

CHAPTER 342

GOVERNMENT - STATE

SENATE BILL 00-193

BY SENATORS Teck, Andrews, Blickensderfer, Dyer, Evans, Lamborn, Perlmutter, and Tebedo;
also REPRESENTATIVES McPherson, George, King, and Swenson.

AN ACT

CONCERNING THE ORGANIZATION OF THE DEPARTMENT OF REVENUE.

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

SECTION 1. 24-1-117 (4), Colorado Revised Statutes, is amended to read:

24-1-117. Department of revenue - creation. (4) (a) The department of revenue shall consist of the following divisions:

- (I) ~~Division of enforcement;~~
- (II) ~~Motor vehicle division;~~
- (III) Motor carrier services division;
- (IV) Liquor enforcement division;
- (V) State lottery division;
- (VI) Division of racing events, including the Colorado racing commission;
- (VII) Division of gaming, including the Colorado limited gaming control commission; and
- (VIII) Such other GROUPS, divisions, sections, and units as the executive director of the department of revenue may create pursuant to section 24-35-103.

(b) Repealed.

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) WHENEVER ANY LAW OF THIS STATE OR ANY RULE PROMULGATED UNDER THE LAWS OF THIS STATE REFERS TO THE DIVISION OF ENFORCEMENT OF THE DEPARTMENT OF REVENUE, SUCH LAW OR RULE SHALL BE DEEMED TO REFER TO THE DEPARTMENT OF REVENUE.

(II) WHENEVER ANY LAW OF THIS STATE OR ANY RULE PROMULGATED UNDER THE LAWS OF THIS STATE REFERS TO THE MOTOR VEHICLE DIVISION OR THE PORTS OF ENTRY DIVISION OF THE DEPARTMENT, SUCH LAW OR RULE SHALL BE DEEMED TO REFER TO THE DEPARTMENT OF REVENUE.

SECTION 2. 24-35-103, Colorado Revised Statutes, is amended to read:

24-35-103. Powers of executive director - deputies. (1) IN ADDITION TO THE DIVISIONS SPECIFIED IN SECTION 24-1-117 (4), the executive director of the department of revenue, subject to the approval of the governor, may create such GROUPS, divisions, or SUBORDINATE departments within the department of revenue as he OR SHE deems necessary for the proper and efficient functioning of said department, and, when established, may appoint, subject to the approval of the governor, all heads of GROUPS, divisions, and subordinate departments. All such appointments shall be from an eligible list prepared by the state personnel director. If there is no eligible list for the position to be filled, the state personnel director shall forthwith issue to the appointee named by the executive director a provisional appointment, which shall remain in effect until examination is had and such eligible list established, but in no event for a longer period than six months.

(2) (a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (2), the executive director of the department of revenue, with the written approval of the governor, may combine existing GROUPS, divisions, OR SUBORDINATE DEPARTMENTS or reduce the personnel in any GROUP, division, or SUBORDINATE department or combined GROUPS, divisions, or SUBORDINATE departments or in the department of revenue as a whole, in which case all employees so losing their positions for such reason, in the order of their seniority, shall be placed at the head of the eligible list of like qualifications and duties by the state personnel director. If such employee is a provisional employee, ~~he~~ THE EMPLOYEE shall not be placed at the head of any such list unless ~~he~~ THE EMPLOYEE has passed the regular examination of the state personnel system for such position and then only if his OR HER grade in such examination entitles such person to such position on said eligible list.

(b) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE SHALL NOT COMBINE OR ELIMINATE THE DIVISIONS SPECIFIED IN SECTION 24-1-117 (4) (a) UNLESS SPECIFICALLY AUTHORIZED BY LAW.

SECTION 3. 24-35-107, Colorado Revised Statutes, is repealed as follows:

24-35-107. Division of enforcement - deputy director of revenue appointed.

~~(1) The executive director of the department of revenue shall create within the department of revenue a division of enforcement. No member of the staff of this division shall receive any payment of state taxes.~~

~~(2) The head of the division of enforcement shall be the deputy director of revenue, who shall be appointed by the executive director with the approval of the governor~~

~~in the manner provided in section 24-35-103. He shall receive a salary in such amount as may be fixed by the executive director, with the approval of the governor, within the limits of the appropriation to the department of revenue by the general assembly.~~

SECTION 4. The introductory portion to 24-35-108 (1) and 24-35-108 (1) (c), (1) (e), (1) (g), and (1) (h), Colorado Revised Statutes, are amended to read:

24-35-108. Functions of department of revenue - collection of state taxes. (1) ~~IN ADDITION TO ANY FUNCTION SPECIFIED IN THIS ARTICLE, the functions of the division of enforcement~~ DEPARTMENT OF REVENUE and the duties of the ~~deputy director of revenue, under the~~ executive director of the department of revenue as the head of said ~~division~~ DEPARTMENT OR OF THE HEAD OF A GROUP, DIVISION, OR SUBORDINATE DEPARTMENT APPOINTED BY THE EXECUTIVE DIRECTOR IN ACCORDANCE WITH THIS ARTICLE are:

(c) To audit reports and returns of taxpayers in connection with all taxes, assessments, and licenses within the jurisdiction of the department of revenue, and, in the performance of this function and duty, the work of the ~~division~~ DEPARTMENT OF REVENUE shall be so planned and organized that when a field auditor of the ~~division~~ DEPARTMENT OF REVENUE investigates the tax liability of a taxpayer, to the extent practical, he OR SHE shall examine the tax liability of such taxpayer with respect to all state taxes as to which the return or report of the taxpayer is in question to the end that separate audits by different auditors shall be reduced to a minimum;

(e) To promulgate and establish, with the approval of the ~~executive director of the department of revenue and the~~ governor, rules and regulations governing not only the internal administration of the department of revenue and the ~~division of enforcement~~ but also the collection of taxes, assessments, and licenses and delinquencies in any thereof;

(g) Such other duties as may be delegated from time to time to the ~~division of enforcement by the executive director of the~~ department of revenue or by law concerning the enforcement and collection of state taxes, assessments, and licenses;

(h) To act for and on behalf of the executive director of the department of revenue in all department of revenue matters whenever the executive director specifically authorizes the ~~deputy director~~ HEAD OF A GROUP, DIVISION, OR SUBORDINATE DEPARTMENT to act on his OR HER behalf FOR THE PURPOSES DESCRIBED IN THIS SECTION.

SECTION 5. 24-35-109 (2), Colorado Revised Statutes, is amended to read:

24-35-109. Collections - distraint and sale. (2) Specifically, by way of extension and not of limitation, if any person, firm, or corporation liable to pay any tax for personal property or license fee, all or any portion of which is then due the state, neglects or refuses to pay the same within thirty days after notice and demand therefor to the taxpayer is made in writing by the executive director of the department of revenue or ~~his deputy~~ A GROUP, DIVISION, OR SUBORDINATE DEPARTMENT HEAD APPOINTED PURSUANT TO THIS ARTICLE, it is lawful for the executive director or ~~his deputy through the division of enforcement~~ SUCH GROUP, DIVISION, OR SUBORDINATE

DEPARTMENT HEAD, to collect the whole of said tax or license fee, together with such interest and other amounts as are required by law, by distraint and sale of the goods, chattels, or effects, including stocks, securities, bank accounts, and evidences of debt of the delinquent taxpayer. Only such property as is exempt from attachment and execution under the laws of this state shall be exempt from distraint and sale under the provisions of this title.

SECTION 6. 24-35-113, Colorado Revised Statutes, is amended to read:

24-35-113. Employees interchangeable. (1) It is the duty of the executive director of the department of revenue in the administration of his OR HER department to organize the same so that all employees of the department, insofar as possible, are interchangeable in work assignment, to the end that they may be shifted within the department of revenue so as to meet ~~seasonal and emergency~~ THE demands upon any division, GROUP, or branch of the department and the number of such employees kept to the minimum possible for efficient operation. It is likewise the duty of the said executive director, insofar as practicable, to centralize all record-keeping, filing, payroll, and other services required by the department and divisions thereof.

