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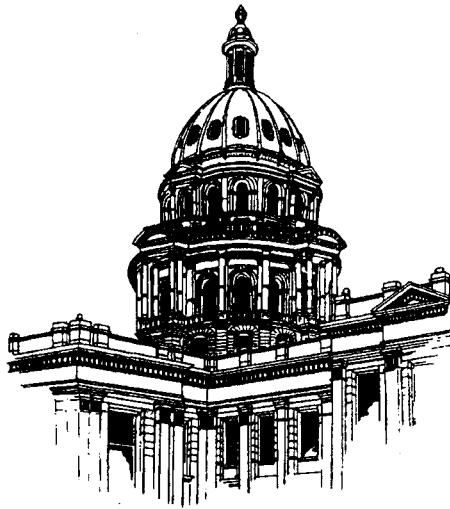
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**0520 Transportation Legislation Review Committee**



# Transportation

# Legislation Review

# Committee

**Report to the  
GOVERNOR  
and the  
COLORADO  
GENERAL ASSEMBLY**

**Colorado Legislative Council  
Research Publication No. 520  
November 2003**

**RECOMMENDATIONS FOR 2004**

**TRANSPORTATION LEGISLATION  
REVIEW COMMITTEE**

**Report to the Governor  
and Colorado General Assembly**

**Research Publication No. 520  
December 2003**

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December 2003

To the Governor and the Members of the Sixty-fourth General Assembly:

Submitted herewith is the final report of the Transportation Legislation Review Committee. This committee was created pursuant to Section 43-2-145, Colorado Revised Statutes. The purpose of the committee is to give guidance and direction to the state Department of Transportation in the development of the state transportation system, and to provide legislative overview of and input into such development.

At its meeting on November 17, 2003, the Legislative Council reviewed the report of this committee. A motion to forward this report and the bills herein for consideration in the 2004 session was approved.

Respectfully submitted,

/s/ Senator John Andrews  
Chairman

JA/DG

# TABLE OF CONTENTS

	PAGE
<b>LETTER OF TRANSMITTAL</b> .....	iii
<b>TABLE OF CONTENTS</b> .....	v
<b>RECOMMENDED BILLS AND FISCAL NOTES</b> .....	vii
<b>MEMBERS OF THE COMMITTEE</b> .....	ix
<b>EXECUTIVE SUMMARY</b> .....	xi
Committee Charge .....	xi
Committee Activities .....	xi
Committee Recommendations .....	xi
<b>STATUTORY AUTHORITY AND RESPONSIBILITIES</b> .....	1
<b>COMMITTEE ACTIVITIES</b> .....	3
Colorado Department of Transportation (CDOT) .....	3
Transportation Equity Act for the Twenty-First Century (TEA-21) Reauthorization .....	3
Department of Revenue (DOR) .....	4
Denver Regional Council of Governments (DRCOG) .....	5
Regional Transportation District (RTD) .....	5
Public Highway Authorities .....	5
<b>SUMMARY OF RECOMMENDATIONS</b> .....	7
Bill A — Prohibition Against Minor Drivers Carrying Minor Passengers .....	7
Bill B — Expiration Date of Certificates of Emissions Control for New Diesel Vehicles .....	7
Bill C — Increase in the Maximum Dollar Amount of a Contract that a Public Authority May Execute without Using a Competitive Bidding Process that Awards the Contract to the Lowest Responsible Bidder .....	7
Bill D — Consumption of Alcohol .....	8
Bill E — Statewide Tolling Enterprise, and, in Connection therewith, Clarifying the Division of Responsibilities Between the Board of the Enterprise and the Transportation Commission with Respect to the Operation of the Enterprise .....	8
Bill F — Information Signs on Interstate Highways within Specified Populated Areas .....	8
Bill G — Age at which a Person May Lawfully Drive a Motor Vehicle .....	8

Bill H — Recodification of Statutes that Concern Vehicles .....	9
Bill I — Electronic Renewal of a Driver's License .....	9
Bill J — Types of Records Necessary for the Department of Revenue to Administratively Revoke a Driver's License for Tampering with an Interlock Device .....	9
Bill K — Conditions Applicable to the Holders of Commercial Drivers' Licenses .....	9

<b>RESOURCE MATERIALS</b> .....	11
Meeting Summaries .....	11
Memoranda and Reports .....	12

<b>APPENDIX A</b>	
Title 42 Recodification Substantive Changes Chart .....	83

# RECOMMENDED BILLS AND FISCAL NOTES

	PAGE
Bill A — Concerning a Prohibition Against Minor Drivers Carrying Minor Passengers .....	13
— Fiscal Note .....	15
Bill B — Concerning the Expiration Date of Certificates of Emissions Control for New Diesel Vehicles .....	17
— Fiscal Note .....	19
Bill C — Concerning an Increase in the Maximum Dollar Amount of a Contract that a Public Airport Authority May Execute without Using a Competitive Bidding Process that Awards the Contract to the Lowest Responsible Bidder ...	23
— Fiscal Note .....	25
Bill D — Concerning the Consumption of Alcohol .....	27
— Fiscal Note .....	33
Bill E — Concerning the Statewide Tolling Enterprise, and, in Connection therewith, Clarifying the Division of Responsibilities Between the Board of Enterprise and the Transportation Commission with Respect to the Operation of the Enterprise Diesel Vehicles .....	39
— Fiscal Note .....	45
Bill F — Concerning Information Signs on Interstate Highways within Specified Populated Areas .....	47
— Fiscal Note .....	49
Bill G — Concerning the Age at which a Person May Lawfully Drive a Motor Vehicle .....	51
— Fiscal Note .....	53
Bill H — Concerning the Recodification of Statutes that Concern Vehicles .....	57
— Fiscal Note .....	59
Bill I — Concerning Electronic Renewal of a Driver's License .....	63
— Fiscal Note .....	65



Bill J	—	Concerning the Types of Records Necessary for the Department of Revenue to Administratively Revoke a Driver's License for Tampering with an Interlock Device .....	67
	—	Fiscal Note .....	69
Bill K	—	Concerning the Conditions Applicable to the Holders of Commercial Drivers' Licenses .....	73
	—	Fiscal Note .....	79

# **TRANSPORTATION LEGISLATION REVIEW COMMITTEE**

## **Members of the Committee**

<b>Representative Gayle Berry, Chair</b>	<b>Senator Ron May, Vice Chair</b>
<b>Representative Alice Borodkin</b>	<b>Senator Ken Chlouber</b>
<b>Representative Bob Briggs</b>	<b>Senator Jim Isgar</b>
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<b>Representative Jim Welker</b>	
<b>Representative Suzanne Williams</b>	

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# EXECUTIVE SUMMARY

## Committee Charge

Pursuant to Section 43-2-145, C.R.S., the Transportation Legislation Review Committee (TLRC) is authorized to give guidance and direction to the Colorado Department of Transportation (CDOT) in the development of the state transportation system and to provide legislative overview of such development. The committee is directed to review any phase of operations for CDOT, including planning and construction of highway projects. The committee is also authorized to review any phase of operations for any public highway authority (e.g., E-470 Public Highway Authority) along with any rural transportation authority responsible for the development of rural transportation systems. In addition, the legislative committee provides guidance to the Regional Transportation District (RTD) and reviews its budget, farebox recovery ratio, and the privatization of bus service.

## Committee Activities

The committee held five meetings and received testimony on a variety of transportation-related matters from representatives of 28 organizations interested in the development and operation of Colorado's transportation systems. The committee's activities focused on state and federal funding for transportation, the methods of allocating money for transportation, transit, air quality issues related to transportation, driver licenses, and activities of public highway authorities.

## Committee Recommendations

As a result of committee discussion and deliberation, the committee recommended 16 bills to the Legislative Council. Five of these bills (Prevention of Spilling of Materials from Vehicles, Disposition of Motor Vehicles Abandoned at Motor Vehicle Repair Shops, Distribution of Fees Charged to Obtain a License to Operate a Motor Vehicle, Open Alcoholic Beverage Containers in Motor Vehicles, and Fines Imposed on Persons Who Violate Motor Vehicle Safety Restraint Laws) were not approved by the Legislative Council for introduction. The bills recommended by the Legislative Council are summarized below.

***Bill A — Prohibition Against Minor Drivers Carrying Minor Passengers.*** Bill A prohibits a motorist who is less than 18 years of age from driving with a passenger who is less than 18 years old, unless the driver has held a license for at least six months. Current law does not restrict minor passengers from accompanying minor drivers.

**Bill B — Expiration Date of Certificates of Emissions Control for New Diesel Vehicles.** Bill B modifies current law addressing the diesel emissions inspection program so that an emissions test is not required when a new diesel vehicle is sold unless the current emissions certificate expires within 12 months.

**Bill C — Increase in the Maximum Dollar Amount of a Contract that a Public Airport Authority May Execute without Using a Competitive Bidding Process.** Bill C increases the dollar threshold above which airport authorities must prepare bid packets for procurement from \$10,000 to \$50,000.

**Bill D — Consumption of Alcohol.** Bill D reduces Colorado's 0.10 BAC standard to 0.08 for the offense of driving under the influence of alcohol. Under federal law, Colorado loses a percentage of federal highway construction money for each year it does not comply with this federal requirement.

**Bill E — Statewide Tolling Enterprise.** Bill E amends current law to clearly define the duties and responsibilities of the Colorado Tolling Enterprise Board versus those of the Colorado Transportation Commission. The Transportation Commission serves as the Board of the Tolling Enterprise.

**Bill F — Information Signs on Interstate Highways within Specified Populated Areas.** Bill F expands the locations in which the Colorado Department of Transportation may use LOGO signs advertising, for example, the presence of hotels or gas stations, providing information of interest to the traveling public. Current Colorado law allows LOGO signs to be placed on interstates in areas with populations under 50,000. The bill would permit LOGO signs to be placed on interstates in all areas except for areas considered a federal Transportation Management Area (over 200,000 population.) The effect of the bill would be to permit the use of LOGO signs on interstates in Pueblo and Grand Junction, since these two cities do not meet the 200,000 population threshold.

**Bill G — Age at which a Person May Lawfully Drive a Motor Vehicle.** Bill G creates an incentive program for new drivers to successfully complete a four-hour course taught by Colorado law enforcement or driver education programs. It does this by increasing the age at which a teen may acquire a learner's permit from 15½ years to 16, if the teen has not completed the four-hour training program.

**Bill H — Recodification of Statutes that Concern Vehicles.** Bill H clarifies existing statutes, removes obsolete provisions, corrects terminology relating to the operations of the Department of Revenue, and makes changes in the law to facilitate the administration of motor vehicle laws.

**Bill I — Electronic Renewal of a Driver's License.** Bill I allows drivers between the ages of 21 and 65 to renew licenses over the internet if the driver has paid a fee and any outstanding fines. The bill also allows the Department of Revenue to issue rules regarding internet renewals, including rules to minimize opportunities for identity theft or fraudulent acquisition of driver licenses.

***Bill J — Types of Records Necessary for the Department of Revenue to Administratively Revoke a Driver's License for Tampering with an Interlock Device.***

Bill J removes the requirement that a court or peace officer provide the record that authorizes the Department of Revenue to administratively revoke a license for tampering with a required interlock device. The bill gives the department authority to take action based on the receipt of evidence of tampering from a vendor.

***Bill K — Conditions Applicable to the Holders of Commercial Drivers' Licenses.***

Bill K harmonizes Colorado law with recent changes in federal law and administrative rules specifying the grounds for suspension, revocation, and denial of commercial drivers' licenses, as well as the periods of suspension or disqualification that apply when a person commits certain prohibited acts.

# STATUTORY AUTHORITY AND RESPONSIBILITIES

The Transportation Legislation Review Committee (TLRC) is established to give guidance and direction in the development of the state transportation system and to provide legislative overview of and input into such development. The committee is comprised of the members of the House Transportation and Energy and the Senate Transportation Committees.

Specifically, the TLRC is required under Section 43-2-145, C.R.S., to meet at least once a year to review all transportation legislation. Upon completion of its review of the transportation laws, the committee may make recommendations to the Governor and to the General Assembly for such additional legislation as it deems necessary. The committee recommended sixteen bills this year; however five of the sixteen bills were not approved by the Legislative Council for introduction.

In its oversight role, the committee is authorized to develop and make recommendations concerning the financing of the state transportation system. The TLRC is also authorized to review any operations of the Colorado Department of Transportation (CDOT), any public highway authority, the Regional Transportation District (RTD), or any rural transportation authority. The committee may review projects after completion to determine whether the project was completed in the most cost-effective and efficient manner. The committee may also require financial or performance audits to be conducted.

The committee may require the CDOT to prepare and adopt 5-, 10-, and 15-year plans for the development of the state transportation system, and the committee must monitor the progress of such plans. The committee is authorized to consult with CDOT personnel and other experts in the field of highway construction as may be necessary. The CDOT personnel are required to cooperate with the committee and with any persons assisting the committee in carrying out its statutory duties.

## **Background**

*History of the TLRC.* The roots of the TLRC go back to 1953 when the General Assembly reorganized the state highway system and restructured the relationship between state highway, county road, and municipal street systems. First established as the Highway Legislation Review Committee, the committee's original charge was to review the implementation and impact of these new highway systems. In 1987, the committee's charge was expanded to include oversight of public highway authorities and projects, such as E-470 and W-470. Public highway authorities are required to report each August to the committee on their activities in the preceding year and their plans for the coming year. In 1989, the General Assembly required the RTD to respond to committee requests for information.

In 1994, pursuant to Senate Bill 94-14, the committee's name was changed to the Transportation Legislation Review Committee to correspond with the renaming of the Department of Transportation. With the name change, the scope of the committee was expanded to parallel the department's focus which had begun incorporating all types of transportation. In 1997, the committee's authority was expanded to include oversight of rural transportation authorities. Pursuant to legislation enacted during the 2000 legislative session, effective January 1, 2001, the membership of the committee changed from three representatives, three senators, and five citizen members appointed by the Governor, to the members of the House Transportation and Energy and the Senate Transportation Committees.

# COMMITTEE ACTIVITIES

During the 2003 interim, the TLRC held five meetings and met with representatives of 28 agencies and organizations interested in the development and operation of Colorado's transportation systems. Some of the major topics addressed by the committee this interim are summarized below.

## Colorado Department of Transportation

The CDOT Executive Director reviewed the department's mission and vision statements, revenue sources and distributions, the federal discretionary fund program, Transportation Revenue Anticipation Notes (TRANS) moneys, planning efforts, transportation funding levels, performance-based funding for roads, the statewide tolling enterprise, and the transportation funding resource allocation. CDOT recommended considering resource allocation based on the 20-year statewide transportation plan and using performance-based measures for funding allocation.

Also reviewed were several CDOT program categories, such as system quality, safety, mobility, strategic projects, and program delivery. The department identified the differences in funding for these programs and their funding methods (i.e., plan, performance, formula, and project-based funding). CDOT is attempting to use performance-based funding for roads as there is a persistent challenge to distribute moneys among transportation programs without sacrificing the need to maintain surface treatment quality.

CDOT also provided an update on traffic congestion in Colorado. Remedying current traffic congestion requires a stronger partnership with the Regional Transportation District and other alternative transportation entities. The department believes that 95 percent of trips in Colorado are on roadways and approximately five percent of trips are on mass transit. In the upcoming year, the department is emphasizing program delivery, strategic projects, safety, and a ten-year funding shortage (\$1.442 billion) of transportation moneys in Colorado. The department believes that the legislature should continue to seek transportation funding via Senate Bill 97-1 funds, TRANS, and the processes spelled out in House Bill 02-1310. House Bill 02-1310 transfers general fund surplus, less the statutory four percent general fund reserve and less any excess state revenues, to the Highway Users Tax Fund and the Capital Construction Fund.

## Transportation Equity Act for the Twenty-First Century (TEA-21) Reauthorization

Several transportation entities offered an overview of the U.S. Department of Transportation's proposed surface transportation reauthorization act — Safe, Accountable,



Flexible and Efficient Transportation Equity Act of 2003 (SAFETEA). This reauthorization stresses transportation safety and may more than double highway safety funding. SAFETEA may include federal mandates which emphasize increasing seat belt usage, seeking .08 blood alcohol level laws, open container laws, and repeat offender laws. Additionally, stakeholders are: (1) proposing a continuation of budgetary "firewalls"(barriers) to limit SAFETEA funding to transportation projects; (2) relieving states from federal restrictions on toll financing; and (3) supporting the current minimum guarantee (a requirement that each state receive at least 90.5 percent of its contributions to the federal Highway Trust Fund). CDOT presented its reauthorization principles and those of Colorado's transportation stakeholders. The Regional Transportation District reviewed the reauthorization's transit aspects.

## **Department of Revenue**

The Department of Revenue has worked closely with the Colorado county clerks to improve license plate distribution in Colorado. The license plate system is now cash-funded, due to the enactment of Senate Bill 03-272, and computer programming is being completed to help implement the requirements of this bill. Senate Bill 03-272 imposed new fees on license plates, decals, placards, and tabs to cover the direct costs of their issuance and established a new cash fund to be administered by the department to cover the costs of license plates and related items.

In July 2003, there was a motor vehicle title processing backlog of approximately 112,000 vehicle titles in the state. The department sought to resolve this backlog by October 2003 and report on its progress to the legislature during the 2004 session. The department's goal is to have vehicle titles processed and available to customers within two weeks. This process may be assisted by many county clerk's offices which are now performing titling duties.

Due to state budget constraints, there has been a 17 percent reduction of the DOR's Driver License Section staff. Three percent of driver license renewal business is now being conducted by the counties. The average wait time for license renewal is now 65 minutes along the Front Range, an increase from 35 minutes last year.

The department also reported on the effectiveness of Colorado's graduated driver license program. Sixteen year-old drivers are three times more likely to be involved in motor vehicle accidents than 18 year-old drivers. Sixteen year-old drivers are ten times more likely to have accidents than adults. The DOR discussed the restrictions on young drivers under Colorado law, noting that fatalities have dropped significantly since the program was enacted in 1999.

## **Denver Regional Council of Governments (DRCOG)**

The DRCOG presented information on the status of regional transportation conditions, economic development, traffic congestion, and transportation needs and funding. Traffic congestion is one of the state's most significant transportation issues. Of Colorado's highway lane-miles that are congested, 60 percent are in the Denver region, while 40 percent are in the remainder of the state. Congestion hurts businesses through lost productivity and direct costs.

