

CHAPTER 233

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 06-1404

BY REPRESENTATIVE(S) Todd, Balmer, Benefield, Borodkin, Garcia, Merrifield, Pommer, Solano, Berens, Cloer, Coleman, McFadyen, Ragsdale, and Stafford;
also SENATOR(S) Bacon, Shaffer, and Williams.

AN ACT

CONCERNING THE CREATION OF A SUPPORT EDUCATION SPECIAL LICENSE PLATE, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. Part 2 of article 3 of title 42, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

42-3-221. Special plates - support education. (1) BEGINNING JANUARY 1, 2007, THE DEPARTMENT SHALL ISSUE SPECIAL LICENSE PLATES TO QUALIFIED APPLICANTS IN ACCORDANCE WITH THIS SECTION FOR MOTORCYCLES, PASSENGER CARS, TRUCKS, AND NONCOMMERCIAL OR RECREATIONAL MOTOR VEHICLES THAT DO NOT EXCEED SIXTEEN THOUSAND POUNDS EMPTY WEIGHT.

(2)(a) THERE IS HEREBY ESTABLISHED THE SUPPORT PUBLIC EDUCATION SPECIAL LICENSE PLATE.

(b) THE DESIGN FOR THE SPECIAL LICENSE PLATE SHALL CONFORM WITH STANDARDS ESTABLISHED BY THE DEPARTMENT AND SHALL BE SUBJECT TO THE DEPARTMENT'S APPROVAL.

(3)(a) A PERSON MAY APPLY FOR A SUPPORT PUBLIC EDUCATION SPECIAL LICENSE PLATE IF THE PERSON PAYS THE TAXES AND FEES REQUIRED UNDER THIS SECTION AND PROVIDES TO THE DEPARTMENT OR AN AUTHORIZED AGENT A CERTIFICATE, ISSUED BY IMPACT ON EDUCATION, INC., OR ITS SUCCESSOR, CONFIRMING THAT SUCH PERSON HAS DONATED TWENTY DOLLARS TO IMPACT ON EDUCATION, INC., OR ITS SUCCESSOR. WHEN RECEIVING SUCH DONATION, IMPACT ON EDUCATION, INC., SHALL ASK THE DONOR TO SPECIFY IN WRITING WHICH NONPROFIT EDUCATION

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

ORGANIZATION QUALIFIED UNDER PARAGRAPH (c) OF THIS SUBSECTION (3) SHOULD RECEIVE THE MONEYS. IMPACT ON EDUCATION, INC., OR ITS SUCCESSOR, SHALL COMPILE AND PROVIDE TO THE DONOR AND THE DEPARTMENT A LIST OF ORGANIZATIONS THAT THE ENTITY HAS VERIFIED QUALIFY FOR DONATIONS UNDER PARAGRAPH (c) OF THIS SUBSECTION (3).

(b) ALL THE MONEYS COLLECTED BY IMPACT ON EDUCATION, INC., OR ITS SUCCESSOR PURSUANT TO THIS SUBSECTION (3) SHALL BE USED TO SUPPORT PROGRAMS THAT FOCUS ON STUDENT LEARNING IN PUBLIC SCHOOLS LOCATED IN COLORADO.

(c) IMPACT ON EDUCATION, INC. SHALL TRANSMIT THE ENTIRE DONATION TO THE NONPROFIT EDUCATION ORGANIZATION PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3) IF THE ORGANIZATION:

(I) EXISTS;

(II) IS AFFILIATED WITH A SCHOOL DISTRICT OR THE STATE CHARTER INSTITUTE;

(III) IS A NONPROFIT ENTITY EXEMPT FROM FEDERAL INCOME TAXES PURSUANT TO SECTION 501 (c) (3) OF THE FEDERAL "INTERNAL REVENUE CODE OF 1986", AS AMENDED; AND

(IV) AGREES TO SPEND ALL OF THE DONATION ON PROGRAMS THAT FOCUS ON STUDENT LEARNING IN COLORADO.

(d) MONEYS COLLECTED BY IMPACT ON EDUCATION, INC., OR ITS SUCCESSOR PURSUANT TO THIS SUBSECTION (3) SHALL NOT BE USED TO SUPPORT POLITICAL PARTIES, CANDIDATES FOR PUBLIC OFFICE, BALLOT INITIATIVES, REFERENDA, OR ANY OTHER POLITICAL ACTIVITIES.

(4) THE AMOUNT OF THE TAXES AND FEES FOR THE SUPPORT PUBLIC EDUCATION 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 ISSUANCE OR REPLACEMENT OF EACH SUCH LICENSE PLATE. 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.

(5) AN APPLICANT MAY APPLY FOR PERSONALIZED SUPPORT PUBLIC EDUCATION SPECIAL LICENSE PLATES. UPON PAYMENT OF THE ADDITIONAL FEE REQUIRED BY SECTION 42-3-211 (6) (a) FOR PERSONALIZED LICENSE PLATES, THE DEPARTMENT MAY ISSUE SUCH PLATES IF THE APPLICANT COMPLIES WITH SECTION 42-3-211. IF AN APPLICANT HAS EXISTING PERSONALIZED LICENSE PLATES FOR A MOTOR VEHICLE, THE APPLICANT MAY TRANSFER THE COMBINATION OF LETTERS OR NUMBERS TO A NEW SET OF SUPPORT PUBLIC EDUCATION SPECIAL LICENSE PLATES FOR THE VEHICLE UPON PAYMENT OF THE FEE IMPOSED BY SECTION 42-3-211 (6) AND UPON TURNING IN SUCH EXISTING PLATES TO THE DEPARTMENT. A PERSON WHO HAS OBTAINED PERSONALIZED SUPPORT PUBLIC EDUCATION SPECIAL LICENSE PLATES UNDER THIS SUBSECTION (5) SHALL PAY THE ANNUAL FEE IMPOSED BY SECTION 42-3-211 (6) FOR

RENEWAL OF SUCH PERSONALIZED PLATES. THE FEES UNDER THIS SUBSECTION (5) ARE IN ADDITION TO ALL OTHER TAXES AND FEES IMPOSED FOR PERSONALIZED SUPPORT PUBLIC EDUCATION SPECIAL LICENSE PLATES.

(6) THE SUPPORT PUBLIC EDUCATION SPECIAL LICENSE PLATE SHALL BE RETIRED IF THREE THOUSAND SUCH LICENSE PLATES ARE NOT ISSUED BY JULY 1, 2009.

SECTION 2. 42-3-301 (2) (a) (II), Colorado Revised Statutes, is amended to read:

42-3-301. License plate cash fund - license plate fees. (2) (a) The fees imposed pursuant to subsection (1) 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 pursuant to this article and shall be:

(II) Two dollars and fifty-four cents per special license plate issued pursuant to section 42-3-207, or sections 42-3-209 to 42-3-219, OR SECTION 42-3-221;

SECTION 3. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the license plate cash fund created in section 42-3-301 (1) (b), Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for allocation to the motor vehicle division, for the fiscal year beginning July 1, 2006, the sum of sixteen thousand eighty dollars (\$16,080), or so much thereof as may be necessary, for the implementation of this act.

SECTION 4. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution (August 9, 2006, if adjournment sine die is on May 10, 2006); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: May 25, 2006