(2) IN ANY FISCAL YEAR IN WHICH EMPLOYEES ARE SHIFTED BETWEEN DIVISIONS, GROUPS, OR BRANCHES OF THE DEPARTMENT PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE EXECUTIVE DIRECTOR SHALL PREPARE A REPORT THAT DEMONSTRATES THAT THE TOTAL CASH FUND, CASH FUND EXEMPT, AND FEDERALLY FUNDED FTE APPROPRIATED TO SUCH A DIVISION, GROUP, OR BRANCH OF THE DEPARTMENT FOR SUCH FISCAL YEAR HAS NOT BEEN EXCEEDED IN THAT FISCAL YEAR BY SUCH DIVISION, GROUP, OR BRANCH. SUCH REPORT SHALL BE SUBMITTED WITH THE DEPARTMENT'S ANNUAL BUDGET REQUEST TO THE JOINT BUDGET COMMITTEE.

SECTION 7. 10-3-1104 (4) (b), Colorado Revised Statutes, is amended to read:

10-3-1104. Unfair methods of competition and unfair or deceptive acts or practices. (4) The following is defined as an unfair practice in the business of insurance: For an insurer to deny, refuse to issue, refuse to renew, refuse to reissue, cancel, or otherwise terminate a motor vehicle insurance policy, to restrict motor vehicle insurance coverage on any person, or to add any surcharge or rating factor to a premium of a motor vehicle insurance policy solely because of:

(b) The licensee's inability to operate a motor vehicle due to physical incompetence if the licensee obtains an affidavit from a rehabilitation provider or licensed physician acceptable to ~~the motor vehicle division~~ of the department OF REVENUE.

SECTION 8. 10-4-615 (4) (a), Colorado Revised Statutes, is amended to read:

10-4-615. Motorist insurance identification database program - reporting required - fine - repeal. (4) (a) The ~~motor vehicle division in the~~ department of revenue shall assess a fine of not more than two hundred fifty dollars against an insurer for each day such insurer fails to comply with this section.

SECTION 9. 10-4-724 (2), (4), and (6) (a) (II), Colorado Revised Statutes, are amended to read:

10-4-724. Reduction in rates for drivers aged fifty-five or older who complete a driver's education course - legislative declaration. (2) Effective July 1, 1991, all rates, rating schedules, and rating manuals for liability, personal injury protection, and collision coverages of a motor vehicle insurance policy submitted to or filed with the commissioner under this part 7 shall provide for an appropriate reduction in premium charges based on justifiable data when the vehicle is a covered vehicle and when the principal operator is fifty-five or older and has successfully completed a driver's education course taught by a driving school licensed pursuant to article 15 of title 12, C.R.S., or by a nonprofit corporation subject to articles 121 to 137 of title 7, C.R.S., if such course has been preapproved by the ~~division of motor vehicles~~ DEPARTMENT OF REVENUE. Any discount used by an insurer shall be presumed appropriate unless credible data demonstrates otherwise. Insurers shall provide the commissioner with data reflecting the claims experience of drivers who have received reductions in premium charges compared with the claims experience of drivers who have not received such reductions.

(4) Each person who successfully completes a driver's education course taught by a nonprofit corporation subject to articles 121 to 137 of title 7, C.R.S., if such course has been preapproved by the ~~division of motor vehicles~~ DEPARTMENT OF REVENUE, shall be issued a certificate by the nonprofit corporation offering the course, which certificate shall be evidence of qualification for the premium discount required by this section.

(6) An insured may renew qualification for the discount provided by this section by:

(a) (II) Retaking a driver's education course taught by a nonprofit corporation subject to articles 121 to 137 of title 7, C.R.S., if such course has been preapproved by the ~~division of motor vehicles~~ DEPARTMENT OF REVENUE; and

SECTION 10. 24-33.5-218, Colorado Revised Statutes, is amended to read:

24-33.5-218. Patrol has access to files. The Colorado state patrol shall have access to all motor vehicle files at all times for the purpose of enforcing the provisions of this part 2 and shall assist ~~the motor vehicle division~~ of the department of revenue whenever necessary and by whatever means is required on all investigations and inspections of foreign titles to cars ~~which~~ THAT are to be sold or licensed within the state whenever the persons do not have the proper bills of sale, titles, or proof of ownership.

SECTION 11. 24-33.5-412 (1) (c.5), Colorado Revised Statutes, is amended to read:

24-33.5-412. Functions of bureau - legislative review. (1) The bureau has the following authority:

(c.5) To maintain a computerized data file of motor vehicle information received from the ~~division of motor vehicles~~ DEPARTMENT OF REVENUE accessible to law enforcement agencies through the telecommunications network operated by the bureau, and, by January 1, 2001, to allow law enforcement agencies to search multiple fields in the motor vehicle files including but not limited to vehicle license

plate numbers, vehicle identification numbers, manufacturers, models, years, tab, and primary body colors, or any combinations thereof;

SECTION 12. 24-34-104 (30) (a) (VI), Colorado Revised Statutes, is amended to read:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (30) (a) The following functions of the specified agency shall terminate on July 1, 2001:

(VI) The motorist insurance identification database program created in section 10-4-615, C.R.S., as conducted by the department of revenue. ~~through the division of motor vehicles.~~

SECTION 13. 25-7-106 (4) (a), Colorado Revised Statutes, is amended to read:

25-7-106. Commission - additional authority. (4) (a) In the event the commission, after hearing, finds and determines that a particular style or model of automobile air pollution control device is not sufficiently effective to justify the continued connection and operation of such device, the commission shall so notify ~~the motor vehicle division~~ of the department of revenue; thereafter, all devices of such particular style or model shall be exempt from the provisions of section 42-4-314, C.R.S.

SECTION 14. 26-2-107 (1) (a) (I) (D), Colorado Revised Statutes, is amended to read:

26-2-107. Verification - record. (1) (a) (I) Whenever a county department receives an application for public assistance, it shall promptly make a record concerning the circumstances of the applicant to verify the facts supporting the application and shall examine all pertinent records and shall make a diligent effort to examine all records prior to granting assistance. Such records shall include, but shall not be limited to, the following:

(D) Records of ~~the motor vehicle division~~ of the department of revenue.

SECTION 15. 39-10-111 (10), Colorado Revised Statutes, is amended to read:

39-10-111. Distraint, sale of personal property - redemption of mobile home. (10) A mobile home ~~which~~ THAT is located on leased land or other land not owned by the owner of the mobile home, including, but not limited to, land ~~which~~ THAT was previously owned by the owner of the mobile home and the ownership of which was subsequently acquired by foreclosure, and ~~which~~ THAT is sold under the provisions of this section may be redeemed by the owner thereof within one year after the date of the sale upon payment to the treasurer of the proceeds of the sale, interest on such amount at the rate ~~which~~ THAT is determined pursuant to section 39-12-103 (3), and all taxes due and payable on the mobile home subsequent to the tax sale, except as provided in subsection (12) of this section. A mobile home ~~which~~ THAT is located on land owned by the owner of the mobile home and ~~which~~ THAT is sold under the provisions of this section may be redeemed by the owner thereof within three years after the date of the sale upon payment to the treasurer of the proceeds of the sale,

interest on such amount at the rate ~~which~~ THAT is determined pursuant to section 39-12-103 (3), and all taxes due and payable on the mobile home subsequent to the tax sale, except as provided in subsection (12) of this section. The treasurer shall return such moneys to the purchaser or lawful holder of the certificate of sale. Except as provided in subsection (11) of this section on or before thirty days prior to the close of the redemption period, the treasurer shall notify the owner of the mobile home and any lienholder of record in the department of revenue and secretary of state, by personal delivery or by certified or registered mail to his OR HER last-known address, that a treasurer's certificate of ownership for the mobile home may issue to the purchaser or lawful holder of the certificate of sale at the close of the redemption period unless such payment is made. Upon redemption, the treasurer shall notify ~~the motor vehicle division~~ of the department of revenue that redemption has been made and thereafter release the tax sale lien filed against the mobile home. If the owner has not exercised his OR HER right of redemption and after the close of the redemption period, the purchaser or lawful holder of the certificate of sale may apply to the treasurer for a treasurer's certificate of ownership for the mobile home. Upon receipt of such application, the treasurer shall issue a treasurer's certificate of ownership to such purchaser or holder, and such certificate of ownership shall transfer to him OR HER all right, title, and interest in and to the mobile home. Such certificate of ownership shall, upon application, entitle the purchaser or holder thereof to a certificate of title to be issued and filed pursuant to part 1 of article 6 of title 42, C.R.S. Any surplus of the sale proceeds over and above the taxes, delinquent interest, and costs of making the seizure and advertising the sale of a mobile home shall be credited to the county general fund, and a written account of the sale shall be furnished to the owner.

