

**Second Regular Session
Seventieth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 16-0234.01 Jery Payne x2157

HOUSE BILL 16-1295

HOUSE SPONSORSHIP

Salazar,

SENATE SPONSORSHIP

Ulibarri,

House Committees

Transportation & Energy
Finance

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF A CHICANA/O SPECIAL LICENSE PLATE.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill creates the Chicano special license plate. A person becomes eligible to use the plate by providing a certificate confirming that the person has made a donation to an organization chosen by the department of revenue based on the organization's provision of services to the Latino community. The organization may implement the bill by making grants to other organizations that also qualify under the standards of the bill.

In addition to the standard motor vehicle fees, the plate requires 2

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

one-time fees of \$25. One of the fees is credited to the highway users tax fund and the other to the licensing services cash fund.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 42-3-250 as
3 follows:

4 **42-3-250. Special plates - Chicana/o license plate.**

5 (1) BEGINNING THE EARLIER OF JANUARY 1, 2017, OR WHEN THE
6 DEPARTMENT IS ABLE TO ISSUE THE PLATES, THE DEPARTMENT SHALL
7 ISSUE SPECIAL LICENSE PLATES TO QUALIFIED APPLICANTS IN ACCORDANCE
8 WITH THIS SECTION FOR MOTORCYCLES, PASSENGER CARS, TRUCKS, OR
9 NONCOMMERCIAL OR RECREATIONAL MOTOR VEHICLES THAT DO NOT
10 EXCEED SIXTEEN THOUSAND POUNDS EMPTY WEIGHT.

11 (2) (a) THERE IS HEREBY ESTABLISHED THE CHICANA/O LICENSE
12 PLATE. THE DEPARTMENT MAY STOP ISSUING THE CHICANA/O LICENSE
13 PLATE IF THREE THOUSAND LICENSE PLATES ARE NOT ISSUED BY JULY 1,
14 2021. A PERSON WHO WAS ISSUED A CHICANA/O LICENSE PLATE ON OR
15 BEFORE JULY 1, 2021, MAY CONTINUE TO USE THE LICENSE PLATE AFTER
16 JULY 1, 2021, REGARDLESS OF WHETHER THE DEPARTMENT STOPS ISSUING
17 THE SPECIAL LICENSE PLATE.

18 (b) THE DEPARTMENT SHALL DESIGN THE SPECIAL LICENSE PLATE
19 WITH INPUT FROM INTERESTED PERSONS TO SHOW THAT THE OWNER
20 SUPPORTS THE LATINO COMMUNITY.

21 (3) (a) AT LEAST ONCE EVERY FIVE YEARS, THE DEPARTMENT
22 SHALL DESIGNATE ONE OR MORE ORGANIZATIONS TO QUALIFY APPLICANTS
23 TO BE ISSUED THE CHICANA/O LICENSE PLATE. ANY ORGANIZATION IS
24 ELIGIBLE TO BE SELECTED AND RETAINED IF THE ORGANIZATION HAS
25 RECEIVED A DETERMINATION LETTER FROM THE INTERNAL REVENUE

1 SERVICE GRANTING THE ORGANIZATION TAX-EXEMPT STATUS UNDER 26
2 U.S.C. SEC. 501 (c) (3) AND IF THE ORGANIZATION:

- 3 (I) IS BASED IN COLORADO;
- 4 (II) HAS BEEN IN EXISTENCE FOR AT LEAST THREE YEARS;
- 5 (III) EMPLOYS A STAFF THAT IS AT LEAST FIFTY PERCENT LATINO;
- 6 (IV) EMPLOYS NO MORE THAN FIFTY PEOPLE;
- 7 (V) USES AT LEAST SEVENTY-FIVE PERCENT OF THE
8 ORGANIZATION'S REVENUES TO PROVIDE SERVICES TO THE COLORADO
9 LATINO COMMUNITY;
- 10 (VI) HAS A GOVERNING BOARD THAT IS AT LEAST FIFTY PERCENT
11 LATINO; AND
- 12 (VII) COMPLIES WITH THIS SECTION.

13 (b) AN ORGANIZATION CHOSEN TO QUALIFY APPLICANTS TO BE
14 ISSUED A LICENSE PLATE MAY PROVIDE SERVICES DIRECTLY OR BY ACTING
15 AS A FISCAL AGENT BY IMPLEMENTING A GRANT PROGRAM TO OTHER
16 ORGANIZATIONS THAT PROVIDE SERVICES. TO QUALIFY FOR A GRANT
17 USING MONEY RAISED UNDER THIS SECTION, THE ORGANIZATION MUST
18 MEET THE REQUIREMENTS ESTABLISHED IN PARAGRAPH (a) OF THIS
19 SUBSECTION (3). TO IMPLEMENT THIS PROGRAM AS A FISCAL AGENT
20 MAKING GRANTS, THE FISCAL AGENT SHALL NOT RETAIN OR SPEND MORE
21 THAN TEN PERCENT OF THE MONEY RAISED UNDER THIS SECTION ON
22 ADMINISTRATIVE COSTS.

