

## CHAPTER 213

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**MOTOR VEHICLES AND TRAFFIC REGULATION**

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SENATE BILL 03-272

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

**AN ACT**

**CONCERNING CASH FUNDING LICENSE PLATE ISSUANCE FROM LICENSE PLATE FEES, AND MAKING AN APPROPRIATION THEREFOR.**

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

**SECTION 1.** 42-3-113, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

**42-3-113. Number plates furnished - style - periodic reissuance - license plate cash fund - creation - fees.** (6) IN ADDITION TO THE PAYMENT OF ANY FEES FOR MOTOR VEHICLE REGISTRATION OR FOR THE ISSUANCE OF LICENSE PLATES, DECALS, OR VALIDATING TABS, EACH OWNER OF A MOTOR VEHICLE ISSUED ANY LICENSE PLATE, DECAL, OR VALIDATING TAB FOR A MOTOR VEHICLE PURSUANT TO THIS ARTICLE SHALL ALSO PAY A FEE TO COVER THE DIRECT COSTS OF SUCH PLATES, DECALS, OR TABS. THE AMOUNT OF THE FEE IMPOSED PURSUANT TO THIS SUBSECTION (6) SHALL BE AS SPECIFIED IN PARAGRAPH (b) OF SUBSECTION (7) OF THIS SECTION. FEES COLLECTED PURSUANT TO THE REQUIREMENTS OF THIS SUBSECTION (6) SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE LICENSE PLATE CASH FUND, WHICH FUND IS HEREBY CREATED. THE FUND SHALL BE ADMINISTERED BY THE DEPARTMENT OF REVENUE. MONEYS IN THE FUND SHALL BE APPROPRIATED BY THE GENERAL ASSEMBLY FOR THE DIRECT COSTS INCURRED BY THE DEPARTMENT IN ISSUING LICENSE PLATES PURSUANT TO THIS ARTICLE. AT THE END OF EACH FISCAL YEAR, ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND SHALL REVERT TO THE HIGHWAY USERS TAX FUND CREATED IN SECTION 43-4-201 (1) (a), C.R.S.

(7) (a) THE FEES IMPOSED PURSUANT TO SUBSECTION (6) OF THIS SECTION SHALL BE SET IN AN AMOUNT NECESSARY TO RECOVER ONLY THE COSTS OF THE PRODUCTION AND DISTRIBUTION OF ANY LICENSE PLATES, DECALS, OR VALIDATING TABS ISSUED

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

PURSUANT TO THIS ARTICLE AND SHALL BE:

(I) ONE DOLLAR AND SIXTY-THREE CENTS PER STANDARD EMBOSSED LICENSE PLATE ISSUED PURSUANT TO THIS SECTION;

(II) TWO DOLLARS AND FIFTY-FOUR CENTS PER SPECIAL LICENSE PLATE ISSUED PURSUANT TO SECTIONS 42-3-114 TO 42-3-122, 42-3-134 (7), OR 42-3-138;

(III) SEVENTEEN CENTS PER YEAR TAB THAT IS STUFFED AND MAIL READY ISSUED PURSUANT TO THIS SECTION OR SECTION 42-3-115;

(IV) TWO DOLLARS AND TWENTY CENTS FOR THE ISSUANCE OF A REPLACEMENT REGISTRATION, THE PROCEEDS OF WHICH FEE SHALL BE ALLOCATED AS IF COLLECTED PURSUANT TO SECTION 42-1-206 (2) (a), AND ELEVEN CENTS FOR EITHER A YEAR TAB THAT IS NOT STUFFED AND MAIL READY OR A MONTH TAB, WHICH TABS ARE ISSUED PURSUANT TO THIS SECTION OR SECTION 42-3-115;

(V) TWO DOLLARS AND TWENTY CENTS FOR THE ISSUANCE OF A REPLACEMENT REGISTRATION, THE PROCEEDS OF WHICH FEE SHALL BE ALLOCATED AS IF COLLECTED PURSUANT TO SECTION 42-1-206 (2) (a), AND TWENTY-TWO CENTS FOR A YEAR TAB THAT IS NOT STUFFED AND MAIL READY AND A MONTH TAB, WHICH TABS ARE ISSUED PURSUANT TO THIS SECTION OR SECTION 42-3-115;

(VI) TWENTY-FIVE CENTS PER SPECIAL MOBILE MACHINERY OWNERSHIP AND RENTAL TAB ISSUED PURSUANT TO THIS SECTION;

(VII) TWENTY-FIVE CENTS PER COLLECTOR SPECIFIC OWNERSHIP TAX TAB ISSUED PURSUANT TO SECTION 42-12-102;

(VIII) TWENTY-FIVE CENTS PER MOPED TAB ISSUED PURSUANT TO THIS SECTION;

(IX) TWENTY-FIVE CENTS PER EMERGENCY VEHICLE DECAL ISSUED PURSUANT TO SECTION 42-3-112;

(X) TWENTY-FIVE CENTS PER HORSELESS CARRIAGE TAB ISSUED PURSUANT TO SECTION 42-3-138;

(XI) TWENTY-TWO CENTS PER TEMPORARY PERMIT ISSUED PURSUANT TO SECTION 42-3-124.

