0284 Highway Legislation Review Committee

Colorado Legislative Council

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RECOMMENDATIONS FOR 1984

HIGHWAY LEGISLATION REVIEW COMMITTEE

REPORT TO THE

COLORADO GENERAL ASSEMBLY

Research Publication No. 284
January 1984
To Members of the Fifty-fourth Colorado General Assembly:

Submitted herewith is the final report of the Highway Legislation Review Committee. In accordance with section 43-2-145, C.R.S., this committee is established every five years to review highway legislation and to make recommendations for legislation to the governor and the General Assembly.

The Highway Legislation Review Committee recommends that the sixteen bills included in this report be transmitted to the Fifty-fourth Colorado General Assembly.

Respectfully submitted,

/s/ Senator Harold McCormick
Chairman
Highway Legislation Review Committee
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HIGHWAY LEGISLATION REVIEW COMMITTEE

Members of the Committee

Sen. Harold McCormick, Chairman
Rep. Jeanne Faatz, Vice Chairman
Sen. James Beatty
Sen. Harvey Phelps
Sen. Richard Soash
Richard Albrecht
C.W. Brennan
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H.W. "Buck" Richardson
June Steinmark
Ed Touber

Council Staff

Wallace Pulliam, Principal Analyst
Larry Thompson, Senior Analyst

Legislative Drafting Staff

Matthew Flora, Staff Attorney
SUMMARY OF ACTIVITIES AND RECOMMENDATIONS

Activities

A total of seven meetings were held during the interim by the committee. The committee heard testimony from a variety of sources representing the executive and legislative branches of state government as well as from business and industry and from members of the public. Major topics addressed by the committee include:

1) An overview of draft rules and regulations of the Department of Highways concerning issuance of permits for vehicles that exceed legal weight limits;
2) The feasibility of transferring from the state patrol to the Ports of Entry Division the responsibility for all mobile port operations;
3) An evaluation of the highway access code from the perspective of the Department of Highways and affected industry;
4) A review of federal and state requirements governing toll roads and discussion on the feasibility of toll road construction; and
5) Short and long-range highway finance alternatives.

Recommendations

As a result of its deliberations the committee recommends a total of sixteen bills which are summarized below:

Bill A provides penalties for aircraft landing on and taking off from streets or highways except in case of emergency or with the approval of the appropriate entity having jurisdiction.

Bill B imposes a $5 excise tax on the sale of each studded tire sold in Colorado.

Bill C requires that the construction standards used for permanent state highway tunnel facilities conform to standards based on the national electric code.

Bill D strikes the exemption for motorcycles and motorscooters in the definition of "motor vehicle" under the no-fault insurance statutes.

Bill E prohibits making appropriations from the Highway Users Tax Fund for the purposes of administering the "Motor Vehicle Financial Responsibility Act".
Bill F increases fees for services performed by the Department of Revenue with respect to drivers' licenses.

Bill G allows the state treasurer to apportion moneys from the Highway Users Tax Fund based upon estimates from the Department of Revenue on current monthly collections of highway users taxes.

Bill H authorizes the highway commission to issue revenue bonds for the purpose of constructing roads and bridges.

Bill I increases the registration fee for motor vehicles which are not subject to gross ton-mile taxes and weigh more than 10,000 pounds.

Bill J allows the executive director of the Department of Revenue to impose a penalty of $125 for each vehicle for which gross ton-mile tax or passenger-mile tax records have not been adequately kept and maintained.

Bill K prohibits the emission of visible air contaminants from any gasoline powered motor vehicle for a period greater than five seconds.

Bill L increases to $300 the penalty for failure to display a valid certificate of emissions control.

Bill M requires applicants for a single trip permit to move a mobile home to furnish an authentication of paid ad valorem taxes on the mobile home.

Bill N rewrites statutory provisions relating to restraint of trade and commerce to make explicit the right of private parties to sue for injunctions, increase the penalties for criminal violations, and provide for treble damages and court costs relative to certain civil violations.

Bill U exempts certain publicly owned property from the prohibition on making a contribution to campaigns involving the election of persons to any public office.

Bill P changes the acceptable length of school buses from thirty-six to forty feet.
HIGHWAY LEGISLATION REVIEW COMMITTEE

CHARGE

The Highway Legislation Review Committee, appointed pursuant to section 43-2-145, C.R.S., was directed to review Colorado's highway laws and highway-related regulations. The committee consists of fifteen members, including eight members of the General Assembly and seven appointees representing counties, municipalities, the private business sector, and the State Highway Commission.

Rules and Regulations on Overweight Permits

Pursuant to section 42-4-409 (3), C.R.S., the Colorado Department of Highways has the authority to issue overweight and oversize permits and to prescribe the conditions under which those permits will be issued. Among the purposes of the rules and regulations are:

1) To provide specific guidelines for vehicle axle loading based upon the load capacity of the bridges and roads to handle overweight and oversize vehicles;

2) To insure that proper safety devices are used when transporting an overweight and oversize vehicle or load;

3) To develop criteria for granting exemptions for special mobile equipment not capable of complying with axle weight requirements; and

4) To delegate authority and responsibilities to those involved with permit issuance and verification.

Testimony by Department of Highways representatives indicated that a lengthy rule-making hearing procedure has been followed in developing the overweight and oversize vehicle permit requirements. A series of statewide public hearings were conducted and the highway commission held several workshops with staff of the Department of Highways to discuss items presented at the public hearings. A number of concerns were raised by affected industries at the public hearings. The extent of authority that the Department of Highways can exert in requiring modification and dismantling of heavy mobile equipment (e.g., cranes, portable drilling rigs, and portable crushers) was questioned. Testimony before the committee by a representative of the Colorado Manufactured Housing Association suggested that the proposed permit fees charged for transporting oversize mobile homes and modular units are, in their opinion, excessive and will have an adverse economic impact on the mobile home and modular unit industry.

The proposed rules and regulations have received preliminary approval by the Colorado State Highway Commission. Pursuant to requirements of House Bill 1316, 1983 session, said rules and
regulations will be reviewed by the House Transportation and Energy Committee and the Senate Transportation Committee prior to April 1, 1984. Said committees are statutorily authorized to suggest to the State Highway Commission any necessary changes, deletions, or additions pertinent to procedures for issuance of overweight and oversize permits. Before final adoption of the applicable rules and regulations, the commission, in an open public meeting, must consider and respond to any recommendations offered by the transportation committees.

Mobile Ports of Entry

A recommendation in the 1983 performance audit of the Department of Highways was to transfer the state patrol's portable scales to the Ports of Entry Division of the Department of Revenue. Both the Ports of Entry Division and the state patrol own and operate portable scales to enforce truck-overweight statutes. An analysis by the office of state auditor of the comparative costs, efficiency, and effectiveness of these separate operations concluded that the state would be better served if all portable scales were owned and operated by the Ports of Entry Division. The state auditor's primary justification for this recommendation was that the net increase from the portable scales' transfer would be about $400,000 per year.

Representatives of the Ports of Entry Division and the state patrol addressed the committee concerning the office of state auditor analysis of portable scale operations. A spokesman for the Ports of Entry Division explained that the Department of Revenue has three full-time mobile ports crews. The cost of one mobile unit is $88,000 and the expected annual revenue return from collections per unit is $262,000. Department of Revenue testimony indicated that the recent reopening of the ports of entry has resulted in approximately double the number of trucks cleared, trucks weighed, and revenues collected. State patrol spokesmen cited the continued need for their involvement in mobile port operations. Their testimony before the committee was that the state patrol's objective in using the mobile scales is not to generate revenue, but to reduce highway deterioration caused by overweight trucks.

Subsequent to the committee discussion on the transfer of portable scales to the Ports of Entry Division, a meeting was held involving the director of the Office of State Planning and Budgeting, the deputy director of the Department of Highways, the executive director of the Department of Revenue, the chief of the Colorado State Patrol, and the chief of the Ports of Entry Division. It was decided at that meeting to transfer all mobile port operations to the Ports of Entry Division pending 1984 approval by the General Assembly of a Department of Revenue request for 12.0 FTE's to operate the portable scales transferred out of the state patrol.
A portion of two committee meetings was devoted to review of provisions of the State Highway Access Code and industry evaluation of the effectiveness of said code. Pursuant to section 43-2-147, C.R.S., the Colorado Department of Highways and local governments are authorized to regulate vehicular access to or from any public highway under their respective jurisdiction from or to property adjoining a public highway. Testimony presented indicated that the purpose of the code is to provide the procedures and standards necessary to protect the public health, safety and welfare; to maintain smooth traffic flow; to maintain highway right-of-way drainage; and to protect the functional level of public highways while meeting state, regional, and local transportation needs and interests. It was pointed out to the committee by a Department of Highways spokesman that the lack of adequate access management on the highway system and the proliferation of driveway and other access approaches is a major contributor to highway accidents and a significant factor behind the functional deterioration of state highways.

Representatives of business and industry noted their concerns with the access code. Oil industry representatives pointed out that when a motor fuel marketer rehabilitates an existing facility he is often required to reduce the number of access driveways from the usual four down to one driveway. This action requires all traffic, both incoming and outgoing, to use a more limited access route which can increase the probability of vehicular accidents. Industry spokesmen requested assurances that all businesses be treated equally in the application of the code. The oil industry recommended changing the access code on existing, improved properties to include restitution to property owners for removal of access and further payment if it is determined jointly by the owner and the state or outside parties that the taking of access renders that property unusable.

The committee made no legislative recommendations for revision of the State Highway Access Code.

Toll Roads

As an alternative method of financing highway construction, the committee discussed the feasibility of instituting toll roads on certain Colorado highways. Representatives of the Department of Highways provided testimony on the potential tolls needed to construct a highway bypass in Colorado Springs and an expressway near Fort Collins. Using present costs, projected traffic counts based upon the roads being toll-free, a twenty year amortization schedule, and a nine percent interest rate, it was estimated that a minimum toll of $1.35 would need to be collected for the State Highway 24 bypass in Colorado Springs. For the Fort Collins Expressway the minimum toll would be $2.55. The department emphasized that the toll road calculations are not detailed; they, for example, do not take into account a number of factors such as the costs of operation of toll booths, the number of
access points to the highway, the placement of toll booths at these access points, and the number of toll-free alternative routes that are available. Departmental testimony concluded that based on these initial estimates neither location would appear to be a good selection for a toll facility.

Federal provisions concerning toll roads were reviewed by the committee. Section 301 of title 23, United States Code, requires that all highways constructed with federal funds be free from tolls of any kind. If a toll is imposed on a road that has been wholly or partially constructed with federal funds, section 301 requires that the state pay back to the federal government the federal funds that had been used in construction and the road would no longer be eligible for federal funding.

The committee received testimony on the construction and operation of the Denver-Boulder Turnpike, which is the only toll facility that has existed in Colorado. Pursuant to authorization by the General Assembly in 1949, the Department of Highways issued $6.3 million in bonds in 1950 to finance the Denver-Boulder Turnpike which was officially opened in January, 1952. Tolls levied were twenty-five cents for cars and fifty cents for trucks. Bonds were to be repaid over a period of thirty years, terminating in 1980. As a result of the number of vehicles using the route exceeding original estimates, the tolls were removed in September, 1967, thirteen years ahead of schedule. The bonds issued by the department were totally retired in March, 1969.

No recommendations were made by the committee concerning the institution of toll roads in Colorado.

Highway Finance Alternatives

Highway finance needs in Denver region. The committee's final meeting was devoted to consideration of alternative methods for financing the construction and maintenance of Colorado's highway system. To gain a perspective on the broad range of options available for highway financing, a representative of the Denver Regional Council of Governments (DRCOG) reviewed for the committee a report entitled Financing Transportation Capital Projects in the Denver Region. It was the purpose of this study to evaluate capital investment needs and alternative capital financing arrangements for road and transit facilities in the Denver region for the 1983-2000 time period.

