

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0800.01 Brita Darling x2241

HOUSE BILL 24-1132

HOUSE SPONSORSHIP

Rutinel and Bradfield,

SENATE SPONSORSHIP

Buckner,

House Committees
Health & Human Services

Senate Committees

A BILL FOR AN ACT

101 CONCERNING COMPREHENSIVE SUPPORT FOR ORGAN DONATION BY
102 LIVING ORGAN DONORS.

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://leg.colorado.gov>.)

Section 1 of the bill creates the "CARE for Living Organ Donors Act" (act) to include benefits and recognition for living organ donors. The act includes:

- A list of provisions in current law, as well as in the bill, that may benefit a living organ donor;
- Certification of living organ donors by the department of

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

public health and environment to allow living organ donors to verify their status as living organ donors, which may be required for a benefit or recognition;

- Authorization for a health-care provider to make a qualified payment to a certified living organ donor or an individual who will become a certified living organ donor for expenses associated with a living organ donation; and
- Before performing an organ donation recovery operation on a living organ donor donating an organ without an intended recipient, a requirement that a transplant center participate in a national-level organ voucher program or have its own internal organ voucher program that satisfies specified requirements.

Section 3 prohibits an employer from intimidating, threatening, coercing, discriminating, or retaliating against or taking an adverse action against an employee who is or becomes a living organ donor.

Section 5 designates April 11 each year as "Living Organ Donor Recognition Day".

Sections 6 and 7 create:

- The organ donation qualified payment tax credit, which allows a health-care provider that makes a qualified payment to a certified living organ donor for certain expenses related to organ donation to claim a refundable credit equal to the total amount of the qualified payment; and
- The living organ donor tax credit, which allows a certified living organ donor to claim a refundable credit equal to the total amount of qualified expenses the donor incurred in connection with an organ donation, up to \$40,000.

Sections 8 and 9 create a distinctive special license plate for living organ donors featuring the statement "Living Organ Donor".

Sections 2 and 4 of the bill make technical amendments to or relocate current law.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add with amended**
3 **and relocated provisions** article 59 to title 25 as follows:

4 **ARTICLE 59**

5 **Living Organ Donation**

6 **25-59-101. Short title.** THE SHORT TITLE OF THIS ARTICLE 59 IS

1 THE "COMPREHENSIVE ASSISTANCE, RECOGNITION, AND EMPOWERMENT
2 (CARE) FOR LIVING ORGAN DONORS ACT" OR "CARE FOR LIVING
3 ORGAN DONORS ACT".

4 **25-59-102. Legislative declaration.** (1) THE GENERAL ASSEMBLY
5 FINDS AND DECLARES THAT:

6 (a) THE EXTRAORDINARY GIFT OF LIVING ORGAN DONATION HAS
7 A TRANSFORMATIVE IMPACT ON A RECIPIENT'S LIFE, OFTEN PROVIDING A
8 REPRIEVE FROM EXHAUSTIVE MEDICAL TREATMENTS AND SIGNIFICANTLY
9 IMPROVING THE QUALITY AND LENGTH OF LIFE OF THE RECIPIENT;

10 (b) DESPITE THE COMMENDABLE RISE IN LIVING ORGAN
11 DONATIONS, A CRITICAL SHORTAGE REMAINS, WITH COUNTLESS
12 INDIVIDUALS ON TRANSPLANT WAITING LISTS. THIS SITUATION CAN BE
13 AMELIORATED BY FACILITATING THE DONATION PROCESS AND PROVIDING
14 ROBUST SUPPORT TO DONORS.

15 (c) LIVING ORGAN DONORS WILLINGLY ACCEPT THE PERSONAL AND
16 MEDICAL BURDENS ASSOCIATED WITH THE ORGAN DONATION PROCESS,
17 INCLUDING UNDERGOING COMPREHENSIVE AND INVASIVE MEDICAL
18 EVALUATIONS, FACING THE INHERENT RISKS OF SURGERIES, AND ENDURING
19 THE PHYSICAL AND EMOTIONAL CHALLENGES OF POSTOPERATIVE
20 RECOVERY;

21 (d) LIVING ORGAN DONORS MAY BE REQUIRED TO MAKE
22 SUBSTANTIAL FINANCIAL SACRIFICES, INCLUDING SUFFERING A LOSS OF
23 INCOME DURING RECOVERY, INCURRING EXPENSES FOR TRAVEL,
24 ACCOMMODATIONS, AND CHILD CARE OR ELDER CARE DURING
25 HOSPITALIZATION OR RECOVERY, AND FACING THE POTENTIAL FOR
26 LONG-TERM FINANCIAL IMPLICATIONS RELATED TO MEDICAL CARE;

27 (e) NOTWITHSTANDING THE WILLINGNESS OF DONORS TO

1 CONTRIBUTE TO THE PUBLIC GOOD, THE POTENTIAL FOR EMPLOYMENT
2 DISCRIMINATION AND RETALIATION POST-DONATION, INCLUDING JOB
3 INSECURITY, DEMOTIONS, OR UNWARRANTED DISCIPLINARY ACTIONS, CAN
4 BE A SIGNIFICANT DETERRENT TO PROSPECTIVE LIVING ORGAN DONORS;

5 (f) THERE ARE SIGNIFICANT SOCIETAL BENEFITS TO FACILITATING
6 LIVING ORGAN DONATION, WHICH NOT ONLY SAVES LIVES, BUT ALSO
7 REDUCES THE OVERALL HEALTH-CARE COSTS ASSOCIATED WITH
8 LONG-TERM TREATMENTS FOR END-STAGE ORGAN DISEASE, SUCH AS
9 DIALYSIS FOR KIDNEY FAILURE, THAT ARE OFTEN MORE COSTLY AND LESS
10 EFFECTIVE THAN TRANSPLANTATION;

11 (g) IT IS WITHIN THE POWER AND RESPONSIBILITY OF THE GENERAL
12 ASSEMBLY TO ENACT MEASURES THAT ALLEVIATE THE BURDENS BORNE BY
13 LIVING ORGAN DONORS AND TO ENSURE THAT THEY ARE NOT PENALIZED
14 OR PLACED AT A DISADVANTAGE FOR THEIR ALTRUISTIC ACTS;

15 (h) BY SUPPORTING LIVING ORGAN DONORS, COLORADO NOT ONLY
16 INVESTS IN THE HEALTH AND WELL-BEING OF ITS CITIZENS, BUT ALSO
17 FOSTERS A CULTURE OF GENEROSITY AND CIVIC RESPONSIBILITY,
18 PROMOTING THE WELFARE OF THE COMMUNITY AT LARGE; AND

19 (i) COLORADO'S COMMITMENT TO PROVIDING COMPREHENSIVE
20 SUPPORT, INCLUDING EMPLOYMENT PROTECTIONS AND THE REMOVAL OF
21 FINANCIAL BARRIERS, IN ADDITION TO OTHER EFFORTS THAT RECOGNIZE
22 A LIVING ORGAN DONOR'S PERSONAL AND FINANCIAL SACRIFICE,
23 EMPOWERS MORE COLORADANS TO CONSIDER THE NOBLE ACT OF LIVING
24 ORGAN DONATION.

