

CHAPTER 231

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 23-1265

BY REPRESENTATIVE(S) Lukens and Velasco, Bird, Joseph, Kipp, Lindsay, Sharbini, Snyder, Soper, Story;
also SENATOR(S) Marchman and Will, Bridges.

AN ACT

CONCERNING THE CREATION OF A "BORN TO BE WILD" SPECIAL LICENSE PLATE TO RAISE FUNDS FOR NONLETHAL MEANS OF MITIGATING CONFLICT WITH GRAY WOLVES, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

(a) The people of Colorado voted to restore gray wolves to the state;

(b) The deployment of programs, training, and equipment to support nonlethal means of reducing conflicts with gray wolves will protect the state's agricultural producers, sportspersons, and rural communities; and

(c) The "Born to Be Wild" license plate will generate significant funding to support the programs, training, and equipment needed to ensure the success of the gray wolf restoration program, mitigate and prevent conflicts with gray wolves, and support the will of Colorado citizens.

SECTION 2. In Colorado Revised Statutes, **add** 42-3-267 as follows:

42-3-267. Special plates - Born to Be Wild - gray wolf conflict mitigation and prevention. (1) ON OR BEFORE JANUARY 1, 2024, OR WHEN THE DEPARTMENT IS ABLE TO ISSUE THE PLATES, 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.

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(2) (a) THERE IS ESTABLISHED THE "BORN TO BE WILD" LICENSE PLATE.

(b) FOR THE "BORN TO BE WILD" LICENSE PLATE ESTABLISHED PURSUANT TO THIS SECTION, THE DEPARTMENT SHALL USE A DESIGN APPROVED BY THE DEPARTMENT, WHICH DESIGN MUST CONFORM TO STANDARDS SET BY THE DEPARTMENT.

(3) A PERSON MAY APPLY FOR THE "BORN TO BE WILD" LICENSE PLATES IF THE PERSON PAYS THE TAXES AND FEES REQUIRED UNDER THIS SECTION.

(4) (a) THE AMOUNT OF TAXES AND FEES FOR SPECIAL LICENSE PLATES ISSUED PURSUANT TO THIS SECTION IS THE SAME AS THE AMOUNT OF THE TAXES AND FEES FOR REGULAR MOTOR VEHICLE LICENSE PLATES; EXCEPT THAT THE DEPARTMENT SHALL COLLECT THE FOLLOWING ADDITIONAL FEES:

(I) A ONE-TIME FEE OF TWENTY-FIVE DOLLARS FOR THE ISSUANCE OR REPLACEMENT OF THE "BORN TO BE WILD" LICENSE PLATES. THE DEPARTMENT SHALL TRANSMIT THE MONEY FROM THE FEE COLLECTED PURSUANT TO THIS SUBSECTION (4)(a) TO THE STATE TREASURER, WHO SHALL CREDIT THE FEE TO THE HIGHWAY USERS TAX FUND CREATED IN SECTION 43-4-201.

(II) AN ANNUAL FIFTY DOLLAR FEE FOR THE ISSUANCE OR REPLACEMENT OR CONTINUED USE OF THE "BORN TO BE WILD" LICENSE PLATES. THE DEPARTMENT SHALL TRANSMIT THE MONEY FROM THE FEE COLLECTED PURSUANT TO THIS SUBSECTION (4)(b) TO THE STATE TREASURER, WHO SHALL CREDIT THE FEE TO THE WILDLIFE CASH FUND CREATED IN SECTION 33-1-112.

(III) A ONE-TIME SPECIAL LICENSE PLATE ISSUANCE FEE AS SPECIFIED IN SECTION 42-3-312.

(b) THE DIVISION OF PARKS AND WILDLIFE SHALL USE THE MONEY FROM FEES PAID PURSUANT TO SUBSECTION (4)(a) OF THIS SECTION FOR NONLETHAL METHODS OF MITIGATING AND PREVENTING CONFLICT WITH GRAY WOLVES AS DESCRIBED IN SECTION 33-1-112 (1)(c).

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

SECTION 3. In Colorado Revised Statutes, 33-1-112, **amend** (1)(a); and **add** (1)(c) as follows:

