

CHAPTER 444

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 08-1151

BY REPRESENTATIVE(S) Lambert, Carroll T., Liston, Balmer, Gardner B., Gardner C., Garza-Hicks, Kerr J., King, Looper, Lundberg, Marostica, McNulty, Roberts, Rose, Sonnenberg, Stephens, Summers, Swalm, Todd, Vaad, Witwer, Frangas, Labuda, Massey, Mitchell V., and Stafford;
also SENATOR(S) Schultheis, Harvey, Penry, Cadman, Kopp, Renfro, Gibbs, Mitchell S., Morse, Spence, Taylor, Tochtrop, and Wiens.

AN ACT

CONCERNING SPECIAL LICENSE PLATES THAT HONOR MERITORIOUS SERVICE, AND, IN CONNECTION THEREWITH, CREATING THE BOY SCOUTS CENTENNIAL SPECIAL LICENSE PLATE AND AUTHORIZING MILITARY SPECIAL LICENSE PLATES FOR MOTOR VEHICLES OWNED BY TRUSTS.

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

SECTION 1. 42-1-102 (69), Colorado Revised Statutes, is amended to read:

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

(69) "Person" means a natural person, ESTATE, TRUST, firm, copartnership, association, corporation, or business entity.

SECTION 2. Part 2 of article 3 of title 42, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

42-3-229. Special plates - boy scouts - repeal. (1) BEGINNING JULY 15, 2009, 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 BOY SCOUTS CENTENNIAL SPECIAL LICENSE PLATE, WHICH SHALL BE ISSUED FROM JULY 15, 2009, TO JUNE 30, 2011, OR SO LONG AS THE DEPARTMENT HAS THE SPECIAL LICENSE PLATES IN STOCK,

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

WHICHEVER OCCURS LATER.

(b) A PERSON MAY CONTINUE TO USE THE BOY SCOUTS CENTENNIAL SPECIAL LICENSE PLATE AFTER JUNE 30, 2011, IN ACCORDANCE WITH THIS SECTION.

(c) THE DEPARTMENT IS AUTHORIZED TO BEGIN ISSUANCE OF THE SPECIAL LICENSE PLATE AUTHORIZED BY THIS SUBSECTION (2) IF THE BOY SCOUTS OBTAIN COMMITMENTS FOR THE PURCHASE OF AT LEAST THREE THOUSAND SPECIAL LICENSE PLATES AND PROVIDE TO THE DEPARTMENT A LIST OF THE NAMES AND ADDRESSES OF PERSONS REQUESTING SUCH PLATES BY JANUARY 15, 2009.

(d) EFFECTIVE JULY 15, 2009, THIS SECTION IS REPEALED IF THE DEPARTMENT NOTIFIES THE REVISOR OF STATUTES THAT THE BOY SCOUTS FAILED TO OBTAIN THE COMMITMENTS REQUIRED BY PARAGRAPH (c) OF THIS SUBSECTION (2) BY JANUARY 15, 2009.

(e) THE DESIGN FOR THE SPECIAL LICENSE PLATE SHALL CONFORM WITH STANDARDS ESTABLISHED BY THE DEPARTMENT.

(3) A PERSON MAY APPLY FOR A SPECIAL LICENSE PLATE CREATED BY THIS SECTION IF THE PERSON PAYS THE TAXES AND FEES REQUIRED UNDER THIS SECTION.

(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 SPECIFIED FOR REGULAR MOTOR VEHICLE LICENSE PLATES; EXCEPT THAT THE DEPARTMENT SHALL COLLECT A ONE-TIME FEE OF TWENTY-FIVE DOLLARS FOR ISSUANCE OR REPLACEMENT OF EACH SUCH LICENSE PLATE. THE DEPARTMENT SHALL TRANSMIT THE ADDITIONAL ONE-TIME FEE TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE HIGHWAY USERS TAX FUND CREATED IN SECTION 43-4-201, C.R.S.

(5) AN APPLICANT MAY APPLY FOR PERSONALIZED SPECIAL LICENSE PLATES CREATED BY THIS SECTION. UPON PAYMENT OF THE ADDITIONAL FEE REQUIRED BY SECTION 42-3-211 (6) (a) FOR PERSONALIZED LICENSE PLATES, THE DEPARTMENT MAY ISSUE SUCH 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 SPECIAL LICENSE PLATES CREATED BY THIS SECTION FOR THE VEHICLE UPON PAYING THE FEE IMPOSED BY SECTION 42-3-211 (6) AND UPON TURNING IN SUCH EXISTING PLATES TO THE DEPARTMENT. A PERSON WHO HAS OBTAINED PERSONALIZED SPECIAL LICENSE PLATES UNDER THIS SUBSECTION (5) SHALL PAY THE ANNUAL FEE IMPOSED BY SECTION 42-3-211 (6) (b) FOR RENEWAL OF SUCH PERSONALIZED PLATES. THE FEES UNDER THIS SUBSECTION (5) ARE IN ADDITION TO ALL OTHER TAXES AND FEES IMPOSED FOR THE SPECIAL LICENSE PLATES CREATED BY THIS SECTION.

SECTION 3. 42-3-301 (2) (a) (II), Colorado Revised Statutes, is amended to read:

42-3-301. License plate cash fund - license plate fees. (2) (a) The fees imposed pursuant to subsection (1) of this section shall be set in an amount necessary to recover only the costs of the production and distribution of any license

plates, decals, or validating tabs issued pursuant to this article and shall be:

(II) Two dollars and fifty-four cents per special license plate issued pursuant to section 42-3-207, sections 42-3-209 to 42-3-219, or sections 42-3-221 to 42-3-226 AND 42-3-229;

SECTION 4. 42-3-312, Colorado Revised Statutes, is amended 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~~ 42-3-229 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 5. 42-3-213 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

42-3-213. Special plates - military veterans - rules - retirement. (1) (g) THE DEPARTMENT SHALL ISSUE A SPECIAL LICENSE PLATE AUTHORIZED PURSUANT TO THIS SECTION FOR A MOTOR VEHICLE OWNED BY A TRUST IF:

(I) THE TRUST IS CREATED FOR THE BENEFIT OF A NATURAL PERSON WHO IS QUALIFIED TO RECEIVE THE SPECIAL LICENSE PLATE UNDER PARAGRAPH (a) OF THIS SUBSECTION (1); AND

(II) THE TRUST NAME INCLUDES A NATURAL PERSON WHO IS QUALIFIED TO RECEIVE THE SPECIAL LICENSE PLATE UNDER PARAGRAPH (a) OF THIS SUBSECTION (1).

SECTION 6. Effective date. (1) This act shall take effect January 1, 2009.

(2) However, if a referendum petition is filed against this act or an item, section, or part of this act during the 90-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, then the act, item, section, or part, shall not take effect unless approved by the people at a biennial regular general election and shall take effect on the date specified in subsection (1) or on the date of the official declaration of the vote thereon by proclamation of the governor, whichever is later.

Approved: June 5, 2008