25 (2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT
26 THE ENACTMENT OF THE "CARE FOR LIVING ORGAN DONORS ACT" WILL
27 ADDRESS THE CRITICAL NEEDS OF LIVING ORGAN DONORS, PROVIDE

1 NECESSARY PROTECTIONS FOR LIVING ORGAN DONORS, REMOVE BARRIERS
2 TO LIVING ORGAN DONATION, AND HONOR THOSE INDIVIDUALS WHO
3 UNDERTAKE THIS GENEROUS ACT OF LIVING ORGAN DONATION THAT
4 ULTIMATELY BENEFITS SOCIETY BY INCREASING THE AVAILABILITY OF
5 ORGANS FOR TRANSPLANTATION AND AFFIRMING COLORADO'S
6 COMMITMENT TO THE HEALTH AND DIGNITY OF ITS RESIDENTS.

7 **25-59-103. Definitions.** AS USED IN THIS ARTICLE 59, UNLESS THE
8 CONTEXT OTHERWISE REQUIRES:

9 (1) "CERTIFIED LIVING ORGAN DONOR" MEANS A PERSON
10 CERTIFIED AS A LIVING ORGAN DONOR BY THE DEPARTMENT PURSUANT TO
11 SECTION 25-59-105.

12 (2) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH
13 AND ENVIRONMENT.

14 (3) "HEALTH-CARE PROVIDER" MEANS A HOSPITAL OR OTHER
15 HEALTH FACILITY LICENSED OR CERTIFIED PURSUANT TO SECTION
16 25-1.5-103 (1)(a).

17 (4) "HEALTH-CARE SERVICES RELATED TO LIVING ORGAN
18 DONATION" MEANS AN ORGAN DONATION RECOVERY OPERATION AND ALL
19 SERVICES REQUIRED BEFORE AND AFTER THE OPERATION.

20 (5) "LIVING ORGAN DONATION" MEANS THE DONATION OF AN
21 ORGAN BY A LIVING ORGAN DONOR.

22 (6) "LIVING ORGAN DONOR" MEANS A LIVING INDIVIDUAL WHO
23 HAS DONATED ALL OR PART OF AN ORGAN.

24 (7) "MAJOR SURGERY" MEANS A:

25 (a) SURGICAL INTERVENTION THAT PENETRATES OR EXPOSES A
26 BODY CAVITY;

27 (b) PROCEDURE THAT HAS THE POTENTIAL FOR INDUCING

1 PERMANENT ANATOMIC OR PHYSIOLOGIC IMPAIRMENT; OR

2 (c) PROCEDURE ASSOCIATED WITH ORTHOPEDICS OR EXTENSIVE
3 TISSUE DISSECTION OR TRANSECTION.

4 (8) "NONDIRECTED LIVING ORGAN DONATION" MEANS A LIVING
5 ORGAN DONATION BY A NONDIRECTED LIVING ORGAN DONOR.

6 (9) "NONDIRECTED LIVING ORGAN DONOR" MEANS A LIVING
7 ORGAN DONOR WHO DOES NOT HAVE AN INTENDED RECIPIENT OF THE
8 DONATED ORGAN AT THE TIME OF THE DONATION.

9 (10) "ORGAN" MEANS ALL OR PART OF A KIDNEY, A LUNG, THE
10 LIVER, THE PANCREAS, THE INTESTINE, OR ANY OTHER ORGAN THAT
11 REQUIRES MAJOR SURGERY TO BE DONATED AND THAT, WHEN DONATED,
12 MAY LEAD TO A LIFE-SAVING ORGAN DONATION, AS DETERMINED BY THE
13 DEPARTMENT.

14 (11) "ORGAN DONATION RECOVERY OPERATION" MEANS A
15 PROCEDURE TO RECOVER AN ORGAN FROM A LIVING ORGAN DONOR.

16 (12) "ORGAN VOUCHER PROGRAM" MEANS A PROGRAM THAT
17 ALLOWS A NONDIRECTED LIVING ORGAN DONOR TO DESIGNATE
18 INDIVIDUALS WHO WILL BE PRIORITIZED FOR A VIABLE ORGAN
19 TRANSPLANT FROM ANOTHER NONDIRECTED LIVING ORGAN DONOR, AS
20 DESCRIBED IN SECTION 25-59-108.

21 (13) (a) "QUALIFIED PAYMENT" MEANS A PAYMENT OF FORTY
22 THOUSAND DOLLARS OR LESS MADE BY A HEALTH-CARE PROVIDER
23 PURSUANT TO SECTION 25-59-106 THAT IS REASONABLY ASSOCIATED
24 WITH ANY EXPENSE RELATED TO LIVING ORGAN DONATION, INCLUDING
25 BUT NOT LIMITED TO CHILD CARE AND ELDER CARE EXPENSES AND TRAVEL
26 AND LODGING EXPENSES FOR THE DONOR AND INDIVIDUALS
27 ACCOMPANYING THE DONOR, AS WELL AS OTHER RELATED EXPENSES.

1 (b) "QUALIFIED PAYMENT" DOES NOT INCLUDE ANY PAYMENT
2 MADE IN CONNECTION WITH VALUABLE CONSIDERATION, AS DEFINED IN 42
3 U.S.C. SEC. 274e, AS AMENDED.

4 (14) "TRANSPLANT CENTER" MEANS A HEALTH-CARE PROVIDER
5 THAT PERFORMS ORGAN DONATION RECOVERY OPERATIONS OR
6 TRANSPLANTATION OF ORGANS RECOVERED FROM A LIVING ORGAN
7 DONOR.