Two of the DRCOG's major focuses are economic development and congestion, as they relate to business relocation and expansion concerns. DRCOG reviewed statistics comparing Denver with other congested cities, citing the following factors: available workers, labor costs, congestion rank and growth in congestion. DRCOG believes that the Denver metro region contributes the majority of retail sales, income taxes, wages, and employment to the state. Currently, the transportation needs outweigh the available transportation funding. DRCOG estimates a transportation shortfall, through 2030, of \$13 billion. It believes state legislation is required to address the shortfall, in conjunction with federal TEA-21 reauthorization moneys, and other new sources of funding.

## **Regional Transportation District (RTD)**

The RTD reviewed the Transportation Expansion (T-REX) Project, including: (1) RTD expenditures and services provided; (2) budget summary; (3) current financial status; and (4) actions to mitigate economic conditions. RTD also responded to questions regarding the need to build more transportation infrastructure, stating that increased infrastructure is needed because people have moved and will move to Colorado regardless of the condition of the state's transportation infrastructure.

RTD reviewed the status of the T-REX project, which was over 50 percent complete at the time, and the Denver Union Station Master Plan. The district believes that the coordination and sharing of information among CDOT, DRCOG, and RTD is going well. RTD commented on FasTracks, and the proposal to seek a 0.4 percent increase in RTD sales/use tax to fund the project. FasTracks would improve and expand bus and rapid transit in the Denver metro area.

## **Public Highway Authorities**

In June 2003, representatives of the Northwest Parkway Authority commented on the near completion of the 11-mile section of road that will add the northwest link to the beltway around metropolitan Denver, which they believe will be accomplished in six months. It will join Interstate 25 and E-470 north of Denver. Representatives of the E-470 Public Highway Authority explained its mission to design, construct, operate, maintain and manage, as a toll facility, the eastern beltway around metropolitan Denver. They presented

a video depicting the creation of E-470, its bonding activities, the enactment of the Public Highway Authority Law, the adoption of a registration fee to support E-470, and the groundbreaking of toll road segments. Approximately 80 percent of E-470's revenue comes from tolls, ten percent from vehicle registration fees, and ten percent from interest income. Both E-470 and the Northwest Parkway Public Highway Authority will have complementary electronic transponder systems for paying tolls on their toll roads.

## SUMMARY OF RECOMMENDATIONS

As a result of the committee's activities, 16 bills were recommended to the Legislative Council. The Legislative Council reviews each interim committee's recommendations and determines whether the bills fall within the charge of the interim committee. In the 2003 interim, the Legislative Council approved eleven of the TLRC's recommended bills for introduction.

### **Bill A — Concerning a Prohibition Against Minor Drivers Carrying Minor Passengers**

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Bill A prohibits a motorist who is less than 18 years of age from driving with a passenger, less than 18 years old, unless the driver has held a license for at least six months. Current law does not restrict minor passengers from accompanying minor drivers. The following situations are exceptions to the prohibition: if the minor driver is accompanied by an adult at least 21 years of age who had a license for at least one year, all minor passengers are immediate family, or the driver is driving due to an emergency or employment.

### **Bill B — Concerning the Expiration Date of Certificates of Emissions Control for New Diesel Vehicles**

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Bill B modifies current law addressing the diesel emissions inspection program so that an emissions test is not required when a new diesel vehicle is sold unless the current emissions certificate expires within 12 months. House Bill 03-1016 changed the law regarding emissions inspections for gasoline-powered vehicles so that these vehicles would no longer be required to have an automatic emissions inspection when there is a change of ownership. This bill would do the same for diesel-powered vehicles.

### **Bill C — Concerning an Increase in the Maximum Dollar Amount of a Contract that a Public Airport Authority May Execute without Using a Competitive Bidding Process that Awards the Contract to the Lowest Responsible Bidder**

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Bill C increases the dollar threshold above which airport authorities must prepare bid packets for procurements. Current law requires airport authorities to prepare and submit formal, low responsible competitive bids for procurements of construction, labor and material contracts in excess of \$10,000. The bill would revise that amount from \$10,000 to \$50,000. This section of law has not been adjusted for inflation since it was adopted in 1963.

## **Bill D — Concerning the Consumption of Alcohol**

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Bill D reduces Colorado's 0.10 BAC standard to 0.08 for the offense of driving under the influence of alcohol, and makes conforming amendments. Under federal law, Colorado will lose a percentage of federal highway construction money in increasing percentages for each year that the standard is not adopted, including \$4,947,739 in FY 2003/2004.

## **Bill E — Concerning the Statewide Tolling Enterprise, and, in Connection therewith, Clarifying the Division of Responsibilities between the Board of the Enterprise and the Transportation Commission with Respect to the Operation of the Enterprise**

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Bill E amends current law to clearly define the duties and responsibilities of the Colorado Tolling Enterprise Board versus those of the Colorado Transportation Commission. The Colorado Transportation Commission serves as the Board of the Tolling Enterprise. Existing statutes addressing the Colorado Tolling Enterprise do not clearly delineate the duties and responsibilities of the Tolling Enterprise Board and the Commission.

## **Bill F — Concerning Information Signs on Interstate Highways within Specified Population Areas**

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Bill F expands the locations in which the Colorado Department of Transportation may use LOGO signs. These signs allow businesses to advertise, for example, the presence of hotels or gas stations, providing information of interest to the traveling public. Current Colorado law allows LOGO signs to be placed on interstates in areas with populations under 50,000. The bill would permit LOGO signs to be placed on interstates in all areas except for areas considered a federal Transportation Management Area (over 200,000 population.) The effect of the bill would be to permit the use of LOGO signs on interstates in Pueblo and Grand Junction, since these two cities do not meet the 200,000 population threshold.

## **Bill G — Concerning the Age at which a Person May Lawfully Drive a Motor Vehicle**

---

Bill G creates an incentive program for new drivers to successfully complete a four-hour course taught by Colorado law enforcement or driver education programs. It does this by increasing the age at which a teen may acquire a learner's permit from 15½ to 16, if the teen has not completed the four-hour training program. If the teen has completed the training program, he or she will be able to obtain the learner's permit at 15½. Teens would receive a regular license at the age of 16½. The bill also requires a teenager to hold an instruction permit for six months before becoming eligible for a driver license.

## **Bill H — Concerning the Recodification of Statutes that Concern Vehicles**

Bill H clarifies existing statutes, removes obsolete provisions, corrects terminology relating to the operations of the Department of Revenue, and makes changes in the law to facilitate the administration of motor vehicle laws. Due to its length, Bill H is not reproduced in its entirety in this report. Appendix A contains a list of the changes proposed by the bill.

## **Bill I — Concerning Electronic Renewal of a Driver's License**

Bill I allows drivers between the ages of 21 and 65 to renew licenses over the internet if the driver has paid a fee and any outstanding fines. The bill also allows the Department of Revenue to issue rules regarding internet renewals, including rules to minimize opportunities for identity theft or fraudulent acquisition of driver licenses.

## **Bill J — Concerning the Types of Records Necessary for the Department of Revenue to Administratively Revoke a Driver's License for Tampering with an Interlock Device**

Bill J removes the requirement that a court or peace officer provide the record that authorizes the DOR to administratively revoke a license for tampering with a required interlock device. Statutes governing the use of interlock devices allow for the revocation of restricted licenses if a driver in the program is guilty of an alcohol-related offense or is caught driving a vehicle without an interlock device. There is no provision in law to allow for the revocation of a restricted license in the case of tampering with an interlock device. The bill gives the department authority to take action based on the receipt of evidence of tampering from a vendor. The restricted driver would be able to request a hearing on such action.

## **Bill K — Concerning the Conditions Applicable to the Holders of Commercial Drivers' Licenses**

Bill K harmonizes Colorado law with recent changes in federal law and administrative rules specifying the grounds for suspension, revocation, and denial of commercial drivers' licenses, as well as the periods of suspension or disqualification that apply when a person commits certain prohibited acts. Rules for drivers of commercial vehicles are codified in federal regulations and Colorado law. Substantive changes have been made in federal law that should be reflected in Colorado law, including amendments to the Motor Carrier Safety Improvement Act of 1999 and the Patriot Act of 2002. New major offenses, penalties, and procedural changes have been made in federal law which should be codified in Colorado law.

# RESOURCE MATERIALS

The resource materials listed below were provided to the committee or developed by Legislative Council Staff during the course of the meetings. The summaries of meetings and attachments are available at the Division of Archives, 1313 Sherman Street, Denver, (303) 866-2055. Meeting summaries and materials developed by Legislative Council Staff are available from the Legislative Council staff.

<b>Meeting Summaries</b>	<b>Topics Discussed</b>
June 11, 2003	TEA-21 Reauthorization; radioactive waste disposal; renewable energy; Transit Alliance; Northwest Parkway Authority.
July 16 2003	Colorado Department of Public Health and Environment; Colorado Department of Revenue; Colorado County Clerks' Association; Public Utilities Commission; E-470 Public Highway Authority; Colorado Intermountain Fixed Guideway Authority; Colorado Motor Carriers Association.
August 19, 2003	Colorado Department of Transportation; rumble strips; Colorado State Patrol; Colorado Rock Products Association/Colorado Ready Mix Concrete Association; Denver Regional Council of Governments; Regional Transportation District; Cripple Creek & Victor Gold Mining Company; transit presentations; Colorado Department of Revenue; auto insurance; committee members' proposals for legislation.
September 10, 2003	Discussion of transportation resource allocation issue among federal, state, county, and local entities; committee members' proposals for legislation; Colorado Department of Transportation; State Aeronautics Division; presentation/amendment/adoption of draft TLRC legislation.
October 15, 2003	City of Golden; long-term traffic solution to US 6-Highway 93 corridor; presentation/amendment/adoption of TLRC legislation.

## **Memoranda and Reports**

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*2003 TLRC Report, Northwest Parkway Authority.*

*E-470 Public Highway Report to the TLRC.*

*SAFETEA, Safe, Accountable, Flexible and Efficient Transportation Equity Act of 2003, Key Information, U.S. Department of Transportation.*

*TEA-21 Reauthorization, Colorado TLRC, June 11, 2003, National Conference of State Legislatures.*

*CDOT's Policy Directions for TEA-21 Reauthorization - Basic Principles and Colorado's Principles for TEA-21 Reauthorization, Summary of Rumble Strips on Colorado State Highways and Interstates, Colorado Department of Transportation.*

*Regional Transportation District Presentation to the Transportation Legislation Review Committee, August 19, 2003.*

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*TLRC August 2003 CDOT Presentation, August 19, 2003.*

*Medicaid County Transportation Update, Joint Budget Committee, June 11, 2003.*

*Colorado Department of Revenue, List of Legislative Proposals.*



Bill A

HOUSE SPONSORSHIP

Williams

SENATE SPONSORSHIP

Chlouber

A BILL FOR AN ACT

CONCERNING A PROHIBITION AGAINST MINOR DRIVERS CARRYING MINOR PASSENGERS.

Bill Summary

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

Transportation Legislation Review Committee. Prohibits a minor from driving with minor passengers until the driver has held a driver's license for 6 months. Exempts drivers from the prohibition if one passenger is at least 21, if the minors are members of the driver's immediate family, or if the driver is driving on account of an emergency or for employment. Punishes violations with a \$15 to \$100 fine and 2 license suspension points.

Defines relevant terms.

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

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

42-4-116. Restrictions for minor drivers. (1) EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, A MINOR DRIVER SHALL NOT OPERATE A

MOTOR VEHICLE CONTAINING A MINOR PASSENGER UPON THE HIGHWAYS UNTIL SUCH DRIVER HAS HELD A DRIVER'S LICENSE FOR AT LEAST SIX MONTHS.

(2) THIS SECTION SHALL NOT APPLY IF:

(a) THE MOTOR VEHICLE CONTAINS AN ADULT AT LEAST TWENTY-ONE YEARS OF AGE WHO HAS HELD A DRIVER'S LICENSE FOR AT LEAST ONE YEAR;

(b) ALL THE MINOR PASSENGERS ARE MEMBERS OF THE DRIVER'S IMMEDIATE FAMILY; OR

(c) THE MINOR IS DRIVING ON ACCOUNT OF AN EMERGENCY OR FOR EMPLOYMENT.

(3) A VIOLATION OF THIS SECTION IS A CLASS B TRAFFIC INFRACTION AND SHALL BE PUNISHED ACCORDING TO SECTIONS 42-4-1701 (3) (a) (I) AND 42-2-127.

(4) FOR THE PURPOSES OF THIS SECTION:

(a) "MINOR DRIVER" MEANS A PERSON WHO IS OPERATING A MOTOR VEHICLE AND WHO IS LESS THAN EIGHTEEN YEARS OF AGE.

(b) "MINOR PASSENGER" MEANS A PERSON WHO IS RIDING IN, BUT NOT OPERATING, A MOTOR VEHICLE AND WHO IS LESS THAN EIGHTEEN YEARS OF AGE.

SECTION 2. 42-2-127 (5), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

42-2-127. Authority to suspend license - to deny license - type of conviction - points. (5) Point system schedule:

Type of conviction	Points
(jj) DRIVING WITH A MINOR PASSENGER IN VIOLATION OF SECTION 42-4-116	2

**SECTION 3. Effective date - applicability.** This act shall take effect July 1, 2004, and shall apply to offenses committed on or after said date.

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

**DRAFT**

*Colorado Legislative Council Staff*  
**STATE and LOCAL**  
**FISCAL IMPACT**  
*No State General Fund Impact*

<b>Drafting Number:</b> LLS 04-0243	<b>Date:</b> December 17, 2003
<b>Prime Sponsor(s):</b> Rep. Williams S. Sen. Arnold	<b>Bill Status:</b> Transportation Legislation Review Committee
<b>Fiscal Analyst:</b> Chris Ward (303-866-5834)	

**TITLE:** CONCERNING A PROHIBITION AGAINST MINOR DRIVERS CARRYING MINOR PASSENGERS.

<b>Fiscal Impact Summary</b>	<b>FY 2004/2005</b>	<b>FY 2005/2006</b>
<b>State Revenues</b>		
General Fund		
Cash Fund - Highway Users Tax Fund	less than \$10,000	less than \$10,000
<b>State Expenditures</b>		
General Fund		
Cash Fund - Highway Users Tax Fund	less than \$10,000	less than \$10,000
<b>FTE Position Change</b>	0.0 FTE	0.0 FTE
<b>Other State Impact:</b> TABOR Impact from fine revenue		
<b>Effective Date:</b> July 1, 2004		
<b>Appropriation Summary for FY 2004/2005:</b> None required		
<b>Local Government Impact:</b> Increased HUTF distributions to counties and municipalities		

**Summary of Legislation**

The bill prohibits a minor (under age 18) from driving with minor passengers until the driver has held a driver's license for 6 months. The following exceptions are allowed:

1. If the vehicle contains a passenger at least 21 years old who has held a driver's license for at least one year;
2. if all the minors are members of the driver's immediate family; or
3. if the driver is driving on account of an emergency or for employment.

Violations would be considered class B traffic infractions and punishable by a fine of between \$15 and \$100 and 2 license suspension points.

**State Revenues**

The bill may increase fine revenue from traffic infractions, although the amount of any increase is expected to be less than \$10,000. Any such revenue would be credited to the Highway Users Tax Fund. Assuming an average fine of \$50, 200 people would need to be charged for revenues to increase by more than \$5,000. However, it is assumed that fewer than 200 citations would be issued per year, given the limited number of drivers to which the offense applies.

The bill may also increase the number of driver's licenses revoked, increasing revenue from reinstatements, although this impact is expected to be minimal. After the period of revocation, a driver must pay \$75.60 to have their driving privileges reinstated and get a new driver's license.

**State Expenditures**

The Department of Revenue would be required to modify the driver control system to account for the new type of traffic infraction, although this modification can be accomplished within existing resources. Any other impact in the handling of additional traffic infractions is expected to be minimal.

**Other State Impacts**

Any additional revenue collected as a result of this bill will increase the amount of excess state revenue required to be refunded to taxpayers under TABOR.

**Local Government Impact**

The bill may increase HUTF revenue from fines, a portion of which is distributed to counties and municipalities for highway purposes.

**State Appropriations**

No new state appropriations are required to implement the bill in FY 2004-05.

**Departments Contacted**

Public Safety                  Revenue

**Bill B**

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**HOUSE SPONSORSHIP**

Ragsdale

**SENATE SPONSORSHIP**

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**A BILL FOR AN ACT**

**CONCERNING THE EXPIRATION DATE OF CERTIFICATES OF  
EMISSIONS CONTROL FOR NEW DIESEL VEHICLES.**

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**Bill Summary**

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

**Transportation Legislation Review Committee.** Exempts a new diesel vehicle from getting an emissions inspection when it is sold, unless the current emissions certificate expires within 12 months.

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

**SECTION 1.** 42-4-406 (1) (b), Colorado Revised Statutes, is amended to read:

**42-4-406. Requirement of certification of emissions control for registration - testing for diesel smoke opacity compliance.** (1) (b) (I) A certification of emissions control shall be issued to any diesel vehicle which THAT has been inspected and tested pursuant to subsection (2) of this section for diesel smoke opacity compliance and was found at such time to be within the smoke opacity limits established by the commission.