SECTION 16. 39-10-115 (1) , Colorado Revised Statutes, is amended to read:

39-10-115. Certificate of taxes due. (1) Upon request, the treasurer shall certify in writing the full amount of taxes due upon any parcel of real property or mobile home in his OR HER county, and all outstanding sales for unpaid taxes as shown by the records of his OR HER office or the records ~~of the motor vehicle division~~ the department of revenue, with the amount required for redemption of such sales, if the same still are redeemable. The treasurer shall include on such certificate of taxes due an itemized list of the mill levies and amount of taxes and assessments imposed by each taxing jurisdiction and a statement that information regarding special taxing districts and the boundaries of such districts may be on file or deposit with the board of county commissioners, the county clerk and recorder, or the county assessor. A fee shall be collected for each such certificate issued by him OR HER, as provided in section 30-1-102, C.R.S.

SECTION 17. 39-11-114 (3) (a), Colorado Revised Statutes, is amended to read:

39-11-114. Record of sales of tax liens on real estate and mobile homes. (3) (a) Upon recordation of the tax sale, the treasurer shall also make a separate list of all mobile homes for which tax liens are sold at the sale and file such list with ~~the motor vehicle division~~ of the department of revenue. Such list shall include the mobile home's identification number, year and make, parcel number, and all pertinent tax sale information. For maintaining this recorded tax sale information on mobile homes, the executive director of the department of revenue may impose a fee of five dollars which shall become part of the mobile home tax sale redemption cost.

SECTION 18. 39-21-101 (2), Colorado Revised Statutes, is amended to read:

39-21-101. Definitions. As used in this article, unless the context otherwise requires:

(2) "Executive director" or "executive director of the department of revenue" means the executive director of the department of revenue and includes the ~~deputy director of revenue~~ HEAD OF ANY GROUP, DIVISION, OR SUBORDINATE DEPARTMENT, as appointed in accordance with article 35 of title 24, C.R.S., whenever the executive director specifically authorizes the ~~deputy director~~ GROUP, DIVISION, OR SUBORDINATE DEPARTMENT HEAD to act on his OR HER behalf.

SECTION 19. 39-21-113 (4) (b), Colorado Revised Statutes, is amended to read:

39-21-113. Reports and returns. (4) (b) Nothing in this section shall be construed to prohibit the delivery to a person or his OR HER duly authorized representative of a copy of any return or report filed in connection with his OR HER tax. Such copies may be certified by the executive director of the department of revenue or ~~his deputy or agent~~ THE HEAD OF ANY GROUP, DIVISION, OR SUBORDINATE DEPARTMENT, AS APPOINTED BY THE EXECUTIVE DIRECTOR IN ACCORDANCE WITH ARTICLE 35 OF TITLE 24, C.R.S., and when so certified shall be evidence equally with and in like manner as the originals and may be received by the courts of this state as evidence of the contents of the originals.

SECTION 20. 39-23-102 (8), Colorado Revised Statutes, is amended to read:

39-23-102. Definitions. As used in this article, unless the context otherwise requires:

(8) "Executive director" means the executive director of the department of revenue and the ~~deputy director of revenue~~ HEAD OF ANY GROUP, DIVISION, OR SUBORDINATED DEPARTMENT, as appointed in accordance with article 35 of title 24, C.R.S., whenever the executive director specifically authorizes the ~~deputy director~~ GROUP, DIVISION, OR SUBORDINATE DEPARTMENT HEAD to act on his OR HER behalf.

SECTION 21. 42-1-102 (96) and (102) are amended to read:

42-1-102. Definitions. As used in articles 1 to 4 of this title, unless the context otherwise requires:

(96) "State motor vehicle licensing agency" means ~~the motor vehicle division of~~ the department of revenue.

(102) "Supervisor" means the ~~chief of the motor vehicle division of this state~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE OR HEAD OF A GROUP, DIVISION, OR SUBORDINATE DEPARTMENT APPOINTED BY THE EXECUTIVE DIRECTOR IN ACCORDANCE WITH ARTICLE 35 OF TITLE 24, C.R.S.

SECTION 22. 42-1-201, Colorado Revised Statutes, is amended to read:

42-1-201. Administration - supervisor. The executive director of the department

is empowered to administer and enforce the provisions of articles 1 to 4 of this title. There shall be ~~a~~ AT LEAST ONE supervisor who shall be employed under section 13 of article XII of the state constitution.

SECTION 23. 42-2-113, Colorado Revised Statutes, is amended to read:

42-2-113. License examiners appointed. The department may appoint license examiners for ~~the motor vehicle division~~ in any county in this state to conduct local examinations for all types of drivers' licenses. Such officers of the ~~motor vehicle division~~ DEPARTMENT shall conduct the examination as prescribed by law for all drivers in said county and collect the fees as provided in section 42-2-114 and remit the same to the department, which shall deposit the same in the state treasury to the credit of the highway users tax fund.

SECTION 24. 42-2-119 (2), Colorado Revised Statutes, is amended to read:

42-2-119. Notices - change of address or name. (2) All notices and orders required to be given to any licensee or registered owner under the provisions of the motor vehicle laws shall be in writing; and, if mailed, postpaid by first-class mail, to him or her at the last-known address shown by the records in the ~~motor vehicle division~~ DEPARTMENT. Such mailing shall be sufficient notice in accord with the motor vehicle laws. Any notice or order of the department mailed first-class under the provisions of this title creates a presumption for administrative purposes that such notice or order was received if the department maintains a copy of the notice or order and maintains a certification that the notice or order was deposited in the United States mail by an employee of the department. Evidence of a copy of the notice mailed to the last-known address of the licensee as shown by the records of the department and a certification of mailing by a department employee, or evidence of delivery of notice in person to the last-known address of the licensee as shown by the records of the department, or evidence of personal service upon the licensee or upon any attorney appearing on the licensee's behalf of the order of denial, cancellation, suspension, or revocation of the license by the executive director of the department, or by the executive director's duly authorized representative, is prima facie proof that the licensee received personal notice of said denial, cancellation, suspension, or revocation.

SECTION 25. 42-3-113.5, Colorado Revised Statutes, is amended to read:

42-3-113.5. Remanufacture of certain license plates. A motor vehicle owner who wishes to retain a set of license plates that contain only two alphabetic figures and up to four numeric figures may have such license plates remanufactured upon application to the department. Only number plates currently assigned and registered to such owner are eligible for remanufacture. The application shall be on such form as is determined by the ~~division of motor vehicles~~ DEPARTMENT. No additional fee shall be charged for remanufacture beyond the existing taxes and fees imposed for vehicle registration. Remanufacture is not authorized for any license plates other than the plates described in this section.

SECTION 26. 42-3-121 (1) (b), the introductory portion to (2) (a), and 42-3-121 (2) (a) (I), (2) (a) (II), (2) (a.5), (2) (b), (2) (c), and (3), Colorado Revised Statutes, are amended to read:

42-3-121. Parking privileges for persons with disabilities - applicability.

