

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0404.01 Jennifer Berman x3286

HOUSE BILL 18-1139

HOUSE SPONSORSHIP

Hooton, Arndt, McKean, Thurlow

SENATE SPONSORSHIP

Zenzinger, Martinez Humenik, Moreno, Tate

House Committees

Agriculture, Livestock, & Natural Resources

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE REMOVAL OF OUTDATED STATUTORY REFERENCES
102 TO REPEALED REPORTING REQUIREMENTS THAT WERE
103 PREVIOUSLY IMPOSED ON THE PARKS AND WILDLIFE
104 COMMISSION WITH REGARD TO ITS RULE-MAKING AUTHORITY
105 TO SET FEES.

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/>.)

Statutory Revision Committee. The bill removes obsolete references to a statutory subsection that was repealed on September 1,

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

2017. Because the repealed statutory subsection concerned the manner in which the parks and wildlife commission sets fees by rule, the bill replaces the obsolete references with references to the parks and wildlife commission's fee-setting rules.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds that:

4 (a) A provision of law that imposed reporting requirements on the
5 parks and wildlife commission when setting fees by rule was repealed on
6 September 1, 2017; and

7 (b) Twelve statutory provisions still reference the repealed
8 provision.

9 (2) Now, therefore, the general assembly clarifies that the obsolete
10 references to the repealed statute should be removed and replaced with
11 references to the commission's rules.

12 **SECTION 2.** In Colorado Revised Statutes, 33-10-107, **amend**
13 (1)(h) as follows:

14 **33-10-107. Powers of commission - rules - definitions.** (1) The
15 commission has power to:

16 (h) Establish by ~~rules pursuant to section 33-10-111 (5)~~ RULE the
17 amounts of fees for certificates, permits, licenses, and passes and any
18 other special charges in order to provide for cash revenues necessary for
19 the continuous operation of the state park and recreation system, subject
20 to section 33-10-115; except that ~~no~~ such fees shall NOT be used for
21 capital construction other than controlled maintenance activities. Except
22 as provided in section 33-10-111 (1), fees and charges collected pursuant
23 to this ~~paragraph (h)~~ SUBSECTION (1)(h) shall be credited to the ~~division~~

1 of parks and outdoor recreation cash fund CREATED IN SECTION 33-10-111
2 (1).

3 **SECTION 3.** In Colorado Revised Statutes, 33-13-103, **amend**
4 (1) introductory portion as follows:

5 **33-13-103. Numbering of vessels required - rules.** (1) It is
6 unlawful for any person to operate or use a vessel on the waters of this
7 state or to possess a vessel at a vessel staging area unless the vessel has
8 been numbered and THE DIVISION HAS ISSUED a certificate of the number,
9 referred to in this ~~article~~ ARTICLE 13 as a "registration", ~~has been issued~~
10 to the vessel. ~~by the division.~~ The operator of the vessel shall produce the
11 registration for inspection upon demand of any officer authorized to
12 enforce articles 10 to 15 and 32 of this ~~title~~ TITLE 33. The following are
13 exempt from the requirements of this subsection (1) and from the vessel
14 registration fee as specified ~~pursuant to section 33-10-111 (5)~~ BY THE
15 COMMISSION BY RULE:

16 **SECTION 4.** In Colorado Revised Statutes, 33-13-104, **amend**
17 (1) as follows:

18 **33-13-104. Application for vessel number.** (1) The owner of
19 each vessel requiring numbering by this state shall file an application for
20 a number with the division or any representative approved by the division
21 on forms approved and furnished by the division. The OWNER OF THE
22 VESSEL MUST SIGN THE application ~~shall be signed by the owner of the~~
23 ~~vessel and shall be accompanied by a~~ PAY AN APPLICATION fee as
24 specified ~~pursuant to section 33-10-111 (5)~~ BY THE COMMISSION BY RULE;
25 except that those vessels owned and operated by the state or any political
26 subdivision ~~thereof shall~~ OF THE STATE MUST be registered without
27 payment of a registration fee. Upon receipt of the application in approved

1 form, the division or its representative shall issue to the applicant a
2 registration stating the number issued to the vessel. The number issued
3 shall be painted on or attached to each side of the bow on the forward half
4 of the vessel or, if there are no such sides, at a corresponding location on
5 both sides of the foredeck of the vessel for which it is issued. The number
6 issued ~~shall~~ MUST read from left to right in block characters of good
7 proportion having a minimum of three inches in height, excluding border
8 or trim, and of a color that contrasts with the color of the background, and
9 ~~so maintained as to be~~ MUST REMAIN clearly visible and legible. ~~No Other~~
10 ~~number shall~~ NUMBERS MUST NOT be carried on the bow of the vessel.
11 Any person who fails to display a vessel number as required in this
12 subsection (1) is guilty of a class 2 petty offense and, upon conviction,
13 shall be punished by a fine of twenty-five dollars.

14 **SECTION 5.** In Colorado Revised Statutes, 33-14-102, **amend**
15 (3)(a) and (4)(a) as follows:

16 **33-14-102. Snowmobile registration - fees - applications -**
17 **requirements - penalties - exemptions.** (3) (a) For all or any part of a
18 year beginning October 1 and ending September 30, the original and each
19 renewal registration fee TO BE PAID by an owner ~~shall~~ MUST be ~~as~~ IN THE
20 AMOUNT specified ~~pursuant to section 33-10-111(5)~~ BY THE COMMISSION
21 BY RULE.