(b) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, WITH THE EXCEPTION OF SPECIAL LICENSE PLATES ISSUED PURSUANT TO SECTION 42-3-115.5 FOR PURPLE HEART RECIPIENTS, FORMER PRISONERS OF WAR, DISABLED VETERANS, OR RECIPIENTS OF A MEDAL OF HONOR, THE FEES IMPOSED BY THIS SUBSECTION (7) SHALL APPLY TO ALL OTHER SPECIAL LICENSE PLATES ISSUED IN ACCORDANCE WITH THE REQUIREMENTS OF THIS ARTICLE.

**SECTION 2. Repeal.** 42-3-114 (11), Colorado Revised Statutes, is repealed as follows:

**42-3-114. Issuance of personalized plates authorized.** (11) ~~Notwithstanding~~

~~the amount specified for any fee in this section, the executive director of the department by rule or as otherwise provided by law may reduce the amount of one or more of the fees if necessary pursuant to section 24-75-402 (3), C.R.S., to reduce the uncommitted reserves of the fund to which all or any portion of one or more of the fees is credited. After the uncommitted reserves of the fund are sufficiently reduced, the executive director of the department by rule or as otherwise provided by law may increase the amount of one or more of the fees as provided in section 24-75-402 (4), C.R.S.~~

**SECTION 3. Repeal.** 42-3-115 (4) (b), Colorado Revised Statutes, is repealed as follows:

**42-3-115. Issuance of optional plates authorized - retirement.** (4) (b) ~~Notwithstanding the amount specified for the additional fee in paragraph (a) of this subsection (4), the executive director of the department by rule or as otherwise provided by law may reduce the amount of the additional fee if necessary pursuant to section 24-75-402 (3), C.R.S., to reduce the uncommitted reserves of the fund to which all or any portion of the additional fee is credited. After the uncommitted reserves of the fund are sufficiently reduced, the executive director of the department by rule or as otherwise provided by law may increase the amount of the additional fee as provided in section 24-75-402 (4), C.R.S.~~

**SECTION 4. Repeal.** 42-3-115.5 (1) (c) (III), Colorado Revised Statutes, is repealed as follows:

**42-3-115.5. Special plates - military veterans - rules - retirement.** (1) (c) (III) ~~Notwithstanding the amount specified for any fee in this paragraph (c), the executive director of the department by rule or as otherwise provided by law may reduce the amount of one or more of the fees if necessary pursuant to section 24-75-402 (3), C.R.S., to reduce the uncommitted reserves of the fund to which all or any portion of one or more of the fees is credited. After the uncommitted reserves of the fund are sufficiently reduced, the executive director of the department by rule or as otherwise provided by law may increase the amount of one or more of the fees as provided in section 24-75-402 (4), C.R.S.~~

**SECTION 5. Repeal.** 42-3-117 (5) (b), Colorado Revised Statutes, is repealed as follows:

**42-3-117. Special plates - active and retired members of the Colorado national guard - retirement.** (5) (b) ~~Notwithstanding the amount specified for the additional fee in paragraph (a) of this subsection (5), the executive director of the department by rule or as otherwise provided by law may reduce the amount of the additional fee if necessary pursuant to section 24-75-402 (3), C.R.S., to reduce the uncommitted reserves of the fund to which all or any portion of the additional fee is credited. After the uncommitted reserves of the fund are sufficiently reduced, the executive director of the department by rule or as otherwise provided by law may increase the amount of the additional fee as provided in section 24-75-402 (4), C.R.S.~~

**SECTION 6.** 42-3-122.5 (1), Colorado Revised Statutes, is amended to read:

**42-3-122.5. Special plates - fees.** (1) The ~~one-time~~ fees collected pursuant to

sections 42-3-115.5 and 42-3-116.7 for the issuance of a license plate pursuant to sections 42-3-115.5 (9) and 42-3-116.7 shall be transmitted to the state treasurer, who shall credit the same to the special license plate account in the highway users tax CASH fund which account is hereby created. Moneys in the account shall be appropriated by the general assembly for the direct and indirect costs incurred by the department of revenue in the administration of sections 42-3-115.5 (9) and 42-3-116.7. At the end of each fiscal year, any unexpended and unencumbered moneys remaining in the account shall revert back to the highway users tax fund CREATED IN SECTION 42-3-113 (6).

