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0607 Transportation Legislation Review Committee



**Report to the
Colorado General Assembly**

**Transportation Legislation
Review Committee**

Prepared by

*The Colorado Legislative Council
Research Publication No. 607
December 2011*

Transportation Legislation Review Committee

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Senator Evie Hudak, Vice-Chair

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Representative J. Paul Brown	Senator Scott Renfroe
Representative Randy Fischer	Senator Gail Schwartz
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December 2011

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December 2011

To Members of the Sixty-eighth 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 8, 2011, the Legislative Council reviewed the summary report of this committee. A motion to forward this report and the bills therein for consideration in the 2012 session was approved.

Sincerely,

/s/ Senator Brandon Shaffer
Chairman

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This report is also available on line at:

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

Committee Charge

The Transportation Legislation Review Committee (TLRC) is comprised of the 18 members of the House Transportation 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 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., authorizes 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;
- review any phase of CDOT operations, including the planning and construction of highway projects;
- review such projects upon completion to determine whether a project was completed in the most cost-effective and efficient manner;
- require CDOT to conduct long-term planning efforts for the state transportation system and may require financial and performance audits to be conducted; and
- recommend legislation to the General Assembly and Governor resulting from these oversight responsibilities.

Colorado Department of Revenue. The oversight responsibilities of the TLRC include certain activities of the Colorado Department of Revenue (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

The TLRC held four meetings pertaining to transportation and motor vehicles during the 2011 interim. Briefings and presentations were made by state departments, local governments, transit authorities, public highway authorities, and transportation industry associations on a wide range of subjects, including:

- highway maintenance, construction, and supervision;
- quality and aging of highway infrastructure;
- innovative transportation financing mechanisms;
- the Regional Transportation District (RTD);
- the Denver International Airport (DIA);
- public mass transit;
- rail transportation;
- the ports of entry;
- special license plates; and
- the motor carrier industry.

Staff from the Legislative Council Staff and Joint Budget Committee (JBC) prepared documents on the TLRC's oversight authority and statutory charge, special license plates, and transportation financing, and provided presentations on transportation financing. The following sections discuss the TLRC's activities during the 2011 interim.

Transportation Infrastructure and Financing

Transportation financing. The committee heard from CDOT, public highway authorities, the Colorado Wyoming Petroleum Marketers Association, Legislative Council Staff, JBC Staff, and local government officials regarding the state transportation network and financing. Long-term funding challenges for maintaining and improving existing transportation infrastructure were discussed. The committee also heard a presentation from the Legislative Council Staff about the major sources of transportation funding, including the Highway Users Tax Fund (HUTF).

The HUTF is the primary source of highway funds in the state, with revenue in FY 2009-10



totaling \$919.9 million. Revenue to the HUTF comes from multiple sources, including motor fuel taxes; registration fees; Funding Advancement and Surface Transportation and Economic Recovery (FASTER) fees; fines; and interest earnings. The largest source is derived from the \$0.22 per gallon state fuel tax. Funding is also derived from a \$0.205 per gallon tax on diesel fuel. In FY 2009-10, motor fuel and special fuel tax revenue totaled an estimated \$542.9 million. Additional HUTF funding is generated by vehicle registration fees and permit fees. Registration fees are based on the age and weight of the vehicle registered.

Other briefings by JBC staff covered the HUTF "off-the-top" appropriations. This term refers to the portion of the HUTF that is now spent on highway supervision. The term "off-the-top" is used because these appropriations come from the HUTF before other statutory distributions. The committee also heard about revenues generated under Senate Bill 09-108 for the repair and replacement of deficient bridges. Information was provided on the state's transportation enterprises, including the High-Performance Transportation Enterprise and the Statewide Bridge Enterprise.

Public highway authorities. There are three public highway authorities (PHAs) in Colorado: the E-470 PHA, the Jefferson Parkway PHA, and the Northwest Parkway PHA. Information was provided regarding each PHA's statutory authority, revenue collection, and infrastructure. The committee asked for specific information on debt service payments, new toll collection systems, and user rates.

Ports of Entry

The Colorado State Patrol (CSP) presented findings from a study on the operation of Colorado's ports of entry (POE) commissioned under House Bill 10-1113. The study proposes that POE operations and personnel be transferred from the DOR to the CSP, and POE facilities be transferred from the DOR to the CDOT. Following implementation of its recommendations, the study anticipates cost savings of \$1.8 to \$3.1 million over a five-year period. Information was also provided regarding HUTF funding, specifically "off-the-top" funding, credited to the CSP and the DOR for POE operations. In the most recent fiscal year, the CSP was appropriated approximately \$86 million in "off-the-top" appropriations.

Committee recommendation. As a result of testimony and its discussions, the committee recommends Bill C, which consolidates POE functions within the CSP. Among its provisions, effective July 1, 2012, the bill:

- eliminates the Motor Carrier Services Division (MCSD) within the DOR;
- retains the commercial driver licensing and international registration plan functions of the MCSD within the DOR;
- transfers all POE staff, functions, and powers to the CSP; and
- defines a POE officer as a uniformed member of the CSP who is not a state patrolman, but who may exercise the powers of a peace officer in performing his or her duties.



Industry Groups

Motor carrier industry. The committee heard testimony from the motor carrier industry regarding inefficiencies in the Colorado semitrailer plate registration process, including differences with neighboring states. Colorado law requires semitrailers to register annually, but 27 other states, including those that surround Colorado, have a permanent registration process. Industry representatives provided information that 5,000 independent trucking industry contractors currently operate in Colorado. This industry has significant competition with competitors based in neighboring states. Industry representatives requested that Colorado consider legislation to develop a process similar to that in use in Idaho.

Committee recommendation. As a result of testimony and its discussions, the committee recommends Bill A, which creates an alternative multi-year registration process for Class A trailers and semitrailers. Beginning in 2013, the bill allows an owner to obtain a multi-year registration by paying a one-time registration fee of \$24.50 and prepaying annual specific ownership tax in the amount of \$95.50. Each registration is valid until the equipment is sold or transferred. Owners based in Colorado are only eligible to obtain this type of registration for equipment that is at least in its tenth year of service.

Mining industry. The committee also heard from representatives of the Colorado Mining Association (CMA). The CMA provided an overview of mineral products in Colorado and their uses. Coal is a major source of electricity for light-rail transportation and automobiles. It remains the nation's most abundant fuel source. Colorado coal is specifically high in British Thermal Unit (BTU) content and low in emissions. The mining industry is reliant on Colorado's transportation network, specifically rail, to transport coal.

Aviation, Public Transit, and Rail

Aviation. The committee heard from DIA officials regarding airport operations and ongoing projects. 2010 was the busiest year for DIA to date. DIA challenges were discussed, including land use, airspace capacity, and business-related transactions. Information was also provided regarding the RTD FasTracks East Corridor line, which will serve as a light rail connection between downtown Denver and the DIA South Terminal, and is expected to receive passengers beginning in 2015.

Regional Transportation District. The committee heard testimony from the RTD regarding mass transit systems and programs in Colorado. RTD testified that it has 75 park-n-ride locations; 10,025 bus stops; and 97 million annual boardings by passengers. Fares and revenue were discussed, including the requirement that RTD recover 30 percent of its costs. RTD reported that, in 2010, it recovered 48.7 percent of transit costs. Information was provided on FasTracks and various lines' construction and completion time lines. The committee also heard from the CDOT Division of Transit and Rail and Swift Tram, Inc. CDOT staff discussed the awarding of transit project grants and various rail lines and transit authorities in the state.

CDOT Division of Transit and Rail. The committee heard from the CDOT Division of Transit and Rail. The division is charged with allocating approximately \$15 million per year in transportation grants for state, local, and nonprofit entities. Information was provided on rail lines in Colorado. Recently, the Towner line was sold to a private rail company, resulting in sale proceeds of \$10 million credited to the State Rail Bank Fund. Division staff discussed the status of the Tennessee Pass line and the Fort Collins line, as well as interregional connectivity studies.

Swift Tram, Inc. Swift Tram, Inc. representatives provided information regarding mass transit equipment and vehicles. Swift Tram, Inc. manufactures suspended monorail transit systems.



Monorails require no driver and may travel at speeds up to 100 miles per hour. Costs for monorail systems are approximately \$3 million per mile. According to company representatives, a monorail is viable on the I-70 corridor and along I-25 between Denver and Fort Collins.

Special License Plates

The DOR presented to the committee regarding special license plates. The committee was particularly interested in the statutory and regulatory process for establishing new group license plates and methods to deal with plate inventory. In the past, the DOR would order 3,000 plates and manage the overstock amounts. Recently, the DOR has streamlined its process, anticipating plate numbers required to meet consumer demand. Information was provided about the 3,000 signature requirement to request the General Assembly to establish a new group special license plate.

At the committee's request, the DOR presented supplemental information on special license plates, including: types of plates, revenue and costs, procedures to establish plates, and suggestions for statutory changes to improve the process for establishing new special license plates.

Committee recommendation. As a result of testimony and its discussions, the committee recommends Bill G, which clarifies and amends state law pertaining to establishment of new group special license plates and plate inventories. Among its provisions, the bill:

- removes the requirement that an applicant certify that at least 3,000 plates will be issued within one year;
- allows special license plates to be sold until inventories are depleted; and
- removes a requirement that proof of membership be provided to obtain certain license plates.

Other Policy Areas

The following public policy areas, state laws, and legislation were not specifically addressed in the committee's discussions and presentations, but were addressed in interim legislation approved by the committee.

Low-speed electric vehicles. During the 2009 legislative session, Senate Bill 09-075 was adopted by the General Assembly. Among other provisions, the bill allowed low-speed electric vehicles to be operated on roadways with speed limits up to 35 miles per hour and to cross roads with higher speed limits. The bill also permitted Class B low-speed electric vehicles, a subcategory of low-speed electric vehicles, to travel on roads with speeds up to 45 miles per hour once the federal government issues safety standards.

Committee recommendation. As a result of its deliberations, the committee recommends Bill B, which amends state law to permit low-speed electric vehicles to be operated on roadways at speeds of up to 40 miles per hour.



Waste Tire Processor End User Fund. The Processors and End Users Fund supports reimbursements to waste tire consumers and processors through multiple grant programs. Reimbursements are set at \$65 per ton of waste tires consumed. The fund, which is set to repeal on July 1, 2012, is supported by 30.33 percent of revenue generated from the \$1.50 fee charged on the purchase of a new tire.

Committee recommendation. As a result of its deliberations, the committee recommends Bill D, which extends the statutory repeal of the fund to July 1, 2020. Fund revenue supports partial reimbursements to waste tire processors and end users to encourage waste tire recycling technologies, and the use of, and reduction of, waste tire stockpiles.

Military service identifier. During the 2010 session, the General Assembly enacted House Bill 10-1209. The bill authorized the DOR to affix a military service branch identifier on an applicant's state-issued driver's license or identification card. To have a military identifier affixed, state law requires that a \$15 fee be remitted by the applicant on issuance and renewal. Fee revenue is credited to the operation of the program and to the HUTF.

Committee recommendation. As a result of its deliberations, the committee recommends Bill E, which eliminates the fee currently charged for the military service branch identifier on a Colorado driver's license.

Transportation-related reporting requirements. State law requires various state departments and agencies to submit reports to the General Assembly. According to Legislative Council Staff, in 2011, state law required that 21 transportation-related reports be provided to the House Transportation Committee, Senate Transportation Committee, Transportation Legislation Review Committee, and various predecessor committees (i.e. House Transportation and Energy Committee).