22 (4) (a) For each year beginning October 1 and ending September
23 30 or portion ~~thereof~~ OF THE YEAR for which ~~such~~ THE registration is
24 made, the AMOUNT OF THE registration fee for all snowmobiles owned by
25 a dealer or manufacturer ~~which~~ THAT are operated for demonstration or
26 testing purposes only ~~shall~~ MUST be ~~as~~ IN THE AMOUNT specified ~~pursuant~~
27 ~~to section 33-10-111(5)~~ BY THE COMMISSION BY RULE.

1 **SECTION 6.** In Colorado Revised Statutes, 33-14-105, **amend**
2 (2)(a) as follows:

3 **33-14-105. Transfer or other termination of ownership.**

4 (2) (a) If there is a change of ownership of a snowmobile for which a
5 registration has been issued, the new owner shall apply for a new
6 registration from a dealer employed as a licensing agent or from the
7 division. ~~Such~~ THE application ~~shall~~ MUST set forth the original number
8 issued and ~~shall~~ MUST be accompanied by the old registration properly
9 signed by the previous owner and by the required fee for registration ~~as~~
10 IN THE AMOUNT specified ~~pursuant to section 33-10-111 (5)~~ BY THE
11 COMMISSION BY RULE.

12 **SECTION 7.** In Colorado Revised Statutes, 33-14.5-102, **amend**
13 (1)(b), (3)(a), (4)(a), and (9)(c)(I) as follows:

14 **33-14.5-102. Off-highway vehicle registration -**
15 **nonresident-owned or -operated off-highway vehicle permits - fees -**

16 **applications - requirements - exemptions.** (1) (b) The division shall
17 employ off-highway vehicle agents, including dealers and licensing
18 agents serving as such for the division, for off-highway vehicle
19 registration pursuant to section 33-12-104. Upon receiving a registration
20 application, an agent shall collect the fee specified ~~pursuant to section~~
21 ~~33-10-111 (5)~~ BY THE COMMISSION BY RULE and issue a temporary
22 registration and shall forward the application to the division, which shall
23 issue the registration. An agent may retain a commission ~~of~~ not in excess
24 of one dollar, as authorized by the division, for each registration issued.
25 Any dealer is authorized to issue a temporary registration when a person
26 purchases an off-highway vehicle from ~~such~~ THE dealer.

27 (3) (a) For each year, or portion ~~thereof~~ OF THE YEAR, beginning

1 April 1 and ending the following March 31, the original and each renewal
2 registration fee TO BE PAID by an owner ~~shall~~ MUST be IN the ~~fee~~ AMOUNT
3 specified ~~pursuant to section 33-10-111 (5)~~ BY THE COMMISSION BY RULE.

4 (4) (a) For each year, or portion ~~thereof~~ OF THE YEAR, beginning
5 April 1 and ending the following March 31, for which ~~such~~ THE
6 registration is made, the registration fee for all off-highway vehicles
7 owned by a dealer or manufacturer and operated solely for demonstration
8 or testing purposes ~~shall~~ MUST be a ~~fee~~ IN AN AMOUNT specified ~~pursuant~~
9 ~~to section 33-10-111 (5)~~ BY THE COMMISSION BY RULE.

10 (9) (c) (I) Nonresident off-highway vehicle permits shall be sold
11 by the agents designated pursuant to section 33-12-104, and the fee TO BE
12 PAID for ~~said~~ THE permits ~~shall~~ MUST be IN the ~~fee~~ AMOUNT provided
13 ~~pursuant to section 33-10-111 (5)~~ BY THE COMMISSION BY RULE.

14 **SECTION 8.** In Colorado Revised Statutes, 33-14.5-105, **amend**
15 (1) as follows:

16 **33-14.5-105. Transfer or other termination of ownership.**

17 (1) If there is a change of ownership of an off-highway vehicle for which
18 a registration has been issued, the new owner shall apply for a new
19 registration from a dealer employed as a licensing agent or from the
20 division. ~~Such~~ THE application shall set forth the original number issued
21 and shall be accompanied by the old registration properly signed by the
22 previous owner and by the ~~required~~ fee for registration ~~pursuant to section~~
23 ~~33-10-111 (5)~~ IN AN AMOUNT SPECIFIED BY THE COMMISSION BY RULE.

24 **SECTION 9.** In Colorado Revised Statutes, 33-14.5-112, **amend**
25 (2) as follows:

26 **33-14.5-112. Off-highway use permit - fees - applications -**
27 **requirements - exemptions.** (2) Off-highway use permits shall be sold

1 by the agents referred to in section 33-12-104, and the fee TO BE PAID for
2 ~~said~~ THE permits ~~shall~~ MUST be IN the ~~fee~~ AMOUNT provided pursuant to
3 ~~section 33-10-111 (5)~~ BY THE COMMISSION BY RULE.

4 **SECTION 10. Act subject to petition - effective date.** This act
5 takes effect at 12:01 a.m. on the day following the expiration of the
6 ninety-day period after final adjournment of the general assembly (August
7 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
8 referendum petition is filed pursuant to section 1 (3) of article V of the
9 state constitution against this act or an item, section, or part of this act
10 within such period, then the act, item, section, or part will not take effect
11 unless approved by the people at the general election to be held in
12 November 2018 and, in such case, will take effect on the date of the
13 official declaration of the vote thereon by the governor.