

CHAPTER 20

MOTOR VEHICLES AND TRAFFIC REGULATION

SENATE BILL 03-192

BY SENATOR(S) Teck, Owen, and Reeves;
also REPRESENTATIVE(S) Plant, Witwer, Young, and Frangas.

AN ACT

CONCERNING RESTORATION FEES FOR PERSONS WHO HAVE LOST THE PRIVILEGE TO OPERATE A MOTOR VEHICLE, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. 42-2-132 (4) (a) (I) and (4) (b), Colorado Revised Statutes, are amended to read:

42-2-132. Period of suspension or revocation. (4) (a) (I) Any person whose license or other privilege to operate a motor vehicle in this state has been suspended, cancelled, or revoked, pursuant to either this article or article 4 or 7 of this title, shall pay a restoration fee of ~~forty~~ SIXTY dollars to the executive director of the department prior to the issuance to such person of a new license or the restoration of such license or privilege.

(b) All restoration fees collected pursuant to this subsection (4) ~~from persons whose licenses or driving privileges were revoked pursuant to section 42-2-126~~ shall be transmitted to the state treasurer, who shall credit the same to the driver's license administrative revocation account in the highway users tax fund, which account is hereby created. The moneys in the account shall be subject to annual appropriation by the general assembly for the direct and indirect costs incurred by the department ~~of revenue~~ in the administration of ~~section 42-2-126~~ DRIVERS' LICENSE RESTRAINTS PURSUANT TO EITHER THIS ARTICLE OR ARTICLE 4 OR ARTICLE 7 OF THIS TITLE, INCLUDING, BUT NOT LIMITED TO, THE DIRECT AND INDIRECT COSTS OF PROVIDING ADMINISTRATIVE HEARINGS UNDER THIS TITLE, WITHOUT THE USE OF MONEYS FROM THE GENERAL FUND. At the end of each fiscal year, any unexpended and unencumbered moneys remaining in the account shall be transferred out of the account and credited to the highway users tax fund.

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

SECTION 2. Part XIX (5) (G) and the affected totals of section 2 of chapter 399, Session Laws of Colorado 2002, as amended by Senate Bill 03-217, enacted at the First Regular Session of the Sixty-fourth General Assembly, are amended to read:

Section 2. **Appropriation.**

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

**PART XIX
DEPARTMENT OF REVENUE**

**(5) ENFORCEMENT BUSINESS
GROUP**

(G) Hearings Division

Personal Services	1,491,615	742,469			749,146 ^a	
					1,491,615 ^a	
	(27.3 FTE)					
Operating Expenses	56,276	56,276			56,276 ^a	
	<u>1,547,891</u>					

^a This amount shall be from the Drivers License Revocation Account.

396,367,109

**TOTALS PART XIX
(REVENUE)^{5,6}**

\$534,063,040	\$106,077,818^a		\$37,289,602 ^b	\$389,032,129^a	\$1,663,491
	<u>\$105,279,073^a</u>			<u>\$389,830,874^c</u>	

^a Of this amount, \$38,437,000 is included as information for the purpose of complying with the limitation on state fiscal year spending imposed by Article X, Section 20 of the State Constitution. As this amount is continuously appropriated by a permanent statute or constitutional provision it is not subject to the limitation of General Fund Appropriations as set forth in Section 24-75-201.1 (1) (a) (III) (C), C.R.S.

^b Of this amount, \$372,155 contains a (T) notation.

^c Of this amount, \$1,047,943 contains a (T) notation, and \$1,846,901 is from the Highway Users Tax Fund. Of the Highway Users Tax Fund moneys, \$3,336,331 is exempt from the statutory limit on Highway Users Tax Fund appropriations pursuant to Section 43-4-201 (3), C.R.S.

SECTION 3. Part XIX (5) (G) and the affected totals of section 2 of chapter 399, Session Laws of Colorado 2002, are amended to read:

Section 2. Appropriation.

**PART XIX
DEPARTMENT OF REVENUE**

**(5) ENFORCEMENT BUSINESS
GROUP**

(G) Hearings Division

Personal Services	1,625,844	876,698	749,146^a	1,625,844 ^a
	(27.3 FTE)			
Operating Expenses	56,276	56,276		56,276 ^a
	1,682,120			

^a This amount shall be from the Drivers License Revocation Account.

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
	398,216,881					
TOTALS PART XIX (REVENUE)^{5,6}	\$541,107,340	\$113,811,326 <u>\$112,878,352^a</u>		\$37,118,759 ^b	\$388,513,764 <u>\$389,446,738^c</u>	\$1,663,491

^a Of this amount, \$38,437,000 is included as information for the purpose of complying with the limitation on state fiscal year spending imposed by Article X, Section 20 of the State Constitution. As this amount is continuously appropriated by a permanent statute or constitutional provision it is not subject to the limitation of General Fund Appropriations as set forth in Section 24-75-201.1 (1) (a) (III) (C), C.R.S.

^b Of this amount, \$372,155 contains a (T) notation.

^c Of this amount, \$1,047,943 contains a (T) notation, and \$1,846,901 is from the Highway Users Tax Fund. Of the Highway Users Tax Fund moneys, \$3,336,331 is exempt from the statutory limit on Highway Users Tax Fund appropriations pursuant to Section 43-4-201 (3), C.R.S.

SECTION 4. Effective date. This act shall take effect upon passage; except that section 2 of this act shall take effect only if Senate Bill 03-217 is enacted at the First Regular Session of the Sixty-fourth General Assembly and becomes law, and section 3 of this act shall take effect only if Senate Bill 03-217 is not enacted at the First Regular Session of the Sixty-fourth General Assembly and does not become law.

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: March 5, 2003