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0284 Highway Legislation Review Committee

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Report to the Colorado General Assembly:

Highway Legislation Review Committee

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RESEARCH PUBLICATION NO. 284

December, 1983

RECOMMENDATIONS FOR 1984

HIGHWAY LEGISLATION REVIEW COMMITTEE
REPORT TO THE
COLORADO GENERAL ASSEMBLY

Research Publication No. 284
January 1984



U18402 2108434

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JK 7801
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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

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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 O 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.

State Highway Access Code

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 (DRCUG) 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 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.

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

1 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.

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

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

6 42-4-106.5. Aircraft on highways. (1) It is unlawful
7 for any person to cause any aircraft to land on, take off
8 from, park on, or be placed on any street or highway or
9 shoulder thereof except in case of emergency or except with
10 prior approval of the state department of highways, the state
11 patrol, or the political subdivision having jurisdiction over

1 the street or highway.

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

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

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

9 42-4-1501. Traffic offenses and infractions classified -
10 penalties. (3) (a) (I.1) (A) Every person who is convicted
11 of, who admits liability for, or against whom a judgment is
12 entered for a violation of any provision of this title to
13 which the provisions of paragraph (a) or (b) of subsection
14 (4) of this section apply shall be fined or penalized in
15 accordance with the following schedule; or, if no penalty is
16 specified in the schedule, the penalty for a class A traffic
17 infraction shall be ten dollars and the penalty for a class B
18 traffic infraction shall be five dollars. These penalties
19 shall apply whether the violator acknowledges his guilt or
20 liability in accordance with the procedure set forth by
21 paragraph (a) of subsection (4) of this section or is found
22 guilty by a court of competent jurisdiction or has judgment
23 entered against him by a county court referee:

24	<u>Section</u>	
25	<u>Violated</u>	<u>Penalty</u>
26	42-4-315 (2) (b)	\$100.00

1	42-4-235	25.00
2	42-4-315 (1) (c)	25.00
3	42-4-1001	25.00
4	42-4-408	20.00
5	42-4-1204	20.00
6	42-2-101 (1)	15.00
7	42-2-114	10.00
8	42-2-117	10.00
9	42-2-132	10.00
10	42-2-133	10.00
11	42-3-102	10.00
12	42-3-116	10.00
13	42-3-122	10.00
14	42-3-123	10.00
15	42-4-112	10.00
16	42-4-113	10.00
17	42-4-203	10.00
18	42-4-231	10.00
19	42-4-233	10.00
20	42-4-234	10.00
21	42-4-410	10.00
22	42-4-504	10.00
23	42-4-507	10.00
24	42-4-508	10.00
25	42-4-509	10.00
26	42-4-510	10.00

1	42-4-514	10.00
2	42-4-608	10.00
3	42-4-609	10.00
4	42-4-609.5	10.00
5	42-4-610	10.00
6	42-4-611	10.00
7	42-4-614	10.00
8	42-4-706	10.00
9	42-4-707	10.00
10	42-4-901	10.00
11	42-4-902	10.00
12	42-4-906	10.00
13	42-4-907	10.00
14	42-4-909	10.00
15	42-4-910	10.00
16	42-4-1003	10.00
17	42-4-1004	10.00
18	42-4-1107	10.00
19	42-4-1205	10.00
20	42-4-1206	10.00
21	42-4-1212	10.00
22	42-4-1302	10.00
23	42-4-1303	10.00
24	42-4-1304	10.00
25	42-4-1503	10.00
26	42-6-138	10.00

1	42-4-402	8.00
2	42-4-403	8.00
3	42-4-404	8.00
4	42-4-409, except 42-4-409 (2)(b)(IV)	8.00
5	42-4-411	8.00
6	42-4-601	8.00
7	42-4-603	8.00
8	42-4-604	8.00
9	42-4-605	8.00
10	42-4-702	8.00
11	42-4-801	8.00
12	42-4-802	8.00
13	42-4-903	8.00
14	42-4-904	8.00
15	42-4-905	8.00
16	42-4-1207	8.00
17	42-2-102	5.00
18	42-2-104	5.00
19	42-2-105	5.00
20	42-2-126	5.00
21	42-2-131	5.00
22	42-3-111	5.00
23	42-4-106.5	5.00
24	42-4-107	5.00
25	42-4-201	5.00
26	42-4-202	5.00

1	42-4-204	5.00
2	42-4-205	5.00
3	42-4-206	5.00
4	42-4-207	5.00
5	42-4-208	5.00
6	42-4-209	5.00
7	42-4-210	5.00
8	42-4-211	5.00
9	42-4-212	5.00
10	42-4-212.5	5.00
11	42-4-213	5.00
12	42-4-214	5.00
13	42-4-215	5.00
14	42-4-216	5.00
15	42-4-217	5.00
16	42-4-218	5.00
17	42-4-220	5.00
18	42-4-221	5.00
19	42-4-222	5.00
20	42-4-223	5.00
21	42-4-224	5.00
22	42-4-225 (1) to (4) or (6) to (9)	5.00
23	42-4-226	5.00
24	42-4-227	5.00
25	42-4-228	5.00
26	42-4-229	5.00

1	42-4-302	5.00
2	42-4-405	5.00
3	42-4-505	5.00
4	42-4-506	5.00
5	42-4-512	5.00
6	42-4-602	5.00
7	42-4-606	5.00
8	42-4-607	5.00
9	42-4-701	5.00
10	42-4-703	5.00
11	42-4-704	5.00
12	42-4-705	5.00
13	42-4-803	5.00
14	42-4-908	5.00
15	42-4-1101	5.00
16	42-4-1102	5.00
17	42-4-1104	5.00
18	42-4-1105	5.00
19	42-4-1106	5.00
20	42-4-1208	5.00

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

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

BILL B

A BILL FOR AN ACT

1 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.

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

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

6 42-4-225.5. Studded tires - excise tax. (1) There is
7 hereby imposed an excise tax of five dollars on each studded
8 tire sold or on which studs are added by the retailer in the
9 state of Colorado. Every retailer, as defined in section
10 39-26-102 (8), C.R.S., shall be liable and responsible for the
11 payment of such tax, shall annually remit such amount to the
12 executive director of the department, and shall otherwise be

1 subject to the provisions of section 39-26-105, C.R.S. Such
2 return shall be due March 31 of each year. All excise taxes
3 collected under the provisions of this section shall be
4 credited to the highway users tax fund and distributed in
5 accordance with part 2 of article 4 of title 43, C.R.S.

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

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

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

17 (b) A penalty interest of one-half of one percent per
18 month, in addition to the interest due under section
19 39-21-110.5, C.R.S., on the deficiency assessed.

20 (4) If any person fails, neglects, or refuses to file a
21 report required by article 21 of title 39, C.R.S., the
22 executive director of the department may, upon such
23 information as may be available to him, estimate the amount of
24 tax due for the period for which no report was filed, with
25 applicable penalties and interest, and mail such estimate to
26 the last-known address of such person. The amount so

1 estimated, together with the penalties and interest, shall
2 become fixed, due, and payable as if such person had filed a
3 report showing such amounts, unless, within ten days after
4 receiving the estimate, such person files a true and correct
5 report for the period and pays the tax, penalty, and interest
6 due thereon.

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

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

15 39-21-102. Scope. Unless otherwise indicated, the
16 provisions of this article apply to income, inheritance, gift,
17 gross ton-mile, passenger-mile, gasoline, special fuel,
18 cigarette, sales, use, and severance taxes, THE EXCISE TAX ON
19 STUDED TIRES, and the charge on oil and gas production
20 imposed by articles 22 to 29 of this title, article 60 of
21 title 34, and article 3 of title 42, AND SECTION 42-4-225.5,
22 C.R.S.