(II) Notwithstanding the provisions of subparagraph (I) of this

paragraph (b), new diesel vehicles, required under this section to have a certification of emissions control, shall be issued a certification of emissions compliance without inspection or testing. PRIOR TO THE EXPIRATION OF SUCH CERTIFICATION, SUCH VEHICLE SHALL BE INSPECTED AND A CERTIFICATION OF EMISSIONS CONTROL SHALL BE OBTAINED FOR DIESEL SMOKE OPACITY COMPLIANCE. Such certificate shall expire on THE EARLIEST TO OCCUR OF THE FOLLOWING:

(A) The anniversary of the day of the issuance of such certification when such vehicle has reached its second model year if it is a light-duty diesel vehicle;

(B) THE ANNIVERSARY OF THE DAY OF THE ISSUANCE OF SUCH CERTIFICATION WHEN SUCH VEHICLE HAS REACHED its fourth model year if it is a heavy-duty diesel vehicle; or

(C) On the date of the transfer of ownership ~~prior to such expiration~~ IF SUCH DATE IS WITHIN TWELVE MONTHS BEFORE SUCH CERTIFICATION WOULD EXPIRE PURSUANT TO SUB-SUBPARAGRAPH (A) OR (B) OF THIS SUBPARAGRAPH (II), unless such transfer of ownership is a transfer from the lessor to the lessee. ~~Prior to the expiration of such certification, such vehicle shall be inspected and a certification of emissions control shall be obtained for diesel smoke opacity compliance.~~

**SECTION 2. Effective date.** This act shall take effect July 1, 2004.

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

**DRAFT**

**Bill B**

Colorado Legislative Council Staff  
**STATE and LOCAL  
FISCAL IMPACT**

**Drafting Number:** LLS 04-0133  
**Prime Sponsor(s):** Rep. Ragsdale

**Date:** December 9, 2003  
**Bill Status:** Transportation Legislation Review  
Committee  
**Fiscal Analyst:** Chris Ward (303-866-5834)

**TITLE:** CONCERNING THE EXPIRATION DATE OF CERTIFICATES OF EMISSIONS CONTROL FOR NEW DIESEL VEHICLES.

<b>Fiscal Impact Summary</b>	<b>FY 2004/2005</b>	<b>FY 2005/2006</b>
<b>State Revenues</b>		
General Fund		
Cash Fund - HUTF/AIR Account	(\$1,980)	(\$2,020)
<b>State Expenditures</b>		
General Fund		
Cash Fund Exempt - HUTF/CSTRS Account	\$2,435	
<b>FTE Position Change</b>	0.0 FTE	0.0 FTE
<b>Other State Impact:</b> TABOR Impact		
<b>Effective Date:</b> July 1, 2004		
<b>Appropriation Summary for FY 2004/2005:</b> Dept. of Revenue - \$2,435 - HUTF/CSTRS Account *		
<b>Local Government Impact:</b> Minimal cost savings to local governments that operate diesel vehicles		

\* This appropriation may also be included in the FY 2004-05 Long Bill.

**Summary of Legislation**

Under current law, new diesel vehicles are exempt from emission testing requirements. Light duty diesel vehicles are exempt for the first two model years, while heavy duty diesel vehicles are exempt for the first four model years. However, any vehicle sold within the exempt period must be tested. This bill expands the exemption to include vehicles that are sold prior to 12 months before the new-vehicle exemption expires. This will affect light-duty vehicles resold within one year of their initial sale and heavy-duty diesel vehicles resold in their first three years of service. The emissions testing program only applies to vehicles registered or routinely operated in the contiguous ten-county Front Range area.

## State Revenues

Diesel emissions inspection stations must impose a \$5 fee on each test they conduct to cover the costs of the Department of Public Health and Environment and the Department of Revenue related in administering the AIR program. This fee, which is set by the Air Quality Control Commission, is paid by owners of private non-fleet diesel vehicles at the time the vehicle is tested. Owners of other diesel vehicles (RTD buses; state, county, and municipal vehicles; and private diesel fleets of nine or more vehicles) participate in the inspection program through self-verification inspection procedures and are not subject to the fee.

By expanding the exemption for new vehicles, the bill will affect an estimated 396 vehicles in FY 2004-05, reducing state revenue from fees imposed for emissions inspections of diesel vehicles by roughly \$2,000 annually. The FY 2004-05 impact is estimated at \$1,980. Assuming two percent growth in the number of vehicles each year, the revenue loss will total \$2,020 in FY 2005-06. By reducing state revenues, this bill will reduce the amount of any potential future state refunds under TABOR.

## State Expenditures

The Department of Revenue would be required to modify the motor vehicle registration system to account for the new cycle of emission tests for diesel vehicles. This includes both modifications to the current system, as well as modifications to a new system being developed. Departmental staff will be responsible for modifying the current system, while contract programmers will modify the new system under a change order. Modifications to the current system will require an estimated 24 hours of computer programming, at a cost of \$1,056. Modifications to the new system are estimated to require 8 hours at a cost of \$1,379. Together, these costs total \$2,435 and would be paid from the Colorado State Titling and Registration System (CSTRS) account in the HUTF in FY 2004-05.

It should be noted that the computer programming resources identified to implement the bill may also be included in the FY 2004-05 Long Bill appropriation to the Department of Revenue. If these resources are provided, no further appropriation for computer programming will be required to implement the bill.

## Local Government Impact

Counties and municipalities that operate diesel vehicles in the program area are responsible for inspecting and certifying such vehicles. By reducing the frequency of such inspections, the bill will reduce the costs of these local governments. These cost savings have not been estimated, but are expected to be minimal.

**State Appropriations**

For FY 2004-05, the Department of Revenue would require a cash fund exempt appropriation of \$2,435 from the Colorado State Titling and Registration Account in the Highway Users Tax Fund. However, if these moneys are provided in the Long Bill, no additional appropriation is required.

**Departments Contacted**

Public Health and Environment

Revenue



**Bill C**

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**HOUSE SPONSORSHIP**

**Borodkin**

**SENATE SPONSORSHIP**

**Takis**

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**A BILL FOR AN ACT**

**CONCERNING AN INCREASE IN THE MAXIMUM DOLLAR AMOUNT OF A CONTRACT THAT A PUBLIC AIRPORT AUTHORITY MAY EXECUTE WITHOUT USING A COMPETITIVE BIDDING PROCESS THAT AWARDS THE CONTRACT TO THE LOWEST RESPONSIBLE BIDDER.**

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**Bill Summary**

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

**Transportation Legislation Review Committee.** Requires a public airport authority to invite bids and award a contract for the construction of works, structures, or equipment or the performance or furnishing of labor, materials, or supplies to the lowest responsible bidder only if the value of the contract is \$50,000 or more, rather than \$10,000 or more as specified in existing law.

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

**SECTION 1.** 41-3-105 (5) (h), Colorado Revised Statutes, is amended to read:

**41-3-105. Board of commissioners.** (5) The board, in addition to any other powers conferred by this article, has the following powers:

(h) To prescribe a method of auditing and allowing or rejecting

claims and demands and a method for the letting of contracts on a fair and competitive basis for the construction of works, structures, or equipment or the performance or furnishing of labor, materials, or supplies as required for the carrying out of any of the purposes of this article; but, in cases where the amount involved is ten FIFTY thousand dollars or more, the board shall provide for the letting of contracts to the lowest responsible bidder after publication in the official newspaper of notices inviting bids, subject to the right of said board to reject any and all proposals and to readvertise for bids as provided in this section. The procedures above described shall be subject to the approval of the board of county commissioners of any county independently creating an authority under the provisions of this article, and any action on the part of the board to raise or increase revenue from any source whatsoever for the purposes of the authority shall also be subject to such approval. The board shall be bound to carry out any action requested by the board of county commissioners.

**SECTION 2. Effective date - applicability.** (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution (August 4, 2004, if adjournment sine die is on May 5, 2004); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) This act shall apply to contracts executed on or after the effective date of this act.

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Colorado Legislative Council Staff  
STATUTORY PUBLIC ENTITY

FISCAL IMPACT  
No State General Fund Impact

Drafting Number: LLS 04-0130 Date: November 26, 2003  
Prime Sponsor(s): Rep. Borodkin Bill Status: Transportation Legislation Review Committee  
Sen. Takis Fiscal Analyst: Steve Tammeus (303-866-2756)

TITLE: CONCERNING AN INCREASE IN THE MAXIMUM DOLLAR AMOUNT OF A CONTRACT THAT A PUBLIC AIRPORT AUTHORITY MAY EXECUTE WITHOUT USING A COMPETITIVE BIDDING PROCESS THAT AWARDS THE CONTRACT TO THE LOWEST RESPONSIBLE BIDDER.

Fiscal Impact Summary	FY 2004/2005	FY 2005/2006
State Revenues General Fund		..
State Expenditures General Fund		..
FTE Position Change	0.0 FTE	0.0 FTE
Other State Impact: None		
Effective Date: August 4, 2004, unless a referendum petition is filed.		
Appropriation Summary for FY 2004/2005: None		
Local Government Impact: Decreases airport authority contracting and administrative costs.		

Summary of Legislation

This bill revises the Public Airport Authority Law by increasing from \$10,000 to \$50,000 the contract value by which a public airport authority must invite bids and award a construction or performance contract.

Statutory Public Entity Impact

This bill may reduce airport authority contracting and administrative costs by reducing the number of requests for competitive bids that must be developed for construction or performance contracts. A survey of the seven authorities in the state indicates that some authorities may eliminate up to five requests per year generating a savings of up to \$25,000.

**State Appropriations**

No new state appropriations will be required for FY 2004-05.

**Departments Contacted**

Transportation

Local Affairs

State Auditor

**Bill D**

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**HOUSE SPONSORSHIP**

**Briggs**

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**SENATE SPONSORSHIP**

**McElhany**

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**A BILL FOR AN ACT**

**CONCERNING THE CONSUMPTION OF ALCOHOL.**

**Bill Summary**

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

**Transportation Legislation Review Committee.** For driving under the influence of alcohol, lowers the blood alcohol content level to 0.08 grams of alcohol per 100 milliliters of blood or per 210 liters of breath.

Makes conforming amendments.

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

**SECTION 1.** 42-4-1301 (2) (a), (6) (a) (II), and (6) (a) (III), Colorado Revised Statutes, are amended to read:

**42-4-1301. Driving under the influence - driving while impaired - driving with excessive alcoholic content - penalties.** (2) (a) It is a misdemeanor for any person to drive any vehicle in this state when the person's BAC is ~~0.10~~ 0.08 or more at the time of driving or within two hours after driving. During a trial, if the state's evidence raises the issue, or if a defendant presents some credible evidence, that the defendant consumed alcohol between the time that the defendant stopped driving and the time that testing occurred, such issue shall be an affirmative defense, and the prosecution must establish beyond a reasonable doubt that the minimum ~~0.10~~ 0.08 blood or breath alcohol content required in this paragraph (a) was reached as a result of alcohol consumed by the defendant before the defendant stopped driving.

(6) (a) In any prosecution for DUI or DWAI, the defendant's BAC at the time of the commission of the alleged offense or within a reasonable time thereafter gives rise to the following presumptions or inferences:

(II) If at such time the defendant's BAC was in excess of 0.05 but less than ~~0.10~~ 0.08, such fact gives rise to the permissible inference that the defendant's ability to operate a vehicle was impaired by the consumption of alcohol, and such fact may also be considered with other competent evidence in determining whether or not the defendant was under the influence of alcohol.

(III) If at such time the defendant's BAC was ~~0.10~~ 0.08 or more, such fact gives rise to the permissible inference that the defendant was under the influence of alcohol.

**SECTION 2.** 42-4-1300.3 (3), Colorado Revised Statutes, is

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amended to read:

**42-4-1300.3. Definitions.** As used in this part 13, unless the context otherwise requires:

(3) "DUI per se" means driving with a BAC of ~~0.10~~ 0.08 or more, and use of the term shall incorporate by reference the offense described in section 42-4-1301 (2) (a).

**SECTION 3.** 18-3-106 (2) (b) and (2) (c), Colorado Revised Statutes, are amended to read:

**18-3-106. Vehicular homicide.** (2) In any prosecution for a violation of subsection (1) of this section, the amount of alcohol in the defendant's blood or breath at the time of the commission of the alleged offense, or within a reasonable time thereafter, as shown by analysis of the defendant's blood or breath, shall give rise to the following presumptions:

(b) If there was at such time in excess of 0.05 but less than ~~0.10~~ 0.08 grams of alcohol per one hundred milliliters of blood, or if there was at such time in excess of 0.05 but less than ~~0.10~~ 0.08 grams of alcohol per two hundred ten liters of breath, such fact may be considered with other competent evidence in determining whether or not the defendant was under the influence of alcohol.

(c) If there was at such time ~~0.10~~ 0.08 or more grams of alcohol per one hundred milliliters of blood, or if there was at such time ~~0.10~~ 0.08 or more grams of alcohol per two hundred ten liters of breath, it shall be presumed that the defendant was under the influence of alcohol.

**SECTION 4.** 18-3-205 (2) (b) and (2) (c), Colorado Revised Statutes, are amended to read:

**18-3-205. Vehicular assault.** (2) In any prosecution for a violation of subsection (1) of this section, the amount of alcohol in the defendant's blood or breath at the time of the commission of the alleged offense, or within a reasonable time thereafter, as shown by analysis of the defendant's blood or breath, shall give rise to the following presumptions:

(b) If there was at such time in excess of 0.05 but less than ~~0.10~~ 0.08 grams of alcohol per one hundred milliliters of blood, or if there was at such time in excess of 0.05 but less than ~~0.10~~ 0.08 grams of alcohol per two hundred ten liters of breath, such fact may be considered with other competent evidence in determining whether or not the defendant was under the influence of alcohol.

(c) If there was at such time ~~0.10~~ 0.08 or more grams of alcohol per one hundred milliliters of blood, or if there was at such time ~~0.10~~ 0.08 or more grams of alcohol per two hundred ten liters of breath, it shall be presumed that the defendant was under the influence of alcohol.

**SECTION 5.** 42-2-126 (2) (a) (I), (2) (a) (I.5), (5) (a) (I), (7) (a) (I), (9) (c) (I), and (9) (c) (II), Colorado Revised Statutes, are amended to read:

**42-2-126. Revocation of license based on administrative determination.** (2) (a) The department shall revoke the license of any person upon its determination that the person:

(I) Drove a vehicle in this state when the amount of alcohol, as shown by analysis of the person's blood or breath, in such person's blood was ~~0.10~~ 0.08

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or more grams of alcohol per one hundred milliliters of blood or ~~0.10~~ 0.08 or more grams of alcohol per two hundred ten liters of breath at the time of driving or within two hours after driving. If the preponderance of the evidence establishes that such person consumed alcohol between the time that the person stopped driving and the time of testing, the preponderance of the evidence must also establish that the minimum ~~0.10~~ 0.08 blood or breath alcohol content was reached as a result of alcohol consumed before the person stopped driving.

(1.5) Drove a vehicle in this state when such person was under twenty-one years of age and when the amount of alcohol, as shown by analysis of the person's blood or breath, in such person's blood was in excess of 0.05 but less than ~~0.10~~ 0.08 grams of alcohol per one hundred milliliters of blood or in excess of 0.05 but less than ~~0.10~~ 0.08 grams of alcohol per two hundred ten liters of breath at the time of driving or within two hours after driving. If the preponderance of the evidence establishes that such person consumed alcohol between the time that the person stopped driving and the time of testing, the preponderance of the evidence must also establish that the minimum required blood or breath alcohol content was reached as a result of alcohol consumed before the person stopped driving.

(5) (a) (I) Whenever a law enforcement officer requests a person to take any test or tests as required by section 42-4-1301.1 and such person refuses to take or to complete or to cooperate in the completing of such test or tests or whenever such test results are available to the law enforcement officer and such tests show an alcohol concentration of ~~0.10~~ 0.08 or more grams of

alcohol per one hundred milliliters of blood as shown by analysis of such person's blood or ~~0.10~~ 0.08 or more grams of alcohol per two hundred ten liters of breath as shown by analysis of such person's breath if the person is twenty-one years of age or older or, subject to section 42-4-1301.1, at least 0.02 but not in excess of 0.05 grams of alcohol per two hundred ten liters of breath as shown by analysis of such person's breath if the person is under twenty-one years of age and when the person who is tested or who refuses to take or to complete or to cooperate in the completing of any test or tests is still available to the law enforcement officer, the officer, acting on behalf of the department, shall serve the notice of revocation personally on such person.

(7) (a) The periods of revocation specified by subsection (6) of this section are intended to be minimum periods of revocation for the described conduct. No license shall be restored under any circumstances, and no probationary license shall be issued during the revocation period; except that:

(I) A person whose privilege to drive a commercial motor vehicle has been revoked because the person drove a commercial motor vehicle when the person's blood alcohol content was 0.04 or greater, but less than ~~0.10~~ 0.08, grams of alcohol per one hundred milliliters of blood or per two hundred ten liters of breath and who was twenty-one years of age or older at the time of the offense may apply for a driver's license of another class or type as long as there is no other statutory reason to deny the person a license. Such person may not operate any commercial motor vehicle during the period of revocation of such person's privilege to operate commercial motor vehicles. The department may

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not issue such person a probationary license that would authorize such person to operate any commercial motor vehicle.

(9) (c) (I) Where a license is revoked under subparagraph (I), (I.5), or (I.7) of paragraph (a) of subsection (2) of this section, the sole issue at the hearing shall be whether, by a preponderance of the evidence, the person drove a vehicle in this state when the amount of alcohol, as shown by analysis of the person's blood or breath, in such person's blood was ~~0.10~~ 0.08 or more grams of alcohol per one hundred milliliters of blood or ~~0.10~~ 0.08 or more grams of alcohol per two hundred ten liters of breath at the time of driving or within two hours after driving if the person was twenty-one years of age or older at the time of driving the vehicle or, subject to section 42-4-1301.1, at least 0.02 but not in excess of 0.05 grams of alcohol per two hundred ten liters of breath at the time of driving or within two hours after driving if the person was under twenty-one years of age at the time of driving the vehicle, or in excess of 0.05 grams of alcohol per one hundred milliliters of blood or in excess of 0.05 grams of alcohol per two hundred ten liters of breath at the time of driving or within two hours after driving if the person was under twenty-one years of age at the time of driving the vehicle. If the preponderance of the evidence establishes that such person consumed alcohol between the time that the person stopped driving and the time that testing occurred, the preponderance of the evidence must also establish that the minimum ~~0.10~~ 0.08 blood or breath alcohol content required in subparagraph (I) of paragraph (a) of subsection (2) of this section, the minimum 0.05 blood or breath alcohol content required in

subparagraph (I.5) of paragraph (a) of subsection (2) of this section, or the minimum 0.02 breath alcohol content required in subparagraph (I.7) of paragraph (a) of subsection (2) of this section was reached as a result of alcohol consumed before the person stopped driving; or, where a license is revoked under subparagraph (II) of paragraph (a) of subsection (2) of this section, whether the person refused to take or to complete or to cooperate in the completing of any test or tests of the person's blood, breath, saliva, or urine as required by section 42-4-1301.1. If the presiding hearing officer finds the affirmative of the issue, the revocation order shall be sustained. If the presiding hearing officer finds the negative of the issue, the revocation order shall be rescinded.