Committee recommendation. As a result of its deliberations, the committee recommends Bill F, which repeals certain reports considered to be obsolete, redundant or of declining interest to the committee. The bill eliminates the following reports:

- an annual capital construction request for state highway reconstruction, repair, and maintenance projects submitted by the Transportation Commission to the CDC;
- a copy of the Colorado Clean Energy Development Authority three-year plan;
- an annual report by the DOR on the effectiveness of motor vehicle emissions program quality assurance and enforcement measures and related matters;
- an annual report by the Department of Public Health and Environment on the cost and effectiveness of the High Emitter Program;
- a prioritized list of recommendations by the CDOT concerning railroad rights-of-way or rail lines proposed to be acquired by the state and the proposed uses;
- an annual report by the CDOT Office of Transportation Safety on the Law Enforcement Assistance Fund, including programs supported by the fund and
- a report providing notice of any public highway authority (PHA), or any value capture area within the boundaries of a PHA, to be created.



Summary of Recommendations

As a result of committee deliberations, the Transportation Legislation Review Committee recommends seven bills for consideration during the 2012 legislative session.

Bill A — Multi-year Class A Trailer Registration

Bill A creates an alternative registration for Class A trailers and semitrailers beginning in 2013. Applicants based in Colorado may apply for the alternative registration of a trailer or semitrailer that is ten or more years old. The annual specific ownership tax and one-time vehicle registration fee are set at \$95.50 and \$24.50, respectively. Fee revenue is distributed as follows:

- \$13.00 to the state HUTF;
- \$5.00 to the state Bridge Enterprise Special Revenue Fund;
- \$2.50 to the state License Plate Cash Fund;
- \$2.00 to the county clerk and recorder that registers a vehicle;
- \$1.50 to the county in which the vehicle is registered for the County Road and Bridge Fund; and
- \$0.50 to the state Colorado State Titling and Registration Account.

Under the bill, the DOR is required to issue a report to the General Assembly discussing the cost-effectiveness of the special registration by 2014.

Bill B — Low-speed Electric Vehicles

Currently, low-speed electric vehicles may not be operated at speeds in excess of 35 miles per hour. Bill B amends state law to permit low-speed electric vehicles to be operated on roadways at speeds of up to 40 miles per hour.

Bill C — Transfer Ports of Entry to the Colorado State Patrol

Bill C eliminates the Motor Carrier Services Division (MCSD) in the DOR as of July 1, 2012. Commercial driver licensing and international registration plan functions of the MCSD are retained by the DOR, and all POE staff, functions, and powers are transferred to the CSP. Following the transfer, a POE officer is defined as a uniformed member of the CSP who is not a state patrolman, but who may exercise the powers of a peace officer in performing his or her duties.

Bill D — Waste Tire Processor End User Fund

Bill D extends the statutory repeal of the Processors and End Users Fund from July 1, 2012, to July 1, 2020. The fund is supported by a portion of the \$1.50 fee collected by retailers for each tire sold. Fund revenue supports partial reimbursements to waste tire processors and end users to encourage waste tire recycling technologies, and the use of, and reduction of, waste tire stockpiles.



Bill E — Repeal Branch of Service Identifier Fee

Veterans have the option to request a military service branch identifier on a state-issued driver's license or identification card. The fee for this service is set at \$15 upon license or card issuance and renewal. Currently, fee revenue is credited toward the cost of creating the identifier (estimated at \$83,088) and the HUTF. Bill E eliminates this fee for military service branch identifiers on driver's licenses.

Bill F — Repeal Transportation-related Reporting Requirements

Bill F repeals certain transportation-related reports required to be made to the TLRC, House and Senate Transportation Committees, Capital Development Committee (CDC), and other committees. Some reports were considered to be obsolete, redundant, or of declining interest to the committee. The following required reports are eliminated:

- an annual capital construction request for state highway reconstruction, repair, and maintenance projects to be funded from money transferred to the Capital Construction Fund, submitted by the Transportation Commission to the CDC, with copies provided to the JBC and House and Senate Transportation Committees;
- a copy of the Colorado Clean Energy Development Authority three-year plan, submitted to the Senate Agriculture, Natural Resources, and Energy Committee and the House Transportation Committee;
- an annual report on the effectiveness of motor vehicle emissions program quality assurance and enforcement measures and related matters, submitted by the DOR to the TLRC;
- an annual report on the cost and effectiveness of the High Emitter Program from the Department of Public Health and Environment to the TLRC;
- a prioritized list of recommendations concerning railroad rights-of-way or rail lines proposed to be acquired by the state and the proposed uses, submitted by the CDOT to the TLRC;
- an annual report on the Law Enforcement Assistance Fund, including programs supported by the fund, submitted by the CDOT Office of Transportation Safety to the TLRC; and
- a report providing notice to the TLRC of any public highway authority (PHA), or any value capture area within the boundaries of a PHA, to be created.

Bill G — Group Special License Plate Procedure

Current law requires a nonprofit organization to submit 3,000 signatures by persons requesting the establishment of a new group special license plate prior to the introduction of a bill in the General Assembly establishing a new plate. Bill G repeals the signature requirement, and instead requires a nonprofit organization to obtain written notification from the DOR confirming that group special license plate requirements have been met prior to seeking action by the General Assembly to authorize a new group special license plate. The bill also permits group special license plates and alumni plates that have not reached the minimum number issued to be made available until the total plate inventory is depleted.



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 Colorado State Archives, 1313 Sherman Street, Denver (303-866-2055). 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

August 9, 2011

- ◆ Presentation by the Colorado Department of Transportation
- ◆ Committee discussion on transportation financing
- ◆ Presentation by the Colorado mining industry
- ◆ Presentation by three public highway authorities
- ◆ Presentation by the Denver International Airport

September 14, 2011

- ◆ Presentation by the Regional Transportation District
- ◆ Presentation by the Department of Revenue
- ◆ Presentation by the Colorado State Patrol
- ◆ Presentation by the Colorado Motor Carriers Association
- ◆ Presentation by the Western State Transportation Alliance
- ◆ Discussion of proposed legislation

October 5, 2011

- ◆ Presentation by the Colorado Wyoming Petroleum Marketers Association
- ◆ Presentation by Swift Tram, Inc.
- ◆ Presentation by the Department of Revenue
- ◆ Presentation regarding the Highway Users Tax Fund
- ◆ Discussion and approval of draft legislation

October 24, 2011

- ◆ Discussion and approval of draft legislation



Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

BILL A

LLS NO. 12-0150.03 Jery Payne x2157

HOUSE BILL

HOUSE SPONSORSHIP

Looper, Barker, Brown, Priola, Ramirez, Scott, Williams A.

SENATE SPONSORSHIP

Williams S.,

House Committees

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE CREATION OF A MULTI-YEAR REGISTRATION FOR
102 CLASS A TRAILERS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Transportation Legislation Review Committee. Section 1 of the bill makes a legislative declaration. **Section 2** creates an alternate registration for interstate, commercial trailers and semitrailers if the owner is based in a jurisdiction other than Colorado or, if the owner is based in Colorado, the trailer or semitrailer is at least 10 years old. The

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.

DRAFT

Dashes through the words indicate deletions from existing statute.

11

registration does not expire until the trailer is sold or transferred. The owner notifies the department when the trailer is sold or transferred. The department will issue a report in 2014, including the cost-effectiveness of this system of registration.

Section 3 sets the specific ownership tax at \$95.50. **Section 4** sets the registration fee at \$24.50. Of the fee, the department or authorized agent that registers the vehicle retains \$2.00, the county gets \$1.50 for the county road and bridge fund, the statewide bridge enterprise special revenue fund is credited with \$5.00, the Colorado state titling and registration account is credited with \$0.50, the license plate cash fund is credited with \$2.50, and the highway users tax fund is credited with \$13.00.

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

2 **SECTION 1. Legislative declaration.** (1) (a) The general
3 assembly hereby determines that the restoration of Colorado's economy
4 is one of the most critical tasks it must consider. To that end, Colorado
5 needs to remain competitive with the western United States and the
6 nation. An emerging issue dealing with the registration of commercial
7 vehicles in Colorado threatens the state's competitiveness. Under current
8 law and regulations, interstate commercial trailers can be licensed in any
9 state regardless of whether the owner resides in that state. Twenty-six
10 states have created some version of a permanent commercial trailer plate
11 for commercial trailers.

12 (b) Permanent commercial trailer plates offer several advantages
13 to the enacting state and to trailer owners. States enjoy the reduction in
14 workload as a permanent plate does not need to be processed yearly and
15 most states collect higher revenues with the initial registration because of
16 the projected term of use. The transportation industry benefits as they do
17 not have to locate their trailers across the nation each year to replace the
18 registration on that trailer and they can shop for the best possible pricing
19 in the many states that offer these permanent plate options. In Colorado,

1 the cost of commercial trailer registration is significantly higher than
2 other states.

3 (2) The general assembly finds that there has been a decrease in
4 both interstate truck and trailer registrations in Colorado over the past five
5 years. The Colorado transportation industry reports a significant reduction
6 not only in registrations and sales of commercial vehicles and trailers but
7 the loss of thousands of jobs as well. The general assembly therefore
8 seeks to create a competitive process for the registration of interstate
9 commercial trailers in Colorado to accomplish two major goals by
10 making the state competitive with other states:

11 (a) First, to generate new revenue for Colorado by drawing, to
12 Colorado, registrations from other states with a permanent trailer
13 registration option; and

14 (b) Second, to reduce the number of currently registered interstate
15 commercial trailers that leave Colorado for another state by creating a
16 permanent registration for Colorado.

17 (3) The general assembly finds that this legislation begins to
18 address major policy issues dealing with the transportation industry in
19 Colorado and helps to take a small step towards making Colorado
20 competitive in the interstate transportation industry. This legislation
21 honors the reality of our current budget situation in Colorado while
22 moving into program options that both generate new revenue for
23 Colorado and help to retain current revenue from the trailer registrations.

24 **SECTION 2.** In Colorado Revised Statutes, 42-3-102, **add** (4) as
25 follows:

26 **42-3-102. Periodic registration.** (4) (a) (I) IN LIEU OF
27 REGISTERING UNDER SUBSECTIONS (1) TO (3) OF THIS SECTION, AN

1 APPLICANT MAY REGISTER A COMMERCIAL TRAILER OR SEMITRAILER
2 UNDER THIS PARAGRAPH (a) IF:

3 (A) THE TRAILER OR SEMITRAILER QUALIFIES AS CLASS A
4 PERSONAL PROPERTY;

5 (B) THE OWNER IS BASED OUTSIDE COLORADO IN ACCORDANCE
6 WITH THE INTERNATIONAL REGISTRATION PLAN; AND

7 (C) THE OWNER COMPLIES WITH THIS SECTION AND SECTIONS
8 42-3-107 (28) AND 42-3-313.

9 (II) A TRAILER OR SEMITRAILER REGISTRATION ISSUED UNDER THIS
10 SUBSECTION (4) DOES NOT EXPIRE EXCEPT WHEN THE VEHICLE CHANGES
11 OWNERSHIP IN ACCORDANCE WITH THIS ARTICLE. THE REGISTRATION
12 EXPIRES UPON THE SALE OR TRANSFER OF THE TRAILER OR SEMITRAILER.

13 (III) THE DEPARTMENT SHALL ISSUE A LICENSE PLATE TO A
14 TRAILER OR SEMITRAILER REGISTERED UNDER THIS PARAGRAPH (a), BUT
15 A VALIDATING STICKER OR TAB IS NOT ISSUED NOR REQUIRED FOR THE
16 LICENSE PLATE.

17 (b) (I) IN LIEU OF REGISTERING UNDER SUBSECTIONS (1) TO (3) OF
18 THIS SECTION, AN APPLICANT MAY REGISTER A COMMERCIAL TRAILER OR
19 SEMITRAILER UNDER THIS PARAGRAPH (b) IF:

20 (A) THE TRAILER OR SEMITRAILER QUALIFIES AS CLASS A
21 PERSONAL PROPERTY;

22 (B) THE OWNER IS BASED IN COLORADO IN ACCORDANCE WITH
23 THE INTERNATIONAL REGISTRATION PLAN;

24 (C) THE TRAILER OR SEMITRAILER IS IN AT LEAST ITS TENTH YEAR
25 OF SERVICE; AND

26 (D) THE OWNER COMPLIES WITH THIS SECTION AND SECTIONS
27 42-3-107 (28) AND 42-3-313.

