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0594 Transportation Legislation Review Committee



**Report to the
Colorado General Assembly**

**Transportation Legislation
Review Committee**

Prepared by

*The Colorado Legislative Council
Research Publication No. 594
December 2009*

Transportation Legislation Review Committee

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December 2009

To Members of the Sixty-seventh General Assembly:

Submitted herewith is the final report of the Transportation Legislation Review Committee. This committee was created pursuant to Section 43-2-145, C.R.S. 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 10, 2009, the Legislative Council reviewed the report of this committee. A motion to forward this report and the bills therein for consideration in the 2010 session was approved.

Respectfully submitted,

/s/ Senator Brandon Shaffer
Chair

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This report is also available on line at:

<http://www.colorado.gov/lcs/TLRC>

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 oversight of such development;
- the Colorado Department of Revenue (DOR) in the licensing of drivers and registration and titling of motor vehicles; and
- any state agency or political subdivision of the state that regulates motor vehicles or traffic, including penalties imposed for violating traffic statutes and rules.

Further, the committee must meet at least once each year to review all transportation, traffic, and motor vehicle legislation, make recommendations for additional legislation as it deems necessary, including recommendations on the financing of the state transportation system. State law authorizes the committee to review any phase of CDOT, public highway authority, or regional transportation authority operations, and allows the committee to require CDOT to prepare and adopt 5-, 10-, and 15-year state transportation system plans.

Committee Activities

The TLRC held three meetings and conducted one tour during the 2009 interim. The committee heard wide-ranging presentations from agencies of state and local government, and transportation industry associations. Representatives of CDOT briefed the committee on federal stimulus funded projects, both planned and underway, as well as plans for Senate Bill 09-108 surcharge and fee revenues. Senate Bill 09-108 is also known as the FASTER Act (Funding Advancement for Surface Transportation and Economic Recovery). The TLRC heard informational briefings on waste tire reuse, rail technology, motor vehicle registration fee collections, driver licensing and education requirements, and public highway authority tolling. The committee toured the Colorado Energy Recyclers waste tire facility in Midway, Colorado, a concrete plant in Florence that is powered in part with waste tires, and a rail transportation test facility near Pueblo (Transportation Technology Center, Inc).

Highway toll evasion notice process. The E-470 Public Highway Authority (PHA) presented information relating to the authority's revenues and expenditures, the recent transition of the authority to a "cashless," electronic tolling system, and the collection of highway tolls. Current Colorado law requires that toll penalties be paid within 20 days, communicated by an initial penalty assessment notice. Nonpayment results in a second penalty notice sent by certified mail. Substantial postage costs are incurred under the existing penalty and nonpayment collection process. As a result of testimony received, the TLRC recommended Bill A eliminating the requirement that a second notice be sent to persons non-responsive to an initial penalty notice, and increasing the time allowed to pay or respond to the initial penalty assessment notice from 20 days to 30 days.



Waste tire recycling and reduction methods. The TLRC heard testimony regarding waste tire stockpiles, recycling, and reuse. Studies estimate that approximately 50 million waste tires are located in Colorado. In 2008, approximately 5.7 million new tires were deposited in Colorado waste tire facilities, an estimated 447,415 tires of which were imported from other states. The committee heard from the Department of Local Affairs (DOLA), Division of Local Government, regarding waste tire grant programs. DOLA reported on grants, eligible recipients, and eligible activities. The DOLA waste tire grants are supported by a \$1.50 per tire fee assessed at the time of purchase. The committee also heard testimony regarding waste tire reduction methods through fuel and energy development processes. The committee visited two sites to gather additional information on waste tire monofills and reuse: the Colorado Energy Recyclers tire monofill at Midway, Colorado and the Holcim Cement Plant at Florence, Colorado. During the visit to the Holcim plant, the committee received a briefing regarding the use of waste tires as an energy source and toured the plant site. Committee discussion resulted in the recommendation of Bill B which will consolidate waste tire regulatory authority within the Department of Public Health and Environment and add new requirements for waste tire haulers and facilities.

Disabled parking enforcement. The committee heard testimony that disabled parking tags are being misused in the state, that current enforcement mechanisms for the proper use of such tags are not sufficient, and that steps should be taken to ensure that disabled persons who are eligible to use disabled parking spaces have access to the spaces. As a result of testimony received, the committee recommended Bill C authorizing the confiscation of misused disabled parking placards, and the towing of vehicles in violation of the statute. The bill will also prohibit the following:

- use of devices intended to mimic a placard;
- retaliation against an employee who notifies authorities of disabled parking violations;
- moving a vehicle to avoid time limits on reserved disabled parking spaces;
- using reserved disabled parking for commercial purposes unrelated to transacting business with the business the space is intended to serve; and
- ticketing, towing, or booting vehicles parked in a disabled parking space without paying required remuneration unless the method of payment is reasonably accessible to a disabled person.

Driver's license and permit education. The TLRC heard testimony regarding a provision of Colorado law that can serve as an obstacle to minors applying for a driver's license. Minors, aged 15 to 16 years, who apply for a permit yet do not finish behind-the-wheel training requirements are held to fulfill those requirements until age 18 in order to receive a license. For minor drivers who begin, but do not finish, behind-the-wheel training, this requirement prevents such drivers from holding a license even after passing age thresholds that do not carry such requirements.

As a result of this testimony, the committee recommended Bill D, which changes the age at which a minor is required to complete behind-the-wheel training in order to obtain a driver's license from 18 years to 16 and one-half years. The bill will ensure that persons who start but do not finish behind-the-wheel training receive identical treatment under the law.



Highway work zone accident reporting. The committee heard an overview of CDOT measures that have been implemented regarding transportation project work zone safety, including policies that have been implemented subsequent to recent work zone fatalities. A CDOT representative testified that the department is in compliance with federal safety standards for work zones and that the department has received feedback from workers and contractors relating to work zone safety. Committee discussion resulted in the recommendation of Bill E which will require the department to provide an annual report to the House and Senate transportation committees addressing fatal accidents in CDOT work zones and measures to prevent such fatalities.

Additional committee discussion. House Bill 09-1230 required that the TLRC review the accuracy and availability of state approved sales tax databases used by automobile dealers and county clerks for the assessment and collection of sales taxes due on automobile purchases. The committee heard testimony from stakeholders involved in this process, including representatives of automobile dealers, county clerks, and the Department of Revenue. As a result of these discussions the committee considered legislation addressing the problem of database accuracy. However, the committee determined that legislation ultimately addressing this problem will differ from the proposed draft legislation. Accordingly, the committee declined to recommend the draft legislation for introduction.

Committee Recommendations

As a result of committee deliberations, the TLRC recommends five bills for consideration in the 2010 legislative session.

Bill A — Modification of the Manner in Which a Civil Penalty Assessment Notice of Toll Evasion Evidenced by Automatic Vehicle Identification Technology is Provided to the Vehicle Owner. Bill A amends state law pertaining to toll collections and penalties. Under current law, toll penalties must be paid within 20 days, communicated by an initial penalty assessment notice. Nonpayment results in a second penalty notice sent by certified mail. The bill eliminates the requirement that a second notice be sent to persons non-responsive to an initial penalty notice; and increases the time allowed to pay or respond to an initial penalty assessment notice from 20 days to 30 days.

Bill B — Increased Authority to Regulate Waste Tires. Bill B amends state law to increase authority over waste tire recycling programs, facilities, and haulers. Specifically, Bill B consolidates authority with the Department of Public Health and Environment (CDPHE) and adds new requirements for waste tire haulers and facilities.

Bill C — Parking Privileges for People with Disabilities. Bill C amends laws governing the enforcement of reserved parking for the disabled. Specifically, the bill authorizes the confiscation of placards that are being misused, prohibits the use of devices designed to give the impression of an identifying placard, authorizes vehicle removal for violators, and establishes related guidelines.

Bill D — Behind-the-Wheel Training Requirement Necessary to Receive a Driver's License. Bill D lowers from 18 years to 16 and one half years the age at which a minor is required to complete behind-the-wheel training in order to obtain a driver's license. Under existing law, minors, age 15 to 16, who apply for a permit yet do not finish training program requirements are



held to those requirements until age 18, despite that they could have successfully applied for a driver's license even without behind-the-wheel training at age 16 and a half. This statutory provision prevents such drivers from obtaining a driver's license even though they are beyond the age at which they would otherwise have been exempt from the requirements. Bill D corrects this inconsistency.

Bill E — Concerning Annual Reporting to the General Assembly of Fatal Accidents in State Highway Work Areas. Bill E requires the Colorado Department of Transportation (CDOT) to report annually (on or before February 15) to the House Transportation and Energy Committee and the Senate Transportation Committee any accidents that occur within state highway work areas that result in the death. The report to the committees must include:

- the number of accidents resulting in death and the number of individuals killed;
- identification of the individuals killed as CDOT employees, employees of CDOT contractors or subcontractors, or other individuals;
- a copy of the law enforcement report regarding the accident; and
- a description of ongoing and newly implemented measures taken by CDOT to prevent accidents in state highway work areas that result in death.



Committee Charge

The Transportation Legislation Review Committee (TLRC) is comprised of the 18 members of the House Transportation and Energy Committee and the Senate Transportation Committee. The TLRC is granted statutory oversight responsibilities for certain activities of the Colorado Department of Transportation, rural transportation authorities, public highway authorities, and the Regional Transportation District. In addition, the TLRC monitors the activities of the Colorado Department of Revenue (DOR) relating to the regulation of motor vehicles and driver control, the impact of Colorado's transportation system on air quality, and the effect of traffic law enforcement on transportation in the state.

Colorado Department of Transportation. Section 43-2-145 (1), C.R.S., requires the TLRC to:

- give guidance and direction to Colorado Department of Transportation (CDOT) in the development of the state transportation system;
- provide legislative oversight of and input into such development;
- make recommendations concerning the financing of the state transportation system;
- may review any phase of CDOT operations, including the planning and construction of highway projects;
- may review such projects upon completion to determine whether a project was completed in the most cost-effective and efficient manner;
- may require CDOT to conduct long-term planning efforts for the state transportation system and may require financial and performance audits to be conducted;
- study annual recommendations made by the executive director of CDOT regarding acquisition of any abandoned railroad rights-of-way within the state;
- recommend legislation to the General Assembly and Governor resulting from these oversight responsibilities; and
- required to cooperate with the TLRC in carrying out its duties.

Colorado Department of Revenue. The oversight responsibilities of the TLRC include certain activities of the DOR, including driver licensing and registration and titling of motor vehicles. The TLRC's purview includes oversight of any state department or agency that administers laws related to traffic regulation or penalties imposed for traffic law violations.

Regional transportation authorities. The TLRC is granted the authority to review the operations of regional transportation authorities in Colorado, including the planning and construction of regional transportation systems (Section 43-2-145 (1.9), C.R.S.). The TLRC may review the authorities' projects to ensure completion in the most cost-effective and efficient manner. The TLRC is authorized to require long-range planning by regional transportation authorities, and may require financial and performance audits of these entities as well.



Public highway authorities. The TLRC is authorized to review the operations of public highway authorities in the state, including the planning and construction of public highway projects by these authorities (Section 43-2-145 (1.5), C.R.S.). The TLRC may review public highway authority projects upon completion to ensure that they were constructed in the most cost-effective and efficient manner. The TLRC may also require public highway authorities to develop long-range plans, and may require financial or performance audits of these entities.

Regional Transportation District. The Regional Transportation District (RTD) is authorized to contract up to 58 percent of its transportation services to private businesses through competitive bidding. RTD must ensure that these companies meet certain standards relating to experience, safety records, and financial responsibility. The TLRC is required to monitor RTD's implementation of this statutory requirement and recommend any necessary changes to the General Assembly (Section 32-9-119.5 (8) (a), C.R.S.). RTD is also required to ensure that at least 30 percent of its operating costs are funded by farebox revenues, and must prepare its annual budget based on this percentage (Section 32-9-119.7 (3), C.R.S.). In this regard, RTD is required to submit to the TLRC any information, data, testimony, or audits that the committee may request.

Committee Activities

During the 2009 interim, the Transportation Legislation Review Committee (TLRC) held three meetings and one day-long tour and site visit. The TLRC met with representatives of 16 agencies and organizations interested in the development and operation of Colorado's transportation system. Major topics addressed by the committee this interim are summarized below.

Highway Toll Evasion Notice Process

The E-470 Public Highway Authority (PHA) operates a 47-mile toll highway that runs along the eastern perimeter of the Denver metropolitan area. E-470 extends from State Highway C-470 at I-25 in Douglas County south of Denver, runs east and then north through Aurora, passes along the western edge of the Denver International Airport, and turns back towards the west, terminating at I-25 on the north end of the metropolitan area at 157th Avenue. The E-470 PHA authority presented information relating to the authority's revenues and expenditures, the recent transition of the authority to a "cashless," electronic tolling system, and the collection of highway tolls.

A representative of E-470 noted that 84 percent of the public highway authority's revenues are generated through tolls. With completion of the transition to electronic tolling E-470 is now entirely an electronic toll road with approximately 600,000 vehicle transponders in use. The E-470 representative described the public highway authority's experiences with toll violations and means of toll enforcement. Current Colorado law requires that two notices regarding nonpayment of tolls and resulting penalties be sent to a toll violator, resulting in substantial postage costs. Twenty days are provided for vehicle owners to remit payment for toll violations. The E-470 representative noted that substantial postage costs are incurred under the existing penalty and nonpayment collection process.



Committee recommendation. Current Colorado law requires that toll penalties be paid within 20 days, communicated by an initial penalty assessment notice. Nonpayment results in a second penalty notice sent by certified mail. As a result of testimony received, the TLRC recommended Bill A, eliminating the requirement that a second notice be sent to persons non-responsive to an initial penalty notice, and increasing the time allowed to pay or respond to the initial penalty assessment notice from 20 days to 30 days.

Waste Tire Stockpiling and Reuse

The TLRC addressed concerns relating to waste tire stockpiling, fire hazards, illegal dumping, and reuse methods in Colorado, and received briefings on waste tire grant programs administered by the Colorado Division of Local Government, Department of Local Affairs.

According to industry reports, approximately 50 million waste tires are stored in Colorado. This accounts for approximately 39 percent of the 128 million waste tires stockpiled in all states. In a Department of Public Health and Environment (CDPHE) report submitted to the committee detailing waste tires in Colorado, it was reported that in 2008:

- 5,158,468 waste tires were generated within Colorado;
- 4,080,749 (79 percent of tires generated) were recycled; and
- an estimated 447,415 tires were imported from other states and deposited in Colorado monofills.

A \$1.50 per tire fee placed upon new tire sales funds Colorado programs to promote waste tire reuse, recycling, research and disposal. These programs are administered by the Colorado Department of Local Affairs (DOLA), Department of Higher Education (DHE), and the Pollution Prevention Advisory Board. A representative of the Division of Local Government, DOLA, briefed the committee on waste tire grants administered by the department to address illegally dumped tires and related clean-up.

Current Colorado law requires waste tire haulers to be certified by the Colorado Department of Public Health and Environment (CDPHE). Haulers are prohibited from transporting waste tires without being registered with the state and having applied for a certificate of registration. The application and certification process is administered by the Hazardous Materials and Waste Management Division, CDPHE. Haulers are required to file annual reports with CDPHE detailing the number of waste tires transported during the previous year. The report also documents the quantity of waste tires transported from out-of-state locations.

Committee recommendation. As a result of testimony, the committee recommended Bill B. The bill increases state authority over waste tire recycling, facilities, and haulers. Among its provisions, the bill:

- ends the transfer of waste tire fees to support higher education research;
- creates new funds to support waste tire fire prevention;
- repeals DOLA administration of the Waste Tire Cleanup Fund;
- reallocates the \$1.50 per tire fee across various cash funds;



- establishes new quantity limits and decal and manifest requirements for waste tire haulers; and
- establishes new registration, reporting, and financial responsibility requirements for waste tire facilities.

Parking for Persons with Disabilities

Persons with a physical impairment that substantially limits their ability to move from place to place may qualify for persons with disabilities parking privileges in Colorado. Disabled parking is provided to allow such persons additional space for entering and exiting vehicles and to provide parking that is closer to the main entrance of a facility. Disabled parking placards are only to be used by the person to whom they are issued. Applications for a disabled parking placard may be submitted to county motor vehicle offices and must be certified by a Colorado physician, advance practice nurse, or commissioned medical officer. Placards must be hung from a motor vehicle's rear view mirror while parked in a disabled parking space. Disabled parking placards must be renewed every three years, with the exceptions of placards that are issued to persons with a verified and permanent disability, and placards issued on a temporary basis. Temporary placards are issued for periods of up to three months.

