

First Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

REVISED

*This Version Includes All Amendments Adopted  
on Second Reading in the Second House*

LLS NO. 17-0306.02 Duane Gall x4335

SENATE BILL 17-243

SENATE SPONSORSHIP

Baumgardner and Todd,

HOUSE SPONSORSHIP

Jackson,

Senate Committees

Transportation  
Appropriations

House Committees

Transportation & Energy  
Appropriations

A BILL FOR AN ACT

101 CONCERNING THE CONTINUATION UNDER THE SUNSET LAW OF THE  
102 MOTORCYCLE OPERATOR SAFETY TRAINING PROGRAM BY THE  
103 DIRECTOR OF THE OFFICE OF TRANSPORTATION SAFETY IN THE  
104 DEPARTMENT OF TRANSPORTATION, AND, IN CONNECTION  
105 THEREWITH, TRANSFERRING THE OPERATION OF THE PROGRAM  
106 TO THE CHIEF OF THE STATE PATROL BEGINNING IN 2018.

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://leg.colorado.gov>.)*

Sunset Process - Senate Transportation Committee. Sections

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.*

HOUSE  
2nd Reading Unamended  
April 28, 2017

SENATE  
3rd Reading Unamended  
April 12, 2017

SENATE  
Amended 2nd Reading  
April 11, 2017

7, 8, and 9 of the bill continue the motorcycle operator safety training program for 3 years, until 2020. Sections 1 to 4 transfer the program from the office of transportation safety in the department of transportation to the office of the chief of the state patrol in the department of public safety, effective January 1, 2018. Sections 5 and 6 make conforming amendments.

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

2           **SECTION 1.** In Colorado Revised Statutes, 43-5-501, **amend**  
3 (1.5), (4), and (6) as follows:

4           **43-5-501. Definitions.** As used in this part 5, unless the context  
5 otherwise requires:

6           (1.5) "~~Director~~" ~~means the director of the office~~ "CHIEF" MEANS  
7 THE CHIEF OF THE STATE PATROL, CREATED IN SECTION 24-33.5-201.

8           (4) "Office" means the office of ~~transportation safety~~ THE CHIEF  
9 OF THE STATE PATROL in the department of ~~transportation~~ PUBLIC SAFETY.

10           (6) "Program coordinator" means a person designated by the  
11 ~~director~~ CHIEF to ensure compliance with program rules, program  
12 operation, and motorcycle safety coordination.

13           **SECTION 2.** In Colorado Revised Statutes, 43-5-502, **amend**  
14 (1)(c) as follows:

15           **43-5-502. Motorcycle operator safety training program - rules.**

16 (1) (c) The ~~director~~ CHIEF shall designate a program coordinator to  
17 implement and administer the program. The program coordinator may  
18 certify instructor training specialists who meet the applicable standards.  
19 The department of ~~transportation~~ PUBLIC SAFETY shall establish standards  
20 for recertification training and monitoring of MOST instructors.

21           **SECTION 3.** In Colorado Revised Statutes, **add** 43-5-502.5 as  
22 follows:

1           **43-5-502.5. Transfer of functions - transitional provisions -**

2 **repeal.** (1) THE CHIEF AND THE OFFICE OF THE CHIEF, RESPECTIVELY,  
3 SHALL, ON AND AFTER JANUARY 1, 2018, EXECUTE, ADMINISTER,  
4 PERFORM, AND ENFORCE THE RIGHTS, POWERS, DUTIES, FUNCTIONS, AND  
5 OBLIGATIONS VESTED PRIOR TO JANUARY 1, 2018, IN THE DIRECTOR AND  
6 THE OFFICE OF TRANSPORTATION SAFETY WITHIN THE DEPARTMENT OF  
7 TRANSPORTATION CONCERNING THE PROGRAM.

8           (2) ALL RULES AND ORDERS OF THE DEPARTMENT OF  
9 TRANSPORTATION OR THE DIRECTOR OF THE OFFICE OF TRANSPORTATION  
10 SAFETY ADOPTED PRIOR TO JANUARY 1, 2018, IN CONNECTION WITH THE  
11 POWERS, DUTIES, AND FUNCTIONS TRANSFERRED TO THE CHIEF, CONTINUE  
12 TO BE EFFECTIVE UNTIL REVISED, AMENDED, REPEALED, OR NULLIFIED  
13 PURSUANT TO LAW. ON AND AFTER JANUARY 1, 2018, THE CHIEF OR THE  
14 OFFICE OF THE CHIEF, WHICHEVER IS APPROPRIATE, SHALL ADOPT RULES  
15 NECESSARY FOR THE ADMINISTRATION OF THE PROGRAM.

16           (3) NO SUIT, ACTION, OR OTHER JUDICIAL OR ADMINISTRATIVE  
17 PROCEEDING LAWFULLY COMMENCED BEFORE JANUARY 1, 2018, OR THAT  
18 COULD HAVE BEEN COMMENCED BEFORE THAT DATE, BY OR AGAINST THE  
19 DEPARTMENT OF TRANSPORTATION OR THE DIRECTOR OF THE OFFICE OF  
20 TRANSPORTATION SAFETY ABATES BY REASON OF THE TRANSFER OF  
21 DUTIES AND FUNCTIONS FROM THEM TO THE CHIEF.

