

CHAPTER 36

TRANSPORTATION

SENATE BILL 05-041

BY SENATOR(S) Teck;
also REPRESENTATIVE(S) Coleman and Penry.

AN ACT

CONCERNING CLARIFICATION OF THE STATUTORY REQUIREMENTS THAT GOVERN THE ALLOCATION OF MONEYS FROM THE HIGHWAY USERS TAX FUND FOR THE PURPOSE OF CODIFYING EXISTING ALLOCATION PRACTICES OF THE STATE TREASURER WITHOUT CHANGING EXISTING ALLOCATIONS IN ANY WAY.

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

SECTION 1. 43-4-203 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

43-4-203. Sources of revenue. (1) All net revenue from the following sources shall be paid into and credited to the highway users tax fund as soon as received:

(e) FROM INTEREST OR INCOME EARNED ON THE DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND.

SECTION 2. 43-4-205, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

43-4-205. Allocation of fund. (5.5) THE FOLLOWING HIGHWAY USERS TAX FUND REVENUES SHALL BE ALLOCATED AND EXPENDED IN ACCORDANCE WITH THE FORMULA SPECIFIED IN SUBSECTION (5) OF THIS SECTION:

(a) REVENUES FROM FINES, PENALTIES, OR FORFEITURES THAT ARE CREDITED TO THE FUND PURSUANT TO SECTIONS 18-4-509 (2) (a), 39-27-102 (9) (c), 39-27-104 (1) (g) (III), 42-1-217 (1) (a), (1) (b), (1) (d), (1) (e), AND (2), 42-4-225 (3), AND 42-4-235 (2) (a), C.R.S.;

(b) REVENUES FROM MOTOR VEHICLE LICENSE PLATE, IDENTIFICATION PLATE, AND

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

PLACARD FEES THAT ARE CREDITED TO THE FUND PURSUANT TO SECTIONS 42-3-113 (6), 42-3-114 (9), 42-3-115 (4) (a), 42-3-115.5 (1) (c) (I), 42-3-115.7 (5) (a), 42-3-115.8 (5) (a), 42-3-116.5 (6) (a), 42-3-116.7 (5), 42-3-117 (5) (a), 42-3-121 (2) (d), 42-3-122 (4), 42-3-124 (3) (b), AND 42-4-202 (4) (d), C.R.S.;

(c) REVENUES FROM DRIVER'S LICENSE FEES, MOTOR VEHICLE TITLE AND REGISTRATION FEES, AND MOTORIST INSURANCE IDENTIFICATION FEES THAT ARE CREDITED TO THE FUND PURSUANT TO SECTIONS 42-2-132 (4) (b), 42-3-134 (14), (15), (17) (c), AND (26) (d) (I), AND 42-3-134.5 (14) AND (15), C.R.S.;

(d) REVENUES FROM THE IMPOSITION OF PASSENGER-MILE TAXES ON VEHICLES, ANY ADDITIONAL PENALTIES OR INTEREST IMPOSED THEREON, OR ANY FEE OR PAYMENT SUBSTITUTED THEREFOR THAT ARE IMPOSED PURSUANT TO SECTIONS 42-3-134 (21), 42-3-134.5 (21) (b) AND (21) (c), AND 42-3-136 (5), C.R.S., AND CREDITED TO THE FUND PURSUANT TO SECTION 43-4-203 (1) (c);

(e) REVENUES FROM SALES OF ABANDONED MOTOR VEHICLES THAT ARE CREDITED TO THE FUND PURSUANT TO SECTIONS 42-4-1809 (2) (d) AND 42-4-2108 (2) (c), C.R.S.;

(f) REVENUES FROM FEES THAT ARE CREDITED TO THE FUND PURSUANT TO SECTIONS 42-2-406 (3) AND (6) AND 42-3-144 (1), C.R.S., AND THAT EXCEED THE AMOUNT OF APPROPRIATIONS MADE FROM THE FUND PURSUANT TO THOSE SECTIONS FOR THE PURPOSE OF DEFRAYING SPECIFIED ADMINISTRATIVE EXPENSES;

(g) REVENUES FROM INTEREST OR INCOME EARNED ON THE DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND; AND

(h) REVENUES FROM ANY SOURCE THAT ARE CREDITED TO THE FUND, BUT NOT TO ANY SPECIFIC ACCOUNT WITHIN THE FUND, THE ALLOCATION AND EXPENDITURE OF WHICH IS NOT OTHERWISE SPECIFIED BY LAW.