The TLRC heard testimony that disabled parking tags are being misused in Colorado, that current enforcement mechanisms for the proper use of such tags is not sufficient, and that steps should be taken to ensure that disabled persons who are eligible to use disabled parking spaces have access to the spaces. The committee heard that there are approximately 300,000 people with disabilities in Colorado and that one-quarter of these persons have mobility impairments. Since there are currently 1.2 million disabled parking tags in circulation, there are more disabled parking tags outstanding than there are disabled persons in the state.

Committee recommendation. As a result of testimony received, the TLRC recommended Bill C, amending laws governing the enforcement of reserved parking for the disabled community. Bill C authorizes the confiscation of misused disabled parking placards, and the towing of vehicles in violation of the statute. The bill also prohibits the following:

- use of devices intended to mimic a placard;
- retaliation against an employee who notifies authorities of disabled parking violations;
- moving a vehicle to avoid time limits on reserved disabled parking spaces;
- using reserved disabled parking for commercial purposes unrelated to transacting business with the business the space is intended to serve; and
- ticketing, towing, or booting vehicles parked in a disabled parking space without paying required remuneration unless the method of payment is reasonably accessible to a disabled person.



Graduated Driver Licensing

State law restricts minors, ages 15 to 16 years, who apply for an instruction permit yet do not finish training program requirements, from holding a driver's license until they are 18 years old. However, Colorado law also allows minor drivers to apply for a driver's license without having received behind-the-wheel training at age 16 and one half-years old. The committee heard that these two statutes create a conflict in which minor drivers who begin, but do not finish, behind-the-wheel training are ineligible for a license until age 18, even though if they had opted against pursuing an instruction permit they could have avoided the behind-the-wheel training requirement altogether. The current statutory scheme results in situations in which minors are prevented from obtaining a driver's license even after passing age thresholds that do not carry such requirements.

Committee recommendation. Bill D addresses this incongruity by lowering, from 18 years to 16 and one-half years, the age at which a minor is required to complete behind-the-wheel training in order to obtain a driver's license.

Highway Work Zone Safety

In recent years, the General Assembly has taken steps to protect workers in highway construction zones. The 2008 Charles Mather Act authorized the Colorado Department of Public Safety to use photo radar in these zones. The act doubled fines for certain moving traffic violations, including speeding, within the zones, created a fine of \$540 for driving 24 miles per hour over the speed limit in the zones, and designated offenses of speeding in excess of 25 miles per hour above the limit in a construction zone a class 1 misdemeanor traffic offense. The act also required drivers approaching these zones to exhibit due care and yield the right-of-way to maintenance, repair, or construction vehicles, or vehicles being equipped with chains.

During the 2009 interim, the TLRC continued its investigation of highway work zone safety. The committee received an update from CDOT regarding recent measures that have been implemented regarding transportation project work zone safety, including policies implemented subsequent to recent work zone fatalities. A CDOT representative commented on the department's compliance with federal safety standards for work zones and noted that the department has received feedback from workers and contractors relating to work zone safety. The committee also received testimony relating to:

- the recent upgrading of work zone safety devices;
- the visibility of apparel worn by employees in work zones, including reflective clothing;
- CDOT processes to record contractor accidents and the impact of these accidents on future project contract bidding and selection;
- CDOT lane and road closure strategies, and the enhanced safety of working at night for CDOT crews due to lower traffic volumes;
- signage to raise the public's awareness relating to transportation worker safety;
- departmental procedures for employee entrance to and exit from work zones;
- CDOT efforts to coordinate safety measures with the Colorado State Patrol, and the fact that active law enforcement is the most effective means of ensuring worker safety; and



- the implementation of mandatory traffic control supervisor training, training for employees who design work zones, and certification of law enforcement officers who work in work zones.

Committee recommendation. The committee's discussion of worker safety in highway construction zones resulted in the recommendation of Bill E. The bill requires CDOT to report annually (on or before February 15) to the House Transportation and Energy Committee and to the Senate Transportation Committee regarding accidents in state highway work areas that result in death. The report to the committees must include:

- the number of accidents resulting in death and the number of individuals killed;
- identification of the individuals killed as CDOT employees, employees of CDOT contractors or subcontractors, or other individuals;
- a copy of the law enforcement report regarding the accident; and
- a description of ongoing and newly implemented measures taken by CDOT to prevent accidents in state highway work areas that result in death.

Motor Vehicle Sales Tax Collection

For purposes of establishing best practices for the collection of sales tax on the sale of motor vehicles, House Bill 09-1230 required the TLRC to:

- consult with the Colorado Department of Revenue, Colorado automobile dealers, retailers, and experts in the fields of motor vehicle registration, titling, and state and local sales tax collection to review the accuracy and availability of state-approved sales tax databases relied on by automobile dealers and retailers;
- review the consistency of updates to the databases, the efficiency of sales tax collections, and the frequency of inaccurate sales tax collections; and
- make legislative recommendations to the General Assembly as deemed necessary.

A representative of Colorado Counties, Inc. discussed the number of incorrect addresses provided by persons when registering motor vehicles and noted that, accordingly, county clerks may receive sales tax payments that are not accurate. In these instances, county clerks have denied vehicle registrations and have returned registrations to automobile dealers. The representative testified that automobile dealers object to the return of such registrations when a relatively small amount of money is due on the vehicle registration. Automobile dealers believe that they should be held harmless in situations in which the purchaser of a vehicle provides a wrong address.

A representative of the Colorado Automobile Dealers Association told the committee that three databases are available for the use of motor vehicle dealers when determining sales tax liability and that these databases are not always in agreement. The association suggested that a mechanism be established for addressing small discrepancies in the payment of sales taxes due



that would allow the dealers and Colorado clerks to proceed with the vehicle titling and registration process. The association prefers to give the clerks discretion — a threshold amount under which the clerks could proceed with processing vehicle titles and registration and collect the discrepancy from the purchaser or from the dealer at a later time.

The TLRC discussed the databases that are available for the collection of motor vehicle sales tax information and the accuracy of the databases. The committee received testimony from a representative of the Colorado county clerks who commented on the frequency of rejection of titling and registration paperwork by the clerks. The representative noted that only a small percentage of applications received by the clerks are rejected for incorrect payment of state or local sales taxes. The representative pointed out that Colorado law does not allow vehicle titles and registrations to be processed unless taxes are paid. The representative said that the clerks prefer that a solution to the problem be addressed in rule rather than in legislation.

A representative of the Colorado Department of Revenue commented on improvements being made to the databases, but added that the database operated by the state relies on an antiquated computer system that has experienced programming problems. The committee heard that privately operated databases generally have more accurate information for sales tax collection.

As a result of this testimony, the committee adopted a motion to order draft legislation establishing a threshold amount for errors in the collection of sales taxes by automobile dealers in order that a motor vehicle title and registration could still be processed if there are small amounts of taxes outstanding. The draft bill would also have provided for a collection mechanism so that the consumer is responsible for payment of the full amount of sales taxes owed.

No committee recommendation. After further deliberation, the TLRC determined that the legislation ultimately addressing the problem of sales tax database accuracy will differ from the proposed draft legislation. Accordingly, the committee declined to recommend the draft legislation for introduction.

Colorado Industries Dependent on State Transportation Infrastructure

The TLRC was briefed on the status of the Colorado trucking industry and state regulation impacting Colorado asphalt producers.

Trucking. The Colorado Motor Carriers Association briefed the committee on the status of the Colorado trucking industry and current economic challenges. An association representative discussed the impact of the recently enacted Senate Bill 09-108. The representative discussed issues pertaining to taxation and environmental issues relative to trucking fleets, and updated the committee on association initiatives.

Asphalt producers. The Colorado Asphalt Pavement Association brought concerns to the committee regarding state regulation of the industry. Association representatives discussed environmental compliance processes and penalties administered by the Department of Public Health and Environment, Air Pollution Control Division. Representatives also discussed current economic conditions in the hot-mix asphalt industry. A representative of the Air Quality Control Division briefed the committee on current air quality compliance standards for the industry, and potential fines for violations. The committee heard that compliance inspections are conducted by the division on a regular schedule, and that businesses receiving fines have the option to appeal the fines to the Air Quality Control Commission.



Summary of Recommendations

As a result of committee deliberations, the TLRC recommends five bills for consideration during the 2010 legislative session.

Bill A — Modification of the Manner in Which a Civil Penalty Assessment Notice of Toll Evasion Evidenced by Automatic Vehicle Identification Technology is Provided to the Vehicle Owner

Bill A amends state laws pertaining to toll collections and penalties. Under current law, toll penalties must be paid within 20 days, communicated by an initial penalty assessment notice. Nonpayment of fines results in a second penalty notice sent by certified mail. Bill A makes two specific changes. The bill:

- eliminates a requirement that a second notice be sent to persons non-responsive to an initial penalty notice; and
- increases the time allowed to pay or respond to an initial penalty assessment notice from 20 days to 30 days.

Bill B — Increased Authority to Regulate Waste Tires

Bill B amends Colorado law to increase authority over waste tire recycling programs, facilities, and haulers. Specifically, Bill B consolidates authority relating to waste tire disposal within the Department of Public Health and Environment (CDPHE), and adds new requirements for waste tire haulers and facilities.

Specific to the waste tire fees, grants, and administration, the bill:

- ends the transfer of waste tire fees to the Innovative Higher Education Research Authority Program beginning in 2014;
- ends the transfer of waste tire fees to the Recycling Resources Economic Opportunity Grant Program beginning in 2011;
- repeals Department of Local Affairs (DOLA) administration of the Waste Tire Cleanup Fund;
- repeals the Advanced Technology Fund;
- redistributes revenues generated by the \$1.50 waste tire fee among the following funds:
 - ▶ Processors and End Users Fund;
 - ▶ Innovative Higher Education Research Fund;
 - ▶ Waste Tire Cleanup Fund;
 - ▶ Waste Tire Fire Prevention Fund;
 - ▶ Recycling Resources Economic Opportunity Fund;
 - ▶ Waste Tire Market Development Fund; and
 - ▶ Law Enforcement Grant Fund



- updates state law regarding the Processors and End Users Fund;
- recreates the Waste Tire Cleanup Fund;
- creates the Waste Tire Fire Prevention Fund;
- creates the Waste Tire Market Development Fund;
- creates a Waste Tire Fund to support CDPHE program administration costs;
- increases the maximum reimbursements to processors and end users from \$50 to \$65 per ton of waste tires;
- conforms "waste tire" definitions in the solid waste and the waste tire fee statutes;
- creates a Waste Tire Advisory Committee and directs the Department of Regulatory Agencies (DORA) to conduct a sunset review of the committee prior to its repeal on July 1, 2020; and
- specifies that sales tax is not assessed when the waste tire fee is collected upon new tire sales.

Specific to waste tire haulers, the bill:

- requires haulers to display decals and complete and retain manifests; and
- prohibits a hauler from transporting a quantity of waste tires in excess of a limit established by the Solid and Hazardous Waste Commission unless the hauler is registered.

Specific to waste tire facilities, the bill:

- requires registration of waste tire facilities;
- requires waste tire monofills to submit to CDPHE a waste tire inventory reduction plan and places processing requirements for certain facilities relative to the number of tires accepted by that facility each year;
- imposes financial responsibility requirements for closure and reclamation; and
- establishes fees and provides the Solid and Hazardous Waste Commission general rule-making authority regarding waste tires.

Bill C — *Parking Privileges for People with Disabilities*

Bill C amends laws governing the enforcement of reserved parking for the disabled. Specifically, the bill:

- authorizes peace officers to confiscate placards that are being misused. Law enforcement agencies may release a confiscated disabled parking placard to a person with a disability to whom it was issued if the person signs a statement under the penalty of perjury that he or she was unaware of the misuse of the placard by the violator;
- prohibits the creation or use of a device that is intended to give the impression that it is an identifying placard when viewed from outside of the vehicle;
- prohibits retaliation against an employee for notifying authorities of a violation relating



- to a possible reserved disabled parking violation;
- authorizes a peace officer or property owner to remove a vehicle that is violating reserved parking provisions, and requires persons found guilty of violations of the statute to reimburse law enforcement agencies or property owners for the cost of removing the vehicle;
 - prohibits moving a vehicle to another reserved disabled parking space within 100 yards of the original parking space to avoid time limits on the reserved parking spaces;
 - specifies that parking in a time-limited reserved parking space for more than three hours at least three days a week for at least two weeks is a rebuttable presumption of a violation;
 - prohibits using reserved disabled parking for commercial purposes unrelated to transacting business with the business the space is intended to serve; and
 - prohibits persons and political subdivisions of the state who own, operate, or manage parking spaces from taking adverse action (for example, ticketing, towing or booting) against a person with a disability who parks in a space without paying required remuneration unless the method of payment is reasonably accessible to persons with disabilities.

Bill D — Behind-the-Wheel Training Requirement Necessary to Receive a Driver's License

Bill D lowers from 18 years to 16 and one-half years the age at which a minor is required to complete behind-the-wheel training in order to obtain a driver's license. Under existing law, minors, ages 15 to 16 years, who apply for a permit yet do not finish training program requirements, are held to those requirements until age 18, despite the fact that they could have successfully applied for a driver's license even without behind-the-wheel training at age 16 and one-half. This statutory provision prevents such minors from obtaining a driver's license even after passing age thresholds that do not carry such requirements.

Bill E — Concerning Annual Reporting to the General Assembly of Fatal Accidents in State Highway Work Areas

Bill E requires the Colorado Department of Transportation (CDOT) to report annually (on or before February 15) to the House Transportation and Energy Committee and to the Senate Transportation Committee regarding accidents in state highway work areas that result in the death. The report to the committees must include:

- the number of accidents resulting in death and the number of individuals killed;
- identification of the individuals killed as CDOT employees, employees of CDOT contractors or subcontractors, or other individuals;
- a copy of the law enforcement report regarding the accident; and
- a description of ongoing and newly implemented measures taken by CDOT to prevent accidents in state highway work areas that result in death.



Resource Materials

Meeting summaries are prepared for each meeting of the committee and contain all handouts provided to the committee. The summaries of meetings and attachments are available at the Division of Archives, 1313 Sherman Street, Denver, (303-866-4900). The listing below contains the dates of committee meetings and the topics discussed at those meetings. Meeting summaries are also available on our website at:

<http://www.colorado.gov/lcs/TLRC>

Meeting Date and Topics Discussed

July 27, 2009

- ◆ Tour of Colorado Energy Recyclers waste tire monofill
- ◆ Tour of Holcim Concrete Plant
- ◆ Tour of Transportation Technology Center, Inc.

August 26, 2009

- ◆ Colorado Department of Transportation update
- ◆ Colorado Department of Revenue update
- ◆ Colorado Department of Local Affairs presentation on waste tire grants
- ◆ Air quality compliance pertaining to hot-mix asphalt businesses
- ◆ Sales tax collections on motor vehicle sales
- ◆ Trucking industry status

September 16, 2009

- ◆ Colorado Department of Transportation update
- ◆ Colorado State Patrol update
- ◆ Sales tax collections on motor vehicle sales
- ◆ Reuse of waste tires
- ◆ Transportation public-private partnerships

October 21, 2009

- ◆ Diesel emission retrofits of school buses
- ◆ Air quality compliance pertaining to hot-mix asphalt businesses
- ◆ E-470 toll collections
- ◆ New energy growth pertaining to transportation industries
- ◆ Consideration of legislation



**Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

BILL A

LLS NO. 10-0191.01 Jason Gelender

SENATE BILL

SENATE SPONSORSHIP

Williams, Romer, Spence

HOUSE SPONSORSHIP

Vaad, Fischer, Frangas, King S., McFadyen, McNulty, Merrifield, Tyler

Senate Committees

House Committees

A BILL FOR AN ACT

101 **CONCERNING MODIFICATION OF THE MANNER IN WHICH A CIVIL**
102 **PENALTY ASSESSMENT NOTICE OF TOLLEVASION EVIDENCED BY**
103 **AUTOMATIC VEHICLE IDENTIFICATION TECHNOLOGY IS**
104 **PROVIDED TO THE OWNER OF A VEHICLE SO IDENTIFIED.**

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. The bill modifies the manner in which civil penalty assessment notices of toll evasion evidenced by automatic vehicle identification technology are provided to an owner of a vehicle so identified by:

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

- Eliminating the requirement that a second civil penalty assessment notice be sent if the owner does not pay the civil penalty imposed by or otherwise respond to an initial civil penalty assessment notice; and
- Increasing the length of time to pay or otherwise respond to an initial civil penalty assessment notice from 20 to 30 days.

