

CHAPTER 378

GOVERNMENT - STATE

SENATE BILL 22-217

BY SENATOR(S) Hansen and Zenzinger, Rankin, Bridges, Buckner, Cooke, Coram, Ginal, Hinrichsen, Jaquez Lewis, Lee, Pettersen, Priola, Rodriguez, Smallwood, Story, Winter, Fenberg;
 also REPRESENTATIVE(S) Herod and Ransom, McCluskie, Bacon, Benavidez, Burnett, Bird, Boesenecker, Caraveo, Carver, Cutter, Duran, Exum, Froelich, Jodeh, Kipp, Lindsay, Lontine, McCormick, McLachlan, Michaelson Jenet, Mullica, Ortiz, Pico, Roberts, Sandridge, Soper, Titone, Valdez A., Woodrow, Young.

AN ACT

**CONCERNING MOTOR VEHICLE RELATED PROGRAMS THAT BENEFIT PERSONS WITH DISABILITIES,
 AND, IN CONNECTION THEREWITH, MAKING AND REDUCING AN APPROPRIATION.**

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

SECTION 1. In Colorado Revised Statutes, 24-30-2203, **amend** (1) and (6)(c); and **add** (6)(e), (6)(f), (6)(g), (6)(h), (6)(i), (6)(j), and (10) as follows:

24-30-2203. Colorado disability funding committee. (1) The Colorado disability funding committee is hereby created within the department of personnel. The committee consists of thirteen members appointed by the governor, ~~Of the thirteen members, at least seven members must be either a person with a disability, a care giver of a person with a disability, or a person who lives in a household with a person with a disability and is meaningfully involved in the care of a person with a disability~~ THE MAJORITY OF WHOM ARE PERSONS WITH DISABILITIES, PERSONS WITH IMMEDIATE FAMILY MEMBERS WHO ARE PERSONS WITH DISABILITIES, OR PERSONS WHO ARE CARE-GIVERS TO A FAMILY MEMBER WHO IS A PERSON WITH DISABILITIES. In making the appointments, the governor shall ensure that the committee has members with experience in or knowledge of business and business management; nonprofit entities and managing nonprofit entities; advocacy for persons with disabilities; the practice of medicine; and the practice of law with experience working with persons with disabilities. ~~In addition to the thirteen members, the governor's council for persons with disabilities may, in consultation with the committee, appoint a representative to serve on the committee in an ex officio capacity.~~

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.

(6) The committee has the following duties and powers:

(c) To have and exercise all rights and powers necessary or incidental to, or implied from, the specific powers granted in this part 22; ~~and~~

(e) TO ADOPT AND USE A SEAL AND TO ALTER THE SAME AT ITS PLEASURE;

(f) TO AUTHORIZE AN AUCTIONEER OR OTHER SELLER OF A REGISTRATION NUMBER TO RETAIN A REASONABLE COMMISSION AS DETERMINED BY THE COMMITTEE;

(g) TO MAKE BUSINESS DECISIONS TO IMPLEMENT THIS PART 22;

(h) TO CREATE INCENTIVES FOR HOLDERS TO TURN IN CURRENTLY ISSUED REGISTRATION NUMBERS IF ANY ACTUAL COSTS ARE REIMBURSED TO THE STATE FROM THE SALE;

(i) TO AUTHORIZE AND SELL LICENSE PLATES MADE OF ALTERNATIVE MATERIALS IF APPROVED BY THE DEPARTMENT OF REVENUE; AND

(j) TO SELL THE RIGHT TO USE ADDITIONAL LICENSE PLATE OPTIONS, SUCH AS HISTORICALLY ISSUED BACKGROUNDS, FOR A FEE IF THE OPTION IS APPROVED BY THE DEPARTMENT OF REVENUE AND THE COLORADO STATE PATROL.