Testimony by the Denver Regional Council of Governments representative gave an estimated transportation capital need (in constant 1982 dollars) for the 1983-2000 year period of $3.3 billion for roads and highways and $2.5 billion for mass transit ($5.0 billion for bus facilities and $2.0 billion for fixed guideway facilities). It was pointed out that the difference between projected revenue and the costs of needed projects is substantial, particularly for the period after 1990. For highway and road projects, the total projected revenue shortfall is $1.6 billion (1983 dollars).
The suggestions by DRCOG for transportation financing in the Denver region are based on the following assignments of financial responsibility:

-- The state has responsibility for state highways.

-- Local governments have responsibility for construction and maintenance of subregional roads.

-- A regional mechanism should be established to finance off-state system regional thoroughfares.

The recommended methods of generating new capital for financing transportation projects are the following:

-- For state highways in the Denver region, a three cent per gallon increase in the motor fuel tax should be authorized together with legislation authorizing the Department of Highways to issue revenue bonds.

-- For sub-regional roads in the Denver region, there should be a local four percent property tax increase (or combination increase in property and sales taxes). In addition, county taxing authority should be given to county commissioners and debt ceilings should be increased for counties.

-- For regional roads and transit, a one cent regional transportation sales tax should be levied.

Department of Highways' financing plan. For purposes of accelerating construction of Colorado's interstate highway system, the Department of Highways presented to the committee a financing plan which calls for the issuance of $56 million of federal reimbursement anticipation notes along with the issuance of $45-$53 million of gasoline sales tax revenue bonds. Testimony by the department indicated that the anticipation notes would be paid for entirely by interest earnings from reinvesting the proceeds of the notes and by federal reimbursement for highway construction. The revenue bonds would be paid for by interest earnings from the bonds and revenues from the State Highway Fund, which includes the gasoline sales tax. Funds received from the sale of the notes and bonds would be held and invested by the state treasurer. The funds from the notes would only be available for highway construction, and the funds from the bonds would only be available for certain state highway projects. If said financing plan is given the necessary statutory authorization in the 1984 session, construction of such projects as Arapahoe Road to Parker, the Colorado Springs Bypass, and the Fort Collins Expressway could be accelerated. In addition, the revenue generated by the issuance of anticipation notes and revenue bonds would be helpful in expediting the resurfacing of the primary and secondary highway system.

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Committee recommendation. In recognition of the possible need for additional funds for highway construction and maintenance, the committee recommends Bill H which authorizes the State Highway Commission to issue highway revenue bonds. The provisions of Bill H are reviewed on page 13 of this report.

RECOMMENDATIONS

As a result of its study, the committee recommends a total of sixteen bills. Bills A through D are recommendations for improving highway safety. Bills E through H provide mechanisms to generate revenue for the Highway Users Tax Fund. Bills I and J revise fee collection and reporting requirements for the gross ton-mile tax. Bills K and L are recommended for purposes of reducing air pollution levels. Bill M addresses the problem of collection of ad valorem taxes on mobile homes. Bill N is a proposal to strengthen Colorado's enforcement of bid-rigging statutes. Bill O clarifies statutes governing political activity of public agencies and employees. Bill P revises statutory limitations on the length of school buses.

Bill A -- Concerning a Restriction on the Use of Highways by Aircraft

In view of the testimony provided to the committee that there is a need to establish authority for state, county, and local officials to restrict the operation of aircraft on highways, the committee recommends Bill A. Bill A prohibits the landing or taking off of aircraft from highways except in case of an emergency or with prior approval of the Department of Highways, the state patrol, or the appropriate local jurisdiction. For the purpose of this bill, "aircraft" means any contrivance invented, used, or designated for navigation in the air. The penalty for violation of this provision would be a class B traffic infraction, which carries with conviction a fine ranging from $5 to $100.

Bill B -- Concerning an Excise Tax on the Sale of Studded Tires

Testimony to the committee indicated that studded tires are a significant factor in causing deterioration of Colorado's streets and highways. Bill B imposes an excise tax of $5 on each studded tire sold in this state. Reflecting committee concerns about the need for maintenance and repair of Colorado's highway system, the bill directs that the proceeds from the imposition of said tax be credited to the Highway Users Tax Fund.
Bill C -- Concerning Conformity of Permanent State Highway Tunnel Facilities to Standards Based on the National Electrical Code

The committee recommends Bill C which would exclude a permanent state highway tunnel facility from the definition of a mine. The bill provides that a permanent tunnel must conform to the standards in the national electrical code and would come under the jurisdiction of the State Electrical Board. The Colorado Division of Mines will still be responsible for inspections and standards during construction of a state highway tunnel.

Current statutes exempt highway tunnels from the jurisdiction of the State Electrical Board. Said tunnels are classified as mines, and, as a result are subject to the jurisdiction of the Colorado Division of Mines. Testimony before the committee indicated that when the Department of Highways was constructing the Eisenhower Memorial Tunnel, a dispute arose concerning the authority of the department to require that electrical lighting fixtures in the tunnel meet the standards in the national electrical code. The State Electrical Board ruled that it did not have jurisdiction over highway tunnels and also noted that the national electrical code specifically exempts mines from its provisions. In the interest of safety, the Department of Highways, at its own expense, modified the light fixtures at the Eisenhower tunnel. Bill C will ensure that standards in the national electrical code will be met in future tunnel construction projects such as those at Glenwood canyon and DeBeque canyon.

Bill D -- Concerning the Definition of "Motor Vehicle" in the "Colorado Auto Accident Reparations Act"

The committee believes that operations of motorcycles and motorscooters should be subject to requirements of the no-fault insurance statutes. Bill D strikes the current exemption for motorcycles and motorscooters in the definition of "motor vehicle" under the no-fault insurance statutes.

Bill E -- Concerning Appropriations for the Expenses of Administering the "Motor Vehicle Financial Responsibility Act"

Bill E prohibits the making of appropriations from the Highway Users Tax Fund (HUTF) for the purposes of administering the "Motor Vehicle Financial Responsibility Act." The Department of Revenue is responsible for the administration thereof. It appears that the purpose of the financial responsibility act program is to require payment of the costs resulting from motor vehicle accidents. It is not the purpose of the program to promote highway safety. The committee believes that it is inappropriate to use HUTF "off-the-top" appropriations for this program.
Bill F -- Concerning Fees for Services Performed by the Department of Revenue with Respect to Drivers' Licenses

State audit review of motor vehicle-related fees indicates that six sections in the Department of Revenue responsible for motor vehicle fee collections are cumulatively only recovering seventy percent of their costs. For the purpose of making those sections in the department self-sufficient, the committee recommends Bill F.

Bill F will make the following adjustments in motor vehicle-related fees:

1) Increases from $1.25 to $2.00 the master file inquiry fee (relates mostly to motor vehicle accident reports);

2) Provides for an additional $3.00 charge for road driving tests as a part of a driver license examination;

3) Increases from $5.50 to $6.55 the fee for a driver's license; and,

4) Increases the driver's license restoration fee from $20 to $30.

Bill G -- Concerning Procedures for Apportionment of Moneys in the Highway Users Tax Fund

Bill G allows the state treasurer to apportion moneys from the Highway Users Tax Fund based upon estimates from the Department of Revenue on current monthly collections of highway users taxes. The Department of Revenue will be required to submit these estimates to the state treasurer by the seventh working day of the month and the state treasurer will be required to distribute the fund within five working days of receiving those estimates. A final accounting will be required at the end of the fiscal year.

Testimony before the committee indicated that HUTF funding has become more complex and has lengthened considerably the time needed for the Department of Revenue to calculate exact figures on the monies contributed to the HUTF. Current statutes require that HUTF distribution be based upon actual accounting by the Department of Revenue of monies contributed to the fund. The delay in apportioning HUTF revenues to the Department of Highways has forced the department, on several occasions, to borrow funds from the state treasurer and to pay interest on these borrowed funds. Bill G will alleviate the HUTF accounting problems encountered by the Department of Revenue and ensure a consistent cash flow for the Department of Highways.
Bill H -- Concerning the Financing of the Construction, Improvement, and Reconstruction of Highways and Bridges

A considerable amount of committee discussion has been devoted to alternative methods of highway financing. Bill H is recommended which will authorize the highway commission to issue revenue bonds for the purpose of constructing roads and bridges. The existing highway bonding statutes were enacted more than twenty years ago and a number of provisions have either expired or become outdated. For example, the maximum interest rate allowed under current statutes is four percent, which is considered unrealistic in today's bond market. Revision of these bonding statutes will allow this state to construct or repair highways and bridges when the need exists and the funding is not yet available.

Bill H provides that highway revenue bonds could be issued at a maximum interest rate of twelve percent. Said bonds would be backed by the State Highway Fund (the state apportionment from the Highway Users Tax Fund) and would exclude those funds from the "Noble Bill". State Highway Fund money will include revenues from the motor fuel tax, license fees, registration fees, and the gross ton-mile tax. Bill H also allows the highway commission to issue grant anticipation bonds for federal aid projects; the payment for these bonds to be derived from future federal apportionments. This provision will allow the Department of Highways to accelerate planned federal aid projects at present construction costs. In some cases, the federal government will reimburse the state for the cost of interest on the bonds.

There are provisions in Bill H to require the General Assembly to review any bonding proposals after they are recommended and approved by the highway commission and the governor. The following bonding factors are subject to adoption, disapproval, or modification by the General Assembly:

1) The amount of bonds issued;

2) The anticipated interest rate on the bonds; and,

3) The amount or percentage of anticipated revenues to be set aside for debt retirement.

Bill I -- Concerning the Registration Fee for Motor Vehicles Which Are Not Subject to Gross Ton-Mile Taxes

Under current truck registration statutes, there are some classes of trucks (towing trucks and wreckers) that are issued gross ton-mile (GTM) plates because they weigh over 10,000 pounds, but are exempt from paying GTM taxes. Testimony to the committee indicated that those vehicles are not paying their proportional share of registration fees.
The committee recommends Bill I which increases registration fees for those motor vehicles not subject to gross ton-mile taxes and which weigh more than 10,000 pounds. Under Bill I, said vehicles will pay registration fees of $143 plus $2.00 for each 100 pounds, or fraction thereof, in excess of 10,000 pounds.

Bill J -- Concerning Records on the Operations of Motor Vehicles Subject to the Ton-Mile or Passenger-Mile Tax

Bill J allows the executive director of the Department of Revenue to impose a penalty of $125 for each vehicle for which gross ton-mile tax or passenger-mile tax records have not been adequately kept and maintained.

Statutes and Department of Revenue rules clearly state what records are to be kept by the GTM taxpayer. In the absence of adequate recordkeeping, it is very difficult for an auditor to determine whether a trucking firm has paid the correct amount of GTM taxes.

Bill K -- Concerning the Emission of Visible Air Contaminants, and Providing a Penalty Therefor

For purposes of improving this state's ambient air quality, Bill K is recommended. The bill prohibits the emission of visible air contaminants from any gasoline powered motor vehicle for a period greater than five seconds. The penalty for such a violation is $300, payable within thirty days after conviction. Bill K provides for a possible reduction of the penalty assessment to $25 if necessary adjustments are made on the vehicle to reduce visible emissions, or if the vehicle has been disposed of for junk parts or has been immobilized. Diesel powered vehicles are exempted from requirements of Bill K.

Bill L -- Concerning Evidence of Compliance with the Automobile Inspection and Readjustment Program

To provide incentives to reduce current carbon monoxide levels and to more strictly enforce provisions of the "AIR" (Automobile Inspection and Readjustment) act, the committee recommends Bill L. The bill increases to $300 the penalty for failure to display a valid certificate of emissions control. If, within thirty days of issuance of a citation for failure to have the applicable emissions certification, the owner complies with the requirements of the "AIR" act, the penalty can be reduced to $25. A driver can, if certain requirements are met, have the fine reduced to $25 if he submits to the appropriate court proof that he was not the owner of the car at the time the summons was mailed.
Bill M -- Concerning Permits for Movement of Mobile Homes

Testimony to the committee indicated that county assessors are experiencing difficulty in collecting ad valorem taxes on mobile homes. Bill M is recommended to alleviate this problem. The bill requires applicants for a single trip permit to move a mobile home to furnish an authentication of paid ad valorem taxes on the mobile home. Bill M also requires holders of any permit to move a mobile home to notify the county treasurer of the county from which the mobile home is being moved of the new address or the name and address of the landowner.