(II) When the determination of the issue pursuant to this paragraph (c) is based upon an analysis of the respondent's blood or breath and evidence is offered by the respondent to show a disparity between the results of the analysis done on behalf of the law enforcement agency and the results of an analysis done on behalf of the respondent, and when a preponderance of the evidence establishes that the blood analysis conducted on behalf of the law enforcement agency was properly conducted by a qualified person associated with a laboratory certified by the department of public health and environment using properly working testing devices or when a preponderance of the evidence establishes that the law enforcement breath test was administered using a properly working breath testing device certified by the department of public health and environment, which device was properly operated by a qualified

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operator, there shall be a presumption favoring the accuracy of the analysis done on behalf of the law enforcement agency if such analysis showed the amount of alcohol in the respondent's blood or breath to be ~~0.12~~ 0.096 or more grams of alcohol per hundred milliliters of blood or ~~0.12~~ 0.096 or more grams of alcohol per two hundred ten liters of breath. If the respondent offers evidence of blood or breath analysis, the respondent shall be required to state under oath the number of analyses done in addition to the one offered as evidence and the names of the laboratories that performed the analyses and the results of all analyses.

**SECTION 6. Effective date - applicability.** This act shall take effect July 1, 2004, and shall apply to offenses committed on or after said date.

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



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Bill D

Colorado Legislative Council Staff  
**STATE and LOCAL  
FISCAL IMPACT**

**Drafting Number:** LLS 04-0087  
**Prime Sponsor(s):** Rep. Briggs  
Sen. McElhany

**Date:** January 5, 2004  
**Bill Status:** Transportation Legislation Review  
Committee  
**Fiscal Analyst:** Chris Ward (303-866-5834)

**TITLE:** CONCERNING THE CONSUMPTION OF ALCOHOL.

Fiscal Impact Summary	FY 2004/2005	FY 2005/2006
<b>State Revenues</b>		
General Fund		
Cash Funds - HUTF (various accounts)	\$71,638	\$116,435
Federal Funds	potential increase	potential increase
<b>State Expenditures</b>		
General Fund	\$8,377	\$8,377
Cash Funds	83,950	78,362
GF Transfer to Corrections Expansion Reserve Fund		76,414
Federal Funds	potential increase	potential increase
<b>FTE Position Change</b>	0.6 FTE	0.6 FTE
<b>Other State Impact: TABOR Impact</b>		
<b>Effective Date:</b> July 1, 2004		
<b>Appropriation Summary for FY 2004/2005:</b>		
Department of Revenue - \$83,950 and 0.4 FTE - HUTF/Driver's License Revocation Account *		
Judicial Department - \$8,377 and 0.2 FTE - General Fund		
Five-Year Fiscal Impact on Correctional Facilities		
<b>Local Government Impact:</b> Increased HUTF distributions to counties and municipalities		

\* This includes \$3,520 which may also be appropriated in the FY 2003-04 Long Bill.

**Summary of Legislation**

This bill lowers the blood alcohol content (BAC) for the offense of driving under the influence of alcohol from 0.10 grams per 100 ml of blood to 0.08 grams per 100 ml in order to qualify for federal highway funding pursuant to federal requirements contained in 23 U.S.C. sec. 163.

**Background**

The current federal Department of Transportation Appropriations Act, in effect since October 2002, establishes 0.08 BAC as the national standard for driving under the influence (DUI). The act required states to adopt this standard by October 1, 2003, or risk losing federal highway funds. States that did not meet this deadline will have moneys withheld, although these moneys can be recovered by states if a law is passed within four years. As of the deadline, all but five states (Colorado, Delaware, Minnesota, New Jersey and West Virginia) have adopted a law that complies with the federal mandate.

**State Revenues**

The bill will affect the amount of federal highway moneys received by the Department of Transportation, as well as state revenue from fees collected by the Department of Revenue. Fee revenue is expected to increase by at least **\$71,638 in FY 2004-05** and **\$116,435 in 2005-06**. However, this estimate is based on the minimum expected number of probationary driver's licenses issued and the number of driver's license reinstatements. Assuming the maximum, the bill could increase state revenues by \$214,078 in FY 2004-05 and \$347,945 in FY 2005-06. This revenue would be credited to various accounts in the Highway Users Tax Fund (HUTF).

*Department of Transportation.* By complying with the federal drunken driving standard of 0.08 BAC, Colorado will avoid jeopardizing federal highway funds. The estimated sanctions for not adopting the 0.08 BAC standard are shown in Table 1. States who comply with the federal standard by the end of federal FY 2007 are eligible to have their withheld funds restored.

<b>Table 1. Federal Highway Funding Sanctions Avoided by Passage of Bill D</b>		
<b>Federal FY</b>	<b>Penalty</b>	<b>Est. Federal Funds</b>
2004	2 percent	\$4,947,739
2005	4 percent	\$9,895,477
2006	6 percent	\$14,843,216
2007	8 percent	\$19,790,955

The Department of Transportation also reports that Colorado may be eligible for up to \$1.4 million in federal incentive moneys if a 0.08 BAC law is adopted by January 31, 2004, and the law is effective before February 29, 2004.

*Department of Revenue.* Current law requires the Department of Revenue to revoke the license of any person found to have a blood alcohol content above the *per se* level for DUI. Under *per se* laws, a BAC level above the set limit is a violation in and of itself, and impairment need not be demonstrated. By lowering the legal threshold for DUI from 0.10 to 0.08, the bill is estimated to

increase the number of licenses revoked each year by between 6 percent and 18 percent. A 6 percent increase would result in 1,475 new revocations; an 18 percent increase would result in 4,409 new revocations.

Of the new revocations, 72 percent are expected to be for first-time DUI offenses. These first-time offenders are eligible for an alternative punishment established under SB 03-076. Of these first time offenders, 80 percent are expected to choose the alternative sentence, which allows an applicant to obtain a five-month probationary license, subject to an administrative hearing, after completing the mandatory one-month suspension. The fee for a probationary license is \$5.60. After the probationary period, the driver is eligible for a regular license. The fee for a regular license is \$15.60, but these applicants must also pay a reinstatement fee of \$60.

Drivers ineligible for the alternative punishment established under SB 03-076, or who do not choose that option, will have their driving privileges revoked for at least three months before they can apply for reinstatement. Any driver whose license is revoked and wishes to have his or her driving privileges restored must pay a \$60 fee for reinstatement as well as a \$15.60 fee for a new license. However, only about 92 percent of the revocations are expected to result in reinstatement, and only 11 months of revenue is anticipated in FY 2004-05 because of the mandatory one-month revocation period.

### **State Expenditures**

This bill will increase costs of the Department of Revenue and the Judicial Department in FY 2004-05, and the Department of Corrections beginning in FY 2005-06. The actual increase in expenditures will depend mainly on the number of people whose blood alcohol content while driving is tested at a level between 0.08 and 0.10. This fiscal note assumes an 8 percent increase in DUI cases for the Judicial Department and between a 6 percent and a 20 percent increase in the number of hearings for the Department of Revenue. For FY 2004-05, the bill is expected to increase state General Fund expenditures by an estimated **\$8,377 and 0.2 FTE** and state cash fund expenditures by at least **\$83,950 and 0.4 FTE**. Beginning in FY 2005-06, the bill is expected to increase state expenditures by at least \$152,268 and 0.6 FTE. The impacts are described below.

*Department of Revenue.* Any person whose blood alcohol level while driving measures between 0.08 and 0.10 would have their license revoked by the Department of Revenue. A person whose license is revoked for DUI may request a hearing prior to the revocation and roughly one-half of all people eligible to request a hearing do so. In addition, a person may request a hearing to determine if they are eligible for a probationary driver's license under SB 03-076. To handle the increased number of hearings, the Department of Revenue will require additional resources beginning in FY 2004-05. A 6 percent increase in revocations is expected to add 1,801 hearings in FY 2004-05 and 1,874 hearings per year thereafter. An 18 percent increase in revocations is expected to add 5,382 hearings in FY 2004-05 and 5,599 hearings per year thereafter. It should be noted, however, that the recent enactment of SB 03-076 has provided only a limited time frame for gauging the impact of the alternative sentencing program on the demand for hearings. Therefore, the estimated impact

on hearings of this bill is based roughly on the same assumptions used in estimating the impact of SB 03-076.

In addition to the cost of hearings, the bill requires personnel to process revocations and reinstatements, as well as modifications to forms, computer programming, and operating and capital costs associated with new staff. Table 2 shows the estimated costs of the bill to the Department of Revenue. These costs will be cash-funded from the Driver License Revocation Account of the HUTF, which consists of the \$60 fee paid for reinstating revoked driver licenses.

Table 2. Department of Revenue Impact under Bill D		
	FY 2004-05	FY 2005-06
Estimated Hearings Increase	1,801	1,874
Personal Services Costs	* \$66,708	\$63,188
Operating Expenses	\$13,453	\$15,174
Capital	\$3,789	\$0
<b>Total Expenses</b>	<b>\$83,950</b>	<b>\$78,362</b>
<b>Total FTE</b>	<b>0.4</b>	<b>0.4</b>

\* includes \$3,520 in computer programming costs that may also be funded through the Long Bill.

The data in Table 2 indicate the minimum expected impact of the bill. However, the potential impact could be much greater depending on the actual number of DUI arrests and the number of requested hearings. For example, an 18 percent increase in DUI revocations would require roughly \$225,000 and 1.1 FTE. This fiscal note illustrates the minimum expected impact, and assumes that any additional resources needed by the department will be considered as a supplemental budget request.

The Driver Handbook will be updated in the next regular cycle, avoiding nearly \$40,000 in costs for updating and printing based solely on the changes made by this bill.

**Judicial Department.** The bill will increase the number of cases charged with DUI, increasing the workload of the Judicial Department for handling DUI trials. In addition, the department will see an increase in the number of Driving Under Restraint cases following a driver's loss of their license under a DUI conviction. In total, the bill is expected to increase the workload of the Judicial Department by 2,602 cases annually, including 2,503 additional DUI cases and 99 additional Driving Under Restraint cases. Assuming one percent of these cases go to trial, the department will hold an additional 26 trials annually, requiring an estimated **\$8,377 and 0.2 FTE annually**. These costs would be paid from the General Fund.

**Department of Corrections.** The Department of Corrections will be impacted as a result of the lower BAC level to establish a presumption of driving under the influence of alcohol. The presumption will lead to a greater number of offenders sentenced from a vehicular homicide (a class 4 felony) to aggravated vehicular homicide (a class 3 felony). Moreover, the lower BAC level will lead to a greater number of offenders sentenced from vehicular assault (a class 5 felony) to

aggravated vehicular assault (a class 4 felony). Based on the expected increase in DUI cases, one additional vehicular homicide and two vehicular assaults will have aggravated sentences annually. Because these offenders are currently sentenced to prison, the prison bed impact will occur in FY 2005-06, when these inmates would have been released but will stay in prison longer serving longer sentences due to this bill. The estimated length of stay for the vehicular homicide offender will increase from 45.6 months to 70.4 months. The estimated length of stay for the vehicular assault offenders will increase from 17.5 months to 31.9 months. The impact is shown in Table 3.

**Five-Year Fiscal Impact on Correctional Facilities**

Section 2-2-703, C.R.S., requires that bills resulting in a net increase in periods of imprisonment cannot be passed without five years of appropriations for prison bed construction and operating costs. Construction costs are estimated to be \$69,467 per inmate bed. It should be noted that the construction costs reflect the funding needed to construct inmate beds in the fiscal year prior to when additional offenders are expected to enter the system. This lag accounts for the estimated time for criminal filing, trial, disposition, and sentence. Prison operating costs are estimated to be \$17,677 per bed per year to reflect the cost of placing an inmate in a private prison facility or in a county jail contract placement.

<b>Table 3. Five-Year Fiscal Impact on Correctional Facilities</b>				
<b>Fiscal Year</b>	<b>Inmate Bed Impact</b>	<b>Construction Cost</b>	<b>Operating Cost</b>	<b>Total Cost</b>
FY 2004-05	0.0	0	0	0
FY 2005-06	0.0	\$76,414	\$0	\$76,414
FY 2006-07	1.1	\$90,307	\$19,445	\$109,752
FY 2007-08	2.4	\$13,893	\$42,425	\$56,318
FY 2008-09	2.6	\$69,467	\$45,960	\$115,427
<b>TOTAL</b>		<b>\$250,081</b>	<b>\$107,830</b>	<b>\$357,911</b>

**Other State Impacts**

The increase in state revenue from fees will count towards the state's constitutional revenue limit and will increase any future potential refund of excess revenue required under TABOR. Any additional federal moneys received by the state as a result of this bill would not count towards the state's revenue limit or affect state taxpayer refunds.

**Local Government Impact**

Counties and municipalities may receive additional HUTF allocations as a result of the bill. In addition, revenue from fines imposed by local peace officers under the bill would be transmitted to the jurisdiction where the offense occurred. The bill will also increase the workload of local government law enforcement agencies.

**State Appropriations**

The fiscal note implies the following:

- the **Department of Revenue** will require a cash fund appropriation of \$83,950 and 0.4 FTE for FY 2004-05 from the Driver's License Administrative Revocation Account of the HUTF. However, if sufficient computer programming resources are provided in the Long Bill, the amount appropriated should be reduced to \$80,430;
- the **Judicial Department** will require a General Fund appropriation of \$8,377 and 0.2 FTE for FY 2004-05; and
- the **Department of Corrections** will require \$357,911 for the five-year period beginning with FY 2005-06, pursuant to Section 2-2-703, C.R.S.

**Departments Contacted**

Corrections    Human Services    Judicial    Revenue    Transportation

**Bill E**

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**SENATE SPONSORSHIP**

May

**HOUSE SPONSORSHIP**

Spence

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**A BILL FOR AN ACT**

CONCERNING THE STATEWIDE TOLLING ENTERPRISE, AND, IN CONNECTION THEREWITH, CLARIFYING THE DIVISION OF RESPONSIBILITIES BETWEEN THE BOARD OF THE ENTERPRISE AND THE TRANSPORTATION COMMISSION WITH RESPECT TO THE OPERATION OF THE ENTERPRISE.

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**Bill Summary**

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

**Transportation Legislation Review Committee.** Clarifies the division of responsibilities between the board of the statewide tolling enterprise and the transportation commission with respect to the operation of the enterprise. Defines a term.

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

**SECTION 1.** 43-4-802 (1), Colorado Revised Statutes, is amended, and the said 43-4-802 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**43-4-802. Definitions.** As used in this part 8, unless the context otherwise requires:

(1) ~~"Bond" means any bond, note, interim certificate, contract, or other evidence of indebtedness of the enterprise, including, but not limited to, any obligation to the United States in connection with a loan from or guaranteed by the United States~~ "BOARD" MEANS THE BOARD OF THE STATEWIDE TOLLING ENTERPRISE CREATED AND OPERATED BY THE COMMISSION PURSUANT TO SECTION 43-4-803 (1).

(1.5) "BOND" MEANS ANY BOND, NOTE, INTERIM CERTIFICATE, CONTRACT, OR OTHER EVIDENCE OF INDEBTEDNESS OF THE ENTERPRISE, INCLUDING, BUT NOT LIMITED TO, ANY OBLIGATION TO THE UNITED STATES IN CONNECTION WITH A LOAN FROM OR GUARANTEED BY THE UNITED STATES.

**SECTION 2.** 43-4-803 (1), (2) (a), and (3), Colorado Revised Statutes, are amended to read:

**43-4-803. Statewide tolling enterprise - creation by commission - enterprise status - transfer.** (1) The commission may create and operate a statewide tolling enterprise, which shall operate as a government-owned business within the department and shall be a division of the department. The

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commission shall serve as the board of the enterprise, but shall, with the consent of the executive director, appoint a director of the enterprise who shall possess qualifications as may be established by the commission and the state personnel board. The director shall oversee the discharge of all responsibilities of the enterprise and shall serve at the pleasure of the ~~commission~~ BOARD.

(2) (a) The enterprise ~~and the commission when acting in its capacity as the board of the enterprise~~; shall constitute an enterprise for purposes of section 20 of article X of the state constitution so long as the enterprise retains the authority to issue revenue bonds and receives less than ten percent of its total annual revenues in grants, as defined in section 24-77-102 (7), C.R.S., from all Colorado state and local governments combined. So long as it constitutes an enterprise pursuant to this subsection (2), the enterprise ~~and the commission when acting as the board of the enterprise~~; shall not be subject to any provisions of section 20 of article X of the state constitution.

(3) The enterprise ~~the commission when acting as the board of the enterprise~~; and the director shall exercise their powers and perform the duties specified in this part 8 under the department as if the same were transferred to the department by a **type 1** transfer, as such transfer is defined in the "Administrative Organization Act of 1968", article 1 of title 24, C.R.S.

**SECTION 3.** 43-4-804 (1), (3), and (4), Colorado Revised Statutes, are amended to read:

**43-4-804. Statewide tolling enterprise special revenue fund - creation - separate highway accounts.** (1) A fund to be known as the

statewide tolling enterprise special revenue fund is hereby created in the state treasury. All toll revenues received by the enterprise shall be deposited into the special fund. The enterprise also may deposit or permit others to deposit other moneys into the special fund, but in no event may revenues from any tax otherwise available for general purposes be deposited into the special fund. The state treasurer, after consulting with ~~the commission in its capacity as the board, of the enterprise~~; shall invest any moneys in the special fund, including any surplus or reserves, but excluding any proceeds from the sale of bonds or earnings on such proceeds invested pursuant to section 43-4-809, that are not needed for immediate use. Such moneys may be invested in the types of investments authorized in sections 24-36-109, 24-36-112, and 24-36-113, C.R.S.

(3) The enterprise may expend moneys in the special fund to pay bonds of the enterprise, to fund the administration, planning, financing, construction, operation, maintenance, or repair of a toll highway. The enterprise may also expend moneys in the special fund to pay the costs and expenses of operating the enterprise. The ~~commission~~ BOARD shall have exclusive authority to budget and approve the expenditure of moneys in the special fund.

(4) Notwithstanding any other provision of this section, the ~~commission~~ BOARD shall designate a state toll highway, and moneys in the special fund that are derived from tolls shall only be expended to fund the administration, planning, design, development, financing, construction,

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operation, maintenance, or repair of the state toll highway or to pay bonds of the enterprise that were issued to finance the state toll highway. Once the enterprise has paid the costs of constructing the state toll highway, including sufficient contingencies, paid all debt service on all bonds issued to finance the toll highway, and reimbursed the state highway fund for the amount of any state highway fund moneys transferred to the statewide tolling enterprise operating fund plus interest in accordance with section 43-4-805, the ~~commission~~ BOARD shall adjust toll rates in the corridor so that the amount of toll revenues to be generated is as close as possible to the amount required for the ongoing operation, maintenance, renewal, and replacement of the toll highway. A toll highway cannot eliminate previously existing highway lanes that have served vehicular traffic on a toll-free basis except pursuant to section 42-4-1012, C.R.S.

