

CHAPTER 164

NATURAL RESOURCES

HOUSE BILL 96-1086

BY REPRESENTATIVES Anderson, Dyer, Entz, George, Gordon, Lamm, Prinster, Sullivant, DeGette, Mace, and Schwarz;
also SENATORS Bishop, Hopper, and Feeley.

AN ACT**CONCERNING FEES CHARGED BY THE DIVISION OF PARKS AND OUTDOOR RECREATION, AND MAKING
AN APPROPRIATION THEREFOR.**

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

SECTION 1. 33-10-111 (1), Colorado Revised Statutes, 1995 Repl. Vol., is amended, and the said 33-10-111 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

33-10-111. Parks and outdoor recreation cash fund created - accounting expenditures for roads and highways. (1) Except as provided in sections 33-14-106, 33-14.5-106, and 33-15-103, all moneys derived from division facilities and fees, and all interest earned on such moneys, shall be credited to the parks and outdoor recreation cash fund, which is hereby created, together with all moneys donated, transferred, or appropriated from whatever source for the use of the division in administering, managing, and supervising the state parks and outdoor recreation system and in the financing of impact assistance grants pursuant to part 3 of article 25 of title 30, C.R.S. All cash receipts from state-owned desert, saline, and internal improvement lands shall be credited to the parks and outdoor recreation cash fund.

(5) (a) SUBJECT TO THE PROVISIONS OF THIS SUBSECTION (5), THE BOARD MAY SET FEES BY RULE FOR THE USE OF FACILITIES AND PROGRAMS OF THE DIVISION. THE BOARD MAY NOT SET A DIFFERENT FEE FOR ANY ACTIVITY FOR WHICH A FEE IS SPECIFICALLY SET FORTH IN SECTION 33-12-102.

(b) (I) ALL ACTIONS OF THE BOARD TO CHANGE FEES SHALL BE SUBJECT TO THE REQUIREMENTS OF THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24, C.R.S. WHENEVER THE BOARD DESIRES TO CHANGE ANY FEE, THE BOARD

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

SHALL CONDUCT RULE-MAKING, WITH TIMELY NOTICE AND AN OPPORTUNITY FOR COMMENT BY INTERESTED PARTIES.

(II) IN ITS ANNUAL BUDGET REQUEST TO THE GENERAL ASSEMBLY, THE BOARD SHALL INCLUDE THE AMOUNT OF ANY FEE CHANGED, PROPOSED, OR UNDER CONSIDERATION BY THE BOARD.

(III) NO CHANGE IN FEES SET BY THE BOARD MAY BE EFFECTIVE UNTIL THE JULY 1 FOLLOWING PASSAGE OF A SEPARATE ACT OTHER THAN THE GENERAL APPROPRIATION ACT CONTAINING AN APPROPRIATION SPECIFICALLY IMPLEMENTING COLLECTION OF FEES AT SUCH LEVEL. SUCH A SEPARATE ACT SHALL BE REQUIRED FOR INCREASES TO DAILY VEHICLE ENTRANCE FEES, ANNUAL VEHICLE ENTRANCE FEES, VESSEL REGISTRATION FEES, OFF-HIGHWAY VEHICLE REGISTRATION FEES, SNOWMOBILE REGISTRATION FEES, OR ANY OTHER PASS OR PERMIT OVER THIRTY DOLLARS.

SECTION 2. 33-1-112.5 (2) (b), Colorado Revised Statutes, 1995 Repl. Vol, is amended to read:

33-1-112.5. Search and rescue fund - transfer of duties. (2) (b) A surcharge of twenty-five cents shall be assessed on each vessel, each snowmobile, and each off-highway vehicle registration listed in section 33-12-102 (1.2) (c), (1.2) (h), (1.2) (i), (1.2) (j) which THAT is sold by the division or one of its agents pursuant to section 33-13-103, 33-14-102, or 33-14.5-102. Receipts and interest from the surcharge shall be deposited in the search and rescue fund created in subsection (1) of this section. To coincide with annual registration renewal schedules, the surcharge shall be assessed on an annual basis beginning on October 1, 1992, for snowmobile registrations, January 1, 1993, for vessel registrations, and April 1, 1993, for off-highway vehicle registrations.

SECTION 3. 33-10-107 (1) (h), Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

33-10-107. Powers of board. (1) The board has power to:

(h) Establish by rules ~~and regulations~~ PURSUANT TO SECTION 33-10-111 (5) the AMOUNTS OF fees for certificates, permits, licenses, and passes and any other special charges in order to provide for cash revenues necessary for the continuous operation of the state park and recreation system; except that no such fees shall be used for capital construction other than controlled maintenance activities. ~~Said fees or special charges shall not exceed the maximum specified in section 33-12-102.~~ EXCEPT AS PROVIDED IN SECTION 33-10-111 (1), SUCH FEES AND CHARGES SHALL BE CREDITED TO THE DIVISION OF PARKS AND OUTDOOR RECREATION CASH FUND.

SECTION 4. 33-12-102, Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

33-12-102. Types of passes and registrations - fees.

(1) Repealed.

(1.1) Repealed.

