collected by the authorized agent LESS ANY
4 REFUNDS OF SUCH SURCHARGES MADE PURSUANT TO SECTION 42-3-103.5
5 (3) (a), C.R.S. The executive director of the department of revenue shall
6 forward all road safety surcharges remitted by authorized agents plus THE
7 NET AMOUNT OF any road safety surcharges collected directly by the
8 department of revenue LESS ANY REFUNDS OF SUCH SURCHARGES MADE
9 PURSUANT TO SECTION 42-3-103.5 (3) (a), C.R.S, to the state treasurer,
10 who shall credit the surcharges to the highway users tax fund.

11 **SECTION 4.** The introductory portion to 43-4-805 (5) (g) (I) and
12 43-4-805 (5) (g) (II), Colorado Revised Statutes, are amended to read:

13 **43-4-805. Statewide bridge enterprise - creation - board -**
14 **funds - powers and duties - reporting requirements - legislative**
15 **declaration.** (5) In addition to any other powers and duties specified in
16 this section, the bridge enterprise board has the following powers and
17 duties:

18 (g) (I) As necessary for the achievement of its business purpose,
19 to impose a bridge safety surcharge, which, except as otherwise provided
20 in subparagraphs (III) and (VII) of this paragraph (g) AND SECTION
21 42-3-103.5, C.R.S., shall be imposed, on and after July 1, 2009, for any
22 registration period that commences on or after July 1, 2009, or on and
23 after such later date as may be determined by the bridge enterprise, for
24 any registration period that commences on or after the later date, upon the
25 registration of any vehicle for which a registration fee must be paid
26 pursuant to the provisions of part 3 of article 3 of title 42, C.R.S. Except
27 as otherwise provided in subparagraphs (IV), (V), and (VI) of this

1 paragraph (g), the amount of the surcharge shall not exceed:

2 (II) The bridge safety surcharge shall be imposed when a vehicle
3 is registered as required by article 3 of title 42, C.R.S. Each authorized
4 agent shall remit to the department of revenue no less frequently than
5 once a month, but otherwise at the time and in the manner required by the
6 executive director of the department of revenue, ~~and~~ THE NET AMOUNT OF
7 THE bridge safety surcharges collected by the authorized agent LESS ANY
8 REFUNDS OF SUCH SURCHARGES MADE PURSUANT TO SECTION 42-3-103.5
9 (3) (a), C.R.S. The executive director of the department of revenue shall
10 forward all bridge safety surcharges remitted by authorized agents plus
11 THE NET AMOUNT OF any bridge safety surcharges collected directly by the
12 department of revenue LESS ANY REFUNDS OF SUCH SURCHARGES MADE
13 PURSUANT TO SECTION 42-3-103.5 (3) (a), C.R.S., to the state treasurer,
14 who shall credit the surcharges to the bridge special fund.

15 **SECTION 5. Act subject to petition - effective date.** This act
16 shall take effect at 12:01 a.m. on the day following the expiration of the
17 ninety-day period after final adjournment of the general assembly (August
18 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a
19 referendum petition is filed pursuant to section 1 (3) of article V of the
20 state constitution against this act or an item, section, or part of this act
21 within such period, then the act, item, section, or part shall not take effect
22 unless approved by the people at the general election to be held in
23 November 2010 and shall take effect on the date of the official
24 declaration of the vote thereon by the governor.