

CHAPTER 361

MOTOR VEHICLES AND TRAFFIC REGULATION

SENATE BILL 07-241

BY SENATOR(S) Johnson, Keller, Tapia, and Bacon;
also REPRESENTATIVE(S) Pommer, Buescher, White, and Cerbo.

AN ACT

**CONCERNING IMPOSITION OF FEES TO FUND THE OPERATION OF DRIVER'S LICENSE OFFICES, AND
MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**

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

SECTION 1. Part 1 of article 2 of title 42, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

42-2-114.5. Licensing services cash fund. THE LICENSING SERVICES CASH FUND IS HEREBY CREATED IN THE STATE TREASURY. MONEYS IN THE FUND SHALL BE APPROPRIATED BY THE GENERAL ASSEMBLY TO THE DEPARTMENT FOR THE COST OF PERSONAL SERVICES AND OPERATING EXPENSES INCURRED IN THE OPERATION OF DRIVER'S LICENSE OFFICES. MONEYS IN THE FUND AT THE END OF EACH FISCAL YEAR, AS WELL AS INTEREST EARNED ON THE INVESTMENT OF MONEYS IN THE FUND, SHALL BE RETAINED IN THE FUND AND SHALL NOT REVERT TO THE GENERAL FUND OR ANY OTHER FUND.

SECTION 2. 42-2-107 (1) (a) (I), Colorado Revised Statutes, is amended to read:

42-2-107. Application for license or instruction permit - anatomical gifts - donations to organ and tissue donation awareness fund - legislative declaration - repeal. (1) (a) (I) Every application for an instruction permit or for a driver's or minor driver's license shall be made upon forms furnished by the department. Every application shall be accompanied by the required fee. The fee for an application for any instruction permit shall be ~~ten dollars~~ THIRTEEN DOLLARS AND FORTY CENTS, WHICH SHALL BE TRANSFERRED TO THE STATE TREASURER, WHO SHALL CREDIT TEN DOLLARS TO THE HIGHWAY USERS TAX FUND AND THREE DOLLARS AND FORTY CENTS TO THE LICENSING SERVICES CASH FUND CREATED IN SECTION 42-2-114.5. Every

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

applicant shall submit, with the application, proof of age or proof of identity, or both, as the department may require.

SECTION 3. 42-2-114 (2) (a) (I) (A), (2) (a) (I) (C), (2) (a) (I) (D), (4) (a), and (5), Colorado Revised Statutes, are amended to read:

42-2-114. License issued - fees - repeal. (2) (a) (I) Except as provided in subsection (3) of this section:

(A) The fee for the issuance of a driver's license to a person twenty-one years of age or older and sixty years of age or younger shall be ~~fifteen dollars~~ TWENTY DOLLARS AND FORTY CENTS, which license shall expire on the birthday of the applicant in the fifth year after the issuance thereof. THE FEE SHALL BE TRANSFERRED TO THE STATE TREASURER, WHO SHALL CREDIT FIFTEEN DOLLARS TO THE HIGHWAY USERS TAX FUND AND FIVE DOLLARS AND FORTY CENTS TO THE LICENSING SERVICES CASH FUND CREATED IN SECTION 42-2-114.5. In the case of such a driver's license issued by the office of the county clerk and recorder in each county, the office of the county clerk and recorder shall retain the sum of ~~six~~ EIGHT dollars, and ~~nine dollars~~ TWELVE DOLLARS AND FORTY CENTS shall be forwarded to the department for transmission to the state treasurer, who shall credit ~~the same~~ THREE DOLLARS AND FORTY CENTS TO THE LICENSING SERVICES CASH FUND AND NINE DOLLARS to the highway users tax fund, and the general assembly shall make appropriations therefrom for the expenses of the administration of ~~parts~~ THIS PART 1 and PART 2 of this article; except that eight dollars and fifty cents of each fee shall be allocated pursuant to section 43-4-205 (6) (b), C.R.S.

