

## **Transportation Legislation Review Committee**

### **Members of the Committee**

Senator Evie Hudak, Chair  
Representative Glenn Vaad, Vice-Chair

Representative Mark Barker	Senator Steve King
Representative J. Paul Brown	Senator Linda Newell
Representative Randy Fischer	Senator Scott Renfroe
Representative Millie Hamner	Senator Gail Schwartz
Representative Matt Jones	Senator Nancy Spence
Representative Marsha Looper	Senator Suzanne Williams
Representative Kevin Priola	
Representative Robert Ramirez	
Representative Ray Scott	
Representative Max Tyler	
Representative Angela Williams	
Representative Dave Young	

### **Legislative Council Staff**

Kelli Kelty, Research Associate  
Jonathan Senft, Fiscal Analyst  
Erin Vanderberg, Senior Researcher  
Kerry White, Fiscal Analyst

### **Office of Legislative Legal Services**

Chuck Brackney, Senior Staff Attorney  
Jason Gelender, Senior Attorney  
Nicole Myers, Senior Staff Attorney  
Jery Payne, Senior Staff Attorney  
Richard Sweetman, Senior Staff Attorney

***October 2012***

# Transportation Legislation Review Committee Report to Legislative Council

## **Committee Charge**

---

Pursuant to Section 43-2-145, C.R.S., the Transportation Legislation Review Committee (TLRC) is authorized to give guidance and direction to:

- the Colorado Department of Transportation (CDOT) in the development of the state transportation system and to provide legislative oversight of the development;
- the Colorado Department of Revenue (DOR) in the licensing of drivers, and registration and titling of motor vehicles; and
- any state agency or political subdivision of the state that regulates motor vehicles or traffic, including penalties imposed for violating traffic statutes and rules.

The committee must meet at least once each year to propose and review transportation, traffic, and motor vehicle legislation. It is permitted to review any phase of operations of the CDOT, a public highway authority, or a regional transportation authority, and may require these entities to prepare and adopt long-range plans and complete a financial or performance audit.

## **Committee Activities**

---

The TLRC held four meetings during the 2012 interim. Briefings and presentations were made by state departments, local governments, transit authorities, public highway authorities, transportation industry associations, and members of the public on a wide range of subjects, including:

- highway maintenance;
- Colorado's aviation industry;
- the ports of entry;
- driver's licenses;
- public transit and rail;
- special license plates; and
- regulation of motor carriers by the Public Utilities Commission (PUC).

Staff from the Joint Budget Committee (JBC) prepared and presented information about "off-the-top" appropriations from the Highway Users Tax Fund (HUTF). The following subsections discuss the TLRC's activities in the 2012 interim.

**Transportation infrastructure and financing.** The committee heard testimony from CDOT, public highway authorities, and the motor carrier industry regarding the state transportation network and financing. A variety of projects for interstate corridors were discussed, including plans for the widening of Interstate 70 (I-70) between Idaho Springs and Floyd Hill. Inflation, funding sources, and federal legislation, including the new federal highway authorization bill, Moving Ahead for Progress in the 21st Century (MAP-21), were also discussed. Committee members heard about fuel taxes, particularly the differences in the taxes owed by owners of alternative fuel vehicles, such as electric and compressed natural gas vehicles. Following comments about cash fund balances

and the number of incomplete transportation projects around the state, the committee prepared and approved a letter to CDOT expressing its support of CDOT and recommending an expedited use of available funds.

As a result of committee discussion, the committee considered, but did not approve, Draft Bill 2. The bill would have allocated a portion of future state sales and use tax net revenue growth toward improvements to state highways, county roads, and municipal streets.

**Motor carrier industry.** Representatives of the Colorado Motor Carriers Association and Western State Transportation Alliance presented information on employment and the safety of the trucking industry. The panel noted that in 2011, trucks transported more than 7.7 billion tons of freight and 90 percent of manufactured freight commodities were transported by truck. Industry representatives discussed the impact of state taxes and fees on the trucking industry and a proposal that specific ownership tax (SOT) for commercial vehicles be restructured.