Bill N -- Concerning the Restraint of Trade and Commerce in Colorado

Extensive testimony was given to the committee by the office of state auditor and the office of attorney general concerning highway bid-rigging and the effectiveness of Colorado's state antitrust statute. The attorney general's office stated that remedies presently available to the state and injured parties as a result of anticompetitive practices are limited in scope and impact. Research by that office indicated that Colorado has the forty-eighth weakest penalties out of the forty-nine jurisdictions in this country having antitrust statutes.

In recognition of the need to strengthen both public and private antitrust enforcement efforts in Colorado, the committee recommends Bill N. Bill N makes the following revisions in the state antitrust statutes:

1) Colorado's criminal antitrust penalties are conformed to those of federal antitrust laws by upgrading violations to a penalty punishable by three years imprisonment in addition to maximum fines of $100,000 for individuals and $1 million for businesses. The existing antitrust penalty is classified as a misdemeanor subjecting the person convicted thereof to a fine of not less than $1,000 nor more than $5,000 or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.

2) Civil damage remedies in this state are conformed to those of federal antitrust laws by providing for recovery by a successful plaintiff of treble rather than current single damages plus costs of the suit, including a reasonable attorney fee.

3) Private parties are given the right to seek injunctive relief when actually suffering, or when threatened with economic injury due to violation of the state's antitrust statutes.
Bill O -- Concerning the Political Activity of Public Agencies and Employees

The committee recommends Bill O for the purpose of clarifying legislative intent on the proper use of state equipment and property for campaign purposes. Bill O exempts certain publicly owned property from the prohibition on making a contribution to campaigns involving the election of persons to any public office. Specific exemptions are given to the following:

1. An official residence furnished or paid for by the state or a political subdivision;

2. Security officers required to accompany a candidate or the candidate's family;

3. Publicly owned motor vehicles provided for the use of the chief executive of the state or of a political subdivision; and

4. Publicly owned aircraft provided for the use of the chief executive of the state or of a political subdivision or his family for security purposes. If the use of such aircraft is in whole or in part, for campaign purposes, the expenses relating to the campaign must be reported and the state or political subdivision must be fully reimbursed for said expenses.

Bill P -- Concerning the Length of School Buses

Bill P changes the acceptable length of school buses from thirty-six to forty feet. Testimony to the committee indicated that Colorado statutes may limit the ability of school districts to choose buses on the basis of passenger load, fuel efficiency, and cost factors. Statutes have been amended in recent years to allow for longer trucks and commercial buses. The committee believes that revision of school bus length restrictions is also necessary.
BILL A

A BILL FOR AN ACT

CONCERNING A RESTRICTION ON THE USE OF HIGHWAYS BY AIRCRAFT.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Makes it an offense to cause any aircraft to land on, take off from, park on, or be placed on any street or highway or shoulder thereof except in case of emergency or with the approval of the appropriate entity having jurisdiction.

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

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

42-4-106.5. Aircraft on highways. (1) It is unlawful for any person to cause any aircraft to land on, take off from, park on, or be placed on any street or highway or shoulder thereof except in case of emergency or except with prior approval of the state department of highways, the state patrol, or the political subdivision having jurisdiction over
the street or highway.

(2) As used in this section, "aircraft" means any contrivance invented, used, or designed for navigation of or flight in the air.

(3) Any person who violates any provision of this section commits a class B traffic infraction.

SECTION 2. 42-4-1501 (3) (a) (I.1) (A), Colorado Revised Statutes, as amended, is amended to read:

42-4-1501. Traffic offenses and infractions classified - penalties. (3) (a) (I.1) (A) Every person who is convicted of, who admits liability for, or against whom a judgment is entered for a violation of any provision of this title to which the provisions of paragraph (a) or (b) of subsection (4) of this section apply shall be fined or penalized in accordance with the following schedule; or, if no penalty is specified in the schedule, the penalty for a class A traffic infraction shall be ten dollars and the penalty for a class B traffic infraction shall be five dollars. These penalties shall apply whether the violator acknowledges his guilt or liability in accordance with the procedure set forth by paragraph (a) of subsection (4) of this section or is found guilty by a court of competent jurisdiction or has judgment entered against him by a county court referee:

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SECTION 3. Effective date. This act shall take effect July 1, 1984.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.
A BILL FOR AN ACT

CONCERNING AN EXCISE TAX ON THE SALE OF STUDDED TIRES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Imposes an excise tax on the sale of each studded tire sold in the state of Colorado and directs that the moneys from such tax be credited to the highway users tax fund.

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

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

42-4-225.5. Studded tires - excise tax. (1) There is hereby imposed an excise tax of five dollars on each studded tire sold or on which studs are added by the retailer in the state of Colorado. Every retailer, as defined in section 39-26-102 (8), C.R.S., shall be liable and responsible for the payment of such tax, shall annually remit such amount to the executive director of the department, and shall otherwise be
subject to the provisions of section 39-26-105, C.R.S. Such
return shall be due March 31 of each year. All excise taxes
collected under the provisions of this section shall be
credited to the highway users tax fund and distributed in
accordance with part 2 of article 4 of title 43, C.R.S.

(2) Any person who fails to file a report or to pay the
tax due thereon pursuant to section 39-21-113, C.R.S., shall
pay a penalty of ten percent of the tax assessed or
twenty-five dollars, whichever is greater, and the interest
due under the provisions of section 39-21-110.5, C.R.S.

(3) Any deficiency assessed by the executive director of
the department pursuant to an error contained on a previously
filed return which was due to negligence or disregard of the
law shall have added thereto:

(a) A penalty of ten percent of the deficiency assessed;
and

(b) A penalty interest of one-half of one percent per
month, in addition to the interest due under section
39-21-110.5, C.R.S., on the deficiency assessed.

(4) If any person fails, neglects, or refuses to file a
report required by article 21 of title 39, C.R.S., the
executive director of the department may, upon such
information as may be available to him, estimate the amount of
tax due for the period for which no report was filed, with
applicable penalties and interest, and mail such estimate to
the last-known address of such person. The amount so
estimated, together with the penalties and interest, shall become fixed, due, and payable as if such person had filed a report showing such amounts, unless, within ten days after receiving the estimate, such person files a true and correct report for the period and pays the tax, penalty, and interest due thereon.

(5) For the purposes of this section, "studded tire" means any tire on a single-tired passenger vehicle or other single-tired vehicle with a rated capacity up to and including three-fourths ton which contains studs or other protuberances which do not project more than one-sixteenth of an inch beyond the tread of the traction surface of the tire.

SECTION 2. 39-21-102, Colorado Revised Statutes, 1982 Repl. Vol., is amended to read:

39-21-102. **Scope.** Unless otherwise indicated, the provisions of this article apply to income, inheritance, gift, gross ton-mile, passenger-mile, gasoline, special fuel, cigarette, sales, use, and severance taxes, THE EXCISE TAX ON STUDDED TIRES, and the charge on oil and gas production imposed by articles 22 to 29 of this title, article 60 of title 34, and article 3 of title 42, AND SECTION 42-4-225.5, C.R.S.

SECTION 3. 39-21-103 (1), Colorado Revised Statutes, 1982 Repl. Vol., is amended to read:

39-21-103. **Hearings.** (1) As soon as practicable after an income, gift, gross ton-mile, passenger-mile, gasoline,
special fuel, cigarette, sales, use, or severance tax return, 
THE RETURN FOR THE EXCISE TAX ON STUDDED TIRES, or the return 
showing the value of oil and gas is filed, the executive 
director of the department of revenue shall examine it and 
shall determine the correct amount of tax. If the tax found 
due is greater than the amount theretofore assessed or paid, a 
otice of deficiency shall be mailed to the taxpayer by 
certified mail.

SECTION 4. 39-21-106 (1), Colorado Revised Statutes, 
1982 Repl. Vol., is amended to read:

39-21-106. Compromise. (1) The executive director of 
the department of revenue or his delegate may compromise any 
civil or criminal case arising under the Colorado income, 
gift, gross ton-mile, passenger-mile, gasoline, special fuel, 
cigarette, sales, use, or severance tax, THE EXCISE TAX ON 
STUDDED TIRES, or the charge on oil and gas production imposed 
by article 22, article 25, part 1 or part 2 of article 26, 
article 27, article 28, or article 29 of this title OR article 
60 of title 34, or article 3 of title 42, OR SECTION 
42-4-225.5, C.R.S., prior to reference to the department of 
law for prosecution or defense; and the attorney general or 
his delegate shall, upon the written direction of the 
executive director, compromise any such case after reference 
to the department of law for prosecution or defense.

SECTION 5. 39-21-107 (1), Colorado Revised Statutes, 
1982 Repl. Vol., as amended, is amended to read:
39-21-107. Limitations. (1) Except as provided in this section and unless such time is extended by waiver, the amount of any gross ton-mile, passenger-mile, gasoline, special fuel, cigarette, sales, use, or severance tax, OF ANY EXCISE TAX ON STUDDED TIRES, or of any charge on oil and gas production and the penalty and interest applicable thereto shall be assessed within three years after the return was filed, whether or not such return was filed on or after the date prescribed, and no assessment shall be made or credit taken and no notice of lien shall be filed, nor distraint warrant issued, nor suit for collection instituted, nor any other action to collect the same commenced after the expiration of such period; except that a written proposed adjustment of the tax liability by the department issued prior to the expiration of such period shall extend the limitation of this subsection (1) for one year after a final determination or assessment is made. No lien shall continue after the three-year period provided for in this subsection (1), except for taxes assessed before the expiration of such period, notice of lien with respect to which has been filed prior to the expiration of such period, and except for taxes on which written notice of any proposed adjustment of the tax liability has been sent to the taxpayer during such three-year period, in which case the lien shall continue for one year only after the expiration of such period or after the issuance of a final determination or assessment based on the proposed adjustment issued prior to the
expiration of the three-year period. This subsection (1) shall not apply to income tax.

SECTION 6. 39-21-109 (1), Colorado Revised Statutes, 1982 Repl. Vol., is amended to read:

39-21-109. Interest on underpayment, nonpayment, or extensions of time for payment of tax. (1) If any amount of income, gross ton-mile, passenger-mile, gasoline, special fuel, cigarette, sales, use, or severance tax, ANY EXCISE TAX ON STUDDED TIRES, or any charge on oil and gas production is not paid on or before the last date prescribed for payment, interest on such amount at the rate imposed under section 39-21-110.5 shall be paid for the period from such last date to the date paid. The last date prescribed for payment shall be determined without regard to any extension of time for payment and shall be determined without regard to any notice and demand for payment issued, by reason of jeopardy, prior to the last date otherwise prescribed for such payment. In the case of a tax in which the last date for payment is not otherwise prescribed, the last date for payment shall be deemed to be the date the liability for the tax arises, and in no event shall it be later than the date notice and demand for the tax is made by the executive director of the department of revenue or his delegate.

SECTION 7. The introductory portion to 39-21-110 (1) and 39-21-110 (2) and (3), Colorado Revised Statutes, 1982 Repl. Vol., are amended to read:
39-21-110. Interest on overpayments. (1) Interest shall be allowed and paid upon any overpayment in respect to any income, gross ton-mile, passenger-mile, gasoline, special fuel, sales, use, or severance tax, ANY EXCISE TAX ON STUDDED TIRES, or any charge on oil and gas production at the rate imposed under section 39-21-110.5. Such interest shall be allowed and paid as follows:

(2) Any portion of an income, gross ton-mile, passenger-mile, gasoline, special fuel, cigarette, sales, use, or severance tax, OF AN EXCISE TAX ON STUDDED TIRES, or of a charge on oil and gas production or any interest, assessable penalty, additional amount, or addition to a tax or charge which has been erroneously refunded shall bear interest at the rate imposed under section 39-21-110.5 from the date of the payment of the refund.

(3) If any overpayment of an income, gross ton-mile, passenger-mile, gasoline, special fuel, sales, use, or severance tax, OF AN EXCISE TAX ON STUDDED TIRES, or of a charge on oil and gas production is refunded within ninety days after the last date prescribed for filing the return of such tax or charge, determined without regard to any extension of time for filing the return, no interest shall be allowed under subsection (1) of this section on such overpayment.

