

CHAPTER 238

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 96-1189

BY REPRESENTATIVES Lamm, Congrove, Dyer, Entz, Owen, Swenson, Taylor, Tool, Armstrong, Chlouber, Clarke, DeGette, Epps, Friednash, Knox, Lyle, Mace, and Schwarz;
also SENATORS R. Powers, Alexander, Feeley, Hernandez, Mutzebaugh, and Norton.

AN ACT**CONCERNING SPECIAL LICENSE PLATES FOR MILITARY VETERANS.**

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

SECTION 1. Part 1 of article 3 of title 42, Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

42-3-115.5. Special plates - military veterans - rules. (1) (a) THE DEPARTMENT IS DIRECTED TO ISSUE ONE OR MORE SETS OF SPECIAL LICENSE PLATES TO THE FOLLOWING PERSONS WHO OWN A PASSENGER CAR OR A TRUCK THAT DOES NOT EXCEED SIX THOUSAND FIVE HUNDRED POUNDS EMPTY WEIGHT:

(I) A RECIPIENT OF THE PURPLE HEART;

(II) A FORMER PRISONER OF WAR;

(III) AN HONORABLY DISCHARGED OR RETIRED VETERAN OF THE ARMED FORCES OF THE UNITED STATES;

(IV) A VETERAN OF THE ARMED FORCES OF THE UNITED STATES WHO IS OTHERWISE ELIGIBLE TO OBTAIN LICENSE PLATES BEARING THE INSCRIPTION "D.V.", BUT WHOSE DISABILITY WAS INCURRED ON OR AFTER MAY 7, 1975; OR

(V) A SURVIVOR OF THE ATTACK ON PEARL HARBOR.

(b) VEHICLES REGISTERED PURSUANT TO THIS SECTION SHALL BE SUBJECT TO ALL OTHER PROVISIONS OF THIS ARTICLE, EXCEPT THOSE IN SECTION 42-3-113 CONCERNING NUMBER LICENSE PLATES.

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

(c) (I) THE AMOUNT OF TAXES AND FEES FOR SPECIAL LICENSE PLATES ISSUED PURSUANT TO THIS SECTION SHALL BE THE SAME AS THAT SPECIFIED FOR REGULAR MOTOR VEHICLE REGISTRATION; EXCEPT THAT AN ADDITIONAL ONE-TIME ISSUANCE OR REPLACEMENT FEE FOR EACH MOTOR VEHICLE SHALL APPLY. SUCH ADDITIONAL ONE-TIME FEE SHALL BE IN THE AMOUNT OF TEN DOLLARS AND SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE HIGHWAY USERS TAX FUND.

(II) NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS PARAGRAPH (c):

(A) NO FEE SHALL BE CHARGED FOR ONE SET OF PRISONER OF WAR SPECIAL LICENSE PLATES ISSUED PURSUANT TO SUBSECTION (3) OF THIS SECTION;

(B) NO FEE SHALL BE CHARGED FOR ONE SET OF DISABLED VETERAN SPECIAL LICENSE PLATES ISSUED PURSUANT TO SUBSECTION (5) OF THIS SECTION;

(C) ONE DOLLAR OF EACH ADDITIONAL FEE COLLECTED FROM PURCHASERS OF SPECIAL LICENSE PLATES ISSUED PURSUANT TO SUBSECTIONS (4) AND (5) OF THIS SECTION SHALL BE RETAINED BY THE AUTHORIZED AGENT, AND ONE DOLLAR AND FIFTEEN CENTS OF EACH SUCH ADDITIONAL FEE SHALL BE CREDITED TO THE SPECIAL PURPOSE ACCOUNT ESTABLISHED UNDER SECTION 42-1-211.

(d) ALL APPLICATIONS FOR THE SPECIAL LICENSE PLATES DESCRIBED IN THIS SECTION SHALL BE MADE DIRECTLY TO THE DEPARTMENT AND SHALL INCLUDE SUCH INFORMATION AS THE DEPARTMENT MAY REQUIRE.

(e) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT MAY PREPARE SUCH SPECIAL FORMS AND ISSUE SUCH RULES AS MAY BE NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SECTION.