SECTION 3. 18-4-509 (2) (a), Colorado Revised Statutes, is amended to read:

18-4-509. Defacing property - definitions. (2) (a) Defacing property is a class 2 misdemeanor; except that a second or subsequent conviction for the offense of defacing property is a class 1 misdemeanor and the court shall impose a mandatory minimum fine of seven hundred fifty dollars upon conviction. Fifty percent of the fines collected pursuant to this paragraph (a) shall be credited to the highway ~~user's~~ USERS tax fund, created in section 43-4-201, C.R.S., AND ALLOCATED AND EXPENDED AS SPECIFIED IN SECTION 43-4-205 (5.5) (a), C.R.S., and fifty percent of the fines collected pursuant to this paragraph (a) shall be credited to the juvenile diversion cash fund created in section 19-2-303.5, C.R.S.; except that the fines collected pursuant to paragraph (c) of subsection (1) of this section shall be credited to the Colorado travel and tourism promotion fund created in section 24-49.7-106, C.R.S.

SECTION 4. 39-27-102 (9) (c), Colorado Revised Statutes, is amended to read:

39-27-102. Tax imposed on gasoline - deposits - penalties. (9) (c) All moneys collected pursuant to this subsection (9) shall be credited to the highway users tax fund, created in section 43-4-201, C.R.S., AND ALLOCATED AND EXPENDED AS

SPECIFIED IN SECTION 43-4-205 (5.5) (a), C.R.S.

SECTION 5. 39-27-104 (1) (g) (III), Colorado Revised Statutes, is amended to read:

39-27-104. License and deposit - exception. (1) (g) (III) All moneys collected pursuant to this paragraph (g) shall be credited to the highway users tax fund, created in section 43-4-201, C.R.S., AND ALLOCATED AND EXPENDED AS SPECIFIED IN SECTION 43-4-205 (5.5) (a), C.R.S.

SECTION 6. 42-1-217 (1) (a), (1) (b), (1) (d), (1) (e), and (2), Colorado Revised Statutes, are amended to read:

42-1-217. Disposition of fines and surcharges. (1) All judges, clerks of a court of record, or other officers imposing or receiving fines, penalties, or forfeitures, except those moneys received pursuant to sections 42-4-313 (3), 42-4-413, 42-4-1409, 42-4-1701 (5) (a), 42-8-105, and 42-8-106, collected pursuant to or as a result of a conviction of any persons for a violation of any of the provisions of articles 1 to 4 (except part 3 of article 2) of this title, shall transmit, within ten days after the date of receipt of any such fine, penalty, or forfeiture, all such moneys so collected in the following manner:

(a) The aggregate amount of such fines, penalties, or forfeitures, except for a violation of section 42-4-1301 or 42-4-237, shall be transmitted to the state treasurer, ~~and~~ credited to the highway users tax fund, AND ALLOCATED AND EXPENDED AS SPECIFIED IN SECTION 43-4-205 (5.5) (a), C.R.S.

(b) Fifty percent of any fine, penalty, or forfeiture for a violation of section 42-4-1301 occurring within the corporate limits of a city or town shall be transmitted to the treasurer or chief financial officer of said city or town, and the remaining fifty percent shall be transmitted to the state treasurer, ~~and~~ credited to the highway users tax fund, AND ALLOCATED AND EXPENDED AS SPECIFIED IN SECTION 43-4-205 (5.5) (a), C.R.S.

(d) Fifty percent of any fine, penalty, or forfeiture for a violation of section 42-4-1301 occurring outside the corporate limits of a city or town shall be transmitted to the treasurer of the county in which the city or town is located, and the remaining fifty percent shall be transmitted to the state treasurer, ~~and~~ credited to the highway users tax fund, AND ALLOCATED AND EXPENDED AS SPECIFIED IN SECTION 43-4-205 (5.5) (a), C.R.S.

(e) Any fine, penalty, or forfeiture collected for a violation of section 42-4-237 shall be transmitted to the treasurer of the local jurisdiction in which the violation occurred; except that, if the citing officer was an officer of the Colorado state patrol, the fine, penalty, or forfeiture shall be transmitted to the state treasurer, ~~and~~ credited to the highway users tax fund, AND ALLOCATED AND EXPENDED AS SPECIFIED IN SECTION 43-4-205 (5.5) (a), C.R.S.

