

CHAPTER 290

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 14-1066

BY REPRESENTATIVE(S) Vigil, Coram, Duran, Fields, Labuda, McLachlan, Melton, Rosenthal, Schafer, Williams, Young, Becker, Kagan, Lebsack;
also SENATOR(S) Steadman, Crowder.

AN ACT

CONCERNING THE AMOUNT OF A DRIVER'S LICENSE FEE THAT A RURAL COUNTY CLERK AND RECORDER MAY RETAIN WHEN ISSUING A DRIVER'S LICENSE, 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, 42-2-114, **amend** (4); and **repeal and reenact, with amendments**, (2) as follows:

42-2-114. License issued - fees. (2) (a) EXCEPT AS PROVIDED IN SUBSECTION (3) OF THIS SECTION, THE FEE FOR THE ISSUANCE OF A DRIVER'S LICENSE TO A PERSON TWENTY-ONE YEARS OF AGE OR OLDER IS TWENTY DOLLARS AND FORTY CENTS. THE LICENSE EXPIRES ON THE APPLICANT'S BIRTHDAY IN THE FIFTH YEAR AFTER ISSUANCE OF THE LICENSE.

(b) THE DEPARTMENT SHALL TRANSFER THE FEE TO THE STATE TREASURER, WHO SHALL CREDIT FIFTEEN DOLLARS TO THE HIGHWAY USERS TAX FUND, CREATED IN SECTION 43-4-201, C.R.S., AND FIVE DOLLARS AND FORTY CENTS TO THE LICENSING SERVICES CASH FUND, CREATED IN SECTION 42-2-114.5; EXCEPT THAT, THROUGH FISCAL YEAR 2014-15, THE STATE TREASURER SHALL CREDIT THE ENTIRE FEE TO THE LICENSING SERVICES CASH FUND.

(c) NOTWITHSTANDING PARAGRAPH (b) OF THIS SUBSECTION (2):

(I) IF THE DRIVER'S LICENSE IS ISSUED BY THE OFFICE OF A COUNTY CLERK AND RECORDER IN A COUNTY WITH A POPULATION OF AT LEAST ONE HUNDRED THOUSAND INDIVIDUALS, THE COUNTY CLERK AND RECORDER SHALL RETAIN THE SUM OF EIGHT DOLLARS AND FORWARD THE REMAINDER TO THE DEPARTMENT FOR TRANSMISSION

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

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, THROUGH FISCAL YEAR 2014-15, THE STATE TREASURER SHALL CREDIT THE ENTIRE FEE TO THE LICENSING SERVICES CASH FUND.

(II) IF THE DRIVER'S LICENSE IS ISSUED BY AN OFFICE OF A COUNTY CLERK AND RECORDER IN A COUNTY WITH A POPULATION OF FEWER THAN ONE HUNDRED THOUSAND INDIVIDUALS, THE COUNTY CLERK AND RECORDER SHALL RETAIN THE SUM OF THIRTEEN DOLLARS AND SIXTY CENTS AND FORWARD THE REMAINDER TO THE DEPARTMENT FOR TRANSMISSION TO THE STATE TREASURER, WHO SHALL CREDIT ONE DOLLAR AND EIGHTY-SIX CENTS TO THE LICENSING SERVICES CASH FUND AND FOUR DOLLARS AND NINETY-FOUR CENTS TO THE HIGHWAY USERS TAX FUND; EXCEPT THAT, THROUGH FISCAL YEAR 2014-15, THE STATE TREASURER SHALL CREDIT THE ENTIRE FEE TO THE LICENSING SERVICES CASH FUND.

(d) IN ADDITION TO THE FEE ESTABLISHED IN PARAGRAPH (a) OF THIS SUBSECTION (2), A SURCHARGE OF TWO DOLLARS IS ADDED FOR ISSUANCE OF A DRIVER'S OR PROVISIONAL DRIVER'S LICENSE WITH A MOTORCYCLE ENDORSEMENT. THE DEPARTMENT SHALL TRANSFER THE SURCHARGE TO THE STATE TREASURER, WHO SHALL CREDIT IT TO THE MOTORCYCLE OPERATOR SAFETY TRAINING FUND, CREATED IN SECTION 43-5-504, C.R.S.

