

## CHAPTER 80

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**MOTOR VEHICLES AND TRAFFIC REGULATION**

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## HOUSE BILL 12-1216

BY REPRESENTATIVE(S) Becker, Gerou, Levy, Fischer, Kerr J.;  
also SENATOR(S) Lambert, Hodge, Steadman.

**AN ACT**

**CONCERNING THE FINANCING OF THE DIVISION OF MOTOR VEHICLES IN THE DEPARTMENT OF REVENUE, AND, IN CONNECTION THEREWITH, MAKING AND REDUCING APPROPRIATIONS.**

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

**SECTION 1.** In Colorado Revised Statutes, 42-2-107, **amend** (1) (a) (I) as follows:

**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) TO BE ACCEPTABLE, every application for an instruction permit or for a driver's or minor driver's license ~~shall~~ MUST be made upon forms furnished by the department ~~Every application shall be~~ AND accompanied by the required fee. The fee for an application for any instruction permit is thirteen dollars and forty cents. ~~which~~ THE DEPARTMENT shall be ~~transferred~~ TRANSFER THE FEE 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 fiscal years ~~2010-11 and 2011-12~~ 2012-13 THROUGH 2014-15, the state treasurer shall credit ~~the fees~~ THE FEE 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.** In Colorado Revised Statutes, **amend** 42-2-113 as follows:

**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. The officers of the department shall conduct the examination as prescribed by law for all drivers in the county and collect the fees as provided in

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

section 42-2-114 and remit the same to the department, which shall ~~deposit~~ TRANSFER the same ~~in the state treasury~~ to the credit of the highway users tax fund; except that, for fiscal years ~~2010-11 and 2011-12~~ 2012-13 THROUGH 2014-15, TO the state treasurer, WHO shall credit the fees to the licensing services cash fund created in section 42-2-114.5.

**SECTION 3.** In Colorado Revised Statutes, 42-2-114, **amend** (2) (a) (I) (A), (2) (a) (I) (D), and (4) (a) as follows:

**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 is twenty dollars and forty cents, which license ~~shall expire~~ EXPIRES on the birthday of the applicant in the fifth year after the issuance ~~thereof~~ OF THE LICENSE. The DEPARTMENT SHALL TRANSFER 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 fiscal years ~~2010-11 and 2011-12~~ 2012-13 THROUGH 2014-15, the state treasurer shall credit the ~~fees~~ FEE 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~~ FORWARD THE REMAINDER OF THE FEE 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 fiscal years ~~2010-11 and 2011-12~~ 2012-13 THROUGH 2014-15, the state treasurer shall credit ~~such~~ THE amount to the licensing services cash fund. The general assembly shall make appropriations ~~therefrom~~ FROM THE LICENSING SERVICES CASH FUND 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~~ IS allocated ~~pursuant to~~ IN ACCORDANCE WITH section 43-4-205 (6) (b), C.R.S., other than during fiscal years ~~2010-11 and 2011-12~~ 2012-13 THROUGH 2014-15.

(D) The fee for the issuance of a driver's license to a person sixty-one years of age or older is twenty dollars and forty cents, which license shall expire on the birthday of the applicant in the fifth year after the issuance ~~thereof~~ OF THE LICENSE. The DEPARTMENT SHALL TRANSFER 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 fiscal years ~~2010-11 and 2011-12~~ 2012-13 THROUGH 2014-15, the state treasurer shall credit ~~the fees~~ THE FEE to the licensing services cash fund created in section 42-2-114.5. In the case of 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~~ FORWARD THE REMAINDER 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 years ~~2010-11 and 2011-12~~ 2012-13 THROUGH 2014-15, the state treasurer shall credit ~~such~~ THE amount to the licensing services cash fund.

The general assembly shall make appropriations ~~therefrom~~ FROM THE LICENSING SERVICES CASH FUND 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~~ IS allocated ~~pursuant to~~ IN ACCORDANCE WITH section 43-4-205 (6) (b), C.R.S., other than during fiscal years ~~2010-11 and 2011-12~~ 2012-13 THROUGH 2014-15.

