

CHAPTER 205

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 10-1387

BY REPRESENTATIVE(S) Pommer, Ferrandino, Lambert, Fischer, Hullinghorst, Labuda, Weissmann;
also SENATOR(S) White, Keller, Tapia.

AN ACT

CONCERNING THE FINANCING OF THE DIVISION OF MOTOR VEHICLES IN THE DEPARTMENT OF
REVENUE, AND MAKING APPROPRIATIONS THEREFOR.

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

SECTION 1. 42-2-107 (1) (a) (I), Colorado Revised Statutes, is amended to read:

42-2-107. Application for license or instruction permit - anatomical gifts - donations to Emily Maureen Ellen Keyes organ and tissue donation awareness fund - legislative declaration - repeal. (1) (a) (I) Every application for an instruction permit or for a driver's or minor driver's license shall be made upon forms furnished by the department. Every application shall be accompanied by the required fee. The fee for an application for any instruction permit ~~shall be~~ IS thirteen dollars and forty cents, which shall be transferred to the state treasurer, who shall credit ten dollars to the highway users tax fund and three dollars and forty cents to the licensing services cash fund created in section 42-2-114.5; except that, for ~~the fiscal year 2009-10~~ YEARS 2010-11 AND 2011-12, the state treasurer shall credit ~~all of such~~ THE fees to the licensing services cash fund CREATED IN SECTION 42-2-114.5. Every applicant shall submit, with the application, proof of age or proof of identity, or both, as the department may require.

SECTION 2. 42-2-113, Colorado Revised Statutes, is amended to read:

42-2-113. License examiners appointed. The department may appoint license examiners for any county in this state to conduct local examinations for all types of drivers' licenses. ~~Such~~ THE officers of the department shall conduct the examination as prescribed by law for all drivers in ~~said~~ THE county and collect the fees as provided in section 42-2-114 and remit the same to the department, which shall

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

deposit the same in the state treasury to the credit of the highway users tax fund; except that, for ~~the fiscal year 2009-10~~ YEARS 2010-11 AND 2011-12, the state treasurer shall credit ~~all of such~~ THE fees to the licensing services cash fund CREATED IN SECTION 42-2-114.5.

SECTION 3. 42-2-114 (2) (a) (I) (A), (2) (a) (I) (D), and (4) (a), Colorado Revised Statutes, are amended to read:

42-2-114. License issued - fees - repeal. (2) (a) (I) Except as provided in subsection (3) of this section:

(A) The fee for the issuance of a driver's license to a person twenty-one years of age or older and sixty years of age or younger ~~shall be~~ IS twenty dollars and forty cents, which license shall expire on the birthday of the applicant in the fifth year after the issuance thereof. The fee shall be transferred to the state treasurer, who shall credit fifteen dollars to the highway users tax fund and five dollars and forty cents to the licensing services cash fund created in section 42-2-114.5; except that, for ~~the fiscal year 2009-10~~ YEARS 2010-11 AND 2011-12, the state treasurer shall credit ~~all of such~~ THE fees to the licensing services cash fund CREATED IN SECTION 42-2-114.5. In the case of such a driver's license issued by the office of the county clerk and recorder in each county, the office of the county clerk and recorder shall retain the sum of eight dollars, and twelve dollars and forty cents shall be forwarded to the department for transmission to the state treasurer, who shall credit three dollars and forty cents to the licensing services cash fund and nine dollars to the highway users tax fund; except that, for ~~the fiscal year 2009-10~~ YEARS 2010-11 AND 2011-12, the state treasurer shall credit ~~all of such fees~~ SUCH AMOUNT to the licensing services cash fund. The general assembly shall make appropriations therefrom for the expenses of the administration of this part 1 and part 2 of this article; except that eight dollars and fifty cents of each fee shall be allocated pursuant to section 43-4-205 (6) (b), C.R.S., other than during fiscal ~~year 2009-10~~ YEARS 2010-11 AND 2011-12.