(2) Except for the first fifty cents of any penalty for a traffic infraction, which shall be retained by the department and used for administrative purposes, moneys collected by the department pursuant to the provisions of section 42-4-1701 (5) (a) shall be

transmitted to the state treasurer, who shall credit the same to the highway users tax fund FOR ALLOCATION AND EXPENDITURE AS SPECIFIED IN SECTION 43-4-205 (5.5) (a), C.R.S.; except that moneys collected pursuant to ~~said section~~ SECTION 42-4-1701 (5) (a) for a violation of section 42-4-237 shall only be transmitted to the state treasurer if the citing officer was an officer of the Colorado state patrol and in all other cases shall be transmitted to the treasurer of the local jurisdiction in which the violation occurred.

SECTION 7. 42-2-132 (4) (b), Colorado Revised Statutes, is amended to read:

42-2-132. Period of suspension or revocation. (4) (b) All restoration fees collected pursuant to this subsection (4) 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 in the administration of 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, AND ALLOCATED AND EXPENDED AS SPECIFIED IN SECTION 43-4-205 (5.5) (c), C.R.S.

SECTION 8. 42-2-406 (3) and (6), Colorado Revised Statutes, are amended to read:

42-2-406. Fees. (3) The fee for the administration by commercial driver's license testing units of the driving test for licensing commercial drivers shall not exceed the sum of one hundred dollars; except that the fee for the administration of such driving test to any employee or volunteer of a nonprofit organization ~~which~~ THAT provides specialized transportation services for the elderly and for persons with disabilities, to any individual employed by a school district, or to any individual employed by a board of cooperative services shall not exceed forty dollars. The fee for the administration of driving tests by the department shall be one hundred dollars; except that the fee for the administration of such driving test to any employee or volunteer of a nonprofit organization ~~which~~ THAT provides specialized transportation services for the elderly and for persons with disabilities, to any individual employed by a school district, or to any individual employed by a board of cooperative services shall not exceed forty dollars. The department may provide by regulation for reduced fees for applicants who are retested after failing all or any part of the driving test. All fees collected by the department for the administration of driving tests shall be forwarded to the state treasurer, who shall credit the same to the highway users tax fund. The general assembly shall make annual appropriations therefrom for the expenses of the administration of parts 1 and 2 of this article and this part 4, AND ANY FEES CREDITED TO THE FUND PURSUANT TO THIS SUBSECTION (3) IN EXCESS OF THE AMOUNT OF THE APPROPRIATIONS SHALL BE ALLOCATED AND EXPENDED AS SPECIFIED IN SECTION 43-4-205 (5.5) (f), C.R.S.

(6) All fees collected by the department for the issuance of testing unit licenses and driving test licenses pursuant to the provisions of subsections (4) and (5) of this section shall be forwarded to the state treasurer, who shall credit the same to the

highway users tax fund. The general assembly shall make annual appropriations therefrom for the expenses of the administration of parts 1 and 2 of this article and this part 4, AND ANY FEES CREDITED TO THE FUND PURSUANT TO THIS SUBSECTION (6) IN EXCESS OF THE AMOUNT OF THE APPROPRIATIONS SHALL BE ALLOCATED AND EXPENDED AS SPECIFIED IN SECTION 43-4-205 (5.5) (f), C.R.S.

SECTION 9. 42-3-113 (6), Colorado Revised Statutes, is amended 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~~: THROUGH JUNE 30, 2005, AND BY THE STATE TREASURER THEREAFTER. 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., AND SHALL BE ALLOCATED AND EXPENDED AS SPECIFIED IN SECTION 43-4-205 (5.5) (b), C.R.S.

SECTION 10. 42-3-114 (9), Colorado Revised Statutes, is amended to read:

42-3-114. Issuance of personalized plates authorized. (9) All applications for special registration of motor vehicles shall be made directly to the department, and all matters pertaining thereto shall be administered by such department. All fees received from special registrations shall be placed by the department in the same fund as its other registration fees; except that two dollars of each such special registration fee shall be remitted to the county general fund, and the entire fee collected pursuant to paragraph (e) of subsection (7) of this section shall be transferred to the highway users tax fund created in section 43-4-201, C.R.S., AND ALLOCATED AND EXPENDED AS SPECIFIED IN SECTION 43-4-205 (5.5) (b), C.R.S.