(1) As used in this section:

(b) "Person with a disability" means a person so severely impaired that such person is unable to move from place to place without the aid of a mechanical device or who has a physical impairment verified, in writing, by the director of the division of rehabilitation (which has been administratively created by the department of human services) or a physician licensed to practice medicine in this state or practicing medicine pursuant to section 12-36-106 (3) (i), C.R.S., that such impairment limits substantially the person's ability to move from place to place. Before such a verification can be made, said director or physician shall certify to the ~~division~~ DEPARTMENT OF REVENUE that the standards established by the EXECUTIVE director of the ~~motor vehicle division~~ DEPARTMENT OR HIS OR HER DESIGNEE, in consultation with the director of the division of rehabilitation, for such a determination have been met.

(2) (a) A person with a disability may apply to ~~the motor vehicle division~~ of the department for:

(I) Distinguishing license plates to be supplied at the same cost as standard plates and to be displayed on a motor vehicle owned by such person as provided in section 42-3-123. Any plates issued by the ~~motor vehicle division~~ DEPARTMENT pursuant to this section shall be renewed once each year in a manner to be determined by the ~~division~~ DEPARTMENT. The issuance of a special license plate to a person with a disability pursuant to the provisions of this subparagraph (I) shall not preclude such person from obtaining an identifying placard pursuant to the provisions of subparagraph (II) of this paragraph (a). The verification requirements of subsection (1) of this section shall be met once every three years.

(II) An identifying placard to be prominently displayed on a motor vehicle used to transport such person. Any placard valid for more than ninety days issued by the ~~motor vehicle division~~ DEPARTMENT pursuant to this section shall have printed on the placard either the Colorado driver's license number or the Colorado identification card number of the person or persons with the disability. Such identifying number shall be legible to any law enforcement officer or authorized parking enforcement official when viewed from outside the vehicle. Any placard issued by the ~~motor vehicle division~~ DEPARTMENT pursuant to this section shall be renewed every three years in a manner to be determined by the ~~division~~ DEPARTMENT. The verification requirements of subsection (1) of this section shall be met each time the placard is renewed.

(a.5) Notwithstanding the verification requirements of subparagraphs (I), (II), and (III) of paragraph (a) of this subsection (2), if a renewal applicant has a permanent disability that was verified in writing by a physician licensed to practice medicine in this state or practicing medicine pursuant to section 12-36-106 (3) (i), C.R.S., and provided to the ~~division~~ DEPARTMENT with the original application for a license plate or placard under this section, such applicant shall not be required to meet such verification requirement to renew such license plate or placard. If a person renews such license plate or placard of and on behalf of a person with a permanent disability, the person renewing such license plate or placard shall sign an affidavit, under the penalty of perjury, attesting to the fact that the person with a permanent disability is

still in need of the license plate or placard and stating that such license plate or placard shall be surrendered to the ~~motor vehicle division~~ DEPARTMENT upon the death of the person with a permanent disability.

(b) Such license plate or placard shall be issued to such person upon presentation to the ~~motor vehicle division~~ DEPARTMENT of a written statement, verified by a physician licensed to practice medicine in this state or practicing medicine pursuant to section 12-36-106 (3) (i), C.R.S., that such person is a person with a disability. The application for such a license plate or placard shall be sent to the ~~motor vehicle division~~ DEPARTMENT each year.

(c) Such license plate or placard may be revoked by the ~~motor vehicle division~~ DEPARTMENT upon receipt of a sworn statement from a peace officer or an authorized parking enforcement official that the person with a disability has improperly used the privilege defined in section 42-4-1208. Upon a first violation of section 42-4-1208, the department shall deny any reissuance of such license plate or placard for a period of one year from the date of revocation. Upon a second or subsequent violation of section 42-4-1208, the department shall deny any reissuance of such license plate or placard for a period of at least five years from the date of the second or each subsequent revocation. The department shall provide written notification to the person with a disability of such revocation, which notification shall contain a demand for the return of the license plate or placard to the department and a warning that continued use by any person shall be subject to the penalty set forth in section 42-4-1208 (11). This paragraph (c) shall take effect July 1, 2000, and shall apply to any violations occurring on or after July 1, 2000.

(3) The department shall issue temporary distinguishing license permits and a temporary identifying placard to any person who is temporarily a person with a disability upon presentation to the ~~motor vehicle division~~ DEPARTMENT of a written statement, verified by a physician licensed to practice medicine in this state or practicing medicine pursuant to section 12-36-106 (3) (i), C.R.S., that such person temporarily meets the definition of a person with a disability. Such permits and placard shall be valid for a period of ninety days from the date of issuance and may continually be renewed for additional ninety-day periods during the term of such disability upon resubmission of such written and verified statements. The provisions of this section including provisions regarding the privileges granted to persons with disabilities, revocation of license plates or placards, and display of license plates and placards shall apply in the case of temporary license permits and temporary placards issued under this subsection (3). Further, the requirement that the placard include a printed identification number as set forth in subparagraph (II) of paragraph (a) of subsection (2) of this section shall apply to both temporary license permits and temporary placards issued under this subsection (3). Temporary license permits and temporary placards issued by states other than Colorado shall be valid so long as they are currently valid in the state of issuance and valid pursuant to 23 C.F.R. part 1235.

SECTION 27. 42-3-138 (7), Colorado Revised Statutes, is amended to read:

42-3-138. Special registration of collectors' items. (7) All applications for special registration of motor vehicles shall be made direct to the department of revenue ~~motor vehicle division~~, as well as all matters pertaining thereto ~~which~~ THAT are administered by it. All fees received from special registrations shall be placed by

the department in the same fund as are its other registration fees. No part of this fee shall be payable to the counties.

SECTION 28. 42-4-402, Colorado Revised Statutes, is amended to read:

42-4-402. Administration of inspection program. ~~The division of motor vehicles~~ DEPARTMENT shall have responsibility for administering the diesel inspection program in accordance with the authority exercised by the executive director under the provisions of this part 4.

SECTION 29. 42-4-611 (2), Colorado Revised Statutes, is amended to read:

42-4-611. Paralegic persons or persons with disabilities - distress flag. (2) Any person desiring to use such display shall make application to ~~the motor vehicle division of~~ the department, and the department may in its discretion issue to such person with a disability upon application a card ~~which~~ THAT sets forth the applicant's name, address, and date of birth, the physical apparatus needed to operate a motor vehicle, if any, and any other pertinent facts ~~which~~ THAT the department deems desirable, and in its discretion the department may issue a permit for the use of and issue to such person a display flag. Each such flag shall be numbered, and in the event of loss or destruction a duplicate may be issued upon the payment of the sum of one dollar by such applicant. The department shall maintain a list of such applicants and persons to whom permits and flags have been issued and furnish a copy thereof to the Colorado state patrol upon request.

SECTION 30. 42-4-1301 (9) (e) (II), Colorado Revised Statutes, is amended to read:

42-4-1301. Driving under the influence - driving while impaired - driving with excessive alcoholic content - tests - penalties - useful public service program - alcohol and drug driving safety program. (9) (e) (II) For sentencing purposes concerning convictions for second and subsequent offenses, prima facie proof of a defendant's previous convictions shall be established when the prosecuting attorney and the defendant stipulate to the existence of the prior conviction or convictions or the prosecuting attorney presents to the court a copy of the driving record of the defendant provided by ~~the motor vehicle division of~~ the department of revenue of this state, or provided by a similar agency in another state, which contains a reference to such previous conviction or convictions or presents an authenticated copy of the record of the previous conviction or judgment from any court of record of this state or from a court of any other state, the United States, or any territory subject to the jurisdiction of the United States. The court shall not proceed to immediate sentencing when there is not a stipulation to prior convictions or if the prosecution requests an opportunity to obtain a driving record or a copy of a court record. The prosecuting attorney shall not be required to plead or prove any previous convictions at trial, and sentencing concerning convictions for second and subsequent offenses shall be a matter to be determined by the court at sentencing.

