

CHAPTER 304

MOTOR VEHICLES AND TRAFFIC REGULATION

SENATE BILL 10-103

BY SENATOR(S) Sandoval, Schwartz, Gibbs, Harvey, Hudak, Kester, Morse, Romer, Tochtrop, White, Williams, Spence, Heath; also REPRESENTATIVE(S) Baumgardner, Bradford, Fischer, Frangas, Gardner B., Kerr A., McFadyen, McNulty, Miklosi, Murray, Nikkel, Primavera, Priola, Solano, Tyler, Apuan, DelGrosso, Middleton, Pace.

AN ACT

CONCERNING THE CREATION OF A COLORADO STATE PARKS 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:

42-3-233. Special plates - Colorado state parks. (1) ON OR AFTER JANUARY 1, 2011, THE DEPARTMENT SHALL ISSUE COLORADO STATE PARKS 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 FOUNDATION FOR COLORADO STATE PARKS MAY DESIGN THE 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 COLORADO STATE PARKS 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 FOUNDATION FOR COLORADO STATE PARKS OR A SUCCESSOR ORGANIZATION, CONFIRMING THAT THE PERSON HAS DONATED FORTY-FOUR DOLLARS TO THE FOUNDATION FOR COLORADO STATE PARKS OR A SUCCESSOR ORGANIZATION. ALL MONEYS COLLECTED PURSUANT TO THIS SUBSECTION (3) AND ALL INTEREST AND INCOME EARNED ON THE INVESTMENT OF SUCH MONEYS SHALL BE EXPENDED ON

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

COLORADO STATE PARKS PROJECTS AND SHALL NOT BE USED FOR THE ADMINISTRATION OF THE FOUNDATION FOR COLORADO STATE PARKS OR A SUCCESSOR ORGANIZATION. THE FOUNDATION FOR COLORADO STATE PARKS OR A SUCCESSOR ORGANIZATION SHALL HOLD THE MONEYS COLLECTED PURSUANT TO THIS SUBSECTION (3) IN A SEPARATE ACCOUNT FROM ALL OTHER MONEYS AND RETAIN THE RECORDS OF THE EXPENDITURES OF MONEYS COLLECTED PURSUANT TO THIS SUBSECTION (3) FOR AT LEAST THREE YEARS AFTER THE EXPENDITURE IS MADE.

(4) 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 ISSUANCE OR REPLACEMENT OF EACH SUCH LICENSE PLATE. THE DEPARTMENT SHALL TRANSMIT THE 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 STATE PARKS 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 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 STATE PARKS 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 COLORADO STATE PARKS SPECIAL LICENSE PLATES UNDER THIS SUBSECTION (5) SHALL PAY THE ANNUAL FEE IMPOSED BY SECTION 42-3-211 (6) (b) FOR RENEWAL OF THE PERSONALIZED LICENSE PLATES. THE FEES IMPOSED UNDER THIS SUBSECTION (5) ARE IN ADDITION TO ALL OTHER TAXES AND FEES IMPOSED FOR PERSONALIZED COLORADO STATE PARKS SPECIAL LICENSE PLATES.

(6) THE DEPARTMENT MAY STOP ISSUING THE COLORADO STATE PARKS SPECIAL LICENSE PLATE IF THREE THOUSAND LICENSE PLATES ARE NOT ISSUED BY JULY 1, 2014. A PERSON MAY CONTINUE TO USE THE COLORADO STATE PARKS SPECIAL LICENSE PLATE AFTER JULY 1, 2014.

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 ~~42-3-232~~ 42-3-233 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. 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, driver and vehicle services, for the fiscal year beginning July 1, 2010, the sum of seventeen thousand seven hundred sixty dollars (\$17,760) cash funds, or so much thereof as may be necessary, for the implementation of this act.

SECTION 4. Act subject to petition - 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 (August 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in November 2010 and shall take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 27, 2010