

CHAPTER 254

MOTOR VEHICLES AND TRAFFIC REGULATION

SENATE BILL 13-170

BY SENATOR(S) Aguilar, Jones, Newell;
also REPRESENTATIVE(S) Gerou, Landgraf, Rosenthal, Young, Ferrandino.

AN ACT

CONCERNING THE SALE OF UNIQUELY VALUABLE REGISTRATION NUMBERS FOR VEHICLES, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 42-1-403, **amend** (2) introductory portion, (2) (f), and (5) (g); and **add** (2) (h), (2) (i), (5) (i), (5) (j), (5) (k), (5) (l), and (5) (m) as follows:

42-1-403. License plate auction group. (2) The group consists of ~~seven~~ ELEVEN members, appointed as follows:

(f) One member appointed by the chief of the Colorado state patrol; ~~and~~

(h) THREE MEMBERS APPOINTED BY THE GOVERNOR TO REPRESENT THE PUBLIC;
AND

(i) ONE MEMBER APPOINTED BY THE GOVERNOR TO REPRESENT AN ENTITY DELIVERING SERVICES UNDER SECTION 24-30-2205, C.R.S.

(5) The group has the following duties and powers:

(g) To elect a member as executive director of the group and other officers; ~~and~~

(i) TO AUTHORIZE AN AUCTIONEER OR OTHER SELLER OF A REGISTRATION NUMBER TO RETAIN A COMMISSION OF NO MORE THAN TWENTY PERCENT OF THE SALE PRICE;

(j) TO MAKE BUSINESS DECISIONS TO IMPLEMENT THIS PART 4;

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

(k) TO CREATE INCENTIVES FOR HOLDERS TO TURN IN CURRENTLY ISSUED REGISTRATION NUMBERS FOR AUCTION IF ANY ACTUAL COSTS ARE REIMBURSED TO THE STATE FROM THE SALE;

(l) TO AUTHORIZE AND SELL LICENSE PLATES MADE OF ALTERNATIVE MATERIALS IF APPROVED BY THE DEPARTMENT; AND

(m) TO CERTIFY THAT A PORTION OF THE PURCHASE PRICE OF A REGISTRATION NUMBER IS A CHARITABLE DONATION BECAUSE IT EXCEEDS THE MARKET VALUE OF THE REGISTRATION NUMBER IF THE GROUP REIMBURSES THE GENERAL FUND FOR ANY TAX CREDIT AUTHORIZED UNDER SECTION 39-22-535, C.R.S., FROM THE SALE.

SECTION 2. In Colorado Revised Statutes, 42-1-406, **amend** (2) as follows:

42-1-406. Administration. (2) If the registration number consists of a combination of letters and numbers that is not within the normal format of license plate currently produced for the department, the department shall issue the plates as personalized plates under section 42-3-211; except that, notwithstanding section 42-3-211, the auction group may sell, and the buyer or any subsequent buyer may use:

(a) A registration number or letter of one position; OR

(b) ANY SYMBOL ON THE STANDARD AMERICAN KEYBOARD OR APPROVED BY THE GROUP.

SECTION 3. In Colorado Revised Statutes, 42-1-407, **amend** (1) and (3) as follows:

42-1-407. Registration number fund. (1) The registration number fund is hereby created in the state treasury. The moneys in the fund consist of the proceeds from the sale of registration numbers under section 42-1-404, ~~and~~ the royalty from private sales of registration numbers under section 42-1-405, AND ANY GIFTS, GRANTS, OR LOANS MADE FOR THE PURPOSES OF THIS PART 4.

(3) (a) (I) Except as specified in paragraph (b) of this subsection (3) AND ANY MONEY APPROPRIATED FROM THE FUND TO IMPLEMENT THIS PART 4, ~~at the end of each fiscal year,~~ the state treasurer shall transfer THE FIRST one million five hundred thousand dollars ~~or the balance of the registration number fund if the balance is a lesser amount,~~ from the registration number fund to the disability-benefit support fund created in section 24-30-2205, C.R.S.

(II) If any moneys remain in the registration number fund AT THE END OF THE FISCAL YEAR after the transfer required by subparagraph (I) of this paragraph (a), the state treasurer shall transfer two million five hundred thousand dollars, or the balance of the fund if the balance is a lesser amount, from the registration number fund to the general fund.

(III) If any moneys remain in the registration number fund AT THE END OF THE FISCAL YEAR after the transfers required by subparagraphs (I) and (II) of this paragraph (a), the state treasurer shall transfer the balance from the registration

number fund to the disability-benefit support fund created by section 24-30-2205, C.R.S.

(b) (I) The treasurer shall adjust the transfers required by paragraph (a) of this subsection (3) on July 1 of each year in proportion to the aggregate change in the United States department of labor bureau of labor statistics consumer price index for all urban consumers for the Denver-Boulder-Greeley consolidated metropolitan statistical area. The treasurer may round the dollar amount of the adjustment to the nearest ten dollars.

(II) THE TAX CREDIT REIMBURSEMENT ACCOUNT IS HEREBY CREATED IN THE FUND. UPON CERTIFYING A CREDIT UNDER SECTION 42-1-403 (5) (m) AND RECEIVING THE MONEY FROM THE SALE OF THE REGISTRATION NUMBER, THE GROUP SHALL PLACE TWENTY PERCENT OF THE AMOUNT CERTIFIED IN THIS ACCOUNT. THE MONEY IN THE ACCOUNT IS NOT TRANSFERRED IN ACCORDANCE WITH PARAGRAPH (a) OF THIS SUBSECTION (3), BUT THE TREASURER SHALL TRANSFER THE MONEY TO THE GENERAL FUND AT THE END OF THE FISCAL YEAR.

SECTION 4. In Colorado Revised Statutes, **add** 39-22-535 as follows:

39-22-535. Credit for purchase of uniquely valuable motor vehicle registration numbers. (1) FOR TAX YEARS COMMENCING ON OR AFTER JANUARY 1, 2013, A PERSON WHO BUYS A REGISTRATION NUMBER UNDER SECTION 42-1-402, C.R.S., IS ALLOWED A CREDIT AGAINST THE INCOME TAXES IMPOSED BY THIS ARTICLE FOR TWENTY PERCENT OF THE PORTION OF THE PURCHASE PRICE THAT THE LICENSE PLATE AUCTION GROUP, CREATED IN SECTION 42-1-403, C.R.S., CERTIFIES EXCEEDS THE REGISTRATION NUMBER'S FAIR MARKET VALUE. THIS IS THE VALUE THE LICENSE PLATE AUCTION GROUP EXPECTS FROM THE SALE OF THE REGISTRATION NUMBER NOT THE COST OF REGISTERING THE VEHICLE.

(2) IF THE CREDIT ALLOWED BY THIS SECTION EXCEEDS THE TAX OTHERWISE DUE, THE TAXPAYER MAY CARRY IT FORWARD FOR UP TO FIVE YEARS BUT SHALL CLAIM IT ON THE EARLIEST POSSIBLE SUBSEQUENT TAX RETURN.

SECTION 5. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of revenue, for the fiscal year beginning July 1, 2013, the sum of \$16,000, or so much thereof as may be necessary, for allocation to the taxation business group for contract computer programming services related to the implementation of this act.

SECTION 6. 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 23, 2013