

**Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 18-1207.01 Jery Payne x2157

HOUSE BILL 18-1424

HOUSE SPONSORSHIP

Salazar and Duran,

SENATE SPONSORSHIP

Guzman and Williams A.,

House Committees

Transportation & Energy
Finance
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF A CHICANA/O SPECIAL LICENSE PLATE,**
102 **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

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.

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.

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

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

4 **42-3-252. Special plates - Chicana/o license plate.**

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

11 (2) (a) THERE IS HEREBY ESTABLISHED THE CHICANA/O LICENSE
12 PLATE. THE DEPARTMENT MAY STOP ISSUING THE CHICANA/O LICENSE
13 PLATE IF THREE THOUSAND LICENSE PLATES ARE NOT ISSUED BY JULY 1,
14 2023. A PERSON WHO WAS ISSUED A CHICANA/O LICENSE PLATE ON OR
15 BEFORE JULY 1, 2023, MAY CONTINUE TO USE THE LICENSE PLATE AFTER
16 JULY 1, 2023, REGARDLESS OF WHETHER THE DEPARTMENT STOPS ISSUING
17 THE SPECIAL LICENSE PLATE.

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

21 (3) (a) AT LEAST ONCE EVERY FIVE YEARS, THE DEPARTMENT
22 SHALL DESIGNATE ONE OR MORE ORGANIZATIONS TO QUALIFY APPLICANTS
23 TO BE ISSUED THE CHICANA/O LICENSE PLATE. ANY ORGANIZATION IS

1 ELIGIBLE TO BE SELECTED AND RETAINED IF THE ORGANIZATION HAS
2 RECEIVED A DETERMINATION LETTER FROM THE INTERNAL REVENUE
3 SERVICE GRANTING THE ORGANIZATION TAX-EXEMPT STATUS UNDER 26
4 U.S.C. SEC. 501 (c)(3) AND IF THE ORGANIZATION:

- 5 (I) IS BASED IN COLORADO;
- 6 (II) HAS BEEN IN EXISTENCE FOR AT LEAST THREE YEARS;
- 7 (III) EMPLOYS NO MORE THAN FIFTY PEOPLE;
- 8 (IV) USES AT LEAST SEVENTY-FIVE PERCENT OF THE
9 ORGANIZATION'S REVENUES TO PROVIDE SERVICES TO THE COLORADO
10 LATINO COMMUNITY; AND
- 11 (V) COMPLIES WITH THIS SECTION.

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

22 (c) A PERSON MAY APPLY FOR A CHICANA/O LICENSE PLATE IF THE
23 PERSON PAYS THE TAXES AND FEES REQUIRED UNDER THIS SECTION AND
24 PROVIDES TO THE DEPARTMENT OR AN AUTHORIZED AGENT A CERTIFICATE
25 ISSUED BY THE ORGANIZATION CHOSEN IN ACCORDANCE WITH THIS
26 SUBSECTION (3) CONFIRMING THAT THE APPLICANT HAS MADE A DONATION
27 TO THE ORGANIZATION. THE ORGANIZATION MAY ESTABLISH A MINIMUM

1 DONATION AMOUNT TO QUALIFY FOR THE PLATE. THE ORGANIZATION
2 SHALL USE THE DONATION TO SUPPORT LATINO COMMUNITIES.

3 (d) THE ORGANIZATION CHOSEN IN ACCORDANCE WITH THIS
4 SUBSECTION (3) SHALL FILE WITH THE DEPARTMENT AN ANNUAL
5 STATEMENT VERIFYING THAT IT IS A NONPROFIT ORGANIZATION UNLESS
6 THE DEPARTMENT STOPS ISSUING THE LICENSE PLATE.

7 (4) THE AMOUNT OF THE TAXES AND FEES FOR SPECIAL LICENSE
8 PLATES UNDER THIS SECTION IS THE SAME AS THE AMOUNT OF THE TAXES
9 AND FEES FOR REGULAR MOTOR VEHICLE LICENSE PLATES; EXCEPT THAT
10 THE DEPARTMENT SHALL COLLECT AN ADDITIONAL ONE-TIME FEE OF
11 TWENTY-FIVE DOLLARS FOR ISSUANCE OR REPLACEMENT OF THE LICENSE
12 PLATE. THE DEPARTMENT SHALL TRANSMIT THE ADDITIONAL ONE-TIME
13 FEE TO THE STATE TREASURER, WHO SHALL CREDIT THE FEE TO THE
14 HIGHWAY USERS TAX FUND CREATED IN SECTION 43-4-201.

15 (5) AN APPLICANT MAY APPLY FOR PERSONALIZED CHICANA/O
16 LICENSE PLATES. UPON PAYMENT OF THE ADDITIONAL FEE REQUIRED BY
17 SECTION 42-3-211 (6)(a) FOR PERSONALIZED LICENSE PLATES, THE
18 DEPARTMENT MAY ISSUE THE PLATES IF THE APPLICANT COMPLIES WITH
19 SECTION 42-3-211. IF AN APPLICANT HAS EXISTING PERSONALIZED LICENSE
20 PLATES FOR A MOTOR VEHICLE, THE APPLICANT MAY TRANSFER THE
21 COMBINATION OF LETTERS OR NUMBERS TO A NEW SET OF CHICANA/O
22 LICENSE PLATES FOR THE VEHICLE UPON PAYING THE FEE REQUIRED BY
23 SECTION 42-3-211 (6)(a) AND UPON TURNING IN THE EXISTING PLATES TO
24 THE DEPARTMENT. A PERSON WHO HAS OBTAINED PERSONALIZED LICENSE
25 PLATES UNDER THIS SUBSECTION (5) SHALL PAY THE ANNUAL FEE IMPOSED
26 BY SECTION 42-3-211 (6)(b) FOR RENEWAL OF THE PERSONALIZED PLATES.
27 THE FEES UNDER THIS SUBSECTION (5) ARE IN ADDITION TO ALL OTHER

1 APPLICABLE TAXES AND FEES.

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

4 **42-3-312. Special license plate surcharge.** In addition to any
5 other fee imposed by this article 3, an applicant for a special license plate
6 created by rule in accordance with section 42-3-207, as the section existed
7 when the plate was created, or license plates issued pursuant to sections
8 42-3-211 to 42-3-218, sections 42-3-221 to 42-3-234, and sections
9 42-3-237 to ~~42-3-251~~ **42-3-252** shall pay an issuance fee of twenty-five
10 dollars; except that the fee is not imposed on special license plates
11 exempted from additional fees for the issuance of a military special
12 license plate by section 42-3-213 (1)(b)(II). The department shall transfer
13 the fee to the state treasurer, who shall credit it to the licensing services
14 cash fund created in section 42-2-114.5.

15 **SECTION 3. Appropriation.** For the 2018-19 state fiscal year,
16 \$8,389 is appropriated to the department of revenue for use by the
17 division of motor vehicles. This appropriation is from the license plate
18 cash fund created in section 42-3-301 (1)(b), C.R.S. To implement this
19 act, the division may use this appropriation for license plate ordering.

20 **SECTION 4. Act subject to petition - effective date.** This act
21 takes effect at 12:01 a.m. on the day following the expiration of the
22 ninety-day period after final adjournment of the general assembly (August
23 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
24 referendum petition is filed pursuant to section 1 (3) of article V of the
25 state constitution against this act or an item, section, or part of this act
26 within such period, then the act, item, section, or part will not take effect
27 unless approved by the people at the general election to be held in

- 1 November 2018 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.