(4) (a) The fee for the issuance of a minor driver's license is twenty dollars and forty cents, which license ~~shall expire~~ EXPIRES twenty days after the twenty-first birthday of the licensee. The DEPARTMENT SHALL TRANSFER 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 fiscal years ~~2010-11 and 2011-12~~ 2012-13 THROUGH 2014-15, the state treasurer shall credit the ~~fees~~ FEE 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~~ FOR THE MINOR DRIVER'S LICENSE IS apportioned in the same manner as for the issuance of a driver's license ~~pursuant to~~ IN ACCORDANCE WITH paragraph (a) of subsection (2) of this section.

**SECTION 4.** In Colorado Revised Statutes, 42-2-117, **amend** (1) as follows:

**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 the permit or minor license had been lost, stolen, or destroyed and that the applicant is qualified to have a permit or license. The DEPARTMENT SHALL TRANSFER EITHER 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 fiscal years ~~2010-11 and 2011-12~~ 2012-13 THROUGH 2014-15, the state treasurer shall credit the ~~fees~~ FEE to the licensing services cash fund created in section 42-2-114.5. The fee for a subsequent duplicate license ~~shall be~~ IS 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 fiscal years ~~2010-11 and 2011-12~~ 2012-13 THROUGH 2014-15, the state treasurer shall credit the ~~fees~~ FEE to the licensing services cash fund.

**SECTION 5.** In Colorado Revised Statutes, 42-2-406, **amend** (1), (2), (3) (d), and (6) as follows:

**42-2-406. Fees.** (1) The fee for the issuance of a commercial driver's license is thirty-four dollars and forty cents. ~~which~~ THE DEPARTMENT shall ~~be~~ CAUSE THE FEE TO 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 fiscal years ~~2010-11 and 2011-12~~ 2012-13 THROUGH 2014-15, the state treasurer shall credit the ~~fees~~ FEE to the licensing services cash fund created in section 42-2-114.5. ~~Such~~ THE license ~~shall expire~~ EXPIRES on the birthday of the applicant in the fourth year after its

issuance. 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~~ SHALL FORWARD THE REMAINDER 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 fiscal years ~~2010-11 and 2011-12~~ 2012-13 THROUGH 2014-15, the state treasurer shall credit the ~~fees~~ AMOUNT to the licensing services cash fund. The general assembly shall make annual appropriations ~~therefrom~~ FROM THE LICENSING SERVICES CASH FUND 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~~ IN ACCORDANCE WITH section 43-4-205 (6) (b), C.R.S., other than during fiscal years ~~2010-11 and 2011-12~~ 2012-13 THROUGH 2014-15.

(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~~ is thirty-four dollars and forty cents. ~~which~~ THE DEPARTMENT shall CAUSE THE FEE TO 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 fiscal years ~~2010-11 and 2011-12~~ 2012-13 THROUGH 2014-15, the state treasurer shall credit the ~~fees~~ FEE to the licensing services cash fund created in section 42-2-114.5. When issuing 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~~ SHALL FORWARD THE REMAINDER 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 fiscal years ~~2010-11 and 2011-12~~ 2012-13 THROUGH 2014-15, the state treasurer shall credit ~~such~~ THE amount to the licensing services cash fund created in section 42-2-114.5. The general assembly shall make annual appropriations ~~therefrom~~ FROM THE LICENSING SERVICES CASH FUND 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~~ IS allocated ~~pursuant to~~ IN ACCORDANCE WITH section 43-4-205 (6) (b), C.R.S., other than during fiscal years ~~2010-11 and 2011-12~~ 2012-13 THROUGH 2014-15.

(3) (d) THE DEPARTMENT SHALL FORWARD all fees collected ~~by the department~~ for the administration of driving tests ~~shall be forwarded~~ to the state treasurer, who shall credit the ~~same~~ FEES to the licensing services cash fund. The general assembly shall make annual appropriations ~~therefrom~~ FROM THE LICENSING SERVICES CASH FUND 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~~ UNDER this subsection (3) in excess of the amount of the appropriations ~~shall be~~ ARE allocated and expended as specified in section 43-4-205 (5.5) (f), C.R.S., other than during fiscal years ~~2010-11 and 2011-12~~ 2012-13 THROUGH 2014-15.

(6) THE DEPARTMENT SHALL FORWARD all fees collected ~~by the department~~ for the issuance of testing unit licenses and driving test licenses ~~pursuant to~~ UNDER 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 fiscal years

~~2010-11 and 2011-12~~ 2012-13 THROUGH 2014-15, the state treasurer shall credit the fees to the licensing services cash fund. The general assembly shall make annual appropriations ~~therefrom~~ FROM THE LICENSING SERVICES CASH FUND 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~~ ARE allocated and expended as specified in section 43-4-205 (5.5) (f), C.R.S., other than during fiscal years ~~2010-11 and 2011-12~~ 2012-13 THROUGH 2014-15.