SECTION 31. 42-4-1701 (5) (a), (5) (b), and (6), Colorado Revised Statutes, are amended to read:

42-4-1701. Traffic offenses and infractions classified - penalties - penalty and

surcharge schedule. (5) (a) At the time that any person is arrested for the commission of any misdemeanors, petty offenses, or misdemeanor traffic offenses set forth in subsection (4) of this section, the arresting officer may, except when the provisions of paragraph (c) of this subsection (5) prohibit it, offer to give a penalty assessment notice to the defendant. At any time that a person is charged with the commission of any traffic infraction, the peace officer shall, except when the provisions of paragraph (c) of this subsection (5) prohibit it, give a penalty assessment notice to the defendant. Such penalty assessment notice shall contain all the information required by section 42-4-1707 (3) or by section 42-4-1709, whichever is applicable. The fine or penalty specified in subsection (4) of this section for the violation charged and the surcharge thereon may be paid at the office of the department of revenue, ~~motor vehicle division~~, either in person or by postmarking such payment within twenty days from the date the penalty assessment notice is served upon the defendant; except that the fine or penalty charged and the surcharge thereon shall be paid to the county if it relates to a traffic offense authorized by county ordinance. The ~~motor vehicle division~~ of the department of revenue shall accept late payment of any penalty assessment up to twenty days after such payment becomes due. In the case of an offense other than a traffic infraction, a defendant who otherwise would be eligible to be issued a penalty assessment notice but who does not furnish satisfactory evidence of identity or who the officer has reasonable and probable grounds to believe will disregard the summons portion of such notice may be issued a penalty assessment notice if the defendant consents to be taken by the officer to the nearest mailbox and to mail the amount of the fine or penalty and surcharge thereon to the department. The peace officer shall advise the person arrested or cited of the points to be assessed in accordance with section 42-2-127. Acceptance of a penalty assessment notice and payment of the prescribed fine or penalty and surcharge thereon to the department shall be deemed a complete satisfaction for the violation, and the defendant shall be given a receipt which so states when such fine or penalty and surcharge thereon is paid in currency or other form of legal tender. Checks tendered by the defendant to and accepted by the department and on which payment is received by the department shall be deemed sufficient receipt.

(b) In the case of an offense other than a traffic infraction, should the defendant refuse to accept service of the penalty assessment notice when such notice is tendered, the peace officer shall proceed in accordance with section 42-4-1705 or ~~section 42-4-1707~~. Should the defendant charged with an offense other than a traffic infraction accept service of the penalty assessment notice but fail to post the prescribed penalty and surcharge thereon within twenty days thereafter, the notice shall be construed to be a summons and complaint unless payment for such penalty assessment has been accepted by ~~the motor vehicle division~~ of the department of revenue as evidenced by receipt. Should the defendant charged with a traffic infraction accept the notice but fail to post the prescribed penalty and surcharge thereon within twenty days thereafter, and should the ~~division of motor vehicles~~ of the department of revenue not accept payment for such penalty and surcharge as evidenced by receipt, the defendant shall be allowed to pay such penalty and surcharge thereon and the docket fee in the amount set forth in section 42-4-1710 (4) to the clerk of the court referred to in the summons portion of the penalty assessment notice during the two business days prior to the time for appearance as specified in the notice. If the penalty for a misdemeanor, misdemeanor traffic offense, or a petty offense and surcharge thereon is not timely paid, the case shall thereafter be heard in

the court of competent jurisdiction prescribed on the penalty assessment notice in the same manner as is provided by law for prosecutions of the misdemeanors not specified in subsection (4) of this section. If the penalty for a traffic infraction and surcharge thereon is not timely paid, the case shall thereafter be heard in the court of competent jurisdiction prescribed on the penalty assessment notice in the manner provided for in this article for the prosecution of traffic infractions. In either case, the maximum penalty ~~which~~ THAT may be imposed shall not exceed the penalty set forth in the applicable penalty and surcharge schedule in subsection (4) of this section.

(6) An officer coming upon an unattended vehicle ~~which~~ THAT is in apparent violation of any provision of the state motor vehicle law may place upon the vehicle a penalty assessment notice indicating the offense or infraction and directing the owner or operator of the vehicle to remit the penalty assessment provided for by subsection (4) of this section and the surcharge thereon pursuant to section 24-4.2-104 (1), C.R.S., to the Colorado department of revenue ~~motor vehicle division~~ within ten days. If the penalty assessment and surcharge thereon is not paid within ten days of the issuance of such notice, the department shall mail a notice to the registered owner of the vehicle, setting forth the offense or infraction and the time and place where it occurred and directing the payment of the penalty assessment and surcharge thereon within twenty days from the issuance of the notice. If the penalty assessment and surcharge thereon is not paid within such twenty days from the date of mailing of such notice, the department shall request the police officer who issued the original penalty assessment notice to file a complaint with a court having jurisdiction and issue and serve upon the registered owner of the vehicle a summons to appear in court at a time and place specified therein as in the case of other offenses or infractions.

SECTION 32. 42-4-1707 (3) (b), Colorado Revised Statutes, is amended to read:

42-4-1707. Summons and complaint or penalty assessment notice for misdemeanors, petty offenses, and misdemeanor traffic offenses - release - registration. (3) (b) One copy of said penalty assessment notice shall be served upon the defendant by the peace officer and one copy sent to the supervisor ~~of~~ WITHIN the ~~motor vehicle division~~ DEPARTMENT and such other copies sent as may be required by rule ~~or regulation~~ of the ~~motor vehicle division~~ DEPARTMENT to govern the internal administration of this article between the ~~motor vehicle division~~ DEPARTMENT and the Colorado state patrol.

SECTION 33. 42-4-1709 (2), Colorado Revised Statutes, is amended to read:

42-4-1709. Penalty assessment notice for traffic infractions - violations of provisions by officer - driver's license. (2) One copy of said penalty assessment notice shall be served upon the defendant by the peace officer and one copy sent to the supervisor ~~of the motor vehicle division~~ WITHIN THE DEPARTMENT and such other copies sent as may be required by rule ~~or regulation~~ of the ~~motor vehicle division~~ DEPARTMENT to govern the internal administration of this article between the ~~motor vehicle division~~ DEPARTMENT and the Colorado state patrol.

SECTION 34. 42-5-101 (11), Colorado Revised Statutes, is amended to read:

42-5-101. Definitions. As used in this part 1, unless the context otherwise

requires:

(11) "Vehicle identification number" means any identifying number, serial number, engine number, or other distinguishing number or mark, including letters, if any, that is unique to the identity of a given vehicle or component part thereof ~~which~~ THAT was placed on a vehicle or engine by its manufacturer or by authority of the ~~motor vehicle division~~ in the department of revenue pursuant to section 42-5-205 or in accordance with the laws of another state or country.

SECTION 35. 42-5-110 (1) and (2), the introductory portion to 42-5-110 (3), and 42-5-110 (3) (c) and (4) (b), Colorado Revised Statutes, are amended to read:

42-5-110. Possession of removed, defaced, altered, or destroyed motor vehicle identification numbers. (1) No person shall knowingly buy, sell, offer for sale, receive, or possess any motor vehicle or component part thereof from which the vehicle identification number or any number placed on said vehicle or component part for its identification by the manufacturer has been removed, defaced, altered, or destroyed unless such vehicle or component part has attached thereto a special identification number assigned or approved by the ~~motor vehicle division~~ DEPARTMENT in lieu of the manufacturer's number.