SECTION 8. 39-21-113 (1) (a), Colorado Revised Statutes, 1982 Repl. Vol., is amended to read:

39-21-113. Reports and returns. (1) (a) It is the duty
of every person, firm, or corporation liable to the state of Colorado for any gross ton-mile, passenger-mile, gasoline, special fuel, cigarette, sales, use, or severance tax, ANY EXCISE TAX ON STUDDED TIRES, or any charge on oil and gas production to keep and preserve for a period of three years such books, accounts, and records as may be necessary to determine the amount of liability.

SECTION 9. Effective date - applicability. This act shall take effect July 1, 1984, and shall apply to any sale occurring on or after said date.

SECTION 10. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.
A BILL FOR AN ACT

CONCERNING CONFORMITY OF PERMANENT STATE HIGHWAY TUNNEL FACILITIES TO STANDARDS BASED ON THE NATIONAL ELECTRICAL CODE.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Defines "permanent state highway tunnel facilities" and requires such facilities to conform to standards based on the national electrical code.

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

SECTION 1. 12-23-101, Colorado Revised Statutes, 1978 Repl. Vol., is amended BY THE ADDITION OF A NEW SUBSECTION to read:

12-23-101. Definitions. (3.5) "Permanent state highway tunnel facilities" means all permanent state highway tunnels, shafts, ventilation systems, and structures and includes all structures, materials, and equipment appurtenant to such facilities. Said term includes all electrical equipment,
materials, and systems to be constructed, furnished, and
installed as part of the final construction features specified
by the applicable contract plans and specifications or by the
national electrical code. For the purposes of this article
and article 40 of title 34, C.R.S., such state highway tunnel
facilities shall be deemed to be mines during the construction
of such facilities.

SECTION 2. 12-23-111 (16), Colorado Revised Statutes,
1978 Repl. Vol., as amended, is amended to read:
12-23-111. Exemptions. (16) The provisions of this
article shall not be applicable to any surface or subsurface
operation or property used in, around, or in conjunction with
any mine which is inspected pursuant to section 34-22-101 or
34-40-105, C.R.S., or pursuant to the "Federal Mine Safety and
Health Amendments Act of 1977", P.L. 95-164, EXCEPT PERMANENT
STATE HIGHWAY TUNNEL FACILITIES, WHICH SHALL CONFORM TO
STANDARDS BASED ON THE NATIONAL ELECTRICAL CODE.

SECTION 3. The introductory portion to 34-40-100.3 (7),
Colorado Revised Statutes, as amended, is amended to read:
34-40-100.3. Definitions. (7) "Mine" includes all ore
mills, sampling works, smelters, mining plants, metallurgical
plants, tunnels, and mines in this state of whatever kind or
character, whether on the surface or underground. "Mine" does
not include PERMANENT STATE HIGHWAY TUNNEL FACILITIES, AS
DEFINED IN SECTION 12-23-101 (3.5), C.R.S., coal mines,
earthen dams, and mines in which an average of more than
seventy-five full-time employees were employed during the preceding calendar year, nor DOES IT INCLUDE operations associated with sand and gravel pits, clay pits, and rock and stone quarries, including surface limestone and dolomite quarries; except that mines having an average of more than seventy-five full-time employees shall be subject to the permit requirements of sections 34-47-104 and 34-47-131. In addition, the following shall be construed as parts of a mine:

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.
A BILL FOR AN ACT

CONCERNING THE DEFINITION OF "MOTOR VEHICLE" IN THE "COLORADO AUTO ACCIDENT REPARATIONS ACT".

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Strikes the exemption for motorcycles and motorscooters in the definition of "motor vehicle" under the no fault insurance statutes.

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

SECTION 1. 10-4-703 (7), Colorado Revised Statutes, is amended to read:

10-4-703. Definitions. (7) "Motor vehicle" means any vehicle of a type required to be registered and licensed under the laws of this state and which is designed to be propelled by an engine or motor; except that this term does not include motorcycles;--motorscooters;--minibikes, snowmobiles, bicycles with motor or engine attached, or any vehicle designed primarily for use off the road or on rails. FOR THE PURPOSES
OF THIS PART 7, "MOTOR VEHICLE" INCLUDES "MOTORCYCLE" AND "MOTORSCOOTER", AS SUCH TERMS ARE DEFINED IN SECTION 42-1-102, C.R.S.

SECTION 2. Effective date. This act shall take effect ________.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.
Bill E

A BILL FOR AN ACT

CONCERNING APPROPRIATIONS FOR THE EXPENSES OF ADMINISTERING
THE "MOTOR VEHICLE FINANCIAL RESPONSIBILITY ACT".

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Prohibits the making of appropriations from the highway users tax fund for the purposes of administering the "Motor Vehicle Financial Responsibility Act".

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

SECTION 1. 42-7-201 (1), Colorado Revised Statutes, is amended to read:

42-7-201. Director to administer article. (1) (a) The director shall administer and enforce the provisions of this article and may make rules and regulations in writing necessary for the administration of this article.

(b) THE GENERAL ASSEMBLY SHALL MAKE APPROPRIATIONS FOR THE EXPENSES OF ADMINISTRATION OF THIS ARTICLE, WHICH APPROPRIATIONS SHALL NOT BE FROM THE HIGHWAY USERS TAX FUND.
SECTION 2. Effective date. This act shall take effect.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.
A BILL FOR AN ACT

CONCERNING FEES FOR SERVICES PERFORMED BY THE DEPARTMENT OF

REVENUE WITH RESPECT TO DRIVERS' LICENSES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Increases fees for services performed by the department of revenue with respect to drivers' licenses. Establishes a fee for the driving portion of the applicant's examination for a driver's license.

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

SECTION 1. 42-1-206 (2), Colorado Revised Statutes, is amended to read:

42-1-206. Records open to inspection - furnishing of copies. (2) Upon written application and the payment of a fee of one-dollar-and-twenty-five-cents TWO DOLLARS per copy, or search therefor, for each copy requested, the department shall furnish to any person a photostatic copy of any specified record or accident report specifically made a public
record by any provision of this title and will, for the
additional fee of fifty cents per certification, if requested,
certify the same. All fees collected under the provisions of
this subsection (2) shall be used to defray the expenses of
providing such copies.

SECTION 2. 42-2-110 (1), Colorado Revised Statutes, is
amended to read:

42-2-110. Examination of applicants and drivers - when
required. (1) The department shall examine every applicant
for a driver's, minor driver's, or provisional driver's
license. The executive director of the department, in his
discretion, may conduct the examination in any county
convenient for the applicant. The examination shall include a
test of the applicant's eyesight, his ability to read and
understand highway signs which regulate, warn, and direct
traffic, and his knowledge of the traffic laws of this state,
an actual demonstration of his ability to exercise ordinary
and reasonable care and control in the operation of a motor
vehicle, and such further physical and mental examination as
the department finds necessary to determine the applicant's
fitness to operate a motor vehicle safely upon the highways.

THE FEE FOR TESTING ANY ACTUAL DEMONSTRATION OF THE
APPLICANT'S ABILITY TO EXERCISE ORDINARY AND REASONABLE CARE
AND CONTROL IN THE OPERATION OF A MOTOR VEHICLE SHALL BE THREE
DOLLARS, WHICH SUM SHALL BE Forwarded TO THE DEPARTMENT FOR
TRANSMISSION TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME
TO THE HIGHWAY USERS TAX FUND, AND THE GENERAL ASSEMBLY SHALL
MAKE APPROPRIATIONS THEREFROM FOR THE EXPENSES OF THE
ADMINISTRATION OF PARTS 1 TO 3 OF THIS ARTICLE.

SECTION 3. 42-2-112 (2) and (3), Colorado Revised
Statutes, as amended, are amended to read:

42-2-112. License issued - fees. (2) The fee for the
issuance of a driver's and OR provisional driver's license
shall be five--dollars--and--fifty--cents SIX DOLLARS AND
FIFTY-FIVE CENTS, which license shall expire on the birthday
of the applicant in the fourth year after the issuance thereof
or when the applicant reaches age twenty-one, whichever occurs
first; except that, in the case of a provisional driver's or
driver's license issued by the office of the county clerk and
recorder in each county, the office of the county clerk and
recorder shall retain the sum of three dollars, and two
dollars-and-fifty-cents THREE DOLLARS AND FIFTY-FIVE CENTS
shall be forwarded to the department for transmission to the
state treasurer, who shall credit the same to the highway
users tax fund, and the general assembly shall make
appropriations therefrom for the expenses of the
administration of parts 1 to 3 of this article.

(3) The fee for the issuance of a minor driver's license
shall be five--dollars--and--fifty--cents SIX DOLLARS AND
FIFTY-FIVE CENTS, which license shall expire twenty days after
the eighteenth birthday of the licensee. In the case of the
issuance of such minor driver's license by the office of the
county clerk and recorder, the fee therefor shall be
apportioned in the same manner as for the issuance of a
driver's license.

SECTION 4. 42-2-124 (3), Colorado Revised Statutes, as
amended, is amended to read:

42-2-124. Period of suspension or revocation. (3) Any
person whose license or other privilege to operate a motor
vehicle in this state has been suspended, cancelled, or
revoked, pursuant to either this article or article 4 or 7 of
this title, shall pay a restoration fee of twenty THIRTY
dollars to the executive director of the department prior to
the issuance to such person of a new license or the
restoration of such license or privilege.

SECTION 5. Effective date. This act shall take effect

SECTION 6. Safety clause. The general assembly hereby
finds, determines, and declares that this act is necessary
for the immediate preservation of the public peace, health,
and safety.
A BILL FOR AN ACT

CONCERNING PROCEDURES FOR APPORTIONMENT OF MONEYS IN THE HIGHWAY USERS TAX FUND.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Allows the state treasurer to apportion moneys from the highway users tax fund based upon estimates from the department of revenue on current monthly collections of highway users taxes. Requires fiscal year balances to be adjusted when accounts are closed at the end of the state fiscal year.

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

SECTION 1. 39-27-112 (2), Colorado Revised Statutes, 1982 Repl. Vol., is amended to read:

39-27-112. Payment of expenses and distribution of funds. (2) The balance of such funds thus obtained and remaining with the state treasurer on the twentieth day of each month shall be placed in the highway users tax fund and distributed in accordance with the provisions of the statute.
governing that fund. The general assembly shall make
appropriations from the highway users tax fund for the
expenses of the administration of this part 1.

SECTION 2. 39-27-215 (2), Colorado Revised Statutes,
1982 Repl. Vol., is amended to read:

39-27-215. Payment of expenses and distribution of
funds. (2) The balance of such funds obtained and remaining
with the state treasurer on-the-twentieth-day-of-each-month
shall be placed in the highway users tax fund and distributed
in accordance with the provisions of the statute governing
that fund. The general assembly shall make appropriations
from the highway users tax fund for the expenses of the
administration of this part 2.

SECTION 3. 43-4-205 (1), Colorado Revised Statutes, is
amended to read:

43-4-205. Allocation of fund. (1) The moneys in the
highway users tax fund shall be apportioned monthly on-the
twentieth-day-of-each-month. THE APPORTIONMENT MAY BE MADE BY
THE STATE TREASURER BASED UPON ESTIMATES FROM THE DEPARTMENT
OF REVENUE ON CURRENT MONTHLY COLLECTIONS OF HIGHWAY USERS
TAXES, WITH THE FISCAL YEAR BALANCES TO BE ADJUSTED WHEN
ACCOUNTS ARE CLOSED AT THE END OF THE STATE FISCAL YEAR. THE
DEPARTMENT OF REVENUE SHALL PROVIDE ESTIMATES TO THE STATE
TREASURER BY THE SEVENTH WORKING DAY OF EACH MONTH. THE STATE
TREASURER SHALL APPORTION THE FUNDS WITHIN FIVE WORKING DAYS
OF RECEIVING ESTIMATES FROM THE DEPARTMENT OF REVENUE.
SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.
A BILL FOR AN ACT

CONCERNING THE FINANCING OF THE CONSTRUCTION, IMPROVEMENT, AND RECONSTRUCTION OF HIGHWAYS AND BRIDGES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Authorizes the state highway commission to issue highway revenue bonds, formerly revenue anticipation warrants, on behalf of the state for the construction, improvement, and reconstruction of highways and bridges. Increases the outstanding amount of such bonds which may be issued. Allows for the public or private sale and for the refunding of such bonds. Expands the types of entities which may purchase such bonds.