SECTION 11. 42-3-115 (4) (a), Colorado Revised Statutes, is amended to read:

42-3-115. Issuance of optional plates authorized - retirement. (4) (a) The amount of the taxes and fees for such license plates shall be the same as the amount of the taxes and fees specified for regular motor vehicle plates plus an additional annual fee of twenty-five dollars. ~~Such~~ THE additional fee shall be transmitted to the state treasurer, who shall credit the same to the highway users tax fund FOR ALLOCATION AND EXPENDITURE AS SPECIFIED IN SECTION 43-4-205 (5.5) (b), C.R.S.

SECTION 12. 42-3-115.5 (1) (c) (I), Colorado Revised Statutes, is amended to read:

42-3-115.5. Special plates - military veterans - rules - retirement.

(1) (c) (I) The amount of taxes and fees for special license plates issued pursuant to this section shall be the same as that specified for regular motor vehicle registration; except that an additional one-time issuance or replacement fee for each motor vehicle shall apply. ~~Such~~ THE additional one-time fee shall be in the amount of twenty-five dollars and shall be transmitted to the state treasurer, who shall credit the same to the highway users tax fund FOR ALLOCATION AND EXPENDITURE AS SPECIFIED IN SECTION 43-4-205 (5.5) (b), C.R.S.

SECTION 13. 42-3-115.7 (5) (a), Colorado Revised Statutes, is amended to read:

42-3-115.7. Special plates - alumni associations - retirement. (5) (a) The amount of the taxes and fees for special alumni license plates under this section is the same as the amount of the taxes and fees specified for regular motor vehicle license plates; except that the department shall collect a one-time fee of twenty-five dollars for each motor vehicle for issuance or replacement of such license plates. The department shall transmit the additional one-time fee to the state treasurer, who shall credit the same to the highway users tax fund FOR ALLOCATION AND EXPENDITURE AS SPECIFIED IN SECTION 43-4-205 (5.5) (b), C.R.S.

SECTION 14. 42-3-115.8 (5) (a), Colorado Revised Statutes, is amended to read:

42-3-115.8. Special plates - United States olympic committee - retirement. (5) (a) The amount of the taxes and fees for olympic committee special license plates under this section is the same as the amount of the taxes and fees specified for regular motor vehicle license plates; except that the department shall collect a one-time fee of twenty-five dollars for each motor vehicle for issuance or replacement of such license plates. The department shall transmit the additional one-time fee to the state treasurer who shall credit the same to the highway users tax fund FOR ALLOCATION AND EXPENDITURE AS SPECIFIED IN SECTION 43-4-205 (5.5) (b), C.R.S.

SECTION 15. 42-3-116.5 (6) (a), Colorado Revised Statutes, is amended to read:

42-3-116.5. Special plates - Colorado foundation for agriculture - definitions - retirement. (6) (a) The amount of the taxes and fees for special license plates under this section is the same as the amount of the taxes and fees specified for regular motor vehicle license plates; except that the department shall collect a one-time fee of twenty-five dollars for each motor vehicle for issuance or replacement of such license plates. The department shall transmit the additional one-time fee to the state treasurer, who shall credit the same to the highway users tax fund FOR ALLOCATION AND EXPENDITURE AS SPECIFIED IN SECTION 43-4-205 (5.5) (b), C.R.S.

SECTION 16. 42-3-116.7 (5), Colorado Revised Statutes, is amended to read:

42-3-116.7. Special plates - Colorado commission of Indian affairs. (5) The amount of the taxes and fees for special license plates under this section is the same as the amount of the taxes and fees specified for regular motor vehicle license plates; except that the department shall collect a one-time fee of twenty-five dollars for each motor vehicle for issuance or replacement of such license plates. The department shall transmit the additional one-time fee to the state treasurer, who shall credit the same to the highway users tax fund, created in section 43-4-201, C.R.S., FOR ALLOCATION AND EXPENDITURE AS SPECIFIED IN SECTION 43-4-205 (5.5) (b), C.R.S.

SECTION 17. 42-3-117 (5) (a), Colorado Revised Statutes, is amended to read:

42-3-117. Special plates - active and retired members of the Colorado national guard - retirement. (5) (a) The amount of taxes and fees for such special license plates shall be the same as the amount of taxes and fees specified for regular motor vehicle registration plus an additional one-time fee of twenty-five dollars. ~~Such~~ THE additional fee shall be transmitted to the state treasurer, who shall credit the same to the highway users tax fund FOR ALLOCATION AND EXPENDITURE AS SPECIFIED IN SECTION 43-4-205 (5.5) (b), C.R.S.