(2) Whenever such motor vehicle or component part comes into the custody of a peace officer, it shall be destroyed, sold, or otherwise disposed of under the conditions provided in an order by the court having jurisdiction. No court order providing for disposition shall be issued unless the person from whom the property was seized and all claimants to the property whose interest or title is on the records in the ~~motor vehicle division~~ DEPARTMENT OF REVENUE are provided a postseizure hearing by the court having jurisdiction within a reasonable period ~~of time~~ after the seizure. This postseizure hearing shall be held on those motor vehicles or component parts for which true ownership is in doubt, including, but not limited to, those motor vehicles or component parts that are altered to the extent that they cannot be identified, those motor vehicles or component parts ~~which~~ THAT are composed of parts belonging to several different claimants, and those motor vehicles or component parts for which there are two or more existing titles. This subsection (2) shall not apply with respect to such motor vehicle or component part used as evidence in any criminal action or proceeding. Nothing in this section shall, however, preclude the return of such motor vehicle or component part to the owner by the seizing agency following presentation of satisfactory evidence of ownership and, if it is determined to be necessary, upon assignment of an identification number to the vehicle or component part by the ~~motor vehicle division~~ DEPARTMENT OF REVENUE. There shall be no special identification number issued for a component part unless it is a component part of a complete motor vehicle.

(3) Whenever such motor vehicle or component part comes into the custody of a peace officer, the person from whom the property was seized and all claimants to the property whose interest or title is noted on the records of the ~~motor vehicle division~~ DEPARTMENT OF REVENUE shall be notified within ninety days of seizure of the seizing agency's intent to commence a postseizure hearing as described in subsection (2) of this section. Such notice shall contain the following information:

(c) A statement that the person from whom the property was seized and all

claimants to the motor vehicle or component part whose interest or title is on the records in the ~~motor vehicle division~~ DEPARTMENT OF REVENUE will have notification of the seizing agency's intention to commence a postseizure hearing, and such notice shall be sent to the last-known address by registered mail within ninety days of the date of seizure;

(4) (b) If the evidence reveals either that the identification number has not been removed, altered, or destroyed or that the identification has been removed, altered, or destroyed but satisfactory evidence of ownership has been presented, then the motor vehicle or component part shall be released to the person entitled thereto. Nothing in this section shall preclude the return of such motor vehicle or component part to a good faith purchaser following the presentation of satisfactory evidence of ownership thereof, and, if necessary, said good faith purchaser may be required to obtain an assigned identification number from the motor vehicle ~~division~~ GROUP.

SECTION 36. 42-5-201 (3) and (13), Colorado Revised Statutes, are amended to read:

42-5-201. Definitions. As used in this part 2, unless the context otherwise requires:

(3) "~~Division~~" means ~~the motor vehicle division in the department of revenue.~~

(13) "Vehicle identification number" means any identifying number, serial number, engine number, or other distinguishing number or mark, including letters, if any, that is unique to the identity of a given vehicle or commercial vehicle or component part thereof ~~which~~ THAT was placed on a vehicle, commercial vehicle, or engine by its manufacturer or by authority of the ~~division~~ DEPARTMENT OF REVENUE pursuant to section 42-5-205 or in accordance with the laws of another state or country.

SECTION 37. 42-5-203, Colorado Revised Statutes, is amended to read:

42-5-203. Inspections - street rod vehicles. When an inspector performs a vehicle identification number inspection on a street rod vehicle, the inspector shall accept the serial number of such street rod vehicle as the vehicle identification number thereof, or, if the street rod vehicle has frame and body identification numbers ~~which~~ THAT do not match or is reconstructed from salvage parts, other vehicles, or reproduction parts, the inspector shall accept the special vehicle identification number assigned to such vehicle by the ~~division~~ DEPARTMENT OF REVENUE pursuant to section 42-5-205 as the vehicle identification number.

SECTION 38. 42-5-205, Colorado Revised Statutes, is amended to read:

42-5-205. Assignment of a special vehicle identification number by the motor vehicle group. The ~~division~~ DEPARTMENT OF REVENUE is authorized to assign a special vehicle identification number to any street rod vehicle whenever required by section 42-6-108 and to any vehicle or commercial vehicle whenever no vehicle identification number is found on the vehicle or whenever a vehicle identification number has been removed, changed, altered, or obliterated. Such special number shall be affixed to the vehicle or commercial vehicle in the manner and position determined by the ~~division~~ DEPARTMENT OF REVENUE. Such special number shall

then be the vehicle identification number required to be recorded by an inspector on the inspection form ~~which~~ THAT is transmitted to the executive director of the department of revenue, and the vehicle or commercial vehicle shall then be registered and titled under the special vehicle identification number.

SECTION 39. 42-5-207, Colorado Revised Statutes, is amended to read:

42-5-207. Rules. The ~~division~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE may adopt rules ~~and regulations~~ necessary to implement this part 2.

SECTION 40. 42-6-108, Colorado Revised Statutes, is amended to read:

42-6-108. Identification number - title - street rod vehicles. (1) When application is made to the state for a certificate of title for a street rod vehicle, the department shall accept the serial number of such street rod vehicle as its vehicle identification number or the special vehicle identification number assigned to such vehicle by ~~the motor vehicle division~~ in the department pursuant to section 42-5-205.

(2) Any applicant who applies for a certificate of title for a street rod vehicle having frame and body identification numbers ~~which~~ THAT do not match the manufacturer's numbering system as being originally mated or that is reconstructed from salvage parts or other motor vehicles or reproduction parts must furnish evidence of ownership, acceptable to the director, of such salvage parts, other motor vehicles, or reproduction components used in the reconstruction of such vehicle. In addition, the applicant must also furnish an affidavit stating the facts concerning the reconstruction and an affidavit of physical inspection ~~which~~ THAT includes a computer check of the state and national compilations of wanted and stolen vehicles. Such vehicle reconstructed from salvage parts, other motor vehicles, or reproduction parts may then be issued a special vehicle identification number from ~~the motor vehicle division~~ in the department. The street rod vehicle will then be titled as a rebuilt vehicle. The model year and the year of manufacture ~~which~~ THAT are listed on the certificate of title of a street rod vehicle shall be the model year and the year of manufacture ~~which~~ THAT the body of such vehicle resembles.

SECTION 41. 42-6-145 (1), Colorado Revised Statutes, is amended to read:

42-6-145. Use of vehicle identification numbers in applications. (1) Any person required to make an application for a certificate of title or registration of any motor vehicle shall use the identification number placed upon the motor vehicle by the manufacturer thereof or the special vehicle identification number assigned to the motor vehicle by ~~the motor vehicle division~~ in the department pursuant to section 42-5-205. The certificate of title and registration card issued by the department shall use the identification number of the motor vehicle.

SECTION 42. 42-7-303 (1) (c), Colorado Revised Statutes, is amended to read:

42-7-303. Duration of suspension. (1) The license or nonresident's operating privilege suspended under sections 42-7-202 and 42-7-301 shall remain so suspended and not be renewed, nor shall any such license be issued to such person, unless there is filed with the director evidence satisfactory to the director that such person has been released from liability, has entered into a contract used as security pursuant to

section 42-7-301 (7), or has been finally adjudicated not liable, or until:

(c) Three years have elapsed since the failure to timely cure any default, after notice, under a contract used as security pursuant to section 42-7-301 (7) and evidence satisfactory to the director has been filed with the ~~division~~ DEPARTMENT showing that no civil action to enforce the contract has been filed during such period. ~~of time.~~

SECTION 43. 42-7-603 (3) and (4), Colorado Revised Statutes, are amended to read:

42-7-603. Definitions. As used in this part 6, unless the context otherwise requires:

(3) "Designated agent" means the party with which the ~~division~~ DEPARTMENT contracts under section 42-7-604.

(4) ~~"Division" means the motor vehicle division in the department of revenue created in section 24-1-117, C.R.S.~~

SECTION 44. 42-7-604 (3), (4), (5) (a) (II), (5) (b), (7), and (8), Colorado Revised Statutes, are amended to read:

42-7-604. Motorist insurance identification database program - creation - administration - selection of designated agent - legislative declaration. (3) The motorist insurance identification database program is hereby created for the purpose of establishing a database to use when verifying compliance with the motor vehicle security requirements in this article and in articles 3 and 4 of this title. The program shall be administered by the ~~division~~ DEPARTMENT.