**SECTION 6.** In Colorado Revised Statutes, 42-3-304, **amend** (18) (d) (I) as follows:

**42-3-304. Registration fees - passenger and passenger-mile taxes - clean screen fund - repeal.** (18) (d) (I) In addition to any other fee imposed by this section, the owner shall pay, at the time of ~~registration of~~ REGISTERING 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. ~~Prior to July 1, 2011, in no event shall the fee exceed fifty cents. On and after July 1, 2011, in no event shall the fee exceed ten cents. The fee~~ DEPARTMENT shall ~~be transmitted~~ TRANSMIT THE FEE 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. ~~THE DEPARTMENT SHALL USE 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 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:

(A) For ~~the 2010-11 and 2011-12~~ fiscal years 2012-13 THROUGH 2014-15, the state treasurer shall transfer moneys in the account in excess of the amount of moneys appropriated from the account to the Colorado state titling and registration account in the highway users tax fund for allocation and expenditure as required by section 42-1-211 (2). This sub-subparagraph (A) is repealed, effective July 1, ~~2012~~ 2015.

(B) For the fiscal year commencing July 1, ~~2012~~ 2015, 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 7. Appropriation - adjustments in 2012 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, 2012, are adjusted as follows:

(a) The general fund appropriation to the executive director's office, is decreased by \$7,954,625.

(b) The cash funds appropriation to the executive director's office, is increased

by \$8,051,285. Said sum is from the licensing services cash fund created in section 42-2-114.5 (1), Colorado Revised Statutes.

(c) The cash funds appropriation to the executive director's office, is decreased by \$31,708. Said sum is from the highway users tax fund pursuant to section 43-4-201 (3) (a) (III) (C), Colorado Revised Statutes.

(d) The reappropriated funds appropriation to the executive director's office, for personal services, is decreased by \$64,953. Of said sum, \$21,918 is from moneys transferred from the enforcement business group, limited gaming division and \$43,035 is from moneys transferred from the state lottery division.

(e) The general fund appropriation to the central department operations division, is decreased by \$108,245.

(f) The cash funds appropriation to the central department operations division, is increased by \$126,582. Said sum is from the licensing services cash fund created in section 42-2-114.5 (1), Colorado Revised Statutes.

(g) The cash funds appropriation to the central department operations division, is decreased by \$8,870. Said sum is from the highway users tax fund pursuant to section 43-4-201 (3) (a) (III) (C), Colorado Revised Statutes.

(h) The reappropriated funds appropriation to the central department operations division, is decreased by \$9,467. Said sum is from moneys transferred from the enforcement business group, limited gaming division.

(i) The general fund appropriation to the division of motor vehicles, administration, is decreased by \$408,535.

(j) The cash funds appropriation to the division of motor vehicles, administration, is increased by \$423,014. Said sum is from the licensing services cash fund created in section 42-2-114.5 (1), Colorado Revised Statutes.

(k) The cash funds appropriation to the division of motor vehicles, administration, is decreased by \$14,479. Said sum is from the highway users tax fund pursuant to section 43-4-201 (3) (a) (III) (C), Colorado Revised Statutes.

(l) The general fund appropriation to the division of motor vehicles, driver and vehicle services, is decreased by \$14,192,839.

(m) The cash funds appropriation to the division of motor vehicles, driver and vehicle services, is increased by \$14,192,839. Said sum is from the licensing services cash fund created in section 42-2-114.5 (1), Colorado Revised Statutes.

(n) The cash funds appropriation to the enforcement business group, limited gaming division, for indirect cost assessment, is decreased by \$31,385. Said sum is from the limited gaming fund created in section 12-47.1-701 (1), Colorado Revised Statutes.

(o) The cash funds appropriation to the state lottery division, for indirect cost

assessment, is decreased by \$43,035. Said sum shall be from the state lottery fund created in section 24-35-210 (1), Colorado Revised Statutes.

**SECTION 8. Effective date.** This act takes effect July 1, 2012.

**SECTION 9. 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: April 6, 2012