

CHAPTER 204

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 26-1306

BY REPRESENTATIVE(S) Duran and Suckla, Brown, Carter, Lieder, Bacon, Clifford, Joseph, Lindsay, Nguyen, Ricks, Rutinel, Slauch, Soper, Weinberg, McCluskie;
also SENATOR(S) Kipp, Wallace, Coleman.

AN ACT

CONCERNING THE CREATION OF THE WILD HORSE SPECIAL LICENSE PLATE, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 24-77-102, **amend** (6) as follows:

24-77-102. Definitions.

As used in this article 77, unless the context otherwise requires:

(6) "Gift" means something of value which is given to the state voluntarily by any person or entity, regardless of whether such person or entity specifies the purpose or purposes for which such thing of value is to be used. "Gift" includes, but is not limited to, DONATIONS MADE TO THE WILD HORSE FUND, CREATED IN SECTION 35-66-104, PURSUANT TO SECTION 42-3-272 AND voluntary contributions received by the state as a result of any state voluntary contribution program established pursuant to article 22 of title 39. ~~C.R.S.~~ "Gift" does not include federal funds or any pecuniary compensation received by the state from any other governmental entity.

SECTION 2. In Colorado Revised Statutes, 35-66-104, **amend** (2)(a); and **add** (6) as follows:

35-66-104. Wild horse fund - legislative declaration.

(2) (a) (I) State money in the fund is continuously appropriated to the department for use by the wild horse project to implement and administer this article 66.

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.

(II) (A) NOTWITHSTANDING SUBSECTION (2)(a)(I) OF THIS SECTION, THE STATE MONEY IN THE FUND IS SUBJECT TO THE TRANSFERS DESCRIBED IN SECTION 42-3-272 (4)(b)(II).

(B) THIS SUBSECTION (2)(a)(II) IS REPEALED, EFFECTIVE JULY 1, 2028.

(6)(a) THE WILD HORSE LICENSE PLATE ACCOUNT IS CREATED IN THE WILD HORSE FUND. THE STATE TREASURER SHALL CREDIT DONATIONS MADE UNDER SECTION 42-3-272 (3)(a) TO THE ACCOUNT.

(b) THE MONEY IN THE WILD HORSE LICENSE PLATE ACCOUNT MAY BE USED BY THE WILD HORSE PROJECT TO IMPLEMENT AND ADMINISTER THIS ARTICLE 66 IN ACCORDANCE WITH THIS SECTION, BUT THE STATE TREASURER SHALL NOT TRANSFER THE MONEY IN THE ACCOUNT TO THE COLORADO DRIVES VEHICLE SERVICES ACCOUNT, CREATED IN SECTION 42-1-211, THE HIGHWAY USERS TAX FUND, CREATED IN SECTION 43-4-201, OR THE LICENSE PLATE CASH FUND, CREATED IN SECTION 42-3-301, AS DESCRIBED IN SECTION 42-3-272 (4)(b)(II).

(c) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE WILD HORSE LICENSE PLATE ACCOUNT TO THE FUND.

(d) THIS SUBSECTION (6) IS REPEALED, EFFECTIVE JULY 1, 2028.

SECTION 3. In Colorado Revised Statutes, **add** 42-3-272 as follows:

42-3-272. Special plates - wild horses - legislative declaration - repeal.

(1) BEGINNING ON THE EARLIER OF JANUARY 1, 2027, OR WHEN THE DEPARTMENT IS ABLE TO ISSUE THE PLATE, 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) THE WILD HORSE LICENSE PLATE IS ESTABLISHED.

(b) THE DEPARTMENT SHALL DESIGN THE PLATE IN COOPERATION AND CONSULTATION WITH THE DEPARTMENT OF AGRICULTURE TO INDICATE THAT THE MOTOR VEHICLE TO WHICH THE PLATE IS ATTACHED IS OWNED BY A PERSON THAT SUPPORTS THE HUMAN PRESERVATION OF WILD HORSES.