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

2 **SECTION 1.** 43-4-506.5 (6) (a) and (6) (b), Colorado Revised
3 Statutes, are amended to read:

4 **43-4-506.5. Traffic laws - toll collection.** (6) (a) In addition to
5 the penalty assessment procedure provided for in subsection (3) of this
6 section, where an instance of toll evasion is evidenced by automatic
7 vehicle identification photography, or other technology not involving a
8 peace officer, a civil penalty assessment notice may be issued and sent by
9 first-class mail, or by any mail delivery service offered by an entity other
10 than the United States postal service that is equivalent to or superior to
11 first-class mail with respect to delivery speed, reliability, and price, by the
12 public highway authority to the registered owner of the motor vehicle
13 involved. ~~Such~~ THE notice shall contain the name and address of the
14 registered owner of the vehicle involved, the license number of the
15 vehicle involved, the time and location of the violation, the amount of the
16 penalty prescribed for the violation, a place for the registered owner of
17 the vehicle to execute a signed acknowledgment of liability for the cited
18 violation, and such other information as may be required by law to
19 constitute ~~such~~ THE notice as a complaint to appear for adjudication of a
20 toll evasion civil penalty assessment. The registered owner of the vehicle
21 involved in a toll evasion shall be liable for the toll, fee, and civil penalty
22 imposed by the authority, except as otherwise provided by paragraph (a.5)

1 of this subsection (6). IF THE REGISTERED OWNER OF THE VEHICLE DOES
2 NOT PAY THE PRESCRIBED TOLL, FEE, AND CIVIL PENALTY WITHIN THIRTY
3 DAYS OF THE DATE OF THE CIVIL PENALTY ASSESSMENT NOTICE, THE
4 NOTICE SHALL CONSTITUTE A COMPLAINT TO APPEAR FOR ADJUDICATION
5 OF A TOLL EVASION IN COURT OR IN AN ADMINISTRATIVE TOLL
6 ENFORCEMENT PROCEEDING, AND THE REGISTERED OWNER OF THE
7 VEHICLE SHALL, WITHIN THE TIME SPECIFIED IN THE NOTICE, FILE AN
8 ANSWER TO THE COMPLAINT IN THE MANNER SPECIFIED IN THE NOTICE. IF
9 THE REGISTERED OWNER OF THE VEHICLE FAILS TO PAY IN FULL THE
10 OUTSTANDING TOLL, FEE, AND CIVIL PENALTY SET FORTH IN THE NOTICE
11 OR TO APPEAR AND ANSWER THE NOTICE AS SPECIFIED IN THE NOTICE, THE
12 REGISTERED OWNER OF THE VEHICLE SHALL BE DEEMED TO HAVE
13 ADMITTED LIABILITY AND TO HAVE WAIVED THE RIGHT TO A HEARING, AND
14 A FINAL ORDER OF LIABILITY IN DEFAULT AGAINST THE REGISTERED
15 OWNER OF THE VEHICLE MAY BE ENTERED.

16 ~~(b) If the prescribed penalty is not paid within twenty days, in~~
17 ~~order to ensure that adequate notice has been given, the public highway~~
18 ~~authority shall send a second penalty assessment notice by certified mail,~~
19 ~~return receipt requested, or by any mail delivery service offered by an~~
20 ~~entity other than the United States postal service that is equivalent to or~~
21 ~~superior to certified mail, return receipt requested, with respect to receipt~~
22 ~~verification and delivery speed, reliability, and price, containing the same~~
23 ~~information as set forth in paragraph (a) of this subsection (6). Such~~
24 ~~notice shall specify that the registered owner of the vehicle may pay the~~
25 ~~same penalty assessment at any time prior to the scheduled hearing. If the~~
26 ~~registered owner of the vehicle does not pay the prescribed toll, fee, and~~
27 ~~civil penalty within twenty days of the notice, the civil penalty assessment~~
28 ~~notice shall constitute a complaint to appear for adjudication of a toll~~

1 ~~evasion in court or in an administrative toll enforcement proceeding, and~~
2 ~~the registered owner of the vehicle shall, within the time specified in the~~
3 ~~civil penalty assessment notice, file an answer to the complaint in the~~
4 ~~manner specified in the notice. If the registered owner of the vehicle fails~~
5 ~~to pay in full the outstanding toll, fee, and civil penalty set forth in the~~
6 ~~notice or to appear and answer the notice as specified in the notice, the~~
7 ~~registered owner of the vehicle shall be deemed to have admitted liability~~
8 ~~and to have waived the right to a hearing, and a final order of liability in~~
9 ~~default against the registered owner of the vehicle may be entered.~~

10 **SECTION 2.** 43-4-808 (2) (f) (I) and (2) (f) (IV), Colorado
11 Revised Statutes, are amended to read:

12 **43-4-808. Toll highways - special provisions - limitations.**
13 (2) (f) (I) In addition to the penalty assessment procedure provided for
14 in paragraph (c) of this subsection (2), where an instance of toll evasion
15 is evidenced by automatic vehicle identification photography or other
16 technology not involving a peace officer, a civil penalty assessment notice
17 may be issued and sent by first-class mail, or by any mail delivery service
18 offered by an entity other than the United States postal service that is
19 equivalent to or superior to first-class mail with respect to delivery speed,
20 reliability, and price, by the transportation enterprise to the registered
21 owner of the motor vehicle involved. The notice shall contain the name
22 and address of the registered owner of the vehicle involved, the license
23 number of the vehicle involved, the date of the notice, the date, time, and
24 location of the violation, the amount of the penalty prescribed for the
25 violation, a place for such person to execute a signed acknowledgment of
26 liability for the cited violation, and such other information as may be
27 required by law to constitute the notice as a complaint to appear for
28 adjudication of a toll evasion civil penalty assessment. Except as

1 otherwise provided in subparagraphs (II) and (III) of this paragraph (f),
2 the registered owner of the vehicle involved in a toll evasion shall be
3 presumed liable for the toll, fee, or civil penalty imposed by the
4 transportation enterprise. IF THE REGISTERED OWNER OF THE VEHICLE
5 DOES NOT PAY THE PRESCRIBED TOLL, FEE, OR CIVIL PENALTY WITHIN
6 THIRTY DAYS OF THE DATE OF THE CIVIL PENALTY ASSESSMENT NOTICE,
7 THE NOTICE SHALL CONSTITUTE A COMPLAINT TO APPEAR FOR
8 ADJUDICATION OF A TOLL EVASION IN COURT OR IN AN ADMINISTRATIVE
9 TOLL ENFORCEMENT PROCEEDING, AND THE REGISTERED OWNER OF THE
10 VEHICLE SHALL, WITHIN THE TIME SPECIFIED IN THE NOTICE, FILE AN
11 ANSWER TO THE COMPLAINT IN THE MANNER SPECIFIED IN THE NOTICE. IF
12 THE REGISTERED OWNER OF THE VEHICLE FAILS TO PAY IN FULL THE
13 OUTSTANDING TOLL, FEE, OR CIVIL PENALTY SET FORTH IN THE NOTICE OR
14 TO APPEAR AND ANSWER THE NOTICE AS SPECIFIED IN THE NOTICE, THE
15 REGISTERED OWNER OF THE VEHICLE SHALL BE DEEMED TO HAVE
16 ADMITTED LIABILITY AND TO HAVE WAIVED THE RIGHT TO A HEARING, AND
17 A FINAL ORDER OF LIABILITY IN DEFAULT AGAINST THE REGISTERED
18 OWNER OF THE VEHICLE MAY BE ENTERED.

19 ~~(IV) If the prescribed penalty is not paid within twenty days of the~~
20 ~~notice, in order to ensure that adequate notice has been given, the~~
21 ~~transportation enterprise shall send a second penalty assessment notice by~~
22 ~~certified mail, return receipt requested, or by any mail delivery service~~
23 ~~offered by an entity other than the United States postal service that is~~
24 ~~equivalent to or superior to certified mail, return receipt requested, with~~
25 ~~respect to receipt verification and delivery speed, reliability, and price,~~
26 ~~containing the same information as set forth in subparagraph (I) of this~~
27 ~~paragraph (f). The notice shall specify that the registered owner of the~~
28 ~~vehicle may pay the same penalty assessment at any time prior to the~~

1 ~~scheduled hearing. If the registered owner of the vehicle does not pay the~~
2 ~~prescribed toll, fee, or civil penalty within twenty days of the notice, the~~
3 ~~civil penalty assessment notice shall constitute a complaint to appear for~~
4 ~~adjudication of a toll evasion in court or in an administrative toll~~
5 ~~enforcement proceeding, and the registered owner of the vehicle shall,~~
6 ~~within the time specified in the civil penalty assessment notice, file an~~
7 ~~answer to the complaint in the manner specified in the notice. If the~~
8 ~~registered owner of the vehicle fails to pay in full the outstanding toll, fee,~~
9 ~~or civil penalty set forth in the notice or to appear and answer the notice~~
10 ~~as specified in the notice, the registered owner of the vehicle shall be~~
11 ~~deemed to have admitted liability and to have waived the right to a~~
12 ~~hearing, and a final order of liability in default against the registered~~
13 ~~owner of the vehicle may be entered.~~

14 **SECTION 3. Applicability.** This act shall apply to incidents of
15 toll evasion evidenced by automatic vehicle identification technology, or
16 other technology not involving a peace officer, on or after the effective
17 date of this act.

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

**Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

BILL B

LLS NO. 10-0192.01 Thomas Morris

INTERIM HOUSE BILL

HOUSE SPONSORSHIP

Looper and Primavera, Frangas, McFadyen, Solano

SENATE SPONSORSHIP

Gibbs, Romer, Williams

A BILL FOR AN ACT

101 **CONCERNING INCREASED AUTHORITY TO REGULATE WASTE TIRES.**

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. Current law gives several departments authority over fees collected upon the sale of new motor vehicle tires to deal with waste tires. The bill consolidates all such authority in the department of public health and environment (department) and adds requirements for fire prevention planning, registration, decals, and manifests for certain waste tire haulers and waste tire facilities.

Section 1 of the bill ends the transfer of waste tire fees to the

innovative higher education research authority program effective July 1, 2014. **Section 2** repeals the department of local affairs' administration of the waste tire cleanup fund. **Sections 3 and 4** repeal the advanced technology fund and, effective July 1, 2011, end the transfer of waste tire fees to the recycling resources economic opportunity grant program.

Section 5 repeals and reenacts, with amendments, the law that imposes the \$1.50 waste tire fee, repeals the 3.33% vendors' fee, and allocates the fee as follows:

- Until July 1, 2014, 30.33% to the processors and end users fund and 6.67% to the innovative higher education research fund; after July 1, 2014, 37% to the processors and end users fund;
- 39.66% to the waste tire cleanup fund;
- 6.67% to the waste tire fire prevention fund until July 1, 2011, after which the allocation is increased to 8%;
- 16.67% to the recycling resources economic opportunity fund until July 1, 2011;
- After July 1, 2011, 6.67% to the waste tire market development fund; and
- After July 1, 2011, 8.67% to the law enforcement grant fund.

Section 6 updates the law regarding the processors and end users fund. **Section 7** recreates the waste tire cleanup fund, creates the waste tire fire prevention fund, and creates the waste tire market development fund. Sections 6 and 7 also increase the maximum reimbursements to processors and end users from \$50 to \$65 per ton of waste tires.

Sections 8 and 9 update the law regarding waste tire haulers to require decals on hauling vehicles and the completion and retention of manifests. Section 9 also prohibits a person from hauling more than a quantity of waste tires in excess of a limit established by rule by the solid and hazardous waste commission (commission) unless the person is registered.

Section 10 creates several new sections of law that:

- Specify requirements for decals and manifests;
- Require the registration of waste tire facilities;
- Require, as a condition of maintaining their registration, that waste tire monofills submit to the department a waste tire inventory reduction plan and that certain waste tire facilities process 75% of the 3-year rolling annual average amount of waste tires accepted by that facility each year;
- Impose requirements relating to financial responsibility for closure and reclamation of waste tire facilities;
- Establish fees, give the commission general rule-making authority regarding waste tires, and identify enforcement authorities;

- Create a waste tire advisory committee; and
- Create a waste tire fund, used for the department's costs in administering the program.

Section 11 directs the department of regulatory agencies to conduct a sunset review of the waste tire advisory committee prior to the committee's repeal on July 1, 2020.

Section 12 conforms the definition of "waste tire" in the solid waste statute to that in the waste tire fee statute. **Section 13** specifies that sales tax is not assessed when the waste tire fee is collected upon the sale of a new tire.

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

2 **SECTION 1.** 23-19.7-104, Colorado Revised Statutes, is
3 amended to read:

4 **23-19.7-104. Innovative higher education research fund -**
5 **funding - repeal.** (1) There is hereby created in the state treasury the
6 innovative higher education research fund, which shall consist of:

7 (a) Moneys transferred to the research fund ~~from the waste tire~~
8 ~~recycling development cash fund created in section 25-17-202 (3) (a),~~
9 ~~C.R.S., pursuant to section 25-17-202 (3) (b) (III), C.R.S., and the~~
10 ~~advanced technology fund created in section 25-16.5-105 (2) (a), C.R.S.,~~
11 ~~pursuant to section 25-16.5-105 (2) (e), 25-17-202 (3) (a) (I) (A), C.R.S.~~

12 THIS PARAGRAPH (a) IS REPEALED, EFFECTIVE JULY 1, 2014.

13 (b) Any moneys that the general assembly may appropriate to the
14 research fund;

15 (c) Any moneys received pursuant to section 23-19.7-103 (1) (j);
16 and

17 (d) All income and interest derived from the deposit and
18 investment of moneys in the research fund.

19 (2) Moneys in the research fund shall be subject to annual
20 appropriation by the general assembly for the direct and indirect costs

1 associated with the implementation of this article. Unexpended and
2 unencumbered moneys remaining in the research fund at the end of any
3 fiscal year shall remain in the research fund and shall not be credited or
4 transferred to the general fund or any other fund.

5 **SECTION 2. Repeal.** 24-32-114, Colorado Revised Statutes, is
6 repealed.

7 **SECTION 3.** 25-16.5-105 (1) (j.5), (1) (k), and (2), Colorado
8 Revised Statutes, are amended to read:

9 **25-16.5-105. Powers and duties of advisory board - repeal.**

10 (1) The advisory board shall have the following powers and duties:

11 ~~(j.5) To receive and expend gifts, grants, and bequests from any~~
12 ~~source, public or private, specifically including state and federal moneys~~
13 ~~and other available moneys, to provide research funding and technology~~
14 ~~transfer capital from the advanced technology fund pursuant to paragraph~~
15 ~~(b) of subsection (2) of this section;~~

16 (k) (I) In consultation with the committee, to develop a formula
17 for paying a rebate to any local government or to any nonprofit or
18 for-profit entity that recycles any commodity. The rebate authorized by
19 this paragraph (k) shall be paid on commodities recycled on a per-ton
20 basis with differential rates for different commodities. FOR ANY ONE
21 STATE FISCAL YEAR, THE AMOUNT REBATED PURSUANT TO THIS
22 PARAGRAPH (k) SHALL EQUAL ONE-FOURTH OF THE AMOUNT OF MONEYS
23 COLLECTED IN THE FUND IN THE IMMEDIATELY PREVIOUS STATE FISCAL
24 YEAR. Any rebate shall be paid out of moneys collected:

25 (A) From the ~~additional~~ WASTE TIRE fee ~~imposed by~~ CREDITED
26 PURSUANT TO section 25-17-202 ~~(1) (a) (IV) that is allocated~~ (3) (a) (VI)
27 to the recycling resources economic opportunity fund created in section
28 25-16.5-106.5. THIS SUB-SUBPARAGRAPH (A) IS REPEALED, EFFECTIVE

1 JULY 1, 2011; and

2 (B) From the user fee imposed by section 25-16-104.5 (3.9) (a) to
3 fund the recycling resources economic opportunity program created in
4 section 25-16.5-106.7. ~~except that, for any one state fiscal year, the~~
5 ~~amount rebated pursuant to this paragraph (k) shall equal one-fourth of~~
6 ~~the amount of moneys collected in the fund in the immediately previous~~
7 ~~state fiscal year.~~

8 (II) Applications to the advisory board for any rebate may be
9 submitted after the last day of the month following the end of each
10 calendar quarter for recycling activities undertaken in such calendar
11 quarter, beginning with the calendar quarter ending on December 31,
12 2007; except that the period for the first rebate payment shall cover July
13 1, 2007, through December 31, 2007.