23 SECTION 3. 39-21-103 (1), Colorado Revised Statutes,
24 1982 Repl. Vol., is amended to read:

25 39-21-103. Hearings. (1) As soon as practicable after
26 an income, gift, gross ton-mile, passenger-mile, gasoline,

1 special fuel, cigarette, sales, use, or severance tax return,
2 THE RETURN FOR THE EXCISE TAX ON STUDED TIRES, or the return
3 showing the value of oil and gas is filed, the executive
4 director of the department of revenue shall examine it and
5 shall determine the correct amount of tax. If the tax found
6 due is greater than the amount theretofore assessed or paid, a
7 notice of deficiency shall be mailed to the taxpayer by
8 certified mail.

9 SECTION 4. 39-21-106 (1), Colorado Revised Statutes,
10 1982 Repl. Vol., is amended to read:

11 39-21-106. Compromise. (1) The executive director of
12 the department of revenue or his delegate may compromise any
13 civil or criminal case arising under the Colorado income,
14 gift, gross ton-mile, passenger-mile, gasoline, special fuel,
15 cigarette, sales, use, or severance tax, THE EXCISE TAX ON
16 STUDED TIRES, or the charge on oil and gas production imposed
17 by article 22, article 25, part 1 or part 2 of article 26,
18 article 27, article 28, or article 29 of this title OR article
19 60 of title 34, or article 3 of title 42, OR SECTION
20 42-4-225.5, C.R.S., prior to reference to the department of
21 law for prosecution or defense; and the attorney general or
22 his delegate shall, upon the written direction of the
23 executive director, compromise any such case after reference
24 to the department of law for prosecution or defense.

25 SECTION 5. 39-21-107 (1), Colorado Revised Statutes,
26 1982 Repl. Vol., as amended, is amended to read:

1 39-21-107. Limitations. (1) Except as provided in this
2 section and unless such time is extended by waiver, the amount
3 of any gross ton-mile, passenger-mile, gasoline, special fuel,
4 cigarette, sales, use, or severance tax, OF ANY EXCISE TAX ON
5 STUDED TIRES, or of any charge on oil and gas production and
6 the penalty and interest applicable thereto shall be assessed
7 within three years after the return was filed, whether or not
8 such return was filed on or after the date prescribed, and no
9 assessment shall be made or credit taken and no notice of lien
10 shall be filed, nor distraint warrant issued, nor suit for
11 collection instituted, nor any other action to collect the
12 same commenced after the expiration of such period; except
13 that a written proposed adjustment of the tax liability by the
14 department issued prior to the expiration of such period shall
15 extend the limitation of this subsection (1) for one year
16 after a final determination or assessment is made. No lien
17 shall continue after the three-year period provided for in
18 this subsection (1), except for taxes assessed before the
19 expiration of such period, notice of lien with respect to
20 which has been filed prior to the expiration of such period,
21 and except for taxes on which written notice of any proposed
22 adjustment of the tax liability has been sent to the taxpayer
23 during such three-year period, in which case the lien shall
24 continue for one year only after the expiration of such period
25 or after the issuance of a final determination or assessment
26 based on the proposed adjustment issued prior to the

1 expiration of the three-year period. This subsection (1)
2 shall not apply to income tax.

3 SECTION 6. 39-21-109 (1), Colorado Revised Statutes,
4 1982 Repl. Vol., is amended to read:

5 39-21-109. Interest on underpayment, nonpayment, or
6 extensions of time for payment of tax. (1) If any amount of
7 income, gross ton-mile, passenger-mile, gasoline, special
8 fuel, cigarette, sales, use, or severance tax, ANY EXCISE TAX
9 ON STUDDED TIRES, or any charge on oil and gas production is
10 not paid on or before the last date prescribed for payment,
11 interest on such amount at the rate imposed under section
12 39-21-110.5 shall be paid for the period from such last date
13 to the date paid. The last date prescribed for payment shall
14 be determined without regard to any extension of time for
15 payment and shall be determined without regard to any notice
16 and demand for payment issued, by reason of jeopardy, prior to
17 the last date otherwise prescribed for such payment. In the
18 case of a tax in which the last date for payment is not
19 otherwise prescribed, the last date for payment shall be
20 deemed to be the date the liability for the tax arises, and in
21 no event shall it be later than the date notice and demand for
22 the tax is made by the executive director of the department of
23 revenue or his delegate.

24 SECTION 7. The introductory portion to 39-21-110 (1) and
25 39-21-110 (2) and (3), Colorado Revised Statutes, 1982 Repl.
26 Vol., are amended to read:

1 39-21-110. Interest on overpayments. (1) Interest
2 shall be allowed and paid upon any overpayment in respect to
3 any income, gross ton-mile, passenger-mile, gasoline, special
4 fuel, sales, use, or severance tax, ANY EXCISE TAX ON STUDED
5 TIRES, or any charge on oil and gas production at the rate
6 imposed under section 39-21-110.5. Such interest shall be
7 allowed and paid as follows:

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

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

24 SECTION 8. 39-21-113 (1) (a), Colorado Revised Statutes,
25 1982 Repl. Vol., is amended to read:

26 39-21-113. Reports and returns. (1) (a) It is the duty

1 of every person, firm, or corporation liable to the state of
2 Colorado for any gross ton-mile, passenger-mile, gasoline,
3 special fuel, cigarette, sales, use, or severance tax, ANY
4 EXCISE TAX ON STUDED TIRES, or any charge on oil and gas
5 production to keep and preserve for a period of three years
6 such books, accounts, and records as may be necessary to
7 determine the amount of liability.

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

11 SECTION 10. Safety clause. The general assembly hereby
12 finds, determines, and declares that this act is necessary
13 for the immediate preservation of the public peace, health,
14 and safety.

BILL C

A BILL FOR AN ACT

1 CONCERNING CONFORMITY OF PERMANENT STATE HIGHWAY TUNNEL
2 FACILITIES TO STANDARDS BASED ON THE NATIONAL ELECTRICAL
3 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.

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

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

8 12-23-101. Definitions. (3.5) "Permanent state highway
9 tunnel facilities" means all permanent state highway tunnels,
10 shafts, ventilation systems, and structures and includes all
11 structures, materials, and equipment appurtenant to such
12 facilities. Said term includes all electrical equipment,

1 materials, and systems to be constructed, furnished, and
2 installed as part of the final construction features specified
3 by the applicable contract plans and specifications or by the
4 national electrical code. For the purposes of this article
5 and article 40 of title 34, C.R.S., such state highway tunnel
6 facilities shall be deemed to be mines during the construction
7 of such facilities.

8 SECTION 2. 12-23-111 (16), Colorado Revised Statutes,
9 1978 Repl. Vol., as amended, is amended to read:

10 12-23-111. Exemptions. (16) The provisions of this
11 article shall not be applicable to any surface or subsurface
12 operation or property used in, around, or in conjunction with
13 any mine which is inspected pursuant to section 34-22-101 or
14 34-40-105, C.R.S., or pursuant to the "Federal Mine Safety and
15 Health Amendments Act of 1977", P.L. 95-164, EXCEPT PERMANENT
16 STATE HIGHWAY TUNNEL FACILITIES, WHICH SHALL CONFORM TO
17 STANDARDS BASED ON THE NATIONAL ELECTRICAL CODE.

18 SECTION 3. The introductory portion to 34-40-100.3 (7),
19 Colorado Revised Statutes, as amended, is amended to read:

20 34-40-100.3. Definitions. (7) "Mine" includes all ore
21 mills, sampling works, smelters, mining plants, metallurgical
22 plants, tunnels, and mines in this state of whatever kind or
23 character, whether on the surface or underground. "Mine" does
24 not include PERMANENT STATE HIGHWAY TUNNEL FACILITIES, AS
25 DEFINED IN SECTION 12-23-101 (3.5), C.R.S., coal mines,
26 earthen dams, and mines in which an average of more than

1 seventy-five full-time employees were employed during the
2 preceding calendar year, nor DOES IT INCLUDE operations
3 associated with sand and gravel pits, clay pits, and rock and
4 stone quarries, including surface limestone and dolomite
5 quarries; except that mines having an average of more than
6 seventy-five full-time employees shall be subject to the
7 permit requirements of sections 34-47-104 and 34-47-131. In
8 addition, the following shall be construed as parts of a mine:
9 SECTION 4. Safety clause. The general assembly hereby
10 finds, determines, and declares that this act is necessary
11 for the immediate preservation of the public peace, health,
12 and safety.

