

MOTOR VEHICLES AND TRAFFIC REGULATION

Titling, Registration, Emissions, and Salvage Vehicles		
<p>SB 14-075 <i>(Enacted)</i> Deployed Military Motor Vehicle Fee And Taxes</p>	<p>SB 14-131 <i>(Enacted)</i> Motor Vehicle Registration Card Information</p>	<p>HB 14-1056 <i>(Enacted)</i> Collector Item Motor Vehicle Emission Inspection</p>
<p>HB 14-1100 <i>(Enacted)</i> Motor Vehicle Title Branding</p>	<p>HB 14-1176 <i>(Enacted)</i> Emission Program Audit Cycle</p>	<p>HB 14-1299 <i>(Enacted)</i> Motor Vehicle Age Salvage Brand</p>
Traffic Regulation		
<p>SB 14-181 <i>(Postponed Indefinitely)</i> Prohibit Automated Camera Vehicle Identification</p>	<p>SB 14-200 <i>(Postponed Indefinitely)</i> Alternative Fuel Vehicles And High Occupancy Lanes</p>	<p>HB 14-1021 <i>(Enacted)</i> Highway Restriction Violation Penalties</p>
<p>HB 14-1029 <i>(Enacted)</i> Disabled Parking License Plate Placards</p>	<p>HB 14-1160 <i>(Enacted)</i> Divisible Load Overweight Vehicle Permits</p>	<p>HB 14-1225 <i>(Postponed Indefinitely)</i> Require Hands-Free Telephones When Driving</p>
Regulation of Drug- and Alcohol-Related Driving Offenses		
<p>HB 14-1036 <i>(Postponed Indefinitely)</i> Felony for Repeat DUI Offenders</p>	<p>HB 14-1310 <i>(Enacted)</i> Funding Breathalyzers for Law Enforcement</p>	<p>HB 14-1321 <i>(Enacted)</i> Membership Task Force Drunk Impaired Driving</p>
Driver Education		
<p>HB 14-1228 <i>(Enacted)</i> Court-ordered Driving School Evaluation Repeal</p>		
Special License Plates		
<p>SB 14-030 <i>(Enacted)</i> Distinguished Flying Cross License Plate Waive Fee</p>	<p>SB 14-036 <i>(Enacted)</i> Emergency Medical Services License Plate</p>	<p>SB 14-041 <i>(Enacted)</i> USS Colorado Submarine Special License Plate</p>
<p>SB 14-132 <i>(Enacted)</i> Fallen Soldier License Plate Combat Zone</p>	<p>HB 14-1046 <i>(Postponed Indefinitely)</i> Scottish American License Plate</p>	<p>HB 14-1089 <i>(Enacted)</i> 10th Mountain Division License Plate Qualification</p>
<p>HB 14-1284 <i>(Enacted)</i> Legislative License Plate Registration Number</p>		

The General Assembly considered a variety of motor vehicle- and traffic regulation-related legislation during the 2014 session. Major topics addressed include titling and registration, traffic regulation, regulation of drug- and alcohol-related driving offenses, driver education, and special license plates.

Titling, Registration, Emissions, and Salvage Vehicles

In 2014, the General Assembly enacted six bills regarding salvage vehicles and the titling, registration, and emissions of vehicles.

Titling. House Bill 14-1100 requires that a branding be placed on the certificate of title of a motor vehicle, if the vehicle:

- is a salvage vehicle;
- is rebuilt from salvage;
- is nonrepairable;
- is flood damaged;
- has had its odometer tampered with; or
- has a designation placed on the title by another jurisdiction.

A branding is a permanent marking on a motor vehicle's title, associated with the vehicle's identification number, that provides information about the value of the vehicle. A vehicle's title branding must carry forward to future titles, and a branding from another state must carry forward to the vehicle's Colorado title. If a vehicle is determined to be junk, the DOR must cancel the vehicle's identification number, collect the title, and remove the vehicle from the motor vehicle system. If a vehicle is nonrepairable, the owner must apply for a nonrepairable title and may only sell the vehicle as scrap or for parts. Additionally, if an insurer, or salvage pool authorized by an insurer, is unable to obtain a properly endorsed certificate of ownership or other evidence of ownership within 30 days of the vehicle owner's acceptance of settlement of total loss, the insurer or salvage pool may request a duplicate title and certificate of ownership from the DOR. Branding is not required on vehicles that have a model year of manufacture of at least six years or older at the time of damage, unless the vehicle is flood-damaged or has been branded as a salvage vehicle by another state.