**Ports of entry.** Staff from the DOR and the Colorado State Patrol (CSP) provided brief updates on the progress of the transfer of the ports of entry from the DOR to the CSP, which took effect July 1, 2012. Representatives noted that the transfer has gone relatively smoothly.

**Driver's licenses.** The committee heard testimony from the DOR about increases in the number of driver's licenses issued, as well as ongoing efforts to improve wait times at offices and ensure that persons leaving the custody of the Department of Corrections can obtain a driver's license or state identification card. The committee discussed fees charged to a member of the armed services for the branch-of-service identifier on a Colorado driver's license or state identification card. As a result of this discussion, the committee recommends Bill F, which repeals the fee for a branch-of-service identifier.

**Aviation.** The committee heard from representatives of Denver International Airport (DIA), Centennial Airport, and CDOT's Division of Aeronautics about operations and economic impacts, passenger traffic, and airspace capacity at Colorado's airports. Statewide aviation projects were also discussed, including the state's Mountain Radar surveillance project and the federal NextGen project, which uses satellite and GPS technology in place of radar to manage airspace.

**Public transit and rail.** The committee heard testimony from CDOT's Division of Transit and Rail about the completion of the Colorado Passenger and Freight Rail Plan. The Regional Transportation District (RTD) provided testimony on ridership, cost recoveries, and revenue. Information was also provided on Union Station and FasTracks, including various lines' funding, construction, and completion time frames.

**Special license plates.** The DOR presented information on special license plates, including a review of the application process, existing and retired plate types, and the state's plans to move towards a "print on demand" system to assist county offices in managing license plate inventories. As a result of this testimony and discussion, the committee recommends:

- Bill C, which proposes to add a statement on the notice of vehicle registration regarding the penalty for failure to register a vehicle consistent with the actual statutory penalty, and also repeals statutory provisions for two retired special license plates; and
- Bill G, which proposes to limit the number of unique alumni, designer, military, or group special license plate designs to 96.

**Public Utilities Commission (PUC) regulation of motor carriers.** The committee heard testimony on federal reporting requirements and legislation modifying the funding of the PUC's Safety Oversight Program, as well as on the implementation of House Bill 12-1327, which repealed the requirement that a towing carrier maintain a \$50,000 surety bond to pay a civil penalty assessed against it by the PUC. As a result of this testimony and discussion, the committee recommends Bill H, which aligns state and federal law to prohibit the PUC from collecting fees for rail fixed guideway system safety from entities that PUC regulates.

**Other.** The committee heard testimony on a number of other topics including the collection of SOT on special mobile machinery (SMM), the Transportation Commission, definitions for alternative fuel vehicles, penalties for driving while under the influence of marijuana, and the Waste Tire Recycling Program administered by the Department of Public Health and Environment. As a result of this testimony and discussion, the committee recommends:

- Bill A, which proposes to add two at-large members to the Transportation Commission;
- Bill B, which expands the Department of Public Administration's (DPA) use of alternative fuel vehicles and requires DPA to report on its fleet in connection with fuel types;
- Bill D, which proposes to expand the "DUI per se" statute to include driving while a driver's blood contains five nanograms or more of delta 9-tetrahydrocannabinol per milliliter of whole blood; and
- Bill E, which would direct the DOR to set up an electronic system to receive tax reports filed by owners of SMM.

## **Committee Recommendations**

---

As a result of committee discussion and deliberation, the TLRC recommends eight bills for consideration in the 2013 legislative session.

**Bill A — Add Two At-Large Members to Transportation Commission.** Bill A adds two at-large members to the Transportation Commission. Under current law, the commission has 11 members representing each transportation district. The two additional at-large members proposed under this bill are appointed by the Governor. One at-large member must reside on the western slope, and the other must reside on the eastern slope. The terms of the at-large members begin on July 1, 2013, and last for four years, but the first term of the western slope at-large member expires July 1, 2015.

