A BILL FOR AN ACT

CONCERNING THE CREATION OF A CHICANA/O SPECIAL LICENSE PLATE, AND, IN CONNECTION THEREWITH, MAKING AN Appropriation.

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.)

The bill creates the Chicana/o special license plate. A person becomes eligible to use the plate by providing a certificate confirming that the person has made a donation to an organization chosen by the department of revenue based on the organization's provision of services to the Latino community. The organization may implement the bill by making grants to other organizations that also qualify under the standards...
of the bill.
In addition to the standard motor vehicle fees, the plate requires 2 one-time fees of $25. One of the fees is credited to the highway users tax fund and the other to the licensing services cash fund.

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

SECTION 1. In Colorado Revised Statutes, add 42-3-252 as follows:

42-3-252. Special plates - Chicana/o license plate.

(1) BEGINNING THE EARLIER OF JANUARY 1, 2019, OR WHEN THE DEPARTMENT IS ABLE TO ISSUE THE PLATES, THE DEPARTMENT SHALL ISSUE SPECIAL LICENSE PLATES TO QUALIFIED APPLICANTS IN ACCORDANCE WITH THIS SECTION FOR MOTORCYCLES, PASSENGER CARS, TRUCKS, OR NONCOMMERCIAL OR RECREATIONAL MOTOR VEHICLES THAT DO NOT EXCEED SIXTEEN THOUSAND POUNDS EMPTY WEIGHT.

(2) (a) THERE IS HEREBY ESTABLISHED THE CHICANA/O LICENSE PLATE. THE DEPARTMENT MAY STOP ISSUING THE CHICANA/O LICENSE PLATE IF THREE THOUSAND LICENSE PLATES ARE NOT ISSUED BY JULY 1, 2023. A PERSON WHO WAS ISSUED A CHICANA/O LICENSE PLATE ON OR BEFORE JULY 1, 2023, MAY CONTINUE TO USE THE LICENSE PLATE AFTER JULY 1, 2023, REGARDLESS OF WHETHER THE DEPARTMENT STOPS ISSUING THE SPECIAL LICENSE PLATE.

(b) THE DEPARTMENT SHALL DESIGN THE SPECIAL LICENSE PLATE WITH INPUT FROM INTERESTED PERSONS TO SHOW THAT THE OWNER SUPPORTS THE LATINO COMMUNITY.

(3) (a) AT LEAST ONCE EVERY FIVE YEARS, THE DEPARTMENT SHALL DESIGNATE ONE OR MORE ORGANIZATIONS TO QUALIFY APPLICANTS TO BE ISSUED THE CHICANA/O LICENSE PLATE. ANY ORGANIZATION IS
ELIGIBLE TO BE SELECTED AND RETAINED IF THE ORGANIZATION HAS RECEIVED A DETERMINATION LETTER FROM THE INTERNAL REVENUE SERVICE GRANTING THE ORGANIZATION TAX-EXEMPT STATUS UNDER 26 U.S.C. SEC. 501 (c)(3) AND IF THE ORGANIZATION:

(I) IS BASED IN COLORADO;

(II) HAS BEEN IN EXISTENCE FOR AT LEAST THREE YEARS;

(III) EMPLOYS NO MORE THAN FIFTY PEOPLE;

(IV) USES AT LEAST SEVENTY-FIVE PERCENT OF THE ORGANIZATION'S REVENUES TO PROVIDE SERVICES TO THE COLORADO LATINO COMMUNITY; AND

(V) COMPLIES WITH THIS SECTION.

(b) AN ORGANIZATION CHOSEN TO QUALIFY APPLICANTS TO BE ISSUED A LICENSE PLATE MAY PROVIDE SERVICES DIRECTLY OR BY ACTING AS A FISCAL AGENT BY IMPLEMENTING A GRANT PROGRAM TO OTHER ORGANIZATIONS THAT PROVIDE SERVICES. TO QUALIFY FOR A GRANT USING MONEY RAISED UNDER THIS SECTION, THE ORGANIZATION MUST MEET THE REQUIREMENTS ESTABLISHED IN SUBSECTION (3)(a) OF THIS SECTION. TO IMPLEMENT THIS PROGRAM AS A FISCAL AGENT MAKING GRANTS, THE FISCAL AGENT SHALL NOT RETAIN OR SPEND MORE THAN TEN PERCENT OF THE MONEY RAISED UNDER THIS SECTION ON ADMINISTRATIVE COSTS.

(c) A PERSON MAY APPLY FOR A CHICANA/O LICENSE PLATE IF THE PERSON PAYS THE TAXES AND FEES REQUIRED UNDER THIS SECTION AND PROVIDES TO THE DEPARTMENT OR AN AUTHORIZED AGENT A CERTIFICATE ISSUED BY THE ORGANIZATION CHOSEN IN ACCORDANCE WITH THIS SUBSECTION (3) CONFIRMING THAT THE APPLICANT HAS MADE A DONATION TO THE ORGANIZATION. THE ORGANIZATION MAY ESTABLISH A MINIMUM
DONATION AMOUNT TO QUALIFY FOR THE PLATE. THE ORGANIZATION SHALL USE THE DONATION TO SUPPORT LATINO COMMUNITIES.

(d) The organization chosen in accordance with this subsection (3) shall file with the department an annual statement verifying that it is a nonprofit organization unless the department stops issuing the license plate.

(4) The amount of the taxes and fees for special license plates under this section is the same as the amount of the taxes and fees for regular motor vehicle license plates; except that the department shall collect an additional one-time fee of twenty-five dollars for issuance or replacement of the license plate. The department shall transmit the additional one-time fee to the state treasurer, who shall credit the fee to the highway users tax fund created in section 43-4-201.

(5) An applicant may apply for personalized Chicana/o license plates. Upon payment of the additional fee required by section 42-3-211 (6)(a) for personalized license plates, the department may issue the plates if the applicant complies with section 42-3-211. If an applicant has existing personalized license plates for a motor vehicle, the applicant may transfer the combination of letters or numbers to a new set of Chicana/o license plates for the vehicle upon paying the fee required by section 42-3-211 (6)(a) and upon turning in the existing plates to the department. A person who has obtained personalized license plates under this subsection (5) shall pay the annual fee imposed by section 42-3-211 (6)(b) for renewal of the personalized plates. The fees under this subsection (5) are in addition to all other
APPLICABLE TAXES AND FEES.

SECTION 2. In Colorado Revised Statutes, amend 42-3-312 as follows:

42-3-312. Special license plate surcharge. In addition to any other fee imposed by this article 3, an applicant for a special license plate created by rule in accordance with section 42-3-207, as the section existed when the plate was created, or license plates issued pursuant to sections 42-3-211 to 42-3-218, sections 42-3-221 to 42-3-234, and sections 42-3-237 to 42-3-252 shall pay an issuance fee of twenty-five dollars; except that the fee is not imposed on special license plates exempted from additional fees for the issuance of a military special license plate by section 42-3-213 (1)(b)(II). The department shall transfer the fee to the state treasurer, who shall credit it to the licensing services cash fund created in section 42-2-114.5.

SECTION 3. Appropriation. For the 2018-19 state fiscal year, $8,389 is appropriated to the department of revenue for use by the division of motor vehicles. This appropriation is from the license plate cash fund created in section 42-3-301 (1)(b), C.R.S. To implement this act, the division may use this appropriation for license plate ordering.

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