Registration. Under current law, owners of motor vehicles pay specific ownership tax (SOT) and several registration fees, some of which are based on the age, weight, and location of the vehicle. **Senate Bill 14-075** exempts members of the United States armed forces who are Colorado residents and deployed outside of the U.S. for a full year from paying certain motor vehicle registration fees. This bill applies to taxes and fees due on or after January 1, 2015, on Class B and C motor vehicles, which include passenger vehicles, motor homes, motorcycles, and personal trucks under 16,000 pounds and authorizes the member to pay SOT of \$1. If the owner is deployed for less than one year, the fees and taxes are prorated. If the owner previously paid SOT at the higher rate while deployed, but qualified for the reduced SOT rate, the Department of Revenue (DOR) must credit the owner's account. Owners must sign an affidavit stating that the vehicle will not be operated on a highway during their time of deployment and provide the DOR with evidence of deployment. Persons eligible under the bill for the reduced fees and taxes are not exempted from paying special license plate fees and surcharges authorized in law.

Currently, motor vehicle owners submit to the Division of Motor Vehicles (DMV) a combined title and registration application which confirms all information related to the ownership of a specific vehicle. Once the application is processed by the DMV, the vehicle owner receives a notice in the mail and appears in the DMV office to complete the registration process and to receive plates and tabs for the vehicle. Registration applications currently disclose the fact that proof of insurance is mandatory for registration. Registration cards are printed on special paper specifically designed for the privacy envelopes in which the cards are mailed. Currently, four registration cards are produced for Class B, C, D, and F vehicles -- of which, one card is retained by the county, one card is used for accounting purposes, and two cards are mailed to the vehicle owner. Class A vehicles (taxis, cabs) receive only one printed registration card per owner. Current law does not require that two

registration cards be mailed to the vehicle owner, but this is done as a courtesy. **Senate Bill 14-131** repeals the requirement that a motor vehicle registration card contain the vehicle owner's address and signature, unless the vehicle is registered as Class A personal property. The bill also requires that vehicle owners either sign a statement of vehicle non-use, or provide proof of insurance when registering the vehicle.

Emissions. Under current law, vehicles with a model year that is at least 32 years old are permitted to become a collector's item. A collector's item motor vehicle must pass an emissions test within 12 months of registration, if the vehicle is in the Enhanced Emissions Program (EEP) area. The EEP area for gas powered vehicles includes the entire counties of Boulder, Broomfield, Denver, Douglas, and Jefferson, parts of Larimer and Weld counties, and those parts of Adams and Arapahoe counties that are west of Kiowa Creek. **House Bill 14-1056** clarifies that emission inspection requirements continue to apply to a collector's item motor vehicle registered before September 1, 2009, until the vehicle is transferred to a new owner.

House Bill 14-1176 changes the frequency with which the Office of the State Auditor must audit the emissions program for motor vehicles. Current law requires that the performance audit be completed once every three years. This bill changes the audit frequency to once every five years and requires the first audit to be completed no later than January 1, 2018.

Salvage vehicles. Current law defines a salvage vehicle as a vehicle that has been damaged by collision, fire, flood, accident, trespass, or other occurrence, excluding hail damage, to the extent that the cost of repairing the vehicle to a roadworthy condition exceeds the vehicle's retail fair market value immediately prior to the damage. The vehicle must have been under six years old when the damage occurred to receive a salvage title under current law. Colorado's limitation on vehicles that may be considered salvage has permitted the sale of salvage vehicles to consumers who believed they were purchasing a non-salvage vehicle; this practice is known as title washing. **House Bill 14-1299** removes the requirement that a vehicle be under six years old when the damage occurred in order to be considered a salvage vehicle. The bill specifies that a salvage vehicle does not include vehicles that are collector's items, horseless carriages, or street rods.

Traffic Regulation

In 2014, the General Assembly enacted three bills concerning traffic regulation. Three additional bills addressing this issue were postponed indefinitely.