14 (2) (a) ~~There is hereby created in the state treasury the advanced~~
15 ~~technology fund. The fund shall consist of moneys transferred thereto~~
16 ~~pursuant to section 25-17-202 (3), any moneys available to the board~~
17 ~~pursuant to paragraph (j.5) of subsection (1) of this section that the board~~
18 ~~transmits to the state treasurer to be credited to the fund, and any moneys~~
19 ~~appropriated to the fund by the general assembly. All interest derived~~
20 ~~from the deposit and investment of moneys in the fund shall be credited~~
21 ~~to the fund. The moneys in the fund are hereby continuously appropriated~~
22 ~~to the board for the purposes specified in paragraph (b) of this subsection~~
23 ~~(2).~~

24 (b) ~~The board shall expend moneys in the advanced technology~~
25 ~~fund to finance research, including research regarding the use of waste~~
26 ~~tires for noise mitigation along state highways as prioritized by the~~
27 ~~department of transportation pursuant to section 43-2-402 (5) (b), C.R.S.,~~
28 ~~that will increase or improve recycling techniques and technology or~~

1 ~~create marketable uses for discarded materials, including strategies~~
2 ~~pertaining to waste tires, and address problems caused by inappropriate~~
3 ~~disposal of solid waste materials, including waste tire stockpiles, making~~
4 ~~use where possible of the research capacities of Colorado institutions of~~
5 ~~higher education. Grant awards shall be made, and the criteria for~~
6 ~~awarding grants shall be developed in consultation with the pollution~~
7 ~~prevention advisory board assistance committee created in section~~
8 ~~25-16.5-105.5 (2), enacted by House Bill 07-1288, enacted at the first~~
9 ~~regular session of the sixty-sixth general assembly. The board, in~~
10 ~~consultation with the committee shall adopt a policy for the expenditure~~
11 ~~of such moneys, which shall contain priorities and the criteria for~~
12 ~~providing research funding and technology transfer.~~

13 ~~(c) Notwithstanding the provisions of section 24-1-136 (11),~~
14 ~~C.R.S., the board shall biennially report to the general assembly about the~~
15 ~~status of financing the efforts described in paragraph (b) of this~~
16 ~~subsection (2), including an assessment of the activities of individuals or~~
17 ~~entities receiving grants from the advanced technology fund.~~

18 ~~(d) Notwithstanding any provision of this subsection (2) to the~~
19 ~~contrary, on March 5, 2003, the state treasurer shall deduct eight hundred~~
20 ~~eighty-six thousand one hundred eighty-nine dollars and fifty-one cents~~
21 ~~from the advanced technology fund and transfer such sum to the general~~
22 ~~fund.~~

23 ~~(e) Notwithstanding any other provision of this subsection (2), on~~
24 ~~May 31, 2007, the state treasurer shall transfer forty percent of the~~
25 ~~unencumbered balance of the advanced technology fund to the innovative~~
26 ~~higher education research fund created in section 23-19.7-104, C.R.S.~~

27 **SECTION 4.** ~~25-16.5-106.5 (1) and (2), Colorado Revised~~
28 ~~Statutes, are amended to read:~~

1 **25-16.5-106.5. Recycling resources economic opportunity fund**

2 **- creation - repeal.** (1) (a) The recycling resources economic
3 opportunity fund is hereby created in the state treasury, referred to in this
4 section as the "fund". The fund shall consist of:

5 (I) (A) Moneys collected for the fund pursuant to sections
6 25-16-104.5 (3.9) (b) and 25-17-202 ~~(1) (a) (IV)~~ (3) (a) (VI) and credited
7 to the fund in accordance with ~~the provisions of~~ section 25-16-104.5 (3.9)
8 (b). THIS SUB-SUBPARAGRAPH (A) IS REPEALED, EFFECTIVE JULY 1, 2011.

9 (B) EFFECTIVE JULY 1, 2011, MONEYS COLLECTED FOR THE FUND
10 PURSUANT TO SECTION 25-16-104.5 (3.9) (b) AND CREDITED TO THE FUND
11 IN ACCORDANCE WITH SECTION 25-16-104.5 (3.9) (b).

12 (II) Any moneys appropriated to the fund by the general assembly;
13 and

14 (III) All other moneys that may be available to the fund, including
15 moneys made available from gifts, grants, or bequests.

16 (b) All interest derived from the deposit of moneys in the fund
17 shall be credited to the fund. At the end of any fiscal year, all
18 unexpended and unencumbered moneys in the fund shall remain ~~therein~~
19 IN THE FUND and shall not be credited or transferred to the general fund
20 or any other fund.

21 (2) Any moneys generated ~~from the imposition of solid waste user~~
22 ~~fees pursuant to sections 25-16-104.5 (3.9) and 25-17-202 (1) (a) (IV)~~
23 PURSUANT TO SUBSECTION (1) OF THIS SECTION shall be annually
24 appropriated to the department for allocation to the advisory board for the
25 purpose of funding the recycling resources economic opportunity
26 activities authorized by section 25-16.5-106.7, as well as any
27 administrative costs associated therewith, including without limitation the
28 grants authorized to be made under section 25-16.5-106.7 (3) and grant

1 program oversight authorized by section 25-16.5-105.5 (3).

2 **SECTION 5.** 25-17-202, Colorado Revised Statutes, is
3 REPEALED AND REENACTED, WITH AMENDMENTS, to read:

4 **25-17-202. Waste tire fees - definitions - repeal.** (1) AS USED
5 IN THIS PART 2, UNLESS THE CONTEXT OTHERWISE REQUIRES:

6 (a) "COMMISSION" MEANS THE SOLID AND HAZARDOUS WASTE
7 COMMISSION CREATED IN SECTION 25-15-302.

8 (b) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH
9 AND ENVIRONMENT.

10 (c) "END USER" MEANS A PERSON WHO USES PROCESSED WASTE
11 TIRES FOR A COMMERCIAL OR INDUSTRIAL PURPOSE.

12 (d) "PROCESSOR" MEANS A PERSON WHO PROCESSES WASTE TIRES
13 IN COLORADO FOR RECYCLING OR BENEFICIAL USE.

14 (e) "PUBLIC PROJECT" MEANS:

15 (I) ANY PUBLICLY FUNDED CONTRACT ENTERED INTO BY A
16 GOVERNMENTAL BODY OF THE EXECUTIVE BRANCH OF THIS STATE THAT
17 IS SUBJECT TO THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE
18 24, C.R.S.; AND

19 (II) ANY PUBLICLY FUNDED CONTRACT ENTERED INTO BY ANY
20 POLITICAL SUBDIVISION OF THE STATE.

21 (f) "TIRE" MEANS A TIRE FOR ANY PASSENGER VEHICLE, INCLUDING
22 ANY TRUCK, WEIGHING LESS THAN FIFTEEN THOUSAND POUNDS, AND FOR
23 ANY TRUCK, INCLUDING ANY TRUCK TRACTOR, TRAILER, OR SEMITRAILER,
24 WEIGHING MORE THAN FIFTEEN THOUSAND POUNDS; EXCEPT THAT "TIRE"
25 DOES NOT INCLUDE:

26 (I) TIRES THAT ARE RECAPPED OR OTHERWISE REPROCESSED FOR
27 USE; OR

28 (II) TIRES THAT ARE USED FOR:

1 (A) FARM EQUIPMENT EXEMPT FROM SALES AND USE TAXES
2 PURSUANT TO SECTION 39-26-716, C.R.S.; OR

3 (B) A FARM TRACTOR OR IMPLEMENT OF HUSBANDRY EXEMPT
4 FROM REGISTRATION PURSUANT TO SECTION 42-3-104, C.R.S.

5 (g) "TIRE-DERIVED PRODUCT" MEANS MATTER THAT:

6 (I) IS DERIVED FROM A PROCESS THAT USES WHOLE TIRES AS A
7 FEEDSTOCK, INCLUDING SHREDDING, CRUMBING, AND CHIPPING; AND

8 (II) HAS BEEN SOLD AND REMOVED FROM THE FACILITY OF A
9 PROCESSOR.

10 (h) (I) "WASTE TIRE" MEANS A TIRE THAT IS NO LONGER MOUNTED
11 ON A MOTOR VEHICLE AND IS NO LONGER SUITABLE FOR USE AS A TIRE DUE
12 TO WEAR, DAMAGE, OR DEVIATION FROM THE MANUFACTURER'S ORIGINAL
13 SPECIFICATIONS.

14 (II) "WASTE TIRE" INCLUDES THE FOLLOWING TYPES OF TIRES THAT
15 ARE NOT ORGANIZED FOR RESALE BY SIZE IN A RACK OR A STACK IN A
16 MANNER THAT ALLOWS THE INSPECTION OF EACH INDIVIDUAL TIRE: A
17 REPAIRABLE TIRE, SCRAP TIRE, ALTERED WASTE TIRE, AND A USED TIRE.

18 (III) "WASTE TIRE" DOES NOT INCLUDE A TIRE-DERIVED PRODUCT
19 OR CRUMB RUBBER.

20 (i) "WASTE TIRE CLEANUP PROGRAM" OR "PROGRAM" MEANS THE
21 PROGRAM CREATED BY THIS PART 2.

22 (j) (I) "WASTE TIRE FACILITY" MEANS:

23 (A) A WASTE TIRE MONOFILL, AS THAT TERM IS DEFINED IN
24 SECTION 30-20-1001, C.R.S.;

25 (B) A FACILITY OF AN END USER OR PROCESSOR;

26 (C) A FACILITY OF A TIRE RETAILER OR TIRE WHOLESALER THAT IS
27 A SOURCE OF WASTE TIRES PURSUANT TO SECTION 30-20-1007 OR
28 30-20-1008, C.R.S.;

1 (D) A COLLECTION FACILITY, AS THAT TERM IS DEFINED BY THE
2 COMMISSION BY RULE; OR

3 (E) ANY OTHER FACILITY AT WHICH A QUANTITY OF WASTE TIRES
4 IN EXCESS OF A LIMIT ESTABLISHED BY RULE BY THE COMMISSION ARE
5 STORED FOR AT LEAST NINETY DAYS, PROCESSED, OR DISPOSED OF.

6 (II) "WASTE TIRE FACILITY" DOES NOT INCLUDE THE FACILITY OF
7 A WASTE TIRE HAULER UNLESS THE HAULER STORES A QUANTITY OF WASTE
8 TIRES IN EXCESS OF A LIMIT ESTABLISHED BY RULE BY THE COMMISSION AT
9 THE FACILITY FOR AT LEAST NINETY DAYS.

10 (k) "WASTE TIRE HAULER" MEANS A PERSON WHO TRANSPORTS
11 WASTE TIRE FOR COMPENSATION.

12 (2) (a) ON AND AFTER JULY 1, 2010, RETAILERS OF NEW TIRES
13 SHALL COLLECT A WASTE TIRE FEE OF ONE DOLLAR AND FIFTY CENTS ON
14 THE SALE OF EACH NEW TIRE. THE RECEIPT FROM THE RETAILER TO THE
15 CUSTOMER FOR EVERY NEW TIRE SHALL CONTAIN THE FOLLOWING
16 STATEMENT IN THE LARGEST BOLD-FACED PRINT CAPABLE ON EXISTING
17 INVOICE PRINTERS, NOT TO EXCEED FIFTEEN POINTS: "SECTION 25-17-202,
18 COLORADO REVISED STATUTES, REQUIRES RETAILERS TO COLLECT A \$1.50
19 WASTE TIRE FEE ON THE SALE OF EACH NEW MOTOR VEHICLE TIRE."

20 (b) THE RETAILER SHALL SUBMIT TO THE DEPARTMENT OF
21 REVENUE ALL FEES COLLECTED PURSUANT TO THIS SECTION TOGETHER
22 WITH ANY REPORT REQUIRED BY THE DEPARTMENT OF REVENUE IN
23 CONJUNCTION WITH THE REMITTANCE OF ANY SALES TAX IN ACCORDANCE
24 WITH ARTICLE 26 OF TITLE 39, C.R.S.

25 (c) A PERSON WHO FAILS TO COMPLY WITH THIS SECTION SHALL BE
26 SUBJECT TO SECTION 39-21-118, C.R.S. THE DEPARTMENT OF REVENUE
27 SHALL NOTIFY RETAILERS OF NEW TIRES CONCERNING THE NEW
28 REQUIREMENTS IN THIS SECTION ENACTED BY SENATE BILL 09-289,

1 ENACTED IN 2009.

2 (3) (a) THE DEPARTMENT OF REVENUE SHALL TRANSMIT THE FEES,
3 TOGETHER WITH A REPORT OF ITS DIRECT AND INDIRECT ADMINISTRATIVE
4 COSTS IN COMPLYING WITH THIS SECTION, TO THE STATE TREASURER. THE
5 STATE TREASURER SHALL PAY TO THE DEPARTMENT OF REVENUE AN
6 AMOUNT EQUAL TO THE DEPARTMENT OF REVENUE'S DIRECT AND INDIRECT
7 ADMINISTRATIVE COSTS SPECIFIED IN THIS PARAGRAPH (a); EXCEPT THAT
8 THIS AMOUNT SHALL NOT EXCEED ONE AND TWO-THIRDS PERCENT OF THE
9 TOTAL AMOUNT OF FEES CREDITED PURSUANT TO THIS PARAGRAPH (a).
10 THE STATE TREASURER SHALL, SUBJECT TO PARAGRAPH (b) OF THIS
11 SUBSECTION (3), CREDIT THE REMAINING FEES AS FOLLOWS:

12 (I) (A) THIRTY AND THIRTY-THREE ONE-HUNDREDTHS PERCENT TO
13 THE PROCESSORS AND END USERS FUND CREATED IN SECTION 25-17-202.5
14 AND SIX AND SIXTY-SEVEN ONE-HUNDREDTHS PERCENT TO THE
15 INNOVATIVE HIGHER EDUCATION RESEARCH FUND CREATED IN SECTION
16 23-19.7-104, C.R.S. THIS SUB-SUBPARAGRAPH (A) IS REPEALED,
17 EFFECTIVE JULY 1, 2014.

18 (B) EFFECTIVE JULY 1, 2014, THIRTY-SEVEN PERCENT TO THE
19 PROCESSORS AND END USERS FUND CREATED IN SECTION 25-17-202.5;

20 (II) THIRTY-NINE AND SIXTY-SIX ONE-HUNDREDTHS PERCENT TO
21 THE WASTE TIRE CLEANUP FUND CREATED IN SECTION 25-17-202.6;

22 (III) (A) SIX AND SIXTY-SEVEN ONE-HUNDREDTHS PERCENT TO THE
23 WASTE TIRE FIRE PREVENTION FUND CREATED IN SECTION 25-17-202.8.
24 THIS SUB-SUBPARAGRAPH (A) IS REPEALED, EFFECTIVE JULY 1, 2011.

25 (B) EFFECTIVE JULY 1, 2011, EIGHT PERCENT TO THE WASTE TIRE
26 FIRE PREVENTION FUND CREATED IN SECTION 25-17-202.8;

27 (IV) EFFECTIVE JULY 1, 2011, SIX AND SIXTY-SEVEN
28 ONE-HUNDREDTHS PERCENT TO THE WASTE TIRE MARKET DEVELOPMENT

1 FUND CREATED IN SECTION 25-17-202.9;

2 (V) EFFECTIVE JULY 1, 2011, EIGHT AND SIXTY-SEVEN
3 ONE-HUNDREDTHS PERCENT TO THE LAW ENFORCEMENT GRANT FUND
4 CREATED IN SECTION 25-17-207 (5); AND

5 (VI) SIXTEEN AND SIXTY-SEVEN ONE-HUNDREDTHS PERCENT TO
6 THE RECYCLING RESOURCES ECONOMIC OPPORTUNITY FUND CREATED IN
7 SECTION 25-16.5-106.5. THIS SUBPARAGRAPH (VI) IS REPEALED,
8 EFFECTIVE JULY 1, 2011.

9 (b) THE DEPARTMENT MAY REALLOCATE UNCOMMITTED MONEYS
10 AMONG FUNDING CATEGORIES DESCRIBED IN THIS SUBSECTION (3) AT THE
11 END OF EACH FISCAL QUARTER.

12 (4) NOTWITHSTANDING ANY OTHER LAW TO THE CONTRARY, THE
13 DEPARTMENT SHALL DISTRIBUTE, WHETHER BY GRANT, REIMBURSEMENT,
14 OR OTHERWISE, FEES COLLECTED PURSUANT TO THIS SECTION ONLY TO A
15 PERSON OR ENTITY THAT IS LOCATED IN AND HAS OPERATIONS IN
16 COLORADO, AND SHALL NOT DISTRIBUTE ANY SUCH FEES TO A PERSON OR
17 ENTITY LOCATED OUTSIDE OF COLORADO.