**Bill B — Report on Alternative Fuel Fleet Vehicles.** Under current law, the Department of Personnel (DPA) is required to purchase compressed natural gas (CNG) vehicles if the life cycle or base cost of the vehicle does not exceed ten percent over the cost of a dedicated petroleum vehicle. This bill expands the requirement to include vehicles using other alternative fuels in addition to CNG.

In addition, under this bill, DPA must provide a report to the General Assembly that includes the number of CNG and other alternative fuel vehicles purchased by DPA since 2008, and the number of dedicated petroleum vehicles purchased since 2008 instead of CNG and alternative fuel vehicles. The report must also address a number of policy decisions DPA is taking regarding CNG and alternative fuel vehicles. The report is due March 1, 2013.

**Bill C — Vehicle Registration Penalty Statement and Repeal Specialty Plates.** Bill C changes the penalty stated on the notice for motor vehicle registration for failure to register a vehicle from \$100 to \$500 to align with the actual statutory penalty. The bill also eliminates the U.S. Olympic Committee and Colorado Foundation for Agriculture and Natural Resources specialty plates.

**Bill D — Penalty for DUI Involving Marijuana.** Bill D changes the definition of DUI *per se* to include drivers who test positive for blood that contains 5 nanograms or more of delta 9-tetrahydrocannabinol per milliliter of blood, either while driving or within two hours after driving. Drivers testing positive for blood exceeding this threshold will be subject to the same penalties as stated for DUI *per se*. The bill also alters the definition of habitual user.

**Bill E — Ownership Tax Rental Mobile Machinery Electronic.** Bill E allows fleet owners of special mobile machinery to file or report electronically with the DOR. The bill also allows such fleet owners to pay specific ownership tax directly to the DOR, as opposed to the county clerks where each fleet vehicle operates.

**Bill F — Repeal Branch of Service Identifier Fee.** Bill F eliminates the fee charged to a member or veteran of the armed services to have a military service branch identifier affixed to his or her driver's license or state-issued identification card. Currently, the identifier requires payment of a \$15 fee, which is credited toward the cost of creating the identifier and the HUTF.

**Bill G — Vehicle Special License Plate Limit.** Bill G limits the number of special license plates to 96 available plate types.

**Bill H — PUC Oversight of Rail Fixed Guideway Systems.** Bill H aligns state and federal law to prohibit the PUC from charging fees to cover the oversight and administration of rail fixed guideway system safety. The PUC may still expend funds from the Public Utilities Fixed Utility Fund to cover administrative expenses.

**First Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO**

**BILL A**

LLS NO. 13-0066 Jason Gelender x4330

**HOUSE BILL**

---

**HOUSE SPONSORSHIP**

**Priola**, Barker, Brown, Ramirez, Scott

**SENATE SPONSORSHIP**

**King S.**,

---

**House Committees**

**Senate Committees**

---

**A BILL FOR AN ACT**

101     **CONCERNING THE ADDITION OF TWO AT-LARGE MEMBERS TO THE**  
102             **TRANSPORTATION COMMISSION.**

---

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

**Transportation Legislation Review Committee.** The transportation commission currently consists of 11 members appointed by the governor, each of whom represents a single transportation district. The bill adds 2 at-large members appointed by the governor, each of whom represents the entire state, to the commission. One of the at-large

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

members must reside on the western slope and the other must reside on the eastern slope. The at-large members serve 4-year terms; except that the at-large member who resides on the western slope serves an initial term of 2 years in order to stagger the timing of future appointments.

---

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

2           **SECTION 1.** In Colorado Revised Statutes, 43-1-106, **amend** (1),  
3 (2) introductory portion, (3), (4) (a), and (6); and **add** (4) (b.5) as follows:

4           **43-1-106. Transportation commission - powers and duties.**

5 (1) There is hereby created a transportation commission, which ~~shall~~  
6 ~~consist of eleven~~ CONSISTS OF THIRTEEN members. ~~The initial members~~  
7 ~~of the commission shall be the members of the state highway commission~~  
8 ~~immediately prior to July 1, 1991, and each such commission member~~  
9 ~~shall continue to represent the same district.~~