**SECTION 4.** The introductory portion to 43-4-806 (1) and 43-4-806 (1) (e), (2), and (3), Colorado Revised Statutes, are amended to read:

**43-4-806. Powers and duties of the board - annual report.** (1) The ~~commission, in its capacity as the board of the enterprise;~~ has the following powers and duties:

(e) To ESTABLISH, charge, and collect fees and charges for the use of other property of the enterprise;

(2) The ~~commission, acting as the board of the enterprise;~~ shall ensure unrestricted access by all vehicles to any toll highway and shall not require that a particular class of vehicles travel upon any toll highway, including a toll

highway that provides additional capacity on an existing highway. A toll highway cannot eliminate previously existing highway lanes that have served vehicular traffic on a toll-free basis except pursuant to section 42-4-1012, C.R.S.

(3) No later than February 15, 2003, and no later than February 15 of each year thereafter, the ~~commission~~ ENTERPRISE shall present a report to the ~~transportation and energy committee of the house of representatives and the transportation committee of the senate that~~ COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE THAT HAVE JURISDICTION OVER TRANSPORTATION. THE REPORT shall include a summary of the enterprise's activities for the previous year, a statement of current toll rates and any expected changes, a summary of the status of any current toll projects, a statement of the enterprise's revenues AND expenses, ~~of the enterprise;~~ and any recommendations for statutory changes that the ~~commission~~ ENTERPRISE deems necessary or desirable. The committees shall review the report and may recommend legislation. The report shall be public and shall be available on the website of the department on or before January 15 of the year in which the report is presented.

**SECTION 5.** 43-4-807 (1), (3), and (6), Colorado Revised Statutes, are amended to read:

**43-4-807. Bonds.** (1) The enterprise may, from time to time, issue bonds for any of its corporate purposes. The bonds shall be issued pursuant to resolution of ~~the commission acting in its capacity as the board of the enterprise~~

and shall be payable solely out of all or a specified portion of the moneys in the special fund.

(3) Bonds of the enterprise may be sold at public or private sale at such price or prices, in such manner, and at such times as determined by the ~~commission~~ BOARD, and the ~~commission~~ BOARD may pay all fees, expenses, and commissions that it deems necessary or advantageous in connection with the sale of the bonds. The power to fix the date of sale of the bonds, to receive bids or proposals, to award and sell bonds, to fix interest rates, and to take all other action necessary to sell and deliver the bonds may be delegated to an officer or agent of the enterprise. Any outstanding bonds may be refunded by the enterprise pursuant to article 56 of title 11, C.R.S. All bonds and any interest coupons applicable thereto are declared to be negotiable instruments.

(6) Neither the members of the ~~commission~~ BOARD, employees of the enterprise, nor any person executing the bonds shall be liable personally on the bonds or subject to any personal liability or accountability by reason of the issuance thereof.

**SECTION 6.** 43-4-808, Colorado Revised Statutes, is amended to read:

**43-4-808. Investments.** The enterprise may invest or deposit any proceeds and any interest from the sale of bonds in the manner provided by part 6 of article 75 of title 24, C.R.S. In addition, the enterprise may direct a corporate trustee that holds such proceeds and any interest to invest or deposit such proceeds and any interest in investments or deposits other than those

specified by said part 6 if the ~~commission~~ BOARD determines, by resolution, that ~~such~~ THE investment or deposit meets the standard established in section 15-1-304, C.R.S., the income is at least comparable to income available on investments or deposits specified by said part 6, and ~~such~~ THE investment will assist the enterprise in the financing, construction, maintenance, or operation of a toll highway.

**SECTION 7.** 43-4-811 (2), Colorado Revised Statutes, is amended to read:

**43-4-811. Traffic laws - toll collection.** (2) The enterprise may adopt, by resolution of the ~~commission~~ BOARD, regulations pertaining to the enforcement of toll collection and providing a civil penalty for toll evasion. The civil penalty established by the enterprise for any toll evasion shall be not less than ten dollars nor more than one hundred dollars in addition to any costs imposed by a court. The enterprise may use state of the art technology, including, but not limited to, automatic vehicle identification photography, to aid in the collection of tolls and enforcement of toll violations.

**SECTION 8. Effective date.** This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution (August 4, 2004, if adjournment sine die is on May 5, 2004); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the

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people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

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Bill E

Colorado Legislative Council Staff  
**NO FISCAL IMPACT**

**Drafting Number:** LLS 04-0089  
**Prime Sponsor(s):** Sen. May R.  
Rep. Spence

**Date:** January 6, 2004  
**Bill Status:** Transportation Legislation Review  
Committee  
**Fiscal Analyst:** Todd Herreid (303-866-2633)

**TITLE:** CONCERNING THE STATEWIDE TOLLING ENTERPRISE, AND, IN CONNECTION THEREWITH, CLARIFYING THE DIVISION OF RESPONSIBILITIES BETWEEN THE BOARD OF THE ENTERPRISE AND THE TRANSPORTATION COMMISSION WITH RESPECT TO THE OPERATION OF THE ENTERPRISE.

**Summary of Assessment**

The Statewide Tolling Enterprise was established in HB02-1310 and SB02-179 as a government-owned business within the Department of Transportation. The Transportation Commission is designated as the board of the Statewide Tolling Enterprise and is authorized to impose fees and tolls for administering, planning, designing, constructing, operating, and maintaining state toll highways. This bill clarifies the statutory responsibilities of the board of the Statewide Tolling Enterprise and the Transportation Commission.

The bill is not expected to impact state or local government revenues or expenditures. It is therefore assessed as having no fiscal impact. The bill is effective 90 days after final adjournment of the General Assembly (August 4, 2004), unless a referendum petition is filed.

**Departments Contacted**

Transportation

**Bill F**

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**HOUSE SPONSORSHIP**

**McFadyen**

**SENATE SPONSORSHIP**

**Chlouber**

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**A BILL FOR AN ACT**

**CONCERNING INFORMATION SIGNS ON INTERSTATE HIGHWAYS  
WITHIN SPECIFIED POPULATED AREAS.**

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**Bill Summary**

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

**Transportation Legislation Review Committee.** Allows the department of transportation to erect, maintain, and administer information signs within a populated area other than a federally defined "transportation management area".

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

**SECTION 1.** 43-1-420 , Colorado Revised Statutes, is amended  
BY THE ADDITION OF A NEW SUBSECTION to read:

**43-1-420. Specific information signs and tourist-oriented directional signs authorized.** (5) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, THE DEPARTMENT MAY ERECT, ADMINISTER, AND MAINTAIN SIGNS WITHIN HIGHWAY RIGHTS-OF-WAY UPON THE

INTERSTATE SYSTEM, WHICH RIGHTS-OF-WAY ARE WITHIN A POPULATED AREA, OTHER THAN A TRANSPORTATION MANAGEMENT AREA, AS DETERMINED BY THE UNITED STATES BUREAU OF THE CENSUS IN ITS LATEST CENSUS, FOR THE DISPLAY OF ADVERTISING AND INFORMATION OF INTEREST TO THE TRAVELING PUBLIC, PURSUANT TO THE FEDERAL AUTHORITY THEREFOR AS SET FORTH IN 23 U.S.C. SECS. 109 (d), 131 (f), AND 315 AND 49 CFR 1.48 (b).

**SECTION 2. Effective date.** This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution (August 4, 2004, if adjournment sine die is on May 5, 2004); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

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Bill F

Colorado Legislative Council Staff  
**NO FISCAL IMPACT**

**Drafting Number:** LLS 04-0090

**Date:** January 6, 2004

**Prime Sponsor(s):** Rep. McFadyen  
Sen. Chlouber

**Bill Status:** Transportation Legislation Review  
Committee

**Fiscal Analyst:** Todd Herreid (303-866-2633)

**TITLE:** CONCERNING INFORMATION SIGNS ON INTERSTATE HIGHWAYS WITHIN SPECIFIED POPULATED AREAS.

**Summary of Assessment**

Under current law, information or logo signs can only be placed in the right-of-way of the interstate highway system outside of urbanized areas, which are defined as areas with a population of 50,000 or more. This bill allows the Department of Transportation to erect, maintain, and administer information signs in the right-of-way of the interstate highway system within a populated area other than a federally-defined transportation management area, which is defined as an area with a population over 200,000. The bill therefore expands the geographic area in which information signs may be placed on the interstate highway system to urbanized areas with a population of up to 200,000.

The program is currently administered by an independent contractor who is responsible for permitting, erecting, and maintaining the information signs along the interstate highways. The costs of the program are borne by the contractor who recovers those costs through permit fees charged to sign applicants.

Because the department contracts with a private contractor to administer the program, the department will not incur any additional costs or receive any new revenue. The bill is therefore assessed as having no fiscal impact. The bill is effective 90 days after final adjournment of the General Assembly (August 4, 2003), unless a referendum petition is filed.

**Departments Contacted**

Transportation

Bill G

HOUSE SPONSORSHIP

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SENATE SPONSORSHIP

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A BILL FOR AN ACT

CONCERNING THE AGE AT WHICH A PERSON MAY LAWFULLY DRIVE A MOTOR VEHICLE.

Bill Summary

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

Transportation Legislation Review Committee. Makes a legislative declaration. Requires a teenager to hold an instruction permit for 6 months before being eligible to get a driver's license. Raises, from 15 years and 6 months to 16 years old, the age at which a person is eligible for an instruction permit, unless the person has taken a driver training course that meets the standards of the national safety council. If the person has such education, raises, from 15 to 15 and 6 months, the age at which the person can get an instruction permit.

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

SECTION 1. Legislative declaration. (1) The general assembly hereby finds that driving a motor vehicle safely is a skill that requires significant technical ability and sound judgment, based upon significant education and experience, before the driver is able to continuously make the

necessary decisions. The accident rate for sixteen-year-old drivers is over two and one-half times as high as for eighteen-year-old drivers, and for sixteen-year-olds the rate is about twice as high at night as during the day. Over thirty percent of teenagers are involved in at least one accident during their first year of driving. Motor vehicle crashes are the leading cause of death for persons who are fifteen to twenty years old.

(2) Therefore, the general assembly hereby declares that educating aspiring young drivers will promote the development of the judgment and skills necessary for safe driving, helping to ensure the safety of Colorado's youth.

SECTION 2. 42-2-104 (1)(c), Colorado Revised Statutes, is amended to read:

42-2-104. Licenses issued - denied - repeal. (1) Except as otherwise provided in this article, the department may license the following persons in the manner prescribed in this article:

(c) Any person AT LEAST sixteen years of age ~~or older who has not reached his or her twenty-first birthday~~ BUT LESS THAN TWENTY-ONE YEARS OF AGE WHO HAS HELD AN INSTRUCTION PERMIT FOR SIX MONTHS, as a minor driver.

SECTION 3. 42-2-106 (1) (a) and (1)(b), Colorado Revised Statutes, are amended to read:

42-2-106. Instruction permits and temporary licenses. (1) (a) Any EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (1), A minor of ~~the age of fifteen~~ WHO IS AT LEAST SIXTEEN years ~~within six months prior to such minor's sixteenth birthday, or any person who, except for such person's~~

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~~lack of instruction in operating a motor vehicle, a motorcycle, or a motor-driven cycle, would otherwise be qualified to obtain a license under this article~~ OF AGE may apply for a temporary instruction permit in accordance with sections 42-2-107 and 42-2-108. The department shall issue such permit entitling the applicant, while having such permit in such applicant's immediate possession, to drive a motor vehicle, a motorcycle, or a motor-driven cycle upon the highways for a period of six months when accompanied by a licensed driver, twenty-one years of age or over, who is actually occupying the front seat in close proximity to the driver, or in the case of a motorcycle or a motor-driven cycle, under the immediate proximate supervision of a licensed driver, twenty-one years of age or over, authorized under this article to drive a motorcycle or a motor-driven cycle. Any such instruction permit may be extended for an additional period of ninety days.

(b) Any minor of the age of fifteen years AND SIX MONTHS who is ~~enrolled in a driver education course approved by the department~~ HAS COMPLETED A DRIVER TRAINING PROGRAM THAT MEETS THE STANDARDS AND CONTAINS THE CURRICULUM OF THE NATIONAL SAFETY COUNCIL EDUCATION PROGRAM may apply for a minor's instruction permit, pursuant to the provisions of sections 42-2-107 and 42-2-108. Upon the presentation of a written or printed statement signed by the parent or guardian and the instructor of the driver education course that such minor is enrolled in an approved driver education course, the department shall issue such permit entitling the applicant, while having such permit in such applicant's immediate possession, to drive any motor vehicle, excluding a motorcycle or motor-driven cycle, under the

supervision of the parent or guardian who cosigned the application for the minor's instruction permit ~~providing~~ IF such parent or guardian holds a valid driver's license. Such permit shall also entitle the applicant to drive any motor vehicle, including a motorcycle or motor-driven cycle, which is marked so as to indicate that it is a motor vehicle used for instruction and which is properly equipped for such instruction upon the highways when accompanied by or under the supervision of an approved driver education instructor who holds a valid driver's license. Driver education instructors giving instruction in motorcycle safety must have a valid motorcycle driver's license and must have successfully completed an instruction program in motorcycle safety approved by the department. Such permit shall expire twenty days after the applicant's sixteenth birthday.

**SECTION 4. Effective date - applicability.** This act shall take effect July 1, 2004, and shall apply to licenses and instruction permits issued on or after said date.

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

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Bill G

Colorado Legislative Council Staff  
**STATE and LOCAL  
FISCAL IMPACT**

**Drafting Number:** LLS 04-0092  
**Prime Sponsor(s):** Rep. Berry  
Sen. May R.

**Date:** December 17, 2003  
**Bill Status:** Transportation Legislation Review  
Committee

**Fiscal Analyst:** Chris Ward (303-866-5834)

**TITLE:** CONCERNING THE AGE AT WHICH A PERSON MAY OBTAIN A LICENSE TO DRIVE A MOTOR VEHICLE.

<b>Fiscal Impact Summary</b>	<b>FY 2004/2005</b>	<b>FY 2005/2006</b>
<b>State Revenues</b>		
General Fund		
Cash Fund - Highway Users Tax Fund	(\$435,800)	(\$311,000)
<b>State Expenditures</b>		
General Fund	(\$505,050)	(\$401,450)
Cash Fund - Highway Users Tax Fund	(\$435,800)	(\$311,000)
<b>FTE Position Change</b>	(5.4) FTE	(4.3) FTE
<b>Other State Impact: TABOR Impact</b>		
<b>Effective Date:</b> July 1, 2004		
<b>Appropriation Summary for FY 2004/2005:</b> Dept of Revenue - (\$505,050 and 5.4 FTE) reduction - General Fund		
<b>Local Government Impact:</b> Reduced HUTF distributions to counties and municipalities		

**Summary of Legislation**

This bill requires persons between age 16 and 21 to hold an instruction permit for six months before being eligible to get a driver's license. Under current law, this requirement only applies to applicants under age 18. The bill also increases the age requirement for obtaining an instruction permit. For a person with some formal driver education, the bill increases the age for obtaining an instruction permit from 15 to 15 1/2. For a person without formal driver education, the bill increases the age for obtaining an instruction permit from 15 1/2 to 16 years old.

The bill also changes the requirement for driver education for 15-year-olds. Current law requires that the driver be enrolled in a course approved by the Department of Revenue. Under the bill, the driver must have completed a program that meets the standards and contains the curriculum of the National Safety Council Education Program.

## State Revenues

The bill will reduce fee revenues to the Highway Users Tax Fund (HUTF) from driver's licenses and instruction permits beginning in FY 2004-05 from the following sources:

- fee revenue from instruction permits issued to 15-year-olds will be reduced by \$311,000 per year, beginning in FY 2004-05; and
- fee revenue from minor licenses issued to persons aged 18-21 will be reduced by \$124,800 in FY 2004-05.

**15-Year-Old Drivers.** The bill will make persons aged 15 to 15 1/2 ineligible to apply for an instruction permit. An estimated 31,000 instruction permits are issued to minors in this age group annually for a fee of \$10 each. Thus, this provision will reduce HUTF revenue by an estimated **\$311,000 annually**.

**Drivers Age 18 to 21.** The bill requires persons aged 18 to 21 to hold an instruction permit for six months before being issued a minor driver's license. Under current law, these drivers must only hold an instruction permit until they complete a driving test, which may occur on the same day that the instruction permit is issued. This provision will delay the issuance of some minor driver licenses by up to six months.

An estimated 16,000 minor driver's licenses are issued each year by the Department of Revenue to persons aged 18 to 21. Assuming an even distribution of these throughout the year, the bill would shift the issuance of roughly 8,000 minor driver's licenses from FY 2004-05 to FY 2005-06. This one-time shift should only affect licenses issued in FY 2004-05. The fee for a minor driver license is \$15, and is credited to the HUTF for highway purposes. Thus, the bill will reduce HUTF revenue by **\$120,000** (8,000 licenses x \$15 each) in FY 2004-05.

Each applicant for a minor driver's license must also pay a \$0.60 surcharge, which is credited to the Identification Security Account in the HUTF. This bill will reduce revenue to the Identification Security Account by **\$4,800** (8,000 x \$0.60 each) in FY 2004-05.

**Other Drivers.** The bill may also delay the issuance of minor driver's licenses to persons aged 16-18 by up to six months. In addition, the bill will require persons aged 15 1/2 to complete a driver training program that meets the standards and contains the curriculum of the National Safety Council Education Program. These changes could potentially further reduce the number of instruction permits issued or delay the issuance of more driver's licenses, although the impact of these changes has not been estimated.

## State Expenditures

Under the bill, the Department of Revenue will issue an estimated 39,000 fewer driver's licenses and instruction permits in FY 2004-05 and 31,000 fewer instruction permits each fiscal year thereafter. The issuance of these documents costs \$12.95 each, which is paid from the General Fund.

Thus, the bill should reduce the department's costs by **\$505,050 and 5.4 FTE in FY 2004-05** and **\$401,450 and 4.3 FTE in FY 2005-06**.

The Department of Revenue will be required to reprogram the driver license computer system to account for the changes made by the bill. However, this effort is expected to require only a minimal amount of time, which can be absorbed within existing resources.

The bill may reduce the number of accidents involving teenagers, which could also affect state expenditures. However, this impact cannot be quantified at this time.