(D) The fee for the issuance of a driver's license to a person sixty-one years of age or older ~~shall be~~ IS twenty dollars and forty cents, which license shall expire on the birthday of the applicant in the fifth year after the issuance thereof. The fee shall be transferred to the state treasurer, who shall credit fifteen dollars to the highway users tax fund and five dollars and forty cents to the licensing services cash fund created in section 42-2-114.5; except that, for ~~the fiscal year 2009-10~~ YEARS 2010-11 AND 2011-12, the state treasurer shall credit ~~all of such~~ THE fees to the licensing services cash fund CREATED IN SECTION 42-2-114.5. In the case of ~~such~~ a driver's license issued by the office of the county clerk and recorder in each county, the office of the county clerk and recorder shall retain the sum of eight dollars, and twelve dollars and forty cents shall be forwarded to the department for transmission to the state treasurer, who shall credit three dollars and forty cents to the licensing services cash fund and nine dollars to the highway users tax fund; except that, for the fiscal ~~year 2009-10~~ YEARS 2010-11 AND 2011-12, the state treasurer shall credit ~~all of such fees~~ SUCH AMOUNT to the licensing services cash fund. The general assembly shall make appropriations therefrom for the expenses of the administration of this part 1 and part 2 of this article; except that eight dollars and fifty cents of each fee shall be allocated pursuant to section 43-4-205 (6) (b), C.R.S., other than during fiscal ~~year 2009-10~~ YEARS 2010-11 AND 2011-12.

(4) (a) The fee for the issuance of a minor driver's license ~~shall be~~ IS twenty dollars and forty cents, which license shall expire twenty days after the twenty-first birthday of the licensee. The fee shall be transferred to the state treasurer, who shall credit fifteen dollars to the highway users tax fund and five dollars and forty cents to the licensing services cash fund created in section 42-2-114.5; except that, for ~~the fiscal year 2009-10~~ YEARS 2010-11 AND 2011-12, the state treasurer shall credit ~~all of such~~ THE fees to the licensing services cash fund CREATED IN SECTION 42-2-114.5. In the case of the issuance of any minor driver's license by the office of the county clerk and recorder, the fee therefor shall be apportioned in the same manner as for the issuance of a driver's license pursuant to paragraph (a) of subsection (2) of this section.

SECTION 4. 42-2-114.5 (1), Colorado Revised Statutes, is amended to read:

42-2-114.5. Licensing services cash fund. (1) The licensing services cash fund is hereby created in the state treasury. Moneys in the fund shall be appropriated by the general assembly to the department for the cost of personal services and operating expenses incurred in the operation of driver's license offices. ~~Moneys in the fund at the end of each fiscal year, as well as interest earned on the investment of moneys in the fund, shall be retained in the fund and shall not revert to the general fund or any other fund.~~ AT THE END OF EACH FISCAL YEAR, THE STATE TREASURER SHALL CREDIT THE MONEY IN THE FUND, LESS SIXTEEN AND ONE-HALF PERCENT OF THE AMOUNT APPROPRIATED FROM THE FUND FOR SUCH OPERATION IN THE FISCAL YEAR, TO THE HIGHWAY USERS TAX FUND.

SECTION 5. 42-2-117 (1), Colorado Revised Statutes, is amended to read:

42-2-117. Duplicate permits and minor licenses - replacement licenses. (1) If an instruction permit or a minor driver's license issued under this article is lost, stolen, or destroyed, the person to whom the same was issued, upon request and the payment of a fee of six dollars and ninety cents for the first duplicate and thirteen dollars and forty cents for any subsequent duplicate to the department, may obtain a duplicate or substitute therefor upon furnishing satisfactory proof to the department that ~~such~~ THE permit or minor license had been lost, stolen, or destroyed and that the applicant is qualified to have ~~such~~ a permit or license. The fee for the first duplicate license shall be transferred to the state treasurer, who shall credit five dollars to the highway users tax fund and one dollar and ninety cents to the licensing services cash fund created in section 42-2-114.5; except that, for ~~the fiscal year 2009-10~~ YEARS 2010-11 AND 2011-12, the state treasurer shall credit ~~all of such~~ THE fees to the licensing services cash fund CREATED IN SECTION 42-2-114.5. The fee for a subsequent duplicate license shall be transferred to the state treasurer, who shall credit ten dollars to the highway users tax fund and three dollars and forty cents to the licensing services cash fund; except that, for ~~the fiscal year 2009-10~~ YEARS 2010-11 AND 2011-12, the state treasurer shall credit ~~all of such~~ THE fees to the licensing services cash fund.