BILL D

A BILL FOR AN ACT

1 CONCERNING THE DEFINITION OF "MOTOR VEHICLE" IN THE "COLORADO
2 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.

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

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

6 10-4-703. Definitions. (7) "Motor vehicle" means any
7 vehicle of a type required to be registered and licensed under
8 the laws of this state and which is designed to be propelled
9 by an engine or motor; except that this term does not include
10 motorcycles;--motorscooters; minibikes, snowmobiles, bicycles
11 with motor or engine attached, or any vehicle designed
12 primarily for use off the road or on rails. FOR THE PURPOSES

1 OF THIS PART 7, "MOTOR VEHICLE" INCLUDES "MOTORCYCLE" AND
2 "MOTORSCOOTER", AS SUCH TERMS ARE DEFINED IN SECTION 42-1-102,
3 C.R.S.

4 SECTION 2. Effective date. This act shall take effect
5 _____.

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

BILL E

A BILL FOR AN ACT

1 CONCERNING APPROPRIATIONS FOR THE EXPENSES OF ADMINISTERING
2 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".

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

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

6 42-7-201. Director to administer article. (1) (a) The
7 director shall administer and enforce the provisions of this
8 article and may make rules and regulations in writing
9 necessary for the administration of this article.

10 (b) THE GENERAL ASSEMBLY SHALL MAKE APPROPRIATIONS FOR
11 THE EXPENSES OF ADMINISTRATION OF THIS ARTICLE, WHICH
12 APPROPRIATIONS SHALL NOT BE FROM THE HIGHWAY USERS TAX FUND.

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

2 _____.

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

BILL F

A BILL FOR AN ACT

1 CONCERNING FEES FOR SERVICES PERFORMED BY THE DEPARTMENT OF
2 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.

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

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

6 42-1-206. Records open to inspection - furnishing of
7 copies. (2) Upon written application and the payment of a
8 fee of ~~one-dollar-and-twenty-five-cents~~ TWO DOLLARS per copy,
9 or search therefor, for each copy requested, the department
10 shall furnish to any person a photostatic copy of any
11 specified record or accident report specifically made a public

1 record by any provision of this title and will, for the
2 additional fee of fifty cents per certification, if requested,
3 certify the same. All fees collected under the provisions of
4 this subsection (2) shall be used to defray the expenses of
5 providing such copies.

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

8 42-2-110. Examination of applicants and drivers - when
9 required. (1) The department shall examine every applicant
10 for a driver's, minor driver's, or provisional driver's
11 license. The executive director of the department, in his
12 discretion, may conduct the examination in any county
13 convenient for the applicant. The examination shall include a
14 test of the applicant's eyesight, his ability to read and
15 understand highway signs which regulate, warn, and direct
16 traffic, and his knowledge of the traffic laws of this state,
17 an actual demonstration of his ability to exercise ordinary
18 and reasonable care and control in the operation of a motor
19 vehicle, and such further physical and mental examination as
20 the department finds necessary to determine the applicant's
21 fitness to operate a motor vehicle safely upon the highways.
22 THE FEE FOR TESTING ANY ACTUAL DEMONSTRATION OF THE
23 APPLICANT'S ABILITY TO EXERCISE ORDINARY AND REASONABLE CARE
24 AND CONTROL IN THE OPERATION OF A MOTOR VEHICLE SHALL BE THREE
25 DOLLARS, WHICH SUM SHALL BE FORWARDED TO THE DEPARTMENT FOR
26 TRANSMISSION TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME

1 TO THE HIGHWAY USERS TAX FUND, AND THE GENERAL ASSEMBLY SHALL
2 MAKE APPROPRIATIONS THEREFROM FOR THE EXPENSES OF THE
3 ADMINISTRATION OF PARTS 1 TO 3 OF THIS ARTICLE.

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

6 42-2-112. License issued - fees. (2) The fee for the
7 issuance of a driver's and OR provisional driver's license
8 shall be ~~five--dollars--and--fifty--cents~~ SIX DOLLARS AND
9 FIFTY-FIVE CENTS, which license shall expire on the birthday
10 of the applicant in the fourth year after the issuance thereof
11 or when the applicant reaches age twenty-one, whichever occurs
12 first; except that, in the case of a provisional driver's or
13 driver's license issued by the office of the county clerk and
14 recorder in each county, the office of the county clerk and
15 recorder shall retain the sum of three dollars, and ~~two~~
16 ~~dollars-and-fifty-cents~~ THREE DOLLARS AND FIFTY-FIVE CENTS
17 shall be forwarded to the department for transmission to the
18 state treasurer, who shall credit the same to the highway
19 users tax fund, and the general assembly shall make
20 appropriations therefrom for the expenses of the
21 administration of parts 1 to 3 of this article.

22 (3) The fee for the issuance of a minor driver's license
23 shall be ~~five--dollars--and--fifty--cents~~ SIX DOLLARS AND
24 FIFTY-FIVE CENTS, which license shall expire twenty days after
25 the eighteenth birthday of the licensee. In the case of the
26 issuance of such minor driver's license by the office of the

1 county clerk and recorder, the fee therefor shall be
2 apportioned in the same manner as for the issuance of a
3 driver's license.

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

6 42-2-124. Period of suspension or revocation. (3) Any
7 person whose license or other privilege to operate a motor
8 vehicle in this state has been suspended, cancelled, or
9 revoked, pursuant to either this article or article 4 or 7 of
10 this title, shall pay a restoration fee of twenty THIRTY
11 dollars to the executive director of the department prior to
12 the issuance to such person of a new license or the
13 restoration of such license or privilege.

14 SECTION 5. Effective date. This act shall take effect
15 January 1, 1985.

16 SECTION 6. Safety clause. The general assembly hereby
17 finds, determines, and declares that this act is necessary
18 for the immediate preservation of the public peace, health,
19 and safety.

BILL G

A BILL FOR AN ACT

1 CONCERNING PROCEDURES FOR APPORTIONMENT OF MONEYS IN THE
2 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.

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

4 SECTION 1. 39-27-112 (2), Colorado Revised Statutes,
5 1982 Repl. Vol., is amended to read:

6 39-27-112. Payment of expenses and distribution of
7 funds. (2) The balance of such funds thus obtained and
8 remaining with the state treasurer ~~on-the-twentieth-day-of~~
9 each-month shall be placed in the highway users tax fund and
10 distributed in accordance with the provisions of the statute

1 governing that fund. The general assembly shall make
2 appropriations from the highway users tax fund for the
3 expenses of the administration of this part 1.

4 SECTION 2. 39-27-215 (2), Colorado Revised Statutes,
5 1982 Repl. Vol., is amended to read:

6 39-27-215. Payment of expenses and distribution of
7 funds. (2) The balance of such funds obtained and remaining
8 with the state treasurer ~~on-the-twentieth-day-of-each-month~~
9 shall be placed in the highway users tax fund and distributed
10 in accordance with the provisions of the statute governing
11 that fund. The general assembly shall make appropriations
12 from the highway users tax fund for the expenses of the
13 administration of this part 2.

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

16 43-4-205. Allocation of fund. (1) The moneys in the
17 highway users tax fund shall be apportioned monthly. ~~on--the~~
18 ~~twentieth--day-of-each-month-~~ THE APPORTIONMENT MAY BE MADE BY
19 THE STATE TREASURER BASED UPON ESTIMATES FROM THE DEPARTMENT
20 OF REVENUE ON CURRENT MONTHLY COLLECTIONS OF HIGHWAY USERS
21 TAXES, WITH THE FISCAL YEAR BALANCES TO BE ADJUSTED WHEN
22 ACCOUNTS ARE CLOSED AT THE END OF THE STATE FISCAL YEAR. THE
23 DEPARTMENT OF REVENUE SHALL PROVIDE ESTIMATES TO THE STATE
24 TREASURER BY THE SEVENTH WORKING DAY OF EACH MONTH. THE STATE
25 TREASURER SHALL APPORTION THE FUNDS WITHIN FIVE WORKING DAYS
26 OF RECEIVING ESTIMATES FROM THE DEPARTMENT OF REVENUE.