SECTION 18. 42-3-121 (2) (d), Colorado Revised Statutes, is amended to read:

42-3-121. Parking privileges for persons with disabilities - applicability. (2) (d) The department shall establish a fee for any placard issued pursuant to paragraph (b) of this subsection (2). The fee established by the department shall not exceed the actual costs of issuing the placards, and the moneys collected by the department shall be transmitted to the state treasurer, who shall credit such moneys to the highway users tax fund FOR ALLOCATION AND EXPENDITURE AS SPECIFIED IN SECTION 43-4-205 (5.5) (b), C.R.S.

SECTION 19. 42-3-122 (4), Colorado Revised Statutes, is amended to read:

42-3-122. Special plates - rules - new plates - retirement. (4) The amount of taxes and fees for special license plates issued pursuant to this section shall be the same as the amount of taxes and fees specified for regular motor vehicle registration plus an additional one-time fee of twenty-five dollars. ~~Such~~ THE additional fee shall be transmitted to the state treasurer, who shall credit the same to the highway users tax fund FOR ALLOCATION AND EXPENDITURE AS SPECIFIED IN SECTION 43-4-205 (5.5) (b), C.R.S.

SECTION 20. 42-3-124 (3) (b), Colorado Revised Statutes, is amended to read:

42-3-124. Expiration - temporary, new, and old plates - reflectorized plates. (3) (b) The department is further authorized to issue to licensed motor vehicle dealers temporary registration number plates, tags, or certificates in blocks of twenty-five upon payment of a fee of twelve dollars and fifty cents for each block of twenty-five, fifty percent thereof to be retained by the county clerk and recorder and the remainder to be remitted monthly to the department to be transmitted to the state treasurer for credit to the highway users tax fund AND ALLOCATION AND EXPENDITURE AS SPECIFIED IN SECTION 43-4-205 (5.5) (b), C.R.S.

SECTION 21. 42-3-134 (14), (15), (17) (c), (21), and (26) (d) (I), Colorado Revised Statutes, are amended to read:

42-3-134. Registration fees - passenger and passenger-mile taxes - fee schedule for years of TABOR surplus revenue - refund - clean screen fund - repeal. (14) In lieu of the payment of registration fees specified in subsections (6) and (13) of this section, the owner of a truck, truck tractor, trailer, or semitrailer operating in interstate commerce may apply to the department for a special unladen weight registration. ~~Such~~ THE registration shall be valid for a period of thirty days from issuance and shall give authority to operate the vehicle only when empty. The

fee for registration of a truck or truck tractor shall be three dollars and seventy-five cents. The fee for registration of a trailer or semitrailer shall be two dollars and twenty-five cents. The moneys from ~~such~~ THE fees shall be transmitted to the state treasurer, who shall credit the same to the highway users tax fund FOR ALLOCATION AND EXPENDITURE AS SPECIFIED IN SECTION 43-4-205 (5.5) (c), C.R.S.

(15) In lieu of the payment of registration fees specified in subsections (6) and (13) of this section, the owner of a truck or truck tractor operating in interstate commerce shall apply to the department for a special laden weight registration. ~~Such~~ THE registration shall be valid for seventy-two hours after issuance and shall give authority to operate the vehicle when loaded. The moneys collected by the department from ~~such~~ THE fees shall be transmitted to the state treasurer, who shall credit the same to the highway users tax fund FOR ALLOCATION AND EXPENDITURE AS SPECIFIED IN SECTION 43-4-205 (5.5) (c), C.R.S. The fee for ~~such~~ THE special registration of a truck or a truck tractor shall be based on the actual gross vehicle weight of the vehicle and its cargo, computed to the nearest pound, according to the following schedule:

Declared Gross Vehicle Weight (Pounds)	Registration Fee
10,001 but not more than 30,000	\$ 45
30,001 but not more than 60,000	53
Over 60,000	60

(17) (c) The moneys collected by the department from the fees for temporary commercial registration permits shall be transmitted to the state treasurer, who shall credit the same to the highway users tax fund FOR ALLOCATION AND EXPENDITURE AS SPECIFIED IN SECTION 43-4-205 (5.5) (c), C.R.S.