1 (II) A TRAILER OR SEMITRAILER REGISTRATION ISSUED UNDER THIS
2 PARAGRAPH (b) DOES NOT EXPIRE EXCEPT WHEN THE VEHICLE CHANGES
3 OWNERSHIP IN ACCORDANCE WITH THIS ARTICLE. THE REGISTRATION
4 EXPIRES UPON THE SALE OR TRANSFER OF THE TRAILER OR SEMITRAILER.

5 (III) THE DEPARTMENT SHALL ISSUE A LICENSE PLATE TO A
6 TRAILER OR SEMITRAILER REGISTERED UNDER THIS PARAGRAPH (b), BUT
7 A VALIDATING STICKER OR TAB IS NOT ISSUED NOR REQUIRED FOR THE
8 LICENSE PLATE.

9 (c) UPON THE SALE OR TRANSFER OF OWNERSHIP OF A TRAILER OR
10 SEMITRAILER REGISTERED UNDER THIS SECTION, THE OWNER SHALL
11 NOTIFY THE DEPARTMENT OF THE SALE OR TRANSFER. UPON REGISTERING
12 A TRAILER OR SEMITRAILER UNDER THIS SECTION, THE DEPARTMENT
13 SHALL NOTIFY THE OWNER OF THIS PROVISION. THE DEPARTMENT SHALL
14 ALSO NOTIFY THE PUBLIC OF THE REQUIREMENTS OF THIS SECTION ON ITS
15 WEB PAGE.

16 (d) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE
17 OR ARTICLE 6 OF THIS TITLE, A PERSON MAY REGISTER A TRAILER OR
18 SEMITRAILER UNDER THIS SUBSECTION (4) WITH A VALID CERTIFICATE OF
19 TITLE FROM ANOTHER JURISDICTION OF THE UNITED STATES WITHOUT
20 FILING FOR A CERTIFICATE OF TITLE IN COLORADO.

21 (e) THE DEPARTMENT SHALL ISSUE A REPORT TO THE
22 TRANSPORTATION LEGISLATION REVIEW COMMITTEE CREATED IN SECTION
23 43-2-145, C.R.S., BY JULY 1, 2014, DETAILING THE NUMBER OF TRAILERS
24 AND SEMITRAILERS REGISTERED UNDER PARAGRAPHS (a) AND (b) OF THIS
25 SUBSECTION (4) AND MAKING RECOMMENDATIONS AS TO THE
26 COST-EFFECTIVENESS OF THE PERMANENT REGISTRATION.

27 **SECTION 3.** In Colorado Revised Statutes, 42-3-107, **add** (28)

1 as follows:

2 **42-3-107. Taxable value of classes of property - rate of tax -**
3 **when and where payable - department duties - apportionment of tax**
4 **collections - definitions.** (28) THE PREPAID ANNUAL SPECIFIC
5 OWNERSHIP TAX FOR A REGISTRATION ISSUED UNDER SECTION 42-3-102
6 (4) IS NINETY-FIVE DOLLARS AND FIFTY CENTS.

7 **SECTION 4.** In Colorado Revised Statutes, **add** 42-3-313 as
8 follows:

9 **42-3-313. Fee for long-term or permanent registration -**
10 **trailers and semitrailers.** (1) IN LIEU OF ANY OTHER FEE IMPOSED FOR
11 REGISTRATION, THE FEE FOR REGISTRATION ISSUED UNDER SECTION
12 42-3-102 (4) IS TWENTY-FOUR DOLLARS AND FIFTY CENTS.

13 (2) (a) THE DEPARTMENT OR AUTHORIZED AGENT WHO
14 REGISTERED THE COMMERCIAL TRAILER OR SEMITRAILER MAY RETAIN
15 TWO DOLLARS OF THE REGISTRATION FEE.

16 (b) THE DEPARTMENT OR AUTHORIZED AGENT SHALL RETAIN ONE
17 DOLLAR AND FIFTY CENTS OF THE FEE, WHICH THE DEPARTMENT SHALL
18 TRANSFER TO THE COUNTY, IF APPLICABLE, AND THE COUNTY SHALL
19 ALLOCATE TO THE COUNTY ROAD AND BRIDGE FUND.

20 (c) THE DEPARTMENT SHALL TRANSFER THE REMAINDER OF THE
21 FEE TO THE STATE TREASURER, WHO SHALL CREDIT THE FOLLOWING
22 AMOUNTS TO THE FOLLOWING FUNDS:

23 (I) FIFTY CENTS TO THE COLORADO STATE TITLING AND
24 REGISTRATION ACCOUNT CREATED IN SECTION 42-1-211 (2) WITHIN THE
25 HIGHWAY USERS TAX FUND;

26 (II) TWO DOLLARS AND FIFTY CENTS TO THE LICENSE PLATE CASH
27 FUND CREATED IN SECTION 42-3-301 (1) (b);

1 (III) FIVE DOLLARS TO THE STATEWIDE BRIDGE ENTERPRISE
2 SPECIAL REVENUE FUND CREATED IN SECTION 43-4-805 (3) (a), C.R.S.;
3 AND

4 (IV) THE REMAINDER OF THE FEE TO THE HIGHWAY USERS TAX
5 FUND.

6 **SECTION 5. Applicability.** This act shall apply to registrations
7 issued, and to applications made, on or after August 1, 2012.

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

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

BILL B

*Temporary storage location: S:\LCS\Committees\INTERIM\2011\Transportation Legislation Review
Committee\Final Report\BILL B.wpd*

LLS NO. 12-0152.01 Chuck Brackney x2295

SENATE BILL

SENATE SPONSORSHIP

Schwartz,

HOUSE SPONSORSHIP

(None),

House Committees

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING LOW-SPEED ELECTRIC VEHICLES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Transportation Legislation Review Committee. The bill allows operation of low-speed electric vehicles on roadways at speeds up to 40 miles per hour.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-4-109.5, **amend**
3 (1) as follows:

4 **42-4-109.5. Low-speed electric vehicles.** (1) A low-speed
5 electric vehicle may be operated only on a roadway that has a speed limit
6 equal to or less than ~~thirty-five~~ FORTY miles per hour; except that it may
7 be operated to directly cross a roadway that has a speed limit greater than
8 ~~thirty-five~~ FORTY miles per hour at an at-grade crossing to continue
9 traveling along a roadway with a speed limit equal to or less than
10 ~~thirty-five~~ FORTY miles per hour.

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

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

BILL C

LLS NO. 12-0154.01 Jason Gelender x4330

HOUSE BILL

HOUSE SPONSORSHIP

Vaad, Barker, Looper, Ramirez, Scott, Tyler

SENATE SPONSORSHIP

King S., Spence, Williams S.

House Committees

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE ABOLITION OF THE MOTOR CARRIER SERVICES
102 DIVISION OF THE DIVISION OF MOTOR VEHICLES OF THE
103 DEPARTMENT OF REVENUE, AND, IN CONNECTION THEREWITH,
104 TRANSFERRING THE POWERS, DUTIES, AND FUNCTIONS OF THE
105 MOTOR CARRIER SERVICES DIVISION RELATING TO PORTS OF
106 ENTRY TO THE COLORADO STATE PATROL OF THE DEPARTMENT
107 OF PUBLIC SAFETY AND TRANSFERRING THE POWERS, DUTIES,
108 AND FUNCTIONS OF THE MOTOR CARRIER SERVICES DIVISION
109 RELATING TO COMMERCIAL DRIVER'S LICENSES AND THE
110 INTERNATIONAL REGISTRATION PLAN TO THE DEPARTMENT OF
111 REVENUE.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

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

DRAFT

Dashes through the words indicate deletions from existing statute.

21

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Transportation Legislation Review Committee. Section 1 of the bill abolishes the motor carrier services division (division) of the division of motor vehicles of the department of revenue (department) and transfers the powers, duties, and functions of the division by **type 3** transfers as follows:

- It transfers the ports of entry section of the division to the Colorado state patrol of the department of public safety.
- It transfers the powers, duties, and functions of the division relating to commercial driver's licenses to the department.
- It transfers the powers, duties, and functions of the division relating to the international registration plan to the department.

Section 11 of the bill defines the term "port of entry officer". **Section 26** of the bill makes the bill effective July 1, 2012. **Sections 2 to 10 and 12 to 25** of the bill make conforming amendments.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-1-117, **repeal** (4)
3 (a) (III) and (4) (c) (II); and **add** (5) as follows:

4 **24-1-117. Department of revenue - creation.** (4) (a) The
5 department of revenue shall consist of the following divisions:

6 (III) ~~Motor carrier services division;~~

7 (c) (II) ~~Whenever any law of this state or any rule promulgated~~
8 ~~under the laws of this state refers to the motor vehicle division or the~~
9 ~~ports of entry division of the department, such law or rule shall be~~
10 ~~deemed to refer to the department of revenue.~~

11 (5) ~~THE MOTOR CARRIER SERVICES DIVISION, CREATED IN SECTION~~
12 ~~42-8-103 (1), C.R.S., PRIOR TO THE REPEAL OF SAID SUBSECTION (1) BY~~

1 HOUSE BILL 12- _____, ENACTED IN 2012, IS ABOLISHED, AND ITS
2 POWERS, DUTIES, AND FUNCTIONS ARE TRANSFERRED BY **TYPE 3**
3 TRANSFERS AS FOLLOWS:

4 (a) THE POWERS, DUTIES, AND FUNCTIONS OF ITS PORTS OF ENTRY
5 SECTION ARE TRANSFERRED TO THE DEPARTMENT OF PUBLIC SAFETY AND
6 ALLOCATED TO THE COLORADO STATE PATROL.

7 (b) ITS POWERS, DUTIES, AND FUNCTIONS RELATING TO
8 COMMERCIAL DRIVER'S LICENSES AND THE INTERNATIONAL REGISTRATION
9 PLAN ARE TRANSFERRED TO THE DEPARTMENT OF REVENUE.

10 **SECTION 2.** In Colorado Revised Statutes, 24-1-128.6, **amend**
11 (2) (a) as follows:

12 **24-1-128.6. Department of public safety - creation - repeal.**

13 (2) The department of public safety shall consist of the following
14 divisions:

15 (a) Colorado state patrol, the head of which shall be the chief of
16 the Colorado state patrol. The Colorado state patrol and the office of
17 chief thereof, created by part 2 of article 33.5 of this title, and their
18 powers, duties, and functions are transferred by a **type 2** transfer to the
19 department of public safety. The powers, duties, and functions of the
20 state department of highways relating to the Colorado state patrol are
21 transferred by a **type 2** transfer to the department of public safety and
22 allocated to the Colorado state patrol. THE POWERS, DUTIES, AND
23 FUNCTIONS OF THE PORTS OF ENTRY SECTION OF THE MOTOR CARRIER
24 SERVICES DIVISION OF THE DIVISION OF MOTOR VEHICLES OF THE
25 DEPARTMENT OF REVENUE, WHICH MOTOR CARRIER SERVICES DIVISION IS
26 ABOLISHED PURSUANT TO SECTION 24-1-117(5), ENACTED BY HOUSE BILL
27 12- _____, ENACTED IN 2012, ARE TRANSFERRED BY A **TYPE 3** TRANSFER

1 TO THE DEPARTMENT OF PUBLIC SAFETY AND ALLOCATED TO THE
2 COLORADO STATE PATROL.

3 **SECTION 3.** In Colorado Revised Statutes, **repeal** 24-33.5-111
4 as follows:

5 **24-33.5-111. Motor carrier safety assistance - study.** ~~(1) On~~
6 ~~August 15, 2010, the motor carrier safety inspection program of the ports~~
7 ~~of entry section in the department of revenue is hereby transferred to the~~
8 ~~department of public safety and allocated to the Colorado state patrol.~~