Overweight vehicles. Current law prohibits oversized and overweight vehicles from using Independence Pass, including vehicles or vehicle combinations longer than 35 feet, regardless of weight or size. **House Bill 14-1021** raises the fine from \$500 to \$1,000 for an operator of a motor vehicle or vehicle combination over 35 feet in length, both commercial and recreational, on State Highway 82 between mile markers 47 and 72. If a violation results in the closure of a lane, the penalty is increased to \$1,500. The bill increases the surcharge for such offenses from \$78 to \$156. In addition, it requires the Colorado Department of Transportation (CDOT) to erect signs by October 1, 2014, on State Highway 82 giving notice of the enhanced penalties.

House Bill 14-1160 exempts waste water vehicles operated by a city, county, municipality, or special district from wheel- and axle-load restrictions. In addition, beginning January 1, 2015, the bill authorizes an annual fleet permit fee of \$2,000 plus \$35 per vehicle for overweight vehicles with two- or three-axle divisible loads.

Disabled parking placards. House Bill 14-1029 repeals and reenacts the laws governing reserved parking for persons with disabilities and makes clarifying changes to the program. Among its several changes, the bill provides that:

- personalized license plates with an identifying figure will be available to eligible persons;
- the DOR will place a "C" on the registration of the parent of a minor who is mobility-impaired and has a placard providing reserved parking;
- reserved parking placards must be visible through the windshield or placed on a vehicle's dashboard;
- entities that transport persons who are mobility impaired must provide the driver's license or identification document of the organization's chief operating officer within Colorado;
- applicants for a reserved parking plate or placard must sign an affidavit that the person receiving the plate or placard is eligible to do so;
- the Colorado Advisory Council for Person with Disabilities may implement an education program; and
- the DOR is authorized to issue additional sets of reserved parking plates to eligible persons.

In addition, the bill changes the classification of several offenses, and heightens the penalty for some offenses, related to disabled parking privileges.

Automated vehicle identification systems. Senate Bill 14-181, which was postponed indefinitely, would have prohibited the use of an automated vehicle identification system, including photo radar and red light cameras, by state and local governments for the purposes of enforcing traffic laws or issuing citations for the violation of traffic laws. In addition, the bill would have repealed the authorization for the Colorado Department of Public Safety (DPS), at the request of the CDOT, to use an automated vehicle identification system to detect speed violations in a highway maintenance, repair, or construction zone. Under the bill, a governmental entity would have been able to use an automated vehicle identification system to assess tolls and civil penalties on toll roads and highways, and to issue citations for violations related to high occupancy vehicles and high occupancy toll lanes.

High occupancy vehicles. Under current law, low-emission vehicles are permitted to use high occupancy vehicle (HOV) or high occupancy toll (HOT) lanes if they meet certain requirements and have been issued a sticker or decal by the CDOT. Senate Bill 14-200, which was postponed indefinitely, would have prohibited a low-emission vehicle that did not meet the definition of alternative fuel vehicle pursuant to the bill from using HOV or HOT lanes, unless the vehicle was authorized or on a waiting list as of April 1, 2014. An application for a sticker, decal, or transponder would have been required to contain an affidavit in which the applicant attests that the vehicle is an alternative fuel vehicle.

In addition, the bill would have increased the number of low-emission vehicles authorized to use HOV or HOT lanes from 2,000 to 6,000 and would have authorized eligible vehicles to use a transponder in lieu of a sticker or decal. The CDOT would have been authorized to increase the limit if new HOV or HOT lanes were added. Under the bill, the authorization for an alternative fuel vehicle to use HOV or HOT lanes would have expired after four years or when the vehicle changed ownership.

Hands-free phones. Under current law, it is a class A traffic infraction for an adult to use a wireless phone for text messaging or other similar forms of manual data entry or transmission (texting) while driving a motor vehicle. House Bill 14-1225, which was postponed indefinitely, would

have expanded the offense to prohibit the use of a wireless phone application while driving. The bill would have prohibited an adult from using a wireless phone to make or receive a phone call while driving, unless the driver used a hands-free device. This would have been a class A traffic infraction, if:

- the driver was stopped for another traffic violation, the officer witnessed the use of the phone, and the violation occurred in a school or construction zone; or
- the violation was the cause of a traffic accident.