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

BILL H

A BILL FOR AN ACT

1 CONCERNING THE FINANCING OF THE CONSTRUCTION, IMPROVEMENT, AND
2 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 repeals 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.

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

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

6 43-4-303. Bonds - issuance - sale - fund. (1) For the

1 purpose of defraying the cost of such construction,
2 improvement, and reconstruction, INCLUDING RESURFACING, and
3 all other expenses incident thereto, the state--highway
4 commission may, ON BEHALF OF THE STATE AND from time to time,
5 upon an affirmative majority vote of the members thereof and
6 with the approval of the governor, apply for and receive funds
7 from the federal government, the state of Colorado and any of
8 its institutions and agencies, counties, municipalities,
9 districts, and any other political subdivisions of the state,
10 and any department, agency, or instrumentality thereof, or any
11 political or public corporation of the state or from private
12 investors and issue therefor revenue--anticipation--warrants
13 HIGHWAY REVENUE BONDS payable solely from THE FEES, FARES,
14 TOLLS, AND CHARGES, IF ANY, DERIVED FROM ANY TURNPIKE OR
15 SPEEDWAY CONSTRUCTED PURSUANT TO THE POWERS GRANTED TO THE
16 COMMISSION BY SECTION 43-3-202 OR SECTION 43-4-102, WITH THE
17 PROCEEDS OF BONDS ISSUED PURSUANT TO THIS SECTION, OR FROM a
18 SPECIAL fund SET ASIDE FROM THE STATE HIGHWAY FUND, which
19 SPECIAL FUND is hereby created and is designated as the
20 highway anticipation fund TO WHICH THE COMMISSION SHALL
21 TRANSFER FROM THE STATE HIGHWAY FUND SUFFICIENT AMOUNTS TO PAY
22 ALL BONDS ISSUED PURSUANT TO THIS PART 3, THE INTEREST
23 THEREON, REDEMPTION PREMIUM, IF ANY, AND NECESSARY FISCAL
24 AGENCY CHARGES OR FROM A COMBINATION OF SUCH FEES, FARES,
25 TOLLS, AND CHARGES AND SUCH SPECIAL FUND; except that such
26 warrants BONDS shall not be issued OUTSTANDING in an aggregate

1 amount in excess of thirty-five _____ million dollars,
2 ~~that no more than eight million dollars shall be issued in any~~
3 ~~one fiscal year; and that the authority for the issuance of~~
4 ~~anticipation warrants provided in sections 43-4-301 to~~
5 ~~43-4-314 shall terminate at the expiration of five years after~~
6 April 15, 1955 EXCEPT FOR BONDS WHICH HAVE BEEN REFUNDED.

7 (2) (a) THE STATE DEPARTMENT OF HIGHWAYS SHALL MAKE
8 INITIAL FINDINGS TO DETERMINE HIGHWAY PROJECTS TO BE FUNDED BY
9 THE ISSUANCE OF HIGHWAY REVENUE BONDS AND SHALL MAKE
10 RECOMMENDATIONS TO THE COMMISSION FOR SUCH PROJECTS. THE
11 COMMISSION SHALL REVIEW THE RECOMMENDATIONS TO DETERMINE IF
12 SUCH PROJECTS AND THE FINANCING THEREOF BY THE USE OF SUCH
13 BONDS IS IN THE BEST INTEREST OF THE STATE HIGHWAY SYSTEM AND
14 OF THE PEOPLE OF THE STATE.

15 (b) THE COMMISSION MAY ADOPT SUCH RECOMMENDATIONS AND,
16 UPON SUCH ADOPTION, SHALL FORWARD THEM TO THE GOVERNOR FOR HIS
17 REVIEW AND APPROVAL. THE GOVERNOR SHALL REVIEW THE
18 RECOMMENDATIONS AND, UPON HIS APPROVAL, FORWARD THEM TO THE
19 GENERAL ASSEMBLY.

20 (3) UPON RECEIPT OF SUCH RECOMMENDATIONS, THE GENERAL
21 ASSEMBLY MAY AUTHORIZE THE COMMISSION, BY MEANS OF A JOINT
22 RESOLUTION SIGNED BY THE GOVERNOR, TO ISSUE HIGHWAY REVENUE
23 BONDS PURSUANT TO THIS SECTION FOR THE FUNDING OF RECOMMENDED
24 PROJECTS. THE JOINT RESOLUTION SHALL CONTAIN THE
25 RECOMMENDATIONS OF THE GENERAL ASSEMBLY WITH RESPECT TO THE
26 MAXIMUM PRINCIPAL AMOUNT TO BE FINANCED BY THE ISSUANCE OF

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

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

14 43-4-304. Bonds - interest - sale - refunding.

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

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

22 (I) The time of execution and delivery;

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

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

1 or both;

2 (IV) Conversion privileges;

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

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

8 (VII) Manner of evidence of the bonds;

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

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

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

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

23 (2) The bonds may be sold at public or private sale for
24 such price or prices, in such manner, and at such times as
25 determined by the commission, and the commission may pay all
26 expenses, premiums, and commissions which it may deem

1 necessary or advantageous in connection with the issuance of
2 bonds. Pending preparation of the definitive bonds, the
3 commission may issue interim receipts or certificates which
4 shall be exchanged for such definitive bonds.

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

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

23 (II) The proceeds of any such bonds issued for the
24 purpose of refunding outstanding bonds may be applied, in the
25 discretion of the commission, to the purchase, retirement at
26 maturity, or redemption of such outstanding bonds either on

1 their earliest or any subsequent redemption date or upon the
2 purchase or at the maturity thereof and, pending the
3 application to such use, may be placed in an escrow account in
4 any bank within the state having full trust powers and which
5 is a member of the federal deposit insurance corporation to be
6 applied to such purchase, retirement at maturity, or
7 redemption on such date as may be determined by the
8 commission. Any such escrowed proceeds, pending such use, may
9 be invested and reinvested in obligations of or guaranteed by
10 the United States of America or in certificates of deposit or
11 time deposits secured by obligations of or guaranteed by the
12 United States of America, maturing at such time or times as
13 are appropriate to assure the prompt payment as to principal,
14 interest, and redemption premium, if any, of the outstanding
15 bonds to be so refunded. The interest, income, and profit, if
16 any, earned or realized on any such investment may also be
17 applied, in the discretion of the commission, to the payment
18 of the outstanding bonds to be so refunded, to the payment of
19 principal and interest on the refunding, or for any other
20 purpose under this part 3. After the terms of the escrow have
21 been fully satisfied and carried out, any balance of such
22 proceeds and interest, income, and profits, if any, earned or
23 realized on the investments may be returned to the commission
24 for use by it in any lawful manner.

25 (c) All such refunding bonds shall be subject to the
26 provisions of this part 3 in the same manner and to the same

1 extent as other bonds issued pursuant to this part 3.

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

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

11 43-4-305. Bonds legal investments. It is lawful for the
12 anticipation--warrants BONDS issued in--pursuance--of---the
13 provisions--of--sections-43-4-301-to-43-4-314 PURSUANT TO THIS
14 PART 3 to be purchased by the state of Colorado and any of its
15 institutions and agencies, counties, municipalities,
16 districts, and any other political subdivisions of the state,
17 and any department, agency, or instrumentality thereof, or any
18 political or public corporation of the state, AND ANY BANK,
19 TRUST COMPANY, SAVINGS AND LOAN ASSOCIATION, INVESTMENT
20 COMPANY AND ASSOCIATION, EXECUTOR, ADMINISTRATOR, GUARDIAN,
21 TRUSTEE, AND OTHER FIDUCIARY.