9 ~~(2) The department of public safety, in collaboration with the~~
10 ~~department of transportation and the department of revenue, shall issue~~
11 ~~a request for proposal for a performance study to be conducted by an~~
12 ~~independent private vendor, subject to available appropriations. The~~
13 ~~departments shall work cooperatively to determine the scope of the study~~
14 ~~and the independent private vendor shall request and consider input from~~
15 ~~potentially impacted parties during the course of the study. The study~~
16 ~~shall include, but not be limited to, an examination of the ports of entry~~
17 ~~operations, infrastructure, management, potential cost savings or~~
18 ~~efficiencies, as well as how the port of entry section may maximize~~
19 ~~resources and technology. The study shall also determine which principal~~
20 ~~department is most appropriate for operating the ports of entry section in~~
21 ~~a cost-effective manner. The independent private vendor shall complete~~
22 ~~the performance review and report its findings to the transportation~~
23 ~~committees of the senate and the house of representatives no later than~~
24 ~~June 1, 2011.~~

25 **SECTION 4.** In Colorado Revised Statutes, 24-33.5-203, **amend**
26 (2) as follows:

27 **24-33.5-203. Duties of executive director and patrol.** (2) The

1 Colorado state patrol shall enforce or aid in enforcing all state laws
2 pertaining to motor and all other vehicles, their equipment, weight,
3 cargoes, and licenses, vehicle operators, and other operations including
4 checking for brand inspection certificates or official bills of sale or
5 acceptable trucking waybills on livestock or agricultural products upon
6 the highways of Colorado and for the use thereof. The Colorado state
7 patrol shall also aid in the enforcement of the collection of all motor and
8 other vehicle taxes and license fees, motor fuel taxes, and highway
9 compensation taxes (with respect to the transportation of persons and
10 property over public highways) as provided by law and shall otherwise
11 promote safety, protect human life, and preserve the highways of this
12 state by the courteous and strict enforcement of laws of this state which
13 relate to highways and traffic upon such highways, notwithstanding any
14 provisions of law charging any other department or agency in the state
15 with the enforcement of such laws. THE COLORADO STATE PATROL
16 SHALL ALSO ESTABLISH AND OPERATE PORT OF ENTRY WEIGH STATIONS
17 PURSUANT TO ARTICLE 8 OF TITLE 42, C.R.S. The Colorado state patrol
18 shall also aid in the enforcement of other laws of this state as specifically
19 authorized by the provisions of this part 2.

20 **SECTION 5.** In Colorado Revised Statutes, 40-7-116, **amend** (1)
21 (a) as follows:

22 **40-7-116. Enforcement of civil penalties against carriers.**
23 (1) (a) Investigative personnel of the commission, ~~and personnel of the~~
24 ~~ports of entry and the~~ Colorado state patrol OFFICERS, AND PORT OF ENTRY
25 OFFICERS AS DEFINED IN SECTION 42-8-102 (3), C.R.S., have the authority
26 to issue civil penalty assessments for the violations enumerated in
27 sections 40-7-112 and 40-7-113. When a person is cited for the violation,

1 the person operating the motor vehicle involved shall be given notice of
2 the violation in the form of a civil penalty assessment notice.

3 **SECTION 6.** In Colorado Revised Statutes, 40-10.1-102, **amend**
4 (2) as follows:

5 **40-10.1-102. Powers of commission.** (2) The Colorado state
6 patrol ~~and the ports of entry section of the department of revenue have~~
7 HAS the power to monitor and enforce compliance with the certificate and
8 permit requirements of this article and article 10.5 of this title.

9 **SECTION 7.** In Colorado Revised Statutes, 40-10.1-502, **amend**
10 (5) (a) and (5) (b) (III) as follows:

11 **40-10.1-502. Permit requirements - issuance by ports of entry.**
12 (5) (a) The ~~motor carrier services division in the department of revenue~~
13 COLORADO STATE PATROL may issue, through a port of entry weigh
14 station created pursuant to article 8 of title 42, C.R.S., a temporary
15 household goods mover permit. The temporary permit is valid for fifteen
16 consecutive days and is not renewable. A mover or its successor who has
17 been issued a temporary permit is not eligible for a subsequent temporary
18 permit.

19 (b) A temporary permit shall not be approved until the applicant:

20 (III) Pays the fees required by section 40-10.1-111 (1) (e) and (1)

21 (f). The ~~motor carrier services division in the department of revenue~~
22 COLORADO STATE PATROL shall transmit the fees to the state treasurer,
23 who shall credit them to the public utilities commission motor carrier
24 fund pursuant to section 40-10.1-111 (4).

25 **SECTION 8.** In Colorado Revised Statutes, 42-4-235, **amend** (2)
26 (a), (2) (d) (I), (3), (4), and (5); and **repeal** (1) (b) as follows:

27 **42-4-235. Minimum standards for commercial vehicles - rules**

1 - **repeal.** (1) As used in this section, unless the context otherwise
2 requires:

3 (b) ~~"Department" means the department of public safety.~~

4 (2) (a) No person shall operate a commercial vehicle, as defined
5 in subsection (1) of this section, on any public highway of this state
6 unless such vehicle is in compliance with the rules adopted by the
7 ~~department~~ CHIEF OF THE COLORADO STATE PATROL pursuant to
8 subsection (4) of this section. Any person who violates ~~such~~ THE rules,
9 including ANY intrastate motor ~~carriers~~ CARRIER, shall be subject to the
10 civil penalties authorized pursuant to 49 CFR part 386, subpart G, as such
11 subpart existed on October 1, 2001. Persons who utilize an independent
12 contractor shall not be liable for penalties imposed on the independent
13 contractor for equipment, acts, and omissions within the independent
14 contractor's control or supervision. All civil penalties collected pursuant
15 to this article by a state agency or by a court shall be transmitted to the
16 state treasurer, who shall credit ~~the same~~ THEM to the highway users tax
17 fund created in section 43-4-201, C.R.S., for allocation and expenditure
18 as specified in section 43-4-205 (5.5) (a), C.R.S.

19 (d) (I) Upon notice from the ~~department of public safety~~
20 COLORADO STATE PATROL, the department shall, pursuant to section
21 42-3-120, cancel the registration of a motor carrier who fails to pay in
22 full a civil penalty imposed pursuant to this subsection (2) within thirty
23 days after notification of the penalty.

24 (3) Any motor carrier operating a commercial vehicle within
25 Colorado must declare knowledge of the rules ~~and regulations~~ adopted
26 by the ~~department~~ CHIEF OF THE COLORADO STATE PATROL pursuant to
27 subsection (4) of this section. ~~Such~~ THE declaration of knowledge shall

1 be in writing on a form provided by the ~~department~~. Such COLORADO
2 STATE PATROL. THE form must be signed and returned by a motor carrier
3 according to ~~regulations~~ RULES adopted by the ~~department~~ CHIEF.

4 (4) (a) The ~~department~~ CHIEF OF THE COLORADO STATE PATROL
5 shall adopt rules for the operation of all commercial vehicles. In
6 adopting ~~such~~ THE rules, the ~~department~~ CHIEF shall use as general
7 guidelines the standards contained in the current rules and regulations of
8 the United States department of transportation relating to safety
9 regulations, qualifications of drivers, driving of motor vehicles, parts and
10 accessories, notification and reporting of accidents, hours of service of
11 drivers, inspection, repair and maintenance of motor vehicles, financial
12 responsibility, insurance, and employee safety and health standards;
13 except that rules regarding financial responsibility and insurance do not
14 apply to a commercial vehicle as defined in subsection (1) of this section
15 that is also subject to regulation by the public utilities commission under
16 article 10.1 of title 40, C.R.S. On and after September 1, 2003, all
17 commercial vehicle safety inspections conducted to determine
18 compliance with rules promulgated by the ~~department~~ CHIEF pursuant to
19 this paragraph (a) shall be performed by an enforcement official, as
20 defined in section 42-20-103 (2), who has been certified by the
21 commercial vehicle safety alliance, or any successor organization thereto,
22 to perform level I inspections.

23 (b) The Colorado public utilities commission may enforce safety
24 rules of the ~~department~~ CHIEF OF THE COLORADO STATE PATROL
25 governing commercial vehicles described in subparagraphs (I) and (II) of
26 paragraph (a) of subsection (1) of this section pursuant to ~~its~~ HIS OR HER
27 authority to regulate motor carriers as defined in section 40-10.1-101,

1 C.R.S., including the issuance of civil penalties for violations of the rules
2 as provided in section 40-7-113, C.R.S.

3 (5) Any person who violates a rule ~~or regulation~~ promulgated by
4 the ~~department~~ CHIEF OF THE COLORADO STATE PATROL pursuant to this
5 section or fails to comply with subsection (3) of this section commits a
6 class 2 misdemeanor traffic offense.

7 **SECTION 9.** In Colorado Revised Statutes, 42-4-510, **amend** (1)
8 (a), (3), (5), (8) (b), (11) (a) introductory portion, and (12) (c) as follows:

9 **42-4-510. Permits for excess size and weight and for**
10 **manufactured homes - rules - repeal.** (1) (a) The department of
11 transportation, ~~the motor carrier services division of the department of~~
12 ~~revenue, or the Colorado state patrol~~ with respect to highways under its
13 jurisdiction, or any local authority with respect to highways under its
14 jurisdiction may, upon application in writing and good cause being
15 shown therefor, issue a single trip, a special, or an annual permit in
16 writing authorizing the applicant to operate or move a vehicle or
17 combination of vehicles of a size or weight of vehicle or load exceeding
18 the maximum specified in this article or otherwise not in conformity with
19 the provisions of this article upon any highway under the jurisdiction of
20 the party granting such permit and for the maintenance of which said
21 party is responsible; except that permits for the movement of any
22 manufactured home shall be issued as provided in subsection (2) of this
23 section.

24 (3) The department of transportation, ~~the motor carrier services~~
25 ~~division of the department of revenue, or the Colorado state patrol, or any~~
26 local authority is authorized to issue or withhold a permit, as provided in
27 this section, and, if such permit is issued, to limit the number of trips, or

1 to establish seasonal or other time limitations within which the vehicles
2 described may be operated on the highways indicated, or otherwise to
3 limit or prescribe conditions of operation of such vehicles, when
4 necessary to protect the safety of highway users, to protect the efficient
5 movement of traffic from unreasonable interference, or to protect the
6 highways from undue damage to the road foundations, surfaces, or
7 structures and may require such undertaking or other security as may be
8 deemed necessary to compensate for any injury to any highway or
9 highway structure.

10 (5) The department of transportation ~~the motor carrier services~~
11 ~~division of the department of revenue~~, or the Colorado state patrol shall,
12 unless such action will jeopardize distribution of federal highway funds
13 to the state, authorize the operation or movement of a vehicle or
14 combination of vehicles on the interstate highway system of Colorado at
15 a maximum weight of eighty-five thousand pounds.

16 (8) (b) ~~Effective July 1, 1996, the motor carrier services division~~
17 ~~in the department of revenue~~ THE COLORADO STATE PATROL shall have
18 available for issuance at each fixed port of entry weigh station permits for
19 extralegal vehicles or loads; except that special permits for extralegal
20 vehicles or loads that are considered extraordinary in dimensions or
21 weight, or both, and that require additional safety precautions while in
22 transit shall be issued only by the department of transportation. A port
23 of entry may issue such special permits if authorized to do so by the
24 department of transportation and under such rules as the department of
25 transportation may establish, and may deliver from a fixed port of entry
26 weigh station any permit issued by the department of transportation.

27 (11) (a) The department of transportation ~~the motor carrier~~

1 ~~services division of the department of revenue~~, or the Colorado state
2 patrol may charge permit applicants permit fees as follows:

3 (12) (c) The department of transportation ~~or the Colorado state~~
4 ~~patrol~~ with regard to any state permit and the local authority with regard
5 to a local permit may, after a hearing under section 24-4-105, C.R.S.,
6 revoke, suspend, refuse to renew, or refuse to issue any permit authorized
7 by this section upon a finding that the holder of the permit has violated
8 the provisions of this section, any ordinance or resolution of a local
9 authority, or any standards or rules ~~or regulations~~ promulgated pursuant
10 to this section.