Exceptions would have been made for use of a wireless phone while driving if an emergency situation occurred or if the driver was contacting a public safety entity.

Regulation of Drug- and Alcohol-related Driving Offenses

The General Assembly considered three bills specific to drug- and alcohol-related driving offenses. Two bills were enacted; one was postponed indefinitely.

Driving while under the influence (DUI) occurs when a person drives a motor vehicle while under the influence of drugs, alcohol, or both. Driving while ability impaired (DWAI) occurs when a person drives a motor vehicle while impaired by drugs, alcohol, or both. DUI *per se*, occurs when a person has a blood alcohol content (BAC) of 0.08 or more at the time of driving, or within two hours after driving. These offenses are charged as unclassified misdemeanors under current law. **House Bill 14-1036**, which was postponed indefinitely, would have changed the crime classification for certain DUI-related offenses from misdemeanors to felonies beginning July 1, 2015. This bill would have made DUI, DUI *per se*, and DWAI class 4 felonies, if the violation occurred within five years of the first of two prior convictions for DUI, DUI *per se*, DWAI, vehicular homicide in which drugs and/or alcohol were involved, or vehicular assault in which drugs and/or alcohol were involved.

Additionally, the bill would have made DUI, DUI *per se*, and DWAI class 5 felonies, if the violation occurred within 15 years after the first of three prior convictions for DUI, DUI *per se*, DWAI, vehicular homicide in which drugs and/or alcohol were involved, or vehicular assault in which drugs or alcohol were involved.

The bill would have removed provisions in current law relating to the crime of aggravated driving with a revoked license when the offender also commits DUI, DUI *per se*, vehicular homicide in which drugs or alcohol were involved, or vehicular assault in which drugs or alcohol were involved. Finally, the bill would have required that a court exhaust all reasonable and appropriate alternative sentences before sentencing an offender to a term of imprisonment in the Department of Corrections (DOC), and would have required the supervising agency to provide information to be considered by the court at the sentencing and re-sentencing stages.

House Bill 14-1310 creates the Evidential Breath Testing Cash Fund to purchase breath-testing devices for law enforcement agencies and requires the Colorado Department of Public Health and Environment (CDPHE) to administer the fund. The State Board of Health is authorized to create rules for the administration of the fund. The fund consists of any moneys appropriated by the General Assembly and any gifts, grants, or donations received by the CDPHE for the purposes of the bill. The bill caps the fund balance at \$2 million and requires that any money over that amount remaining in the fund at the end of a fiscal year be credited to the General Fund. The fund is repealed September 1, 2024, after a review of the fund is performed by the Department of Regulatory Agencies.

House Bill 14-1321 changes the name of the Interagency Task Force on Drunk Driving to the "Colorado Task Force on Drunk and Impaired Driving," and modifies the membership of the task force. Specifically, the bill requires that the following new members be appointed:

- a representative of a statewide organization that represents persons who are licensed to sell retail marijuana for consumption off-premises;
- the director of the Peace Officers Standards and Training Board, or a designee;
- a researcher who is appointed by a majority of the task force members and who specializes in drunk and impaired driving research; and
- two representatives appointed by the Executive Director of the Department of Human Services — one who is an expert in substance abuse education and treatment for offenders who drive under the influence or while ability impaired, and one who has expertise in providing minors, adolescents, and juvenile offenders with substance abuse-treatment and related services.

The bill removes the director of the Division of Behavioral Health in the Department of Human Services from the task force.

Driver Education

The General Assembly enacted one bill addressing driver education. Under current law, if a person is convicted of a motor vehicle violation, the court may require the person to complete a driver improvement training course and pay a penalty. The DOR is responsible for contracting with a private entity to monitor, evaluate, and report on the curriculum and effectiveness of court-ordered driver improvement courses. **House Bill 14-1228** removes the requirement that the DOR monitor, evaluate, and report on the curriculum and effectiveness of court-ordered driver improvement courses and eliminates the penalty surcharge imposed on persons who attend these courses. The bill also repeals the Defensive Driving School Fund and requires the State Treasurer to transfer any remaining fund balance to the General Fund on January 1, 2015.

Special License Plates

The General Assembly enacted six bills establishing new special license plates. One bill was postponed indefinitely.