(21) (a) In addition to the annual registration fees prescribed in this section for vehicles with a seating capacity of more than fourteen and operated for the transportation of passengers for compensation, there is assessed and shall be paid by the owner or operator of every such vehicle operated over the public highways of this state a passenger-mile tax equal to one mill for each passenger transported for a distance of one mile. THE TAX SHALL BE CREDITED TO THE HIGHWAY USERS TAX FUND CREATED IN SECTION 43-4-201, C.R.S., AS REQUIRED BY SECTION 43-4-203 (1) (c), C.R.S., AND ALLOCATED AND EXPENDED AS SPECIFIED IN SECTION 43-4-205 (5.5) (d), C.R.S. The tax assessed by this subsection (21) shall not apply to passenger service rendered within the boundaries of a city, city and county, or incorporated town by a company engaged in the mass transportation of persons by buses or trolley coaches.

(b) Any passenger bus operating over the public highways of this state and rendering service pursuant to a temporary certificate of public convenience and necessity issued by the public utilities commission shall pay for the issuance of such temporary certificate, and for any renewal thereof, a fee of seven dollars and fifty cents, which fee shall be in lieu of the tax assessed by the provisions of this subsection (21), SHALL BE CREDITED TO THE HIGHWAY USERS TAX FUND CREATED IN SECTION 43-4-201, C.R.S., AS REQUIRED BY SECTION 43-4-203 (1) (c), C.R.S., AND SHALL BE ALLOCATED AND EXPENDED AS SPECIFIED IN SECTION 43-4-205 (5.5) (d),

C.R.S.

(c) The owner or operator of any passenger bus, which is registered in another state and which owner or operator desires to make an occasional trip into this state, need not obtain a permit from the public utilities commission as provided in sections 40-10-104 and 40-11-103, C.R.S., but may instead apply to the department for the issuance of a trip permit and shall pay to the department for the issuance of such trip permit a fee of eighteen dollars and seventy-five cents or the amount of passenger-mile tax becoming due and payable under the provisions of paragraph (a) of this subsection (21) by reason of such trip, whichever amount is greater. THE FEE OR PASSENGER-MILE TAX SHALL BE CREDITED TO THE HIGHWAY USERS TAX FUND CREATED IN SECTION 43-4-201, C.R.S., AS REQUIRED BY SECTION 43-4-203 (1) (c), C.R.S., AND ALLOCATED AND EXPENDED AS SPECIFIED IN SECTION 43-4-205 (5.5) (d), C.R.S.

(26) (d) (I) Effective September 1, 1997, in addition to any other fee imposed by this section, there shall be collected, at the time of registration of any motor vehicle in the state, a motorist insurance identification fee. ~~Such~~ THE fee shall be adjusted annually by the department, ~~of revenue,~~ based upon moneys appropriated by the general assembly for the operation of the motorist insurance identification database program. In no event shall ~~such~~ THE fee exceed fifty cents. ~~Such~~ THE fee shall be transmitted to the state treasurer, who shall credit ~~the same~~ IT to a special account within the highway users tax fund, to be known as the motorist insurance identification account, which is hereby created. Moneys in the motorist insurance identification account shall be used, subject to appropriation by the general assembly, to cover the costs of administration and enforcement of the motorist insurance identification database program, created in section 42-7-604; EXCEPT THAT THE STATE TREASURER SHALL TRANSFER MONEYS IN THE ACCOUNT IN EXCESS OF THE AMOUNT OF MONEYS APPROPRIATED FROM THE ACCOUNT TO THE HIGHWAY USERS TAX FUND FOR ALLOCATION AND EXPENDITURE AS SPECIFIED IN SECTION 43-4-205 (5.5) (c), C.R.S.

SECTION 22. 42-3-134.5 (14), (15), (21) (b), and (21) (c), Colorado Revised Statutes, are amended to read:

42-3-134.5. Registration fees - passenger and passenger-mile taxes - fee schedule for years in which TABOR surplus revenue is insufficient or nonexistent. (14) In lieu of the payment of registration fees specified in subsections (6) and (13) of this section, the owner of a truck, truck tractor, trailer, or semitrailer operating in interstate commerce may apply to the department for a special unladen weight registration. ~~Such~~ THE registration shall be valid for a period of thirty days from issuance and shall give authority to operate the vehicle only when empty. The fee for registration of a truck or truck tractor shall be five dollars. The fee for registration of a trailer or semitrailer shall be three dollars. The moneys from ~~such~~ THE fees shall be transmitted to the state treasurer, who shall credit the same to the highway users tax fund FOR ALLOCATION AND EXPENDITURE AS SPECIFIED IN SECTION 43-4-205 (5.5) (c), C.R.S.