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

24 43-4-306. Signatures validated. No revenue-anticipation
25 warrant BOND ISSUED PURSUANT TO THIS PART 3 or coupon attached
26 thereto shall be rendered invalid by reason of the cessation

1 in office of any person whose proper signature appears on such
2 warrant BOND or coupon.

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

5 43-4-307. Sinking fund. (1) At or before the issuance
6 of any ~~such--revenue-anticipation-warrants~~ BONDS PURSUANT TO
7 THIS PART 3, the ~~state--highway~~ commission shall, by
8 resolution, create a sinking fund for the payment of such
9 warrants BONDS, the interest thereon, REDEMPTION PREMIUM, IF
10 ANY, and necessary fiscal agency charges and shall pledge or
11 set aside THE FEES, FARES, TOLLS, AND CHARGES, IF ANY, DERIVED
12 FROM ANY TURNPIKE OR SPEEDWAY CONSTRUCTED PURSUANT TO THE
13 POWERS GRANTED TO THE COMMISSION BY SECTION 43-3-202 OR
14 SECTION 43-4-102, THE PROCEEDS OF BONDS ISSUED PURSUANT TO
15 SECTION 43-4-303, OR a sufficient amount of the state highway
16 ANTICIPATION fund into said sinking fund at intervals to be
17 determined by the commission prior to the issuance of such
18 warrants BONDS for payment of interest to become due,
19 necessary fiscal agency charges, REDEMPTION PREMIUM, IF ANY,
20 and the warrants BONDS as they become due.

21 (2) ALL BONDS ISSUED PURSUANT TO THIS PART 3 SHALL
22 CONSTITUTE A FIRST LIEN ON THE PROCEEDS OF THE BONDS AND ON
23 ALL OR ANY PART, AS SET FORTH IN THE COMMISSION'S RESOLUTION
24 AUTHORIZING THE BONDS, OF THE MONEYS CREDITED TO THE STATE
25 HIGHWAY FUND WHICH ARE DERIVED FROM THE IMPOSITION OF LICENSE
26 FEES, REGISTRATION FEES, AND OTHER CHARGES WITH RESPECT TO THE

1 OPERATION OF ANY MOTOR VEHICLE UPON ANY PUBLIC HIGHWAY OF THE
2 STATE AND THE PROCEEDS FROM THE IMPOSITION OF ANY EXCISE TAX
3 ON GASOLINE OR OTHER LIQUID MOTOR FUEL, EXCEPT AVIATION FUEL;
4 EXCEPT THAT THE COMMISSION MAY PROVIDE PREFERENTIAL SECURITY
5 FOR ANY BONDS TO BE ISSUED UNDER THIS PART 3 OVER ANY BONDS
6 THAT MAY BE ISSUED UNDER THIS PART 3 THEREAFTER. NO MONEYS
7 WHICH MAY, FROM TIME TO TIME, BE CREDITED TO THE STATE HIGHWAY
8 FUND WHICH ARE DERIVED FROM SOURCES OTHER THAN THOSE DESCRIBED
9 IN THIS SECTION AND SECTION 18 OF ARTICLE X OF THE COLORADO
10 CONSTITUTION SHALL BE APPLIED TO THE PAYMENT OF THE BONDS
11 ISSUED PURSUANT TO THIS PART 3.

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

1 PROVISION FOR SUCH PAYMENT HAS BEEN DULY MADE.

2 (4) ANY RESOLUTION OF THE COMMISSION FOR THE ISSUANCE OF
3 BONDS PURSUANT TO THIS PART 3 MAY CONTAIN SUCH PROVISIONS FOR
4 PROTECTING AND ENFORCING THE RIGHTS AND REMEDIES OF THE
5 HOLDERS OF ANY OF THE BONDS AS MAY BE REASONABLE AND PROPER
6 AND NOT IN VIOLATION OF LAW, INCLUDING COVENANTS SETTING FORTH
7 THE DUTIES OF THE COMMISSION IN RELATION TO THE PURPOSES TO
8 WHICH PROCEEDS OF THE BONDS MAY BE APPLIED, THE TERMS AND
9 CONDITIONS FOR THE ISSUANCE OF ADDITIONAL BONDS, AND THE
10 CUSTODY, SAFEGUARDING, AND APPLICATION OF ALL MONEYS. ANY
11 SUCH RESOLUTION MAY SET FORTH THE RIGHTS AND REMEDIES OF THE
12 HOLDERS OF ANY BONDS AND MAY RESTRICT THE INDIVIDUAL RIGHT OF
13 ACTION BY ANY SUCH HOLDERS. IN ADDITION, ANY SUCH RESOLUTION
14 MAY CONTAIN SUCH OTHER PROVISIONS AS THE COMMISSION MAY DEEM
15 REASONABLE AND PROPER FOR THE SECURITY OF THE HOLDERS OF ANY
16 BONDS. ALL EXPENSES INCURRED IN CARRYING OUT THE PROVISIONS
17 OF SUCH RESOLUTION MAY BE PAID FROM THE REVENUES OR ASSETS
18 PLEDGED OR ASSIGNED TO THE PAYMENT OF THE BONDS OR FROM ANY
19 OTHER MONEYS AVAILABLE TO THE COMMISSION. IN THE EVENT OF
20 DEFAULT IN ANY SUCH PAYMENT OR IN ANY AGREEMENTS OF THE
21 COMMISSION MADE AS PART OF THE CONTRACT UNDER WHICH THE BONDS
22 WERE ISSUED OR CONTAINED IN THE RESOLUTION AUTHORIZING THE
23 BONDS, SAID PAYMENT OR AGREEMENT MAY BE ENFORCED BY SUIT,
24 MANDAMUS, OR EITHER OF SUCH REMEDIES. IN THE DISCRETION OF
25 THE COMMISSION, THE BONDS MAY BE SECURED BY A TRUST INDENTURE
26 BY AND BETWEEN THE COMMISSION AND A CORPORATE TRUSTEE WHICH

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

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

7 43-4-308. Redemption. In addition to retirement by
8 serially paid annual installments, anticipation--warrants
9 ~~issued after March 28, 1957, under the provisions of sections~~
10 ~~43-4-301 to 43-4-314~~ BONDS ISSUED PURSUANT TO THIS PART 3 may
11 be redeemed prior to maturity if so provided by the state
12 highway commission in the resolution authorizing their
13 issuance, such redemption to be made in inverse numerical
14 order on any interest payment date, upon such terms and upon
15 the payment of such premium, if any, not exceeding three and
16 three-quarters percent of the principal amount of the bonds to
17 be redeemed as may be determined by the state--highway
18 commission.

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

21 43-4-309. Bond obligations. On and after the date the
22 state-highway commission creates obligations by contract or
23 otherwise, as provided in ~~sections 43-4-301 to 43-4-314~~ THIS
24 PART 3, WHICH ARE PAYABLE IN WHOLE OR IN PART FROM THE HIGHWAY
25 ANTICIPATION FUND, the laws of Colorado relating to taxes
26 levied and fees charged for the purpose of construction,