(C) ~~Before July 1, 2006, the fee for the issuance of a driver's license to a person sixty-one years of age or older shall be seven dollars and fifty cents, which license shall expire on the birthday of the applicant in the fifth year after the issuance thereof. In the case of such a driver's license issued by the office of the county clerk and recorder in each county, the office of the county clerk and recorder shall retain the sum of four dollars, and three dollars and fifty cents shall be forwarded to the department for transmission to the state treasurer, who shall credit the same to the highway users tax fund, and the general assembly shall make appropriations therefrom for the expenses of the administration of parts 1 and 2 of this article; except that three dollars and twenty-five cents of each fee shall be allocated pursuant to section 43-4-205 (6) (b), C.R.S.~~

(D) ~~On and after July 1, 2006,~~ The fee for the issuance of a driver's license to a person sixty-one years of age or older shall be ~~fifteen dollars~~ TWENTY DOLLARS AND FORTY CENTS, which license shall expire on the birthday of the applicant in the fifth year after the issuance thereof. THE FEE SHALL BE TRANSFERRED TO THE STATE TREASURER, WHO SHALL CREDIT FIFTEEN DOLLARS TO THE HIGHWAY USERS TAX FUND AND FIVE DOLLARS AND FORTY CENTS TO THE LICENSING SERVICES CASH FUND CREATED IN SECTION 42-2-114.5. In the case of such a driver's license issued by the office of the county clerk and recorder in each county, the office of the county clerk and recorder shall retain the sum of ~~six~~ EIGHT dollars, and ~~nine dollars~~ TWELVE DOLLARS AND FORTY CENTS shall be forwarded to the department for transmission to the state treasurer, who shall credit ~~the same~~ THREE DOLLARS AND FORTY CENTS TO THE LICENSE PLATE SERVICES CASH FUND AND NINE DOLLARS to the highway users tax fund, and the general assembly shall make appropriations therefrom for the

expenses of the administration of ~~parts~~ THIS PART 1 and PART 2 of this article; except that eight dollars and fifty cents of each fee shall be allocated pursuant to section 43-4-205 (6) (b), C.R.S.

(4) (a) ~~Except as provided in subsection (5) of this section,~~ The fee for the issuance of a minor driver's license shall be ~~fifteen dollars~~ TWENTY DOLLARS AND FORTY CENTS, which license shall expire twenty days after the twenty-first birthday of the licensee. THE FEE SHALL BE TRANSFERRED TO THE STATE TREASURER, WHO SHALL CREDIT FIFTEEN DOLLARS TO THE HIGHWAY USERS TAX FUND AND FIVE DOLLARS AND FORTY CENTS TO THE LICENSING SERVICES CASH FUND CREATED IN SECTION 42-2-114.5. In the case of the issuance of any minor driver's license by the office of the county clerk and recorder, the fee therefor shall be apportioned in the same manner as for the issuance of a driver's license pursuant to paragraph (a) of subsection (2) of this section.

(5) ~~The fee for the issuance of a minor driver's license to any person who obtained an instruction permit and paid the fee required by section 42-2-107 (1) shall be twenty-five dollars.~~

SECTION 4. 42-2-117 (1), Colorado Revised Statutes, is amended to read:

42-2-117. Duplicate permits and minor licenses - replacement licenses.

(1) ~~In the event that~~ IF an instruction permit or a minor driver's license issued under ~~the provisions of~~ this article is lost, stolen, or destroyed, the person to whom the same was issued, upon request and the payment of a fee of ~~five dollars~~ SIX DOLLARS AND NINETY CENTS for the first duplicate and ~~ten dollars~~ THIRTEEN DOLLARS AND FORTY CENTS for any subsequent duplicate to the department, may obtain a duplicate or substitute therefor upon furnishing satisfactory proof to the department that such permit or minor license had been lost, stolen, or destroyed and that the applicant is qualified to have such a permit or license. THE FEE FOR THE FIRST DUPLICATE LICENSE SHALL BE TRANSFERRED TO THE STATE TREASURER, WHO SHALL CREDIT FIVE DOLLARS TO THE HIGHWAY USERS TAX FUND AND ONE DOLLAR AND NINETY CENTS TO THE LICENSING SERVICES CASH FUND CREATED IN SECTION 42-2-114.5. THE FEE FOR A SUBSEQUENT DUPLICATE LICENSE SHALL BE TRANSFERRED TO THE STATE TREASURER WHO SHALL CREDIT TEN DOLLARS TO THE HIGHWAY USERS TAX FUND AND THREE DOLLARS AND FORTY CENTS TO THE LICENSING SERVICES CASH FUND.

SECTION 5. 42-2-306 (1) (a) (I), (1) (a) (II), and (2), Colorado Revised Statutes, are amended to read:

42-2-306. Fees - disposition - repeal. (1) The department shall charge and collect the following fees:

(a) (I) ~~Except as provided in subparagraph (III) of this paragraph (a), before July 1, 2006, a fee of three dollars and fifty cents at the time of application for an identification card or renewal of an identification card; except that, for applicants sixty years of age or older and applicants referred by any county department of social services pursuant to section 26-2-106 (3), C.R.S., or section 25.5-4-205 (3), C.R.S., there shall be no fee.~~

(II) Except as provided in subparagraph (III) of this paragraph (a), ~~on and after July 1, 2006~~, a fee of ~~seven dollars~~ NINE DOLLARS AND NINETY CENTS at the time of application for an identification card or renewal of an identification card; except that, for applicants sixty years of age or older and applicants referred by any county department of social services pursuant to section 26-2-106 (3) ~~C.R.S.~~, or section 25.5-4-205 (3), C.R.S., there shall be no fee.