10           (2) THE GOVERNOR SHALL APPOINT TO THE COMMISSION TWO  
11 AT-LARGE MEMBERS, ONE OF WHOM MUST RESIDE ON THE WESTERN SLOPE  
12 AND ONE OF WHOM MUST RESIDE ON THE EASTERN SLOPE, AND one  
13 member ~~of the commission shall be appointed by the governor~~ from each  
14 of the following districts:

15           (3) Each district member ~~shall~~ MUST actually reside in the district  
16 he or she represents. ONE AT-LARGE MEMBER MUST ACTUALLY RESIDE ON  
17 THE WESTERN SLOPE, AND ONE AT-LARGE MEMBER MUST ACTUALLY  
18 RESIDE ON THE EASTERN SLOPE, BUT IT IS THE INTENT OF THE GENERAL  
19 ASSEMBLY THAT BOTH AT-LARGE MEMBERS REPRESENT THE ENTIRE STATE  
20 AND FOCUS PRIMARILY ON STATEWIDE TRANSPORTATION NEEDS. If a  
21 district member ceases to reside in the district he or she represents ~~such~~  
22 ~~district~~ OR AN AT-LARGE MEMBER CEASES TO RESIDE ON THE SLOPE FROM  
23 WHICH THE GOVERNOR APPOINTED THE MEMBER, THE member ~~shall be~~ IS

1 deemed to have resigned as a member of the commission.

2 (4) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b.5) OF  
3 THIS SUBSECTION (4), each member of the commission shall be appointed  
4 by the governor, with the consent of the senate, for a term of four years.

5 (b.5) THE INITIAL TERMS OF THE AT-LARGE MEMBERS OF THE  
6 COMMISSION BEGIN ON JULY 1, 2013, AND THE INITIAL TERM OF THE  
7 AT-LARGE MEMBER WHO RESIDES ON THE WESTERN SLOPE EXPIRES ON  
8 JULY 1, 2015.

9 (6) The commission shall meet regularly not less than eight times  
10 a year, but ~~special meetings may be called by~~ the governor, the chairman  
11 of the commission, the executive director, or a majority of the members  
12 of the commission MAY CALL SPECIAL MEETINGS on three days' prior  
13 notice by mail or, in case of emergency, on twenty-four hours' notice by  
14 telephone or telegraph. The commission shall adopt rules in relation to its  
15 meetings and the transaction of its business. ~~Six~~ SEVEN members ~~shall~~  
16 constitute a quorum of the commission. All meetings of the commission,  
17 in any suit or proceedings, ~~shall be~~ ARE presumed to have been duly  
18 called and regularly held, and all orders, rules and regulations, and  
19 proceedings of the commission to have been authorized, unless the  
20 contrary is proved. Each member of the commission shall receive  
21 seventy-five dollars per day for each regular or special meeting of the  
22 commission actually attended and shall be reimbursed for his or her  
23 necessary expenses incurred in the discharge of ~~such~~ THE member's  
24 official duties. Mileage rates ~~shall~~ MUST be computed in accordance with  
25 section 24-9-104, C.R.S.

26 **SECTION 2. Safety clause.** The general assembly hereby finds,

1 determines, and declares that this act is necessary for the immediate  
2 preservation of the public peace, health, and safety.

First Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

**BILL B**

LLS NO. 13-0068.01 Nicole Myers x4326

**SENATE BILL**

---

**SENATE SPONSORSHIP**

**Schwartz,**

**HOUSE SPONSORSHIP**

**Scott and Tyler, Fischer, Hamner, Jones, Young**

---

**Senate Committees**

**House Committees**

---

**A BILL FOR AN ACT**

101 **CONCERNING THE PURCHASE OF VEHICLES THAT OPERATE ON**  
102 **ALTERNATIVE FUELS FOR THE STATE MOTOR VEHICLE FLEET**  
103 **SYSTEM.**

---

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

**Transportation Legislation Review Committee.** Currently, the executive director of the department of personnel (director) is required to purchase motor vehicles that operate on compressed natural gas (CNG) for the state's motor vehicle fleet system, subject to their availability and

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

the availability of adequate fuel and fueling infrastructure. There is an exemption if the increased cost of the vehicle is more than 10% over the cost of a comparable nonflexible fuel vehicle. The bill requires the director to purchase motor vehicles that operate on CNG or other alternative fuels, as currently defined by law, for the state's motor vehicle fleet system if either the increased base cost of such vehicle or the increased life-cycle cost of such vehicle is not more than 10% over the cost of a comparable dedicated petroleum fuel vehicle.