Provides that such bonds shall constitute a first lien on the proceeds from license and registration fees and from the excise tax on motor fuel. Makes conforming amendments and repeal inconsistent provisions.

Allows the commission to issue highway aid bonds in anticipation of receiving federal moneys for the construction of state highways built with federal aid.

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

SECTION 1. 43-4-303, Colorado Revised Statutes, is amended to read:

43-4-303. Bonds - issuance - sale - fund. (1) For the
purpose of defraying the cost of such construction, improvement, and reconstruction, INCLUDING RESURFACING, and all other expenses incident thereto, the state--highway commission may, ON BEHALF OF THE STATE AND from time to time, upon an affirmative majority vote of the members thereof and with the approval of the governor, apply for and receive funds from the federal government, the state of Colorado and any of its institutions and agencies, counties, municipalities, districts, and any other political subdivisions of the state, and any department, agency, or instrumentality thereof, or any political or public corporation of the state or from private investors and issue therefor revenue--anticipation--warrants HIGHWAY REVENUE BONDS payable solely from THE FEES, FARES, TOLLS, AND CHARGES, IF ANY, DERIVED FROM ANY TURNPIKE OR SPEEDWAY CONSTRUCTED PURSUANT TO THE POWERS GRANTED TO THE COMMISSION BY SECTION 43-3-202 OR SECTION 43-4-102, WITH THE PROCEEDS OF BONDS ISSUED PURSUANT TO THIS SECTION, OR FROM a SPECIAL fund SET ASIDE FROM THE STATE HIGHWAY FUND, which SPECIAL FUND is hereby created and is designated as the highway anticipation fund TO WHICH THE COMMISSION SHALL TRANSFER FROM THE STATE HIGHWAY FUND SUFFICIENT AMOUNTS TO PAY ALL BONDS ISSUED PURSUANT TO THIS PART 3, THE INTEREST THEREON, REDEMPTION PREMIUM, IF ANY, AND NECESSARY FISCAL AGENCY CHARGES OR FROM A COMBINATION OF SUCH FEES, FARES, TOLLS, AND CHARGES AND SUCH SPECIAL FUND; except that such warrants BONDS shall not be issued OUTSTANDING in an aggregate
amount in excess of thirty-five million dollars,
that no more than eight million dollars shall be issued in any
one fiscal year; and that the authority for the issuance of
anticipation warrants provided in sections 43-4-301 to
43-4-314 shall terminate at the expiration of five years after
April 15, 1955 except for bonds which have been refunded.

(2) (a) The State Department of Highways shall make
initial findings to determine highway projects to be funded by
the issuance of highway revenue bonds and shall make
recommendations to the Commission for such projects. The
Commission shall review the recommendations to determine if
such projects and the financing thereof by the use of such
bonds is in the best interest of the state highway system and
of the people of the state.

(b) The Commission may adopt such recommendations and,
upon such adoption, shall forward them to the Governor for his
review and approval. The Governor shall review the
recommendations and, upon his approval, forward them to the
General Assembly.

(3) Upon receipt of such recommendations, the General
Assembly may authorize the Commission, by means of a joint
resolution signed by the Governor, to issue highway revenue
bonds pursuant to this section for the funding of recommended
projects. The joint resolution shall contain the
recommendations of the General Assembly with respect to the
maximum principal amount to be financed by the issuance of

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SUCH BONDS, THE MAXIMUM NET EFFECTIVE INTEREST RATE OF THE ISSUE OF BONDS, THE ANTICIPATED INTEREST COST THAT WOULD BE INCURRED BY THE FINANCING OF THE PRINCIPAL AMOUNT, AND THE AMOUNT OR PERCENTAGE OF THE ANTICIPATED REVENUE FROM SUCH BONDS THAT SHALL BE SET ASIDE FOR DEBT RETIREMENT PLUS THE INTEREST THAT WOULD BE GENERATED BY THE BONDING AUTHORITY. HOWEVER, SAID AUTHORIZATION SHALL IN NO WAY REQUIRE OR COMPEL THE COMMISSION TO ISSUE BONDS OR TO FUND OR IN ANY WAY FINANCE AND PROCEED WITH ANY PROPOSED PROJECT. SUCH DECISION TO PROCEED SHALL BE ENTIRELY WITHIN THE DISCRETION OF THE COMMISSION.

SECTION 2. 43-4-304, Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

43-4-304. Bonds - interest - sale - refunding.

(1) (a) Bonds issued under this part 3 shall bear interest at a rate such that the net effective interest rate of the issue of bonds does not exceed twelve percent per annum.

(b) In the resolution under which the bonds are authorized to be issued, the commission may provide for the execution and delivery of such bonds under the following terms and conditions:

(I) The time of execution and delivery;

(II) The form and denomination, including terms and maturities;

(III) Whether the bonds are in fully registered form or in bearer form registerable either as to principal or interest
or both;

(IV) Conversion privileges;

(V) Whether the bonds are payable in installments and at
    time or times beginning not later than five years and
    extending not more than twenty years from the date thereof;

(VI) Place of payment of the bonds, whether within or
    without the state of Colorado;

(VII) Manner of evidence of the bonds;

(VIII) Manner of execution of the bonds by officers of
    the commission, including the use of one or more facsimile
    signatures so long as at least one manual signature appears on
    the bonds, which may be either an officer of the commission or
    an officer of the paying agent, transfer agent, or registrar
    authenticating the same;

(IX) Form of coupon bonds which have attached interest
    coupons bearing the facsimile signature of an authorized
    officer of the commission;

(X) Such other provisions as are not inconsistent with
    this part 3.

(c) All bonds issued pursuant to this part 3 and the
    interest coupons applicable to such bonds are declared and
    shall be construed to be negotiable instruments.

(2) The bonds may be sold at public or private sale for
    such price or prices, in such manner, and at such times as
    determined by the commission, and the commission may pay all
    expenses, premiums, and commissions which it may deem
necessary or advantageous in connection with the issuance of
bonds. Pending preparation of the definitive bonds, the
commission may issue interim receipts or certificates which
shall be exchanged for such definitive bonds.

(3) (a) Any outstanding bonds issued pursuant to this
part 3 may be refunded or advance refunded at any time and
from time to time by the commission by the issuance of its
bonds for such purpose in a principal amount, not exceeding
the amount permitted by section 43-4-303, determined by the
commission, which may include interest accrued or to accrue
with or without giving effect to investment income and other
expenses necessary to be paid in connection with such
issuance.

(b) (I) Any such refunding may be effected whether the
bonds to be refunded have then matured or will mature
thereafter, either by sale of the refunding bonds and the
application of the proceeds of such sale for the payment of
the bonds to be refunded or by the exchange of the refunding
bonds for the bonds to be refunded with the consent of the
holders of the bonds to be so refunded, regardless of whether
or not the bonds proposed to be refunded are payable on the
same date or different dates or are due serially or otherwise.

(II) The proceeds of any such bonds issued for the
purpose of refunding outstanding bonds may be applied, in the
discretion of the commission, to the purchase, retirement at
maturity, or redemption of such outstanding bonds either on
their earliest or any subsequent redemption date or upon the
purchase or at the maturity thereof and, pending the
application to such use, may be placed in an escrow account in
any bank within the state having full trust powers and which
is a member of the federal deposit insurance corporation to be
applied to such purchase, retirement at maturity, or
redemption on such date as may be determined by the
commission. Any such escrowed proceeds, pending such use, may
be invested and reinvested in obligations of or guaranteed by
the United States of America or in certificates of deposit or
time deposits secured by obligations of or guaranteed by the
United States of America, maturing at such time or times as
are appropriate to assure the prompt payment as to principal,
interest, and redemption premium, if any, of the outstanding
bonds to be so refunded. The interest, income, and profit, if
any, earned or realized on any such investment may also be
applied, in the discretion of the commission, to the payment
of the outstanding bonds to be so refunded, to the payment of
principal and interest on the refunding, or for any other
purpose under this part 3. After the terms of the escrow have
been fully satisfied and carried out, any balance of such
proceeds and interest, income, and profits, if any, earned or
realized on the investments may be returned to the commission
for use by it in any lawful manner.
(c) All such refunding bonds shall be subject to the
provisions of this part 3 in the same manner and to the same

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The proceeds of any bonds issued pursuant to this part 3 may be used and applied to the payment of financing costs, including legal, underwriting and investment banking, accounting, and other similar costs; the funding of any reserve funds deemed necessary or advisable by the commission; interest on such bonds for a period not to exceed three years; and all other necessary and incidental costs and expenses.

SECTION 3. 43-4-305, Colorado Revised Statutes, is amended to read:

43-4-305. Bonds legal investments. It is lawful for the anticipation--warrants BONDS issued in--pursuance--of---the provisions--of--sections 43-4-381 to 43-4-314 PURSUANT TO THIS PART 3 to be purchased by the state of Colorado and any of its institutions and agencies, counties, municipalities, districts, and any other political subdivisions of the state, and any department, agency, or instrumentality thereof, or any political or public corporation of the state, AND ANY BANK, TRUST COMPANY, SAVINGS AND LOAN ASSOCIATION, INVESTMENT COMPANY AND ASSOCIATION, EXECUTOR, ADMINISTRATOR, GUARDIAN, TRUSTEE, AND OTHER FIDUCIARY.

SECTION 4. 43-4-306, Colorado Revised Statutes, is amended to read:

43-4-306. Signatures validated. No revenue-anticipation warrant BOND ISSUED PURSUANT TO THIS PART 3 or coupon attached thereto shall be rendered invalid by reason of the cessation
in office of any person whose proper signature appears on such warrant BOND or coupon.

SECTION 5. 43-4-307, Colorado Revised Statutes, is amended to read:

43-4-307. Sinking fund. (1) At or before the issuance of any such revenue-anticipation-warrants BONDS PURSUANT TO THIS PART 3, the state--highway commission shall, by resolution, create a sinking fund for the payment of such warrants BONDS, the interest thereon, REDEMPTION PREMIUM, IF ANY, and necessary fiscal agency charges and shall pledge or set aside THE FEES, FARES, TOLLS, AND CHARGES, IF ANY, DERIVED FROM ANY TURNPIKE OR SPEEDWAY CONSTRUCTED PURSUANT TO THE POWERS GRANTED TO THE COMMISSION BY SECTION 43-3-202 OR SECTION 43-4-102, THE PROCEEDS OF BONDS ISSUED PURSUANT TO SECTION 43-4-303, OR a sufficient amount of the state highway ANTICIPATION fund into said sinking fund at intervals to be determined by the commission prior to the issuance of such warrants BONDS for payment of interest to become due, necessary fiscal agency charges, REDEMPTION PREMIUM, IF ANY, and the warrants BONDS as they become due.

(2) ALL BONDS ISSUED PURSUANT TO THIS PART 3 SHALL CONSTITUTE A FIRST LIEN ON THE PROCEEDS OF THE BONDS AND ON ALL OR ANY PART, AS SET FORTH IN THE COMMISSION'S RESOLUTION AUTHORIZING THE BONDS, OF THE MONEYS CREDITED TO THE STATE HIGHWAY FUND WHICH ARE DERIVED FROM THE IMPOSITION OF LICENSE FEES, REGISTRATION FEES, AND OTHER CHARGES WITH RESPECT TO THE
OPERATION OF ANY MOTOR VEHICLE UPON ANY PUBLIC HIGHWAY OF THE STATE AND THE PROCEEDS FROM THE IMPOSITION OF ANY EXCISE TAX ON GASOLINE OR OTHER LIQUID MOTOR FUEL, EXCEPT AVIATION FUEL; EXCEPT THAT THE COMMISSION MAY PROVIDE PREFERENTIAL SECURITY FOR ANY BONDS TO BE ISSUED UNDER THIS PART 3 OVER ANY BONDS THAT MAY BE ISSUED UNDER THIS PART 3 THEREAFTER. NO MONEYS WHICH MAY, FROM TIME TO TIME, BE CREDITED TO THE STATE HIGHWAY FUND WHICH ARE DERIVED FROM SOURCES OTHER THAN THOSE DESCRIBED IN THIS SECTION AND SECTION 18 OF ARTICLE X OF THE COLORADO CONSTITUTION SHALL BE APPLIED TO THE PAYMENT OF THE BONDS ISSUED PURSUANT TO THIS PART 3.