Under current law, special license plates are available to recipients of the Distinguished Flying Cross, a military medal, for a one-time \$50 fee in addition to the standard license plate and tab production fee of \$5.92. Vehicle owners also pay statewide standard registration fees averaging \$229 per vehicle, per year. Additional registration fees are also collected at the time the plates are issued and renewed. The Distinguished Flying Cross plate became available on January 1, 2013. **Senate Bill 14-030** eliminates all fees for one set of Distinguished Flying Cross license plates, if the cross was awarded for valor.

Senate Bill 14-036 creates the Emergency Medical Services (EMS) special license plate. The license plate will be available to an applicant who provides documentation to the DOR confirming that he or she has donated \$10 to the Emergency Medical Services Association of Colorado. In addition to the standard license plate fees, applicants for the EMS plate must pay a one-time additional fee of \$50. Of this fee, \$25 is credited to the Licensing Services Cash Fund (LSCF) and \$25 is credited to the Highway Users Tax Fund (HUTF). The plate will be available January 1, 2015, or earlier if the DOR is able.

Senate Bill 14-041 creates the USS Colorado special license. The license plate will be available to all applicants who support the USS Colorado, and who pay the standard license plate fees and a one-time additional fee of \$50. Of this fee, \$25 is credited to the LCSF and \$25 is credited to the HUTF. The plate will indicate that the owner is a supporter of the USS Colorado submarine. The plate will be available January 1, 2015.

Under current law, if a soldier was killed in the line of duty while deployed to a combat zone, family members of the fallen soldier are eligible to receive a Fallen Service Member special license plate, which indicates the branch of the armed forces in which the soldier served. **Senate Bill 14-132** removes the requirement that the fallen soldier be deployed to a combat zone at the time of his or her death is removed.

House Bill 14-1046, which was postponed indefinitely, would have created the Scottish American special license plate. The license plate would have been available to an applicant who provided documentation to the DOR confirming that he or she has made donation of at least \$15 to the St. Andrew Society of Colorado. In addition to the standard license plate fees, applicants for the Scottish American special license plate would have been required to pay a one-time additional fee of \$50. Of this fee, \$25 would have been credited to the LSCF and \$25 would have been credited to the HUTF. The plate would have been available January 1, 2015, or sooner if the DOR was able. The DOR would have been authorized to stop producing the plate if 3,000 sets were not issued by July 1, 2019. The St. Andrew Society of Colorado would have been required to provide annual proof of its nonprofit status while the special plates were being issued.

House Bill 14-1089 converts the 10th Mountain Division special license plate to the Support the 10th Mountain Division license plate. The bill requires that applicants for a Support the 10th Mountain Division special license plate provide certification issued by the 10th Mountain Division Foundation, Inc. showing they meet the qualifications established by the foundation for the plate. The foundation may require specific levels of contribution to qualify for the plate, which is set by the bill at an amount of at least \$15 and not more than \$100. Beginning January 2, 2016, each holder of a 10th Mountain Division license plate must either submit evidence of qualification or return the plate to the DOR.

Under current law, legislative license plates are issued directly by the DOR to members of the Colorado General Assembly and to Colorado's Congressional members. County DMV locations are not authorized to issue the plates. The legislative license plate is a digital plate manufactured annually for each legislator. The plates are currently registered as a secondary registration to the legislator and may be used on any vehicle owned by that legislator. Plates are not returned to the DOR after a legislator's term of service has ended. All standard vehicle registration fees and taxes are paid by each legislator on the primary registration of the vehicle in the county where the legislator lives. The legislator does not pay any fees for the special legislative license plate. Under **House Bill 14-1284**, the DOR will register legislative license plates as the primary registration for the vehicle and place an "H" or an "S" on the plate along with the legislator's Senate or House District number. The letter and number combination on the plate will serve as the legislator's vehicle registration number. Only one vehicle per legislator may be registered with the legislative license plate and the plate cannot be used on a vehicle other than the one to which the plate is registered. The vehicle registration must be renewed annually through the current vehicle registration renewal process, and the vehicle owner must pay annual registration taxes and fees and pass a vehicle emissions inspection where applicable. The license plate expires when the legislator leaves office for any reason.