(3)(a)(I) A PERSON MAY APPLY FOR A WILD HORSE LICENSE PLATE IF THE PERSON PAYS THE TAXES AND FEES REQUIRED IN THIS SECTION AND MAKES A DONATION OF:

(A) ON OR BEFORE JUNE 30, 2028, ONE HUNDRED DOLLARS TO THE WILD HORSE FUND, CREATED IN SECTION 35-66-104, FOR USE BY THE WILD HORSE POPULATION MANAGEMENT PROGRAM ESTABLISHED IN SECTIONS 35-1-119 AND 35-66-108; OR

(B) ON OR AFTER JULY 1, 2028, FIFTY DOLLARS TO THE WILD HORSE FUND,

CREATED IN SECTION 35-66-104, FOR USE BY THE WILD HORSE POPULATION MANAGEMENT PROGRAM ESTABLISHED IN SECTIONS 35-1-119 AND 35-66-108.

(II) THIS SUBSECTION (3)(a)(II) AND SUBSECTION (3)(a)(I)(A) OF THIS SECTION ARE REPEALED, EFFECTIVE JULY 1, 2028.

(b) TO RENEW A WILD HORSE LICENSE PLATE, THE OWNER MUST MAKE AN ANNUAL DONATION OF FIFTY DOLLARS TO THE WILD HORSE FUND, CREATED IN SECTION 35-66-104.

(c) THE AUTHORIZED AGENT SHALL COLLECT THE DONATION REQUIRED IN SUBSECTION (3)(a) OR (3)(b) OF THIS SECTION AND TRANSFER THE DONATION TO THE DEPARTMENT OF REVENUE. THE STATE TREASURER SHALL CREDIT THE DONATIONS TO THE WILD HORSE FUND, CREATED IN SECTION 35-66-104.

(d) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT A DONATION RECEIVED UNDER SUBSECTION (3)(a) OR (3)(b) OF THIS SECTION IS A CUSTODIAL FUND AND, THEREFORE, IS NOT SUBJECT TO APPROPRIATION OR TO SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION.

(4) (a) THE AMOUNT OF THE TAXES AND FEES FOR A SPECIAL LICENSE PLATE REQUIRED UNDER THIS SECTION IS THE SAME AS THE AMOUNT OF THE TAXES AND FEES FOR A REGULAR MOTOR VEHICLE LICENSE PLATE; EXCEPT THAT, BEGINNING JULY 1, 2028, THE DEPARTMENT SHALL COLLECT THE FEE SPECIFIED IN SECTION 42-3-312 AND AN ADDITIONAL ONE-TIME FEE OF TWENTY-FIVE DOLLARS FOR ISSUANCE OR REPLACEMENT OF THE SPECIAL LICENSE PLATES. THE STATE TREASURER SHALL CREDIT THE FEE TO THE HIGHWAY USERS TAX FUND, CREATED IN SECTION 43-4-201.

(b) (I) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT SHALL NOTIFY THE STATE TREASURER OF THE NUMBER OF WILD HORSE LICENSE PLATES SOLD. THE EXECUTIVE DIRECTOR OF THE DEPARTMENT, THE COMMISSIONER OF AGRICULTURE, AND THE STATE TREASURER SHALL JOINTLY DETERMINE THE FREQUENCY OF THE NOTIFICATIONS.

(II) UPON RECEIVING THE NOTIFICATION REQUIRED IN SUBSECTION (4)(b)(I) OF THIS SECTION, THE STATE TREASURER SHALL TRANSFER:

(A) TWENTY-FIVE DOLLARS FROM THE WILD HORSE FUND, CREATED IN SECTION 35-66-104, TO THE COLORADO DRIVES VEHICLE SERVICES ACCOUNT, CREATED IN SECTION 42-1-211;

(B) TWENTY-FIVE DOLLARS FROM THE WILD HORSE FUND, CREATED IN SECTION 35-66-104, TO THE HIGHWAY USERS TAX FUND, CREATED IN SECTION 43-4-201; AND

(C) FIFTEEN DOLLARS AND NINETY-FOUR CENTS FROM THE WILD HORSE FUND, CREATED IN SECTION 35-66-104, TO THE LICENSE PLATE CASH FUND, CREATED IN SECTION 42-3-301.