SECTION 6. 42-2-406 (1), (2), (3) (d), and (6), Colorado Revised Statutes, are amended to read:

42-2-406. Fees. (1) The fee for the issuance of a commercial driver's license ~~shall be~~ IS thirty-four dollars and forty cents, which shall be transferred to the state

treasurer, who shall credit twenty-five dollars to the highway users tax fund and nine dollars and forty cents to the licensing services cash fund created in section 42-2-114.5; except that, for ~~the fiscal year 2009-10~~ YEARS 2010-11 AND 2011-12, the state treasurer shall credit ~~all of such~~ THE fees to the licensing services cash fund CREATED IN SECTION 42-2-114.5. Such license shall expire on the birthday of the applicant in the fourth year after ~~the~~ ITS issuance. ~~thereof~~. When issuing a commercial driver's license, the office of the county clerk and recorder shall retain eight dollars, and twenty-six dollars and forty cents shall be forwarded to the department for transmission to the state treasurer, who shall credit nineteen dollars to the highway users tax fund and seven dollars and forty cents to the licensing services cash fund; except that, for ~~the fiscal year 2009-10~~ YEARS 2010-11 AND 2011-12, the state treasurer shall credit ~~all of such~~ THE fees to the licensing services cash 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; except that eight dollars and fifty cents of each commercial driver's license fee shall be allocated pursuant to section 43-4-205 (6) (b), C.R.S., other than during fiscal ~~year 2009-10~~ YEARS 2010-11 AND 2011-12.

(2) Notwithstanding any other provision of law, the fee for a person eighteen years of age or older for issuance of a minor driver's license that authorizes operation of a commercial motor vehicle upon the highways of this state ~~shall be~~ IS thirty-four dollars and forty cents, which shall be transferred to the state treasurer, who shall credit twenty-five dollars to the highway users tax fund and nine dollars and forty cents to the licensing services cash fund created in section 42-2-114.5; except that, for ~~the fiscal year 2009-10~~ YEARS 2010-11 AND 2011-12, the state treasurer shall credit ~~all of such~~ THE fees to the licensing services cash fund CREATED IN SECTION 42-2-114.5. When issuing ~~such~~ a minor driver's license, the office of the county clerk and recorder shall retain eight dollars, and twenty-six dollars and forty cents shall be forwarded to the department for transmission to the state treasurer, who shall credit nineteen dollars to the highway users tax fund and seven dollars and forty cents to the licensing services cash fund; except that, for ~~the fiscal year 2009-10~~ YEARS 2010-11 AND 2011-12, the state treasurer shall credit ~~all of such fees~~ SUCH AMOUNT to the licensing services cash fund CREATED IN SECTION 42-2-114.5. 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; except that eight dollars and fifty cents of each such minor driver's license fee shall be allocated pursuant to section 43-4-205 (6) (b), C.R.S., other than during fiscal ~~year 2009-10~~ YEARS 2010-11 AND 2011-12.

(3)(d) 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 licensing services cash 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., other than during fiscal ~~year 2009-10~~ YEARS 2010-11 AND 2011-12.

(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; except that, for ~~the fiscal year 2009-10~~ YEARS 2010-11 AND 2011-12, the state treasurer shall credit ~~all of such~~ THE fees to the licensing services cash 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., other than during fiscal ~~year 2009-10~~ YEARS 2010-11 AND 2011-12.

SECTION 7. 42-3-304 (18) (d) (I), Colorado Revised Statutes, as it will become effective July 1, 2010, is amended to read:

42-3-304. Registration fees - passenger and passenger-mile taxes - clean screen fund. (18) (d) (I) In addition to any other fee imposed by this section, the owner shall pay, at the time of registration of a motor vehicle or low-power scooter, a motorist insurance identification fee. The fee shall be adjusted annually by the department, based upon moneys appropriated by the general assembly for the operation of the motorist insurance identification database program. In no event shall the fee exceed fifty cents. The fee shall be transmitted to the state treasurer, who shall credit 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 and for state fiscal ~~year 2008-09~~ YEARS 2010-11 AND 2011-12, for expenses incurred in connection with the administration of article 2 of this title by the division of motor vehicles within the department; 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 8. 43-4-201 (3) (a) (III) (C), Colorado Revised Statutes, is amended to read:

43-4-201. Funds created. (3) (a) (III) (C) The general assembly shall not make any annual appropriation or statutory distribution from the highway users tax fund for the fiscal year 1997-98 or for any succeeding fiscal year authorized by subparagraph (II) of this paragraph (a), excluding the annual appropriation or statutory distribution to the Colorado state patrol and the ports of entry section and excluding any appropriation to the department of revenue for the fiscal years 2008-09, ~~and~~ 2009-10, AND 2010-11 for expenses incurred in connection with the administration of article 2 of title 42, C.R.S., by the division of motor vehicles within the department.