11 **SECTION 10.** In Colorado Revised Statutes, 42-4-511, **amend**
12 (2) (c) as follows:

13 **42-4-511. Permit standards - state and local.** (2) (c) ~~Effective~~
14 ~~July 1, 1996, any~~ A local authority that adopts or has adopted an
15 ordinance or resolution governing permits for the movement of oversize
16 or overweight vehicles or loads shall file a copy of ~~such~~ THE ordinance
17 or resolution with the department of transportation. ~~and the motor carrier~~
18 ~~services division of the department of revenue.~~

19 **SECTION 11.** In Colorado Revised Statutes, 42-8-102, **add** (3)
20 as follows:

21 **42-8-102. Definitions.** As used in this article, unless the context
22 otherwise requires:

23 (3) "PORT OF ENTRY OFFICER" MEANS A UNIFORMED MEMBER OF
24 THE COLORADO STATE PATROL WHO IS NOT A PATROLMAN AND WHOSE
25 POWERS AND DUTIES ARE DESCRIBED IN SECTION 42-8-104 (2).

26 **SECTION 12.** In Colorado Revised Statutes, **amend** 42-8-103
27 as follows:

1 **42-8-103. Ports of entry - operation by Colorado state patrol.**

2 (1) ~~There is hereby created within the department of revenue a motor~~
3 ~~carrier services division, which, division, acting under the authority and~~
4 ~~direction of the executive director of the department of revenue, shall be~~
5 ~~further subdivided into enforcement functions and service functions.~~
6 Enforcement functions shall include, but need not be limited to, the ports
7 of entry section. Service functions shall include, but need not be limited
8 to, personnel and facilities for dealing with interstate and international
9 motor vehicle registrations.

10 (2) ~~The executive director~~ CHIEF OF THE COLORADO STATE
11 PATROL shall be responsible for establishing and operating port of entry
12 weigh stations at such points along the public highways of this state as
13 are determined to be necessary to carry out the purposes of this article.
14 The ~~executive director~~ CHIEF shall authorize permanent port of entry
15 weigh stations and mobile port of entry weigh stations to be established
16 and operated by the ~~division~~ COLORADO STATE PATROL. The location or
17 relocation of ~~such~~ THE stationary or mobile port of entry weigh stations
18 shall be determined by the ~~executive director~~. ~~Wherever any provision~~
19 ~~of this article refers to a motor vehicle inspection station or to a motor~~
20 ~~carrier inspection station, such provision shall be deemed to refer to a~~
21 ~~port of entry weigh station established and operated by the motor carrier~~
22 ~~services division~~ CHIEF.

23 **SECTION 13.** In Colorado Revised Statutes, **amend** 42-8-104
24 as follows:

25 **42-8-104. Powers and duties.** (1) ~~The executive director of the~~
26 ~~department of revenue~~ CHIEF OF THE COLORADO STATE PATROL shall
27 issue such rules ~~and regulations~~ as the ~~executive director~~ CHIEF deems

1 necessary to implement this article and carry out its purposes. Said
2 executive director shall, to the fullest extent possible, house department
3 field offices at such places as port of entry weigh stations are established.
4 All permanent port of entry weigh stations established under the authority
5 of this article shall be operated on a twenty-four-hour-a-day basis, except
6 for certain holidays or other AT times determined by the executive
7 director of the department of revenue and in such manner CHIEF SO as to
8 reasonably allow owners and operators of motor vehicles subject to fees,
9 licenses, or taxes or to regulations RULES imposed by the state of
10 Colorado to comply with all such laws and regulations issued pursuant
11 thereto RULES by clearance at a port of entry weigh station. All port of
12 entry weigh stations, either permanent or mobile, shall be equipped with
13 weighing equipment approved as to accuracy by the division of
14 inspection and consumer services of the department of agriculture.

15 (2) ~~The personnel of a port of entry weigh station~~ A PORT OF
16 ENTRY OFFICER, during the time that ~~they are~~ HE OR SHE IS actually
17 engaged in performing ~~their~~ HIS OR HER duties as such and while acting
18 under proper orders or ~~regulations~~ RULES issued by the ~~executive director~~
19 ~~of the department of revenue~~, CHIEF OF THE COLORADO STATE PATROL,
20 shall have and exercise all the powers invested in peace officers in
21 connection with the enforcement of the provisions of this article, ~~article~~
22 ~~2~~ ARTICLES 2, 3, AND 20 of this title, ~~parts 2, 3, and 5 of article 20 of this~~
23 ~~title~~, part 5 of article 4 of this title, and sections ~~42-3-107 (17) and~~
24 ~~42-4-1409~~ 42-4-209, 42-4-225 (1.5), 42-4-235, 42-4-1407, 42-4-1409,
25 AND 42-4-1414; except that ~~they~~ AN OFFICER shall not have the power to
26 serve civil writs and process and, in the exercise of ~~their~~ HIS OR HER
27 duties, ~~such personnel~~ AN OFFICER shall have the authority to restrain and

1 detain persons or vehicles and may impound any vehicle until any tax or
2 license fee imposed by law is paid or until compliance is had with any tax
3 or regulatory law or ~~regulation~~ RULE issued thereunder.

4 **SECTION 14.** In Colorado Revised Statutes, 42-8-105, **amend**
5 (1) and (4); and **repeal** (6) as follows:

6 **42-8-105. Clearance of motor vehicles at port of entry weigh**
7 **stations.** (1) Every owner or operator of a motor vehicle that is subject
8 to payment of registration fees under the provisions of section 42-3-306
9 (5) (b) and every owner or operator of a motor vehicle or combination of
10 vehicles having a manufacturer's gross vehicle weight rating or gross
11 combination weight rating of twenty-six thousand one pounds or more
12 shall secure a valid clearance ~~from an office of the department of~~
13 ~~revenue~~, from an officer of the Colorado state patrol, or from a port of
14 entry weigh station before operating ~~such~~ THE vehicle or combination of
15 vehicles or causing ~~such~~ THE vehicle or combination of vehicles to be
16 operated on the public highways of this state, but an owner or operator
17 shall be deemed to have complied with the provisions of this subsection
18 (1) if the owner or operator secures a valid clearance from the first port
19 of entry weigh station located within five road miles of the route that the
20 owner or operator would normally follow from the point of departure to
21 the point of destination. An owner or operator shall not be required to
22 seek out a port of entry weigh station not located on the route such owner
23 or operator is following if the owner or operator secures a special
24 revocable permit from the ~~department of revenue~~ COLORADO STATE
25 PATROL in accordance with the provisions of subsection (4) of this
26 section. A vehicle with a seating capacity of fourteen or more passengers
27 registered under the provisions of section 42-3-304 (13) or 42-3-306 (2)

1 (c) (I) shall not be required to secure a valid clearance pursuant to this
2 section.

3 (4) The ~~department of revenue~~ COLORADO STATE PATROL may
4 issue a special revocable permit to the owner or operator of any vehicle
5 being operated over a regularly scheduled route waiving the requirement
6 that the owner or operator seek out and secure a valid clearance at a port
7 of entry weigh station not located directly on the route being followed.
8 In order for the permit to be effective, the vehicle must be operating over
9 a regularly scheduled route that has previously been cleared with the
10 ~~department of revenue~~ COLORADO STATE PATROL.

11 (6) ~~To facilitate the proper identification and handling of all~~
12 ~~motor vehicles requiring clearance through the port of entry weigh~~
13 ~~stations of the state, every vehicle requiring such clearance shall have~~
14 ~~affixed to it a distinct marking conforming to specifications set by the~~
15 ~~executive director. Such marking shall include the name or company~~
16 ~~logo of the owner or operator of the motor vehicle and such other~~
17 ~~information as the executive director shall require.~~

18 **SECTION 15.** In Colorado Revised Statutes, **amend** 42-8-106
19 as follows:

20 **42-8-106. Issuance of clearance receipts.** All owners and
21 operators of motor vehicles subject to the payment of fees, licenses, or
22 taxes imposed by the laws of this state, including foreign vehicles, that
23 have not been properly certificated or permitted by the public utilities
24 commission or that have not been approved by the department of revenue
25 for monthly or periodic payment of such fees, licenses, or taxes shall be
26 issued a clearance receipt at a port of entry weigh station only after such
27 fees, licenses, or taxes that may be due are paid or compliance is had with

1 regulatory acts. A clearance receipt issued under this section shall
2 specify the date upon which issued and amounts of fees, licenses, or taxes
3 to be paid. ~~Such~~ THE receipt shall be valid only for the dates and trips
4 specified thereon and for the length of time specified thereon. The
5 ~~executive director of the department of revenue~~ COLORADO STATE
6 PATROL, through the port of entry weigh stations, may also issue permits
7 for oversize and overweight commercial hauls pursuant to rules and
8 regulations governing such hauls established by the department of
9 transportation. Failure to secure such clearance receipt shall subject the
10 owner or operator to a penalty of double the amount of any tax, license,
11 or fee due that shall be in addition to and distinct from the penalty
12 provided for in section 42-8-109.

13 **SECTION 16.** In Colorado Revised Statutes, **amend** 42-8-107
14 as follows:

15 **42-8-107. Construction and rights-of-way.** Within thirty days
16 after receiving notification from the ~~executive director of the department~~
17 ~~of revenue~~ CHIEF OF THE COLORADO STATE PATROL, the department of
18 transportation shall make available without charge to the ~~department of~~
19 ~~revenue~~ COLORADO STATE PATROL such rights-of-way upon or adjacent
20 to the public highways of this state as are needed for the construction or
21 reconstruction of port of entry weigh stations. If such rights-of-way are
22 not available, the department of transportation shall acquire such
23 rights-of-way as are needed to carry out the purposes of this article out
24 of money in the state highway fund provided for right-of-way acquisition.
25 If possible, the construction, reconstruction, and maintenance of port of
26 entry weigh stations shall be accomplished with forces of the department
27 of transportation within thirty days after notification by the ~~executive~~

1 ~~director of the department of revenue~~ CHIEF OF THE COLORADO STATE
2 PATROL requesting such work.

3 **SECTION 17.** In Colorado Revised Statutes, **amend** 42-8-108
4 as follows:

5 **42-8-108. Cooperation among departments.** The governor of
6 Colorado shall require ~~the executive director of the department of~~
7 ~~revenue~~, the chief of the Colorado state patrol, the chief engineer of the
8 ~~division of highways~~ DEPARTMENT OF TRANSPORTATION, the
9 commissioner of agriculture, the director of the division of commerce and
10 development, and the ~~chairman~~ CHAIR of the public utilities commission
11 to cooperate to the fullest extent possible to the end that port of entry
12 weigh stations established under authority of this article shall serve the
13 broadest possible functions.

14 **SECTION 18.** In Colorado Revised Statutes, 42-8-109, **amend**
15 (3) as follows:

16 **42-8-109. Fines and penalties.** (3) In addition to the penalties
17 imposed pursuant to subsection (1) of this section, the ~~executive director~~
18 ~~of the department of revenue~~ CHIEF OF THE COLORADO STATE PATROL
19 shall, upon the conviction of any owner or operator or of any agent,
20 officer, or employee, after a third offense within one calendar year, notify
21 the public utilities commission of such conviction, and the commission
22 may suspend any license or permit for a period not to exceed six months
23 or revoke all such certificates and permits issued to the owner or operator
24 of such vehicles by the public utilities commission. Such certificate or
25 permit can be suspended or revoked only after due notice and hearing and
26 for good cause shown. The ~~executive director of the department of~~
27 ~~revenue~~ CHIEF shall file a complaint with the public utilities commission,

1 and the commission must hold a hearing within thirty days after filing of
2 a complaint by the ~~said executive director~~ CHIEF. If at the hearing the
3 commission finds that the facts as stated in the complaint by the ~~said~~
4 ~~executive director~~ CHIEF are substantially correct, the commission may
5 immediately revoke all intrastate certificates and permits issued by it to
6 such violator.