**SECTION 7. Repeal.** 42-3-124 (5), Colorado Revised Statutes, is repealed as follows:

**42-3-124. Expiration - temporary, new, and old plates - reflectorized plates.**

(5) Notwithstanding the amount specified for any fee in this section, the executive director of the department by rule or as otherwise provided by law may reduce the amount of one or more of the fees if necessary pursuant to section 24-75-402 (3), C.R.S., to reduce the uncommitted reserves of the fund to which all or any portion of one or more of the fees is credited. After the uncommitted reserves of the fund are sufficiently reduced, the executive director of the department by rule or as otherwise provided by law may increase the amount of one or more of the fees as provided in section 24-75-402 (4), C.R.S.

**SECTION 8. Repeal.** 42-3-127 (4) (c), Colorado Revised Statutes, is repealed as follows:

**42-3-127. Manufacturers or dealers.** (4) (c) Notwithstanding the amount specified for the fee in this subsection (4), the executive director of the department by rule or as otherwise provided by law may reduce the amount of the fee if necessary pursuant to section 24-75-402 (3), C.R.S., to reduce the uncommitted reserves of the fund to which all or any portion of the fee is credited. After the uncommitted reserves of the fund are sufficiently reduced, the executive director of the department by rule or as otherwise provided by law may increase the amount of the fee as provided in section 24-75-402 (4), C.R.S.

**SECTION 9. Repeal.** 42-3-134 (30), Colorado Revised Statutes, is repealed as follows:

**42-3-134. Registration fees - passenger and passenger-mile taxes - fee schedule for years of TABOR surplus revenue - refund - clean screen fund - repeal.** (30) Notwithstanding the amount specified for any fee in this section, the executive director of the department by rule or as otherwise provided by law may reduce the amount of one or more of the fees if necessary pursuant to section 24-75-402 (3), C.R.S., to reduce the uncommitted reserves of the fund to which all or any portion of one or more of the fees is credited. After the uncommitted reserves of the fund are sufficiently reduced, the executive director of the department by rule or as otherwise provided by law may increase the amount of one or more of the fees as provided in section 24-75-402 (4), C.R.S.

**SECTION 10. Repeal.** 42-3-138 (4) (b), Colorado Revised Statutes, is repealed as follows:

**42-3-138. Special registration of collectors' items.** (4) (b) ~~Notwithstanding the amount specified for any fee in paragraph (a) of this subsection (4), the executive director of the department by rule or as otherwise provided by law may reduce the amount of one or more of the fees if necessary pursuant to section 24-75-402 (3), C.R.S., to reduce the uncommitted reserves of the fund to which all or any portion of one or more of the fees is credited. After the uncommitted reserves of the fund are sufficiently reduced, the executive director of the department by rule or as otherwise provided by law may increase the amount of one or more of the fees as provided in section 24-75-402 (4), C.R.S.~~

**SECTION 11. Repeal.** 42-3-144 (2), Colorado Revised Statutes, is repealed as follows:

**42-3-144. Motorized bicycle registration - fee.** (2) ~~Notwithstanding the amount specified for the fee in subsection (1) of this section, the executive director of the department by rule or as otherwise provided by law may reduce the amount of the fee if necessary pursuant to section 24-75-402 (3), C.R.S., to reduce the uncommitted reserves of the fund to which all or any portion of the fee is credited. After the uncommitted reserves of the fund are sufficiently reduced, the executive director of the department by rule or as otherwise provided by law may increase the amount of the fee as provided in section 24-75-402 (4), C.R.S.~~

**SECTION 12. Appropriation - adjustment in 2003 long bill.** (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the license plate cash fund created in section 42-3-113 (6), Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for the fiscal year beginning July 1, 2003, the sum of three million one hundred twenty-four thousand nine hundred two dollars (\$3,124,902), or so much thereof as may be necessary, for the implementation of this act.

(2) For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2003, shall be adjusted as follows: The appropriation to the department of revenue, for license plate ordering, is decreased by three million one hundred twenty-four thousand nine hundred two dollars (\$3,124,902). Such sum shall be from the highway users tax fund pursuant to section 43-4-201, Colorado Revised Statutes.

**SECTION 13. Effective date - applicability.** This act shall take effect July 1, 2003, and shall apply to fees due on or after said date.

**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 1, 2003