(10) THE DEPARTMENT OF PUBLIC SAFETY MAY PROHIBIT ANY ACTION OF THE COMMITTEE OR ITS AGENTS THAT CONCERNS THE SALE OF LICENSE PLATES OR REGISTRATION NUMBERS IF THE DECISION WOULD AFFECT THE POLICY OF THE STATE OF COLORADO AS IT RELATES TO THE USE OR DISPLAY OF LICENSE PLATES OR REGISTRATION NUMBERS.

SECTION 2. In Colorado Revised Statutes, 24-30-2204, **amend** (1)(b), (1)(c), (2)(a), (2)(b) introductory portion, and (3); **repeal** (2)(b)(VIII); and **add** (2)(d) as follows:

24-30-2204. Program to assist persons to obtain disability benefits - repeal.

(1) When adequate funding is available, the committee shall invite nonprofit entities to submit a proposal for a program to aid persons with disabilities in accessing disability benefits. To qualify, the nonprofit organization must be based in Colorado and governed by a board that:

(b) Contains members who understand a range of ~~significant~~ disabilities; ~~including physical and mental~~; and

(c) Contains a majority ~~of either~~ OF MEMBERS WHO ARE PERSONS WITH DISABILITIES, PERSONS WITH IMMEDIATE FAMILY MEMBERS WHO ARE PERSONS WITH DISABILITIES, OR PERSONS WHO ARE CARE GIVERS TO A FAMILY MEMBER WHO IS A PERSON WITH DISABILITIES; OR:

(I) ~~Recipients with disabilities; or~~

(II) ~~Family members of recipients with disabilities who have experience in~~

~~representing the interests of a person with a disability;~~

~~(III) HAS A CONTRACT WITH AN ORGANIZATION THAT MEETS THE ABOVE CRITERIA TO ASSUME THE DISABILITY PERSPECTIVE.~~

(2) (a) (I) The committee shall review the proposed programs and shall award a contract to ~~the nonprofit entity~~ ONE OR MORE ENTITIES that best ~~meets~~ MEET the requirements of this section in accordance with the "Procurement Code", articles 101 to 112 of this ~~title~~ TITLE 24.

~~(II) The term of the EACH contract is one year. Before the contract expires, the committee shall evaluate whether the nonprofit entity and the contract are reasonably meeting the requirements of this section, including objective and quantitative evaluations, whenever possible, of the satisfaction of program participants, the program's success in obtaining disability benefits for program participants, the program's effectiveness at helping program participants obtain jobs, and improvements in the quality of life of program participants. The committee shall include the evaluation criteria in the contract.~~ UP TO THREE YEARS. THE COMMITTEE SHALL INCLUDE EVALUATION CRITERIA IN THE CONTRACT WITH METRICS THAT MUST BE MET AT LEAST ONCE A YEAR TO CONTINUE FUNDING.

~~(III) The committee may renew the contract annually for up to five years. After five years, the committee shall reopen the contract to a competitive bid process.~~

(b) The committee shall not award ~~the~~ A contract unless the proposal includes:

~~(VIII) Effective July 1, 2020, the ability to serve persons with disabilities statewide.~~

(d) TO THE GREATEST EXTENT POSSIBLE, THE COMMITTEE SHALL ENSURE THROUGH ONE OR MORE CONTRACTS PURSUANT TO THIS SECTION THAT PERSONS WITH DISABILITIES ARE SERVED STATEWIDE.

(3) The entity awarded a contract under this section shall make quarterly reports of expenditures to ~~the department of personnel, which shall make the reports available to the committee.~~ The committee shall include in the contract a method and format for making the reports.

SECTION 3. In Colorado Revised Statutes, **amend** 24-30-2204.5 as follows:

24-30-2204.5. Program to investigate, fund, and pilot projects or programs to benefit persons with disabilities. (1) The committee shall accept and review proposals to fund projects or programs, OR BOTH, that study or pilot new and innovative ideas that will lead to an improved quality of life or increased independence for persons with disabilities. Proposals may be accepted throughout the year, and grants or loans may be made by the committee at its regular meetings. The fund created in section 24-30-2205.5 shall be the sole source to fund any grants or loans made pursuant to this section.