(4) (a) Not later than January 1, 1998, the ~~division~~ DEPARTMENT shall contract with a designated agent ~~which~~ THAT shall monitor compliance with the financial security requirements of this article; except that the ~~division~~ DEPARTMENT shall not enter into any contract under this subsection (4) unless at least two entities bid on said contract.

(b) After a contract has been entered into with a designated agent, the department shall convene a working group for the purpose of facilitating the implementation of the program. The working group shall consist of representatives of the insurance industry, the division of insurance, the department of public safety, ~~the division,~~ and the department.

(5) (a) Not later than January 1, 1999, the designated agent, using its own computer network, shall develop and maintain a computer database with information provided by:

(II) The ~~division~~ DEPARTMENT ~~which~~ THAT shall provide the designated agent with the name, date of birth, address, and driver's license number of all persons in its computer database, and the make, year, and vehicle identification number of all registered vehicles.

(b) The ~~division~~ DEPARTMENT shall establish guidelines for the development and maintenance of a database so that said database can easily be accessed by state and local law enforcement agencies. Such access shall be within procedures already established and shall not require additional computer keystrokes by dispatch or law enforcement personnel or any other additional procedures.

(7) The division of insurance in the department of regulatory agencies shall contract with a company that gathers statistical information concerning personal lines of property and casualty insurance. Said company shall be paid from the motorist insurance identification account within the highway users tax fund, and shall report the frequency of uninsured motorist claims to the division of insurance on a regular basis. Such report shall include a comparison of the number of uninsured motorist claims with the average number of such claims reported for the twelve-month period immediately preceding July 1, 1997. The division OF INSURANCE shall transmit such information to the general assembly no later than January 1, 1999, and each January 1 thereafter.

(8) The department in cooperation with the division OF INSURANCE, shall promulgate rules and develop procedures for administering and enforcing this part 6. Such rules shall specify the reporting requirements that are necessary and appropriate for commercial lines of insurance and shall be developed with input by insurers and the designated agent.

SECTION 45. The introductory portion to 42-7-605 (1) and 42-7-605 (3), Colorado Revised Statutes, are amended to read:

42-7-605. Notice of lack of financial responsibility. (1) If the comparison made pursuant to section 42-7-604 (6) (b) shows that a motor vehicle has not been insured for three consecutive months, the ~~division~~ DEPARTMENT OF REVENUE shall direct the designated agent to notify the owner of the motor vehicle that said owner has forty-five days to provide the designated agent with one of the following, or said owner's license plates will be subject to immediate seizure after the expiration of said forty-five day period:

(3) A letter from an insurer or agent verifying that the person had the required motor vehicle insurance coverage on the date specified shall be considered proof of financial responsibility for purposes of this section. Such letter may be mailed to the ~~division~~ DEPARTMENT.

SECTION 46. The introductory portions to 42-7-606 (1) and (1) (b), Colorado Revised Statutes, are amended to read:

42-7-606. Disclosure of insurance information - penalty. (1) Information provided to the designated agent by insurers and the ~~division~~ DEPARTMENT for inclusion in the database established pursuant to section 42-7-604 is the property of the insurer or the ~~division~~ DEPARTMENT, as the case may be, and may not be disclosed except as follows:

(b) The ~~division~~ DEPARTMENT shall disclose whether an individual has the required insurance coverage upon request by the following individuals and agencies only:

SECTION 47. 42-20-105 (2), Colorado Revised Statutes, is amended to read:

42-20-105. Enforcement. (2) Any enforcement official shall have the authority to issue penalty assessments for the misdemeanor traffic offenses specified in sections 42-20-204 (1) and 42-20-305 (2). At any time that a person is cited for a violation of any of the offenses specified, the person in charge of or operating the motor vehicle involved shall be given a notice in the form of a penalty assessment notice. Such notice shall be tendered by the enforcement official and shall contain the name and address of such person, the license number of the motor vehicle involved, if any, the number of such person's driver's license, the nature of the violation, the amount of the penalty prescribed for such violation, the date of the notice, a place for such person to execute a signed acknowledgment of receipt of the penalty assessment notice, a place for such person to execute a signed acknowledgment of guilt for the cited violation, and such other information as may be required by law to constitute such notice as a summons and complaint to appear in court should the prescribed penalty not be paid within twenty days. Every cited person shall execute the signed acknowledgment of receipt of the penalty assessment notice. The acknowledgment of guilt shall be executed at the time the cited person pays the prescribed penalty. The person cited shall pay the specified penalty at the office of the department of revenue, either in person or by postmarking such payment within twenty days after the citation. The ~~motor vehicle division of the~~ department of revenue shall accept late payment of any penalty assessment up to twenty days after such payment becomes due. If the person cited does not pay the prescribed penalty within twenty days of the notice, the penalty assessment notice shall constitute a summons and complaint to appear in the county court of the county in which the penalty assessment was issued at a time and place specified by the notice, unless payment for such penalty assessment has been accepted by the ~~motor vehicle division of the~~ department of revenue as evidenced by receipt.

SECTION 48. 42-20-406 (2), Colorado Revised Statutes, is amended to read:

42-20-406. Violations - civil penalties - motor vehicles. (2) Any person who commits any of the acts enumerated in subsection (3) of this section shall be subject to the civil penalty listed in said subsection (3). Ports of entry personnel, investigative personnel of the commission, and officers of the Colorado state patrol shall have the authority to issue civil penalty assessments for the enumerated violations. At any time that a person is cited for a violation enumerated in subsection (3) of this section, the person in charge of or operating the motor vehicle involved shall be given a notice in the form of a civil penalty assessment notice. Such notice shall be tendered by the enforcement official and shall contain the name and address of such person, the license number of the motor vehicle involved, if any, the number of such person's driver's license, the nature of the violation, the amount of the penalty prescribed for such violation, the date of the notice, a place for such person to execute a signed acknowledgment of his or her receipt of the civil penalty assessment notice, a place for such person to execute a signed acknowledgment of liability for the cited violation, and such other information as may be required by law to constitute such notice as a complaint to appear in court should the prescribed penalty not be paid within ten days. Every cited person shall execute the signed acknowledgment of his or her receipt of the civil penalty assessment notice. The acknowledgment of liability shall be executed at the time the cited person pays the prescribed penalty. The person cited shall pay the civil penalty specified in subsection (3) of this section for the

violation involved at the office of the department of revenue ~~motor vehicle division~~ either in person or by postmarking such payment within ten days of the citation. The ~~motor vehicle division~~ of the department of revenue shall accept late payment of any penalty assessment up to twenty days after such payment becomes due. If the person cited does not pay the prescribed penalty within ten days of the notice, the civil penalty assessment notice shall constitute a complaint to appear in court unless payment for such penalty assessment has been accepted by ~~the motor vehicle division~~ of the department of revenue as evidenced by receipt, and the person cited shall, within the time specified in the civil penalty assessment notice, file an answer to this complaint with the county court for the county in which the penalty assessment was issued. The attorney general shall represent the state agency ~~which~~ THAT issued the civil penalty assessment notice if so requested by the agency.

SECTION 49. 43-4-207 (2) (b) (I), (2) (b) (II), and (2) (e), Colorado Revised Statutes, are amended to read:

43-4-207. County allocation. (2) For the fiscal year commencing July 1, 1989, and each fiscal year thereafter, for the purpose of allocating moneys in the highway users tax fund to the various counties throughout the state, the following method is hereby adopted:

(b) All moneys credited to the fund in excess of eighty-six million seven hundred thousand dollars shall be allocated to the counties in the following manner:

(I) Fifteen percent shall be allocated to the counties in proportion to the rural motor vehicle registration in each county. The term "rural motor vehicle registration" includes all passenger, truck, truck-tractor, and motorcycle registrations in unincorporated portions of the county. The number of registrations used in computing the percentage shall be those certified to the state treasurer by the department of revenue ~~motor vehicle division~~, as constituting the rural motor vehicle registration for the last preceding year.