(2) **Recipient of a purple heart.** (a) THE PURPLE HEART SPECIAL LICENSE PLATE SHALL BE DESIGNED TO INDICATE THAT AN OWNER OF A MOTOR VEHICLE TO WHICH SUCH LICENSE PLATE IS ATTACHED IS A RECIPIENT OF THE PURPLE HEART. SUCH DESIGN SHALL BE DIFFERENT FROM THAT USED BY THE STATE FOR REGULAR MOTOR VEHICLE REGISTRATION.

(b) ANY NATURAL PERSON WHO HAS BEEN AWARDED A PURPLE HEART FOR WOUNDS RECEIVED IN COMBAT AT THE HANDS OF AN ENEMY OF THE UNITED STATES IS AUTHORIZED TO USE A PURPLE HEART SPECIAL LICENSE PLATE. WHEN APPLYING FOR SUCH A LICENSE PLATE, THE APPLICANT SHALL SUBMIT TO THE DEPARTMENT A LETTER OF VERIFICATION FROM THE APPROPRIATE BRANCH OF THE ARMED FORCES OF THE UNITED STATES THAT THE APPLICANT HAS BEEN AWARDED A PURPLE HEART.

(3) **Former prisoner of war.** (a) THE FORMER PRISONER OF WAR SPECIAL LICENSE PLATE SHALL BE DESIGNED TO INDICATE THAT AN OWNER OF A MOTOR VEHICLE TO WHICH SUCH LICENSE PLATE IS ATTACHED IS A FORMER PRISONER OF WAR.

(b) ANY NATURAL PERSON WHO, WHILE SERVING IN THE ARMED FORCES OF THE UNITED STATES, WAS INCARCERATED BY AN ENEMY OF THE UNITED STATES DURING A PERIOD OF CONFLICT WITH THE UNITED STATES MAY USE THE FORMER PRISONER OF

WAR SPECIAL LICENSE PLATE.

(c) IF A DECEASED FORMER PRISONER OF WAR WAS AUTHORIZED UNDER THIS SECTION OR SECTION 42-3-118 TO USE A FORMER PRISONER OF WAR SPECIAL LICENSE PLATE, THE SURVIVING SPOUSE OF SUCH FORMER PRISONER OF WAR MAY APPLY TO THE DEPARTMENT TO RETAIN ANY SET OR SETS OF SUCH SPECIAL PLATES THAT SUCH FORMER PRISONER OF WAR HAD OBTAINED. ON OR AFTER JANUARY 1, 1997, SUCH SURVIVING SPOUSE SHALL BE ELIGIBLE TO USE SUCH SPECIAL PLATES UPON THE PAYMENT OF ANY FEES OR TAXES REQUIRED BY THIS ARTICLE.

(d) NO FEE SHALL BE CHARGED FOR ONE SET OF PRISONER OF WAR SPECIAL LICENSE PLATES. IF AN ELIGIBLE PERSON APPLIES FOR ANY ADDITIONAL SUCH LICENSE PLATES, SUCH PERSON SHALL BE REQUIRED TO PAY ANY FEES OR TAXES REQUIRED BY SUBSECTION (1) OF THIS SECTION FOR SUCH ADDITIONAL PLATES.

(e) NOTWITHSTANDING THE WEIGHT LIMITATION IMPOSED BY PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION, ANY NATURAL PERSON ELIGIBLE FOR A PRISONER OF WAR SPECIAL LICENSE PLATE MAY APPLY FOR SUCH A LICENSE PLATE FOR A MOTOR HOME, AS DEFINED IN SECTION 42-1-102 (57), UPON THE PAYMENT OF ANY FEES OR TAXES REQUIRED BY THIS ARTICLE.

(4) **Honorably discharged or retired veteran of the U.S. armed forces.**

(a) THE VETERAN OF THE UNITED STATES ARMED FORCES SPECIAL LICENSE PLATE SHALL INDICATE THAT AN OWNER OF A MOTOR VEHICLE TO WHICH SUCH PLATE IS ATTACHED IS A VETERAN OF THE ARMED FORCES OF THE UNITED STATES.