(3) ANY PLEDGE MADE BY THE COMMISSION TO SECURE THE PAYMENT OF BONDS ISSUED PURSUANT TO THIS PART 3 SHALL BE VALID AND BINDING FROM THE TIME WHEN THE PLEDGE IS MADE. THE REVENUES, MONEYS, AND FUNDS SO PLEDGED SHALL IMMEDIATELY BE SUBJECT TO LIEN OF SUCH PLEDGE WITHOUT ANY PHYSICAL DELIVERY OR FURTHER ACT, AND THE LIEN OF SUCH PLEDGE SHALL BE VALID AND BINDING AGAINST ALL PARTIES HAVING CLAIMS OF ANY KIND IN TORT, CONTRACT, OR OTHERWISE AGAINST THE COMMISSION OR THE STATE, IRRESPECTIVE OF WHETHER SUCH PARTIES HAVE NOTICE OF SUCH LIEN. NEITHER THE RESOLUTION NOR ANY OTHER INSTRUMENT BY WHICH A PLEDGE IS CREATED NEED BE RECORDED. EACH PLEDGE, AGREEMENT, AND RESOLUTION MADE FOR THE BENEFIT OR SECURITY OF ANY OF THE BONDS ISSUED PURSUANT TO THIS PART 3 SHALL CONTINUE TO BE EFFECTIVE UNTIL THE PRINCIPAL OF AND INTEREST ON THE BONDS FOR THE BENEFIT OF WHICH THE SAME ARE MADE HAS BEEN FULLY PAID OR
PROVISION FOR SUCH PAYMENT HAS BEEN DULY MADE.

MAY BE ANY TRUST COMPANY OR BANK WITHIN OR WITHOUT THE STATE
HAVING TRUST POWERS. SUCH TRUST INDENTURE MAY CONTAIN ANY OF
THE PROVISIONS WHICH ARE AUTHORIZED TO BE CONTAINED IN THE
RESOLUTION AUTHORIZING THE BONDS.

SECTION 6. 43-4-308, Colorado Revised Statutes, is
amended to read:

43-4-308. Redemption. In addition to retirement by
serially paid annual installments, anticipation--warrants
issued after March 28, 1957; under the provisions of sections
43-4-301 to 43-4-314 BONDS ISSUED PURSUANT TO THIS PART 3 may
be redeemed prior to maturity if so provided by the state
highway commission in the resolution authorizing their
issuance, such redemption to be made in inverse numerical
order on any interest payment date, upon such terms and upon
the payment of such premium, if any, not exceeding three and
three-quarters percent of the principal amount of the bonds to
be redeemed as may be determined by the state--highway
commission.

SECTION 7. 43-4-309, Colorado Revised Statutes, is
amended to read:

43-4-309. Bond obligations. On and after the date the
state-highway commission creates obligations by contract or
otherwise, as provided in sections 43-4-301 to 43-4-314 THIS
PART 3, WHICH ARE PAYABLE IN WHOLE OR IN PART FROM THE HIGHWAY
ANTICIPATION FUND, the laws of Colorado relating to taxes
levied and fees charged for the purpose of construction,
improvement, reconstruction, and maintenance of the state's system of highways, as such taxes and fees are described in section 18 of article x of the Colorado constitution, shall not be repealed or amended so that the aggregate of revenues for such purposes will be insufficient to pay the annual installments of principal and interest and retire revenue anticipation-warrants bonds issued under the provisions of sections 43-4-301 to 43-4-314. This part 3 as the same become due and payable, and with the exception of the obligations incurred prior to April 15, 1955, pursuant to the provisions of part 2 of article 3 of this title; the obligations incurred under the provisions of sections 43-4-301 to 43-4-314 constitutes a first liens upon all revenues derived for such purposes; under the provisions of such tax and fee laws; or otherwise, until the obligations so created are fully paid and discharged. The state hereby pledges to and agrees with the holders of any bonds or other obligations issued under section 43-4-303 and with those parties who may enter into contracts with the commission pursuant to the provisions of section 43-4-303 that the state will not limit, alter, restrict, or impair the rights vested in the commission to fulfill the terms of any agreements made with the holders of bonds or other obligations authorized and issued pursuant to section 43-4-303 and with the parties who may enter into contracts with the commission pursuant to section 43-4-303. The state further agrees that it will not in any way impair the rights
OR REMEDIES OF THE HOLDERS OF SUCH BONDS OR OTHER OBLIGATIONS OF SUCH PARTIES UNTIL SUCH BONDS AND OTHER OBLIGATIONS, TOGETHER WITH INTEREST THEREON, WITH INTEREST ON ANY UNPAID INSTALLMENT OF INTEREST AND ALL COSTS AND EXPENSES IN CONNECTION WITH ANY ACTION OR PROCEEDING BY OR ON BEHALF OF SUCH HOLDERS, ARE FULLY MET AND DISCHARGED AND SUCH CONTRACTS ARE FULLY PERFORMED ON THE PART OF THE COMMISSION. NOTHING IN THIS PART 3 PRECLUDES SUCH LIMITATION OR ALTERATION IF AND WHEN ADEQUATE PROVISION IS MADE BY LAW FOR THE PROTECTION OF THE HOLDERS OF SUCH BONDS OR OTHER OBLIGATIONS OF THE COMMISSION OR THOSE ENTERING INTO SUCH CONTRACTS WITH THE COMMISSION. THE COMMISSION MAY INCLUDE THIS PLEDGE AND UNDERTAKING FOR THE STATE IN SUCH BONDS OR OTHER OBLIGATIONS AND IN SUCH CONTRACTS.

SECTION 8. 43-4-310, Colorado Revised Statutes, is amended to read:

43-4-310. Obligation only from highway fund. Nothing in sections--43-4-301--to--43-4-314 THIS PART 3 shall be so construed as to authorize or permit the state--highway commission to incur any obligation of any kind or nature except such as shall be payable solely from revenues DESCRIBED IN SECTION 18 OF ARTICLE X OF THE COLORADO CONSTITUTION accruing to the STATE highway fund, and it shall be plainly stated on the face of each warrant BOND that it has been issued under the provisions of sections--43-4-301--to--43-4-314 THIS PART 3 and that it does not constitute an indebtedness of
the state within the meaning of any constitutional provisions
or limitation.

SECTION 9. 43-4-312, Colorado Revised Statutes, is
amended to read:

43-4-312. Full authority. Sections 43-4-301 to 43-4-314
THIS PART 3 shall, without reference to any other statute, be
deemed full authority for the construction, improvement, and
reconstruction of public highways and bridges under contract
with, pursuant to design ordered or prepared by, and under the
sole direction of the state-highway commission and for the
issuance and sale of revenue-anticipation-warrants-by-sections
43-4-301 to 43-4-314 BONDS, authorized-with-approval-by-the
governor; and shall be construed as an additional and
alternative method therefor and for the financing thereof.
None of the present restrictions, requirements, conditions, or
limitations of law applicable to the issuance of bonds by
governmental agencies of this state shall apply to the
issuance and sale of warrants under sections 43-4-301 to 43-4
314 THIS PART 3, and no proceedings shall be required for the
issuance of such warrants BONDS other than those provided and
required in sections 43-4-301 to 43-4-314 THIS PART 3; and all
the powers necessary to be exercised by the state-highway
commission in order to carry out the provisions of sections
43-4-301 to 43-4-314 THIS PART 3 are hereby conferred.

SECTION 10. 43-4-313, Colorado Revised Statutes, is
REPEALED AND REENACTED, WITH AMENDMENTS, to read:

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43-4-313. Report to general assembly. The annual budget required by section 43-1-111 shall describe the maximum principal amount of bonds and the estimated interest rate on such bonds which the commission intends to issue pursuant to section 43-4-303 during the ensuing fiscal year, the portion of the state highway fund which the commission expects to pledge to the payment of such bonds, and the projects proposed to be constructed, in whole or in part, with the proceeds of such bonds.

SECTION 11. 43-4-314, Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

43-4-314. Personal liability. Neither the members of the commission nor any person executing the bonds shall be liable personally on bonds or be subject to any personal liability or accountability by reason of the issuance thereof.

SECTION 12. 43-4-315, Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

43-4-315. Limitation of actions. No action shall be brought questioning the legality of any contract, resolution, trust indenture, proceeding, or securities, executed pursuant to this part 3, on and after thirty days from the publication of a notice of the commission's authorization of such execution, once, in a newspaper of general circulation within the city and county of Denver.

SECTION 13. 43-4-316, Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:
43-4-316. Interest earnings. All interest derived from the investment of the proceeds of the bonds issued pursuant to this part 3 shall, at the discretion of the commission, be applied to the purposes for which the bonds are issued or shall be credited to the funds created by this part 3. The interest derived from the investment of the funds created by this part 3 or the highway anticipation fund shall remain in such funds.

SECTION 14. 43-4-317, Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

43-4-317. Highway aid bonds. (1) In addition to any other powers granted by this part 3, the commission may issue highway aid bonds in order to provide, as soon as practicable, the federal share of the cost of constructing within the state federal aid systems, as described in 23 U.S.C.A. 103(a), or any similar legislation enacted on or after the effective date of this section, as amended, in anticipation of the receipt by the state of the federal share as it becomes available during, before, or after completion of construction and for reserves and the cost of issuing such bonds. The proceeds of such bonds remaining after establishing reserves, funding interest on such bonds for a period not to exceed three years, and paying the costs of issuance shall be applied solely to paying the federal share of the costs of federal aid systems within the state. Such proceeds shall not be expended for any highway construction project until such time as the United
States secretary of transportation or his designated representative has approved the design and location of the project and has formally stated in writing that the project will be eligible for federal aid matching funds when such funds become available.

(2) The terms, conditions, and details of said bonds, the procedures related thereto, and the refunding thereof shall be set forth in the resolution authorizing said bonds and, as nearly as may be practicable, shall be substantially the same as those provided in this part 3 relating to highway revenue bonds; except that:

(a) The bonds shall not be outstanding in an aggregate amount in excess of ______ million dollars, except for bonds which have been refunded;

(b) The bonds shall be payable solely from the sinking fund created in this section; and

(c) The principal amount of refunding bonds which may be issued may not exceed ______ million dollars.

(3) For the purpose of providing funds to enable the commission to pay at their respective maturities and due dates the principal of and interest on the bonds that it may issue pursuant to this section, there is irrevocably pledged and appropriated each year all federal aid system funds to be received by the state from the United States government to the extent that such funds may be required in the fiscal year received to pay the principal of and interest on those bonds.
The commission shall set aside monthly the first moneys so received in each month of such fiscal year and deposit the same in the sinking fund provided for in this section until there has been accumulated therein an amount at least sufficient to meet the monthly sinking fund requirements for payment of the principal of and interest on the bonds issued by the commission which mature, which are subject to mandatory redemption, or which otherwise become due during that fiscal year. All federal aid system funds so set aside by the state from the United States government during each such fiscal year shall be held in trust and applied in that fiscal year to the extent required in this section for the payment of the principal of and interest on the bonds authorized to be issued under this section. All moneys set aside under this section shall be paid into the highway aid bond sinking fund, which fund is hereby created.

SECTION 15. Repeal. 43-4-318, Colorado Revised Statutes, is repealed.

SECTION 16. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.
A BILL FOR AN ACT

CONCERNING THE REGISTRATION FEE FOR MOTOR VEHICLES WHICH ARE
NOT SUBJECT TO GROSS TON-MILE TAXES.