(15) In lieu of the payment of registration fees specified in subsections (6) and (13) of this section, the owner of a truck or truck tractor operating in interstate commerce shall apply to the department for a special laden weight registration. ~~Such~~ THE

registration shall be valid for seventy-two hours after issuance and shall give authority to operate the vehicle when loaded. The moneys collected by the department from ~~such~~ THE fees shall be transmitted to the state treasurer, who shall credit the same to the highway users tax fund FOR ALLOCATION AND EXPENDITURE AS SPECIFIED IN SECTION 43-4-205 (5.5) (c), C.R.S. The fee for ~~such~~ THE special registration of a truck or a truck tractor shall be based on the actual gross vehicle weight of the vehicle and its cargo, computed to the nearest pound, according to the following schedule:

Declared Gross Vehicle Weight (Pounds)	Registration Fee
10,001 but not more than 30,000	\$ 60
30,001 but not more than 60,000	70
Over 60,000	80

(21) (b) Any passenger bus operating over the public highways of this state and rendering service pursuant to a temporary certificate of public convenience and necessity issued by the public utilities commission shall pay for the issuance of such temporary certificate, and for any renewal thereof, a fee of ten dollars, which fee shall be in lieu of the tax assessed by the provisions of this subsection (21), SHALL BE CREDITED TO THE HIGHWAY USERS TAX FUND CREATED IN SECTION 43-4-201, C.R.S., AS REQUIRED BY SECTION 43-4-203 (1) (c), C.R.S., AND SHALL BE ALLOCATED AND EXPENDED AS SPECIFIED IN SECTION 43-4-205 (5.5) (d), C.R.S.

(c) The owner or operator of any passenger bus, which is registered in another state and which owner or operator desires to make an occasional trip into this state, need not obtain a permit from the public utilities commission as provided in sections 40-10-104 and 40-11-103, C.R.S., but may instead apply to the department for the issuance of a trip permit and shall pay to the department for the issuance of such trip permit a fee of twenty-five dollars or the amount of passenger-mile tax becoming due and payable under the provisions of paragraph (a) of this subsection (21) by reason of such trip, whichever amount is greater. THE FEE OR PASSENGER-MILE TAX SHALL BE CREDITED TO THE HIGHWAY USERS TAX FUND CREATED IN SECTION 43-4-201, C.R.S., AS REQUIRED BY SECTION 43-4-203 (1) (c), C.R.S., AND ALLOCATED AND EXPENDED AS SPECIFIED IN SECTION 43-4-205 (5.5) (d), C.R.S.

SECTION 23. 42-3-136, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

42-3-136. Taxpayer statements - payment of tax - estimates - penalties - deposits - delinquency proceedings. (5) TAXES COLLECTED PURSUANT TO THIS SECTION AND ANY PENALTIES OR INTEREST CHARGES IMPOSED PURSUANT TO THIS SECTION SHALL BE CREDITED TO THE HIGHWAY USERS TAX FUND CREATED IN SECTION 43-4-201, C.R.S., AS REQUIRED BY SECTION 43-4-203 (1) (c), C.R.S., AND ALLOCATED AND EXPENDED AS SPECIFIED IN SECTION 43-4-205 (5.5) (d), C.R.S.

SECTION 24. 42-3-144 (1), Colorado Revised Statutes, is amended to read:

42-3-144. Motorized bicycle registration - fee. (1) Every motorized bicycle sold in this state shall have an identification number stamped on its frame ~~which~~ THAT

shall be recorded upon registration. Motorized bicycles shall be registered with the department, and such registration shall be evidenced by a decal ~~which~~ THAT is securely affixed to the motorized bicycle frame in a conspicuous place. Registration shall be valid for a period of three years, and the fee for such registration shall be five dollars. Retail sellers of motorized bicycles shall retain one dollar from each such fee, and four dollars of each such fee shall be forwarded monthly to the department for deposit in the state treasury to the credit of the highway users tax fund. The general assembly shall make appropriations from the ~~highway users tax~~ fund for the expenses of the administration of this section, AND ANY FEES CREDITED TO THE FUND PURSUANT TO THIS SUBSECTION (1) IN EXCESS OF THE AMOUNT OF THE APPROPRIATIONS SHALL BE ALLOCATED AND EXPENDED AS SPECIFIED IN SECTION 43-4-205 (5.5) (f), C.R.S. The department shall promulgate regulations providing that retail sellers of motorized bicycles may be agents of the department for such registration.