7 **SECTION 19.** In Colorado Revised Statutes, 42-8-111, **amend**
8 (1), (4), and (5) as follows:

9 **42-8-111. Cooperative agreements with contiguous states for**
10 **operations of ports of entry - rules.** (1) In addition to any other powers
11 granted by law, the ~~executive director of the department of revenue~~ CHIEF
12 OF THE COLORADO STATE PATROL is hereby authorized to negotiate and
13 enter into cooperative agreements with the designated representatives of
14 contiguous states for the operations of ports of entry at the borders
15 between Colorado and such contiguous states.

16 (4) The ~~executive director of the department of revenue~~ CHIEF OF
17 THE COLORADO STATE PATROL is hereby authorized to appoint employees
18 and officials of a contiguous state as agents of the ~~ports of entry section~~
19 ~~of the department of revenue~~ COLORADO STATE PATROL with the powers
20 to enforce the laws of Colorado under the terms of cooperative
21 agreements entered into under the provisions of this section.

22 (5) The ~~executive director of the department of revenue~~ CHIEF OF
23 THE COLORADO STATE PATROL may promulgate such ~~regulations~~ RULES
24 as are necessary for the implementation of the provisions of this section.

25 **SECTION 20.** In Colorado Revised Statutes, 42-20-103, **amend**
26 (2) as follows:

27 **42-20-103. Definitions.** As used in this article, unless the context

1 otherwise requires:

2 (2) "Enforcement official" means, and is limited to, a peace
3 officer who is an officer of the Colorado state patrol as described in
4 sections 16-2.5-101 and 16-2.5-114, C.R.S., ~~a certified peace officer who~~
5 ~~is a certified port of entry officer as described in sections 16-2.5-101 and~~
6 ~~16-2.5-115, C.R.S.~~ A PORT OF ENTRY OFFICER, AS DEFINED IN SECTION
7 42-8-102 (3), a peace officer who is an investigating official of the
8 transportation section of the public utilities commission as described in
9 sections 16-2.5-101 and 16-2.5-143, C.R.S., or any other peace officer as
10 described in section 16-2.5-101, C.R.S.

11 **SECTION 21.** In Colorado Revised Statutes, 42-20-203, **amend**
12 (1) as follows:

13 **42-20-203. Carrying of permit and shipping papers.** (1) Any
14 person transporting hazardous materials that require placarding under 49
15 CFR 172 or 173 in this state shall carry a copy of the shipping papers
16 required in 49 CFR 172.200 and a copy of the hazardous materials
17 transportation permit issued by the public utilities commission or ~~the~~ BY
18 THE COLORADO STATE PATROL AT A port of entry weigh station in the
19 transporting motor vehicle while in this state; except that, if a peace
20 officer, as described in section 16-2.5-101, C.R.S., or any other
21 enforcement official may determine that the hazardous materials
22 transportation permit can be electronically verified at the time of contact,
23 a copy of the permit need not be carried by the person transporting
24 hazardous materials. ~~Such~~ THE permit shall be open to inspection or
25 electronic verification by any enforcement official.

26 **SECTION 22.** In Colorado Revised Statutes, **amend** 42-20-404
27 as follows:

1 **42-20-404. Inspections.** All vehicles carrying nuclear materials
2 entering the state on the public highways shall be inspected by A
3 Colorado state patrol ~~officers~~ OFFICER OR A PORT OF ENTRY OFFICER, AS
4 DEFINED IN SECTION 42-8-102 (3), at the nearest point at which the
5 shipment enters the state or at a location specified by the Colorado state
6 patrol. For all shipments originating within the state, inspection shall be
7 made at the point of origination by A Colorado state patrol ~~officers~~. All
8 ~~such~~ OFFICER OR A PORT OF ENTRY OFFICER. Inspections conducted by
9 Colorado state patrol officers OR PORT OF ENTRY OFFICERS shall be in
10 accordance with the rules promulgated pursuant to sections 42-4-235,
11 42-20-108 (2), and 42-20-403.

12 **SECTION 23.** In Colorado Revised Statutes, **amend** 42-20-505
13 as follows:

14 **42-20-505. Penalties - permit system.** (1) The investigative
15 personnel of the commission, ~~the ports of entry personnel, and the~~
16 ~~officers of the~~ A Colorado state patrol OFFICER, OR A PORT OF ENTRY
17 OFFICER, AS DEFINED IN SECTION 42-8-102 (3), may assess a civil penalty
18 of one thousand dollars against ~~every~~ A carrier who transports nuclear
19 materials without first obtaining a nuclear materials transportation permit.

20 (2) ~~Every~~ A carrier who misrepresents information in the carrier's
21 application for a nuclear materials transportation permit, violates the
22 terms of the permit, or commits a second violation of subsection (1) of
23 this section within one calendar year shall be assessed a civil penalty of
24 not less than five hundred dollars nor more than three thousand dollars.

25 (3) The penalties in subsection (1) of this section shall be assessed
26 upon an action brought by the commission ~~the motor carrier services~~
27 ~~division of the department of revenue~~, or the Colorado state patrol in

1 accordance with the procedure set forth in section 42-20-406.

2 **SECTION 24.** In Colorado Revised Statutes, 43-4-201, **amend**
3 (3) (a) (I) (B), (3) (a) (I.1), and (3) (a) (III) (C); and **add** (3) (a) (I) (C) as
4 follows:

5 **43-4-201. Highway users tax fund - created.** (3) (a) (I) The
6 general assembly shall not make any annual appropriation (whether by
7 regular, special, or supplementary appropriation) or any statutory
8 distribution from the highway users tax fund for any purpose or purposes
9 in a total amount that is:

10 (B) Commencing in the fiscal year 1995-96, AND ENDING IN THE
11 FISCAL YEAR 2012-13, more than a six percent increase over ~~such~~ THE
12 appropriation to the department of public safety for the Colorado state
13 patrol and to the department of revenue for the ports of entry division for
14 the prior fiscal year; except in fiscal years 2009-10, 2010-11, and
15 2011-12, more than a six percent increase over ~~such~~ THE appropriation
16 to the department of public safety for the Colorado state patrol, to the
17 department of revenue for the ports of entry division, and to the
18 department of revenue for the division of motor vehicles pursuant to
19 sub-subparagraph (C) of subparagraph (III) of this paragraph (a) for the
20 prior fiscal year.

21 (C) COMMENCING IN THE FISCAL YEAR 2013-14, MORE THAN A SIX
22 PERCENT INCREASE OVER THE APPROPRIATION TO THE COLORADO STATE
23 PATROL FOR THE PRIOR FISCAL YEAR.

24 (I.1) Commencing with the fiscal year 1995-96, the general
25 assembly shall not make any annual appropriation or statutory
26 distribution from the highway users tax fund pursuant to this paragraph
27 (a), except to the department of public safety for the Colorado state patrol

1 or, THROUGH THE FISCAL YEAR 2011-12 ONLY, to the department of
2 revenue for the ports of entry section, that exceeds the annual
3 appropriation or statutory distribution for all purposes except the
4 Colorado state patrol and the ports of entry division for the fiscal year
5 1994-95.

6 (III) (C) The general assembly shall not make any annual
7 appropriation or statutory distribution from the highway users tax fund
8 for the fiscal year 1997-98 or for any succeeding fiscal year authorized
9 by subparagraph (II) of this paragraph (a), excluding the annual
10 appropriation or statutory distribution to the Colorado state patrol and,
11 THROUGH THE FISCAL YEAR 2011-12 ONLY, the ports of entry section and
12 excluding any appropriation to the department of revenue for the fiscal
13 years 2008-09, 2009-10, 2010-11, and 2011-12, for expenses incurred in
14 connection with the administration of article 2 of title 42, C.R.S., by the
15 division of motor vehicles within the department.

16 **SECTION 25.** In Colorado Revised Statutes, 43-4-804, **amend**
17 (1) (c) (I) as follows:

18 **43-4-804. Highway safety projects - surcharges and fees -**
19 **crediting of moneys to highway users tax fund.** (1) On and after July
20 1, 2009, the following surcharges, fees, and fines shall be collected and
21 credited to the highway users tax fund created in section 43-4-201 (1) (a)
22 and allocated to the state highway fund, counties, and municipalities as
23 specified in section 43-4-205 (6.3):

24 (c) (I) A supplemental oversize and overweight vehicle surcharge
25 in an amount equal to the amount of the fee charged pursuant to section
26 42-4-510 (11) (a), C.R.S., by the department ~~the motor carrier services~~
27 ~~division of the department of revenue~~, or the Colorado state patrol for the

1 issuance of the single trip permit; except that the surcharge shall not be
2 imposed on a vehicle if the single trip permit fee was imposed pursuant
3 to section 42-4-510 (11) (a) (VI) (B), C.R.S.

4 **SECTION 26. Effective date.** This act shall take effect July 1,
5 2012.

6 **SECTION 27. Safety clause.** The general assembly hereby
7 finds, determines, and declares that this act is necessary for the
8 immediate preservation of the public peace, health, and safety.

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

BILL D

LLS NO. 12-0149.01 Jery Payne x2157

HOUSE BILL

HOUSE SPONSORSHIP

Looper, Fischer, Hamner, Jones, Ramirez, Tyler, Vaad, Young

SENATE SPONSORSHIP

Spence, Hudak, King S., Williams S.

House Committees

Senate Committees

A BILL FOR AN ACT

101 CONCERNING CONTINUING THE PROCESSORS AND END USERS FUND
102 THAT ENCOURAGES RECYCLING OF WASTE TIRES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Transportation Legislation Review Committee. Currently, the processors and end users fund, which allocates money to encourage recycling, is scheduled to repeal on July 1, 2012. The fund is extended to July 1, 2020.

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

45
45

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 25-17-202.5
3 as follows:

4 **25-17-202.5. Processors and end users fund created - rules -**
5 **repeal.** (1) There is hereby created, in the state treasury, the processors
6 and end users fund. Such fund shall consist of the fee revenue credited
7 pursuant to section 25-17-202 (3) (a) (I) AND year-end surpluses
8 transferred pursuant to sections 25-17-202.6 (1), 25-17-202.8 (1),
9 25-17-202.9 (1), and 25-17-207 (4). ~~and transfers by the state treasurer on~~
10 ~~June 10, 2010, of the balances of the unexpended and unencumbered~~
11 ~~moneys in the waste tire cleanup fund formerly created in section~~
12 ~~24-32-117, C.R.S., and the advanced technology fund formerly created~~
13 ~~in section 25-16.5-105 (2) (a), as such balances existed on June 10, 2010,~~
14 ~~and as such funds existed prior to their repeal.~~ All interest or any other
15 return on the investment of moneys in the fund shall be deposited in the
16 fund. Any moneys in the fund not expended or encumbered from any
17 appropriation at the end of any fiscal year shall remain available ~~without~~
18 ~~further appropriation,~~ for expenditure in the next fiscal year by the
19 department to be used for monthly partial reimbursement to processors
20 and end users, up to a maximum of sixty-five dollars for each ton of raw
21 Colorado waste tires that are processed or used. The purpose of such
22 partial reimbursements shall be IS to assist new and existing waste tire
23 recycling technologies to become economically feasible and to thereby
24 encourage the use of waste tires and reduce the storage of waste tires in
25 Colorado.

26 (1.5) ~~Notwithstanding any provision of subsection (1) of this~~

1 ~~section to the contrary, on April 15, 2010, the state treasurer shall deduct~~
2 ~~five hundred thousand dollars from the processors and end users of waste~~
3 ~~tires cash fund and transfer such sum to the general fund.~~

4 (2) This section is repealed, effective July 1, ~~2012~~ 2020.

5 **SECTION 2. Effective date.** This act shall take effect July 1,
6 2012.

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

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

BILL E

LLS NO. 12-0151.02 Chuck Brackney x2295

HOUSE BILL

HOUSE SPONSORSHIP

Young, Barker, Fischer, Hamner, Jones, Looper, Ramirez, Vaad

SENATE SPONSORSHIP

Spence, Hudak, Williams S.