Bill Summary

(Note: This summary applies to this bill as introduced
and does not necessarily reflect any amendments which may be
subsequently adopted.)

Increases the registration fee for motor vehicles which
are not subject to gross ton-mile taxes and which weigh more
than a specified amount.

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

SECTION 1. 42-3-123 (12) (a) (III), Colorado Revised
Statutes, is amended, and the said 42-3-123 (12) (a) is
further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to
read:

42-3-123. Registration fees - passenger-mile and
ton-mile taxes. (12) (a) (II.5) Each such vehicle having an
empty weight of ten thousand two hundred pounds or less but
more than ten thousand pounds, eighty-nine dollars and ten
cents;
(III) Each such vehicle having an empty weight of more than ten thousand TWO HUNDRED pounds, eighty-three-dollars-and ten-cents EIGHTY-SEVEN DOLLARS AND SEVENTY-TWO CENTS plus two dollars and thirty-one cents per one hundred pounds, or fraction thereof, of empty weight exceeding ten thousand TWO HUNDRED pounds;

SECTION 2. 42-3-123 (13) (b), Colorado Revised Statutes, as amended, is amended, and the said 42-3-123 (13) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

42-3-123. Registration fees - passenger-mile and ton-mile taxes. (13) (b) EXCEPT AS PROVIDED IN PARAGRAPH (b.5) OF THIS SUBSECTION (13), FOR each such vehicle registered under this subsection (13) having an empty weight exceeding ten thousand pounds, twenty-two dollars and fifty cents.

(b.5) For each such vehicle registered under this subsection (13) which is exempt from the gross ton-mile tax under the provisions of paragraphs (d), (f), or (g) of subsection (15) of this section and which weighs more than ten thousand pounds, one hundred forty-three dollars plus two dollars for each one hundred pounds, or fraction thereof, in excess of ten thousand pounds.

SECTION 3. Effective date - applicability. This act shall take effect July 1, 1984, and shall apply to vehicles registered on or after said date.

SECTION 4. Safety clause. The general assembly hereby
finds, determines, and declares that this act is necessary
for the immediate preservation of the public peace, health,
and safety.
A BILL FOR AN ACT

CONCERNING RECORDS ON THE OPERATIONS OF MOTOR VEHICLES SUBJECT TO THE TON-MILE OR PASSENGER-MILE TAX.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Specifies the types of records which a motor vehicle owner or operator must keep and maintain relating to the operations of a motor vehicle which is used for ton-mile and passenger-tax purposes. Establishes a monetary penalty for failure or refusal to keep such records.

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

SECTION 1. 42-3-126 (1) and (3), Colorado Revised Statutes, are amended to read:

42-3-126. Permit to be secured - records kept - penalties. (1) Every owner or operator of a motor vehicle operated over any public highway of this state who has posted a bond as required by section 42-3-125 (4) and who is required to pay the ton-mile or passenger-mile tax imposed by the provisions of section 42-3-123 shall apply to the department
and secure a ton-mile or passenger-mile tax permit and shall keep and maintain true and correct records of the operations of such motor vehicles, including the number of miles operated (INCLUDING WHETHER SUCH TRAVEL WAS EMPTY OR UNLOADED), the number of pounds of cargo carried BY TRIP, FREIGHT BILLS, WEIGHT BILLS, BILLS OF LADING, LOAD SHEETS, DRIVERS' LOGS, AND ANY OTHER INFORMATION WHICH WOULD COVER ANY TRIP ON THE HIGHWAYS OF THIS STATE, and the number of passengers carried, in such form and manner as may be prescribed by the department and the public utilities commission, and shall preserve all such records for a period of four years. The ton-mile or passenger-mile tax permit shall remain effective until the owner thereof advises the department of a change in ownership or a discontinuance of business or until he has failed to file tax reports and pay the ton-mile or passenger-mile tax, if any is due, for four successive tax periods.

(3) (a) Failure or refusal of an owner or operator to keep and maintain such records shall, upon certification by the department to the public utilities commission, be cause for suspension or revocation of a certificate of public convenience and necessity or a contract carrier permit, as the case may be.

(b) IF AN OWNER OR OPERATOR FAILS OR REFUSES TO KEEP AND MAINTAIN SUCH RECORDS, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT MAY IMPOSE A PENALTY OF ONE HUNDRED TWENTY-FIVE DOLLARS FOR EACH MOTOR VEHICLE FOR WHICH SUCH RECORDS HAVE NOT
BEEN KEPT AND MAINTAINED.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.
A BILL FOR AN ACT

1 CONCERNING THE EMISSION OF VISIBLE AIR CONTAMINANTS, AND
2 PROVIDING A PENALTY THEREFOR.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Prohibits the emission of visible air contaminants from any gasoline- or diesel-powered motor vehicle. Provides that the penalty for such emission shall be reduced upon proof that the motor vehicle complies with the requirements of the state motor vehicle emission laws.

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

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

42-4-236. Visible emissions - unlawful - penalty.

(1) (a) It is unlawful for any person to cause or knowingly permit the emission from any gasoline-powered motor vehicle of any visible air contaminants for a period greater than five seconds.

(b) It is unlawful for any person to cause or knowingly
permit the emission from any diesel-powered motor vehicle of any visible air contaminants which exceed twenty percent opacity for a period greater than ten seconds.

(c) As used in this section:

(I) "Air contaminant" means any fume, odor, smoke, particulate matter, vapor, gas, or combination thereof; except that such term shall not include water vapor or steam condensate.

(II) "Emission" means to discharge, to release, or to permit or cause the discharge or release of one or more air contaminants into the atmosphere.

(III) "Opacity" means the degree to which an air contaminant emission obscures the view of a trained observer, expressed in percentage of the obscuration or the percentage to which transmittance of light is reduced by an air contaminant emission.

(IV) "Trained observer" means a person who is certified by the state department of health to be trained in the area of opacity identification of air contaminants.

(2) (a) A police officer who is a trained observer, at any time upon reasonable cause, may require the driver of a motor vehicle to stop and submit such motor vehicle to an inspection in order to determine whether there has been a violation of the provisions of this section. In the event of such violation, the officer may give a written notice and issue a summons to the driver. Said notice shall require that
such vehicle comply with the provisions of this section.

(b) Every owner or driver, upon receiving the notice and summons issued pursuant to paragraph (a) of this subsection (2) or mailed pursuant to subparagraph (II) of paragraph (d) of this subsection (2), shall comply therewith and shall secure a certification upon such notice by an inspection and readjustment station licensed under part 3 of this article that such vehicle conforms to the requirements of this section. Said certification shall be returned to the owner or driver for presentation in court as provided for in paragraph (c) of this subsection (2).

(c)(I) Except as provided for in subparagraph (II) or subparagraph (III) of this paragraph (c), any owner who violates any provision of this section is guilty of a misdemeanor traffic offense and, upon conviction thereof, shall be punished by a fine of three hundred dollars, payable within thirty days after conviction.

(II) If the owner conforms to the requirements of this section and presents the certification required in paragraph (b) of this subsection (2) to the court of competent jurisdiction within thirty days after issuance of the notice and summons, he shall be punished by a fine of twenty-five dollars.

(III) If the owner submits to the court of competent jurisdiction within thirty days after the issuance of the summons proof that he has disposed of the vehicle for junk
parts or immobilized the vehicle and he also submits to the
court within such time the registration and license plates for
the vehicle, he shall be punished by a fine of twenty-five
dollars. If the owner wishes to relicense the vehicle in the
future, he must obtain the certification required in paragraph
(b) of this subsection (2).

(d) (I) Except as provided for in subparagraph (II) of
this paragraph (d), any nonowner driver who violates any
provision of this section is guilty of a misdemeanor traffic
offense and, upon conviction thereof, shall be punished by a
fine of three hundred dollars, payable within thirty days
after conviction.

(II) If the driver submits to the court of competent
jurisdiction within thirty days after the issuance of the
summons proof that he was not the owner of the car at the time
the summons was issued and that he mailed, within five days of
issuance thereof, a copy of the notice and summons by
certified mail to the owner of the vehicle at the address on
the registration, he shall be punished by a fine of
twenty-five dollars.

(e) Upon a showing of good cause that the required
conformity with this section cannot be made within thirty days
after issuance of the notice and summons, the court of
competent jurisdiction may extend the period of time for
conformity as may appear justified.

(f) The owner or driver may, in lieu of appearance,
submit to the court of competent jurisdiction, within thirty
days after the issuance of the notice and summons, the
certification or proof of mailing specified in this subsection
(2) and the fine of twenty-five dollars.
(3) Any fine collected pursuant to the provisions of
this section shall be retained by the local jurisdiction in
whose name such penalty was assessed.
SECTION 2. The introductory portion to 42-1-215 (1),
Colorado Revised Statutes, is amended to read:
42-1-215. Disposition of fines. (1) All judges, clerks
of a court of record, or other officers imposing or receiving
fines, penalties, or forfeitures, except those moneys received
pursuant to section 42-4-236 AND SECTION 42-4-1501 (4) (a),
collected pursuant to or as a result of a conviction of any
persons for a violation of any of the provisions of articles 1
to 4 (except part 4 of article 2) of this title, shall
transmit, within ten days from the date of receipt of any such
fine, penalty, or forfeiture, all such moneys so collected in
the following manner:
SECTION 3. Effective date - applicability. This act
shall take effect July 1, 1984, and shall apply to offenses
committed on or after said date.
SECTION 4. Safety clause. The general assembly hereby
finds, determines, and declares that this act is necessary
for the immediate preservation of the public peace, health,
and safety.

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BILL L

A BILL FOR AN ACT

1 CONCERNING EVIDENCE OF COMPLIANCE WITH THE AUTOMOBILE
2 INSPECTION AND READJUSTMENT PROGRAM.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Requires the executive director of the department of revenue to provide for the issuance of a license plate tab identifying a vehicle as being in compliance with the automobile inspection and readjustment program. Amends the penalty for failure to display a valid certificate of emissions control and provides for the reduction of such penalty upon compliance with the requirements of the program within a specified time period.

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

SECTION 1. 42-4-308 (4), Colorado Revised Statutes, as amended, is amended to read:

42-4-308. Powers and duties of executive director - automobile inspection and readjustment program. (4)(a) The executive director shall adopt regulations for the administration and operation of inspection and readjustment
stations and for the issuance, identification, and use of certifications of emissions control and shall adopt such rules and regulations as may be necessary to the effectiveness of the automobile inspection and readjustment program.

(b) IN CONJUNCTION WITH THE ISSUANCE OF CERTIFICATIONS OF EMISSIONS CONTROL, THE EXECUTIVE DIRECTOR SHALL ADOPT RULES AND REGULATIONS FOR THE ISSUANCE OF A LICENSE PLATE TAB IDENTIFYING A VEHICLE AS BEING IN COMPLIANCE WITH SECTION 42-4-312. THE TAB SHALL BE DISPLAYED ON THE LICENSE PLATE FROM THE TIME OF INSPECTION AND SHALL BE DISTINCT FROM THE LICENSE PLATE TAB ISSUED BY THE DEPARTMENT UNDER SECTION 42-4-312 (7).

SECTION 2. 42-4-315 (1) (b), Colorado Revised Statutes, as amended, is amended, and the said 42-4-315 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

42-4-315. Penalties. (1) (b) No person shall possess a certification of emissions control if he knows the same is fictitious, or was issued for another motor vehicle, or was issued without an emissions inspection having been made when required. and--no--pe--son--may--operate--a---motor---vehicle registered---in---this---state---without--displaying--a--valid certification--of--emissions--control--when--required--by--the provisions--of--sections--42-4-306.5--to--42-4-316--

(3) (a) No person shall operate a motor vehicle registered in this state without displaying a valid certificate of emissions control when required by the
provisions of sections 42-4-306.5 to 42-4-316.

(b) (I) Police officers, at any time upon reasonable cause, may require the driver of a vehicle to stop and submit such vehicle to an inspection in order to determine whether such vehicle displays a valid certificate of emissions control if required by the provisions of sections 42-4-306.5 to 42-4-316. In the event that such vehicle does not display a valid certificate of emissions control, the officer may give a written notice and issue a summons to the driver. Said notice shall require that such vehicle comply with the provisions of sections 42-4-306.5 to 42-4-316.