(III) ON DECEMBER 30, 2026, THE STATE TREASURER SHALL TRANSFER TWENTY-FOUR THOUSAND TWO HUNDRED DOLLARS FROM THE WILD HORSE FUND,

CREATED IN SECTION 35-66-104, TO THE LICENSE PLATE CASH FUND, CREATED IN SECTION 42-3-301.

(IV) ON JUNE 30, 2028, THE STATE TREASURER SHALL TRANSFER TWENTY-FOUR THOUSAND TWO HUNDRED DOLLARS FROM THE LICENSE PLATE CASH FUND, CREATED IN SECTION 42-3-301, TO THE WILD HORSE FUND, CREATED IN SECTION 35-66-104.

(V) THIS SUBSECTION (4)(b) IS REPEALED, EFFECTIVE JULY 1, 2028.

(5) AN APPLICANT MAY APPLY TO THE DEPARTMENT FOR PERSONALIZED WILD HORSE 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 WILD HORSE 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 THAT 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 ASSESSED UNDER THIS SUBSECTION (5) ARE IN ADDITION TO ALL OTHER APPLICABLE TAXES AND FEES.

SECTION 4. In Colorado Revised Statutes, 42-3-301, **add** (3) as follows:

42-3-301. License plate cash fund - license plate fees - repeal.

(3) (a) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, THE DEPARTMENT SHALL NOT COLLECT THE FEE IMPOSED IN THIS SECTION FOR THE ISSUANCE OF THE WILD HORSE LICENSE PLATE CREATED IN SECTION 42-3-272.

(b) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE JULY 1, 2028.

SECTION 5. In Colorado Revised Statutes, **amend** 42-3-312 as follows:

42-3-312. Special license plate surcharge.

(1) 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, personalized plates issued under section 42-3-211, or special license plates issued under sections 42-3-212 to 42-3-214, sections 42-3-217 to 42-3-218, sections 42-3-221 to ~~42-3-234~~ **42-3-229**, SECTIONS 42-3-231 TO 42-3-234, sections 42-3-237 to 42-3-258, sections 42-3-260 to 42-3-265, and sections 42-3-267 to 42-3-271 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~~ THE MONEY FROM THE FEE TO THE Colorado DRIVES vehicle services account created in section 42-1-211 (2).

(2) IN ADDITION TO ANY OTHER FEE IMPOSED BY THIS ARTICLE 3, AN APPLICANT

FOR SPECIAL LICENSE PLATES ISSUED UNDER SECTION 42-3-272 SHALL PAY THE FEE IMPOSED IN SUBSECTION (1) OF THIS SECTION ON OR AFTER JULY 1, 2028, TO BE ISSUED THE SPECIAL LICENSE PLATES.

SECTION 6. Appropriation. (1) For the 2026-27 state fiscal year, \$143,412 is appropriated to the department of revenue. This appropriation consists of \$22,337 from the Colorado DRIVES vehicle services account in the highway users tax fund created in section 42-1-211 (2), C.R.S., and \$121,075 from the license plate cash fund created in section 42-3-301 (1)(b), C.R.S. To implement this act, the department may use this appropriation as follows:

(a) \$121,075 from the license plate cash fund for use by the division of motor vehicles for license plate ordering;

(b) \$16,552 from the Colorado DRIVES vehicle services account for DRIVES maintenance and support;

(c) \$1,394 from the Colorado DRIVES vehicle services account for use by the division of motor vehicles for personal services related to vehicle services;

(d) \$1,927 from the Colorado DRIVES vehicle services account for use by the executive director's office for personal services related to administration and support; and

(e) \$2,464 from the Colorado DRIVES vehicle services account for payments to OIT.

SECTION 7. 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 (August 12, 2026, if adjournment sine die is on May 13, 2026); 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 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 28, 2026