**Other State Impacts**

The reduction in fee revenue caused by this bill will reduce the amount of any potential future refund of excess state revenue under TABOR.

**Local Government Impact**

The bill will reduce HUTF revenue, 35 percent of which is distributed to counties and municipalities for highway purposes. It may also reduce the number of accidents to which county and municipal personnel must respond, although this impact cannot be quantified.

**State Appropriations**

The General Fund appropriation to the Department of Revenue should be reduced by **\$505,050 and 5.4 FTE for FY 2004-05**.

**Departments Contacted**

Public Safety                  Revenue                  Transportation

**Bill H**

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**SENATE SPONSORSHIP**

May

**HOUSE SPONSORSHIP**

Berry

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**A BILL FOR AN ACT**

**CONCERNING THE RECODIFICATION OF STATUTES THAT CONCERN  
VEHICLES.**

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**Bill Summary**

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

**Transportation Legislation Review Committee.** Recodifies articles 3 and 6 of title 42 and amends provisions in articles 2 and 4 of title 42 in order to clarify such statutes. Specifically:

- Clarifies that a person may transfer personalized plates to another vehicle that the person already possesses.
- Authorizes the personalization of all types of special license plates that are not already authorized for personalization.
- Standardizes, at 16,000 pounds empty weight, the maximum weight of a vehicle that may be issued certain types of special license plates.
- Authorizes county clerks to issue national guard license plates.
- Clarifies that medal of honor awardees are exempted from paying registration fees.
- Rewrites several provisions to clarify the effect of such provisions and to make articles 2, 3, 4, and 6 of title 42 consistent.

- Authorizes the department of revenue (department) to release records to the database contractors.
- Repeals the department's authority to publish a record of driver's license suspensions and revocations.
- Authorizes a motorcycle driving permit holder to extend such permit for 90 days, similar to other driving permits.
- Makes the fee for a minor driver's license consistent with adult driver's licenses by changing the fee from \$25 to \$15 until July 1, 2006, and \$30 thereafter.
- Clarifies that the issuance of a duplicate permit and minor driver's licenses does not change the expiration date of the person's license.
- Lowers the age limit from 66 to 61 years of age when a person may no longer renew a driver's license by mail, conforming to the age when a driver's license renewal period changes from 10 years to 5 years.
- Requires a driver who changes his or her name to apply for a license renewal.
- Changes the term "vehicle" to the phrase "motor vehicle" where the statutes address driving under the influence and habitual offenders. Includes off-road vehicles and farm equipment in, and excludes bicycles from, these infractions.
- Clarifies that Colorado's drivers' records are subject to the federal "Driver's Privacy Protection Act of 1994".
- Authorizes the department to cancel a driver's license without a hearing upon determining that the person was not initially entitled to hold such a license.
- Clarifies that a driver's license issued by a foreign government must be surrendered to a law enforcement officer when the person's driver's license is suspended or revoked.
- Clarifies that only one temporary license is issued upon the surrender of a driver's license.
- Clarifies that the department may reinstate a license after a court dismisses the charges of substance abuse that caused the suspension or revocation.
- Authorizes a person whose driving privilege has been reinstated after suspension or revocation to apply for and receive a new license.

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- Requires an applicant for an identification card to give a fingerprint and either produce a social security card or give a social security number under penalty of perjury.
- Clarifies that the term "automated vehicle identification system" includes systems used to detect toll road violations.
- Repeals the department's authority to approve vehicle lighting systems and to set standards for several vehicle components beyond those set by statute.
- Clarifies the use of the terms "mortgage", "lien", "secured interest", and "secured debt" in order to conform the use of these terms with the settled legal definitions of such terms.
- Deletes obsolete provisions.

Makes conforming amendments and defines relevant terms.

**Note:** Due to the length of Bill H, it is not presented here in its entirety. It has been introduced as Senate Bill 04-027 and is available on-line or from the Bill Room. Please see Appendix A, entitled *Title 42 Recodification Substantive Changes Chart*, for an analysis of the changes proposed by this legislation).

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Colorado Legislative Council Staff  
**STATE and LOCAL  
FISCAL IMPACT**

**Drafting Number:** LLS 04-0093  
**Prime Sponsor(s):** Sen. May R.  
Rep. Berry

**Date:** January 2, 2004  
**Bill Status:** Transportation Legislation Review  
Committee  
**Fiscal Analyst:** Chris Ward (303-866-5834)

**TITLE:** CONCERNING THE RECODIFICATION OF STATUTES THAT CONCERN VEHICLES.

Fiscal Impact Summary	FY 2004/2005	FY 2005/2006
<b>State Revenues</b>		
General Fund		
Cash Fund - Highway Users Tax Fund	(\$450,000)	(\$450,000)
<b>State Expenditures</b>		
General Fund		
Cash Fund Exempt	\$100,309	\$0
<b>FTE Position Change</b>	0.5 FTE	0.0 FTE
<b>Other State Impact:</b> TABOR Impact		
<b>Effective Date:</b> Upon signature of the Governor		
<b>Appropriation Summary for FY 2004/2005:</b> Department of Revenue - \$100,309 cash funds exempt - CSTRS Account/HUTF		
<b>Local Government Impact:</b> Reduced HUTF distributions to counties and municipalities		

**Summary of Legislation**

Within Title 42, the bill amends and recodifies Article 2 (driver's licenses), Article 3 (registration and taxation), Article 4 (vehicles and traffic), and Article 6 (certificates of title). Among the more substantive provisions:

- section 7 modifies the fees imposed for minor driver's licenses to conform to the fees imposed for adult driver's licenses, reducing the fee from \$25 to \$15 for licenses issued before July 1, 2006, and increasing the fee to \$30 for licenses issued thereafter;
- section 9 reduces the age for renewing a driver's license by mail from 66 to 61 to conform to the age at which the renewal cycle changes from 10 years to five years;
- section 24 allows all types of special license plates to be personalized; and

# Bill H

- section 24 increases the weight limits for certain vehicles, making the limit for most plates consistent at 16,000 pounds.

The bill also amends and clarifies several other statutes and deletes several obsolete provisions.

## State Revenues

The bill amends several laws administered by the Department of Revenue. Those provisions that are expected to affect state revenues are described below. Other changes, including those that conform state law to current practice are assessed as having no fiscal impact.

The bill modifies the fee imposed for a minor driver's license, when the applicant has already applied for and paid for an instruction permit. Currently, the fee is \$25; the bill changes the fee to \$15 until July 1, 2006, and \$30 thereafter, making this fee consistent with the fee imposed for an adult driver's license. Revenue from this fee is credited to the Highway Users Tax Fund. A minor driver's license is valid for up to five years, expiring 20 days after the driver's 21<sup>st</sup> birthday. An estimated 45,000 minors would be affected by this provision each year. The impact of this change on HUTF revenues is shown in Table 1.

	<b>HUTF Impact</b>
FY 2004-05	(\$450,000)
FY 2005-06	(\$450,000)
FY 2006-07	\$225,000
FY 2007-08	\$225,000
FY 2008-09	\$225,000

The bill also makes other changes which could affect HUTF revenues, such as allowing a wider variety of license plates to be personalized, allowing a motorcycle driving permit to be extended for up to 90 days, requiring a person who changes his or her name to apply for a new license, and changing the types of vehicles for which the offense of driving under the influence applies. However, these changes are not expected to have a significant impact on state revenues.

## State Expenditures

The Department of Revenue will be required to modify the motor vehicle registration system, at an expected cost of **\$100,309 and 0.5 FTE in FY 2004-05**. This cost includes the following:

- \$1,760 for 40 hours to modify the weight limits for various license plates;
- \$44,000 for 1,000 hours to allow for collector plates to be personalized; and

- \$52,404 for 304 hours of contract labor to modify the new motor vehicle registration system currently being developed.

The non-contract hours would account for a one-time increase of 0.5 FTE and an additional \$2,145 in staff-related costs; the contract hours do not affect FTE. It should be noted, however, that these computer programming costs may be paid from moneys appropriated in the 2004 Long Bill. If sufficient moneys are appropriated in the Long Bill, no further appropriation will be required for this bill. It should also be noted that the department does not expect to be able to complete the computer programming changes by the bill's effective date.

The bill eliminates the ability of adults aged 61 to 65 to renew their driver's license by mail. This provision makes the age cut-off for mail renewals consistent with the age cut-off for senior driver's licenses, and would require that drivers aged 61 to 65 pass an eye examination before being issued a driver's license. An estimated 324 drivers would be affected by this provision each year. Under the bill, the Department of Revenue would no longer send mail renewal notices to these drivers, reducing the department's cash and document processing costs by a minimal amount. These costs are paid from the General Fund.

The bill makes several other changes that conform state law to current practice. These changes are not assessed as having a fiscal impact.

## Other State Impacts

Any change in state revenue resulting from this bill will also affect the amount of excess state revenue required to be refunded to taxpayers under the state constitution.

## Fee Impact on Individuals, Families or Business

Section 2-2-322, C.R.S. requires a review of legislative measures which include the creation or increase of any fee collected by a state agency. Pursuant to that section, the following analysis is provided.

Fee Impact On Individuals, Families Or Business					
Type of Fee	Current Fee	Proposed Fee	Fee Change	# of Affected Individuals	Annual Fee Impact
Minor Driver's License - Licenses issued before 7/1/06	\$25	\$15	(\$10)	45,000	(\$450,000)
Minor Driver's License - Licenses issued after 7/1/06	\$25	\$30	\$5	45,000	\$225,000



**Local Government Impact**

The bill is expected to reduce HUTF revenue in FY 2004-05 and FY 2005-06 and increase HUTF revenue thereafter. Thirty-five percent of this HUTF revenue is distributed to counties and municipalities for highway purposes.

**State Appropriations**

The Department of Revenue will require a cash funds exempt appropriation of \$100,309 and 0.5 FTE from the Colorado State Titling and Registration System Account of the HUTF, unless sufficient computer programming moneys are appropriated in the 2004 Long Bill.

**Departments Contacted**

Revenue

**Bill I**

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**HOUSE SPONSORSHIP**

**Representative Welker**

**SENATE SPONSORSHIP**

**Senator Takis**

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**A BILL FOR AN ACT**

**CONCERNING ELECTRONIC RENEWAL OF A DRIVER'S LICENSE.**

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**Bill Summary**

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

**Transportation Legislation Review Committee.** Allows a driver to renew his or her driver's license via the internet when the driver is at least 21 years of age but under 66 years of age and the driver has paid a fee and any outstanding fines or penalties. Allows the department of revenue to promulgate rules to implement internet renewals.

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

**SECTION 1.** 42-2-118 (1) (a) (I), Colorado Revised Statutes, is amended, and the said 42-2-118 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**42-2-118. Renewal of license in person, by mail, or by electronic means - donations to organ and tissue donation awareness fund - repeal.**

(1) (a) (I) Every license issued under section 42-2-114 shall be renewable prior to its expiration, upon application in person, or by mail as provided in

subsection (1.3) of this section, OR BY ELECTRONIC MEANS AS PROVIDED IN SUBSECTION (1.5) OF THIS SECTION, payment of the required fee, passing of an eye test, passing of such other examinations as the applicant's physical limitations or driver's record indicates to be desirable, and payment of any penalty assessment, fine, cost, or forfeiture as prescribed by subsection (3) of this section.

(1.5) (a) THE DEPARTMENT MAY, IN ITS DISCRETION, ALLOW RENEWAL OF A DRIVER'S LICENSE ISSUED UNDER SECTION 42-2-114 BY ELECTRONIC MEANS TO DRIVERS AT LEAST TWENTY-ONE YEARS OF AGE OR OLDER AND UNDER SIXTY-SIX YEARS OF AGE.

(b) THE DEPARTMENT SHALL NOT ALLOW ANY THIRD-PARTY CHARGES THAT MAY BE ASSESSED TO COMPLETE THE ELECTRONIC TRANSACTION TO REDUCE THE AMOUNT OF REVENUE THAT WOULD OTHERWISE BE REQUIRED TO BE DISTRIBUTED TO THE HIGHWAY USERS TAX FUND.

(c) EVERY APPLICANT FOR RENEWAL OF A DRIVER'S LICENSE BY ELECTRONIC MEANS SHALL SUBMIT THE FOLLOWING TO THE DEPARTMENT:

(I) PAYMENT OF THE REQUIRED FEE; AND

(II) PAYMENT OF ANY PENALTY ASSESSMENT, FINE, COST, OR FORFEITURE AS PRESCRIBED BY SUBSECTION (3) OF THIS SECTION.

(d) THE DEPARTMENT SHALL NOT ALLOW THE RENEWAL OF A DRIVER'S LICENSE BY ELECTRONIC MEANS UNTIL A STATEWIDE INTERNET PORTAL OR OTHER ELECTRONIC SERVICE DELIVERY MECHANISM THROUGH WHICH CITIZENS HAVE ELECTRONIC ACCESS TO STATE AGENCY INFORMATION, PRODUCTS, AND SERVICES THROUGH THE WORLD-WIDE WEB HAS BEEN

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CREATED PURSUANT TO SECTION 24-37.5-105 (3) (b), C.R.S., AND THE DEPARTMENT PROMULGATES RULES NECESSARY FOR THE IMPLEMENTATION OF THIS SUBSECTION (1.5), INCLUDING RULES, IN COMPLIANCE WITH STANDARDS ESTABLISHED PURSUANT TO ARTICLE 37.5 OF TITLE 24, C.R.S., TO MINIMIZE TO THE GREATEST EXTENT POSSIBLE OPPORTUNITIES FOR IDENTITY THEFT AND THE RISKS OF A DRIVER'S LICENSE BEING OBTAINED FRAUDULENTLY OR ISSUED TO THE IMPROPER PERSON.

**SECTION 2. Effective date - applicability.** (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution (August 4, 2004, if adjournment sine die is on May 5, 2004); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) The provisions of this act shall apply to drivers' licenses renewed on or after the applicable effective date of this act.

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Colorado Legislative Council Staff

STATE  
CONDITIONAL FISCAL IMPACT

<b>Drafting Number:</b> LLS 04-0094	<b>Date:</b> December 8, 2003
<b>Prime Sponsor(s):</b> Rep. Welker Sen. Takis	<b>Bill Status:</b> Transportation Legislation Review Committee
	<b>Fiscal Analyst:</b> Chris Ward (303-866-5834)

**TITLE:** CONCERNING ELECTRONIC RENEWAL OF A DRIVER'S LICENSE.

Fiscal Impact Summary	FY 2004/2005	FY 2005/2006
State Revenues General Fund		
State Expenditures General Fund		Potential Increase
FTE Position Change	0.0 FTE	0.0 FTE
<b>Other State Impact:</b>		
<b>Effective Date:</b> 90 days after adjournment, unless a referendum petition is filed.		
<b>Appropriation Summary for FY 2004/2005:</b> None required		
<b>Local Government Impact:</b> None		

**Summary of Legislation**

The bill allows for the renewal of driver licenses via the Internet for drivers aged 21 to 65, subject to the creation of a statewide Internet portal. The bill also prohibits the Department of Revenue from allowing any third-party charges to reduce the amount of revenue that would otherwise be credited to the Highway Users Tax Fund (HUTF).

**State Revenues**

The bill will not affect state revenues from driver license fees. Driver license applicants will still be required to pay all applicable fees and surcharges prior to renewing their license, as well as any outstanding fines or penalties. Also, the bill requires that the flow of driver license fees to the HUTF be maintained. However, the bill may affect other state revenues, depending on the accounting of third-party charges which are imposed on the applicant to cover the cost of using a credit card to pay for the transaction. At issue is whether the state would count these charges as state revenue, or

# Bill I

whether such moneys would be considered a pass-through. Regardless of the accounting for such moneys, current law requires that the fee not exceed the cost of conducting the transaction.

## State Expenditures

Under current law, the Commission on Information Management is required to present a preliminary plan for implementing a statewide Internet portal by July 1, 2004. Upon creation of the portal, this bill authorizes the Department of Revenue to allow drivers to renew their license over the Internet. The Department of Revenue will likely incur costs to develop the system for renewing licenses over the Internet, although these costs have not been quantified at this time. Any development costs, which may depend on the design of the portal, will be addressed through the budget process. In addition, the department's costs for renewing driver licenses may change with introduction of Internet renewals, but this impact has also not been estimated. Finally, if third-party transactions fees for driver licenses renewed via the Internet are counted as state revenue, the Department of Revenue would require spending authority to forward these moneys to the appropriate credit card company.

## State Appropriations

No new state appropriations are required to implement the bill in FY 2004-05.

## Departments Contacted

Office of Innovation and Technology

Revenue

**Bill J**

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**SENATE SPONSORSHIP**

Senator May

**HOUSE SPONSORSHIP**

Representative Ragsdale

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**A BILL FOR AN ACT**

CONCERNING THE TYPES OF RECORDS NECESSARY FOR THE  
DEPARTMENT OF REVENUE TO ADMINISTRATIVELY  
REVOKE A DRIVER'S LICENSE FOR TAMPERING WITH AN  
INTERLOCK DEVICE.

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**Bill Summary**

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

**Transportation Legislation Review Committee.** Removes the requirement that a court or peace officer provide the record that authorizes the department of revenue to administratively revoke a license for tampering with a required interlock device.

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

**SECTION 1.** 42-2-132.5 (5) (b), Colorado Revised Statutes, is amended to read:

**42-2-132.5. Mandatory and voluntary restricted licenses following alcohol conviction.** (5) (b) Upon receipt of a record other than a conviction described in paragraph (a) of this subsection (5) ~~from any court or peace officer~~

indicating that any person who is subject to the restrictions of this section has operated a motor vehicle other than a vehicle in which an approved ignition interlock device is installed or has circumvented or attempted to circumvent the proper use of an approved ignition interlock device, the department may revoke any license of such person issued under this section and not reinstate the license for a period of ~~the longer~~ of one year or the remaining period of license restraint imposed prior to the issuance of a license pursuant to this section, **WHICHEVER IS LONGER.** A person shall be entitled to a hearing on the question of whether the license should be revoked and the length of the ineligibility.

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

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Colorado Legislative Council Staff  
**STATE and LOCAL  
FISCAL IMPACT**  
*No State General Fund Impact*

**Drafting Number:** LLS 04-0095  
**Prime Sponsor(s):** Sen. May R.  
Rep. Ragsdale

**Date:** January 7, 2004  
**Bill Status:** Transportation Legislation Review  
Committee  
**Fiscal Analyst:** Todd Herreid (303-866-2633)

**TITLE:** CONCERNING THE TYPES OF RECORDS NECESSARY FOR THE DEPARTMENT OF REVENUE TO ADMINISTRATIVELY REVOKE A DRIVER'S LICENSE FOR TAMPERING WITH AN INTERLOCK DEVICE.