18 **SECTION 6.** 25-17-202.5 (1), Colorado Revised Statutes, is
19 amended to read:

20 **25-17-202.5. Processors and end users fund created - repeal.**

21 (1) There is hereby created, in the state treasury, the processors and end
22 users ~~of waste tires cash~~ fund. Such fund shall consist of the fee revenue
23 ~~collected~~ CREDITED pursuant to section 25-17-202 ~~(1) (a) (HH)~~ (3) (a) (I)
24 AND YEAR-END SURPLUSES TRANSFERRED PURSUANT TO SECTIONS
25 25-17-202.6 (1), 25-17-202.8 (1), 25-17-202.9 (1), AND 25-17-207 (6).
26 ALL INTEREST OR ANY OTHER RETURN ON THE INVESTMENT OF MONEYS IN
27 THE FUND SHALL BE DEPOSITED IN THE FUND. Any moneys in the fund not
28 expended or encumbered from any appropriation at the end of any fiscal

1 year shall remain available, without further appropriation, for expenditure
2 in the next fiscal year by the department of local affairs for allocation to
3 the division of local government to be used in the following amounts for
4 the following purposes MONTHLY PARTIAL REIMBURSEMENT TO
5 PROCESSORS AND END USERS, UP TO A MAXIMUM OF SIXTY-FIVE DOLLARS
6 FOR EACH TON OF RAW COLORADO WASTE TIRES THAT ARE PROCESSED OR
7 USED. THE PURPOSE OF SUCH PARTIAL REIMBURSEMENTS SHALL BE TO
8 ASSIST NEW WASTE TIRE RECYCLING TECHNOLOGIES TO BECOME
9 ECONOMICALLY FEASIBLE AND TO THEREBY ENCOURAGE THE USE OF
10 WASTE TIRES AND REDUCE THE STORAGE OF WASTE TIRES IN COLORADO.

11 (a) ~~Seventy-two percent shall be used for the purposes described~~
12 ~~in section 24-32-114 (1) (c), C.R.S.~~

13 (b) ~~Twenty-eight percent shall be used for the purposes described~~
14 ~~in section 24-32-114 (1) (b), C.R.S.~~

15 **SECTION 7.** Part 2 of article 17 of title 25, Colorado Revised
16 Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW
17 SECTIONS to read:

18 **25-17-202.6. Waste tire cleanup fund - rules.** (1) THERE IS
19 HEREBY CREATED IN THE STATE TREASURY THE WASTE TIRE CLEANUP
20 FUND, REFERRED TO IN THIS SECTION AS THE "FUND", CONSISTING OF
21 REVENUES CREDITED PURSUANT TO SECTION 25-17-202 (3) (a) (II). ALL
22 INTEREST OR ANY OTHER RETURN ON THE INVESTMENTS SHALL BE
23 DEPOSITED IN THE FUND. AT THE END OF EACH FISCAL YEAR, THE STATE
24 TREASURER SHALL TRANSFER ALL UNEXPENDED AND UNENCUMBERED
25 MONEYS IN THE FUND TO THE PROCESSORS AND END USERS FUND CREATED
26 IN SECTION 25-17-202.5. THE GENERAL ASSEMBLY SHALL MAKE ANNUAL
27 APPROPRIATIONS OUT OF THE FUND TO THE DEPARTMENT IN AN AMOUNT
28 EQUAL TO THE DEPARTMENT'S DIRECT AND INDIRECT ADMINISTRATIVE

1 COSTS INCURRED PURSUANT TO THIS SECTION AND SECTIONS 25-17-202.5
2 AND 25-17-204, NOT TO EXCEED SIX PERCENT OF THE ANNUAL INCOME TO
3 THE FUND.

4 (2) THE DEPARTMENT SHALL USE THE REMAINING MONEYS IN THE
5 FUND AS FOLLOWS:

6 (a) UP TO TWO-THIRDS MAY BE EXPENDED TO PROVIDE GRANTS TO
7 COUNTIES AND MUNICIPALITIES FOR THE DISPOSAL, RECYCLING, OR REUSE
8 OF ILLEGALLY DUMPED OR STORED WASTE TIRES AT A WASTE TIRE
9 FACILITY AND ALLOW FOR PARTIAL REIMBURSEMENT TO PROCESSORS AND
10 END USERS UP TO A MAXIMUM OF SIXTY-FIVE DOLLARS FOR EACH TON OF
11 RAW WASTE TIRES THAT ARE PROCESSED OR USED AND THAT ARE LOCATED
12 AT A WASTE TIRE FACILITY;

13 (b) (I) UP TO ONE-THIRD MAY BE EXPENDED TO PROVIDE FOR TIRE
14 REUSE OR RECYCLING INCENTIVES IN PUBLIC PROJECTS FOR PRODUCTS
15 THAT CONTAIN OR MAKE USE OF RECYCLED, RECAPPED, AND OTHER
16 PREVIOUSLY USED WASTE TIRES, INCLUDING TIRE-DERIVED PRODUCTS.
17 THE DEPARTMENT SHALL DETERMINE HOW MONEYS FOR SUCH INCENTIVES
18 SHALL BE DISTRIBUTED AMONG PROJECTS. ANY STATE AGENCY IS
19 AUTHORIZED TO EXPEND TIRE REUSE OR RECYCLING INCENTIVE MONEYS
20 DISTRIBUTED PURSUANT TO THIS SECTION.

21 (II) THE GENERAL ASSEMBLY HEREBY FINDS THAT THE PURPOSE OF
22 THE TIRE REUSE OR RECYCLING INCENTIVES UNDER THIS PARAGRAPH (b)
23 IS TO ENCOURAGE THE BENEFICIAL REUSE AND RECYCLING OF COLORADO
24 WASTE TIRES AND IS NOT INTENDED TO USURP FUNCTIONS PROPERLY
25 PERFORMED BY THE PRIVATE SECTOR OR TO COMPETE UNFAIRLY WITH
26 PRIVATE BUSINESSES.

27 (III) FOR THE PURPOSE OF EXPENDING TIRE REUSE OR RECYCLING
28 INCENTIVES UNDER THIS PARAGRAPH (b), THE STATE PURCHASING

1 DIRECTOR AND ANY PURCHASING AGENT HAVE THE AUTHORITY TO
2 PURCHASE TIRE-DERIVED PRODUCTS UNLESS ANY OF THE FOLLOWING
3 CONDITIONS EXIST:

4 (A) THE PRODUCT IS NOT AVAILABLE WITHIN A REASONABLE
5 PERIOD OF TIME;

6 (B) THE PRODUCT FAILS TO MEET EXISTING PURCHASING RULES,
7 INCLUDING ANY APPLICABLE SPECIFICATIONS; OR

8 (C) THE PRODUCT FAILS TO MEET FEDERAL OR STATE HEALTH OR
9 SAFETY STANDARDS AS SET FORTH IN THE CODE OF FEDERAL REGULATIONS
10 OR THE COLORADO CODE OF REGULATIONS.

11 (3) ALL MONEYS ENCUMBERED BY JUNE 30 OF A FISCAL YEAR
12 SHALL ROLL FORWARD FOR EXPENDITURE IN THE FOLLOWING FISCAL YEAR.

13 (4) IN PROVIDING ASSISTANCE TO COUNTIES PURSUANT TO THIS
14 SECTION, THE DEPARTMENT SHALL GIVE PRIMARY CONSIDERATION TO THE
15 NUMBER OF ILLEGAL WASTE TIRE DUMPS OR STORAGE FACILITIES IN EACH
16 COUNTY AND WHETHER FACILITIES ARE AVAILABLE TO RECYCLE SUCH
17 WASTE TIRES.

18 (5) (a) COUNTIES AND MUNICIPALITIES RECEIVING GRANTS
19 PURSUANT TO THIS SECTION MAY USE SUCH GRANTS TO FUND THE
20 REMOVAL AND DISPOSAL OR RECYCLING OF WASTE TIRES WITH COUNTY OR
21 MUNICIPAL PERSONNEL OR MAY CONTRACT WITH PRIVATE ENTITIES, OTHER
22 LOCAL GOVERNMENTS, OR OTHER GOVERNMENTAL AGENCIES FOR SUCH
23 ACTIVITIES IF SUCH CONTRACTS ARE OTHERWISE IN ACCORDANCE WITH
24 LAW. THE USE OF INMATE LABOR SHALL BE PURSUED WHENEVER
25 FEASIBLE, AT THE SOLE DISCRETION OF THE BOARD OF COUNTY
26 COMMISSIONERS OR THE GOVERNING BODY OF THE MUNICIPALITY.

27 (b) IN AWARDING CONTRACTS FOR SERVICES PURSUANT TO THIS
28 SECTION, A COUNTY OR MUNICIPALITY MAY GIVE PREFERENTIAL BIDDING

1 TREATMENT TO INDIVIDUALS OR ENTITIES THAT WILL RECYCLE, PURSUANT
2 TO RULES OF THE DEPARTMENT CONCERNING RECYCLING, AND REUSE,
3 RATHER THAN DISPOSE OF, THE WASTE TIRES.

4 (c) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT
5 IT IS THE POLICY OF THIS STATE TO PURSUE PROPOSALS FOR RECYCLING
6 AND MAKING OTHER BENEFICIAL USE OF WASTE TIRES, IN LIEU OF STORAGE
7 OR LANDFILL DISPOSAL, WHENEVER FEASIBLE.

8 (6) (a) NO LATER THAN JANUARY 1, 2011, AND BIENNIALY
9 THEREAFTER, EACH COUNTY AND MUNICIPALITY IN THE STATE THAT HAS
10 RECEIVED FUNDS PURSUANT TO THIS SECTION SHALL SUBMIT A REPORT TO
11 THE DEPARTMENT CONCERNING:

12 (I) THE QUANTITY, EXPRESSED IN WEIGHT OR AS A NUMBER, OF
13 TIRES REMOVED FROM ILLEGAL DUMPS OR STORAGE FACILITIES IN THE
14 COUNTY OR MUNICIPALITY AND DISPOSED OF AT APPROVED FACILITIES OR
15 IN RECYCLING OR REUSE PROJECTS;

16 (II) THE METHOD IN WHICH SUCH DISPOSAL WAS ACCOMPLISHED
17 AND THE METHOD OF RECYCLING OR REUSE, IF ANY; AND

18 (III) THE QUANTITY OF WASTE TIRES IN THE COUNTY OR
19 MUNICIPALITY REMAINING TO BE LEGALLY DISPOSED OF OR RECYCLED IN
20 FUTURE YEARS.

21 (b) (I) THE DEPARTMENT SHALL CREATE A PRIORITY ABATEMENT
22 LIST OF WASTE TIRE STORAGE OR DISPOSAL FACILITIES AND COORDINATE
23 THE LIST WITH THE TEN-YEAR MONOFILL TIRE LANDFILL ELIMINATION PLAN
24 REQUIRED BY SECTION 30-20-121 (4), C.R.S. ABATEMENT PROJECTS
25 SHALL BE RANKED BASED ON THE POTENTIAL ENVIRONMENTAL DAMAGE
26 OF THE INDIVIDUAL WASTE TIRE FACILITIES. THE DEPARTMENT SHALL
27 PROVIDE AN ANNUAL UPDATE TO THE GENERAL ASSEMBLY OF THE
28 ABATEMENT PROJECTS.

1 (II) THE DEPARTMENT, IN CONJUNCTION WITH THE WASTE TIRE
2 ADVISORY COMMITTEE CREATED IN SECTION 25-17-208, EITHER ITSELF OR
3 THROUGH A CONTRACTOR:

4 (A) SHALL PROVIDE EDUCATIONAL PROGRAMS TO COUNTIES AND
5 THE PUBLIC REGARDING METHODS FOR PROPER DISPOSAL OF TIRES AND
6 THE USE AND AVAILABILITY OF TIRE-DERIVED PRODUCTS; AND

7 (B) MAY CONDUCT FEASIBILITY STUDIES, INCLUDING SITE-SPECIFIC
8 FEASIBILITY STUDIES AND LIFE CYCLE ASSESSMENTS, ON POTENTIAL USES
9 OF WASTE TIRES, INCLUDING AS SOIL ABSORPTION MEDIA, LIGHTWEIGHT
10 FILL USED IN ROADBEDS AND OTHER TYPES OF CIVIL ENGINEERING
11 PROJECTS, RUBBERIZED ASPHALT FOR ROAD CONSTRUCTION PROJECTS,
12 GEOSYNTHETIC LINED LANDFILLS, AND AS TIRE-DERIVED FUEL AT
13 ELECTRIC UTILITIES IN CONJUNCTION WITH BOTTOM ASH, EXISTING
14 PORTLAND CEMENT PLANTS, AND COAL-FIRED BOILERS.

15 (7) THE COMMISSION MAY PROMULGATE RULES TO IMPLEMENT
16 THIS SECTION.

17 **25-17-202.8. Waste tire fire prevention fund.** (1) THERE IS
18 HEREBY CREATED IN THE STATE TREASURY THE WASTE TIRE FIRE
19 PREVENTION FUND, REFERRED TO IN THIS SECTION AS THE "FUND",
20 CONSISTING OF REVENUES CREDITED PURSUANT TO SECTION 25-17-202 (3)
21 (a) (III). ALL INTEREST OR ANY OTHER RETURN ON THE INVESTMENT OF
22 MONEYS IN THE FUND SHALL BE DEPOSITED IN THE FUND. AT THE END OF
23 EACH FISCAL YEAR, THE STATE TREASURER SHALL TRANSFER ALL
24 UNEXPENDED AND UNENCUMBERED MONEYS IN THE FUND TO THE
25 PROCESSORS AND END USERS FUND CREATED IN SECTION 25-17-202.5.

26 (2) THE DEPARTMENT SHALL USE THE FUND FOR:

27 (a) ENFORCEMENT OF THE REQUIREMENTS OF THIS PART 2
28 ACCORDING TO SECTIONS 30-20-113 AND 30-20-114;

1 (b) TRAINING THE STATE PATROL, SHERIFFS' OFFICES, POLICE
2 DEPARTMENTS, FIRE DEPARTMENTS, AND LOCAL DEPARTMENTS OF HEALTH
3 TO ENFORCE WASTE TIRE DISPOSAL, REGISTRATION, DECAL, AND MANIFEST
4 REQUIREMENTS OF SECTIONS 25-17-204 TO 25-17-206, 30-20-121 (3), AND
5 30-20-1006, C.R.S.; AND

6 (c) ALLOCATION TO THE DIVISION OF FIRE SAFETY IN THE
7 DEPARTMENT OF PUBLIC SAFETY FOR ITS ADMINISTRATIVE COSTS
8 PURSUANT TO SECTION 25-17-206 (3).

9 **25-17-202.9. Waste tire market development fund.** (1) THERE
10 IS HEREBY CREATED IN THE STATE TREASURY THE WASTE TIRE MARKET
11 DEVELOPMENT FUND, REFERRED TO IN THIS SECTION AS THE "FUND",
12 CONSISTING OF REVENUES CREDITED PURSUANT TO SECTION 25-17-202 (3)
13 (a) (IV). ALL INTEREST OR ANY OTHER RETURN ON THE INVESTMENT OF
14 MONEYS IN THE FUND SHALL BE DEPOSITED IN THE FUND. AT THE END OF
15 EACH FISCAL YEAR, THE STATE TREASURER SHALL TRANSFER ALL
16 UNEXPENDED AND UNENCUMBERED MONEYS IN THE FUND TO THE WASTE
17 TIRE CLEAN UP FUND CREATED IN SECTION 25-17-202.6.

18 (2) THE DEPARTMENT SHALL USE THE FUND TO ENCOURAGE WASTE
19 TIRE MARKET DEVELOPMENT PURSUANT TO A MARKET DEVELOPMENT
20 PLAN DEVELOPED BY THE WASTE TIRE ADVISORY COMMITTEE CREATED IN
21 SECTION 25-17-208.

22 **SECTION 8.** The introductory portion to 25-17-204 (1), Colorado
23 Revised Statutes, is amended, and the said 25-17-204 (1) is further
24 amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

25 **25-17-204. Waste tire haulers - registration - rules - violations.**
26 (1) No person shall ~~for commercial purposes~~, transport A QUANTITY OF
27 waste tires IN EXCESS OF A LIMIT ESTABLISHED BY THE COMMISSION BY
28 RULE for storage or disposal to any location in this state:

1 (c) UNLESS THE PERSON:

2 (I) HAS AFFIXED TO THE VEHICLE USED FOR SUCH
3 TRANSPORTATION A DECAL ACQUIRED FROM THE DEPARTMENT PURSUANT
4 TO SECTION 25-17-205; AND

5 (II) COMPLIES WITH THE MANIFEST REQUIREMENTS OF SECTION
6 25-17-205.

