

~~DEPARTMENT OF REVENUE~~

~~Division of Motor Vehicles – Title and Registration Sections~~

~~1 CCR 204-10~~

~~RULE 42. SPECIAL MOBILE MACHINERY SPECIFIC OWNERSHIP TAX CREDIT FOR OUT-OF-STATE USE UNDER CONTRACTUAL AGREEMENTS~~

~~Basis: This regulation is promulgated under the authority of 42-1-204 and 42-3-107(17)(a) through 42-3-107(17)(e) C.R.S.~~

~~Purpose: The following rules and regulations are promulgated to establish criteria for the prorated specific ownership tax credit for special mobile machinery that is operated outside of the State of Colorado under a written contract and has received verification of such via the Colorado Port of Entry.~~

~~1.0 — Definitions~~

- ~~1.1 — “Owner” means an owner, as defined in 42-1-102(66) C.R.S. that owns an item of special mobile machinery. The term includes any person authorized to act on the owner’s behalf and for the purpose of this rule shall mean the same named owner on the SMM registration receipt and SMM Specific Ownership Tax Credit Voucher.~~
- ~~1.2 — “Prorated Specific Ownership Tax” means the prorated special mobile machinery specific ownership tax assessed pursuant to 42-3-107(17) C.R.S. and for the purpose of this rule may be referred to as “credit”.~~
- ~~1.3 — “Special Mobile Machinery (SMM)” means “Mobile machinery” or “self-propelled construction equipment” as defined in C.R.S. 42-1-102(54) and “Mounted equipment” as defined in C.R.S. 42-1-102(60).~~
- ~~1.4 — “Month” for the purpose of this rule means calendar month (e.g. February, December etc.) without consideration to the number of calendar days within each month.~~

~~2.0 — Requirements~~

- ~~2.1 — An owner that operates special mobile machinery (SMM) outside of the State of Colorado under a written service contract may apply to receive credit of not less than one or more than ten months of the prorated specific ownership tax for the month(s) within the registration period that the SMM was operated outside the State of Colorado under such written contract.~~
- ~~2.2 — Credit shall not be granted for SMM that is no longer in service, no longer owned by the owner applying for credit or that is no longer required to be registered in Colorado.~~
- ~~2.3 — Credit shall only be granted when the following conditions are validated by the Colorado Port of Entry. Such validation will be evidenced by issuance of a SMM Specific Ownership Tax Credit Voucher to the owner by the Colorado Port of Entry.~~
- ~~A. — The owner is an established business in Colorado, as shown by registration with the Colorado Secretary of State or Department of Revenue as required by law; and,~~

~~B.—The SMM is currently registered in the State of Colorado as evidenced by a Colorado Registration Receipt; and,~~

~~C.—The owner demonstrates to the Colorado Port of Entry that the SMM was operated outside the State of Colorado under a written contract to perform a service. Such written contract shall demonstrate the terms of the owner's service and shall be signed by the owner. Such written contract shall demonstrate in months, as defined by this rule, the length of time the SMM was operated outside the State of Colorado. Partial month(s) credit shall not be granted.~~

- ~~2.4 — An owner of SMM that is registered in Colorado that applies for credit shall submit the required written contract and supporting documents to the Colorado Port of Entry.~~
- ~~2.5 — SMM Specific Ownership Tax Credit Vouchers shall only be valid when presented by the SMM owner at the County Motor Vehicle office where the SMM is registered and upon registration renewal of such SMM. Credit transactions may not be completed through mail or online registration renewal processes.~~
- ~~2.6 — SMM Specific Ownership Tax Credit Vouchers shall only apply to the renewal of the SMM listed on the credit voucher.~~
- ~~2.7 — SMM Specific Ownership Tax Credit Vouchers shall be valid for the next twelve month registration period of the SMM. If the owner elects not to have the credit applied upon the next twelve month registration of the SMM, the owner waives all rights to applying and receiving the credit.~~
- ~~2.8 — The department may validate the SMM Specific Ownership Tax Credit Voucher or any information within.~~
- ~~2.9 — Credit shall be calculated for a period of not less than one month or more than ten months.~~
- ~~2.10 — Refund shall not be given for unused credit. If the credit exceeds the specific ownership tax being collected for the subsequent twelve month registration period no refund of the remaining credit balance will be given.~~
- ~~2.11 — SMM Specific Ownership Tax Credit Vouchers are non-transferable and may not be re-assigned.~~
- ~~2.12 — The SMM Specific Ownership Tax Credit Voucher and credit shall only be applied upon payment of taxes and fees required by Title 42 of the Colorado Revised Statute for the SMM listed on the SMM Specific Ownership Tax Credit Voucher.~~