

CHAPTER 256

TRANSPORTATION

SENATE BILL 17-243

BY SENATOR(S) Baumgardner and Todd;
 also REPRESENTATIVE(S) Jackson, Buckner, Ginal, Hansen, Hooton, Lontine, Michaelson Jenet, Mitsch Bush, Rosenthal,
 Valdez, Duran.

AN ACT

CONCERNING THE CONTINUATION UNDER THE SUNSET LAW OF THE MOTORCYCLE OPERATOR SAFETY TRAINING PROGRAM BY THE DIRECTOR OF THE OFFICE OF TRANSPORTATION SAFETY IN THE DEPARTMENT OF TRANSPORTATION, AND, IN CONNECTION THEREWITH, TRANSFERRING THE OPERATION OF THE PROGRAM TO THE CHIEF OF THE STATE PATROL BEGINNING IN 2018.

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

SECTION 1. In Colorado Revised Statutes, 43-5-501, **amend** (1.5), (4), and (6) as follows:

43-5-501. Definitions. As used in this part 5, unless the context otherwise requires:

(1.5) ~~"Director" means the director of the office~~ "CHIEF" MEANS THE CHIEF OF THE STATE PATROL, CREATED IN SECTION 24-33.5-201.

(4) "Office" means the office of ~~transportation safety~~ THE CHIEF OF THE STATE PATROL in the department of ~~transportation~~ PUBLIC SAFETY.

(6) "Program coordinator" means a person designated by the ~~director~~ CHIEF to ensure compliance with program rules, program operation, and motorcycle safety coordination.

SECTION 2. In Colorado Revised Statutes, 43-5-502, **amend** (1)(c) as follows:

43-5-502. Motorcycle operator safety training program - rules. (1) (c) The ~~director~~ CHIEF shall designate a program coordinator to implement and administer the program. The program coordinator may certify instructor training specialists

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

who meet the applicable standards. The department of ~~transportation~~ PUBLIC SAFETY shall establish standards for recertification training and monitoring of MOST instructors.

SECTION 3. In Colorado Revised Statutes, **add** 43-5-502.5 as follows:

43-5-502.5. Transfer of functions - transitional provisions - repeal. (1) THE CHIEF AND THE OFFICE OF THE CHIEF, RESPECTIVELY, SHALL, ON AND AFTER JANUARY 1, 2018, EXECUTE, ADMINISTER, PERFORM, AND ENFORCE THE RIGHTS, POWERS, DUTIES, FUNCTIONS, AND OBLIGATIONS VESTED PRIOR TO JANUARY 1, 2018, IN THE DIRECTOR AND THE OFFICE OF TRANSPORTATION SAFETY WITHIN THE DEPARTMENT OF TRANSPORTATION CONCERNING THE PROGRAM.

(2) ALL RULES AND ORDERS OF THE DEPARTMENT OF TRANSPORTATION OR THE DIRECTOR OF THE OFFICE OF TRANSPORTATION SAFETY ADOPTED PRIOR TO JANUARY 1, 2018, IN CONNECTION WITH THE POWERS, DUTIES, AND FUNCTIONS TRANSFERRED TO THE CHIEF, CONTINUE TO BE EFFECTIVE UNTIL REVISED, AMENDED, REPEALED, OR NULLIFIED PURSUANT TO LAW. ON AND AFTER JANUARY 1, 2018, THE CHIEF OR THE OFFICE OF THE CHIEF, WHICHEVER IS APPROPRIATE, SHALL ADOPT RULES NECESSARY FOR THE ADMINISTRATION OF THE PROGRAM.

(3) NO SUIT, ACTION, OR OTHER JUDICIAL OR ADMINISTRATIVE PROCEEDING LAWFULLY COMMENCED BEFORE JANUARY 1, 2018, OR THAT COULD HAVE BEEN COMMENCED BEFORE THAT DATE, BY OR AGAINST THE DEPARTMENT OF TRANSPORTATION OR THE DIRECTOR OF THE OFFICE OF TRANSPORTATION SAFETY ABATES BY REASON OF THE TRANSFER OF DUTIES AND FUNCTIONS FROM THEM TO THE CHIEF.

(4) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2023.