8 **25-59-104. Organ donation - benefits and recognition -**
9 **legislative declaration.** (1) LIVING ORGAN DONORS MAY BENEFIT FROM
10 THE FOLLOWING:

11 (a) PURSUANT TO SECTION 8-2-132, A PROHIBITION AGAINST AN
12 EMPLOYER INTIMIDATING, THREATENING, COERCING, DISCRIMINATING, OR
13 RETALIATING AGAINST OR TAKING AN ADVERSE ACTION AGAINST AN
14 EMPLOYEE WHO IS OR BECOMES A LIVING ORGAN DONOR;

15 (b) PURSUANT TO SECTION 10-1-142, A PROHIBITION AGAINST AN
16 INSURER DENYING OR LIMITING COVERAGE OR INCREASING PREMIUMS FOR
17 A POLICY OR CONTRACT FOR LIFE INSURANCE, DISABILITY INCOME
18 INSURANCE, HEALTH INSURANCE, OR LONG-TERM CARE INSURANCE DUE
19 TO THE STATUS OF THE PERSON AS A LIVING ORGAN DONOR;

20 (c) PURSUANT TO SECTION 10-16-104 (24), MANDATORY
21 COVERAGE UNDER INDIVIDUAL AND GROUP HEALTH BENEFIT PLANS FOR
22 HEALTH-CARE SERVICES RELATED TO LIVING ORGAN DONATION;

23 (d) PURSUANT TO SECTION 24-11-117, THE ESTABLISHMENT OF
24 THE ELEVENTH DAY OF APRIL EACH YEAR AS "LIVING ORGAN DONOR
25 RECOGNITION DAY";

26 (e) PURSUANT TO SECTION 25-59-105, CERTIFICATION BY THE
27 DEPARTMENT THAT VERIFIES THAT AN INDIVIDUAL IS A LIVING ORGAN

1 DONOR, WHICH MAY BE REQUIRED FOR A BENEFIT OR RECOGNITION;

2 (f) PURSUANT TO SECTION 25-59-106, A QUALIFIED PAYMENT
3 FROM A HEALTH-CARE PROVIDER TO AN INDIVIDUAL WHO IS A CERTIFIED
4 LIVING ORGAN DONOR OR WHO WILL LATER BECOME A CERTIFIED LIVING
5 ORGAN DONOR, FOR WHICH THE HEALTH-CARE PROVIDER MAY RECEIVE A
6 TAX CREDIT PURSUANT TO SECTION 39-22-560;

7 (g) PURSUANT TO SECTION 25-59-107, A PROHIBITION AGAINST A
8 HEALTH-CARE PROVIDER BILLING OR CHARGING A LIVING ORGAN DONOR
9 FOR ANY COSTS ASSOCIATED WITH PROVIDING HEALTH-CARE SERVICES
10 RELATED TO LIVING ORGAN DONATION;

11 (h) PURSUANT TO SECTION 25-59-108, A PROHIBITION AGAINST A
12 TRANSPLANT CENTER PERFORMING AN ORGAN DONATION RECOVERY
13 OPERATION TO RECOVER FROM A NONDIRECTED LIVING ORGAN DONOR AN
14 ORGAN FOR WHICH THERE IS A NATIONAL-LEVEL ORGAN VOUCHER
15 PROGRAM AVAILABLE IN COLORADO UNLESS THE TRANSPLANT CENTER
16 PARTICIPATES IN THE NATIONAL-LEVEL VOUCHER PROGRAM OR HAS ITS
17 OWN INTERNAL ORGAN VOUCHER PROGRAM;

18 (i) PURSUANT TO SECTION 39-22-560, A TAX CREDIT FOR A
19 HEALTH-CARE PROVIDER THAT PROVIDES A QUALIFIED PAYMENT
20 PURSUANT TO SECTION 25-59-106, TO AN INDIVIDUAL WHO IS OR WILL
21 BECOME A CERTIFIED LIVING ORGAN DONOR;

22 (j) PURSUANT TO SECTION 39-22-561, A TAX CREDIT FOR A
23 CERTIFIED LIVING ORGAN DONOR WHO INCURS A QUALIFIED EXPENSE, AS
24 DEFINED IN SECTION 39-22-561 (2)(d), IN CONNECTION WITH AN ORGAN
25 DONATION RECOVERY OPERATION; AND

26 (k) PURSUANT TO SECTION 42-3-270, A DISTINCTIVE SPECIAL
27 LICENSE PLATE ISSUED TO A CERTIFIED LIVING ORGAN DONOR THAT

1 FEATURES THE STATEMENT "LIVING ORGAN DONOR".

2 (2) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT NONE OF
3 THE BENEFITS DESCRIBED IN SUBSECTION (1) OF THIS SECTION ARE
4 VALUABLE CONSIDERATION, AS DEFINED IN 42 U.S.C. SEC. 274e, AS
5 AMENDED.

6 **25-59-105. Living organ donor certification - department**
7 **procedures.** (1) THE DEPARTMENT SHALL ISSUE A CERTIFICATE TO A
8 LIVING ORGAN DONOR THAT CERTIFIES THE LIVING ORGAN DONOR AS A
9 CERTIFIED LIVING ORGAN DONOR.

10 (2) THE DEPARTMENT SHALL DEVELOP POLICIES AND PROCEDURES
11 AS NECESSARY TO IMPLEMENT THIS SECTION.

12 **25-59-106. Qualified payments by health-care providers.** ON
13 OR AFTER THE EFFECTIVE DATE OF THIS SECTION, A HEALTH-CARE
14 PROVIDER MAY MAKE A QUALIFIED PAYMENT TO AN INDIVIDUAL WHO IS
15 A CERTIFIED LIVING ORGAN DONOR OR WHO WILL LATER BECOME A
16 CERTIFIED LIVING ORGAN DONOR AND MAY APPLY FOR A TAX CREDIT IN
17 CONNECTION WITH THE PAYMENT PURSUANT TO SECTION 39-22-560.

18 **25-59-107. [Formerly 25-1.5-116 (1)] Costs associated with**
19 **living organ donation.** On and after January 1, 2022, a ~~hospital or other~~
20 ~~health facility licensed or certified pursuant to section 25-1.5-103 (1)~~
21 HEALTH-CARE PROVIDER shall not bill or charge a living organ donor for
22 any costs associated with providing ~~the~~ health-care services related to
23 living organ donation.

24 **25-59-108. Organ transplantation - transplant center -**
25 **required participation in nondirected living organ donor voucher**
26 **program.** (1) A TRANSPLANT CENTER SHALL NOT CONDUCT AN ORGAN
27 DONATION RECOVERY OPERATION ON A NONDIRECTED LIVING ORGAN

1 DONOR TO RECOVER ANY ORGAN FOR WHICH THERE IS A NATIONAL-LEVEL
2 ORGAN VOUCHER PROGRAM AVAILABLE IN COLORADO UNLESS THE
3 TRANSPLANT CENTER EITHER PARTNERS WITH THE NATIONAL-LEVEL
4 ORGAN VOUCHER PROGRAM OR HAS ITS OWN INTERNAL ORGAN VOUCHER
5 PROGRAM THAT QUALIFIES PURSUANT TO SUBSECTION (2) OF THIS
6 SECTION.