SECTION 9. Appropriation - adjustments in 2010 long bill. (1) For the implementation of this act, appropriations made in the annual general appropriation act to the department of revenue for the fiscal year beginning July 1, 2010, shall be adjusted as follows:

(a) The general fund appropriation to the executive director's office is decreased by six million seven hundred ninety-seven thousand six hundred ninety-three dollars

(\$6,797,693).

(b) The cash funds appropriation to the executive director's office is increased by six million seven hundred ninety-seven thousand six hundred ninety-three dollars (\$6,797,693). Of said sum, one million eight hundred ninety-eight thousand dollars (\$1,898,000) shall be from the highway users tax fund pursuant to section 43-4-201 (3) (a) (III) (C), Colorado Revised Statutes, and four million eight hundred ninety-nine thousand six hundred ninety-three dollars (\$4,899,693) shall be from the licensing services cash fund created in section 42-2-114.5, Colorado Revised Statutes.

(c) The general fund appropriation to central department operations, for personal services, is decreased by two hundred forty-eight thousand nine hundred six dollars (\$248,906).

(d) The cash funds appropriation to central department operations, for personal services, is increased by two hundred forty-eight thousand nine hundred six dollars (\$248,906). Said sum shall be from the highway users tax fund pursuant to section 43-4-201 (3) (a) (III) (C), Colorado Revised Statutes.

(e) The general fund appropriation to the division of motor vehicles, administration, for personal services, is decreased by five hundred twenty-two thousand two hundred ninety-two dollars (\$522,292).

(f) The cash funds appropriation to the division of motor vehicles, administration, for personal services, is increased by five hundred twenty-two thousand two hundred ninety-two dollars (\$522,292). Said sum shall be from the highway users tax fund pursuant to section 43-4-201 (3) (a) (III) (C), Colorado Revised Statutes.

(g) The general fund appropriation to the division of motor vehicles, administration, for operating expenses, is decreased by thirty-three thousand four hundred four dollars (\$33,404).

(h) The cash funds appropriation to the division of motor vehicles, administration, for operating expenses, is increased by thirty-three thousand four hundred four dollars (\$33,404). Said sum shall be from the highway users tax fund pursuant to section 43-4-201 (3) (a) (III) (C), Colorado Revised Statutes.

(i) The general fund appropriation to the division of motor vehicles, driver and vehicle services, for personal services, is decreased by nine million three hundred fifty-one thousand one hundred twenty-five dollars (\$9,351,125).

(j) The cash funds appropriation to the division of motor vehicles, driver and vehicle services, for personal services, is increased by nine million three hundred fifty-one thousand one hundred twenty-five dollars (\$9,351,125). Said sum shall be from the licensing services cash fund created in section 42-2-114.5, Colorado Revised Statutes.

(k) The general fund appropriation to the division of motor vehicles, driver and vehicle services, for operating expenses, is decreased by one million two hundred fourteen thousand nine hundred thirty-seven dollars (\$1,214,937).

(l) The cash funds appropriation to the division of motor vehicles, driver and vehicle services, for operating expenses, is increased by one million two hundred fourteen thousand nine hundred thirty-seven dollars (\$1,214,937). Said sum shall be from the licensing services cash fund created in section 42-2-114.5, Colorado Revised Statutes.

(m) The general fund appropriation to the division of motor vehicles, driver and vehicle services, for driver's license documents, is decreased by one million seven hundred ninety-two thousand seven hundred seventy dollars (\$1,792,770).

(n) The cash funds appropriation to the division of motor vehicles, driver and vehicle services, for driver's license documents, is increased by one million seven hundred ninety-two thousand seven hundred seventy dollars (\$1,792,770). Said sum shall be from the licensing services cash fund created in section 42-2-114.5, Colorado Revised Statutes.

SECTION 10. 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 5, 2010