

CHAPTER 265

MOTOR VEHICLES AND TRAFFIC REGULATION

SENATE BILL 08-186

BY SENATOR(S) Johnson, and Gordon;
also REPRESENTATIVE(S) Levy, Borodkin, Fischer, Kefalas, Kerr A., and Madden.

AN ACT

CONCERNING THE ISSUANCE OF COLORADO CARBON FUND SPECIAL LICENSE PLATES, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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:

42-3-228. Special plates - Colorado carbon fund. (1) THE DEPARTMENT SHALL ISSUE COLORADO CARBON FUND SPECIAL LICENSE PLATES TO QUALIFIED APPLICANTS IN ACCORDANCE WITH THIS SECTION FOR MOTORCYCLES, PASSENGER CARS, TRUCKS, OR NONCOMMERCIAL OR RECREATIONAL MOTOR VEHICLES THAT DO NOT EXCEED SIXTEEN THOUSAND POUNDS EMPTY WEIGHT.

(2) THE COLORADO CARBON FUND, ESTABLISHED BY THE GOVERNOR'S ENERGY OFFICE, MAY DESIGN THE COLORADO CARBON FUND SPECIAL LICENSE PLATES. THE DESIGN FOR THE SPECIAL LICENSE PLATES SHALL CONFORM WITH STANDARDS ESTABLISHED BY THE DEPARTMENT AND SHALL BE SUBJECT TO THE DEPARTMENT'S APPROVAL.

(3) A PERSON MAY APPLY FOR THE COLORADO CARBON FUND SPECIAL LICENSE PLATES 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 THE GOVERNOR'S ENERGY OFFICE, OR A SUCCESSOR OFFICE, CONFIRMING THAT SUCH PERSON HAS MADE TO THE COLORADO CARBON FUND, OR ITS SUCCESSOR, THE DONATION REQUIRED TO QUALIFY FOR THE SPECIAL LICENSE PLATES.

(4) THE AMOUNT OF THE TAXES AND FEES FOR SPECIAL LICENSE PLATES UNDER

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

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 COLORADO CARBON FUND 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 PERSONALIZED LICENSE 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 COLORADO CARBON FUND SPECIAL LICENSE PLATES FOR THE VEHICLE UPON PAYMENT OF THE FEE IMPOSED BY SECTION 42-3-211 (6) (a) AND UPON TURNING IN THE EXISTING LICENSE PLATES TO THE DEPARTMENT. A PERSON WHO HAS OBTAINED PERSONALIZED COLORADO CARBON FUND SPECIAL LICENSE PLATES UNDER THIS SUBSECTION (5) SHALL PAY THE ANNUAL FEE IMPOSED BY SECTION 42-3-211 (6) (b) FOR RENEWAL OF SUCH PERSONALIZED LICENSE PLATES. THE FEES UNDER THIS SUBSECTION (5) ARE IN ADDITION TO ALL OTHER TAXES AND FEES IMPOSED FOR PERSONALIZED COLORADO CARBON FUND SPECIAL LICENSE PLATES.

(6) THE COLORADO CARBON FUND SPECIAL LICENSE PLATES SHALL BE RETIRED IF THREE THOUSAND COLORADO CARBON FUND SPECIAL LICENSE PLATES ARE NOT ISSUED BY JULY 1, 2010.

SECTION 2. 42-3-312, Colorado Revised Statutes, is amended to read:

42-3-312. Special license plate surcharge. In addition to any other fee imposed by this article, an applicant for a special license plate created by rule in accordance with section 42-3-207, as such section existed when the plate was created, or license plates issued pursuant to sections 42-3-211 to 42-3-218 and sections 42-3-221 to ~~42-3-226~~ 42-3-228 shall pay an issuance fee of twenty-five dollars; except that the fee shall not be imposed on special license plates exempted from additional fees for the issuance of a military special license plate by section 42-3-213 (1) (b) (II). The fee shall be transferred to the state treasurer and credited to the licensing services cash fund created in section 42-2-114.5.

SECTION 3. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the license plate cash fund created in section 42-3-301 (1) (b), Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for allocation to the division of motor vehicles, for the fiscal year beginning July 1, 2008, the sum of ten thousand seven hundred twenty dollars (\$10,720) cash funds, or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the licensing services cash fund created in section 42-2-114.5, Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for allocation to the division of motor vehicles, for the fiscal year beginning July 1,

2008, the sum of fifty thousand dollars (\$50,000) cash funds, 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 6, 2008, if adjournment sine die is on May 7, 2008); 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 21, 2008