(b) ANY NATURAL PERSON WHO HAS RECEIVED AN HONORABLE DISCHARGE OR IS RETIRED FROM A BRANCH OF THE ARMED SERVICES OF THE UNITED STATES SHALL BE AUTHORIZED TO USE A VETERAN OF THE UNITED STATES ARMED FORCES SPECIAL LICENSE PLATE. WHEN APPLYING FOR SUCH A LICENSE PLATE, AN APPLICANT SHALL SUBMIT AS PROOF OF HONORABLE DISCHARGE EITHER A DEPARTMENT OF DEFENSE FORM 214 OR AN HONORABLE DISCHARGE FROM AN ARMED FORCES BRANCH OF THE UNITED STATES.

(5) **Disabled veterans.** (a) THE DISABLED VETERAN SPECIAL LICENSE PLATE SHALL INDICATE THAT THE OWNER OF THE MOTOR VEHICLE TO WHICH SUCH LICENSE PLATE IS ATTACHED IS A DISABLED VETERAN OF THE UNITED STATES ARMED FORCES.

(b) ANY NATURAL PERSON WHO HAS RECEIVED AN HONORABLE DISCHARGE FROM A BRANCH OF THE ARMED SERVICES OF THE UNITED STATES AND MEETS THE REQUIREMENTS OF PARAGRAPH (d) OF THIS SUBSECTION (5) SHALL BE ELIGIBLE TO USE A DISABLED VETERAN SPECIAL LICENSE PLATE. WHEN APPLYING FOR SUCH A LICENSE PLATE, THE APPLICANT SHALL SUBMIT PROOF OF HONORABLE DISCHARGE FROM AN ARMED FORCES BRANCH OF THE UNITED STATES.

(c) NO FEE SHALL BE CHARGED FOR ONE SET OF DISABLED VETERAN SPECIAL LICENSE PLATES. IF AN ELIGIBLE PERSON APPLIES FOR ANY ADDITIONAL SUCH LICENSE PLATES, SUCH PERSON SHALL PAY ANY FEES OR TAXES REQUIRED BY SUBSECTION (1) OF THIS SECTION FOR SUCH ADDITIONAL LICENSE PLATES.

(d) A VETERAN OF THE UNITED STATES ARMED FORCES WHO IS OTHERWISE

ELIGIBLE TO OBTAIN LICENSE PLATES BEARING THE INSCRIPTION "D.V." UNDER SECTION 42-3-134(3) (a), BUT WHOSE DISABILITY WAS INCURRED ON OR AFTER MAY 7, 1975, MAY OBTAIN SUCH LICENSE PLATES FROM THE DEPARTMENT UPON THE PAYMENT OF ANY FEES OR TAXES REQUIRED BY SUBSECTION (1) OF THIS SECTION.

(6) **Survivors of the attack on Pearl Harbor.** (a) THE SURVIVORS OF THE ATTACK ON PEARL HARBOR SPECIAL LICENSE PLATES SHALL BE DESIGNED TO INDICATE THAT THE OWNER OF THE MOTOR VEHICLE TO WHICH SUCH LICENSE PLATES ARE ATTACHED IS A SURVIVOR OF THE ATTACK ON PEARL HARBOR.

(b) ANY NATURAL PERSON MAY USE A SURVIVORS OF THE ATTACK ON PEARL HARBOR SPECIAL LICENSE PLATE IF SUCH PERSON:

(I) WAS A MEMBER OF THE UNITED STATES ARMED FORCES ON DECEMBER 7, 1941;

(II) WAS ON STATION ON DECEMBER 7, 1941, DURING THE HOURS OF 7:55 A.M. TO 9:45 A.M. HAWAII TIME AT PEARL HARBOR, THE ISLAND OF OAHU, OR OFFSHORE AT A DISTANCE NOT TO EXCEED THREE MILES THEREFROM;

(III) RECEIVED AN HONORABLE DISCHARGE FROM THE UNITED STATES ARMED FORCES; AND

(IV) HOLDS A CURRENT MEMBERSHIP IN A NATIONAL ORGANIZATION OF SURVIVORS OF THE ATTACK ON PEARL HARBOR.

SECTION 2. Repeal. Sections 42-3-116, 42-3-118, 42-3-119, 42-3-120, Colorado Revised Statutes, 1993 Repl. Vol., as amended, are repealed.

SECTION 3. No appropriation. The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act.

SECTION 4. Effective date. This act shall take effect January 1, 1997.

SECTION 5. 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: June 1, 1996