(2) To be eligible for funding pursuant to this section, a project or program must:

(a) Demonstrate a capability to be self-sustaining or otherwise be able to develop long-term independent funding; ~~and~~

(b) Have a governing body, ~~or board,~~ OR OWNERSHIP that is composed of persons with a demonstrated commitment to improving the lives of persons with disabilities, ~~and have a majority be persons with disabilities or family members of persons with disabilities~~ THE MAJORITY OF WHOM ARE PERSONS WITH DISABILITIES, PERSONS WITH IMMEDIATE FAMILY MEMBERS WHO ARE PERSONS WITH DISABILITIES, OR PERSONS WHO ARE CAREGIVERS TO A FAMILY MEMBER WHO IS A PERSON WITH DISABILITIES; AND

(c) IN THE CASE OF A SOLE PROPRIETORSHIP, HAVE AN OWNER WHO IS A PERSON WITH A DEMONSTRATED COMMITMENT TO IMPROVING THE LIVES OF PERSONS WITH DISABILITIES, WHO IS A PERSON WITH A DISABILITY, A PERSON WITH AN IMMEDIATE FAMILY MEMBER WHO IS A PERSON WITH A DISABILITY, OR A PERSON WHO IS A CARE GIVER TO A FAMILY MEMBER WHO IS A PERSON WITH A DISABILITY.

SECTION 4. In Colorado Revised Statutes, 24-30-2205.5, **amend** (4) as follows:

24-30-2205.5. Disability support fund. (4) The committee shall ~~prioritize funding for the implementation of section 24-30-2204 before funding for the implementation of section 24-30-2204.5~~ EVALUATE THE COST OF IMPLEMENTING SECTION 24-30-2204 AT LEAST ONCE ANNUALLY AND, IF IT IS FINANCIALLY FEASIBLE TO IMPLEMENT THAT SECTION, SHALL IMPLEMENT SECTION 24-30-2204 BEFORE IMPLEMENTING SECTION 24-30-2204.5.

SECTION 5. In Colorado Revised Statutes, 24-30-2209, **amend** (2) as follows:

24-30-2209. Creation of a private market for registration numbers - fee. (2) The royalty for the state's approval and transfer of the right to use a registration number is twenty-five percent of the sale price of the transfer. At the time of sale, the purchaser shall pay the royalty to the committee. This payment is IN ADDITION TO AND not in lieu of the normal registration fees, SALES OR USE TAXES, or specific ownership tax.

SECTION 6. In Colorado Revised Statutes, 24-75-402, **amend** (5)(tt) and (5)(uu); and **add** (5)(yy) as follows:

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

(tt) The community impact cash fund created in section 25-7-129 (1); ~~and~~

(uu) The 988 crisis hotline cash fund created in section 27-64-104; AND

(yy) THE DISABILITY SUPPORT FUND CREATED IN SECTION 24-30-2205.5 (1).

SECTION 7. In Colorado Revised Statutes, 39-22-535, **amend** (1) as follows:

39-22-535. Credit for purchase of uniquely valuable motor vehicle registration numbers. (1) For tax years commencing on or after January 1, 2013, a person who buys THE RIGHT TO USE a registration number under section 24-30-2206 is allowed a credit against the income taxes imposed by this article 22 for twenty percent of the portion of the purchase price ~~that the Colorado disability funding committee, created in section 24-30-2203, certifies exceeds the registration number's fair market value. This is the value the Colorado disability funding committee expects from the sale of the registration number, not the cost of registering the vehicle.~~ OF THE RIGHT TO USE THE REGISTRATION NUMBER THAT IS PAID TO THE COLORADO DISABILITY FUNDING COMMITTEE CREATED IN SECTION 24-30-2203.