7 (2) TO QUALIFY, A TRANSPLANT CENTER'S INTERNAL ORGAN
8 VOUCHER PROGRAM:

9 (a) MUST:

10 (I) ALLOW A NONDIRECTED LIVING ORGAN DONOR WHO MAKES A
11 NONDIRECTED LIVING ORGAN DONATION TO DESIGNATE AT LEAST FIVE
12 FRIENDS OR FAMILY MEMBERS TO BE VOUCHER HOLDERS WHO WILL BE
13 PRIORITIZED FOR A VIABLE ORGAN TRANSPLANT FROM ANOTHER LIVING
14 ORGAN DONOR, MANAGED IN COORDINATION WITH THE TRANSPLANT
15 CENTER, SHOULD THE VOUCHER HOLDER BE PLACED ON THE TRANSPLANT
16 CENTER'S WAITING LIST; AND

17 (II) HONOR ALL VOUCHER LIABILITIES IF THE TRANSPLANT CENTER
18 OR ORGAN VOUCHER PROGRAM UNDERGOES A CHANGE IN CONTROL; AND

19 (b) MAY:

20 (I) LIMIT THE REDEMPTION OF THE VOUCHER TO A VOUCHER
21 HOLDER DESIGNATED ON THE NONDIRECTED LIVING ORGAN DONOR'S
22 INFORMED CONSENT DOCUMENT;

23 (II) PROHIBIT THE VOUCHER FROM BEING REASSIGNED; AND

24 (III) PRIORITIZE ONLY THE FIRST VOUCHER HOLDER TO REDEEM
25 THE VOUCHER.

26 **SECTION 2. Repeal of relocated and nonrelocated provisions**
27 **in this act.** In Colorado Revised Statutes, **repeal** 25-1.5-116; except that

1 25-1.5-116 (2) is not relocated.

2 **SECTION 3.** In Colorado Revised Statutes, **add** 8-2-132 as
3 follows:

4 **8-2-132. Prohibition on employers - living organ donation -**
5 **retaliation - adverse action - civil action - penalty for violation -**
6 **definitions.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT
7 OTHERWISE REQUIRES:

8 (a) "ADVERSE ACTION" MEANS:

9 (I) DEMOTION; REASSIGNMENT TO A LOWER-RANKED POSITION OR
10 TO A POSITION WITH A LOWER LEVEL OF COMPENSATION; DECREASE IN
11 COMPENSATION LEVEL; DENIAL OF PROMOTION; REDUCTION IN WORKING
12 CONDITIONS OR PERKS, PRIVILEGES, LOCATION, OR STATUS; OR
13 TERMINATION OF EMPLOYMENT; OR

14 (II) ANY OTHER DECISION FOR EMPLOYMENT PURPOSES THAT
15 ADVERSELY AFFECTS AN EMPLOYEE.

16 (b) "EMPLOYEE" MEANS EVERY PERSON WHO MAY BE PERMITTED,
17 REQUIRED, OR DIRECTED BY ANY EMPLOYER IN CONSIDERATION OF DIRECT
18 OR INDIRECT GAIN OR PROFIT TO ENGAGE IN ANY EMPLOYMENT.

19 (c) "EMPLOYER" MEANS AN INDIVIDUAL OR ENTITY THAT:

20 (I) TRANSACTS BUSINESS IN COLORADO;

21 (II) AT ANY TIME, EMPLOYS ANOTHER PERSON TO PERFORM
22 SERVICES OF ANY NATURE; AND

23 (III) HAS CONTROL OF THE PAYMENT OF WAGES OR OTHER
24 COMPENSATION FOR SUCH SERVICES OR IS THE OFFICER, AGENT, OR
25 EMPLOYEE OF THE PERSON HAVING CONTROL OF THE PAYMENT OF WAGES
26 OR OTHER COMPENSATION FOR SUCH SERVICES.

27 (d) "LIVING ORGAN DONOR" HAS THE MEANING SET FORTH IN

1 SECTION 25-59-103 (6).

2 (e) "ORGAN DONATION RECOVERY OPERATION" HAS THE MEANING
3 SET FORTH IN SECTION 25-59-103 (11).

4 (f) "PROHIBITED PERIOD" MEANS:

5 (I) THE THIRTY-DAY PERIOD BEFORE AN EMPLOYEE'S ORGAN
6 DONATION RECOVERY OPERATION, WITH RESPECT TO EMPLOYEE ACTIONS
7 NECESSARY FOR A SUCCESSFUL ORGAN DONATION RECOVERY OPERATION,
8 AS DETERMINED BY A HEALTH-CARE PROVIDER PERFORMING OR
9 FACILITATING THE ORGAN DONATION RECOVERY OPERATION; AND

10 (II) THE NINETY-DAY PERIOD AFTER AN EMPLOYEE HAS AN ORGAN
11 DONATION RECOVERY OPERATION.

12 (2) AN EMPLOYER SHALL NOT INTIMIDATE, THREATEN, COERCE, OR
13 IN ANY MANNER DISCRIMINATE OR RETALIATE AGAINST OR TAKE ANY
14 ADVERSE ACTION AGAINST AN EMPLOYEE WHO IS OR BECOMES A LIVING
15 ORGAN DONOR.

16 (3) THERE IS A REBUTTABLE PRESUMPTION THAT AN EMPLOYER
17 HAS ENGAGED IN AN ACTION DESCRIBED IN SUBSECTION (2) OF THIS
18 SECTION IF THE ACTION IS TAKEN AGAINST AN EMPLOYEE DURING THE
19 PROHIBITED PERIOD. THE EMPLOYER MUST OVERCOME THE PRESUMPTION
20 BY CLEAR AND CONVINCING EVIDENCE THAT THE PROHIBITED ACT WAS
21 TAKEN FOR A LAWFUL REASON.

22 (4) (a) AN EMPLOYEE WHO ALLEGES A VIOLATION OF THIS SECTION
23 MAY FILE A CIVIL ACTION IN A COURT OF COMPETENT JURISDICTION
24 AGAINST THE EMPLOYER ALLEGED TO HAVE VIOLATED THIS SECTION TO
25 SEEK LEGAL AND EQUITABLE RELIEF AS APPROPRIATE TO REMEDY THE
26 VIOLATION, INCLUDING:

27 (I) BACK PAY;

1 (II) REINSTATEMENT OF EMPLOYMENT OR, IF REINSTATEMENT IS
2 NOT FEASIBLE, FRONT PAY;

3 (III) THE PAYMENT OF WAGES UNLAWFULLY WITHHELD,
4 INCLUDING INTEREST ON THOSE WAGES;

5 (IV) MONETARY PENALTIES;

6 (V) FINES;

7 (VI) INJUNCTIVE RELIEF; AND

8 (VII) ANY OTHER APPROPRIATE REMEDY.