The bill requires the director to submit a report to the transportation committees of the senate and the house of representatives during the 2013 legislative session regarding the purchase of vehicles that operate on CNG and other alternative fuels.

---

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-30-1104, **amend**  
3 (2) (c) (II) introductory portion; and **add** (2) (c) (V) as follows:

4 **24-30-1104. Central services functions of the department -**  
5 **definitions.** (2) In addition to the county-specific functions set forth in  
6 subsection (1) of this section, the department of personnel shall take such  
7 steps as are necessary to fully implement a central state motor vehicle  
8 fleet system by January 1, 1993. The provisions of the motor vehicle fleet  
9 system created pursuant to this subsection (2) shall apply to the executive  
10 branch of the state of Colorado, its departments, its institutions, and its  
11 agencies; except that the governing board of each institution of higher  
12 education, by formal action of the board, and the Colorado commission  
13 on higher education, by formal action of the commission, may elect to be  
14 exempt from the provisions of this subsection (2) and may obtain a motor  
15 vehicle fleet system independent of the state motor vehicle fleet system.  
16 Under the direction of the executive director, the department of personnel  
17 shall perform the following functions pertaining to the motor vehicle fleet  
18 system throughout the state:

19 (c) (II) By January 1, 2008, the executive director shall adopt a

1 policy to significantly increase the utilization of alternative fuels and that  
2 establishes increasing utilization objectives for each following year. To  
3 encourage compliance with this policy, the rules promulgated pursuant to  
4 this paragraph (c) may establish progressively more stringent percentage  
5 mileposts and, ~~shall~~, for fiscal years commencing after July 1, 2004,  
6 require the collection of data concerning the annual percentage of  
7 state-owned bi-fueled vehicles that were fueled exclusively with an  
8 alternative fuel. For the years commencing on January 1, 2008, and  
9 January 1, 2009, the executive director shall purchase flexible fuel  
10 vehicles or hybrid vehicles, subject to availability, unless the increased  
11 cost of such vehicle is more than ten percent over the cost of a  
12 comparable ~~nonflexible~~ DEDICATED PETROLEUM fuel vehicle. Beginning  
13 on January 1, 2010, the executive director shall purchase motor vehicles  
14 that operate on compressed natural gas OR OTHER ALTERNATIVE FUELS,  
15 subject to their availability and the availability of adequate fuel and  
16 fueling infrastructure, ~~unless~~ IF EITHER the increased base cost of such  
17 vehicle or the increased life-cycle cost of such vehicle is NOT more than  
18 ten percent over the cost of a comparable ~~nonflexible~~ DEDICATED  
19 PETROLEUM fuel vehicle. ~~If the executive director does not purchase a~~  
20 ~~motor vehicle that operates on compressed natural gas because of its cost,~~  
21 ~~he or she shall purchase another type of flexible fuel vehicle or a hybrid~~  
22 ~~vehicle, subject to availability, unless the increased cost of such vehicle~~  
23 ~~is more than ten percent over the cost of a comparable nonflexible fuel~~  
24 ~~vehicle.~~ The executive director shall adopt a policy to allow some  
25 vehicles to be exempted from this requirement. During the ~~second regular~~  
26 ~~session of the sixty-seventh general assembly in 2010~~ FIRST REGULAR  
27 SESSION OF THE SIXTY-NINTH GENERAL ASSEMBLY IN 2013, the executive

