

CHAPTER 216

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 01-1124

BY REPRESENTATIVE(S) Swenson, Lee, Kester, Saliman, and Scott;
also SENATOR(S) Nichol and May.

AN ACT

CONCERNING LIMITATIONS ON THE AUTHORITY TO ISSUE SPECIAL LICENSE PLATES.

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

SECTION 1. 42-3-122, Colorado Revised Statutes, is amended to read:

42-3-122. Special plates - rules - new plates. (1) (a) The executive director of the department may promulgate rules ~~and regulations~~ to issue special license plates. The amount of the taxes and fees for such special plates shall be determined by the executive director pursuant to SAID rules, ~~and regulations~~, and such taxes and fees shall be in an amount to offset the costs of the department for issuing the special plates. NEITHER THE DEPARTMENT NOR AN AUTHORIZED AGENT OF THE DEPARTMENT SHALL COLLECT ANY FEE FOR THE PRIVILEGE OF USING A SPECIAL PLATE UNLESS SUCH FEE IS EXPRESSLY AUTHORIZED BY STATUTE. THE DEPARTMENT OR AN AUTHORIZED AGENT OF THE DEPARTMENT SHALL NOT TRANSFER MONEY COLLECTED FOR THE PRIVILEGE OF USING A SPECIAL PLATE UNLESS SUCH TRANSFER IS EXPRESSLY AUTHORIZED BY STATUTE.

(b) (I) A SPECIAL LICENSE PLATE SHALL NOT BE ISSUED PURSUANT TO THIS SECTION UNLESS SUCH LICENSE PLATE WAS APPROVED PRIOR TO JANUARY 1, 2001.

(II) SPECIAL LICENSE PLATES THAT HAVE BEEN APPROVED BEFORE JANUARY 1, 2001, SHALL CONTINUE TO BE ISSUED AND RENEWED PURSUANT TO EXISTING AGREEMENTS, BUT SHALL BE RETIRED IF SUCH PLATES ARE NOT ISSUED FOR AT LEAST TWO HUNDRED AND FIFTY VEHICLES PURSUANT TO RULES PROMULGATED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT. UNLESS SUCH PLATES WERE APPROVED BEFORE JANUARY 1, 2001, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT SHALL PROMULGATE RULES TO PROVIDE STANDARDS FOR THE RETIREMENT OF SPECIAL LICENSE PLATES NOT ISSUED FOR AT LEAST TWO THOUSAND VEHICLES.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(2) BEFORE A BILL IS INTRODUCED IN THE GENERAL ASSEMBLY THAT CONTAINS, OR ANY BILL IS AMENDED TO CONTAIN, A PROVISION THAT ESTABLISHES A NEW CATEGORY OR TYPE OF GROUP SPECIAL LICENSE PLATE, THE PERSON, GROUP, OR ASSOCIATION PROPOSING SUCH SPECIAL LICENSE PLATE SHALL SUBMIT TO THE DEPARTMENT A PROPOSAL FOR A GROUP SPECIAL LICENSE PLATE AND CERTIFY BY MARCH 1 OF EACH YEAR THAT AT LEAST TWO THOUSAND OF SUCH SPECIAL PLATES ARE TO BE ISSUED WITHIN ONE YEAR AFTER THE AUTHORIZATION OF SUCH PLATES. THE DEPARTMENT SHALL VERIFY THAT ANY PROPOSED GROUP SPECIAL LICENSE PLATES MEET THE TWO-THOUSAND-PLATE REQUIREMENT AND SHALL SUBMIT A CONSOLIDATED PROPOSAL CONTAINING ALL PROPOSED GROUP SPECIAL LICENSE PLATES THAT MEET SUCH PLATE REQUIREMENT.

(3) A GROUP SPECIAL LICENSE PLATE SHALL NOT BE ISSUED TO ANY BUSINESS ENTITY CONDUCTED FOR PROFIT.

SECTION 2. 42-1-102, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

42-1-102. Definitions - repeal. As used in articles 1 to 4 of this title, unless the context otherwise requires:

(24.5) "DISTINCTIVE SPECIAL LICENSE PLATE" MEANS A SPECIAL LICENSE PLATE THAT IS ISSUED TO A PERSON BECAUSE SUCH PERSON HAS AN IMMUTABLE CHARACTERISTIC OR SPECIAL ACHIEVEMENT HONOR. SUCH SPECIAL ACHIEVEMENT HONOR SHALL NOT INCLUDE A COMMON ACHIEVEMENT SUCH AS GRADUATING FROM AN INSTITUTION OF HIGHER EDUCATION.

(41.5) "GROUP SPECIAL LICENSE PLATE" MEANS A SPECIAL LICENSE PLATE THAT IS NOT A DISTINCTIVE PLATE AND IS ISSUED TO A GROUP OF PEOPLE BECAUSE SUCH PEOPLE HAVE A COMMON INTEREST OR AFFINITY.

SECTION 3. 42-3-114 (1), Colorado Revised Statutes, is amended to read:

42-3-114. Issuance of personalized plates authorized. (1) The department is authorized to issue personalized license plates for motor vehicles in accordance with the provisions of this section. ~~for the year 1977 and thereafter.~~

SECTION 4. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: May 31, 2001