9 (b) IF THE EMPLOYEE PREVAILS IN A CIVIL ACTION BROUGHT
10 PURSUANT TO THIS SECTION, THE COURT SHALL AWARD THE EMPLOYEE
11 REASONABLE ATTORNEY FEES AND COSTS.

12 (c) NOTHING IN THIS SECTION PRECLUDES AN EMPLOYEE FROM
13 ASSERTING ANY OTHER AVAILABLE STATUTORY OR COMMON-LAW CLAIMS.

14 **SECTION 4.** In Colorado Revised Statutes, 10-16-104, **amend**
15 (24)(a)(II) and (24)(b) as follows:

16 **10-16-104. Mandatory coverage provisions - definitions - rules**
17 **- applicability. (24) Living organ donation.** (a) (II) The health benefit
18 plan shall not impose any deductibles, copayments, coinsurance, benefit
19 maximums, waiting periods, or other limitations on coverage for ~~the~~
20 HEALTH-CARE SERVICES RELATED TO living organ donation.

21 (b) As used in this subsection (24):

22 (I) ~~"Health-care services"~~ "HEALTH-CARE SERVICES RELATED TO
23 LIVING ORGAN DONATION" means ~~a procedure to harvest an organ of a~~
24 ~~living organ donor~~ AN ORGAN DONATION RECOVERY OPERATION and all
25 services required before and after the ~~procedure~~ OPERATION.

26 (II) "Living organ donor" means a living ~~person~~ INDIVIDUAL who
27 has donated all or part of an organ.

1 (III) "ORGAN DONATION RECOVERY OPERATION" MEANS A
2 PROCEDURE TO RECOVER AN ORGAN FROM A LIVING ORGAN DONOR.

3 **SECTION 5.** In Colorado Revised Statutes, **add** 24-11-117 as
4 follows:

5 **24-11-117. Living Organ Donor Recognition Day.** THE
6 ELEVENTH DAY OF APRIL EACH YEAR IS KNOWN AS "LIVING ORGAN
7 DONOR RECOGNITION DAY". APPROPRIATE OBSERVANCE MAY BE HELD
8 BY THE PUBLIC AND IN ALL PUBLIC SCHOOLS OF THE STATE.

9 **SECTION 6.** In Colorado Revised Statutes, **add** 39-22-560 and
10 39-22-561 as follows:

11 **39-22-560. Organ donation qualified payment tax credit - tax**
12 **preference performance statement - legislative declaration -**
13 **definitions - repeal.** (1) (a) IN ACCORDANCE WITH SECTION 39-21-304
14 (1), WHICH REQUIRES EACH BILL THAT CREATES A NEW TAX EXPENDITURE
15 TO INCLUDE A TAX PREFERENCE PERFORMANCE STATEMENT AS PART OF A
16 STATUTORY LEGISLATIVE DECLARATION, THE GENERAL ASSEMBLY FINDS
17 AND DECLARES THAT THE PURPOSE OF THE TAX CREDIT PROVIDED IN THIS
18 SECTION IS TO PROVIDE TAX RELIEF TO CERTAIN BUSINESSES,
19 SPECIFICALLY HEALTH-CARE PROVIDERS, THAT PROVIDE A PAYMENT TO
20 CERTIFIED LIVING ORGAN DONORS IN CONNECTION WITH AN ORGAN
21 DONATION RECOVERY OPERATION IN ORDER TO FACILITATE LIVING ORGAN
22 DONATION.

23 (b) THE GENERAL ASSEMBLY AND THE STATE AUDITOR SHALL
24 MEASURE THE EFFECTIVENESS OF THE CREDIT IN ACHIEVING THE PURPOSE
25 SPECIFIED IN SUBSECTION (1)(a) OF THIS SECTION BASED ON THE
26 INFORMATION REQUIRED TO BE MAINTAINED BY AND REPORTED TO THE
27 STATE AUDITOR BY THE DEPARTMENT PURSUANT TO SUBSECTION (6) OF

1 THIS SECTION.

2 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
3 REQUIRES:

4 (a) "CERTIFIED LIVING ORGAN DONOR" HAS THE SAME MEANING
5 AS IN SECTION 25-59-103 (1).

6 (b) "DEPARTMENT" MEANS THE DEPARTMENT OF REVENUE.

7 (c) "HEALTH-CARE PROVIDER" HAS THE SAME MEANING AS IN
8 SECTION 25-59-103 (3).

9 (d) "ORGAN DONATION RECOVERY OPERATION" HAS THE SAME
10 MEANING AS IN SECTION 25-59-103 (11).

11 (e) "QUALIFIED HEALTH-CARE PROVIDER" MEANS A HEALTH-CARE
12 PROVIDER THAT HAS FILED A REGISTRATION STATEMENT WITH THE
13 DEPARTMENT PURSUANT TO SUBSECTION (3)(b) OF THIS SECTION.

14 (f) "QUALIFIED PAYMENT" HAS THE SAME MEANING AS IN SECTION
15 25-59-103 (13).

16 (3) (a) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (6) OF
17 THIS SECTION, FOR INCOME TAX YEARS COMMENCING ON OR AFTER
18 JANUARY 1, 2024, BUT BEFORE JANUARY 1, 2033, A QUALIFIED
19 HEALTH-CARE PROVIDER IS ALLOWED A CREDIT AGAINST THE TAX
20 IMPOSED PURSUANT TO THIS ARTICLE 22 IN AN AMOUNT EQUAL TO THE
21 TOTAL AMOUNT OF QUALIFIED PAYMENTS THAT THE QUALIFIED
22 HEALTH-CARE PROVIDER MADE TO CERTIFIED LIVING ORGAN DONORS
23 DURING THE INCOME TAX YEAR OR TO INDIVIDUALS WHO LATER BECAME
24 CERTIFIED LIVING ORGAN DONORS DURING THE INCOME TAX YEAR AND AN
25 ADDITIONAL AMOUNT OF FIFTY DOLLARS PER QUALIFIED PAYMENT AS
26 RECOMPENSE FOR THE ADMINISTRATIVE COSTS INCURRED IN MAKING
27 QUALIFYING PAYMENTS AND CLAIMING THE CREDIT.

1 (II) IN ORDER TO QUALIFY FOR THE TAX CREDIT ALLOWED
2 PURSUANT TO THIS SECTION, A QUALIFIED HEALTH-CARE PROVIDER SHALL
3 MAKE A QUALIFIED PAYMENT TO A CERTIFIED LIVING ORGAN DONOR OR TO
4 AN INDIVIDUAL WHO LATER BECOMES A CERTIFIED LIVING ORGAN DONOR,
5 AS DESCRIBED IN SECTION 25-59-105.