~~(1.2) (a) The fees FEE for the types of passes and registrations to be issued by the division unless the board establishes a lesser fee pursuant to section 33-10-107 (1) (h), are as follows: A TRANSFERABLE OR NONTRANSFERABLE SENIOR CITIZEN'S ASPEN LEAF ANNUAL PASS IS TEN DOLLARS EFFECTIVE JANUARY 1, 1992.~~

~~(a) Annual parks pass \$ 30.00~~

~~(b) One-day parks pass \$ 3.00~~

~~(c) Each additional annual parks pass for a noncommercial motor vehicle \$ 5.00~~

~~(d) Transferable and nontransferable senior citizen's aspen leaf annual pass:~~

~~(i) Repealed:~~

~~(ii) Repealed:~~

~~(iii) Effective January 1, 1992 \$ 10.00~~

~~(iv) (b) The charges specified in this paragraph (d) SUBSECTION (1.2) shall not apply to any person who obtained an "Aspen Leaf Passport" prior to January 1, 1985, pursuant to section 33-4-106 (2) (b), as said section existed prior to January 1, 1985. Any such person may obtain from the division an Aspen Leaf annual pass without charge by presenting the "Aspen Leaf Passport" or by completing an affidavit regarding its purchase on a form approved by the board. Such Aspen Leaf annual pass shall confer the privileges specified in section 33-12-103.~~

~~(e) Vessel registration (including annual resident registration, ten-day nonresident registration, and each rental vessel registration):~~

~~(i) For vessels less than twenty feet in length \$ 15.00~~

~~(ii) For vessels twenty feet or more in length \$ 20.00~~

~~(f) Dealer registration for all vessels owned by a dealer which are operated for research, testing, experimentation, or demonstration purposes only:~~

~~(i) When the dealer sells twenty-five or fewer vessels within the preceding year \$ 15.00~~

~~(ii) When the dealer sells more than twenty-five vessels within the preceding year \$ 30.00~~

~~(g) Manufacturer registration for all vessels owned by a manufacturer which are operated for demonstration or testing purposes only \$ 15.00~~

~~(h) Nonresident annual vessel registration for a person from a state or country where registration is not required \$ 20.00~~

~~(i) Snowmobile registration (including annual resident registration and each rental snowmobile) \$ 15.00~~

~~(j) Dealer registration for all snowmobiles owned by a snowmobile dealer which are operated for demonstration or testing purposes only:~~

~~(I) When the dealer sells twenty-five or fewer snowmobiles within the preceding year \$ 25.00~~

~~(II) When the dealer sells more than twenty-five snowmobiles within the preceding year \$ 50.00~~

~~(k) Manufacturer registration for all snowmobiles owned by a manufacturer which are operated for research, testing, experimentation, or demonstration purposes only \$ 25.00~~

~~(l) Nonresident annual snowmobile registration \$ 15.00~~

~~(1.3) The fees for the types of passes and registrations to be issued by the division unless the board establishes a lesser fee pursuant to section 33-10-107(1)(h), are as follows:~~

~~(a) Off-highway vehicle registration \$ 15.00~~

~~(b) Dealer registration for all off-highway vehicles owned by an off-highway vehicle dealer and operated for demonstration or testing purposes only:~~

~~(I) When the dealer sells twenty-five or less off-highway vehicles within the preceding year \$ 25.00~~

~~(II) When the dealer sells more than twenty-five off-highway vehicles within the preceding year \$ 50.00~~

~~(c) Manufacturer registration for off-highway vehicles owned by a manufacturer which are operated solely for research, testing, experimentation, or demonstration purposes \$ 25.00~~

~~(d) Registration for off-highway vehicles owned by a lessor for rental purposes only:~~

~~(I) When the lessor owns ten or less off-highway vehicles within the preceding year \$ 25.00~~

~~(II) When the lessor owns more than ten off-highway vehicles within the preceding year \$ 50.00~~

~~(e) (I) Annual off-highway use permit, resident \$ 6.00~~

~~(II) Annual off-highway use permit, nonresident \$ 10.00~~

~~(2) The fee for any pass or permit not provided for in articles 10 to 15 of this title~~

~~shall not exceed twenty dollars.~~

SECTION 5. The introductory portion to 33-13-103 (1), Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

33-13-103. Numbering of vessels required. (1) It is unlawful for any person to operate or use a vessel on the waters of this state unless such vessel has been numbered and a certificate of the number, referred to in this article as a "registration", has been issued to such vessel by the division. The operator of such vessel shall produce the registration for inspection upon demand of any officer authorized to enforce the provisions of articles 10 to 15 and 32 of this title. The following are exempt from the requirements of this subsection (1) and from the vessel registration fee ~~set forth in section 33-12-102~~ AS SPECIFIED PURSUANT TO 33-10-111 (5):