22           (4) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2023.

23           **SECTION 4.** In Colorado Revised Statutes, **amend** 43-5-504 as  
24 follows:

25           **43-5-504. Motorcycle operator safety training fund.** (1) The  
26 motorcycle operator safety training fund is hereby created in the state  
27 treasury. The fund consists of ~~moneys~~ MONEY collected under sections

1 42-2-114 (2)(d), ~~and (4)(b)~~, 42-2-118 (1)(b)(II), and 42-3-304 (4). C.R.S.  
2 The ~~moneys~~ MONEY in the fund ~~are~~ IS available immediately, without  
3 further appropriation, for allocation by the ~~transportation commission~~  
4 CHIEF to the office to be used for the implementation and administration  
5 of the program. ~~Moneys~~ MONEY credited to the fund ~~remain~~ REMAINS in  
6 the fund at the end of each fiscal year and ~~are~~ IS not transferred to any  
7 other fund.

8 (2) The ~~director~~ CHIEF, the program coordinator, or a MOST  
9 vendor shall not expend or credit moneys for MOST vendor operating  
10 expenses or reimburse motorcycles, helmets, textbooks, and other capital  
11 expenses incurred by MOST vendors, excluding the travel costs of mobile  
12 training.

13 (3) THE CHIEF OR HIS OR HER DESIGNEE MAY ACCEPT, ON BEHALF  
14 OF AND IN THE NAME OF THE STATE, GIFTS, DONATIONS, AND GRANTS FOR  
15 ANY PURPOSE CONNECTED WITH THE PROGRAM. ANY PROPERTY SO GIVEN  
16 SHALL BE HELD BY THE STATE TREASURER, BUT THE CHIEF OR HIS OR HER  
17 DESIGNEE MAY DIRECT THE DISPOSITION OF ANY PROPERTY SO GIVEN FOR  
18 ANY PURPOSE CONSISTENT WITH THE TERMS AND CONDITIONS UNDER  
19 WHICH THE GIFT WAS MADE.

20 **SECTION 5.** In Colorado Revised Statutes, 43-5-505, **amend**  
21 (1)(a) and (1)(d) introductory portion as follows:

22 **43-5-505. Advisory board.** (1) The motorcycle operator safety  
23 advisory board is hereby created. The board consists of:

24 (a) The director OF THE COLORADO DEPARTMENT OF  
25 TRANSPORTATION or ~~the director's~~ HIS OR HER designee;

26 (d) Nine members appointed by the executive director of the  
27 department of transportation CHIEF OF THE COLORADO STATE PATROL:

1           **SECTION 6.** In Colorado Revised Statutes, **amend** 43-5-506 as  
2 follows:

3           **43-5-506. Report.** No later than September 1 of each year, the  
4 department of ~~transportation~~ PUBLIC SAFETY shall report to the legislative  
5 audit committee and the house and senate transportation committees, or  
6 their successor committees. The report must comment on the  
7 effectiveness of the program, annual motorcycle accidents or fatalities,  
8 availability of training throughout the state, historic and current training  
9 costs, and other performance measures.

10           **SECTION 7.** In Colorado Revised Statutes, **amend** 43-5-507 as  
11 follows:

12           **43-5-507. Repeal.** This part 5 is repealed, effective September 1,  
13 ~~2017~~ 2020. BEFORE ITS REPEAL, THIS PART 5 IS SCHEDULED FOR REVIEW  
14 IN ACCORDANCE WITH SECTION 24-34-104.

15           **SECTION 8.** In Colorado Revised Statutes, 24-34-104, **amend**  
16 (19)(a) introductory portion; **add** (19)(a)(XII); and **repeal** (13)(a)(IV) as  
17 follows:

18           **24-34-104. General assembly review of regulatory agencies**  
19 **and functions for repeal, continuation, or reestablishment - legislative**  
20 **declaration - repeal.** (13) (a) The following agencies, functions, or both,  
21 will repeal on September 1, 2017:

22           (IV) ~~The MOST program created in part 5 of article 5 of title 43,~~  
23 ~~C.R.S.;~~

24           (19) (a) The following agencies, functions, or both, ~~will~~ ARE  
25 SCHEDULED FOR repeal on September 1, 2020:

26           (XII) THE MOTORCYCLE OPERATOR SAFETY TRAINING PROGRAM  
27 CREATED IN PART 5 OF ARTICLE 5 OF TITLE 43.

1           **SECTION 9.** In Colorado Revised Statutes, 24-75-402, **amend**  
2 (5)(n) as follows:

3           **24-75-402. Cash funds - limit on uncommitted reserves -**  
4 **reduction in amount of fees - exclusions - repeal.** (5) Notwithstanding  
5 any provision of this section to the contrary, the following cash funds are  
6 excluded from the limitations specified in this section:

7           (n) The motorcycle operator safety training fund created in section  
8 43-5-504, ~~C.R.S.~~, until this ~~paragraph (n)~~ SUBSECTION (5)(n) is repealed,  
9 effective ~~July 1, 2017~~ SEPTEMBER 1, 2020;

10           **SECTION 10. Effective date.** (1) Except as otherwise provided  
11 in subsection (2) of this section, this act takes effect July 1, 2017.

12           (2) Sections 1 to 6 of this act take effect January 1, 2018.

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