6 (b) BEFORE MAKING A QUALIFIED PAYMENT TO A CERTIFIED LIVING
7 ORGAN DONOR OR TO AN INDIVIDUAL WHO LATER BECOMES A CERTIFIED
8 LIVING ORGAN DONOR FOR WHICH A HEALTH-CARE PROVIDER INTENDS TO
9 CLAIM A CREDIT PURSUANT TO THIS SECTION, A HEALTH-CARE PROVIDER
10 SHALL REGISTER AS A QUALIFIED HEALTH-CARE PROVIDER BY FILING WITH
11 THE DEPARTMENT A REGISTRATION STATEMENT IN THE FORM AND
12 MANNER PRESCRIBED BY THE DEPARTMENT.

13 (c) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3)(a)(II) OF
14 THIS SECTION, A QUALIFIED HEALTH-CARE PROVIDER SHALL, BEFORE
15 CLAIMING THE TAX CREDIT DESCRIBED IN THIS SECTION, COLLECT FROM
16 THE INDIVIDUAL TO WHOM THE QUALIFIED HEALTH-CARE PROVIDER
17 MAKES A QUALIFIED PAYMENT AN AFFIDAVIT ON FORMS PRESCRIBED BY
18 THE DEPARTMENT AFFIRMING:

19 (I) THAT THE INDIVIDUAL IS A CERTIFIED LIVING ORGAN DONOR;

20 (II) THAT THE CERTIFIED LIVING ORGAN DONOR CONSENTS TO THE
21 QUALIFIED HEALTH-CARE PROVIDER USING THE DONOR'S PERSONAL
22 INFORMATION AS NECESSARY TO CLAIM THE TAX CREDIT DESCRIBED IN
23 THIS SECTION;

24 (III) THAT THE QUALIFIED HEALTH-CARE PROVIDER MADE A
25 QUALIFIED PAYMENT TO THE CERTIFIED LIVING ORGAN DONOR; AND

26 (IV) THE AMOUNT OF THE QUALIFIED PAYMENT THAT THE
27 QUALIFIED HEALTH-CARE PROVIDER MADE TO THE CERTIFIED LIVING

1 ORGAN DONOR.

2 (d) (I) A QUALIFIED HEALTH-CARE PROVIDER THAT APPLIES FOR
3 THE CREDIT DESCRIBED IN THIS SECTION SHALL ELECTRONICALLY SUBMIT
4 A REPORT TO THE DEPARTMENT ON A QUARTERLY BASIS IN A FORM AND
5 MANNER REQUIRED BY THE DEPARTMENT THAT:

6 (A) DETAILS THE NUMBER OF ORGAN DONATION RECOVERY
7 OPERATIONS CONDUCTED BY THE QUALIFIED HEALTH-CARE PROVIDER IN
8 THE REPORTING PERIOD FOR WHICH THE QUALIFIED HEALTH-CARE
9 PROVIDER MADE A QUALIFIED PAYMENT;

10 (B) INCLUDES THE AFFIDAVITS FROM CERTIFIED LIVING ORGAN
11 DONORS DESCRIBED IN SUBSECTION (3)(c) OF THIS SECTION; AND

12 (C) INCLUDES ANY OTHER INFORMATION THE EXECUTIVE
13 DIRECTOR OF THE DEPARTMENT MAY REQUIRE.

14 (II) THE DEPARTMENT SHALL INSPECT A REPORT SUBMITTED BY A
15 QUALIFIED HEALTH-CARE PROVIDER PURSUANT TO THIS SUBSECTION (3)(d)
16 TO DETERMINE THAT THE QUALIFIED HEALTH-CARE PROVIDER CONDUCTED
17 AN ORGAN DONATION RECOVERY OPERATION AND MADE QUALIFIED
18 PAYMENTS TO CERTIFIED LIVING ORGAN DONORS.

19 (e) FOR INCOME TAX YEARS COMMENCING ON OR AFTER JANUARY
20 1, 2025, AS SPECIFIED IN SECTION 39-22-629, THE QUALIFIED
21 HEALTH-CARE PROVIDER MAY ELECT TO RECEIVE ADVANCE PAYMENTS OF
22 THE CREDIT ALLOWED PURSUANT TO THIS SECTION.

23 (4) (a) THE DEPARTMENT SHALL DEVELOP STANDARDS AS
24 NECESSARY FOR THE IMPLEMENTATION OF THIS SECTION. THE
25 DEPARTMENT MAY ANNUALLY REVIEW AND UPDATE THESE STANDARDS.
26 THE DEPARTMENT SHALL POST THE MOST RECENT STANDARDS ON THE
27 DEPARTMENT'S WEBSITE.

1 (b) IF, ON OR BEFORE JUNE 30, 2025, THE DEPARTMENT
2 DETERMINES, IN CONNECTION WITH ITS INSPECTION OF THE AFFIDAVITS
3 REQUIRED PURSUANT TO SUBSECTION (3)(c) OF THIS SECTION, THAT A
4 REGISTRATION PROCESS IS NEEDED AND WOULD BE COST-EFFECTIVE IN
5 CURTAILING FRAUD OR ABUSE RELATED TO CLAIMING THE CREDIT
6 ALLOWED UNDER THIS SECTION, THE DEPARTMENT SHALL DEVELOP SUCH
7 A PROCESS IN LIEU OF THE AFFIDAVITS REQUIRED PURSUANT TO
8 SUBSECTION (3)(c) OF THIS SECTION.

9 (5) IF A CREDIT AUTHORIZED BY THIS SECTION EXCEEDS THE
10 INCOME TAX DUE ON THE INCOME OF THE QUALIFIED HEALTH-CARE
11 PROVIDER FOR THE TAXABLE YEAR, THE EXCESS CREDIT MAY NOT BE
12 CARRIED FORWARD AND MUST BE REFUNDED TO THE QUALIFIED
13 HEALTH-CARE PROVIDER.

14 (6) PURSUANT TO SECTION 39-21-304 (3), AND FOR THE PURPOSE
15 OF PROVIDING DATA THAT ALLOWS THE EFFECTIVENESS OF THE TAX
16 CREDIT ALLOWED PURSUANT TO THIS SECTION TO BE MEASURED, THE
17 DEPARTMENT, ON OR BEFORE JANUARY 1, 2025, AND ON OR BEFORE
18 JANUARY 1 OF EACH YEAR THEREAFTER THROUGH JANUARY 1, 2034,
19 SHALL PROVIDE TO THE STATE AUDITOR INFORMATION THAT DETAILS THE
20 NUMBER OF ORGAN DONATION RECOVERY OPERATIONS AND THE
21 QUALIFIED PAYMENTS FOR WHICH CREDITS ARE CLAIMED, AS REPORTED BY
22 QUALIFIED HEALTH-CARE PROVIDERS CLAIMING THE CREDIT, FOR
23 CONSIDERATION DURING THE STATE AUDITOR'S EVALUATION OF THIS TAX
24 EXPENDITURE PURSUANT TO SECTION 39-21-305.

