

HOUSE COMMITTEE OF REFERENCE REPORT

March 23, 2021

Chair of Committee

Date

Committee on Transportation & Local Government.

After consideration on the merits, the Committee recommends the following:

HB21-1024 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

- 1 Amend printed bill, page 2, strike lines 2 through 13 and substitute:
2 "SECTION 1. In Colorado Revised Statutes, 39-26-704, **add** (6)
3 as follows:
4 **39-26-704. Miscellaneous sales tax exemptions - governmental**
5 **entities - hotel residents - schools - exchange of property -**
6 **off-highway vehicles.** (6) THE FOLLOWING TRANSACTIONS ARE BOTH
7 EXEMPT FROM TAXATION UNDER PART 1 OF THIS ARTICLE 26:
8 (a) THE SALE OF OR TRANSFER OF AN OFF-HIGHWAY VEHICLE ON OR
9 AFTER JULY 1, 2014, AND BEFORE JULY 1, 2023, BETWEEN INDIVIDUALS
10 WHEN NEITHER OF THE INDIVIDUALS IS A MOTOR VEHICLE DEALER OR AN
11 OFF-HIGHWAY VEHICLE DEALER; OR
12 (b) THE SALE OF OR TRANSFER OF AN OFF-HIGHWAY VEHICLE THAT
13 WAS FIRST SOLD OR TRANSFERRED BEFORE JULY 1, 2014, AND IS BEING
14 ISSUED ITS FIRST CERTIFICATE OF TITLE ON OR AFTER THIS DATE."
- 15 Page 3, strike lines 1 through 11.
- 16 Page 3, before line 12, insert:
- 17 "SECTION 2. In Colorado Revised Statutes, 42-6-102, **amend**
18 (11.5)(a)(I), (11.5)(b)(I) introductory portion, and (11.5)(b)(I)(B); and
19 **add** (13.5) as follows:
20 **42-6-102. Definitions.** As used in this part 1, unless the context
21 otherwise requires:
22 (11.5) (a) "Off-highway vehicle" means a self-propelled vehicle

1 that is:

2 (I) (A) Designed to travel on wheels or tracks in contact with the
3 ground; OR

4 (B) USED TO TRAVEL OVER WATER USING AN INBOARD MOTOR
5 POWERING A WATER JET PUMP OR AN OUTBOARD MOTOR-DRIVEN
6 PROPELLER.

7 (b) (I) Except as described in subsection (11.5)(b)(II) of this
8 section, "off-highway vehicle" includes vehicles commonly known as
9 all-terrain vehicles, snowmobiles, PERSONAL WATERCRAFT, and surplus
10 military vehicles but does not include:

11 (B) Vehicles, OTHER THAN PERSONAL WATERCRAFT, designed and
12 used primarily for travel on, over, or in the water;

13 (13.5) "PERSONAL WATERCRAFT" MEANS A MOTORBOAT THAT IS
14 DESIGNED TO BE OPERATED BY A PERSON SITTING, STANDING, OR
15 KNEELING ON THE VESSEL, RATHER THAN THE CONVENTIONAL MANNER OF
16 SITTING OR STANDING INSIDE THE VESSEL, THAT IS DESIGNED PRIMARILY
17 FOR USE OFF OF THE PUBLIC HIGHWAYS, AND THAT USES EITHER OF THE
18 FOLLOWING AS THE PRIMARY SOURCE OF MOTIVE POWER:

19 (a) AN INBOARD MOTOR POWERING A WATER JET PUMP; OR

20 (b) AN OUTBOARD MOTOR-DRIVEN PROPELLER."

21 Renumber succeeding sections accordingly.

22 Page 3, line 16, strike "~~sold or~~" and substitute "sold or".

23 Page 3, line 17, strike "~~sold or~~" and substitute "sold or".

24 Page 3, line 20, strike "2022;" and substitute "2023;".

25 Page 5, line 9, strike "2022," and substitute "2023,".

26 Page 6, strike lines 2 through 6 and substitute:

27 **"SECTION 6. Act subject to petition - effective date -**
28 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
29 the expiration of the ninety-day period after final adjournment of the
30 general assembly; except that, if a referendum petition is filed pursuant
31 to section 1 (3) of article V of the state constitution against this act or an
32 item, section, or part of this act within such period, then the act, item,
33 section, or part will not take effect unless approved by the people at the
34 general election to be held in November 2022 and, in such case, will take
35 effect on the date of the official declaration of the vote thereon by the



1 governor.
2 (2) This act applies to applications for certificates of title made or
3 the issuance of certificates of title on or after the applicable effective date
4 of this act."

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