33-1-112. Funds - cost accounting - definition - repeal. (1) (a) Except as provided in subsections (7) and (8) of this section, sections 33-1-112.5 and 33-6-105, and in part 7 of article 22 of title 39, ~~C.R.S.~~, all ~~moneys~~ MONEY received from wildlife license fees, and all ~~moneys~~ MONEY from all other wildlife sources, ALL MONEY FROM FEES COLLECTED PURSUANT TO SECTION 42-3-267 (4)(a)(II), and all interest earned on such ~~moneys~~ MONEY shall be deposited in the state treasury and credited to the wildlife cash fund, which fund is hereby created. ~~and such moneys~~ EXCEPT AS PROVIDED IN SUBSECTION (1)(c) OF THIS SECTION, THE MONEY IN THE WILDLIFE CASH FUND shall be utilized for expenditures authorized or contemplated by and not inconsistent with the provisions of articles 1 to 6 of this ~~title~~ TITLE 33 for wildlife activities and functions and for the financing of impact assistance grants pursuant to part 3 of article 25 of title 30. ~~C.R.S.~~ All ~~moneys~~ MONEY so deposited in the wildlife cash fund shall remain in ~~such~~ THE fund to be used for the purposes set forth in the provisions of articles 1 to 6 of this ~~title~~ TITLE 33 and shall not be deposited in or transferred to the general fund of the state of Colorado or any other fund.

(c) (I) THE DIVISION SHALL USE THE MONEY FROM FEES PAID PURSUANT TO SECTION 42-3-267 (4)(a)(II) AND DEPOSITED IN THE WILDLIFE CASH FUND FOR ANY OF THE FOLLOWING PURPOSES RELATED TO THE RESTORATION AND MANAGEMENT OF GRAY WOLVES PURSUANT TO SECTION 33-2-105.8:

(A) PROGRAMS, TRAINING, PERSONNEL, CONTRACTORS, AND COMMUNITY OUTREACH EVENTS RELATED TO NONLETHAL MEANS OF MITIGATING AND PREVENTING CONFLICT WITH GRAY WOLVES;

(B) THE PURCHASE AND DEPLOYMENT OF EQUIPMENT, TECHNOLOGY, AND TRAINING MATERIALS RELATED TO NONLETHAL MEANS OF MITIGATING AND PREVENTING CONFLICT WITH GRAY WOLVES;

(C) TO SUPPORT RESEARCH RELATED TO DEVELOPING MORE EFFECTIVE TOOLS, TECHNOLOGY, AND METHODS FOR MITIGATING AND PREVENTING CONFLICT WITH GRAY WOLVES BY NONLETHAL MEANS;

(D) TO SUPPORT THE OBSERVATION, MONITORING, AND NONLETHAL MANAGEMENT OF GRAY WOLF POPULATIONS;

(E) FOR PROMOTION OF THE "BORN TO BE WILD" LICENSE PLATE, FOR WHICH THE DIVISION SHALL SOLICIT GRANT APPLICATIONS ANNUALLY FROM, AND MAY AWARD GRANTS TO, ORGANIZATIONS IN ORDER TO PROMOTE AND MARKET THE "BORN TO BE WILD" LICENSE PLATE; OR

(F) OTHER NONLETHAL MEANS FOR REDUCING CONFLICT WITH GRAY WOLVES, AS DETERMINED BY THE DIVISION.

(II) THE DIVISION SHALL NOT USE ANY MONEY FROM FEES PAID PURSUANT TO SECTION 42-3-267 (4)(a)(II) AND DEPOSITED IN THE WILDLIFE CASH FUND FOR THE LETHAL CONTROL OF WOLVES OR FOR COMPENSATION FOR WOLF DEPREDATION.

SECTION 4. In Colorado Revised Statutes, **amend** 42-3-312 as follows:

42-3-312. Special license plate surcharge. In addition to any other fee imposed by this article 3, an applicant for a special license plate created by rule in accordance with section 42-3-207, as the section existed when the plate was created, or special license plates issued pursuant to sections 42-3-211 to 42-3-214, sections 42-3-217 to 42-3-218, sections 42-3-221 to 42-3-234, sections 42-3-237 to 42-3-258, and sections 42-3-260 to 42-3-265, AND SECTION 42-3-267 shall pay an issuance fee of twenty-five dollars; except that the fee is not 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 department shall transfer the MONEY FROM THE fee to the state treasurer, who shall credit it to the Colorado DRIVES vehicle services account created in section 42-1-211 (2).

SECTION 5. Appropriation. (1) For the 2023-24 state fiscal year, \$99,642 is appropriated to the department of revenue for use by the division of motor vehicles. This appropriation consists of \$11,054 from the Colorado DRIVES vehicle services account in the highway users tax fund created in section 42-1-211 (2), C.R.S., and \$88,588 from the license plate cash fund created in section 42-3-301 (1)(b), C.R.S. To implement this act, the division may use this appropriation as follows:

(a) \$11,054 from the Colorado DRIVES vehicle services account for DRIVES maintenance and support; and

(b) \$88,588 from the license plate cash fund for use by vehicle services for license plate ordering.

(2) For the 2023-24 state fiscal year, \$548,000 is appropriated to the department of natural resources for use by the division of parks and wildlife. This appropriation is from the wildlife cash fund created in section 33-1-112 (1)(a), C.R.S. To implement this act, the department may use this appropriation for wildlife operations.

SECTION 6. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 20, 2023