25 (7) THE DEPARTMENT SHALL PROVIDE TECHNICAL ASSISTANCE TO
26 ENSURE THAT QUALIFIED HEALTH-CARE PROVIDERS HAVE ACCESS TO
27 LOW-COST FINANCING TO SUPPORT THEM IN CLAIMING THE CREDIT

1 ALLOWED UNDER THIS SECTION.

2 (8) A QUALIFIED HEALTH-CARE PROVIDER WHO CLAIMS THE
3 CREDIT UNDER THIS SECTION SHALL FILE A RETURN PURSUANT TO SECTION
4 39-22-601 (7)(b), AS NECESSARY.

5 (9) THIS SECTION IS REPEALED, EFFECTIVE DECEMBER 31, 2038.

6 **39-22-561. Living organ donor tax credit - tax preference**
7 **performance statement - legislative declaration - definitions - repeal.**

8 (1) (a) IN ACCORDANCE WITH SECTION 39-21-304 (1), WHICH REQUIRES
9 EACH BILL THAT CREATES A NEW TAX EXPENDITURE TO INCLUDE A TAX
10 PREFERENCE PERFORMANCE STATEMENT AS PART OF A STATUTORY
11 LEGISLATIVE DECLARATION, THE GENERAL ASSEMBLY FINDS AND
12 DECLARES THAT THE PURPOSE OF THE TAX CREDIT PROVIDED IN THIS
13 SECTION IS TO PROVIDE TAX RELIEF TO CERTAIN INDIVIDUALS,
14 SPECIFICALLY CERTIFIED LIVING ORGAN DONORS, WHO INCUR COSTS IN
15 CONNECTION WITH AN ORGAN DONATION RECOVERY OPERATION IN ORDER
16 TO FACILITATE INDIVIDUALS BECOMING LIVING ORGAN DONORS FOR
17 PURPOSES OF ADDRESSING SHORTAGES IN LIVING ORGAN DONATIONS.

18 (b) THE GENERAL ASSEMBLY AND THE STATE AUDITOR SHALL
19 MEASURE THE EFFECTIVENESS OF THE CREDIT IN ACHIEVING THE PURPOSE
20 SPECIFIED IN SUBSECTION (1)(a) OF THIS SECTION BASED ON THE
21 INFORMATION REQUIRED TO BE MAINTAINED BY AND REPORTED TO THE
22 STATE AUDITOR BY THE DEPARTMENT PURSUANT TO SUBSECTION (6) OF
23 THIS SECTION.

24 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
25 REQUIRES:

26 (a) "CERTIFIED LIVING ORGAN DONOR" HAS THE SAME MEANING
27 AS IN SECTION 25-59-103 (1).

1 (b) "DEPARTMENT" MEANS THE DEPARTMENT OF REVENUE.

2 (c) "ORGAN DONATION RECOVERY OPERATION" HAS THE SAME
3 MEANING AS IN SECTION 25-59-103 (11).

4 (d) (I) "QUALIFIED EXPENSE" MEANS AN EXPENSE INCURRED BY A
5 CERTIFIED LIVING ORGAN DONOR THAT IS REASONABLY ASSOCIATED WITH
6 AN ORGAN DONATION RECOVERY OPERATION.

7 (II) "QUALIFIED EXPENSE" DOES NOT INCLUDE ANY EXPENSES
8 THAT QUALIFY AS VALUABLE CONSIDERATION IN ACCORDANCE WITH 42
9 U.S.C. SEC. 274e, AS AMENDED.

10 (3) (a) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTIONS (3)(b)
11 AND (6) OF THIS SECTION, FOR INCOME TAX YEARS COMMENCING ON OR
12 AFTER JANUARY 1, 2024, BUT BEFORE JANUARY 1, 2033, A CERTIFIED
13 LIVING ORGAN DONOR IS ALLOWED A CREDIT AGAINST THE TAX IMPOSED
14 PURSUANT TO THIS ARTICLE 22 IN AN AMOUNT EQUAL TO THE AMOUNT OF
15 QUALIFIED EXPENSES THE CERTIFIED LIVING ORGAN DONOR INCURRED
16 DURING THAT TAX YEAR; EXCEPT THAT A CERTIFIED LIVING ORGAN DONOR
17 CANNOT CLAIM A CREDIT OF MORE THAN FORTY THOUSAND DOLLARS.

18 (b) A CERTIFIED LIVING ORGAN DONOR WHO RECEIVES A
19 QUALIFIED PAYMENT PURSUANT TO SECTION 25-59-106 IS NOT ELIGIBLE
20 FOR THE CREDIT AUTHORIZED IN SUBSECTION (3)(a) OF THIS SECTION.

21 (4) THE DEPARTMENT SHALL DEVELOP STANDARDS AS NECESSARY
22 TO IMPLEMENT THIS SECTION.

23 (5) IF A CREDIT AUTHORIZED BY THIS SECTION EXCEEDS THE
24 INCOME TAX DUE ON THE INCOME OF THE CERTIFIED LIVING ORGAN DONOR
25 FOR THE TAXABLE YEAR, THE EXCESS CREDIT MAY NOT BE CARRIED
26 FORWARD AND MUST BE REFUNDED TO THE CERTIFIED LIVING ORGAN
27 DONOR.

1 (6) PURSUANT TO SECTION 39-21-304 (3), AND FOR THE PURPOSE
2 OF PROVIDING DATA THAT ALLOWS THE EFFECTIVENESS OF THE TAX
3 CREDIT ALLOWED PURSUANT TO THIS SECTION TO BE MEASURED, THE
4 DEPARTMENT, ON OR BEFORE JANUARY 1, 2025, AND ON OR BEFORE
5 JANUARY 1 OF EACH YEAR THEREAFTER THROUGH JANUARY 1, 2034,
6 SHALL PROVIDE TO THE STATE AUDITOR, FOR CONSIDERATION DURING THE
7 STATE AUDITOR'S EVALUATION OF THIS TAX EXPENDITURE PURSUANT TO
8 SECTION 39-21-305, INFORMATION THAT DETAILS THE NUMBER OF
9 CERTIFIED LIVING ORGAN DONORS WHO CLAIMED THE CREDIT AND THE
10 TOTAL AMOUNT OF THE CREDITS ALLOWED UNDER THIS SECTION TO
11 CERTIFIED LIVING ORGAN DONORS.