23 (c) A PERSON MAY APPLY FOR A CHICANA/O LICENSE PLATE IF THE
24 PERSON PAYS THE TAXES AND FEES REQUIRED UNDER THIS SECTION AND
25 PROVIDES TO THE DEPARTMENT OR AN AUTHORIZED AGENT A CERTIFICATE
26 ISSUED BY THE ORGANIZATION CHOSEN IN ACCORDANCE WITH THIS
27 SUBSECTION (3) CONFIRMING THAT THE APPLICANT HAS MADE A DONATION

1 TO THE ORGANIZATION. THE ORGANIZATION MAY ESTABLISH A MINIMUM
2 DONATION AMOUNT TO QUALIFY FOR THE PLATE. THE ORGANIZATION
3 SHALL USE THE DONATION TO SUPPORT LATINO COMMUNITIES.

4 (d) THE ORGANIZATION CHOSEN IN ACCORDANCE WITH THIS
5 SUBSECTION (3) SHALL FILE WITH THE DEPARTMENT AN ANNUAL
6 STATEMENT VERIFYING THAT IT IS A NONPROFIT ORGANIZATION UNLESS
7 THE DEPARTMENT STOPS ISSUING THE LICENSE PLATE.

8 (4) THE AMOUNT OF THE TAXES AND FEES FOR SPECIAL LICENSE
9 PLATES UNDER THIS SECTION IS THE SAME AS THE AMOUNT OF THE TAXES
10 AND FEES FOR REGULAR MOTOR VEHICLE LICENSE PLATES; EXCEPT THAT
11 THE DEPARTMENT SHALL COLLECT AN ADDITIONAL ONE-TIME FEE OF
12 TWENTY-FIVE DOLLARS FOR ISSUANCE OR REPLACEMENT OF THE LICENSE
13 PLATE. THE DEPARTMENT SHALL TRANSMIT THE ADDITIONAL ONE-TIME
14 FEE TO THE STATE TREASURER, WHO SHALL CREDIT THE FEE TO THE
15 HIGHWAY USERS TAX FUND CREATED IN SECTION 43-4-201, C.R.S.

16 (5) AN APPLICANT MAY APPLY FOR PERSONALIZED CHICANA/O
17 LICENSE PLATES. UPON PAYMENT OF THE ADDITIONAL FEE REQUIRED BY
18 SECTION 42-3-211 (6) (a) FOR PERSONALIZED LICENSE PLATES, THE
19 DEPARTMENT MAY ISSUE THE PLATES IF THE APPLICANT COMPLIES WITH
20 SECTION 42-3-211. IF AN APPLICANT HAS EXISTING PERSONALIZED LICENSE
21 PLATES FOR A MOTOR VEHICLE, THE APPLICANT MAY TRANSFER THE
22 COMBINATION OF LETTERS OR NUMBERS TO A NEW SET OF CHICANA/O
23 LICENSE PLATES FOR THE VEHICLE UPON PAYING THE FEE REQUIRED BY
24 SECTION 42-3-211 (6) (a) AND UPON TURNING IN THE EXISTING PLATES TO
25 THE DEPARTMENT. A PERSON WHO HAS OBTAINED PERSONALIZED LICENSE
26 PLATES UNDER THIS SUBSECTION (5) SHALL PAY THE ANNUAL FEE IMPOSED
27 BY SECTION 42-3-211 (6) (b) FOR RENEWAL OF THE PERSONALIZED PLATES.

1 THE FEES UNDER THIS SUBSECTION (5) ARE IN ADDITION TO ALL OTHER
2 APPLICABLE TAXES AND FEES.

3 **SECTION 2. Act subject to petition - effective date.** This act
4 takes effect at 12:01 a.m. on the day following the expiration of the
5 ninety-day period after final adjournment of the general assembly (August
6 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
7 referendum petition is filed pursuant to section 1 (3) of article V of the
8 state constitution against this act or an item, section, or part of this act
9 within such period, then the act, item, section, or part will not take effect
10 unless approved by the people at the general election to be held in
11 November 2016 and, in such case, will take effect on the date of the
12 official declaration of the vote thereon by the governor.