SECTION 25. 42-4-202 (4) (d), Colorado Revised Statutes, is amended to read:

42-4-202. Unsafe vehicles - penalty - identification plates. (4) (d) The identification plate shall be of a size and type designated and approved by the department. A fee of one dollar shall be charged and collected by the department for the issuance of each such identification plate. All such fees so collected shall be paid to the state treasurer who shall credit the same to the highway users tax fund FOR ALLOCATION AND EXPENDITURE AS SPECIFIED IN SECTION 43-4-205 (5.5) (b), C.R.S.

SECTION 26. 42-4-225 (3), Colorado Revised Statutes, is amended to read:

42-4-225. Mufflers - prevention of noise. (3) Any person who violates subsection (1) of this section commits a class B traffic infraction. Any person who violates subsection (1.5) of this section shall, upon conviction, be punished by a fine of five hundred dollars. Fifty percent of any fine for a violation of subsection (1.5) of this section occurring within the corporate limits of a city or town, or within the unincorporated area of a county, shall be transmitted to the treasurer or chief financial officer of said city, town, or county, and the remaining fifty percent shall be transmitted to the state treasurer, ~~and~~ credited to the highway users tax fund, AND ALLOCATED AND EXPENDED AS SPECIFIED IN SECTION 43-4-205 (5.5) (a), C.R.S.

SECTION 27. 42-4-235 (2) (a), Colorado Revised Statutes, is amended to read:

42-4-235. Minimum standards for commercial vehicles. (2) (a) No person shall operate a commercial vehicle, as defined in subsection (1) of this section, on any public highway of this state unless such vehicle is in compliance with the rules adopted by the department pursuant to subsection (4) of this section. Any person who violates such rules, including intrastate motor carriers, shall be subject to the civil penalties authorized pursuant to 49 CFR, part 386, subpart G, as such subpart existed on October 1, 2001. Persons who utilize an independent contractor shall not be liable for penalties imposed on the independent contractor for equipment, acts, and omissions within the independent contractor's control or supervision. All civil penalties collected pursuant to this article by a state agency or by a court shall be transmitted to the state treasurer, who shall credit the same to the highway users tax fund created in section 43-4-201, C.R.S., FOR ALLOCATION AND EXPENDITURE AS SPECIFIED IN SECTION 43-4-205 (5.5) (a), C.R.S.

SECTION 28. 42-4-1809 (2) (d), Colorado Revised Statutes, is amended to read:

42-4-1809. Proceeds of sale. (2) If the sale of any motor vehicle and its attached accessories or equipment under the provisions of section 42-4-1805 produces an amount greater than the sum of all charges of the operator who has perfected his or her lien:

(d) Any balance remaining after payment pursuant to paragraph (c) of this subsection (2) shall be paid by the department: First, to any lienholder of record as the lienholder's interest may appear upon the records of the department; second, to any owner of record as the owner's interest may so appear; and then to any person submitting proof of such person's interest in such motor vehicle upon the application of such lienholder, owner, or person. If such payments are not requested and made within one hundred twenty days after the sale of the abandoned motor vehicle, the balance shall be transmitted to the state treasurer, who shall credit the same to the highway users tax fund FOR ALLOCATION AND EXPENDITURE AS SPECIFIED IN SECTION 43-4-205 (5.5) (e), C.R.S.

SECTION 29. 42-4-2108 (2) (c), Colorado Revised Statutes, is amended to read:

42-4-2108. Proceeds of sale. (2) If the sale of any motor vehicle and its attached accessories or equipment under the provisions of section 42-4-2104 produces an amount greater than the sum of all charges of the operator who has perfected his or her lien:

(c) Any balance remaining after payment pursuant to paragraph (b) of this subsection (2) shall be paid by the department: First, to any lienholder of record as the lienholder's interest may appear upon the records of the department; second, to any owner of record as the owner's interest may so appear; and then to any person submitting proof of such person's interest in such motor vehicle upon the application of such lienholder, owner, or person. If such payments are not requested and made within one hundred twenty days after the sale of the abandoned motor vehicle, the balance shall be transmitted to the state treasurer, who shall credit the same to the highway users tax fund FOR ALLOCATION AND EXPENDITURE AS SPECIFIED IN SECTION 43-4-205 (5.5) (e), C.R.S.

SECTION 30. 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: April 5, 2005