1 improvement, reconstruction, and maintenance of the state's
2 system of highways, AS SUCH TAXES AND FEES ARE DESCRIBED IN
3 SECTION 18 OF ARTICLE X OF THE COLORADO CONSTITUTION, shall
4 not be repealed or amended so that the aggregate of revenues
5 for such purposes will be insufficient to pay the annual
6 installments of principal and interest and retire revenue
7 anticipation-warrants BONDS issued under the provisions of
8 sections--43-4-301--to-43-4-314 THIS PART 3 as the same become
9 due and payable. and;-with-the-exception-of--the--obligations
10 incurred--prior--to-April-15;-1955;-pursuant-to-the-provisions
11 of-part-2-of-article-3-of-this-title;-the-obligations-incurred
12 under--the--provisions--of--sections--43-4-301---to---43-4-314
13 constitutes--a--first--lien-upon-all-revenues-derived-for-such
14 purposes;-under-the-provisions-of-such-tax--and--fee--laws--or
15 otherwise;-until-the-obligations-so-created-are-fully-paid-and
16 discharged THE STATE HEREBY PLEDGES TO AND AGREES WITH THE
17 HOLDERS OF ANY BONDS OR OTHER OBLIGATIONS ISSUED UNDER SECTION
18 43-4-303 AND WITH THOSE PARTIES WHO MAY ENTER INTO CONTRACTS
19 WITH THE COMMISSION PURSUANT TO THE PROVISIONS OF SECTION
20 43-4-303 THAT THE STATE WILL NOT LIMIT, ALTER, RESTRICT, OR
21 IMPAIR THE RIGHTS VESTED IN THE COMMISSION TO FULFILL THE
22 TERMS OF ANY AGREEMENTS MADE WITH THE HOLDERS OF BONDS OR
23 OTHER OBLIGATIONS AUTHORIZED AND ISSUED PURSUANT TO SECTION
24 43-4-303 AND WITH THE PARTIES WHO MAY ENTER INTO CONTRACTS
25 WITH THE COMMISSION PURSUANT TO SECTION 43-4-303. THE STATE
26 FURTHER AGREES THAT IT WILL NOT IN ANY WAY IMPAIR THE RIGHTS

1 OR REMEDIES OF THE HOLDERS OF SUCH BONDS OR OTHER OBLIGATIONS
2 OF SUCH PARTIES UNTIL SUCH BONDS AND OTHER OBLIGATIONS,
3 TOGETHER WITH INTEREST THEREON, WITH INTEREST ON ANY UNPAID
4 INSTALLMENT OF INTEREST AND ALL COSTS AND EXPENSES IN
5 CONNECTION WITH ANY ACTION OR PROCEEDING BY OR ON BEHALF OF
6 SUCH HOLDERS, ARE FULLY MET AND DISCHARGED AND SUCH CONTRACTS
7 ARE FULLY PERFORMED ON THE PART OF THE COMMISSION. NOTHING IN
8 THIS PART 3 PRECLUDES SUCH LIMITATION OR ALTERATION IF AND
9 WHEN ADEQUATE PROVISION IS MADE BY LAW FOR THE PROTECTION OF
10 THE HOLDERS OF SUCH BONDS OR OTHER OBLIGATIONS OF THE
11 COMMISSION OR THOSE ENTERING INTO SUCH CONTRACTS WITH THE
12 COMMISSION. THE COMMISSION MAY INCLUDE THIS PLEDGE AND
13 UNDERTAKING FOR THE STATE IN SUCH BONDS OR OTHER OBLIGATIONS
14 AND IN SUCH CONTRACTS.

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

17 43-4-310. Obligation only from highway fund. Nothing in
18 ~~sections--43-4-301--to--43-4-314~~ THIS PART 3 shall be so
19 construed as to authorize or permit the ~~state--highway~~
20 ~~commission~~ to incur any obligation of any kind or nature
21 except such as shall be payable solely from revenues DESCRIBED
22 IN SECTION 18 OF ARTICLE X OF THE COLORADO CONSTITUTION
23 accruing to the STATE highway fund, and it shall be plainly
24 stated on the face of each warrant BOND that it has been
25 issued under the provisions of ~~sections-43-4-301--to--43-4-314~~
26 THIS PART 3 and that it does not constitute an indebtedness of

1 the state within the meaning of any constitutional provisions
2 or limitation.

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

5 43-4-312. Full authority. ~~Sections-43-4-301-to-43-4-314~~
6 THIS PART 3 shall, without reference to any other statute, be
7 deemed full authority for the construction, improvement, and
8 reconstruction of public highways and bridges under contract
9 with, pursuant to design ordered or prepared by, and under the
10 sole direction of the state-highway commission and for the
11 issuance and sale of ~~revenue-anticipation-warrants-by-sections~~
12 ~~43-4-301--to--43-4-314~~ BONDS, ~~authorized-with-approval-by-the~~
13 ~~governor;~~ and shall be construed as an additional and
14 alternative method therefor and for the financing thereof.
15 None of the present restrictions, requirements, conditions, or
16 limitations of law applicable to the issuance of bonds by
17 governmental agencies of this state shall apply to the
18 issuance and sale of warrants under ~~sections-43-4-301-to--43-4~~
19 ~~314~~ THIS PART 3, and no proceedings shall be required for the
20 issuance of such warrants BONDS other than those provided and
21 required in ~~sections-43-4-301-to-43-4-314~~ THIS PART 3; and all
22 the powers necessary to be exercised by the state- ighway
23 commission in order to carry out the provisions of ~~sections~~
24 ~~43-4-301-to-43-4-314~~ THIS PART 3 are hereby conferred.

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

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

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

12 43-4-314. Personal liability. Neither the members of
13 the commission nor any person executing the bonds shall be
14 liable personally on bonds or be subject to any personal
15 liability or accountability by reason of the issuance thereof.

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

18 43-4-315. Limitation of actions. No action shall be
19 brought questioning the legality of any contract, resolution,
20 trust indenture, proceeding, or securities, executed pursuant
21 to this part 3, on and after thirty days from the publication
22 of a notice of the commission's authorization of such
23 execution, once, in a newspaper of general circulation within
24 the city and county of Denver.

25 SECTION 13. 43-4-316, Colorado Revised Statutes, is
26 REPEALED AND REENACTED, WITH AMENDMENTS, to read:

1 43-4-316. Interest earnings. All interest derived from
2 the investment of the proceeds of the bonds issued pursuant to
3 this part 3 shall, at the discretion of the commission, be
4 applied to the purposes for which the bonds are issued or
5 shall be credited to the funds created by this part 3. The
6 interest derived from the investment of the funds created by
7 this part 3 or the highway anticipation fund shall remain in
8 such funds.

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

11 43-4-317. Highway aid bonds. (1) In addition to any
12 other powers granted by this part 3, the commission may issue
13 highway aid bonds in order to provide, as soon as practicable,
14 the federal share of the cost of constructing within the state
15 federal aid systems, as described in 23 U.S.C.A. 103(a), or
16 any similar legislation enacted on or after the effective date
17 of this section, as amended, in anticipation of the receipt by
18 the state of the federal share as it becomes available during,
19 before, or after completion of construction and for reserves
20 and the cost of issuing such bonds. The proceeds of such
21 bonds remaining after establishing reserves, funding interest
22 on such bonds for a period not to exceed three years, and
23 paying the costs of issuance shall be applied solely to paying
24 the federal share of the costs of federal aid systems within
25 the state. Such proceeds shall not be expended for any
26 highway construction project until such time as the United

1 States secretary of transportation or his designated
2 representative has approved the design and location of the
3 project and has formally stated in writing that the project
4 will be eligible for federal aid matching funds when such
5 funds become available.

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

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

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

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

19 (3) For the purpose of providing funds to enable the
20 commission to pay at their respective maturities and due dates
21 the principal of and interest on the bonds that it may issue
22 pursuant to this section, there is irrevocably pledged and
23 appropriated each year all federal aid system funds to be
24 received by the state from the United States government to the
25 extent that such funds may be required in the fiscal year
26 received to pay the principal of and interest on those bonds.

1 The commission shall set aside monthly the first moneys so
2 received in each month of such fiscal year and deposit the
3 same in the sinking fund provided for in this section until
4 there has been accumulated therein an amount at least
5 sufficient to meet the monthly sinking fund requirements for
6 payment of the principal of and interest on the bonds issued
7 by the commission which mature, which are subject to mandatory
8 redemption, or which otherwise become due during that fiscal
9 year. All federal aid system funds so set aside by the state
10 from the United States government during each such fiscal year
11 shall be held in trust and applied in that fiscal year to the
12 extent required in this section for the payment of the
13 principal of and interest on the bonds authorized to be issued
14 under this section. All moneys set aside under this section
15 shall be paid into the highway aid bond sinking fund, which
16 fund is hereby created.

