

CHAPTER 357

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 09-1347

BY REPRESENTATIVE(S) Kagan, Benefield, Frangas, Kerr J., McFadyen, Nikkel, Primavera, Solano, Fischer, Gerou, Green, Labuda, Looper, Merrifield, Pace, Stephens, Summers;
also SENATOR(S) Romer, Spence, Groff, Kester, Kopp, Schwartz, Williams.

AN ACT

CONCERNING THE ISSUANCE OF A DONATE LIFE SPECIAL LICENSE PLATE, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. Part 2 of article 3 of title 42, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

42-3-232. Special plates - donate life - repeal. (1) ON OR AFTER JANUARY 1, 2010, THE DEPARTMENT SHALL ISSUE DONATE LIFE 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) THE AMERICAN TRANSPLANT FOUNDATION, INC., MAY DESIGN THE SPECIAL LICENSE PLATES. THE DESIGN FOR THE SPECIAL LICENSE PLATES SHALL CONFORM WITH STANDARDS ESTABLISHED BY THE DEPARTMENT AND SHALL BE SUBJECT TO THE DEPARTMENT'S APPROVAL.

(3) A PERSON SHALL BE ISSUED DONATE LIFE SPECIAL LICENSE PLATES 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 ONE-TIME FEE TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE

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

HIGHWAY USERS TAX FUND CREATED IN SECTION 43-4-201, C.R.S.

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

(6) (a) THE DONATE LIFE SPECIAL LICENSE PLATES SHALL BE RETIRED IF THREE THOUSAND LICENSE PLATES ARE NOT ISSUED BY JULY 1, 2013.

(b) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2014, UNLESS THE DEPARTMENT NOTIFIES THE REVISOR OF STATUTES PRIOR TO JULY 1, 2014, IN WRITING, THAT THREE THOUSAND LICENSE PLATES WERE ISSUED BY JULY 1, 2013.

SECTION 2. 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 ~~42-3-229~~ 42-3-232 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 3. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the license plate cash fund created in section 42-3-301 (1) (b), Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for allocation to the division of motor vehicles, driver and vehicle services, for the fiscal year beginning July 1, 2009, the sum of sixteen thousand eighty dollars (\$16,080) cash funds, or so much thereof as may be necessary, for the purchase of license plates from the department of corrections, correctional industries.

SECTION 4. Act subject to petition - 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, (August 5, 2009, if adjournment sine die is on May 6, 2009); 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: June 1, 2009