Fiscal Impact Summary	FY 2004/2005	FY 2005/2006
<b>State Revenues</b>		
Cash Fund - Driver's License Adm. Revocation Acct.		\$16,500
Cash Fund - Highway Users Tax Fund (HUTF)		4,125
Cash Fund - Identification Security Fund		165
<b>State Expenditures</b>		
Cash Fund - HUTF		\$20,790
<b>FTE Position Change</b>	0.0 FTE	0.0 FTE
<b>Other State Impact:</b> TABOR		
<b>Effective Date:</b> Upon signature of the Governor		
<b>Appropriation Summary for FY 2004-2005:</b> None		
<b>Local Government Impact:</b> Increased HUTF distributions to cities and counties.		

**Summary of Legislation**

Under current law, interlock devices are used in cars driven by people convicted of drunk driving who wish to restore their driving privileges earlier than they would otherwise be able to under a drunk driving revocation. The device prevents the vehicle from starting if the driver has alcohol on their breath and requires periodic breath samples during the vehicle's operation. The leasing agency or vendor for any approved interlock device provides monthly monitoring reports to the Department of Revenue. The vendor also checks the device at least once every 60 days to ensure that it is operating properly and has not been subject to tampering. If the device has been tampered with, the vendor must notify the Department of Revenue within five days of detection.

The Department of Revenue may revoke the driver's license of a person if they have tampered with an approved interlock device and the department receives notice of tampering or circumvention of the interlock device from a court or peace officer. Current law makes the department unable to revoke the license of a driver if they are notified of tampering or circumvention by an interlock vendor. This bill removes the requirement that a court or peace officer provide the record that authorizes the department to revoke a driver's license. Thus, vendor reports of tampering or circumvention of the interlock device can be used by the department to revoke a driver's license.

### State Revenues

The bill allows the Department of Revenue to revoke a driver's license when they receive a report of interlock tampering from a vendor. It is estimated that an additional 275 license revocations will take place as a result of the bill. Each of the 275 applicants that chooses to reinstate their revoked driving privileges must pay a \$60 reinstatement fee, a \$15 driver's license fee, and a \$0.60 driver's license surcharge. Since the reinstatement of a driver's license occurs one year after revocation, the first impact will not occur until FY 2005-06. Assuming all revocations result in reinstatement, the additional revenues generated from the reinstatement fee are estimated at \$16,500 ( $275 * \$60$ ), which are deposited into the Driver's License Administrative Revocation Account. Any unused revenues deposited into the Driver's License Administrative Revocation Account are reallocated to the Highway Users Tax Fund (HUTF) for distribution to the State Highway Fund and to cities and counties. The additional revenues from driver's license fees are estimated at \$4,125 ( $275 * \$15$ ), which are also deposited into the HUTF for distribution to the State Highway Fund and to cities and counties. Revenue from the driver's license surcharge is estimated at \$165 ( $275 * \$0.60$ ), which is credited to the Identification Security Fund within the HUTF.

### State Expenditures

The Hearings Division within the Department of Revenue will be able to administer additional driver's license revocations within existing resources. Thus, the department will not have to increase expenditures to implement the bill. Unused revenues will then be reallocated to the HUTF for distribution to the State Highway Fund, cities, and counties.

Starting in FY 2005-06, the Department of Transportation will receive an additional HUTF distribution of \$12,210 to be used for highway purposes.

### Other State Impacts

Beginning in FY 2005-06, additional revenues generated from this bill will count against the state's TABOR limit. Based on the September 2003 Legislative Council staff forecast, \$299 million will be refunded to taxpayers in FY 2005-06, even without this bill. This bill will increase TABOR refunds by almost \$22,000 in FY 2005-06, and each year thereafter.



**Local Government Impacts**

Beginning in FY 2005-06, cities and counties will receive additional HUTF distributions of \$8,415. Counties will receive an estimated \$6,585 and cities will receive approximately \$1,930.

**Spending Authority**

No new state appropriations are needed to implement the bill in FY 2004-05. The Transportation Commission has continuous spending authority from the State Highway Fund.

**Departments Contacted**

Public Health and Environment

Revenue

**Bill K**

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**HOUSE SPONSORSHIP**

**Representative Larson**

**SENATE SPONSORSHIP**

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**A BILL FOR AN ACT**

**CONCERNING THE CONDITIONS APPLICABLE TO THE HOLDERS OF  
COMMERCIAL DRIVERS' LICENSES.**

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**Bill Summary**

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

**Transportation Legislation Review Committee.** Amends state law to harmonize with recent changes in federal law and administrative rules specifying the grounds for suspension, revocation, and denial of commercial drivers' licenses and the periods of suspension, revocation, or disqualification that apply when a person commits specific prohibited acts.

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

**SECTION 1.** 42-2-402, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

**42-2-402. Definitions.** As used in this part 4, unless the context otherwise requires:

(7.4) "MAJOR OFFENSE" MEANS A PERSON'S COMMISSION OF ANY ONE OF THE FOLLOWING ACTS:

(a) REFUSAL TO SUBMIT TO AN ALCOHOL TEST, PURSUANT TO SECTION 42-4-1301.1 OR A SUBSTANTIALLY SIMILAR EXPRESS CONSENT LAW OF ANOTHER STATE, IN CONNECTION WITH THE OPERATION OF EITHER A COMMERCIAL MOTOR VEHICLE OR A NONCOMMERCIAL MOTOR VEHICLE;

(b) DRIVING OR BEING IN ACTUAL PHYSICAL CONTROL OF EITHER A COMMERCIAL MOTOR VEHICLE OR A NONCOMMERCIAL MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL, A CONTROLLED SUBSTANCE, OR BOTH;

(c) DRIVING A COMMERCIAL MOTOR VEHICLE WHEN THE AMOUNT OF ALCOHOL, AS SHOWN BY ANALYSIS OF SUCH PERSON'S BLOOD OR BREATH, IN SUCH PERSON'S BLOOD WAS 0.04 OR MORE GRAMS OF ALCOHOL PER ONE HUNDRED MILLILITERS OF BLOOD OR 0.04 OR MORE GRAMS OF ALCOHOL PER TWO HUNDRED TEN LITERS OF BREATH AT THE TIME OF DRIVING OR ANY TIME THEREAFTER;

(d) DRIVING A NONCOMMERCIAL MOTOR VEHICLE WHEN THE AMOUNT OF ALCOHOL, AS SHOWN BY ANALYSIS OF SUCH PERSON'S BLOOD OR BREATH, IN SUCH PERSON'S BLOOD WAS 0.10 OR MORE GRAMS OF ALCOHOL PER ONE HUNDRED MILLILITERS OF BLOOD OR 0.10 OR MORE GRAMS OF ALCOHOL PER TWO HUNDRED TEN LITERS OF BREATH AT THE TIME OF DRIVING OR ANY TIME THEREAFTER;

(e) LEAVING THE SCENE OF AN ACCIDENT INVOLVING EITHER A COMMERCIAL OR NONCOMMERCIAL MOTOR VEHICLE DRIVEN BY THE PERSON;

(f) USING ANY MOTOR VEHICLE IN THE COMMISSION OF A FELONY;

(g) OPERATING A COMMERCIAL MOTOR VEHICLE WHILE THE PERSON'S COMMERCIAL DRIVER'S LICENSE IS REVOKED, SUSPENDED, OR CANCELED OR

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WHILE THE PERSON IS DISQUALIFIED FROM OPERATING A COMMERCIAL MOTOR VEHICLE; OR

(h) CAUSING A FATALITY THROUGH THE NEGLIGENT OR CRIMINAL OPERATION OF A COMMERCIAL MOTOR VEHICLE.

(7.7) "NONCOMMERCIAL MOTOR VEHICLE" MEANS ANY MOTOR VEHICLE THAT IS NOT WITHIN THE DEFINITION OF A "COMMERCIAL MOTOR VEHICLE" AS SET FORTH IN SUBSECTION (4) OF THIS SECTION.

(9) "RAILROAD CROSSING OFFENSE" MEANS A PERSON'S COMMISSION OF ANY ONE OF THE FOLLOWING ACTS WHILE OPERATING A COMMERCIAL MOTOR VEHICLE AT OR IN THE IMMEDIATE VICINITY OF A RAILROAD CROSSING:

(a) FAILING TO STOP WHEN SO REQUIRED, OR OTHERWISE FAILING TO OBEY A TRAFFIC CONTROL DEVICE OR THE DIRECTIONS OF A LAW ENFORCEMENT OFFICER;

(b) CROSSING WITHOUT FIRST SLOWING DOWN AND CHECKING THAT THE TRACKS ARE CLEAR OF AN APPROACHING TRAIN;

(c) FAILING TO STOP BEFORE REACHING THE CROSSING IF THE TRACKS ARE NOT CLEAR;

(d) CROSSING WITHOUT FIRST ENSURING THAT THERE IS ENOUGH SPACE AHEAD TO ALLOW THE COMMERCIAL VEHICLE TO PROCEED COMPLETELY OVER THE TRACKS, WITHOUT STOPPING, BEFORE ENCOUNTERING ANOTHER VEHICLE OR AN OBSTRUCTION;

(e) FAILING TO NEGOTIATE THE CROSSING BECAUSE OF INSUFFICIENT UNDERCARRIAGE CLEARANCE; OR

(f) VIOLATING ANY PROVISION OF SECTION 42-4-707.

(10) "SERIOUS OFFENSE" MEANS A PERSON'S COMMISSION OF ANY ONE OF THE FOLLOWING ACTS:

(a) OPERATING A COMMERCIAL MOTOR VEHICLE WITHOUT A COMMERCIAL DRIVER'S LICENSE; EXCEPT THAT, UNDER CIRCUMSTANCES DESCRIBED IN PARAGRAPH (g) SUBSECTION (7.4) OF THIS SECTION, SUCH OPERATION SHALL CONSTITUTE A MAJOR OFFENSE;

(b) OPERATING A COMMERCIAL MOTOR VEHICLE WHILE DULY LICENSED BUT WITHOUT HAVING THE LICENSE IN THE PERSON'S POSSESSION OR REFUSING TO DISPLAY THE LICENSE UPON REQUEST;

(c) OPERATING A COMMERCIAL MOTOR VEHICLE WITHOUT BOTH THE PROPER CLASS OF COMMERCIAL DRIVER'S LICENSE AND THE PROPER ENDORSEMENTS FOR THE SPECIFIC TYPE OF VEHICLE BEING OPERATED OR FOR THE SPECIFIC TYPE OF CARGO BEING TRANSPORTED; OR

(d) WHILE OPERATING A COMMERCIAL VEHICLE:

(I) SPEEDING IN EXCESS OF FIFTEEN MILES PER HOUR OVER THE POSTED SPEED LIMIT;

(II) RECKLESS DRIVING, OR DRIVING WITH WANTON DISREGARD FOR THE SAFETY OF PERSONS OR PROPERTY;

(III) CHANGING LANES IMPROPERLY OR ERRATICALLY;

(IV) FOLLOWING TOO CLOSELY; OR

(V) VIOLATING ANY LAW RELATING TO THE OPERATION OF A MOTOR VEHICLE IN CONNECTION WITH A FATAL ACCIDENT.

**SECTION 2.** 42-2-403 (1) and (3), Colorado Revised Statutes, are amended to read:

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**42-2-403. Department authority - rules - federal requirements.**

(1) The department shall develop, adopt, and administer a procedure for licensing drivers of commercial motor vehicles in accordance with the APPLICABLE federal "~~Commercial Motor Vehicle Safety Act of 1986~~" LAW GOVERNING COMMERCIAL MOTOR VEHICLE SAFETY and any rules or regulations promulgated thereunder.

(3) Nothing in this part 4 shall be construed to prevent the state of Colorado from complying with federal requirements in order to qualify for funds under the federal "Commercial Motor Vehicle Safety Act of 1986" OR OTHER APPLICABLE FEDERAL LAW.

**SECTION 3.** 42-2-403 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**42-2-403. Department authority - rules - federal requirements.**

(2) (e) WITH REGARD TO EVERY PERSON WHO HOLDS OR APPLIES FOR A COMMERCIAL DRIVER'S LICENSE IN THIS STATE, THE DEPARTMENT SHALL MAINTAIN, FOR AT LEAST THREE YEARS, RECORDS OF SUCH PERSON'S APPLICATION AND OF ANY CONVICTIONS, DISQUALIFICATIONS, AND LICENSING ACTIONS FOR VIOLATION OF STATE OR LOCAL LAWS RELATING TO MOTOR VEHICLE TRAFFIC CONTROL, OTHER THAN PARKING VIOLATIONS, COMMITTED WHILE THE PERSON WAS OPERATING A COMMERCIAL MOTOR VEHICLE, AND SHALL MAKE SUCH RECORDS AVAILABLE TO THE SPECIFIED PERSONS AND ENTITIES AS FOLLOWS:

(I) TO LAW ENFORCEMENT AND MOTOR VEHICLE LICENSING AUTHORITIES IN OTHER STATES, ALL INFORMATION ON ALL SUCH PERSONS;

(II) TO THE FEDERAL SECRETARY OF TRANSPORTATION, ALL INFORMATION ON ALL SUCH PERSONS;

(III) TO THE INDIVIDUAL TO WHOM SUCH INFORMATION PERTAINS, ALL SUCH INFORMATION PERTAINING TO THAT INDIVIDUAL;

(IV) TO THE MOTOR CARRIER EMPLOYER OR PROSPECTIVE MOTOR CARRIER EMPLOYER OF THE INDIVIDUAL TO WHOM SUCH INFORMATION PERTAINS, ALL SUCH INFORMATION PERTAINING TO THAT INDIVIDUAL.

**SECTION 4.** 42-2-404, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**42-2-404. License for drivers - limitations.** (1.5) (a) THE DEPARTMENT SHALL NOT ISSUE A COMMERCIAL DRIVER'S LICENSE TO, AND SHALL IMMEDIATELY CANCEL THE COMMERCIAL DRIVER'S LICENSE OF, ANY PERSON SUBJECT TO A FEDERAL DISQUALIFICATION ORDER ON THE BASIS OF IMMINENT HAZARD TO PUBLIC SAFETY PURSUANT TO 49 CFR 383.52.

(b) A PERSON WHO IS SUBJECT TO A FEDERAL DISQUALIFICATION ORDER ON THE BASIS OF IMMINENT HAZARD, OR WHOSE COMMERCIAL DRIVER'S LICENSE HAS BEEN SUSPENDED OR REVOKED BY THE STATE BY WHICH IT WAS ISSUED, SHALL NOT BE ELIGIBLE FOR A RESTRICTED, PROBATIONARY, OR HARDSHIP LICENSE THAT WOULD PERMIT THE PERSON TO OPERATE A COMMERCIAL MOTOR VEHICLE UNTIL THE PERIOD OF SUSPENSION, REVOCATION, OR DISQUALIFICATION IS COMPLETED AND THE PERSON IS OTHERWISE ELIGIBLE UNDER STATE AND FEDERAL LAW TO REAPPLY OR TO HAVE HIS OR HER LICENSE PRIVILEGES REINSTATED.

(c) (I) THE DEPARTMENT SHALL NOT ISSUE, RENEW, UPGRADE, OR

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TRANSFER A HAZARDOUS MATERIALS ENDORSEMENT FOR A COMMERCIAL DRIVER'S LICENSE THAT WOULD HAVE THE EFFECT OF AUTHORIZING A PERSON TO OPERATE A COMMERCIAL MOTOR VEHICLE TRANSPORTING HAZARDOUS MATERIAL IN COMMERCE UNLESS THE FEDERAL TRANSPORTATION SECURITY ADMINISTRATION HAS DETERMINED THAT THE PERSON DOES NOT POSE A SECURITY RISK WARRANTING A DENIAL OF THE ENDORSEMENT.

(II) A PERSON ENROLLED IN A COMMERCIAL DRIVER TRAINING SCHOOL OR HOLDING A COMMERCIAL DRIVING LEARNER'S PERMIT SHALL NOT BE ELIGIBLE TO APPLY FOR OR RECEIVE A HAZARDOUS MATERIAL ENDORSEMENT AND IS PROHIBITED FROM OPERATING A COMMERCIAL MOTOR VEHICLE TRANSPORTING HAZARDOUS MATERIAL AT ANY TIME.

SECTION 5. 42-2-405 (3), Colorado Revised Statutes, is amended, and the said 42-2-405 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**42-2-405. Driver's license disciplinary actions - grounds for denial - suspension - revocation - disqualification.** (3) ~~A commercial driver's license shall be cancelled and such driver shall be denied from driving a commercial motor vehicle in this state for life or, if a driver of a commercial motor vehicle does not have a commercial driver's license, such person shall be denied from ever obtaining a commercial driver's license and from driving a commercial motor vehicle in this state for life, unless such cancellation or denial is otherwise reduced to a period of not less than ten years by the secretary of the United States department of transportation:~~

(a) ~~if such driver is convicted of the commission of a felony involving~~

~~the manufacturing, distributing, or dispensing of a controlled substance, as defined under section 102 (6) of the federal "Controlled Substance Act", as may be amended from time to time, and the commission of such felony involved the use of a commercial motor vehicle, or~~ IF THE DEPARTMENT RECEIVES NOTICE FROM A COURT OR ANOTHER LICENSING JURISDICTION THAT A PERSON WHO HOLDS, OR IS REQUIRED TO HOLD, A COMMERCIAL DRIVER'S LICENSE HAS BEEN CONVICTED OF MORE THAN ONE SERIOUS OFFENSE ARISING FROM SEPARATE INCIDENTS WITHIN A THREE-YEAR PERIOD, THE DEPARTMENT SHALL SUSPEND OR DENY SUCH PERSON'S COMMERCIAL DRIVER'S LICENSE FOR A PERIOD OF:

(I) SIXTY DAYS FOR A SECOND CONVICTION; AND

(II) ONE HUNDRED TWENTY DAYS FOR A THIRD AND ANY SUBSEQUENT CONVICTION.