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

19 SECTION 16. Safety clause. The general assembly hereby
20 finds, determines, and declares that this act is necessary
21 for the immediate preservation of the public peace, health,
22 and safety.

BILL I

A BILL FOR AN ACT

1 CONCERNING THE REGISTRATION FEE FOR MOTOR VEHICLES WHICH ARE
2 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.

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

4 SECTION 1. 42-3-123 (12) (a) (III), Colorado Revised
5 Statutes, is amended, and the said 42-3-123 (12) (a) is
6 further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to
7 read:
8 42-3-123. Registration fees - passenger-mile and
9 ton-mile taxes. (12) (a) (II.5) Each such vehicle having an
10 empty weight of ten thousand two hundred pounds or less but
11 more than ten thousand pounds, eighty-nine dollars and ten
12 cents;

1 (III) Each such vehicle having an empty weight of more
2 than ten thousand TWO HUNDRED pounds, ~~eighty-three-dollars-and~~
3 ~~ten--cents~~ EIGHTY-SEVEN DOLLARS AND SEVENTY-TWO CENTS plus two
4 dollars and thirty-one cents per one hundred pounds, or
5 fraction thereof, of empty weight exceeding ten thousand TWO
6 HUNDRED pounds;

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

10 42-3-123. Registration fees - passenger-mile and
11 ton-mile taxes. (13) (b) EXCEPT AS PROVIDED IN PARAGRAPH
12 (b.5) OF THIS SUBSECTION (13), FOR each such vehicle
13 registered under this subsection (13) having an empty weight
14 exceeding ten thousand pounds, twenty-two dollars and fifty
15 cents.

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

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

26 SECTION 4. Safety clause. The general assembly hereby

1 finds, determines, and declares that this act is necessary
2 for the immediate preservation of the public peace, health,
3 and safety.

BILL J

A BILL FOR AN ACT

1 CONCERNING RECORDS ON THE OPERATIONS OF MOTOR VEHICLES SUBJECT
2 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.

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

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

6 42-3-126. Permit to be secured - records kept -
7 penalties. (1) Every owner or operator of a motor vehicle
8 operated over any public highway of this state who has posted
9 a bond as required by section 42-3-125 (4) and who is required
10 to pay the ton-mile or passenger-mile tax imposed by the
11 provisions of section 42-3-123 shall apply to the department

1 and secure a ton-mile or passenger-mile tax permit and shall
2 keep and maintain true and correct records of the operations
3 of such motor vehicles, including the number of miles operated
4 (INCLUDING WHETHER SUCH TRAVEL WAS EMPTY OR UNLOADED), the
5 number of pounds of cargo carried BY TRIP, FREIGHT BILLS,
6 WEIGHT BILLS, BILLS OF LADING, LOAD SHEETS, DRIVERS' LOGS, AND
7 ANY OTHER INFORMATION WHICH WOULD COVER ANY TRIP ON THE
8 HIGHWAYS OF THIS STATE, and the number of passengers carried,
9 in such form and manner as may be prescribed by the department
10 and the public utilities commission, and shall preserve all
11 such records for a period of four years. The ton-mile or
12 passenger-mile tax permit shall remain effective until the
13 owner thereof advises the department of a change in ownership
14 or a discontinuance of business or until he has failed to file
15 tax reports and pay the ton-mile or passenger-mile tax, if any
16 is due, for four successive tax periods.

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

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

1 BEEN KEPT AND MAINTAINED.

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

BILL K

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.

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

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

7 42-4-236. Visible emissions - unlawful - penalty.

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

12 (b) It is unlawful for any person to cause or knowingly

1 permit the emission from any diesel-powered motor vehicle of
2 any visible air contaminants which exceed twenty percent
3 opacity for a period greater than ten seconds.

4 (c) As used in this section:

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

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

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

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

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

1 such vehicle comply with the provisions of this section.

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

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

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

24 (III) If the owner submits to the court of competent
25 jurisdiction within thirty days after the issuance of the
26 summons proof that he has disposed of the vehicle for junk

1 parts or immobilized the vehicle and he also submits to the
2 court within such time the registration and license plates for
3 the vehicle, he shall be punished by a fine of twenty-five
4 dollars. If the owner wishes to relicense the vehicle in the
5 future, he must obtain the certification required in paragraph
6 (b) of this subsection (2).

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

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

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

26 (f) The owner or driver may, in lieu of appearance,

1 submit to the court of competent jurisdiction, within thirty
2 days after the issuance of the notice and summons, the
3 certification or proof of mailing specified in this subsection
4 (2) and the fine of twenty-five dollars.

5 (3) Any fine collected pursuant to the provisions of
6 this section shall be retained by the local jurisdiction in
7 whose name such penalty was assessed.

8 SECTION 2. The introductory portion to 42-1-215 (1),
9 Colorado Revised Statutes, is amended to read:

10 42-1-215. Disposition of fines. (1) All judges, clerks
11 of a court of record, or other officers imposing or receiving
12 fines, penalties, or forfeitures, except those moneys received
13 pursuant to section 42-4-236 AND SECTION 42-4-1501 (4) (a),
14 collected pursuant to or as a result of a conviction of any
15 persons for a violation of any of the provisions of articles 1
16 to 4 (except part 4 of article 2) of this title, shall
17 transmit, within ten days from the date of receipt of any such
18 fine, penalty, or forfeiture, all such moneys so collected in
19 the following manner:

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

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

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.

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

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

6 42-4-308. Powers and duties of executive director -
7 automobile inspection and readjustment program. (4)) (a) The
8 executive director shall adopt regulations for the
9 administration and operation of inspection and readjustment

1 stations and for the issuance, identification, and use of
2 certifications of emissions control and shall adopt such rules
3 and regulations as may be necessary to the effectiveness of
4 the automobile inspection and readjustment program.

5 (b) IN CONJUNCTION WITH THE ISSUANCE OF CERTIFICATIONS
6 OF EMISSIONS CONTROL, THE EXECUTIVE DIRECTOR SHALL ADOPT RULES
7 AND REGULATIONS FOR THE ISSUANCE OF A LICENSE PLATE TAB
8 IDENTIFYING A VEHICLE AS BEING IN COMPLIANCE WITH SECTION
9 42-4-312. THE TAB SHALL BE DISPLAYED ON THE LICENSE PLATE
10 FROM THE TIME OF INSPECTION AND SHALL BE DISTINCT FROM THE
11 LICENSE PLATE TAB ISSUED BY THE DEPARTMENT UNDER SECTION
12 42-4-312 (7).

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

16 42-4-315. Penalties. (1) (b) No person shall possess a
17 certification of emissions control if he knows the same is
18 fictitious, or was issued for another motor vehicle, or was
19 issued without an emissions inspection having been made when
20 required. ~~and--no--person--may--operate--a---motor---vehicle~~
21 ~~registered---in---this---state---without--displaying--a---valid~~
22 ~~certification--of--emissions--control--when--required--by--the~~
23 ~~provisions-of-sections-42-4-306-5-to-42-4-316-~~

24 (3) (a) No person shall operate a motor vehicle
25 registered in this state without displaying a valid
26 certificate of emissions control when required by the

1 provisions of sections 42-4-306.5 to 42-4-316.

2 (b) (I) Police officers, at any time upon reasonable
3 cause, may require the driver of a vehicle to stop and submit
4 such vehicle to an inspection in order to determine whether
5 such vehicle displays a valid certificate of emissions control
6 if required by the provisions of sections 42-4-306.5 to
7 42-4-316. In the event that such vehicle does not display a
8 valid certificate of emissions control, the officer may give a
9 written notice and issue a summons to the driver. Said notice
10 shall require that such vehicle comply with the provisions of
11 sections 42-4-306.5 to 42-4-316.

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

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

1 (II) If the owner conforms to the requirements of
2 sections 42-4-306.5 to 42-4-316 within thirty days after
3 issuance of the notice and summons and presents the
4 certification required in subparagraph (II) of paragraph (b)
5 of this subsection (3) to the court of competent jurisdiction,
6 he shall be punished by a fine of twenty-five dollars.