(2) ~~All~~ Fees collected under this section shall be remitted monthly to the state treasurer, who shall deposit the ~~funds in~~ FEE IN the state general fund pursuant to ~~the provisions of~~ article 36 of title 24, C.R.S.; EXCEPT THAT TWO DOLLARS AND NINETY CENTS OF THE FEE COLLECTED PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION SHALL BE CREDITED TO THE LICENSING SERVICES CASH FUND CREATED IN SECTION 42-2-114.5.

SECTION 6. 42-2-406 (1) and (2), Colorado Revised Statutes, are amended to read:

42-2-406. Fees. (1) The fee for the issuance of a commercial driver's license shall be ~~twenty-five dollars~~ THIRTY-FOUR DOLLARS AND FORTY CENTS, WHICH SHALL BE TRANSFERRED TO THE STATE TREASURER, WHO SHALL CREDIT TWENTY-FIVE DOLLARS TO THE HIGHWAY USERS TAX FUND AND NINE DOLLARS AND FORTY CENTS TO THE LICENSING SERVICES CASH FUND CREATED IN SECTION 42-2-114.5. Such license shall expire on the birthday of the applicant in the fourth year after the issuance thereof. When issuing a commercial driver's license, the office of the county clerk and recorder shall ~~collect and retain the sum of six~~ EIGHT dollars, and ~~nineteen dollars~~ TWENTY-SIX DOLLARS AND FORTY CENTS shall be forwarded to the department for transmission to the state treasurer, who shall credit ~~the same~~ NINETEEN DOLLARS to the highway users tax fund AND SEVEN DOLLARS AND FORTY CENTS TO THE LICENSING SERVICES CASH FUND. The general assembly shall make annual appropriations therefrom for the expenses of the administration of parts 1 and 2 of this article and this part 4; except that eight dollars and fifty cents of each commercial driver's license fee shall be allocated pursuant to section 43-4-205 (6) (b), C.R.S.

(2) Notwithstanding any other provision of law, the fee for a person eighteen years of age or older for issuance of a minor driver's license ~~which~~ THAT authorizes operation of a commercial motor vehicle upon the highways of this state shall be ~~twenty-five dollars~~. THIRTY-FOUR DOLLARS AND FORTY CENTS, WHICH SHALL BE TRANSFERRED TO THE STATE TREASURER WHO SHALL CREDIT TWENTY-FIVE DOLLARS TO THE HIGHWAY USERS TAX FUND AND NINE DOLLARS AND FORTY CENTS TO THE LICENSING SERVICES CASH FUND CREATED IN SECTION 42-2-114.5. When issuing such a minor driver's license, the office of the county clerk and recorder shall ~~collect and retain the sum of six~~ EIGHT dollars, and ~~nineteen dollars~~ TWENTY-SIX DOLLARS AND FORTY CENTS shall be forwarded to the department for transmission to the state treasurer, who shall credit ~~the same~~ NINETEEN DOLLARS to the highway users tax fund AND SEVEN DOLLARS AND FORTY CENTS TO THE LICENSING SERVICES CASH FUND. The general assembly shall make annual appropriations therefrom for the expenses of the administration of parts 1 and 2 of this article and this part 4; except that eight dollars and fifty cents of each such minor driver's license fee shall be allocated pursuant to section 43-4-205 (6) (b), C.R.S.

SECTION 7. Part 3 of article 3 of title 42, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

42-3-312. Special license plate surcharge. IN ADDITION TO ANY OTHER FEE IMPOSED BY THIS ARTICLE, AN APPLICANT FOR A SPECIAL LICENSE PLATE CREATED BY RULE IN ACCORDANCE WITH SECTION 42-3-207, AS SUCH SECTION EXISTED WHEN THE PLATE WAS CREATED, OR LICENSE PLATES ISSUED PURSUANT TO SECTIONS 42-3-211 TO 42-3-218 AND SECTIONS 42-3-221 TO 42-3-224, SHALL PAY AN ISSUANCE FEE OF TWENTY-FIVE DOLLARS; EXCEPT THAT THE FEE SHALL NOT BE 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 FEE SHALL BE TRANSFERRED TO THE STATE TREASURER AND CREDITED TO THE LICENSING SERVICES CASH FUND CREATED IN SECTION 42-2-114.5.