(b) ~~if such driver commits two or more violations, or any combination arising from two incidents, of:~~ IF THE DEPARTMENT RECEIVES NOTICE FROM A COURT OR ANOTHER LICENSING JURISDICTION THAT A PERSON WHO HOLDS, OR IS REQUIRED TO HOLD, A COMMERCIAL DRIVER'S LICENSE HAS BEEN CONVICTED OF ONE OR MORE RAILROAD CROSSING OFFENSES, THE DEPARTMENT SHALL SUSPEND OR DENY SUCH PERSON'S COMMERCIAL DRIVER'S LICENSE FOR A PERIOD OF:

(I) ~~Driving a commercial motor vehicle while under the influence of alcohol or a controlled substance;~~ SIXTY DAYS FOR THE FIRST SUCH CONVICTION;

(II) ~~Driving a commercial motor vehicle in this state when the amount of alcohol, as shown by analysis of such person's blood or breath, in such~~

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~~person's blood was 0.04 or more grams of alcohol per one hundred milliliters of blood or 0.04 or more grams of alcohol per two hundred ten liters of breath at the time of driving or any time thereafter;~~ ONE HUNDRED TWENTY DAYS FOR A SECOND CONVICTION WITHIN A THREE-YEAR PERIOD; AND

~~(III) Knowingly and willfully leaving the scene of an accident involving a commercial motor vehicle driven by the person;~~ ONE YEAR FOR A THIRD AND ANY SUBSEQUENT CONVICTION WITHIN A THREE-YEAR PERIOD.

~~(IV) Using a commercial motor vehicle in the commission of any felony, except felonies described in paragraph (a) of this subsection (3);~~

~~(V) Refusing to submit to a test to determine the driver's alcohol concentration while driving a commercial motor vehicle.~~

(c) IF THE DEPARTMENT RECEIVES NOTICE FROM A COURT OR ANOTHER LICENSING JURISDICTION THAT A PERSON WHO HOLDS, OR IS REQUIRED TO HOLD, A COMMERCIAL DRIVER'S LICENSE HAS BEEN CONVICTED OF ONE OR MORE MAJOR OFFENSES WHILE DRIVING EITHER A COMMERCIAL OR NONCOMMERCIAL MOTOR VEHICLE, THE DEPARTMENT SHALL REVOKE OR DENY SUCH PERSON'S COMMERCIAL DRIVER'S LICENSE FOR A PERIOD OF:

(I) ONE YEAR FOR THE FIRST SUCH CONVICTION; EXCEPT THAT, IF THE MAJOR OFFENSE OCCURRED WHILE THE PERSON WAS OPERATING A COMMERCIAL MOTOR VEHICLE TRANSPORTING PLACARDABLE HAZARDOUS MATERIAL, THE PERIOD OF REVOCATION SHALL BE THREE YEARS;

(II) ONE YEAR FOR THE SECOND AND ANY SUBSEQUENT SUCH CONVICTION IF ONE OF THE OFFENSES OCCURRED WHILE THE PERSON WAS OPERATING A COMMERCIAL MOTOR VEHICLE AND ANOTHER OCCURRED WHILE

THE PERSON WAS OPERATING A NONCOMMERCIAL MOTOR VEHICLE; EXCEPT THAT, IF ANY OF SUCH OFFENSES OCCURRED WHILE THE PERSON WAS OPERATING A COMMERCIAL MOTOR VEHICLE TRANSPORTING PLACARDABLE HAZARDOUS MATERIAL, THE PERIOD OF REVOCATION SHALL BE THREE YEARS; AND

(III) LIFE, SUBJECT TO SUBSECTION (3.5) OF THIS SECTION, IF:

(A) THE PERSON WAS CONVICTED OF MORE THAN ONE MAJOR OFFENSE ARISING FROM SEPARATE INCIDENTS; AND

(B) TWO OR MORE OF SUCH INCIDENTS INVOLVED THE PERSON'S OPERATION OF COMMERCIAL MOTOR VEHICLES, OR TWO OR MORE OF SUCH INCIDENTS INVOLVED THE PERSON'S OPERATION OF NONCOMMERCIAL MOTOR VEHICLES.

(d) IF THE DEPARTMENT RECEIVES NOTICE FROM A COURT OR ANOTHER LICENSING JURISDICTION THAT A PERSON WHO HOLDS A COMMERCIAL DRIVER'S LICENSE HAS BEEN CONVICTED OF VIOLATING AN OUT-OF-SERVICE ORDER WHILE DRIVING A COMMERCIAL MOTOR VEHICLE, THE DEPARTMENT SHALL REVOKE SUCH PERSON'S COMMERCIAL DRIVER'S LICENSE FOR A PERIOD OF NINETY DAYS FOR THE FIRST SUCH CONVICTION, ONE YEAR FOR THE SECOND SUCH CONVICTION WITHIN A TEN-YEAR PERIOD, AND THREE YEARS FOR THE THIRD AND ANY SUBSEQUENT CONVICTION WITHIN A TEN-YEAR PERIOD; EXCEPT THAT, IF ANY SUCH VIOLATION OCCURRED WHILE THE PERSON WAS OPERATING A COMMERCIAL MOTOR VEHICLE TRANSPORTING PLACARDABLE HAZARDOUS MATERIAL OR DESIGNED TO TRANSPORT SIXTEEN OR MORE PERSONS, INCLUDING THE DRIVER, THE PERIOD OF REVOCATION SHALL BE ONE

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HUNDRED EIGHTY DAYS FOR THE FIRST CONVICTION AND THREE YEARS FOR THE SECOND AND ANY SUBSEQUENT CONVICTION IN SEPARATE INCIDENTS WITHIN TEN YEARS.

(e) IF THE DEPARTMENT RECEIVES NOTICE FROM A COURT OR ANOTHER LICENSING JURISDICTION THAT A PERSON WHO HOLDS, OR IS REQUIRED TO HOLD, A COMMERCIAL DRIVER'S LICENSE HAS BEEN CONVICTED OF USING EITHER A COMMERCIAL OR NONCOMMERCIAL MOTOR VEHICLE IN THE COMMISSION OF A FELONY INVOLVING THE MANUFACTURE, DISTRIBUTION, OR DISPENSING OF A CONTROLLED SUBSTANCE, AS DEFINED BY FEDERAL REGULATIONS, OR A FELONY INVOLVING POSSESSION WITH INTENT TO MANUFACTURE, DISTRIBUTE, OR DISPENSE SUCH A CONTROLLED SUBSTANCE, THE DEPARTMENT SHALL REVOKE OR DENY THE PERSON'S COMMERCIAL DRIVER'S LICENSE FOR LIFE. A PERSON WHOSE LICENSE HAS BEEN REVOKED OR DENIED PURSUANT TO THIS PARAGRAPH (e) SHALL NOT BE ELIGIBLE FOR REINSTATEMENT AT ANY TIME FOR ANY REASON, NOTWITHSTANDING SUBSECTION (3.5) OF THIS SECTION.

(3.5) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (e) OF SUBSECTION (3) OF THIS SECTION, THE DEPARTMENT MAY REINSTATE A DRIVER WHO IS SUBJECT TO A LIFETIME REVOCATION OR DISQUALIFICATION AFTER TEN YEARS IF THE PERSON HAS VOLUNTARILY ENTERED AND SUCCESSFULLY COMPLETED AN APPROPRIATE REHABILITATION PROGRAM APPROVED BY THE DEPARTMENT. NOTHING IN THIS PARAGRAPH (a) SHALL BE CONSTRUED TO REQUIRE THE DEPARTMENT TO OFFER OR APPROVE ANY SUCH PROGRAM. IF NO SUCH PROGRAM IS OFFERED AND APPROVED, THEN NO REINSTATEMENT SHALL

BE GRANTED.

(b) A DRIVER REINSTATED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3.5) WHO IS SUBSEQUENTLY CONVICTED OF A MAJOR OFFENSE SHALL AGAIN BE SUBJECT TO A LIFETIME REVOCATION AND DISQUALIFICATION AND SHALL NOT BE ELIGIBLE FOR REINSTATEMENT AT ANY TIME FOR ANY REASON.

**SECTION 6. Applicability.** This act shall apply to commercial drivers' licenses issued or renewed on or after the effective date of this act.

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

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Bill K

Colorado Legislative Council Staff  
**STATE and LOCAL  
FISCAL IMPACT**

Drafting Number: LLS 04-0096  
Prime Sponsor(s): Rep. Larson

Date: November 18, 2003  
Bill Status: Transportation Legislation Review  
Committee

Fiscal Analyst: Todd Herreid (303-866-2633)

**TITLE:** CONCERNING THE CONDITIONS APPLICABLE TO THE HOLDERS OF  
COMMERCIAL DRIVERS' LICENSES.

Fiscal Impact Summary	FY 2004/2005	FY 2005/2006	FY 2006/2007
<b>State Revenues</b>			
General Fund			
Cash Fund - Driver's License Adm. Revoc. Acct		\$102,000	\$102,000
Cash Fund - Highway Users Tax Fund (HUTF)		43,520	43,520
<b>State Expenditures</b>			
General Fund*	\$10,560		
Cash Fund - Highway Users Tax Fund (HUTF)			
<b>FTE Position Change</b>	0.0 FTE	0.0 FTE	0.0 FTE
<b>Other State Impact:</b> TABOR			
<b>Effective Date:</b> Upon signature of the Governor			
<b>Appropriation Summary for FY 2004/2005:</b> Department of Revenue: \$10,560 General Fund*			
<b>Local Government Impact:</b> Increased HUTF distributions to cities and counties.			

*These one-time computer programming expenses may be included in the FY 2004-05 Long Bill appropriation to the Department of Revenue. If these resources are provided, no further appropriation will be required to implement the bill.*

**Summary of Legislation**

This bill amends state law to conform with recent changes in federal laws and administrative rules specifying grounds for suspension, revocation, and denial of commercial drivers' licenses (CDLs). The bill also specifies periods of suspension, revocation, or disqualification when a person commits certain prohibited acts. The bill therefore defines new offenses, such as major and serious offenses, that may cause drivers of commercial vehicles to lose their driving privileges, either temporarily or permanently.



## State Revenues

Since the bill creates new definitions for major and serious offenses, and specifies new penalties for violations, the bill will result in additional revocations of CDLs. The reinstatement of revoked licenses will generate additional revenues for state government.

Presently, the fee to restore a person's driving privilege is \$60. Persons with a revoked CDL will also have to pay \$25.60 for a new commercial driver's license. Based on the proportion of CDLs to all licensed drivers (5%) and the overall number of DUI offenses and major driving violations, it is assumed that the bill will result in 1,700 CDL revocations annually, beginning in FY 2004-05. Since the period of revocation is either one year or three years (for hazardous materials drivers), additional fee revenues will not be received until FY 2005-06. Assuming that all revocations are reinstated in one year, new CDL license fee revenues will be **\$43,520** annually ( $\$25.60 \times 1,700$ ), which will be deposited into the Highway Users Tax Fund (HUTF). In addition, the \$60 restoration fee will generate revenues of **\$102,000** annually, which will be deposited into the Driver's License Administrative Revocation Account. Any unused revenues in the Driver's License Administrative Revocation Account will be reallocated to the Highway Users Tax Fund for distribution to the State Highway Fund and to cities and counties.

## State Expenditures

*Department of Revenue.* The bill will create additional expenses for the Motor Vehicle Business Group in the Department of Revenue. Additional revocations will require more staff time to process CDL reinstatement applications. This expense can be absorbed within existing resources. However, the department will incur one-time computer programming expenses to identify newly defined major and serious offenses and to track citations of drivers while driving either commercial vehicles or non-commercial vehicles. These one-time computer programming costs are estimated at \$10,560, based on 240 hours of work at \$44 per hour.

It should be noted that the computer programming resources identified to implement the bill may also be included in the FY 2004-05 Long Bill appropriation to the Department of Revenue. If these resources are included in the Long Bill, no further appropriation for computer programming will be required to implement the bill.

*Department of Transportation.* The Department of Transportation will receive additional funds for highway improvement purposes because of the increase in license restoration fees and CDL fees. Under current law, \$8.50 of each CDL fee is distributed to the HUTF, of which 60 percent is allocated to the State Highway Fund. Moreover, 65 percent of the \$60 restoration fee may be reallocated to the HUTF for distribution to the State Highway Fund if there are unused revenues in the Driver's License Administrative Revocation Account.

**Other State Impacts**

Beginning in FY 2005-06, additional revenues generated by this bill will count against the state's TABOR limit. Based on the September 2003 Legislative Council staff forecast, \$299 will be refunded to taxpayers in FY 2005-06, even without this bill. This legislation will increase TABOR refunds by \$145,520 in FY 2005-06, and each year thereafter.

**Local Government Impacts**

Beginning in FY 2005-06, cities and counties will receive additional HUTF distributions because of the increase in CDL fees and restoration fees. Under current law, \$8.50 of each CDL fee is distributed to the HUTF, of which 40 percent is allocated to cities and counties. Moreover, cities and counties may receive 35 percent of the \$60 restoration fee if unused revenues in the Driver's License Administrative Revocation Account are reallocated to the HUTF.

**State Appropriations**

The Department of Revenue will require a General Fund appropriation of \$10,560. However, if the department's FY 2004-05 Long Bill appropriation contains this amount, no new state appropriations will be needed to implement the bill.

**Departments Contacted**

Revenue

Judicial

Public Safety

Regulatory Agencies

**Appendix A**  
**Title 42 Recodification Substantive Changes Chart**

<b>Changes</b>	<b>Section number; Page and Line number</b>
Clarifies that a person may transfer personalized plates to another vehicle that the person already possesses.	Section 24; P107, L4-10
Authorizes the personalization of all types of special license plates that are not already authorized for personalization.	Section 24; P108, L24 - P 109, L12 Section 24; P128, L18 - P129, L6 Section 24; P134, L11 - 26
Standardizes, at 16,000 pounds empty weight, the maximum weight of a vehicle that may be issued certain special plates.	Section 24; P32, L14 Section 24; P33, L3 Section 24; P33, L17 Section 24; P108, L15 Section 24; P110, L4 Section 24; P129, L14 - 15
Authorizes county clerks to issue national guard license plates.	Section 24; P130, L10 - 11
Clarifies that medal of honor awardees are exempted from paying registration fees.	Section 24; P143, L4 - 5
Authorizes the department of revenue (department) to release records to database contractors.	Section 2; P5, L22 - 24
Repeals the department's authority to publish a record of driver's license suspensions and revocations.	Section 5; P8, L20 - 24
Authorizes a motorcycle driving permit holder to extend such permit for 90 days, similar to other driving permits.	Section 6; P9, L12
Makes the fee for a minor driver's license consistent with adult driver's licenses by changing the fee from \$25 to \$15 until July 1, 2006, and \$30 thereafter.	Section 7; P9, L19 - 20
Clarifies that the issuance of a duplicate permit and minor driver's licenses does not change the expiration date of the person's license.	Section 8; P10, L1 - 2
Lowers the age limit from 66 to 61 years of age when a person may no longer renew a driver's license by mail, conforming to the age when a driver's license renewal period changes from 10 years to 5 years.	Section 9; P10, L11
Requires a driver who changes his or her name to apply for a license renewal.	Section 10; P10, L22
Changes the term "vehicle" to the phrase "motor vehicle" where the statutes address driving under the influence and habitual offenders. Includes off-road vehicles and farm equipment in, and excludes bicycles from, these infractions. Clarifies that Colorado's drivers' records are subject to the federal "Driver's Privacy Protection Act of 1994".	Section 1; P4, L6 - 21 Section 14; P14, L21 - P19, L5 Section 22; P22, L1 - P23, L20 Section 41; P218, L18 - P221, L25 Section 11; P12, L4 - 9
Authorizes the department to cancel a driver's license without a hearing upon determining that the person was not initially entitled to hold such a license.	Section 12; P13, L2 - 11

Changes	Section number; Page and Line number
Clarifies that a driver's license issued by a foreign government must be surrendered to a law enforcement officer when the person's driver's license is suspended or revoked.	Section 14; P16, L13 - 20
Clarifies that only one temporary license is issued upon the surrender of a driver's license.	Section 14; P17, L22 - 25 Section 14; P16, L23 - 25
Clarifies that the department may reinstate a license after a court dismisses the charges of substance abuse that caused the suspension or revocation.	Section 16; P19, L14 - 20
Authorizes a person whose driving privilege has been reinstated after suspension or revocation to apply for and receive a new license.	Section 20; P21, L13 - 18
Requires an applicant for an identification card to give a fingerprint and either produce a social security card or give a social security number under penalty of perjury.	Section 23; P23, L23 - P25, L4
Clarifies that the term "automated vehicle identification system" includes systems used to detect toll road violations.	Section 26; P203, L23 - P204, L2
Repeals the department's authority to approve vehicle lighting systems and to set standards for several vehicle components beyond those set by statute.	Sections 27 - 32; P204, L3 - P208, L3
Clarifies the use of the terms "mortgage", "lien", "secured interest", and "secured debt" in order to conform the use of these terms with the settled legal definitions of such terms.	Section 42; P222, L1 - P268, L10
Deletes obsolete provisions.	Section 10; P10, L24 - P11, L5 Section 13; P13, L27 - P14, L16 Section 21; P21, L21 - 27 Section 23; P24, L13 - 17 Section 24 repeals 42-3-125 by not including it in article 3 Section 24; P26, L11 Section 24; P36, L4 - 18 Section 24; P39, L10 - 20 Section 24; P69, L7 Section 24; P69, L10 - 20 Section 24; P90, L11 - 13 Section 24; P90, L23 Section 24; P91, L2 Section 24; P100, L14 - 17 Section 24; P141, L26 - P142, L1-8 Section 24; P146, L23 Section 24; P149, L25 Section 24; P150, L17 - 22 Section 24; P151, L19 Section 24; P154, L10 Section 24; P154, L14 - 16 Section 24; P154, L24 Section 24; P155, L14

Changes	Section number, Page and Line number
	Section 24; P155, L22 - P 156, L6 Section 24; P156, L26 Section 25; P203, L13 - 20 Section 28; P204, L13 - P206, L27 Section 30; P206, L22 - P207, L2 Section 31; P207, L11 - 12 Section 32; P207, L15 - P208, L3 Section 41; P221, L7 - 25 Section 42; P227, L23 - 24 Section 42; P228, L3 - 4 Section 42; P255, L9 - 16 Section 42; P259, L4 Section 42; P260, L12 - 13 Section 42; P260, L16 Section 42; P260, L18 Section 42; P260, L21 - 23 Section 42; P266, L16 Section 42; P274, L21 Section 42; P276, L9 - P277, L25