7 **SECTION 9.** 25-17-204 (2) and (3) (a), Colorado Revised
8 Statutes, are amended to read:

9 **25-17-204. Waste tire haulers - registration - rules - violations.**

10 (2) Nothing in this section shall prohibit a person from transporting a
11 ~~waste tire~~ A QUANTITY OF WASTE TIRES THAT IS NOT IN EXCESS OF A LIMIT
12 ESTABLISHED BY THE COMMISSION BY RULE DURING ANY ONE TRIP to a
13 beneficial user, a waste tire recycling facility, or a facility that possesses
14 a valid air quality permit if the permit allows for an approved beneficial
15 use of the waste tires and the facility is not used to store waste tires for
16 more than a ~~ninety-day period~~ NINETY DAYS prior to any beneficial use.

17 NO PERSON SHALL TRANSPORT A QUANTITY OF WASTE TIRES IN EXCESS OF
18 THE LIMIT ESTABLISHED BY THE COMMISSION BY RULE DURING ANY ONE
19 TRIP UNLESS THE PERSON IS REGISTERED PURSUANT TO THIS SECTION.

20 (3) The ~~solid and hazardous waste~~ commission shall promulgate
21 rules to implement this section, including:

22 (a) Requirements that persons who transport A CERTAIN NUMBER
23 OR MORE OF waste tires for storage or disposal:

24 (I) Create and maintain records, INCLUDING THE MANIFEST
25 REQUIRED BY SECTION 25-17-205 (2), relating to such transportation and
26 report to the department; ~~of public health and environment;~~

27 (II) Register with the department ~~of public health and environment~~
28 and annually provide a copy of the currently valid registration to each

1 retailer of motor vehicle tires from whom the person accepts for
2 ~~commercial purposes~~ a waste tire and FOR HAULING;

3 (III) Post a bond in a form and an amount set by the ~~solid and~~
4 ~~hazardous waste~~ commission, not to exceed ten thousand dollars; AND

5 (IV) AFFIX A DECAL REQUIRED PURSUANT TO SECTION 25-17-205
6 (1) ON EACH VEHICLE USED TO TRANSPORT WASTE TIRES.

7 **SECTION 10.** Part 2 of article 17 of title 25, Colorado Revised
8 Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW
9 SECTIONS to read:

10 **25-17-205. Decals - manifests. (1) Decals. (a)** ON AND AFTER
11 A DATE SPECIFIED BY RULE PROMULGATED PURSUANT TO SECTION
12 25-17-207 (2), NO PERSON SHALL STORE A QUANTITY OF WASTE TIRES IN
13 EXCESS OF A LIMIT ESTABLISHED BY THE COMMISSION IN COLORADO FOR
14 ANY PURPOSE UNLESS:

15 (I) THE DEPARTMENT HAS ISSUED TO THE PERSON A DECAL
16 PURSUANT TO THIS SECTION; AND

17 (II) THE PERSON HAS, PURSUANT TO RULES PROMULGATED
18 PURSUANT TO SECTION 25-17-207 (2), AFFIXED THE DECAL TO A UNIFORM
19 LOCATION AT THE ADDRESS USED TO STORE THE WASTE TIRES.

20 (b) ON AND AFTER A DATE SPECIFIED BY RULE PROMULGATED
21 PURSUANT TO SECTION 25-17-207 (2), NO PERSON SHALL TRANSPORT A
22 QUANTITY OF WASTE TIRES IN EXCESS OF A LIMIT ESTABLISHED BY THE
23 COMMISSION IN COLORADO UNLESS:

24 (I) THE DEPARTMENT HAS ISSUED TO THE PERSON A DECAL
25 PURSUANT TO THIS SECTION; AND

26 (II) THE PERSON HAS, PURSUANT TO RULES PROMULGATED
27 PURSUANT TO SECTION 25-17-207 (2), AFFIXED THE DECAL TO THE
28 VEHICLE USED TO TRANSPORT WASTE TIRES AT A UNIFORM LOCATION.

1 (c) THE DEPARTMENT SHALL ISSUE A DECAL TO A PERSON IF THE
2 PERSON HAS SUBMITTED AN APPLICATION TO THE DEPARTMENT
3 CONTAINING ALL INFORMATION REQUIRED BY THE COMMISSION BY RULE
4 PROMULGATED PURSUANT TO SECTION 25-17-207 (2).

5 (d) DECALS SHALL BE VALID FOR A PERIOD DETERMINED BY THE
6 COMMISSION BY RULE, NOT TO EXCEED FIVE YEARS. A DECAL ISSUED
7 PURSUANT TO THIS SECTION SHALL CONTAIN THE INFORMATION REQUIRED
8 BY RULE PROMULGATED PURSUANT TO SECTION 25-17-207 (2), INCLUDING
9 AT LEAST AN EXPIRATION DATE AND THE DECAL NUMBER.

10 (2) **Uniform manifests.** (a) ON AND AFTER A DATE SPECIFIED BY
11 RULE PROMULGATED PURSUANT TO SECTION 25-17-207 (2), NO PERSON
12 SHALL ACCEPT FOR TRANSPORTATION A QUANTITY OF WASTE TIRES IN
13 EXCESS OF A LIMIT ESTABLISHED BY THE COMMISSION BY RULE UNLESS
14 THE PERSON HAS COMPLETELY FILLED OUT IN QUADRUPPLICATE A UNIFORM
15 MANIFEST IN A FORM ESTABLISHED BY THE DEPARTMENT CONTAINING THE
16 INFORMATION SPECIFIED BY RULE PROMULGATED PURSUANT TO SECTION
17 25-17-207 (2), INCLUDING AT LEAST THE FOLLOWING:

18 (I) THE MANIFEST NUMBER;

19 (II) THE DECAL NUMBER OF THE VEHICLE USED TO TRANSPORT THE
20 TIRES;

21 (III) THE PERSON'S SIGNATURE UNDER PENALTY OF PERJURY,
22 NAME, ADDRESS, AND TELEPHONE NUMBER;

23 (IV) THE CURRENT DATE; THE WASTE TIRE FACILITY REGISTRATION
24 NUMBER, NAME, ADDRESS, AND TELEPHONE NUMBER OF THE SOURCE OF
25 THE TIRES; AND THE WASTE TIRE FACILITY REGISTRATION NUMBER, NAME,
26 ADDRESS, AND TELEPHONE NUMBER OF THE WASTE TIRE FACILITY TO
27 WHICH THE WASTE TIRES WILL BE TRANSPORTED; AND

28 (V) THE NUMBER OR WEIGHT OF TIRES IN THE LOAD.

1 (b) THE PERSON SHALL RETAIN ONE COPY OF THE MANIFEST AND
2 SHALL PROVIDE ONE COPY OF THE MANIFEST TO:

3 (I) THE SOURCE OF THE WASTE TIRE;

4 (II) THE WASTE TIRE FACILITY TO WHICH THE WASTE TIRES ARE
5 TRANSPORTED; AND

6 (III) THE DEPARTMENT.

7 (c) (I) THE PERSON, THE SOURCE OF THE WASTE TIRE, AND THE
8 WASTE TIRE FACILITY TO WHICH THE WASTE TIRES ARE TRANSPORTED
9 SHALL EACH KEEP A COPY OF THE MANIFEST FOR AT LEAST THREE YEARS
10 AFTER THE DATE STATED ON THE MANIFEST.

11 (II) THE DEPARTMENT MAY ENTER AND INSPECT THE FACILITY OF
12 ANY OF THE ENTITIES NAMED ON THE MANIFEST DURING NORMAL
13 WORKING HOURS AND MAY REQUEST A COPY OF THE MANIFEST. FAILURE
14 TO KEEP THE MANIFEST AS REQUIRED BY THIS PARAGRAPH (c) OR TO
15 PRODUCE THE MANIFEST UPON REQUEST BY THE DEPARTMENT OR THE
16 DEPARTMENT'S AGENT IS A VIOLATION OF THIS SECTION.

17 **25-17-206. Registration of waste tire facilities - definitions.**

18 (1) FOR PURPOSES OF THIS SECTION, UNLESS THE CONTEXT OTHERWISE
19 REQUIRES, "LOCAL FIRE AUTHORITY" MEANS EITHER:

20 (a) THE CHIEF OF A FIRE DEPARTMENT, IF THE WASTE TIRE FACILITY
21 IS LOCATED IN A FIRE PROTECTION DISTRICT;

22 (b) THE SHERIFF OF THE COUNTY IN WHICH THE WASTE TIRE
23 FACILITY IS LOCATED, ACTING AS FIRE WARDEN, IF THE FACILITY IS
24 LOCATED IN THE UNINCORPORATED PORTION OF A COUNTY AND IS NOT
25 LOCATED IN A FIRE PROTECTION DISTRICT;

26 (c) THE CHIEF OF A MUNICIPAL FIRE DEPARTMENT, IF THE WASTE
27 TIRE FACILITY IS LOCATED IN THE INCORPORATED PORTION OF A COUNTY
28 THAT IS PROTECTED BY A MUNICIPAL FIRE DEPARTMENT; OR

1 (d) THE GOVERNING BODY OF A MUNICIPALITY, IF THE WASTE TIRE
2 FACILITY IS LOCATED IN THE INCORPORATED PORTION OF A COUNTY AND
3 IS NOT LOCATED IN A FIRE PROTECTION DISTRICT OR PROTECTED BY A
4 MUNICIPAL FIRE DEPARTMENT.

5 (2) ON AND AFTER A DATE SPECIFIED BY RULE PROMULGATED
6 PURSUANT TO SECTION 25-17-207 (2), NO PERSON SHALL CONSTRUCT OR
7 MAINTAIN A WASTE TIRE FACILITY UNLESS THE PERSON HAS REGISTERED
8 WITH THE DEPARTMENT AND PAID THE FEE ESTABLISHED BY THE
9 COMMISSION PURSUANT TO SECTION 25-17-207 (1).

10 (3) (a) (I) ON AND AFTER A DATE SPECIFIED BY RULE
11 PROMULGATED PURSUANT TO SECTION 25-17-207 (2), A WASTE TIRE
12 FACILITY SHALL HAVE A FIRE PREVENTION, TRAINING, AND FIREFIGHTING
13 PROGRAM AS DETERMINED BY THE COMMISSION BY RULE; EXCEPT THAT
14 THIS SUBSECTION (3) SHALL NOT APPLY TO:

15 (A) A WASTE TIRE FACILITY THAT IS OPERATING WITH AN EXISTING
16 CERTIFICATE OF DESIGNATION AND THAT IS IN COMPLIANCE WITH ALL
17 LOCAL, STATE, AND FEDERAL REGULATIONS AND LAWS ON THE EFFECTIVE
18 DATE OF THIS SECTION; EXCEPT THAT, UPON THE RENEWAL OF OR
19 RE-APPLICATION FOR A CERTIFICATE OF DESIGNATION BY A WASTE TIRE
20 FACILITY, THE WASTE TIRE FACILITY SHALL BE REQUIRED TO COMPLY WITH
21 THIS SUBSECTION (3); OR

22 (B) A TIRE RETAILER OR TIRE WHOLESALER THAT IS A SOURCE OF
23 WASTE TIRES PURSUANT TO SECTION 30-20-1007 OR 30-20-1008, C.R.S.;

24 (II) (A) THE LOCAL FIRE AUTHORITY SHALL REVIEW THE PROGRAM
25 IN ACCORDANCE WITH RULES AND, IF APPROPRIATE, RECOMMEND CHANGES
26 NECESSARY TO APPROVE THE PROGRAM.

27 (B) UPON REQUEST OF THE LOCAL FIRE AUTHORITY, THE DIRECTOR
28 OF THE DIVISION OF FIRE SAFETY IN THE DEPARTMENT OF PUBLIC SAFETY

1 SHALL PROVIDE TECHNICAL ASSISTANCE IN THE REVIEW OF THE PROGRAM
2 AND, IF APPROPRIATE, RECOMMEND CHANGES NECESSARY FOR THE LOCAL
3 FIRE AUTHORITY TO APPROVE THE PROGRAM.

4 (b) IF THE LOCAL FIRE AUTHORITY APPROVES THE PROGRAM, IT
5 SHALL CERTIFY THAT FACT TO THE DEPARTMENT. IF THE LOCAL FIRE
6 AUTHORITY RECOMMENDS CHANGES NECESSARY TO APPROVE THE
7 PROGRAM AND THE WASTE TIRE FACILITY FAILS TO IMPLEMENT THE
8 CHANGES, IT SHALL CERTIFY THAT FACT TO THE DEPARTMENT. THE
9 DEPARTMENT SHALL REVOKE THE REGISTRATION OF A WASTE TIRE
10 FACILITY THAT DOES NOT HAVE AN APPROVED FIRE PREVENTION,
11 TRAINING, AND FIREFIGHTING PROGRAM.

12 (4) (a) ON AND AFTER A DATE SPECIFIED BY RULE PROMULGATED
13 PURSUANT TO SECTION 25-17-207 (2), EACH WASTE TIRE MONOFILL SHALL:

14 (I) BY AN ANNUAL DATE ESTABLISHED BY RULE, SUBMIT TO THE
15 DEPARTMENT A WASTE TIRE INVENTORY REDUCTION PLAN THAT COMPLIES
16 WITH RULES ESTABLISHED BY THE COMMISSION. THE DEPARTMENT SHALL
17 HOLD ANY INFORMATION OR DATA SUBMITTED TO IT BY A WASTE TIRE
18 MONOFILL OR FACILITY OF AN END USER OR PROCESSOR PURSUANT TO THIS
19 SUBPARAGRAPH (I) AS CONFIDENTIAL BUSINESS INFORMATION UPON
20 REQUEST OF THE SUBMITTING ENTITY IF THE INFORMATION OR DATA
21 SATISFIES THE DEFINITION OF TRADE SECRET AS SPECIFIED IN SECTIONS
22 7-74-102 AND 18-4-408 (2), C.R.S. THE BURDEN OF PROVING THAT THE
23 INFORMATION OR DATA IS PROTECTED AS A TRADE SECRET SHALL BE UPON
24 THE PARTY ASSERTING THE CLAIM; AND

25 (II) COMPLY WITH THE INVENTORY REDUCTION PLAN AS APPROVED
26 BY THE DEPARTMENT BY THE END OF THE FOLLOWING YEAR.

27 (b) ON AND AFTER A DATE SPECIFIED BY RULE PROMULGATED
28 PURSUANT TO SECTION 25-17-207 (2), DURING EACH CALENDAR YEAR,

1 AND AS DETERMINED BY RULE:

2 (I) A PROCESSOR SHALL PROCESS INTO TIRE-DERIVED PRODUCT AT
3 LEAST SEVENTY-FIVE PERCENT OF THE THREE-YEAR ROLLING AVERAGE
4 ANNUAL AMOUNT, BY WEIGHT OR NUMBER, OF WASTE TIRES THAT THE
5 PROCESSOR ACCEPTED DURING THE PREVIOUS THREE CALENDAR YEARS.

6 (II) AN END USER SHALL CONVERT INTO AN END PRODUCT AT
7 LEAST SEVENTY-FIVE PERCENT OF THE THREE-YEAR ROLLING AVERAGE
8 ANNUAL AMOUNT BY WEIGHT OF TIRE-DERIVED PRODUCT THAT THE END
9 USER ACCEPTED DURING THE PREVIOUS THREE CALENDAR YEARS.

10 (III) A WASTE TIRE MONOFILL SHALL ARRANGE FOR THE
11 PROCESSING INTO TIRE-DERIVED PRODUCT OF AT LEAST SEVENTY-FIVE
12 PERCENT OF THE THREE-YEAR ROLLING AVERAGE ANNUAL AMOUNT, BY
13 WEIGHT OR NUMBER, OF WASTE TIRES THAT THE WASTE TIRE MONOFILL
14 ACCEPTED DURING THE PREVIOUS THREE CALENDAR YEARS.

15 (c) THE DEPARTMENT SHALL REVOKE THE REGISTRATION OF A
16 WASTE TIRE FACILITY THAT VIOLATES THIS SUBSECTION (4).