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

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

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

26 (f) The owner or driver may, in lieu of appearance,

1 submit to the court of competent jurisdiction, within thirty
2 days after the issuance of the notice and summons, the
3 certification or proof of mailing specified in this subsection
4 (3) and the fine of twenty-five dollars.

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

8 SECTION 4. Safety clause. The general assembly hereby
9 finds, determines, and declares that this act is necessary
10 for the immediate preservation of the public peace, health,
11 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.

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

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

6 42-4-409. Permits for excess size and weight and for
7 mobile homes. (2) (b) (I) Each such application shall be for
8 a single trip, a special, or an annual permit. The

1 application shall be accompanied by a certificate or other
2 proof of public liability insurance in amounts of not less
3 than one hundred thousand dollars per person and three hundred
4 thousand dollars per accident for all mobile homes moved
5 within this state by the permit holder during the effective
6 term of the permit. EACH APPLICATION FOR A SINGLE TRIP PERMIT
7 SHALL BE ACCOMPANIED BY AN AUTHENTICATION OF PAID AD VALOREM
8 TAXES ON THE MOBILE HOME.

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

21 (III) Holders of permits shall obtain an authentication
22 of paid ad valorem taxes through the date of the move from the
23 owner of a used mobile home or from the county treasurer of
24 the county from which the used mobile home is being moved.
25 Permit holders shall notify the county treasurer of the county
26 from which the mobile home is being moved of the NEW EXACT

1 ADDRESS OF THE FINAL DESTINATION OR THE COUNTY OF FINAL
2 destination of the mobile home AND THE NAME AND ADDRESS OF THE
3 LANDOWNER OF THE FINAL DESTINATION, and, if within the state,
4 the county treasurer shall forward copies of the used mobile
5 home tax certificate to the county assessor of the destination
6 county. County treasurers may compute ad valorem mobile home
7 taxes due based upon the next preceding year's assessment
8 prorated through the date of the move and accept payment of
9 such as payment in full.

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

BILL N

A BILL FOR AN ACT

1 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.

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

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

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

1 weaken the stability of, the economies of both this state and
2 the nation. The general assembly further finds that such
3 practices harm innocent consumers and competing organizations,
4 impede free competition, and undermine the general welfare of
5 the state and its citizens and that anticompetitive practices
6 continue to grow and flourish within this state because the
7 sanctions and remedies presently available to the state and
8 injured parties for public and private enforcement of the
9 antitrust laws are unnecessarily limited in scope and impact.
10 Consequently, the general assembly declares that it is the
11 purpose of this article to eradicate illegal anticompetitive
12 practices in this state by increasing the criminal penalties,
13 clarifying and enhancing existing sanctions and remedies, and
14 providing for new sanctions and remedies to deal with unlawful
15 anticompetitive practices.

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

18 6-4-105. Authority to institute action to restrain
19 formation of contract or combination. The district courts may
20 prevent or restrain, by injunction or otherwise, the formation
21 of any such contract or combination or the execution of the
22 purposes thereof. ANY PERSON, CORPORATION, COPARTNERSHIP,
23 COMPANY, FIRM, TRUSTEE, OR ASSOCIATION THREATENED BY SUCH
24 CONTRACT OR COMBINATION WITH LOSS OR DAMAGE, OR the attorney
25 general SHALL HAVE exclusive authority to institute such
26 actions or proceedings as-he-deems--necessary to prevent or

1 restrain a violation of the provisions of this article, which
2 shall begin by way of a complaint, setting forth the cause
3 and grounds for the intervention of the court and praying that
4 such violation, whether intended or continuing, shall be
5 enjoined or otherwise prohibited. When the parties complained
6 against have been served with a copy of the complaint and
7 cited to answer the same, the court shall proceed, as soon as
8 permitted by its rules, to the hearing and determination of
9 the case. Pending the filing of the answer to such complaint,
10 the court may, upon proper notice, make such temporary
11 restraining order or prohibition as shall be just. When it
12 appears to the court that the ends of justice require that
13 other persons should be made parties to the action or
14 proceeding, the court may cause them to be brought before it
15 in such manner as it directs.

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

18 6-4-107. Violations - penalty. (1) (a) Any officer,
19 director, employee, or agent of any corporation, company,
20 firm, or association; or any member of any company, firm, or
21 association; or any individual who violates any provision of
22 this article ~~is guilty of~~ **COMMITTS** a misdemeanor **CLASS 4 FELONY**
23 and ~~upon conviction thereof;~~ shall be punished by ~~a fine of~~
24 ~~not less than one thousand dollars nor more than five thousand~~
25 ~~dollars; or by imprisonment in the county jail for not more~~
26 ~~than one year; or by both such fine and imprisonment.~~ **AS**

1 PROVIDED IN SECTION 18-1-105, C.R.S.

2 (b) IN ADDITION TO OR IN LIEU OF THE PUNISHMENT PROVIDED
3 FOR IN PARAGRAPH (a) OF THIS SUBSECTION (1), ANY SUCH PERSON
4 WHO VIOLATES ANY PROVISION OF THIS ARTICLE SHALL BE SUBJECT TO
5 THE IMPOSITION OF A FINE OF NOT MORE THAN ONE HUNDRED THOUSAND
6 DOLLARS.

7 (2) Any corporation, company, firm, or association found
8 guilty of a violation of any provision of this article shall
9 be punished by a fine of not less-than--one--thousand--dollars
10 nor more than five--thousand ONE MILLION dollars. for-the
11 first-offense-and-not-less-than-one-thousand-dollars-nor--more
12 than--ten--thousand--dollars-for-the-second-and-any-subsequent
13 offense:

14 SECTION 4. 6-4-108, Colorado Revised Statutes, is
15 REPEALED AND REENACTED, WITH AMENDMENTS, to read:

16 6-4-108. Damages. Any person, corporation,
17 copartnership, trustee, or association who is injured in its
18 business or property by reason of the doing of anything
19 declared unlawful in this article may sue for damages in the
20 district court and shall recover three-fold the damages
21 sustained and the cost of suit, including a reasonable
22 attorney fee.

23 SECTION 5. Effective date - applicability. This act
24 shall take effect upon its passage and shall apply to offenses
25 wherein any act committed in furtherance of the offense occurs
26 on or after said date.

1 SECTION 6. Safety clause. The general assembly hereby
2 finds, determines, and declares that this act is necessary
3 for the immediate preservation of the public peace, health,
4 and safety.

BILL 0

1 CONCERNING THE POLITICAL ACTIVITY OF PUBLIC AGENCIES AND
2 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.

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

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

7 1-45-116. State and political subdivisions - limitations
8 on contributions. (2) The provisions of subsection (1) of
9 this section shall not apply to:

10 (a) An official residence furnished or paid for by the
11 state or a political subdivision;

1 (b) Security officers who are required to accompany a
2 candidate or the candidate's family;

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

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

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

26 SECTION 2. Safety clause. The general assembly hereby

1 finds, determines, and declares that this act is necessary
2 for the immediate preservation of the public peace, health,
3 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.

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

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

5 42-4-404. Height and length of vehicles. (2) No single
6 motor vehicle shall exceed a length of thirty-five feet
7 extreme overall dimension, inclusive of front and rear
8 bumpers. The length of vehicles used for the mass
9 transportation of passengers wholly within the limits of a
10 town, city, or municipality or within a radius of fifteen
11 miles thereof may extend to sixty feet. The length of school
12 buses may extend to ~~thirty-six~~ FORTY feet. ~~The department--of~~
13 ~~education--may--authorize--a school-district-to-utilize-school~~

1 buses--having--a--maximum--length--of--forty---feet---upon---a
2 determination--by--the--department--that--such--an--increase--will
3 result--in--savings--in--fuel--consumption--to--the--district;
4 however;--school--buses--having--a--maximum--length--of--more--than
5 thirty-six-feet--shall--contain--three--axes.

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

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