(II) Fifteen percent shall be allocated to the counties in proportion to the countywide motor vehicle registration in each county. The term "countywide motor vehicle registration" includes all passenger, truck, truck-tractor, and motorcycle registrations in unincorporated portions of the county and in cities and incorporated towns. The number of registrations used in computing the percentage shall be those certified to the state treasurer by the department of revenue ~~motor vehicle division~~, as constituting the countywide motor vehicle registration for the last preceding year.

(e) The county clerk and recorder in each county shall certify to the ~~motor vehicle division~~ DEPARTMENT OF REVENUE the number of motor vehicle licenses issued during the preceding calendar year to persons residing within the limits of a county and whether or not such persons reside in cities, incorporated towns, or in unincorporated portions of the county. Upon receipt of the information certified by the respective county clerk and recorders, the department of revenue shall tabulate the total number of all motor vehicle licenses issued during the preceding calendar year to persons residing within the limits of the respective counties in the entire state and within the limits of each city or incorporated town within the respective counties. The department of revenue shall then determine the percentage that the rural motor vehicle registration in each county bears to the total rural motor vehicle registration in the

entire state and shall then determine the percentage that the countywide motor vehicle registration in each county bears to the total countywide rural and urban motor vehicle registration in the entire state. On or before May 1 of each year, the ~~motor vehicle division~~ DEPARTMENT OF REVENUE shall certify to the state treasurer the percentage of motor vehicle registration for each county as provided in this paragraph (e).

SECTION 50. 43-4-208 (2) (a), (4), and (6) (a), Colorado Revised Statutes, are amended to read:

43-4-208. Municipal allocation. (2) For the purpose of allocating moneys in the highway users tax fund to the various cities and incorporated towns throughout the state, the following method is adopted:

(a) Eighty percent shall be allocated to the cities and incorporated towns in proportion to the adjusted urban motor vehicle registration in each city and incorporated town. The term "urban motor vehicle registration" includes all passenger, truck, truck-tractor, and motorcycle registrations. The number of registrations used in computing the percentage shall be those certified to the state treasurer by the department of revenue ~~motor vehicle division~~, as constituting the urban motor vehicle registration for the last preceding year. The adjusted registration shall be computed by applying a factor to the actual number of such registrations to reflect the increased standards and costs of construction resulting from the concentration of vehicles in cities and incorporated places. For this purpose the following table of actual registration numbers and factors shall be employed:

Actual registrationsFactor

1 --	500	1.0
501 --	1,250	1.1
1,251 --	2,500	1.2
2,501 --	5,000	1.3
5,001 --	12,500	1.4
12,501 --	25,000	1.5
25,001 --	50,000	1.6
50,001 --	85,000	1.7
85,001 --	130,000	1.8
130,001 --	185,000	1.9
185,001 and over		2.0

(4) The county clerk and recorder in each county shall certify to the ~~motor vehicle division~~ DEPARTMENT OF REVENUE the number of motor vehicle licenses issued during the preceding calendar year to persons residing within the limits of each city and incorporated town within the county. Upon receipt of this information certified by the respective county clerks and recorders, the ~~motor vehicle division~~ DEPARTMENT OF REVENUE shall tabulate the total number of all motor vehicle licenses issued during the preceding calendar year to persons residing within the limits of the respective cities and incorporated towns in the entire state. The ~~motor vehicle division~~ DEPARTMENT OF REVENUE shall apply the factor provided in subsection (2) (a) of this section by registration groupings to the urban motor vehicle registration of each city and incorporated town to determine an adjusted urban motor vehicle

registration and shall then determine the percentage that the urban motor vehicle registration in each city and incorporated town bears to the total adjusted urban motor vehicle registration in the entire state. On or before May 1 of each year, the ~~motor vehicle division~~ DEPARTMENT OF REVENUE shall certify to the state treasurer the percentage of adjusted urban motor vehicle registration for each city and incorporated town as provided in this subsection (4).

(6) (a) In addition to the provisions of subsection (2) (a) of this section, on or after July 1, 1979, eighty percent of all additional funds becoming available to cities and incorporated towns from the highway users tax fund pursuant to sections 24-75-215, C.R.S., and 43-4-205 (6) (b) (III) shall be allocated to the cities and incorporated towns in proportion to the adjusted urban motor vehicle registration in each city and incorporated town. The term "urban motor vehicle registration", as used in this section, includes all passenger, truck, truck-tractor, and motorcycle registrations. The number of registrations used in computing the percentage shall be those certified to the state treasurer by the department of revenue ~~motor vehicle division~~, as constituting the urban motor vehicle registration for the last preceding year. The adjusted registration shall be computed by applying a factor to the actual number of such registrations to reflect the increased standards and costs of construction resulting from the concentration of vehicles in cities and incorporated places. For this purpose the following table of actual registration numbers and factors shall be employed:

Actual registrations	Factor
1 -- 500	1.0
501 -- 1,250	1.1
1,251 -- 2,500	1.2
2,501 -- 5,000	1.3
5,001 -- 12,500	1.4
12,501 -- 25,000	1.5
25,001 -- 50,000	1.6
50,001 -- 85,000	1.7
85,001 -- 125,000	1.8
125,001 -- 165,000	1.9
165,001 -- 205,000	2.0
205,001 -- 245,000	2.1
245,001 -- 285,000	2.2
285,001 -- 325,000	2.3
325,001 -- 365,000	2.4
365,001 -- 405,000	2.5
405,001 -- 445,000	2.6
445,001 -- 485,000	2.7
485,001 -- 525,000	2.8
525,001 -- 565,000	2.9
565,001 -- 605,000	3.0

SECTION 51. 42-20-505 (3), Colorado Revised Statutes, is amended to read:

42-20-505. Penalties - permit system. (3) The penalties in subsection (1) of this section shall be assessed upon an action brought by the commission, the ~~ports of entry~~ MOTOR CARRIER SERVICES division of the department of revenue, or the Colorado

state patrol in accordance with the procedure set forth in section 42-20-406.

SECTION 52. 42-8-111 (4), Colorado Revised Statutes, is amended to read:

42-8-111. Cooperative agreements with contiguous states for operations of ports of entry - regulations. (4) The executive director of the department of revenue is hereby authorized to appoint employees and officials of a contiguous state as agents of the ports of entry ~~division~~ SECTION OF THE DEPARTMENT OF REVENUE with the powers to enforce the laws of Colorado under the terms of cooperative agreements entered into under the provisions of this section.

SECTION 53. 40-16-110 (5) (a), Colorado Revised Statutes, is amended to read:

40-16-110. Legislative declaration - federal preemption - property carriers to surrender certificates and permits - issuance by ports of entry. (5) (a) The commission may, in its discretion, authorize the Colorado ~~ports-of-entry~~ MOTOR CARRIER SERVICES division in the department of revenue to issue temporary registrations to property carriers by motor vehicle for the seasonal operation of motor vehicles for the purpose of transporting unprocessed agricultural produce to market or to places of storage. The duration of such temporary registrations shall be ninety consecutive days. An applicant shall present evidence of insurance to the port of entry at the time of application or sign an affidavit attesting to the fact that the person making application is insured in accordance with the requirements of this article. Upon presentation of such evidence and payment of a fee of twenty dollars per vehicle, the port of entry shall issue said temporary registrations as designated by the commission. The commission shall subsequently verify the accuracy of said affidavit by requiring that proper proof of liability insurance be filed with the commission after the issuance of the temporary registration. An applicant's failure to comply with this section shall be grounds for the refusal of the commission to issue any further temporary registrations to the applicant unless the applicant furnishes proof of currently effective insurance in the amounts required by this article and in a form satisfactory to the commission.

SECTION 54. 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, 2000