(e) THE GENERAL ASSEMBLY SHALL MAKE APPROPRIATIONS FROM THE LICENSING SERVICES CASH FUND FOR THE EXPENSES OF THE ADMINISTRATION OF THIS PART 1 AND PART 2 OF THIS ARTICLE; EXCEPT THAT:

(I) EIGHT DOLLARS AND FIFTY CENTS OF EACH FEE IS ALLOCATED IN ACCORDANCE WITH SECTION 43-4-205 (6) (b), C.R.S.; AND

(II) NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS PARAGRAPH (e), THROUGH FISCAL YEAR 2014-15, THE STATE TREASURER SHALL CREDIT THE ENTIRE AMOUNT TO THE LICENSING SERVICES CASH FUND.

(4) (a) (I) The fee for the issuance of a minor driver's license is twenty dollars and forty cents. ~~which~~ The license expires twenty days after the LICENSEE'S twenty-first birthday. ~~of the licensee.~~

(II) The department shall transfer the fee 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 2012-13 through 2014-15, the state treasurer shall credit the fee to the licensing services cash fund ~~created in section 42-2-114.5.~~

(III) In the case of the issuance of any minor driver's license by the office of ~~the~~ a county clerk and recorder, the fee for the minor driver's license is apportioned in the same manner as for the issuance of a driver's license in accordance with paragraph ~~(a)~~ (c) of subsection (2) of this section.

(b) (I) ~~Prior to July 1, 2006, a surcharge of one dollar shall be added for issuance of a minor driver's license for which a motorcycle endorsement is requested which shall be credited to the motorcycle operator safety training fund created in section~~

~~43-5-504, C.R.S.~~

(II) ~~On and after July 1, 2006,~~ A surcharge of two dollars shall be added for issuance of a minor driver's license for which a motorcycle endorsement is requested. ~~which~~ THE SURCHARGE shall be credited to the motorcycle operator safety training fund, created in section 43-5-504, C.R.S.

SECTION 2. In Colorado Revised Statutes, 42-2-114, **repeal** (4) (b); and **repeal and reenact, with amendments,** (2) as follows:

42-2-114. License issued - fees - repeal - rules. (2) (a) A FEE IS REQUIRED FOR THE ISSUANCE OF A DRIVER'S LICENSE TO A PERSON TWENTY-ONE YEARS OF AGE OR OLDER. THE DEPARTMENT SHALL SET THE FEE IN ACCORDANCE WITH SECTION 42-2-114.5. EXCEPT AS PROVIDED IN SUBSECTION (3) OF THIS SECTION, THE LICENSE EXPIRES ON THE APPLICANT'S BIRTHDAY IN THE FIFTH YEAR AFTER ISSUANCE OF THE LICENSE.

(b) THE DEPARTMENT SHALL TRANSFER THE FEE TO THE STATE TREASURER, WHO SHALL CREDIT THE FEE TO THE LICENSING SERVICES CASH FUND CREATED IN SECTION 42-2-114.5.

(c) NOTWITHSTANDING PARAGRAPH (b) OF THIS SUBSECTION (2):

(I) IF THE DRIVER'S LICENSE IS ISSUED BY THE OFFICE OF A COUNTY CLERK AND RECORDER IN A COUNTY WITH A POPULATION OF AT LEAST ONE HUNDRED THOUSAND INDIVIDUALS, THE COUNTY CLERK AND RECORDER SHALL RETAIN THE SUM OF EIGHT DOLLARS AND FORWARD THE REMAINDER TO THE DEPARTMENT FOR TRANSMISSION TO THE STATE TREASURER, WHO SHALL CREDIT THE REMAINDER OF THE FEE TO THE LICENSING SERVICES CASH FUND.

(II) IF THE DRIVER'S LICENSE IS ISSUED BY AN OFFICE OF A COUNTY CLERK AND RECORDER IN A COUNTY WITH A POPULATION OF FEWER THAN ONE HUNDRED THOUSAND INDIVIDUALS, THE COUNTY CLERK AND RECORDER SHALL RETAIN THE SUM OF THIRTEEN DOLLARS AND SIXTY CENTS AND FORWARD THE REMAINDER TO THE DEPARTMENT FOR TRANSMISSION TO THE STATE TREASURER, WHO SHALL CREDIT THE REMAINDER OF THE FEE TO THE LICENSING SERVICES CASH FUND.