12 (7) THIS SECTION IS REPEALED, EFFECTIVE DECEMBER 31, 2038.

13 **SECTION 7.** In Colorado Revised Statutes, 39-22-629, **amend**
14 (1)(a) as follows:

15 **39-22-629. Advance payments of income tax credits -**
16 **definitions.** (1) As used in this section, unless the context otherwise
17 requires:

18 (a) "Applicable credit" means the credits allowed in sections
19 39-22-516.7, 39-22-516.8, ~~and~~ 39-22-555, AND 39-22-560.

20 **SECTION 8.** In Colorado Revised Statutes, **add** 42-3-270 as
21 follows:

22 **42-3-270. Special plates - living organ donor - legislative**
23 **declaration.** (1) (a) THE GENERAL ASSEMBLY FINDS AND DECLARES
24 THAT:

25 (I) DESPITE THE COMMENDABLE RISE IN LIVING ORGAN
26 DONATIONS, A CRITICAL SHORTAGE REMAINS, WITH COUNTLESS
27 INDIVIDUALS WITH END-STAGE ORGAN DISEASE ON TRANSPLANT WAITING

1 LISTS;

2 (II) LIVING ORGAN DONORS WILLINGLY ACCEPT THE PERSONAL
3 AND MEDICAL BURDENS ASSOCIATED WITH THE ORGAN DONATION
4 PROCESS, INCLUDING UNDERGOING COMPREHENSIVE AND INVASIVE
5 MEDICAL EVALUATIONS, FACING THE INHERENT RISKS OF SURGERIES, AND
6 ENDURING THE PHYSICAL AND EMOTIONAL CHALLENGES OF
7 POSTOPERATIVE RECOVERY; AND

8 (III) BY BECOMING A LIVING ORGAN DONOR, BRAVE INDIVIDUALS
9 NOT ONLY INVEST IN THE HEALTH AND WELL-BEING OF OUR CITIZENS, BUT
10 ALSO FOSTER A CULTURE OF GENEROSITY AND CIVIC RESPONSIBILITY,
11 PROMOTING THE WELFARE OF THE COMMUNITY AT LARGE.

12 (b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT BEING
13 A LIVING ORGAN DONOR IS A SPECIAL DISTINCTION THAT DESERVES
14 HONOR, AND THE "LIVING ORGAN DONOR" LICENSE PLATE IS A
15 DISTINCTIVE SPECIAL LICENSE PLATE.

16 (2) BEGINNING ON JANUARY 1, 2025, OR WHEN THE DEPARTMENT
17 IS ABLE TO ISSUE THE PLATES, THE DEPARTMENT SHALL ISSUE SPECIAL
18 LICENSE PLATES TO QUALIFIED APPLICANTS IN ACCORDANCE WITH THIS
19 SECTION FOR MOTORCYCLES, PASSENGER CARS, TRUCKS, OR
20 NONCOMMERCIAL OR RECREATIONAL MOTOR VEHICLES THAT DO NOT
21 EXCEED SIXTEEN THOUSAND POUNDS EMPTY WEIGHT.

22 (3) (a) THERE IS ESTABLISHED THE "LIVING ORGAN DONOR"
23 LICENSE PLATE.

24 (b) THE DEPARTMENT SHALL DESIGN THE PLATE IN COOPERATION
25 AND CONSULTATION WITH INTERESTED PERSONS, INCLUDING LIVING
26 ORGAN DONORS, TO FEATURE THE STATEMENT "LIVING ORGAN DONOR".

27 (4) AN INDIVIDUAL QUALIFIES FOR A LIVING ORGAN DONOR

1 LICENSE PLATE IF THE INDIVIDUAL PAYS THE TAXES AND FEES REQUIRED
2 UNDER THIS SECTION AND PROVIDES TO THE DEPARTMENT A
3 CERTIFICATION FROM THE DEPARTMENT OF PUBLIC HEALTH AND
4 ENVIRONMENT, ISSUED PURSUANT TO SECTION 25-59-105, CERTIFYING
5 THAT THE INDIVIDUAL IS A CERTIFIED LIVING ORGAN DONOR.

6 (5) THE AMOUNT OF THE TAXES AND FEES FOR SPECIAL LICENSE
7 PLATES UNDER THIS SECTION IS THE SAME AS THE AMOUNT OF THE TAXES
8 AND FEES FOR REGULAR MOTOR VEHICLE LICENSE PLATES; EXCEPT THAT
9 THE DEPARTMENT SHALL COLLECT THE FEE SPECIFIED IN SECTION
10 42-3-312 AND AN ADDITIONAL ONE-TIME FEE OF TWENTY-FIVE DOLLARS
11 FOR ISSUANCE OR REPLACEMENT OF THE SPECIAL LICENSE PLATE. THE
12 DEPARTMENT SHALL TRANSMIT THE ADDITIONAL ONE-TIME FEE TO THE
13 STATE TREASURER, WHO SHALL CREDIT THE FEE TO THE HIGHWAY USERS
14 TAX FUND CREATED IN SECTION 43-4-201.

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

1 THIS SUBSECTION (6) ARE IN ADDITION TO ALL OTHER APPLICABLE TAXES
2 AND FEES.

3 **SECTION 9.** In Colorado Revised Statutes, **amend** 42-3-312 as
4 follows:

5 **42-3-312. Special license plate surcharge.** In addition to any
6 other fee imposed by this article 3, an applicant for a special license plate
7 created by rule in accordance with section 42-3-207, as the section
8 existed when the plate was created, personalized plates issued under
9 section 42-3-211, or special license plates issued under sections 42-3-212
10 to 42-3-214, sections 42-3-217 to 42-3-218, sections 42-3-221 to
11 42-3-234, sections 42-3-237 to 42-3-258, sections 42-3-260 to 42-3-265,
12 AND SECTIONS 42-3-267 ~~42-3-268, and section 42-3-269~~ TO 42-3-270
13 shall pay an issuance fee of twenty-five dollars; except that the fee is not
14 imposed on special license plates exempted from additional fees for the
15 issuance of a military special license plate by section 42-3-213 (1)(b)(II).
16 The department shall transfer the money from the fee to the state
17 treasurer, who shall credit it to the Colorado DRIVES vehicle services
18 account created in section 42-1-211 (2).

19 **SECTION 10. Safety clause.** The general assembly finds,
20 determines, and declares that this act is necessary for the immediate
21 preservation of the public peace, health, or safety or for appropriations
22 for the support and maintenance of the departments of the state and state
23 institutions.