17 (5) (a) EXCEPT AS SPECIFIED IN PARAGRAPH (b) OF THIS
18 SUBSECTION (5), ON AND AFTER A DATE SPECIFIED BY RULE PROMULGATED
19 PURSUANT TO SECTION 25-17-207 (2), A WASTE TIRE FACILITY SHALL:

20 (I) HAVE AN OPERATIONS PLAN, INCLUDING SITE SECURITY
21 MEASURES THAT INCLUDE LOCKED GATES AND AT LEAST A SIX-FOOT FENCE
22 SURROUNDING THE FACILITY;

23 (II) HAVE AN EMERGENCY RESPONSE PLAN;

24 (III) HAVE A FACILITY CLOSURE PLAN;

25 (IV) POST A BOND IN A FORM AND AMOUNT SET BY THE SOLID AND
26 HAZARDOUS WASTE COMMISSION, USING ONE OR MORE OF THE FOLLOWING
27 FINANCIAL MECHANISMS, TO COVER RECLAMATION OF THE FACILITY, IF
28 APPLICABLE, AND TO FINANCIALLY ASSURE FULL PAYMENT OF ALL

1 CLOSURE, POST-CLOSURE, AND, IF APPLICABLE, CORRECTIVE ACTION
2 ESTIMATED COSTS:

3 (A) TRUST FUND;

4 (B) LETTER OF CREDIT;

5 (C) SURETY BOND;

6 (D) INSURANCE;

7 (E) CORPORATE FINANCIAL TEST;

8 (F) LOCAL GOVERNMENT FINANCIAL TEST;

9 (G) CORPORATE GUARANTEE;

10 (H) LOCAL GOVERNMENT GUARANTEE; OR

11 (I) ONE OF THE FOLLOWING STATE-APPROVED MECHANISMS:

12 CERTIFICATE OF DEPOSIT; MULTIPLE FINANCIAL MECHANISMS; OR OTHER

13 METHODS AS APPROVED BY THE DEPARTMENT AND THE GOVERNING BODY

14 HAVING JURISDICTION;

15 (V) HAVE AN ADEQUATE WATER SUPPLY AVAILABLE FOR USE BY

16 THE LOCAL FIRE AUTHORITY IN THE EVENT OF A FIRE. OWNERS AND

17 OPERATORS OF WASTE TIRE FACILITIES MAY DEMONSTRATE COMPLIANCE

18 WITH THIS REQUIREMENT THROUGH ALTERNATIVE METHODS AS APPROVED

19 BY THE LOCAL FIRE AUTHORITY; AND

20 (VI) MEET THE STANDARDS AND CONDITIONS FOR THE

21 SAFEGUARDING OF LIFE AND PROPERTY FROM FIRE AS DETERMINED BY THE

22 LOCAL FIRE AUTHORITY. IN MAKING SUCH DETERMINATION, THE

23 INTERNATIONAL FIRE CODE, 2009 EDITION, PUBLISHED BY THE

24 INTERNATIONAL CODE COUNCIL IS HEREBY ADOPTED AS THE MINIMUM FIRE

25 SAFETY STANDARD FOR WASTE TIRE FACILITIES.

26 (b) THE REQUIREMENTS OF PARAGRAPH (a) OF THIS SUBSECTION

27 (5):

28 (I) SHALL BE IMPLEMENTED BY THE DEPARTMENT IN

1 CONSULTATION WITH THE LOCAL FIRE OFFICIALS AND IN ACCORDANCE
2 WITH THE ADOPTED MINIMUM FIRE SAFETY STANDARDS; AND

3 (II) SHALL NOT APPLY TO:

4 (A) A WASTE TIRE FACILITY THAT IS OPERATING WITH AN EXISTING
5 CERTIFICATE OF DESIGNATION AND THAT IS IN COMPLIANCE WITH ALL
6 LOCAL, STATE, AND FEDERAL REGULATIONS AND LAWS ON THE EFFECTIVE
7 DATE OF THIS SECTION; EXCEPT THAT, UPON THE RENEWAL OF OR
8 RE-APPLICATION FOR A CERTIFICATE OF DESIGNATION BY A WASTE TIRE
9 FACILITY, THE WASTE TIRE FACILITY SHALL BE REQUIRED TO COMPLY WITH
10 PARAGRAPH (a) OF THIS SUBSECTION (5); OR

11 (B) A TIRE RETAILER OR TIRE WHOLESALER THAT IS A SOURCE OF
12 WASTE TIRES PURSUANT TO SECTION 30-20-1007 OR 30-20-1008, C.R.S.

13 **25-17-207. Fees - rules - penalties - enforcement - fund.**

14 (1) THE COMMISSION MAY ESTABLISH BY RULE PROMULGATED PURSUANT
15 TO SUBSECTION (2) OF THIS SECTION FEES FOR DECALS, MANIFESTS, AND
16 REGISTRATIONS TO RECOUP ITS DIRECT AND INDIRECT COSTS IN
17 ADMINISTERING THIS PART 2. NO SINGLE FEE SHALL EXCEED FIVE
18 HUNDRED DOLLARS. THE COMMISSION MAY ESTABLISH DIFFERENT FEES
19 FOR EACH CATEGORY OF WASTE TIRE FACILITY. ALL FEES SHALL BE
20 TRANSFERRED TO THE STATE TREASURER, WHO SHALL CREDIT THEM TO
21 THE WASTE TIRE FUND CREATED IN SECTION 25-17-209.

22 (2) THE COMMISSION SHALL ADOPT RULES AS NECESSARY AND
23 CONVENIENT FOR THE ADMINISTRATION OF THIS PART 2.

24 (3) A PEACE OFFICER SHALL ENFORCE THE REQUIREMENTS OF THIS
25 PART 2.

26 (4) THE DEPARTMENT SHALL DEVELOP AN ON-LINE COMPLAINT
27 FORM AND PROCESSES FOR LAW ENFORCEMENT, FIRE DEPARTMENTS, AND
28 CITIZENS TO REPORT POTENTIAL WASTE TIRE VIOLATIONS.

1 (5) THERE IS HEREBY CREATED IN THE STATE TREASURY THE LAW
2 ENFORCEMENT GRANT FUND, CONSISTING OF THE FEE REVENUE CREDITED
3 PURSUANT TO SECTION 25-17-202 (3) (a) (V) AND ALL PENALTIES
4 ASSESSED PURSUANT TO THIS SECTION. ALL INTEREST OR ANY OTHER
5 RETURN ON THE INVESTMENTS SHALL BE PAID INTO THE FUND. AT THE
6 END OF EACH FISCAL YEAR, THE STATE TREASURER SHALL TRANSFER ALL
7 UNEXPENDED AND UNENCUMBERED MONEYS IN THE FUND TO THE
8 PROCESSORS AND END USERS FUND CREATED IN SECTION 25-17-202.5.
9 THE DEPARTMENT SHALL USE THE FUND FOR GRANTS TO AND
10 EDUCATIONAL PROGRAMS FOR COUNTY SHERIFFS, THE STATE PATROL,
11 POLICE DEPARTMENTS, FIRE DEPARTMENTS, AND LOCAL HEALTH
12 DEPARTMENTS FOR ENFORCEMENT, TRAINING, AND OVERSIGHT OF WASTE
13 TIRE FACILITIES.

14 **25-17-208. Waste tire advisory committee - repeal.** (1) THERE
15 IS HEREBY CREATED, UNDER THE COMMISSION, A WASTE TIRE ADVISORY
16 COMMITTEE CONSISTING OF THE FOLLOWING NINE MEMBERS:

17 (a) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OR THE
18 EXECUTIVE DIRECTOR'S DESIGNEE; AND

19 (b) THE FOLLOWING EIGHT MEMBERS APPOINTED BY THE
20 GOVERNOR WITH THE CONSENT OF THE SENATE:

21 (I) ONE MEMBER REPRESENTING LAW ENFORCEMENT FROM
22 JURISDICTIONS THAT HAVE A WASTE TIRE FACILITY;

23 (II) ONE MEMBER REPRESENTING TIRE RETAILERS;

24 (III) ONE MEMBER REPRESENTING END USERS;

25 (IV) ONE MEMBER REPRESENTING TIRE MANUFACTURERS;

26 (V) ONE MEMBER REPRESENTING WASTE TIRE HAULERS;

27 (VI) ONE MEMBER REPRESENTING WASTE TIRE PROCESSORS;

28 (VII) ONE MEMBER REPRESENTING WASTE TIRE MONOFILLS THAT

1 ARE OPERATING IN COMPLIANCE WITH THEIR CERTIFICATES OF
2 DESIGNATION; AND

3 (VIII) ONE MEMBER REPRESENTING LOCAL FIRE AUTHORITIES
4 THAT HAVE A WASTE TIRE FACILITY WITHIN THEIR JURISDICTION.

5 (2) THE ADVISORY COMMITTEE SHALL MEET ONCE PER QUARTER
6 FOR THE FIRST FOUR YEARS AFTER JULY 1, 2010, TO PROVIDE INPUT AND
7 ASSESSMENT OF THE WASTE TIRE CLEANUP PROGRAM, PROPOSE NEW
8 RULES, AND RECOMMEND TO THE DEPARTMENT POTENTIAL RULES TO
9 EFFECTIVELY MANAGE THE WASTE TIRE CLEANUP PROGRAM. THE
10 ADVISORY COMMITTEE SHALL ADVISE THE COMMISSION AND THE
11 DEPARTMENT ON CRITERIA AND PRIORITIES FOR WASTE TIRE-RELATED
12 FUNDING, MAKE RECOMMENDATIONS TO THE DEPARTMENT CONCERNING
13 EDUCATIONAL PROGRAMS AND FEASIBILITY STUDIES AS CONTEMPLATED
14 BY SECTION 25-17-202.6 (6) (b) (II), AND ASSIST THE DEPARTMENT AS
15 NEEDED WITH MAKING GRANTS RELATED TO WASTE TIRE CLEAN UP. THE
16 COMMITTEE SHALL DETERMINE THE FREQUENCY OF ITS MEETINGS AFTER
17 JULY 1, 2014. THE FOCUS FOR THE COMMITTEE IS TO:

18 (a) PROTECT THE SAFETY AND WELFARE OF THE CITIZENS,
19 WILDLIFE, AND ENVIRONMENT ADJACENT TO WASTE TIRE FACILITIES;

20 (b) DEVELOP SOUND ENFORCEMENT PRACTICES AND RISK
21 MITIGATION PRACTICES TO PREVENT THE LOSS OF LIFE, PROPERTY, AND
22 THE ENVIRONMENT CAUSED BY WASTE TIRES;

23 (c) PREVENT THE ILLEGAL TRANSPORTATION AND DISPOSAL OF
24 WASTE TIRES;

25 (d) DEVELOP MARKETS FOR TIRE-DERIVED PRODUCTS; AND

26 (e) PROVIDE A LONG-TERM PLAN TO REDUCE WASTE TIRE
27 STOCKPILES AND A WASTE TIRE MARKET DEVELOPMENT PLAN.

28 (3) THE ADVISORY COMMITTEE SHALL HAVE A CHAIR AND

1 VICE-CHAIR AND SHALL REPORT TO THE COMMISSION, ON AN ANNUAL
2 BASIS, CONCERNING THE PROGRESS OF THE WASTE TIRE CLEANUP
3 PROGRAM. THE ADVISORY COMMITTEE SHALL TRACK THE VIOLATIONS
4 ALLEGED PURSUANT TO SECTION 25-17-207 (5) AND REPORT A SUMMARY
5 OF THE COMPLAINTS IN THE ANNUAL REPORT TO THE COMMISSION.

6 (4) APPOINTED MEMBERS OF THE ADVISORY COMMITTEE SHALL
7 SERVE THREE-YEAR TERMS; EXCEPT THAT, OF THE INITIAL APPOINTEES,
8 TWO SHALL BE APPOINTED FOR ONE-YEAR TERMS; THREE SHALL BE
9 APPOINTED FOR TWO-YEAR TERMS; AND THREE SHALL BE APPOINTED FOR
10 THREE-YEAR TERMS. THE GOVERNOR SHALL DESIGNATE THE LENGTH OF
11 TERMS FOR EACH OF THE MEMBERS FIRST APPOINTED IN ACCORDANCE
12 WITH THIS SUBSECTION (4). VACANCIES SHALL BE FILLED BY
13 APPOINTMENT FOR THE DURATION OF THE UNEXPIRED TERM.

14 (5) MEMBERS OF THE ADVISORY COMMITTEE SHALL HOLD THEIR
15 FIRST MEETING NO LATER THAN OCTOBER 10, 2010.

16 (6) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2020. PRIOR TO
17 SUCH REPEAL, THE ADVISORY COMMITTEE SHALL BE REVIEWED AS
18 PROVIDED FOR IN SECTION 2-3-1203, C.R.S.

19 **25-17-209. Waste tire fund.** ALL FEES COLLECTED PURSUANT TO
20 THIS PART 2, OTHER THAN FEES COLLECTED PURSUANT TO SECTION
21 25-17-202, SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO
22 SHALL CREDIT THEM TO THE WASTE TIRE FUND, WHICH FUND IS HEREBY
23 CREATED IN THE STATE TREASURY. EXCEPT AS SPECIFIED IN SECTION
24 25-17-202.6 (1), THE FUND SHALL BE USED FOR THE DEPARTMENT'S DIRECT
25 AND INDIRECT COSTS IN ADMINISTERING THIS PART 2, INCLUDING PER DIEM
26 EXPENSES FOR THE ADVISORY COMMITTEE CREATED IN SECTION
27 25-17-208.

28 **SECTION 11.** 2-3-1203 (3), Colorado Revised Statutes, is

1 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

2 **2-3-1203. Sunset review of advisory committees.** (3) The
3 following dates are the dates for which the statutory authorization for the
4 designated advisory committees is scheduled for repeal:

5 (gg) JULY 1, 2020: THE WASTE TIRE ADVISORY COMMITTEE
6 CREATED IN SECTION 25-17-208, C.R.S.

7 **SECTION 12.** 30-20-1001 (17), Colorado Revised Statutes, is
8 amended to read:

9 **30-20-1001. Definitions.** As used in this part 10, unless the
10 context otherwise requires:

11 (17) (a) ~~"Waste tire" means a light-duty whole tire used on a~~
12 ~~passenger-type vehicle or truck that is no longer suitable for its original~~
13 ~~intended purpose because of wear, damage, or defect.~~ HAS THE MEANING
14 ESTABLISHED IN SECTION 25-17-202 (1), C.R.S.

15 (b) ~~"Waste tire" does not include waste tires from any device~~
16 ~~moved exclusively by human power.~~

17 **SECTION 13.** 39-26-706, Colorado Revised Statutes, is amended
18 BY THE ADDITION OF A NEW SUBSECTION to read:

19 **39-26-706. Miscellaneous sales and use tax exemptions -**
20 **cigarettes - internet access - refractory materials - precious metal**
21 **bullion and coins - waste tires.** (5) THE COLLECTION OF THE WASTE
22 TIRE FEE PURSUANT TO SECTION 25-17-202, C.R.S., IS EXEMPT FROM
23 TAXATION UNDER PART 1 OF THIS ARTICLE.

24 **SECTION 14.** 43-2-402 (5), Colorado Revised Statutes, is
25 amended to read:

26 **43-2-402. Noise mitigation measures.** (5) (a) The department
27 shall construct noise mitigation measures on the list of approved measures
28 for which a local government has agreed to provide no less than fifty

1 percent of the necessary moneys in the order of priority established
2 pursuant to subsection (4) of this section, using moneys provided by local
3 governments and any moneys distributed to the department by ~~the director~~
4 ~~of the division of local government~~ in the department of local affairs
5 PUBLIC HEALTH AND ENVIRONMENT pursuant to ~~section 24-32-114 (1) (b),~~
6 ~~C.R.S.~~ PART 2 OF ARTICLE 17 OF TITLE 25, C.R.S.

7 (b) After the construction of noise mitigation measures in
8 accordance with paragraph (a) of this subsection (5), the department shall
9 use any moneys provided by local governments or distributed to the
10 department pursuant to ~~section 24-32-114 (1) (b), C.R.S.,~~ PART 2 OF
11 ARTICLE 17 OF TITLE 25, C.R.S., to construct other noise mitigation
12 measures on the list of approved measures in the order of priority
13 established pursuant to subsection (4) of this section.

14 (c) If a noise mitigation measure on the list of approved measures
15 is not constructed in a state fiscal year, the applicant may submit an
16 application for the noise mitigation measure for the next state fiscal year.

17 **SECTION 15. Act subject to petition - effective date -**
18 **applicability.** (1) This act shall take effect at 12:01 a.m. on the day
19 following the expiration of the ninety-day period after final adjournment
20 of the general assembly (August 11, 2010, if adjournment sine die is on
21 May 12, 2010); except that, if a referendum petition is filed pursuant to
22 section 1 (3) of article V of the state constitution against this act or an
23 item, section, or part of this act within such period, then the act, item,
24 section, or part shall not take effect unless approved by the people at the
25 general election to be held in November 2010 and shall take effect on the
26 date of the official declaration of the vote thereon by the governor.

27 (2) The provisions of this act shall apply to conduct occurring on
28 or after the applicable effective date of this act.

**Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

BILL C

LLS NO. 10-0193.02 Jery Payne

HOUSE BILL

HOUSE SPONSORSHIP

Frangas, Fischer, McFadyen, Merrifield, Primavera, Tyler

SENATE SPONSORSHIP

Williams, Gibbs, Romer

House Committees

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING PARKING PRIVILEGES FOR PEOPLE WITH DISABILITIES.**

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. Section 1 of the bill changes the laws governing enforcement of the reserved parking program for the disabled in the following ways:

- Authorizes a peace officer to confiscate a placard that is being misused;
- Prohibits creating a device that mimics a placard;
- Prohibits retaliation against an employee for notifying the authorities of a violation of a possible reserved parking violation;

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

- Authorizes a peace officer or property owner to remove a vehicle that is violating the reserved parking provisions;
- Prohibits moving a vehicle to avoid time limits on reserved parking spaces;
- Prohibits using reserved parking for commercial purposes unrelated to transacting business with the person the space is intended to serve.

In the use of a parking space such as a parking lot or parking meter, **section 2** prohibits taking adverse action against a person with a disability if the method of payment is not reasonably accessible.

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

2 **SECTION 1.** 42-4-1208 (8) and (11), Colorado Revised Statutes,
3 are amended, and the said 42-4-1208 is further amended BY THE
4 ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

5 **42-4-1208. Parking privileges for persons with disabilities -**
6 **applicability.** (8) (a) ~~Any law enforcement~~ A PEACE officer or
7 authorized and uniformed parking enforcement official may check the
8 identification of any person using a license plate or placard ~~for persons~~
9 ~~with disabilities~~ in order to determine whether such use is authorized.

10 (b) A PEACE OFFICER MAY CONFISCATE AN IDENTIFYING PLACARD
11 THAT IS BEING USED IN VIOLATION OF THIS SECTION AND SHALL NOTIFY
12 THE DEPARTMENT OF THE CONFISCATION. THE LAW ENFORCEMENT
13 AGENCY SHALL HOLD A CONFISCATED PLACARD FOR THIRTY DAYS AND
14 MAY DISPOSE OF THE PLACARD AFTER THIRTY DAYS. UPON THE PERSON
15 WITH A DISABILITY SIGNING A STATEMENT UNDER PENALTY OF PERJURY
16 THAT HE OR SHE WAS UNAWARE THAT THE VIOLATOR USED, OR INTENDED
17 TO USE, THE PLACARD IN VIOLATION OF THIS SECTION, THE LAW
18 ENFORCEMENT AGENCY SHALL RELEASE THE PLACARD TO THE PERSON
19 WITH A DISABILITY TO WHOM IT WAS ISSUED.

20 (11) ~~Any~~ A person who knowingly and fraudulently obtains,

1 possesses, uses, or transfers a placard issued to a person with a disability;
2 ~~pursuant to section 42-3-204~~ or WHO knowingly makes, possesses, uses,
3 or transfers what purports to be, but is not, a placard; ~~issued to a person~~
4 ~~with a disability pursuant to section 42-3-204~~ OR WHO KNOWINGLY
5 CREATES OR USES A DEVICE INTENDED TO GIVE THE IMPRESSION THAT IT
6 IS AN IDENTIFYING PLACARD WHEN VIEWED FROM OUTSIDE THE VEHICLE
7 is guilty of a misdemeanor and is subject to the criminal and civil
8 penalties provided under section 42-6-139 (3) and (4). Any person who
9 knowingly and willfully receives remuneration for committing a
10 misdemeanor pursuant to this subsection (1) shall be subject to twice the
11 civil and criminal fine that would otherwise be imposed.

12 (14) (a) A PERSON WHO OBSERVES A VIOLATION OF THIS SECTION
13 MAY SUBMIT EVIDENCE ALONG WITH A SWORN STATEMENT OF A
14 VIOLATION OF THIS SECTION TO ANY LAW ENFORCEMENT AGENCY.

15 (b) NO PERSON SHALL INITIATE OR ADMINISTER ANY DISCIPLINARY
16 ACTION AGAINST AN EMPLOYEE ON ACCOUNT OF THE EMPLOYEE
17 NOTIFYING THE AUTHORITIES OF A POSSIBLE VIOLATION OF THIS SECTION
18 IF THE EMPLOYEE HAS A GOOD FAITH BELIEF THAT A VIOLATION HAS
19 OCCURRED.

20 (15) UPON FINDING PROBABLE CAUSE TO BELIEVE A PERSON HAS
21 VIOLATED THIS SECTION, A PEACE OFFICER OR PROPERTY OWNER MAY
22 CAUSE THE REMOVAL OF THE MOTOR VEHICLE THAT IS BEING USED TO
23 VIOLATE THIS SECTION FROM THE RESERVED PARKING SPACE. UPON
24 CONVICTION OR A PLEA OF GUILTY OR NOLO CONTENDERE TO A VIOLATION
25 OF THIS SECTION, THE COURT SHALL ORDER THE PERSON WHO VIOLATED
26 THIS SECTION TO REIMBURSE THE LAW ENFORCEMENT AGENCY OR
27 PROPERTY OWNER FOR THE ACTUAL COST OF REMOVING THE MOTOR
28 VEHICLE.

1 (16) (a) NO PERSON, AFTER USING A RESERVED PARKING SPACE
2 THAT HAS A TIME LIMIT, SHALL SWITCH VEHICLES OR MOVE THE MOTOR
3 VEHICLE TO ANOTHER RESERVED PARKING SPACE WITHIN ONE HUNDRED
4 YARDS OF THE ORIGINAL PARKING SPACE WITHIN THE SAME EIGHT HOURS
5 IN ORDER TO EXCEED THE TIME LIMIT.

6 (b) PARKING IN A TIME-LIMITED RESERVED PARKING SPACE FOR
7 MORE THAN THREE HOURS FOR AT LEAST THREE DAYS A WEEK FOR AT
8 LEAST TWO WEEKS SHALL CREATE A REBUTTABLE PRESUMPTION THAT THE
9 PERSON IS VIOLATING THIS SUBSECTION (16).

10 (c) A PERSON WHO VIOLATES THIS SUBSECTION (16) COMMITS A
11 CLASS B TRAFFIC INFRACTION.

12 (17) NO PERSON SHALL USE A RESERVED PARKING SPACE FOR A
13 COMMERCIAL PURPOSE UNLESS THE PURPOSE RELATES TO TRANSACTING
14 BUSINESS WITH A BUSINESS THE RESERVED PARKING SPACE IS INTENDED TO
15 SERVE. A PERSON WHO VIOLATES THIS SUBSECTION (17) COMMITS A CLASS
16 B TRAFFIC INFRACTION.

17 **SECTION 2.** Part 12 of article 4 of title 42, Colorado Revised
18 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
19 read:

20 **42-4-1212. Pay parking access for disabled.** (1) UNLESS THE
21 PARKING SPACE PROVIDES REASONABLE ACCESS TO THE METHOD OF
22 REMUNERATION TO A PERSON WITH A DISABILITY AS DEFINED IN SECTION
23 42-3-204, NO PERSON WHO OWNS, OPERATES, OR MANAGES A PARKING
24 SPACE THAT REQUIRES REMUNERATION SHALL TOW, BOOT, OR OTHERWISE
25 TAKE ADVERSE ACTION AGAINST A PERSON OR MOTOR VEHICLE PARKING
26 IN SUCH SPACE FOR FAILURE TO PAY THE REMUNERATION IF THE MOTOR
27 VEHICLE BEARS A PLACARD OR LICENSE PLATE BEARING THE IDENTIFYING
28 FIGURE ISSUED PURSUANT TO SECTION 42-3-204 OR A SIMILAR LAW IN

1 ANOTHER STATE.

2 (2) NOTWITHSTANDING ANY STATUTE, RESOLUTION, OR
3 ORDINANCE OF COLORADO OR A POLITICAL SUBDIVISION THEREOF,
4 PARKING IN A SPACE WITHOUT PAYING THE REQUIRED REMUNERATION
5 SHALL NOT BE DEEMED A VIOLATION OF SUCH STATUTE, RESOLUTION, OR
6 ORDINANCE IF:

7 (a) THE MOTOR VEHICLE BEARS A PLACARD OR LICENSE PLATE
8 BEARING THE IDENTIFYING FIGURE ISSUED PURSUANT TO SECTION 42-3-204
9 OR A SIMILAR LAW IN ANOTHER STATE; AND

10 (b) THE PARKING SPACE FAILS TO PROVIDE REASONABLE ACCESS
11 TO THE METHOD OF REMUNERATION TO A PERSON WITH A DISABILITY AS
12 DEFINED IN SECTION 42-3-204.

13 (3) A LAW ENFORCEMENT AGENCY SHALL VOID ANY PENALTY
14 ASSESSMENT NOTICE OR SUMMONS AND COMPLAINT THAT IS DEEMED NOT
15 A VIOLATION UNDER SUBSECTION (2) OF THIS SECTION.

16 **SECTION 3. Act subject to petition - effective date -**
17 **applicability.** (1) This act shall take effect at 12:01 a.m. on the day
18 following the expiration of the ninety-day period after final adjournment
19 of the general assembly (August 11, 2010, if adjournment sine die is on
20 May 12, 2010); except that, if a referendum petition is filed pursuant to
21 section 1 (3) of article V of the state constitution against this act or an
22 item, section, or part of this act within such period, then the act, item,
23 section, or part shall not take effect unless approved by the people at the
24 general election to be held in November 2010 and shall take effect on the
25 date of the official declaration of the vote thereon by the governor.

26 (2) The provisions of this act shall apply to offenses committed on
27 or after the applicable effective date of this act.

**Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

BILL D

LLS NO. 10-0195.01 Jery Payne

SENATE BILL

SENATE SPONSORSHIP

Renfroe, Kopp

HOUSE SPONSORSHIP

McNulty, Frangas, McFadyen, Baumgardner

Senate Committees

House Committees

A BILL FOR AN ACT

101 **CONCERNING BEHIND-THE-WHEEL TRAINING REQUIREMENTS**
102 **NECESSARY TO RECEIVE A DRIVER'S LICENSE.**

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. This bill changes from 18 to 16 ½ the age at which a minor is required to obtain behind-the-wheel training to obtain a driver's license.

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

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

1 **SECTION 1.** The introductory portion to 42-2-104 (4) (a) and
2 42-2-104 (4) (a) (II) and (5), Colorado Revised Statutes, are amended to
3 read:

4 **42-2-104. Licenses issued - denied.** (4) (a) ~~Before~~ The
5 department ~~may~~ SHALL NOT issue ~~any type of~~ A driver's license, including,
6 WITHOUT LIMITATION, a temporary driver's license pursuant to section
7 42-2-106 (2), to a person under eighteen years of age, UNLESS the person
8 ~~shall have~~ HAS:

9 (II) Submitted a log or other written evidence on a standardized
10 form approved by the department that is signed by his or her parent or
11 guardian or other responsible adult ~~as referenced in section 42-2-106 (1)~~
12 WHO SIGNED THE AFFIDAVIT OF LIABILITY or the instructor of a driver's
13 education course approved by the department, certifying that the person
14 has completed not less than fifty hours of actual driving experience, of
15 which not less than ten hours shall have been completed while driving at
16 night.

17 (5) The department shall not issue a driver's license to a person
18 under ~~eighteen years of age who was issued a permit pursuant to sections~~
19 ~~42-2-106 (1) (b) and 42-2-114 (1) (a) after April 20, 2007,~~ SIXTEEN AND
20 ONE-HALF YEARS OF AGE unless ~~such~~ THE person has ~~received~~ either:

21 (a) ~~If no entity offers approved behind-the-wheel driver training~~
22 ~~at least twenty hours a week from a permanent location with an address~~
23 ~~that is within thirty miles of the permit holder's residence,~~ RECEIVED a
24 minimum of twelve hours of driving-behind-the-wheel training directed
25 by a parent, a legal guardian, or an alternate permit supervisor, which
26 training shall be in addition to the driving experience required by
27 subsection (4) of this section, IF NO ENTITY OFFERS APPROVED
28 BEHIND-THE-WHEEL DRIVER TRAINING AT LEAST TWENTY HOURS A WEEK

1 FROM A PERMANENT LOCATION WITH AN ADDRESS THAT IS WITHIN THIRTY
2 MILES OF THE PERMIT HOLDER'S RESIDENCE; or

3 (b) RECEIVED A minimum of six hours of
4 driving-behind-the-wheel training with a driving instructor employed or
5 associated with an approved driver education course.

6 **SECTION 2. Act subject to petition - effective date -**
7 **applicability.** (1) This act shall take effect at 12:01 a.m. on the day
8 following the expiration of the ninety-day period after final adjournment
9 of the general assembly (August 11, 2010, if adjournment sine die is on
10 May 12, 2010); except that, if a referendum petition is filed pursuant to
11 section 1 (3) of article V of the state constitution against this act or an
12 item, section, or part of this act within such period, then the act, item,
13 section, or part shall not take effect unless approved by the people at the
14 general election to be held in November 2010 and shall take effect on the
15 date of the official declaration of the vote thereon by the governor.

16 (2) The provisions of this act shall apply to driver's permit and
17 license applications submitted on or after the effective date of this act.

**Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

BILL E

LLS NO. 10-0196.01 Jason Gelender

HOUSE BILL

HOUSE SPONSORSHIP

McFadyen, Baumgardner, Fischer, Frangas, King S., Looper, Primavera, Tyler

SENATE SPONSORSHIP

Spence, Gibbs, Romer, Williams

House Committees

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING ANNUAL REPORTING TO THE GENERAL ASSEMBLY OF**
102 **FATAL ACCIDENTS IN STATE HIGHWAY WORK AREAS.**

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. The bill requires the department of transportation and the Colorado state patrol to annually present a joint report to the transportation and energy committee of the house of representatives and the transportation committee of the senate regarding fatal accidents occurring in state highway work areas.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

DRAFT

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

2 **SECTION 1.** Part 16 of article 4 of title 42, Colorado Revised
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
4 read:

5 **42-4-1612. Accidents in state highway work areas - annual**
6 **reporting by department of transportation and Colorado state patrol.**

7 (1) ON OR BEFORE FEBRUARY 15, 2011, AND ON OR BEFORE FEBRUARY 15
8 OF EACH SUCCEEDING YEAR, THE DEPARTMENT OF TRANSPORTATION AND
9 THE COLORADO STATE PATROL SHALL PRESENT A JOINT REPORT TO THE
10 TRANSPORTATION AND ENERGY COMMITTEE OF THE HOUSE OF
11 REPRESENTATIVES AND THE TRANSPORTATION COMMITTEE OF THE
12 SENATE, OR ANY SUCCESSOR COMMITTEES, REGARDING FATAL ACCIDENTS
13 IN STATE HIGHWAY WORK AREAS DURING THE PRECEDING YEAR. THE
14 REPORT SHALL INCLUDE, AT A MINIMUM:

15 (a) A SUMMARY OF THE TOTAL NUMBER OF FATAL ACCIDENTS AND
16 THE TOTAL NUMBER OF INDIVIDUALS KILLED;

17 (b) A CATEGORIZATION OF THE TOTAL NUMBER OF INDIVIDUALS
18 KILLED THAT IDENTIFIES THE INDIVIDUALS AS EMPLOYEES OF THE
19 DEPARTMENT OF TRANSPORTATION, EMPLOYEES OF CONTRACTORS OR
20 SUBCONTRACTORS WORKING ON A PROJECT FOR THE DEPARTMENT, OR
21 OTHER INDIVIDUALS;

22 (c) A COPY OF THE ACCIDENT REPORTING FORM FOR EACH FATAL
23 ACCIDENT;

24 (d) A DESCRIPTION OF BOTH ONGOING AND NEWLY IMPLEMENTED
25 MEASURES TAKEN BY THE DEPARTMENT OF TRANSPORTATION TO PREVENT
26 FATAL ACCIDENTS IN STATE HIGHWAY WORK AREAS.

27 (2) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE

1 THE DEPARTMENT OF TRANSPORTATION OR THE COLORADO STATE PATROL
2 TO SPECIFICALLY IDENTIFY BY NAME ANY INDIVIDUAL KILLED, INJURED, OR
3 OTHERWISE INVOLVED IN AN ACCIDENT.

4 **SECTION 2. Act subject to petition - effective date.** This act
5 shall take effect at 12:01 a.m. on the day following the expiration of the
6 ninety-day period after final adjournment of the general assembly (August
7 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a
8 referendum petition is filed pursuant to section 1 (3) of article V of the
9 state constitution against this act or an item, section, or part of this act
10 within such period, then the act, item, section, or part shall not take effect
11 unless approved by the people at the general election to be held in
12 November 2010 and shall take effect on the date of the official
13 declaration of the vote thereon by the governor.