SECTION 8. Part 3 of article 3 of title 42, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

42-3-312. Special license plate surcharge. IN ADDITION TO ANY OTHER FEE IMPOSED BY THIS ARTICLE, AN APPLICANT FOR A SPECIAL LICENSE PLATE CREATED BY RULE IN ACCORDANCE WITH SECTION 42-3-207, AS SUCH SECTION EXISTED WHEN THE PLATE WAS CREATED, OR LICENSE PLATES ISSUED PURSUANT TO SECTIONS 42-3-211 TO 42-3-218 AND SECTIONS 42-3-221 TO 42-3-225, SHALL PAY AN ISSUANCE FEE OF TWENTY-FIVE DOLLARS; EXCEPT THAT THE FEE SHALL NOT BE 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 FEE SHALL BE TRANSFERRED TO THE STATE TREASURER AND CREDITED TO THE LICENSING SERVICES CASH FUND CREATED IN SECTION 42-2-114.5.

SECTION 9. Part 3 of article 3 of title 42, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

42-3-312. Special license plate surcharge. IN ADDITION TO ANY OTHER FEE IMPOSED BY THIS ARTICLE, AN APPLICANT FOR A SPECIAL LICENSE PLATE CREATED BY RULE IN ACCORDANCE WITH SECTION 42-3-207, AS SUCH SECTION EXISTED WHEN THE PLATE WAS CREATED, OR LICENSE PLATES ISSUED PURSUANT TO SECTIONS 42-3-211 TO 42-3-218 AND SECTIONS 42-3-221 TO 42-3-226, SHALL PAY AN ISSUANCE FEE OF TWENTY-FIVE DOLLARS; EXCEPT THAT THE FEE SHALL NOT BE 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 FEE SHALL BE TRANSFERRED TO THE STATE TREASURER AND CREDITED TO THE LICENSING SERVICES CASH FUND CREATED IN SECTION 42-2-114.5.

SECTION 10. The introductory portion to 42-3-208 (1), Colorado Revised Statutes, is amended to read:

42-3-208. Special plates - qualifications for issuance of special license plates.
(1) The following SPECIAL LICENSE plates created by rule by the department UNDER SECTION 42-3-207, AS SUCH SECTION EXISTED WHEN THE PLATES WERE CREATED, shall be subject to the requirement so specified:

SECTION 11. 43-4-205 (5.5) (b), Colorado Revised Statutes, is amended to

read:

43-4-205. Allocation of fund. (5.5) The following highway users tax fund revenues shall be allocated and expended in accordance with the formula specified in subsection (5) of this section:

(b) Revenues from motor vehicle license plate, identification plate, and placard fees that are credited to the fund pursuant to ~~sections 42-3-301 (1), 42-3-211 (7), 42-3-212 (4), 42-3-213 (1) (b), 42-3-214 (4), 42-3-215 (4) (a), 42-3-216 (5) (a), 42-3-217 (4), 42-3-218 (4), 42-3-204 (2) (c), 42-3-207 (4), 42-3-203 (3) (b), and SECTION 42-4-202 (4) (d) AND ARTICLE 3 OF TITLE 42, C.R.S.;~~

SECTION 12. Appropriation - adjustments to the 2007-08 long bill. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the licensing services cash fund created in section 42-2-114.5 (2), Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for drivers license offices and related expenses, for the fiscal year beginning July 1, 2007, the sum of five million seven hundred fifty-eight thousand nine hundred twenty-nine dollars (\$5,758,929), or so much thereof as may be necessary, for the implementation of this act.

(2) For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2007, shall be adjusted as follows: The general fund appropriation to the department of revenue, for drivers license offices and related expenses, is decreased by five million seven hundred fifty-eight thousand nine hundred twenty-nine dollars (\$5,758,929).

SECTION 13. Effective date - applicability. (1) Except as otherwise provided in subsection (2) of this section, this act shall take effect July 1, 2007.

(2) (a) Section 7 of this act shall only take effect if neither Senate Bill 07-067 nor House Bill 07-1120 is enacted at the first regular session of the sixty-sixth general assembly and neither becomes law.

(b) Section 8 of this act shall only take effect if either Senate Bill 07-067 or House Bill 07-1120, but not both, is enacted at the first regular session of the sixty-sixth general assembly and becomes law.

(c) Section 9 of this act shall only take effect if both Senate Bill 07-067 and House Bill 07-1120 are enacted at the first regular session of the sixty-sixth general assembly and become law.

(3) This act shall apply to fees due on or after July 1, 2007.

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

Approved: May 31, 2007