

CHAPTER 319

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 10-1161

BY REPRESENTATIVE(S) Nikkel;
also SENATOR(S) Spence.

AN ACT

CONCERNING THE CREATION OF A LIVERY LICENSE PLATE FOR CERTAIN MOTOR VEHICLES USED TO TRANSPORT PEOPLE FOR HIRE, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. Article 16 of title 40, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

40-16-111. Livery license plates - rules - repeal. (1) (a) THE COMMISSION SHALL EITHER:

(I) CREATE A DOCUMENT THAT A PERSON AUTHORIZED TO PROVIDE LUXURY LIMOUSINE SERVICES UNDER THIS ARTICLE MAY USE TO VERIFY TO THE DEPARTMENT OF REVENUE OR ITS AUTHORIZED AGENT THAT THE PERSON PROVIDES SUCH SERVICES; OR

(II) CREATE A SYSTEM TO ELECTRONICALLY VERIFY TO THE DEPARTMENT OF REVENUE OR ITS AUTHORIZED AGENT THAT THE PERSON IS AUTHORIZED TO PROVIDE LUXURY LIMOUSINE SERVICES UNDER THIS ARTICLE.

(b) UPON REQUEST, THE COMMISSION SHALL PROVIDE THE DOCUMENT TO THE PERSON WITH SUCH AUTHORITY OR THE ELECTRONIC VERIFICATION TO THE DEPARTMENT OF REVENUE OR ITS AUTHORIZED AGENT.

(2) THE COMMISSION MAY PROMULGATE RULES TO IMPLEMENT THIS SECTION AND TO ENFORCE SECTION 42-3-235, C.R.S.

(3) (a) BY JANUARY 1, 2011, THE COMMISSION SHALL NOTIFY EACH PERSON AUTHORIZED TO PROVIDE LUXURY LIMOUSINE SERVICES UNDER THIS ARTICLE OF THE

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

REQUIREMENTS OF SECTION 42-3-235, C.R.S.

(b) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE JULY 1, 2011.

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

42-3-235. Livery license plates - luxury limousines - repeal. (1) THE LIVERY LICENSE PLATE IS HEREBY ESTABLISHED. THE PLATE CONSISTS OF RED LETTERS ON A WHITE BACKGROUND AND FEATURES THE WORDS "COLORADO" ACROSS THE TOP AND "LIVERY" ACROSS THE BOTTOM OF THE PLATE.

(2) (a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (2), A PERSON PROVIDING LUXURY LIMOUSINE SERVICE UNDER ARTICLE 16 OF TITLE 40, C.R.S., SHALL REGISTER THE MOTOR VEHICLE USED FOR SUCH PURPOSES PURSUANT TO THIS ARTICLE AND DISPLAY LIVERY LICENSE PLATES ON THE VEHICLE. UPON SUCH REGISTRATION, THE DEPARTMENT SHALL ISSUE LIVERY LICENSE PLATES FOR THE VEHICLES IN ACCORDANCE WITH THIS SECTION. THE DEPARTMENT SHALL NOT ISSUE A LIVERY LICENSE PLATE UNLESS THE PERSON EITHER SUBMITS A VERIFICATION DOCUMENT ISSUED PURSUANT TO SECTION 40-16-111, C.R.S., OR THE PUBLIC UTILITIES COMMISSION ELECTRONICALLY VERIFIES THE AUTHORIZATION TO PROVIDE LUXURY LIMOUSINE SERVICE UNDER SECTION 40-16-111, C.R.S.

(b) A PERSON PROVIDING LUXURY LIMOUSINE SERVICE UNDER ARTICLE 16 OF TITLE 40, C.R.S., MAY PROVIDE SUCH SERVICES WITHOUT REGISTERING THE MOTOR VEHICLE OR USING LIVERY LICENSE PLATES IF THE MOTOR VEHICLE IS RENTED, BUT THE PERSON SHALL NOT PROVIDE SUCH SERVICES USING A RENTED MOTOR VEHICLE FOR MORE THAN THIRTY DAYS.

(c) A PERSON PROVIDING SERVICES REQUIRING A LIVERY PLATE PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) WITH A MOTOR VEHICLE THAT WAS REGISTERED ON JANUARY 1, 2011, IS NOT REQUIRED TO OBTAIN LIVERY PLATES UNTIL THE VEHICLE IS SCHEDULED FOR RENEWAL OF THE CURRENT REGISTRATION. UPON RENEWING A REGISTRATION FOR A LUXURY LIMOUSINE REGISTERED PURSUANT TO THIS ARTICLE, THE DEPARTMENT SHALL ISSUE SPECIAL LIVERY LICENSE PLATES FOR THE VEHICLE IN ACCORDANCE WITH THIS SECTION. THIS PARAGRAPH (c) IS REPEALED, EFFECTIVE JANUARY 1, 2012.

(3) UPON PAYMENT OF THE ADDITIONAL FEE REQUIRED BY SECTION 42-3-211 (6) (a) FOR PERSONALIZED LICENSE PLATES, THE DEPARTMENT MAY ISSUE PERSONALIZED LIVERY LICENSE PLATES IF THE APPLICANT COMPLIES WITH SECTION 42-3-211. IF AN APPLICANT HAS EXISTING PERSONALIZED LICENSE PLATES, THE APPLICANT MAY TRANSFER THE COMBINATION OF LETTERS OR NUMBERS TO A NEW SET OF SPECIAL LIVERY LICENSE PLATES UPON PAYING THE FEE IMPOSED BY SECTION 42-3-211 (6) (a) AND UPON TURNING THE EXISTING PLATES IN TO THE DEPARTMENT. A PERSON WHO HAS OBTAINED PERSONALIZED LIVERY LICENSE PLATES UNDER THIS SUBSECTION (3) SHALL PAY THE ANNUAL FEE IMPOSED BY SECTION 42-3-211 (6) (b) FOR RENEWAL OF SUCH PERSONALIZED PLATES. THE FEES UNDER THIS SUBSECTION (3) ARE IN ADDITION TO ALL OTHER TAXES AND FEES IMPOSED FOR THE SPECIAL LICENSE PLATES.

(4) NO PERSON SHALL OPERATE A MOTOR VEHICLE WITH A LIVERY LICENSE PLATE OR TEMPORARY LIVERY LICENSE PLATE UNLESS THE MOTOR VEHICLE TO WHICH THE PLATES ARE ATTACHED IS REQUIRED BY SUBSECTION (2) OF THIS SECTION TO BEAR LIVERY LICENSE PLATES. A PERSON WHO VIOLATES THIS SECTION COMMITS A CLASS B TRAFFIC INFRACTION, PUNISHABLE BY A FINE OF SEVENTY-FIVE DOLLARS.

(5) IF THE PERSON WHO OWNS THE MOTOR VEHICLE WITH LIVERY PLATES IS NOT THE SAME PERSON UNDER WHOSE AUTHORITY THE MOTOR VEHICLE OPERATES PURSUANT TO ARTICLE 16 OF TITLE 40, C.R.S., THE PERSON WITH SUCH AUTHORITY MAY REQUEST THAT THE DEPARTMENT OF REVENUE REQUIRE THE PLATE TO BE REPLACED. UPON SUCH A REQUEST BEING MADE, THE DEPARTMENT SHALL REQUIRE THE OWNER TO RETURN THE LIVERY LICENSE PLATE AND BE ISSUED A NEW LICENSE PLATE.

(6) THIS SECTION IS EFFECTIVE JANUARY 1, 2011.

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 ten thousand sixty-four dollars (\$10,064) 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