SECTION 4. In Colorado Revised Statutes, **amend** 43-5-504 as follows:

43-5-504. Motorcycle operator safety training fund. (1) The motorcycle operator safety training fund is hereby created in the state treasury. The fund consists of ~~moneys~~ MONEY collected under sections 42-2-114 (2)(d), ~~and (4) (b)~~, 42-2-118 (1)(b)(II), and 42-3-304 (4). ~~C.R.S.~~ The ~~moneys~~ MONEY in the fund ~~are~~ IS available immediately, without further appropriation, for allocation by the ~~transportation commission~~ CHIEF to the office to be used for the implementation and administration of the program. ~~Moneys~~ MONEY credited to the fund ~~remain~~ REMAINS in the fund at the end of each fiscal year and ~~are~~ IS not transferred to any other fund.

(2) The ~~director~~ CHIEF, the program coordinator, or a MOST vendor shall not expend or credit moneys for MOST vendor operating expenses or reimburse motorcycles, helmets, textbooks, and other capital expenses incurred by MOST vendors, excluding the travel costs of mobile training.

(3) THE CHIEF OR HIS OR HER DESIGNEE MAY ACCEPT, ON BEHALF OF AND IN THE NAME OF THE STATE, GIFTS, DONATIONS, AND GRANTS FOR ANY PURPOSE CONNECTED WITH THE PROGRAM. ANY PROPERTY SO GIVEN SHALL BE HELD BY THE STATE TREASURER, BUT THE CHIEF OR HIS OR HER DESIGNEE MAY DIRECT THE DISPOSITION

OF ANY PROPERTY SO GIVEN FOR ANY PURPOSE CONSISTENT WITH THE TERMS AND CONDITIONS UNDER WHICH THE GIFT WAS MADE.

SECTION 5. In Colorado Revised Statutes, 43-5-505, **amend** (1)(a) and (1)(d) introductory portion as follows:

43-5-505. Advisory board. (1) The motorcycle operator safety advisory board is hereby created. The board consists of:

(a) The director OF THE COLORADO DEPARTMENT OF TRANSPORTATION or ~~the director's~~ HIS OR HER designee;

(d) Nine members appointed by the ~~executive director of the department of transportation~~ CHIEF OF THE COLORADO STATE PATROL:

SECTION 6. In Colorado Revised Statutes, **amend** 43-5-506 as follows:

43-5-506. Report. No later than September 1 of each year, the department of ~~transportation~~ PUBLIC SAFETY shall report to the legislative audit committee and the house and senate transportation committees, or their successor committees. The report must comment on the effectiveness of the program, annual motorcycle accidents or fatalities, availability of training throughout the state, historic and current training costs, and other performance measures.

SECTION 7. In Colorado Revised Statutes, **amend** 43-5-507 as follows:

43-5-507. Repeal. This part 5 is repealed, effective September 1, ~~2017~~ 2020. BEFORE ITS REPEAL, THIS PART 5 IS SCHEDULED FOR REVIEW IN ACCORDANCE WITH SECTION 24-34-104.

SECTION 8. In Colorado Revised Statutes, 24-34-104, **amend** (19)(a) introductory portion; **add** (19)(a)(XIII); and **repeal** (13)(a)(IV) as follows:

24-34-104. General assembly review of regulatory agencies and functions for repeal, continuation, or reestablishment - legislative declaration - repeal. (13) (a) The following agencies, functions, or both, will repeal on September 1, 2017:

(IV) ~~The MOST program created in part 5 of article 5 of title 43, C.R.S.;~~

(19) (a) The following agencies, functions, or both, ~~will~~ ARE SCHEDULED FOR repeal on September 1, 2020:

(XIII) THE MOTORCYCLE OPERATOR SAFETY TRAINING PROGRAM CREATED IN PART 5 OF ARTICLE 5 OF TITLE 43.

SECTION 9. In Colorado Revised Statutes, 24-75-402, **amend** (5)(n) as follows:

24-75-402. Cash funds - limit on uncommitted reserves - reduction in amount of fees - exclusions - repeal. (5) Notwithstanding any provision of this section to the contrary, the following cash funds are excluded from the limitations specified in this section:

(n) The motorcycle operator safety training fund created in section 43-5-504, C.R.S., until this paragraph (n) SUBSECTION (5)(n) is repealed, effective July 1, 2017 SEPTEMBER 1, 2020;

SECTION 10. Effective date. (1) Except as otherwise provided in subsection (2) of this section, this act takes effect July 1, 2017.

(2) Sections 1 to 6 of this act take effect January 1, 2018.

SECTION 11. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 25, 2017