(II) Every owner or driver, upon receiving the notice and summons issued pursuant to subparagraph (I) of this paragraph (b) or mailed pursuant to paragraph (d) of this subsection (3), shall comply therewith and shall secure a certification upon such notice by an inspection and readjustment station that such vehicle conforms to the requirements of sections 42-4-306.5 to 42-4-316. Said certification shall be returned to the owner or driver for presentation in court as provided for in paragraph (c), (d), or (f) of this subsection (3).

(c) (I) Except as provided for in subparagraph (II) of this paragraph (c), any owner who violates any provision of this section is guilty of a misdemeanor traffic offense and, upon conviction thereof, shall be punished by a fine of three hundred dollars, payable within thirty days after conviction.
(II) If the owner conforms to the requirements of sections 42-4-306.5 to 42-4-316 within thirty days after issuance of the notice and summons and presents the certification required in subparagraph (II) of paragraph (b) of this subsection (3) to the court of competent jurisdiction, he shall be punished by a fine of twenty-five dollars.

(d) (I) Except as provided for in subparagraph (II) of this paragraph (d), any nonowner driver who violates any provision of this section is guilty of a misdemeanor traffic offense and, upon conviction thereof, shall be punished by a fine of three hundred dollars, payable within thirty days after conviction.

(II) If the driver submits to the court of competent jurisdiction within thirty days after the issuance of the summons proof that he was not the owner of the car at the time the summons was issued and that he mailed, within five days of issuance thereof, a copy of the notice and summons by certified mail to the owner of the vehicle at the address on the registration, the driver shall be punished by a fine of twenty-five dollars.

(e) Upon a showing of good cause that the required conformity with sections 42-4-306.5 to 42-4-316 cannot be made within thirty days after issuance of the notice and summons, the court of competent jurisdiction may extend the period of time for conformity as may appear justified.

(f) The owner or driver may, in lieu of appearance,
submit to the court of competent jurisdiction, within thirty
days after the issuance of the notice and summons, the
certification or proof of mailing specified in this subsection
(3) and the fine of twenty-five dollars.

SECTION 3. Effective date - applicability. This act
shall take effect July 1, 1984, and shall apply to offenses
committed on or after said date.

SECTION 4. Safety clause. The general assembly hereby
finds, determines, and declares that this act is necessary
for the immediate preservation of the public peace, health,
and safety.
BILL M

A BILL FOR AN ACT

1 CONCERNING PERMITS FOR MOVEMENT OF MOBILE HOMES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Requires applicants for a single trip permit to move a mobile home to furnish an authentication of paid ad valorem taxes on the mobile home. Requires holders of any permit to move a mobile home to keep records showing the exact address of the final destination or the county of final destination and the name and address of the landowner of the final destination and to notify the county treasurer of the county from which the mobile home is being moved of the new address of the final destination or the county of final destination and the name and address of the landowner of the final destination.

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

SECTION 1. 42-4-409 (2) (b) (I), (2) (b) (II), and (2) (b) (III), Colorado Revised Statutes, as amended, are amended to read:

42-4-409. Permits for excess size and weight and for mobile homes. (2) (b) (I) Each such application shall be for a single trip, a special, or an annual permit. The
application shall be accompanied by a certificate or other proof of public liability insurance in amounts of not less than one hundred thousand dollars per person and three hundred thousand dollars per accident for all mobile homes moved within this state by the permit holder during the effective term of the permit. EACH APPLICATION FOR A SINGLE TRIP PERMIT SHALL BE ACCOMPANIED BY AN AUTHENTICATION OF PAID AD VALOREM TAXES ON THE MOBILE HOME.

(II) Holders of permits shall keep and maintain, for not less than three calendar years, records of all mobile homes moved in whole or in part within this state, which records shall include the plate number of the towing vehicle; the year, make, serial number, and size of the unit moved, together with date of the move; the place of pickup; and the EXACT ADDRESS OF THE FINAL DESTINATION OR THE county of final destination AND THE NAME AND ADDRESS OF THE LANDOWNER OF THE FINAL DESTINATION. These records shall be available upon request within this state for inspection by the state of Colorado or any of its ad valorem taxing governmental subdivisions.

(III) Holders of permits shall obtain an authentication of paid ad valorem taxes through the date of the move from the owner of a used mobile home or from the county treasurer of the county from which the used mobile home is being moved. Permit holders shall notify the county treasurer of the county from which the mobile home is being moved of the NEW EXACT
ADDRESS OF THE FINAL DESTINATION OR THE COUNTY OF FINAL
destination of the mobile home AND THE NAME AND ADDRESS OF THE
LANDOWNER OF THE FINAL DESTINATION, and, if within the state,
the county treasurer shall forward copies of the used mobile
home tax certificate to the county assessor of the destination
county. County treasurers may compute ad valorem mobile home
taxes due based upon the next preceding year's assessment
prorated through the date of the move and accept payment of
such as payment in full.

SECTION 2. Safety clause. The general assembly hereby
finds, determines, and declares that this act is necessary
for the immediate preservation of the public peace, health,
and safety.
BILL N

A BILL FOR AN ACT

CONCERNING THE RESTRAINT OF TRADE AND COMMERCE IN COLORADO.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Changes the statutory provisions relating to restraint of trade and commerce in order to: Make explicit the right of private parties to sue for injunctions, increase the penalties for criminal violations; and provide for treble damages and court costs relative to certain civil violations.

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

SECTION 1. Article 4 of title 6, Colorado Revised Statutes, as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

6-4-100.2. Legislative declaration. The general assembly hereby finds that illegal anticompetitive practices in the state of Colorado, as well as nationwide, constitute activity which is much more diversified and widespread than previously believed and that anticompetitive activities within this state consume millions of dollars from, and thereby

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weaken the stability of the economies of both this state and
the nation. The general assembly further finds that such
practices harm innocent consumers and competing organizations,
impede free competition, and undermine the general welfare of
the state and its citizens and that anticompetitive practices
continue to grow and flourish within this state because the
sanctions and remedies presently available to the state and
injured parties for public and private enforcement of the
antitrust laws are unnecessarily limited in scope and impact.

Consequently, the general assembly declares that it is the
purpose of this article to eradicate illegal anticompetitive
practices in this state by increasing the criminal penalties,
clarifying and enhancing existing sanctions and remedies, and
providing for new sanctions and remedies to deal with unlawful
anticompetitive practices.

SECTION 2. 6-4-105, Colorado Revised Statutes, as
amended, is amended to read:

6-4-105. Authority to institute action to restrain
formation of contract or combination. The district courts may
prevent or restrain, by injunction or otherwise, the formation
of any such contract or combination or the execution of the
purposes thereof. ANY PERSON, CORPORATION, COPARTNERSHIP,
COMPANY, FIRM, TRUSTEE, OR ASSOCIATION THREATENED BY SUCH
CONTRACT OR COMBINATION WITH LOSS OR DAMAGE, OR the attorney
general SHALL HAVE exclusive authority to institute such
actions or proceedings as he deems necessary to prevent or
restrain a violation of the provisions of this article, which shall begin by way of a complaint, setting forth the cause and grounds for the intervention of the court and praying that such violation, whether intended or continuing, shall be enjoined or otherwise prohibited. When the parties complained against have been served with a copy of the complaint and cited to answer the same, the court shall proceed, as soon as permitted by its rules, to the hearing and determination of the case. Pending the filing of the answer to such complaint, the court may, upon proper notice, make such temporary restraining order or prohibition as shall be just. When it appears to the court that the ends of justice require that other persons should be made parties to the action or proceeding, the court may cause them to be brought before it in such manner as it directs.

SECTION 3. 6-4-107, Colorado Revised Statutes, is amended to read:

6-4-107. Violations - penalty. (1) (a) Any officer, director, employee, or agent of any corporation, company, firm, or association; or any member of any company, firm, or association; or any individual who violates any provision of this article is guilty of COMMITS a misdemeanor CLASS 4 FELONY and upon conviction thereof; shall be punished by a fine of not less than one-thousand-dollars nor more than five-thousand dollars; or by imprisonment in the county jail; for not more than one year; or by both such fine and imprisonment. AS
Provided in Section 18-1-105, C.R.S.

(b) In addition to or in lieu of the punishment provided for in paragraph (a) of this subsection (1), any such person who violates any provision of this article shall be subject to the imposition of a fine of not more than one hundred thousand dollars.

(2) Any corporation, company, firm, or association found guilty of a violation of any provision of this article shall be punished by a fine of not less than one thousand dollars nor more than five thousand one million dollars for the first offense and not less than one thousand dollars nor more than ten thousand dollars for the second and any subsequent offense.

Section 4. 6-4-108, Colorado Revised Statutes, is repealed and reenacted, with amendments, to read:

6-4-108. Damages. Any person, corporation, copartnership, trustee, or association who is injured in its business or property by reason of the doing of anything declared unlawful in this article may sue for damages in the district court and shall recover three-fold the damages sustained and the cost of suit, including a reasonable attorney fee.

Section 5. Effective date - applicability. This act shall take effect upon its passage and shall apply to offenses wherein any act committed in furtherance of the offense occurs on or after said date.
SECTION 6. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.
CONCERNING THE POLITICAL ACTIVITY OF PUBLIC AGENCIES AND EMPLOYEES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Exempts certain publicly owned property from the prohibition on making a contribution to campaigns involving the election of persons to any public office. Imposes a reporting and reimbursement requirement when public moneys are expended in a campaign.

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

SECTION 1. 1-45-116, Colorado Revised Statutes, 1980 Repl. Vol., is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

1-45-116. State and political subdivisions - limitations on contributions. (2) The provisions of subsection (1) of this section shall not apply to:

(a) An official residence furnished or paid for by the state or a political subdivision;
(b) Security officers who are required to accompany a candidate or the candidate's family;

(c) Publicly owned motor vehicles provided for the use of the chief executive of the state or a political subdivision;

(d) Publicly owned aircraft provided for the use of the chief executive of the state or of a political subdivision or his family for security purposes; except that, if such use is, in whole or in part, for campaign purposes, the expenses relating to the campaign shall be reported and reimbursed pursuant to subsection (3) of this section.

(3) If any candidate who is also an incumbent inadvertently or unavoidably makes any expenditure which involves campaign expenses and official expenses, such expenditure shall be deemed a campaign expense only, unless the candidate, not more than seven days after such expenditure, files with the appropriate officer such information as the appropriate officer may by rule require in order to differentiate between campaign expenses and official expenses. Such information shall be set forth on a form provided by the appropriate officer. In the event that public moneys have been expended for campaign expenses and for official expenses, the candidate shall reimburse the state or political subdivision for the amount of money spent on campaign expenses.

SECTION 2. Safety clause. The general assembly hereby
finds, determines, and declares that this act is necessary
for the immediate preservation of the public peace, health,
and safety.
BILL P

1 CONCERNING THE LENGTH OF SCHOOL BUSES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Changes the acceptable length of school buses from thirty-six feet to forty feet.

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

SECTION 1. 42-4-404 (2), Colorado Revised Statutes, as amended, is amended to read:

42-4-404. Height and length of vehicles. (2) No single motor vehicle shall exceed a length of thirty-five feet extreme overall dimension, inclusive of front and rear bumpers. The length of vehicles used for the mass transportation of passengers wholly within the limits of a town, city, or municipality or within a radius of fifteen miles thereof may extend to sixty feet. The length of school buses may extend to thirty-six FORTY feet. The department--of education--may--authorize--a-school-district-to-utilize-school
buses--having--a--maximum--length--of--forty---feet---upon---a
determination--by--the--department--that--such--an--increase--will
result--in--savings--in--fuel--consumption--to--the--district;
however;--school--buses--having--a--maximum--length--of--more--than
thirty--six--feet--shall--contain--three--axles:

SECTION 2. Effective date. This act shall take effect
July 1, 1984.

SECTION 3. Safety clause. The general assembly hereby
finds, determines, and declares that this act is necessary
for the immediate preservation of the public peace, health,
and safety.