SECTION 8. In Colorado Revised Statutes, **amend** 42-1-226 as follows:

42-1-226. Disabled parking education and enforcement fund - created. There is hereby created in the state treasury the disabled parking education and enforcement fund, which consists of money collected pursuant to this section and section 42-4-1208 (6) and (7). The general assembly shall appropriate the money in the fund for the purposes specified in ~~sections 42-3-204 and 42-4-1208~~ SECTIONS 42-1-227, 42-3-204, AND 42-4-1208. Unexpended and unencumbered money in the fund at the end of a fiscal year remains in the fund and shall not be credited or transferred to the general fund or another fund. The department may accept gifts, grants, or donations from private or public sources for the purposes of this section. All private and public ~~funds~~ MONEY received through gifts, grants, or donations must be transmitted to the state treasurer, who shall credit the money to the fund.

SECTION 9. In Colorado Revised Statutes, **recreate and reenact, with amendments,** 42-1-227 as follows:

42-1-227. Disabled parking education program. (1) SUBJECT TO THE AVAILABILITY OF MONEY APPROPRIATED TO THE DEPARTMENT OF PERSONNEL PURSUANT TO SECTION 42-1-226, THE COLORADO DISABILITY FUNDING COMMITTEE, CREATED IN SECTION 24-30-2203:

(a) MAY MAKE GRANTS OR DEVELOP, IMPLEMENT, OR DELIVER EDUCATION PROGRAMS FOR THE PURPOSE OF PROVIDING PEACE OFFICERS, LOCAL GOVERNMENTS, ENTITIES THAT PROVIDE PARKING, ENTITIES THAT PROVIDE PRIVATE PARKING ENFORCEMENT INCLUDING TOW OPERATORS, MEDICAL PROVIDERS, DRIVERS, AND PERSONS WITH DISABILITIES WITH EDUCATION CONCERNING ELIGIBILITY STANDARDS FOR RESERVED PARKING AVAILABLE TO A PERSON WITH A DISABILITY AFFECTING MOBILITY, APPROPRIATE USE OF THE RESERVED PARKING, THE LEGAL STANDARDS AND VIOLATIONS CONTAINED IN SECTIONS 42-3-204 AND 42-4-1208, AND THE ADVANTAGES OF CREATING A VOLUNTEER ENFORCEMENT PROGRAM; AND

(b) SHALL CREATE OR MAKE AVAILABLE A TRAINING PROGRAM TO ASSIST PROFESSIONALS IN UNDERSTANDING THE STANDARDS THAT NEED TO BE MET TO OBTAIN AN IDENTIFYING LICENSE PLATE OR PLACARD.

SECTION 10. In Colorado Revised Statutes, 42-3-211, **amend** (9) as follows:

42-3-211. Issuance of personalized plates authorized. (9) (a) A person who

has been issued personalized license plates PURSUANT TO THIS SECTION, SECTION 42-3-115 (5)(a), OR SECTION 42-3-206.5 may retain the unique combination of letters or numbers of such plate, notwithstanding that the person no longer has a registered motor vehicle, if the person pays an annual fee of twenty-five dollars, which shall be transferred to the highway users tax fund.

(b) This subsection (9) shall not be construed to authorize a person to reserve license plates for which no motor vehicle has ever been registered according to this ~~article~~ ARTICLE 3, UNLESS THE LICENSE PLATE CONFIGURATION WAS PURCHASED PURSUANT TO SECTION 24-30-2208. This subsection (9) shall not be construed to require the department to send a renewal notice to the person who retains the unique combination of letters or numbers.