SECTION 6. 33-13-104 (1), Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

33-13-104. Application for vessel number. (1) The owner of each vessel requiring numbering by this state shall file an application for a number with the division or any representative approved by the division on forms approved and furnished by the division. The application shall be signed by the owner of the vessel and shall be accompanied by a fee as ~~required under section 33-12-102~~ SPECIFIED PURSUANT TO 33-10-111 (5); except that those vessels owned and operated by the state or any political subdivision thereof shall be registered without payment of a registration fee. Upon receipt of the application in approved form, the division or its representative shall issue to the applicant a registration stating the number issued to the vessel. The number issued shall be painted on or attached to each side of the bow on the forward half of the vessel or, if there are no such sides, at a corresponding location on both sides of the foredeck of the vessel for which it is issued. The number issued shall read from left to right in block characters of good proportion having a minimum of three inches in height, excluding border or trim, and of a color which contrasts with the color of the background, and so maintained as to be clearly visible and legible. No other number shall be carried on the bow of the vessel. Any person who fails to display a vessel number as required in this subsection (1) is guilty of a class 2 petty offense and, upon conviction thereof, shall be punished by a fine of ten dollars.

SECTION 7. 33-14-102 (3) (a) and (4) (a), Colorado Revised Statutes, 1995 Repl. Vol., are amended to read:

33-14-102. Snowmobile registration - fees - applications - requirements - penalties - exemptions. (3) (a) For all or any part of a year beginning October 1 and ending September 30, the original and each renewal registration fee by an owner shall be as specified ~~in section 33-12-102~~ PURSUANT TO SECTION 33-10-111 (5).

(4) (a) For each year beginning October 1 and ending September 30 or portion thereof for which such registration is made, the registration fee for all snowmobiles owned by a dealer or manufacturer which are operated for demonstration or testing purposes only shall be as specified ~~in section 33-12-102~~ PURSUANT TO SECTION 33-10-111 (5).

SECTION 8. 33-14-105 (2) (a), Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

33-14-105. Transfer or other termination of ownership. (2) (a) If there is a change of ownership of a snowmobile for which a registration has been issued, the new owner shall apply for a new registration from a dealer employed as a licensing agent or from the division. Such application shall set forth the original number issued and shall be accompanied by the old registration properly signed by the previous owner and by the required fee for registration as specified ~~in section 33-12-102~~ PURSUANT TO SECTION 33-10-111 (5).

SECTION 9. 33-14.5-102 (1) (b), (3) (a), and (4) (a), Colorado Revised Statutes, 1995 Repl. Vol., are amended to read:

33-14.5-102. Off-highway vehicle registration - fees - applications - requirements - exemptions. (1) (b) The division shall employ off-highway vehicle agents, including dealers and licensing agents serving as such for the division of wildlife, for off-highway vehicle registration pursuant to the provisions of section 33-12-104. Upon receiving a registration application, an agent shall collect the fee specified ~~in section 33-12-102~~ PURSUANT TO SECTION 33-10-111 (5) and issue a temporary registration and shall forward the application to the division, which shall issue the registration. An agent may retain a commission of not in excess of one dollar, as authorized by the division, for each registration issued. Any off-highway dealer is authorized to issue a temporary registration when a person purchases an off-highway vehicle from such dealer.

(3) (a) For each year, or portion thereof, beginning April 1 and ending the following March 31, the original and each renewal registration fee by an owner shall be the fee specified ~~in section 33-12-102~~ PURSUANT TO SECTION 33-10-111 (5).

(4) (a) For each year, or portion thereof, beginning April 1 and ending the following March 31, for which such registration is made, the registration fee for all off-highway vehicles owned by a dealer or manufacturer and operated solely for demonstration or testing purposes shall be a fee specified ~~in section 33-12-102~~ PURSUANT TO SECTION 33-10-111 (5).

SECTION 10. 33-14.5-105 (1), Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

33-14.5-105. Transfer or other termination of ownership. (1) If there is a change of ownership of an off-highway vehicle for which a registration has been issued, the new owner shall apply for a new registration from a dealer employed as a licensing agent or from the division. Such application shall set forth the original number issued and shall be accompanied by the old registration properly signed by the previous owner and by the required fee for registration, ~~as specified in section 33-12-102~~ PURSUANT TO SECTION 33-10-111 (5).

SECTION 11. 33-14.5-112 (2), Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

33-14.5-112. Off-highway use permit - fees - applications - requirements -

exemptions. (2) Off-highway use permits shall be sold by the agents referred to in section 33-12-104, and the fee for said permits shall be the fee provided ~~in section 33-12-102~~ PURSUANT TO SECTION 33-10-111 (5).

SECTION 12. Appropriation - general fund reduction to 1996 long bill.

(1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the parks and outdoor recreation cash fund not otherwise appropriated, to the department of natural resources, for allocation to the division of parks and outdoor recreation, for the fiscal year beginning July 1, 1996, the sum of six hundred seventy-nine thousand one hundred four dollars (\$679,104), or so much thereof as may be necessary, for the implementation of this act.

(2) For the implementation of this act, the general fund appropriation made in the annual general appropriation act for the fiscal year beginning July 1, 1996, to the department of natural resources, division of parks and outdoor recreation, is decreased by six hundred seventy-nine thousand one hundred four dollars (\$679,104).

SECTION 13. Effective date. Section 4 of this act shall take effect January 1, 1997. The remainder of this act shall take effect upon passage.

SECTION 14. 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 23, 1996