(d) IN ADDITION TO THE FEE ESTABLISHED IN PARAGRAPH (a) OF THIS SUBSECTION (2), A SURCHARGE OF TWO DOLLARS IS ADDED FOR ISSUANCE OF A DRIVER'S OR MINOR DRIVER'S LICENSE WITH A MOTORCYCLE ENDORSEMENT. THE DEPARTMENT SHALL TRANSFER THE SURCHARGE TO THE STATE TREASURER, WHO SHALL CREDIT IT TO THE MOTORCYCLE OPERATOR SAFETY TRAINING FUND, CREATED IN SECTION 43-5-504, C.R.S.

(e) IN ADDITION TO THE FEE ESTABLISHED IN PARAGRAPH (a) OF THIS SUBSECTION (2), A SURCHARGE IS ADDED FOR ISSUANCE OF A DRIVER'S OR MINOR DRIVER'S LICENSE WHEN AN APPLICANT RETAKES EITHER THE EXAMINATION OF KNOWLEDGE OF THE TRAFFIC LAWS OF THIS STATE OR THE DEMONSTRATION OF THE APPLICANT'S ABILITY TO EXERCISE ORDINARY AND REASONABLE CARE AND CONTROL IN THE OPERATION OF A MOTOR VEHICLE. THE DEPARTMENT SHALL SET THE SURCHARGE BY RULE IN AN AMOUNT TO OFFSET THE DIRECT AND INDIRECT COST OF GIVING THE

EXAMINATION OR DEMONSTRATION. THE DEPARTMENT SHALL TRANSFER THE SURCHARGE TO THE STATE TREASURER, WHO SHALL CREDIT IT TO THE LICENSING SERVICES CASH FUND, CREATED IN SECTION 42-2-114.5.

~~(4) (b) (I) Prior to July 1, 2006, a surcharge of one dollar shall be added for issuance of a minor driver's license for which a motorcycle endorsement is requested which shall be credited to the motorcycle operator safety training fund created in section 43-5-504, C.R.S.~~

~~(II) On and after July 1, 2006, a surcharge of two dollars shall be added for issuance of a minor driver's license for which a motorcycle endorsement is requested which shall be credited to the motorcycle operator safety training fund created in section 43-5-504, C.R.S.~~

SECTION 3. In Colorado Revised Statutes, 43-5-504, **amend** (1) as follows:

43-5-504. Motorcycle operator safety training fund. (1) The motorcycle operator safety training fund is hereby created in the state treasury. The fund consists of moneys collected under sections 42-2-114 (2) ~~(b)~~ (d) and (4) (b), 42-2-118 (1) (b) (II), and 42-3-304 (4), C.R.S. The moneys in the fund are available immediately, without further appropriation, for allocation by the transportation commission to the office to be used for the implementation and administration of the program. Moneys credited to the fund remain ~~therein~~ IN THE FUND at the end of each fiscal year and are not transferred to any other fund.

SECTION 4. Appropriation - adjustments to 2014 long bill. (1) For the implementation of this act, the general fund appropriation made in the annual general appropriation act to the controlled maintenance trust fund created in section 24-75-302.5 (2) (a), Colorado Revised Statutes, for the fiscal year beginning July 1, 2014, is decreased by \$61,264.

(2) 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, 2014, the sum of \$61,264, or so much thereof as may be necessary, to be allocated to the division of motor vehicles, driver services, for personal services related to the implementation of this act.

(3) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the Colorado state titling and registration account of the highway users tax fund created in section 42-1-211 (2), Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for the fiscal year beginning July 1, 2014, the sum of \$6,592, or so much thereof as may be necessary, to be allocated for the purchase of computer center services for the implementation of this act.

(4) In addition to any other appropriation, there is hereby appropriated to the governor - lieutenant governor - state planning and budgeting, for the fiscal year beginning July 1, 2014, the sum of \$6,592, or so much thereof as may be necessary, for allocation to the office of information technology, for the provision of computer center services for the department of revenue related to the implementation of this act. Said sum is from reappropriated funds received from the department of revenue out of the appropriation made in subsection (3) of this section.

SECTION 5. Effective date - applicability. (1) (a) Except as otherwise provided in this section, this act takes effect July 1, 2014.

(b) Section 1 of this act takes effect only if Senate Bill 14-194 does not become law.

(c) Section 2 of this act takes effect only if Senate Bill 14-194 becomes law.

(2) This act applies to driver's licenses issued on or after the applicable effective date 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 31, 2014