SECTION 11. In Colorado Revised Statutes, 42-3-206.5, **amend** (1), (3), and (5); **repeal** (2) and (4); and **add** (2.5) as follows:

42-3-206.5. Issuance of plates in a retired style authorized - additional fee - rules. (1) ~~Subject to the requirements of this section~~ BEGINNING JANUARY 1, 2023, OR WHEN THE DEPARTMENT IS ABLE TO ISSUE LICENSE PLATES PURSUANT TO SECTION 24-30-2203 (6)(j), WHICHEVER IS EARLIER, ~~the department may~~ SHALL issue license plates in ~~the previously retired style that had white letters and numbers on a background of green mountains and a white sky~~ STYLES for MOTORCYCLES, passenger cars, ~~or trucks, not over~~ OR NONCOMMERCIAL OR RECREATIONAL MOTOR VEHICLES THAT DO NOT EXCEED sixteen thousand pounds empty weight THAT HAD:

(a) (I) WHITE LETTERS AND NUMBERS ON A BACKGROUND OF GREEN MOUNTAINS AND A WHITE SKY;

(II) WHITE LETTERS AND NUMBERS ON A BACKGROUND OF BLACK WITH A WHITE BORDER;

(III) WHITE LETTERS AND NUMBERS ON A BACKGROUND OF BLUE WITH A WHITE BORDER; OR

(IV) WHITE LETTERS AND NUMBERS ON A BACKGROUND OF RED WITH A WHITE BORDER.

(b) THE AMOUNT OF THE TAXES AND FEES FOR LICENSE PLATES IN THE PREVIOUSLY RETIRED STYLE IS THE SAME AS THE AMOUNT OF THE TAXES AND FEES SPECIFIED FOR REGULAR MOTOR VEHICLE PLATES PLUS AN ANNUAL FEE OF TWENTY-FIVE DOLLARS, WHICH SHALL BE CREDITED TO THE DISABILITY SUPPORT FUND, CREATED IN SECTION 24-30-2205.5.

(2) ~~The department may only issue plates in the previously retired style if the department determines that demand for the style, including willingness to pay an additional fee that fully defrays the costs of producing the license plates in the style, is sufficiently high to justify production of the license plates.~~

(2.5) THE COLORADO DISABILITY FUNDING COMMITTEE IS RESPONSIBLE FOR THE COSTS OF DESIGNING THE PREVIOUSLY RETIRED LICENSE PLATE STYLES AND SHALL PAY SUCH COSTS BEFORE THE LICENSE PLATES ARE PRODUCED. THE DESIGN FOR THE

PREVIOUSLY RETIRED LICENSE PLATE STYLES SHALL CONFORM WITH STANDARDS ESTABLISHED BY THE DEPARTMENT. AFTER JANUARY 1, 2028, THE DEPARTMENT MAY STOP PRODUCING PLATES IN A PREVIOUSLY RETIRED STYLE IF THE DEPARTMENT DETERMINES THAT DEMAND FOR THAT STYLE, INCLUDING WILLINGNESS TO PAY AN ADDITIONAL FEE THAT FULLY DEFRAYS THE COSTS OF PRODUCING THE LICENSE PLATES IN THE STYLE, IS NOT SUFFICIENTLY HIGH TO JUSTIFY PRODUCTION OF THE LICENSE PLATES.

(3) An applicant may apply for personalized license plates in ~~the~~ A previously retired style if the department offers such plates for purchase. If the applicant complies with section 42-3-211, the department may issue such plates upon payment of the additional fee required by section 42-3-211 (6) for personalized license plates. ~~plus twenty-five dollars. The twenty-five dollars paid on top of the additional fee required by section 42-3-211 (6) shall be transmitted to the state treasurer, who shall credit the twenty-five dollars to the disability support fund created in section 24-30-2205.5.~~ If the 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 license plates in ~~the~~ A previously retired style for the vehicle upon paying the fee imposed by section 42-3-211 (6)(a) and upon turning in such existing plates to the department as required by the department. A person who has obtained personalized license plates in ~~the~~ A previously retired style under this subsection (3) shall pay the annual fee imposed by section 42-3-211 (6)(b) to renew such plates. The fees imposed by this subsection (3) are in addition to all other taxes and fees imposed for license plates in ~~the~~ A previously retired style.