House Committees

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE REPEAL OF THE FEE FOR THE BRANCH OF SERVICE**
102 **IDENTIFIER ON COLORADO DRIVER'S LICENSES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Transportation Legislation Review Committee. The bill repeals the fee currently charged to a member of the armed services for the branch of service identifier on a Colorado driver's license.

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

49

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-2-114, **repeal** (10)

3 (b) as follows:

4 **42-2-114. License issued - fees.** (10) (b) ~~(I) To be issued a~~
5 ~~driver's license bearing a branch of service identifier, or to have such~~
6 ~~license renewed, the applicant shall pay a fee of fifteen dollars to the~~
7 ~~department, which shall be in addition to any other fee for a driver's~~
8 ~~license. The department shall transfer the fee to the state treasurer, who~~
9 ~~shall credit the fee to the highway users tax fund, except as provided in~~
10 ~~subparagraph (H) of this paragraph (b):~~

11 ~~(H) (A) The department may retain up to ninety-eight thousand~~
12 ~~five hundred thirty-eight dollars of the fees collected pursuant to~~
13 ~~subparagraph (I) of this paragraph (b) as necessary to offset the direct and~~
14 ~~indirect cost of implementing this subsection (10):~~

15 ~~(B) This subparagraph (H) is repealed, effective July 1, 2012.~~

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

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

BILL F

LLS NO. 12-0153.01 Jason Gelender x4330

HOUSE BILL

HOUSE SPONSORSHIP

Looper and Priola, Barker, Brown, Ramirez, Tyler

SENATE SPONSORSHIP

Williams S., Hudak

House Committees

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE REPEAL OF REQUIREMENTS THAT SPECIFIED TYPES**
102 **OF INFORMATION BE SUBMITTED TO LEGISLATIVE COMMITTEES,**
103 **AND, IN CONNECTION THEREWITH, REPEALING CERTAIN**
104 **TRANSPORTATION AND ENERGY-RELATED INFORMATION**
105 **SUBMISSION REQUIREMENTS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

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

51

Transportation Legislation Review Committee. The bill repeals requirements that the following transportation and energy-related reports or other information be provided to various committees of the general assembly:

- An annual capital construction request submitted by the transportation commission to the capital development committee for state highway reconstruction, repair, and maintenance projects to be funded from money transferred to the capital construction fund for those purposes;
- 3-year plans and annual activity reports submitted by the Colorado clean energy development authority to the house and senate committees with jurisdiction over energy-related matters;
- An annual report submitted by the executive director of the department of revenue to the transportation legislation review committee (TLRC) on the effectiveness of motor vehicle emissions program quality assurance and enforcement measures and additional related matters;
- An annual report from the department of public health and environment to the TLRC on the cost and effectiveness of the high emitter program currently provided by the department of public health and environment, in cooperation with the program contractor;
- A prioritized list submitted by the executive director of the department of transportation to the TLRC with recommendations concerning railroad rights-of-way or rail lines proposed to be acquired by the state and their proposed uses;
- An annual report submitted by the office of transportation safety to the TLRC on the nature and purpose of the programs funded by, and distribution and expenditure of law enforcement assistance fund moneys appropriated to, the department of public health and environment for drunken driving prevention and law enforcement improvement by counties; and
- Notice of the boundaries of a public highway authority to be created or of a value capture area to be created within the boundaries of a public highway authority submitted by the board of the authority to the TLRC.

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

2 **SECTION 1.** In Colorado Revised Statutes, 2-3-1304, **repeal** (1)

1 (a.5) as follows:

2 **2-3-1304. Powers and duties of capital development**
3 **committee.** (1) The capital development committee shall have the
4 following powers and duties:

5 (a.5) ~~To study the capital construction request from the~~
6 ~~transportation commission for state highway reconstruction, repair, and~~
7 ~~maintenance projects to be funded from money transferred to the capital~~
8 ~~construction fund pursuant to section 24-75-302 (2), C.R.S., specifically~~
9 ~~for such purpose. On or before October 1 of each year, the transportation~~
10 ~~commission shall submit its capital construction request, based on the~~
11 ~~statewide transportation improvement programs, with a prioritized list of~~
12 ~~recommended state highway reconstruction, repair, and maintenance~~
13 ~~projects with the priority of projects on the list determined on the basis of~~
14 ~~greatest need without regard to location in the state; except that, for the~~
15 ~~1998-99 fiscal year, the prioritized list of projects to be funded by the~~
16 ~~revenues appropriated for such year by House Bill 98-1202, as enacted at~~
17 ~~the second regular session of the sixty-first general assembly, shall~~
18 ~~consist only of state highway reconstruction, repair, maintenance, and~~
19 ~~capacity expansion projects. The capital development committee shall~~
20 ~~determine the number of projects on the list that may be funded from~~
21 ~~money available in the capital construction fund for state highway~~
22 ~~reconstruction, repair, or maintenance projects. Only projects on the list~~
23 ~~may be funded from money available in the capital construction fund for~~
24 ~~state highway reconstruction, repair, or maintenance projects, and the~~
25 ~~projects must be funded in the priority determined by the transportation~~
26 ~~commission; except that, if a project on the list cannot be funded because~~
27 ~~an alternative source of funding for the project has become available, a~~

1 court order has enjoined the project, or an act of God has made the project
2 construction unfeasible, the transportation commission shall submit the
3 next phase of that project or the next project on that regional priority list
4 to the capital development committee for approval as an addition to the
5 list in lieu of the project that cannot be funded. No substitute project
6 submitted by the transportation commission from the regional priority list
7 shall be approved by the capital development committee if funding said
8 project would result in the delay of any other project on the list. Upon
9 approval of an amended list, the department of transportation shall
10 provide a copy of the amended list to the members of the joint budget
11 committee, the transportation and energy committee in the house of
12 representatives, and the transportation committee in the senate. Projects
13 on the list submitted by the transportation commission by October 1 or on
14 an amended list submitted as provided in this paragraph (a.5) may be
15 funded from money transferred to the capital construction fund and
16 available in the current fiscal year or money to be transferred to the
17 capital construction fund for the fiscal year beginning the following July
18 †.

19 **SECTION 2.** In Colorado Revised Statutes, **amend** 2-3-1307 as
20 follows:

21 **2-3-1307. Highway and bridge projects - exempt.** This part 13
22 shall not apply to projects or properties which are funded or disposed of
23 pursuant to the provisions of sections 43-1-106, 43-1-219, or 43-1-220,
24 C.R.S. but shall apply to projects funded from the capital construction
25 fund in accordance with section 2-3-1304 (1) (a.5).

26 **SECTION 3.** In Colorado Revised Statutes, 24-75-302, **amend**
27 (1) (a) as follows:

1 **24-75-302. Capital construction fund - capital assessment fees**

2 **- calculation.** (1) (a) There is hereby created the capital construction
3 fund to which shall be allocated such revenues as the general assembly
4 may from time to time determine. Moneys in the capital construction
5 fund may be appropriated for capital construction, as defined in section
6 24-75-301 (1), including the remodeling or renovation of existing
7 buildings or other physical facilities designated as controlled maintenance
8 projects in the general appropriation act; except that any moneys
9 transferred to the capital construction fund for state highway
10 reconstruction, repair, and maintenance projects may only be appropriated
11 for such projects. The appropriation for such projects shall be set forth
12 in a single line item as a total sum. All unappropriated balances in said
13 fund at the close of any fiscal year shall remain therein and not revert to
14 the general fund. All moneys unexpended or not encumbered from the
15 capital construction fund appropriation to each department for any fiscal
16 year shall revert to the capital construction fund at the end of the period
17 for which such moneys are appropriated. Except as provided in ~~sections~~
18 ~~2-3-1304 (1) (a.5) and 24-30-1303.7 (1), C.R.S. SECTION 24-30-1303.7,~~
19 no portion of the unexpended balance of a department's capital
20 construction fund appropriation may be used by such department for any
21 additional projects which are beyond the scope or design of the original
22 project without further approval by the general assembly of such
23 additional project. Anticipation warrants may be issued against the
24 revenues of the fund as provided by law. Except as provided in
25 subsection (7) of this section, all interest earned from the investment of
26 moneys in said fund shall remain in said fund and become a part thereof.

27 **SECTION 4.** In Colorado Revised Statutes, 40-9.7-106, **amend**

1 (1) (d) (I) introductory portion; and **repeal** (1) (d) (IV) as follows:

2 **40-9.7-106. Authority - duties and powers.** (1) The authority
3 shall:

4 (d) (I) ~~Except as otherwise provided in subparagraph (IV) of this~~
5 ~~paragraph (d),~~ Before financing, refinancing, or otherwise supporting any
6 project, develop, adopt, and publish a three-year plan for its activities that
7 includes:

8 (IV) ~~The authority shall adopt and submit its initial three-year~~
9 ~~plan to the agriculture, natural resources, and energy committee of the~~
10 ~~senate and the transportation and energy committee of the house of~~
11 ~~representatives, or any successor committees, no later than February 1,~~
12 ~~2008, and shall adopt and submit to said committees its subsequent~~
13 ~~three-year plans no later than February 1 of every third year thereafter.~~

14 **SECTION 5.** In Colorado Revised Statutes, **amend** 40-9.7-123
15 as follows:

16 **40-9.7-123. Report to legislature.** Notwithstanding section
17 24-1-136 (11), C.R.S., the authority shall submit a report of its activities
18 to the governor ~~and to the agriculture, natural resources, and energy~~
19 ~~committee of the senate and the transportation and energy committee of~~
20 ~~the house of representatives, or any successor committees, no later than~~
21 February 1 of each year. Each report shall set forth a complete operating
22 and financial statement covering the authority's operations for the
23 previous fiscal year.

24 **SECTION 6.** In Colorado Revised Statutes, 42-4-305, **repeal** (11)
25 as follows:

26 **42-4-305. Powers and duties of executive director - automobile**
27 **inspection and readjustment program - basic emissions program -**

1 **enhanced emissions program - clean screen program.** (11) ~~The~~
2 ~~executive director shall report to the transportation legislation review~~
3 ~~committee annually on the effectiveness of the quality assurance and~~
4 ~~enforcement measures contained in this section, the overall motorist~~
5 ~~compliance rates with inspections for registration denial, and the status~~
6 ~~of state implementation plan compliance pertaining to quality assurance.~~
7 ~~This annual report shall be submitted to the commission in May of each~~
8 ~~year for incorporation into appropriate annual and biennial reporting~~
9 ~~requirements. Reports shall cover the previous calendar year.~~

10 **SECTION 7.** In Colorado Revised Statutes, 42-4-307, **repeal** (13)
11 as follows:

12 **42-4-307. Powers and duties of the department of public**
13 **health and environment - division of administration - automobile**
14 **inspection and readjustment program - basic emissions program -**
15 **enhanced emissions program - clean screen program.** (13) ~~Beginning~~
16 ~~July 1, 2007, and on or before October 15 of each year thereafter through~~
17 ~~October 15, 2009, and no later than October 15, 2011, and each October~~
18 ~~15 thereafter, the department of public health and environment, in~~
19 ~~cooperation with the contractor, shall brief the transportation legislation~~
20 ~~review committee on the cost and effectiveness of the high emitter~~
21 ~~program. The briefing shall compare the effectiveness of the high emitter~~
22 ~~program to other emissions reduction options, including, but not limited~~
23 ~~to, the elimination of the AIR program, the elimination of the requirement~~
24 ~~for regular motor vehicle emissions inspections, and the appropriate~~
25 ~~reduction of the emissions inspection fee.~~

26 **SECTION 8.** In Colorado Revised Statutes, 43-1-106, **amend** (8)
27 (h) as follows:

1 **43-1-106. Transportation commission - powers and duties.**

2 (8) In addition to all other powers and duties imposed upon it by law, the
3 commission has the following powers and duties:

4 (h) To promulgate and adopt all department budgets, subject to
5 section 43-1-113, and state transportation programs, including
6 construction priorities and the approval of extensions or abandonments
7 of the state highway system. ~~and including a capital construction request,~~
8 ~~based on the statewide transportation improvement programs, for state~~
9 ~~highway reconstruction, repair, and maintenance projects to be funded~~
10 ~~from the capital construction fund as provided in section 2-3-1304 (1)~~
11 ~~(a.5), C.R.S.~~ The provisions of this paragraph (h) shall not apply to the
12 budget of the aeronautics division; except that the commission has the
13 authority to adopt the portion of the division's budget pertaining to its
14 administrative costs and to make an allocation therefor.