(4) ~~The amount of the taxes and fees for license plates in the previously retired style is the same as the amount of the taxes and fees specified for regular motor vehicle plates plus an additional annual fee set by the department in the lesser of the amount necessary to defray the actual costs of producing and issuing the plates plus twenty-five dollars or seventy-five dollars. The additional fee shall be transmitted to the state treasurer, who shall credit it to the license plate cash fund created in section 42-3-301 (1)(b); except that twenty-five dollars of the fee shall be credited to the disability support fund created in section 24-30-2205.5.~~

(5) All applications for license plates in ~~the~~ A previously retired style must be made directly to the department.

SECTION 12. In Colorado Revised Statutes, 8-84-106, **amend** (3)(c)(II)(F), (3)(c)(II)(G), and (3)(d); and **add** (3)(c)(II)(H), (3)(c)(II)(I), (3)(c)(II)(J) as follows:

8-84-106. Rehabilitation of persons with disabilities - rules. (3) (c) (II) The department shall provide the following services at public cost without consideration of financial need:

(F) Job search and placement assistance; ~~and~~

(G) ~~Job retention~~ JOB-RELATED services;

(H) DISABILITY-RELATED SKILLS TRAINING, INCLUDING TRAINING IN THE USE OF REHABILITATION TECHNOLOGY;

(I) PRE-EMPLOYMENT TRANSITION SERVICES; AND

(J) SERVICES IDENTIFIED AS EXEMPT FROM FINANCIAL PARTICIPATION IN DEPARTMENT RULES.

~~(d) (I) (A) The department shall determine a person with a disability's need for financial assistance based on the person's need and income, or the income of the person's legally and financially responsible relative. The department shall determine the need for financial assistance for a person with a disability, or for the person's legally and financially responsible relative, prior to providing vocational rehabilitation services, except for diagnostic, guidance, job placement, and related services. The person with a disability, or the person's legally and financially responsible relative, shall contribute toward the cost of his or her vocational rehabilitation services to the extent that the department determines that he or she is financially able. except that,~~

(B) If the person with a disability has been determined eligible for social security benefits under Title II or XVI of the federal "Social Security Act", 42 U.S.C. sec. 301 et seq., as amended, he or she is not required to further contribute to the costs of any services provided.

(II) As used in this paragraph (d), a "person's legally and financially responsible relative" means the relative who identifies the person as a ~~dependant~~ DEPENDENT for federal income tax purposes.

SECTION 13. In Colorado Revised Statutes, **repeal** 24-30-2207.

SECTION 14. Appropriation - adjustments to 2022 long bill. (1) To implement this act, appropriations made in the annual general appropriation act for the 2022-23 state fiscal year to the department of personnel for use by the executive director's office are adjusted as follows:

(a) The cash funds appropriation from the disability support fund created in section 24-30-2205.5 (1), C.R.S., for the disability funding committee is decreased by \$100,000;

(b) The cash funds appropriation for the disability funding committee is increased by \$100,000 from the disabled parking education and enforcement fund created in section 42-1-226, C.R.S.

SECTION 15. Appropriation. (1) For the 2022-23 state fiscal year, \$65,545 is appropriated to the department of personnel. This appropriation is from the disability support fund created in section 24-30-2205.5 (1), C.R.S. To implement this act, the department may use this appropriation for the disability funding committee.

(2) For the 2022-23 state fiscal year, \$65,545 is appropriated to the department of revenue. This appropriation is from reappropriated funds received from the department of personnel under subsection (1) of this section. To implement this act, the department may use this appropriation as follows:

- (a) \$58,070 for DRIVES maintenance and support; and
- (b) \$7,475 for the purchase of information technology services.

(3) For the 2022-23 state fiscal year, \$7,475 is appropriated to the office of the governor for use by the office of information technology. This appropriation is from reappropriated funds received from the department of revenue under subsection (2)(b) of this section. To implement this act, the office may use this appropriation to provide information technology services for the department of revenue.

(4) For the 2022-23 state fiscal year, \$8,608 is appropriated to the department of revenue for use by the division of motor vehicles. This appropriation is 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 for license plate ordering.

SECTION 16. 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 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: June 7, 2022