15 **SECTION 9.** In Colorado Revised Statutes, 43-1-113, **repeal**
16 (2.5) as follows:

17 **43-1-113. Funds - budgets - fiscal year - reports and**
18 **publications - repeal.** ~~(2.5) Annually on or before October 1, the~~
19 ~~commission shall submit a capital construction request for state highway~~
20 ~~reconstruction, repair, or maintenance projects to the capital development~~
21 ~~committee to be funded from money transferred to the capital~~
22 ~~construction fund pursuant to section 24-75-302(2), C.R.S. Such request~~
23 ~~shall be made in accordance with section 2-3-1304 (1) (a.5), C.R.S.~~

24 **SECTION 10.** In Colorado Revised Statutes, 43-1-1303, **amend**
25 (2); and **repeal** (3) as follows:

26 **43-1-1303. Duties of the executive director - property eligible**
27 **for acquisition.** (2) The commission shall review any property

1 determined to be eligible for acquisition and approve OR DISAPPROVE the
2 acquisition. ~~before the executive director submits the prioritized list of~~
3 ~~rail lines or rights-of-way to be acquired to the TLRC pursuant to~~
4 ~~subsection (3) of this section.~~

5 (3) ~~The executive director shall submit a prioritized list with~~
6 ~~recommendations to the TLRC concerning the railroad rights-of-way or~~
7 ~~rail lines proposed to be acquired by the state and their proposed uses.~~

8 **SECTION 11.** In Colorado Revised Statutes, 43-1-1305, **amend**
9 (3) as follows:

10 **43-1-1305. Acquisition for state rail bank - acquisition of the**
11 **Towner line - repeal.** (3) The commission shall review any property
12 determined to be eligible for acquisition and approve OR DISAPPROVE the
13 acquisition. ~~before the executive director submits the prioritized list of~~
14 ~~rail line or right-of-way to be acquired to the TLRC pursuant to section~~
15 ~~43-1-1303 (3).~~

16 **SECTION 12.** In Colorado Revised Statutes, **repeal** 43-1-1307
17 as follows:

18 **43-1-1307. Powers and duties of the TLRC concerning state**
19 **acquisition of abandoned railroad rights-of-way.** (1) ~~The~~
20 ~~transportation legislation review committee shall study the~~
21 ~~recommendations of the executive director made pursuant to section~~
22 ~~43-1-1303 (3) for acquisition of, and use or uses for, abandoned or~~
23 ~~proposed to be abandoned railroad rights-of-way. On or before October~~
24 ~~1 of each year, the executive director shall submit a prioritized list that~~
25 ~~shall include recommendations for the acquisition and proposed use of~~
26 ~~abandoned or proposed to be abandoned railroad rights-of-way. The~~
27 ~~members of the transportation legislation review committee shall~~

1 ~~determine which abandoned railroad rights-of-way may be acquired by~~
2 ~~the department and funded out of the state rail bank fund, created in~~
3 ~~section 43-1-1309, based upon the greatest need and its proposed use or~~
4 ~~uses.~~

5 ~~(2) The transportation legislation review committee may hold such~~
6 ~~hearings as it determines necessary to consider reports, studies, and other~~
7 ~~pertinent information from any source, including affected individuals,~~
8 ~~political subdivisions, railroad companies, or other entities, with respect~~
9 ~~to the acquisition of abandoned railroad rights-of-way.~~

10 ~~(3) The transportation legislation review committee may~~
11 ~~determine the priority of acquisition of, and use or uses for, abandoned~~
12 ~~railroad rights-of-way by the department.~~

13 **SECTION 13.** In Colorado Revised Statutes, **repeal** 43-1-1308
14 as follows:

15 **43-1-1308. Recommendations and findings of the TLRC.** ~~The~~
16 ~~members of the transportation legislation review committee shall make~~
17 ~~a written report setting forth its recommendations, findings, and~~
18 ~~comments as to each recommendation for the acquisition of abandoned~~
19 ~~railroad rights-of-way and their uses and submit the report to the general~~
20 ~~assembly.~~

21 **SECTION 14.** In Colorado Revised Statutes, 43-4-404, **amend**
22 (1) as follows:

23 **43-4-404. Formula for allocation of moneys.** (1) The office of
24 transportation safety shall allocate not less than thirty percent and not
25 more than fifty percent of the moneys allocated to the office pursuant to
26 section 43-4-402 (2) to counties that have established a qualified drunken
27 driving prevention and law enforcement program. The intent of the

1 general assembly is that these moneys be expended in a manner that will
2 improve enforcement of drunken driving laws. To this end, rules for the
3 distribution of these moneys shall be developed by the office of
4 transportation safety. ~~The office shall report annually to the~~
5 ~~transportation legislation review committee on the distribution and~~
6 ~~expenditure of these funds and the nature and purpose of the programs.~~
7 All moneys appropriated hereunder shall be used for drunken driving
8 prevention and law enforcement improvement by counties and not for
9 statewide programs.

10 **SECTION 15.** In Colorado Revised Statutes, 43-4-514, **repeal** (1)
11 (c) and (4) as follows:

12 **43-4-514. Notice - coordination of information - reports.**

13 (1) (c) ~~At the time the notice required in paragraph (a) or (b) of this~~
14 ~~subsection (1) is sent to the division, a copy shall be filed with the~~
15 ~~transportation legislation review committee.~~

16 (4) ~~The authority shall report annually in the month of August to~~
17 ~~the transportation legislation review committee on its activities during the~~
18 ~~preceding twelve months and on its proposed activities during the~~
19 ~~succeeding twelve months. The board and staff of the authority shall~~
20 ~~cooperate with the transportation legislation review committee in carrying~~
21 ~~out its duties pursuant to section 43-2-145 (1.5).~~

22 **SECTION 16. Act subject to petition - effective date.** This act
23 shall take effect at 12:01 a.m. on the day following the expiration of the
24 ninety-day period after final adjournment of the general assembly
25 (August 7, 2012, if adjournment sine die is on May 9, 2012); except that,
26 if a referendum petition is filed pursuant to section 1 (3) of article V of
27 the state constitution against this act or an item, section, or part of this act

1 within such period, then the act, item, section, or part shall not take effect
2 unless approved by the people at the general election to be held in
3 November 2012 and shall take effect on the date of the official
4 declaration of the vote thereon by the governor.

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

BILL G

Temporary storage location: S:\LCS\Committees\INTERIM\2011\Transportation Legislation Review
Committee\Final Report\BILL G.wpd

LLS NO. 12-0214.02 Chuck Brackney x2295

SENATE BILL

SENATE SPONSORSHIP

Hudak and Spence,

HOUSE SPONSORSHIP

Hamner,

House Committees

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE STANDARDIZATION OF THE PROCEDURAL
102 REQUIREMENTS FOR THE ISSUANCE OF SPECIAL LICENSE
103 PLATES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Transportation Legislation Review Committee. Section 1 of the bill repeals the requirement that a person, group, or association submit to the department of revenue (department) a proposal for a group special

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.

license plate and certify that at least three thousand of the special license plates are to be issued within one year after the authorization of the plates, and requires a nonprofit organization requesting a group special license plate to obtain the department's written notification that the group has complied with the requirements for a group special license plate before seeking legislative action to authorize the new license plate. **Section 1** also allows group special license plates and alumni association plates that have not reached the minimum number of plates issued to be made available until the inventory of those plates is exhausted.

Section 2 of the bill repeals the requirement that an applicant for a Denver firefighters' special license plate or an Elks special license plate provide evidence to the department of their membership in such organization. **Sections 3 and 4** make conforming amendments.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-3-207, **amend**
3 (3); **repeal** (2); and **add** (5) and (6) as follows:

4 **42-3-207. Special plates - rules - new plates - retirement.**

5 ~~(2) Before a bill is introduced in the general assembly that contains, or~~
6 ~~any bill is amended to contain, a provision that establishes a new category~~
7 ~~or type of group special license plate, the person, group, or association~~
8 ~~proposing the special license plate shall submit to the department a~~
9 ~~proposal for a group special license plate and certify that at least three~~
10 ~~thousand of such special plates are to be issued within one year after the~~
11 ~~authorization of such plates. The department shall verify that any~~
12 ~~proposed group special license plates meet the three-thousand-plate~~
13 ~~requirement.~~

14 ~~(3) A group special license plate shall not be issued. THE~~
15 ~~DEPARTMENT SHALL NOT ISSUE AN APPROVAL NOTIFICATION LETTER to~~
16 ~~any business entity conducted for profit.~~

17 ~~(5) BEFORE SEEKING LEGISLATIVE ACTION TO AUTHORIZE A NEW~~
18 ~~GROUP SPECIAL LICENSE PLATE, THE NONPROFIT ORGANIZATION~~

1 REQUESTING THE NEW PLATE SHALL OBTAIN, FROM THE DIRECTOR OF THE
2 DEPARTMENT OF REVENUE, WRITTEN NOTIFICATION THAT THE GROUP HAS
3 COMPLIED WITH THE REQUIREMENTS FOR A GROUP SPECIAL LICENSE
4 PLATE.

5 (6) THE REMAINING INVENTORY OF ANY GROUP SPECIAL LICENSE
6 PLATE OR ALUMNI ASSOCIATION LICENSE PLATE THAT HAS NOT BEEN
7 ISSUED TO THE MINIMUM NUMBER OF VEHICLES SPECIFIED IN LAW MAY
8 CONTINUE TO BE ISSUED UNTIL THE INVENTORY OF THE PLATES IS
9 EXHAUSTED.

10 **SECTION 2.** In Colorado Revised Statutes, 42-3-208, **repeal** (1)
11 (a) and (1) (d) as follows:

12 **42-3-208. Special plates - qualifications for issuance of special**
13 **license plates.** (1) The following special license plates created by rule
14 by the department under section 42-3-207, as such section existed when
15 the plates were created, shall be subject to the requirement so specified:

16 (a) ~~The department or an authorized agent shall not issue a Denver~~
17 ~~firefighters' special license plate to an applicant until such applicant has~~
18 ~~provided to the department or an authorized agent sufficient evidence to~~
19 ~~demonstrate that the applicant is an active or retired Denver firefighter.~~

20 (d) ~~The department or an authorized agent shall not issue an Elks~~
21 ~~special license plate to an applicant until such applicant has provided to~~
22 ~~the department or an authorized agent sufficient evidence to demonstrate~~
23 ~~that the applicant is a member of the Benevolent and Protective Order of~~
24 ~~Elks.~~

25 **SECTION 3.** In Colorado Revised Statutes, 42-3-223, **amend** (2)
26 as follows:

27 **42-3-223. Special plates - support the troops - retirement.**

1 (2) There is hereby established the United States support the troops
2 special license plate. ~~The plate shall be the design that was submitted to~~
3 ~~the department during the proposal and certification process under section~~
4 ~~42-3-207 (2); except that~~ The plate shall conform with standards
5 established by the department, and the plate shall feature the statement
6 "Support The Troops".

7 **SECTION 4.** In Colorado Revised Statutes, 42-3-231, **amend** (2)
8 as follows:

9 **42-3-231. Special plates - Colorado ski country.** (2) Colorado
10 ski country USA, inc., may design the special license plates. ~~The design~~
11 ~~that was submitted to the department during the proposal and certification~~
12 ~~process under section 42-3-207 (2) shall be used for the special license~~
13 ~~plate; except that~~ The plate shall conform with standards established by
14 the department and be subject to approval by the department. The plate
15 shall feature the tagline "Ski Country USA".

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