1 director OR THE DIRECTOR'S DESIGNEE shall SUBMIT A report  
2 ~~simultaneously~~ to the transportation ~~committee~~ COMMITTEES of the senate  
3 and the ~~transportation and energy committee of the~~ house of  
4 representatives, or any successor committees, detailing the ~~key financial~~  
5 ~~decision points and analysis that led to the executive director's~~  
6 ~~determination to purchase or decline to purchase motor vehicles that~~  
7 ~~operate on natural gas as required by this subparagraph (H)~~ ITEMS  
8 SPECIFIED IN SUBPARAGRAPH (V) OF THIS PARAGRAPH (c). As used in this  
9 subparagraph (II):

10 (V) ON OR BEFORE MARCH 1, 2013, THE EXECUTIVE DIRECTOR OR  
11 THE DIRECTOR'S DESIGNEE SHALL SUBMIT A REPORT TO THE GENERAL  
12 ASSEMBLY AS SPECIFIED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (c).  
13 THE REPORT MUST INCLUDE, BUT NEED NOT BE LIMITED TO, THE  
14 FOLLOWING:

15 (A) THE NUMBER OF VEHICLES THAT THE EXECUTIVE DIRECTOR OR  
16 THE DIRECTOR'S DESIGNEE PURCHASED SINCE JANUARY 1, 2008, FOR THE  
17 MOTOR VEHICLE FLEET SYSTEM THAT OPERATE ON COMPRESSED NATURAL  
18 GAS AND OTHER ALTERNATIVE FUELS;

19 (B) AN ESTIMATE OF THE NUMBER OF DEDICATED PETROLEUM  
20 FUEL VEHICLES THAT THE EXECUTIVE DIRECTOR OR THE DIRECTOR'S  
21 DESIGNEE PURCHASED FOR THE MOTOR VEHICLE FLEET SYSTEM SINCE  
22 JANUARY 1, 2008, INSTEAD OF A VEHICLE THAT OPERATES ON  
23 COMPRESSED NATURAL GAS OR OTHER ALTERNATIVE FUEL BECAUSE THE  
24 BASE COST OR LIFE-CYCLE COST OF THE COMPRESSED NATURAL GAS  
25 VEHICLE OR OTHER ALTERNATIVE FUEL VEHICLE WAS MORE THAN TEN  
26 PERCENT OVER THE COST OF A COMPARABLE DEDICATED PETROLEUM FUEL  
27 VEHICLE;

1 (C) AN EXPLANATION OF THE AVAILABILITY OF ADEQUATE FUEL  
2 AND FUELING INFRASTRUCTURE IN THE STATE FOR COMPRESSED NATURAL  
3 GAS VEHICLES AND OTHER ALTERNATIVE FUEL VEHICLES AND WHETHER  
4 LIMITED AVAILABILITY OF FUEL OR FUELING INFRASTRUCTURE  
5 CONTRIBUTES TO THE PURCHASE OF DEDICATED PETROLEUM FUEL  
6 VEHICLES FOR THE MOTOR VEHICLE FLEET SYSTEM INSTEAD OF VEHICLES  
7 THAT OPERATE ON COMPRESSED NATURAL GAS AND OTHER ALTERNATIVE  
8 FUELS;

9 (D) A SUMMARY OF THE POLICY THAT ALLOWS THE EXECUTIVE  
10 DIRECTOR TO EXEMPT SOME VEHICLES FROM THE REQUIREMENT TO  
11 PURCHASE VEHICLES THAT OPERATE ON COMPRESSED NATURAL GAS AND  
12 THE PERCENTAGE OF DEDICATED PETROLEUM FUEL VEHICLES THAT THE  
13 DIRECTOR PURCHASED PURSUANT TO THIS EXEMPTION;

14 (E) A SUMMARY OF THE ADMINISTRATIVE PROCEDURES OR  
15 POLICIES IN PLACE WITHIN THE DEPARTMENT, IF ANY, THAT ARE INTENDED  
16 TO FACILITATE THE PURCHASE OF VEHICLES THAT OPERATE ON  
17 COMPRESSED NATURAL GAS AND OTHER ALTERNATIVE FUELS;

18 (F) THE EXECUTIVE DIRECTOR'S SUGGESTED CHANGES TO THE  
19 REQUIREMENTS AND LIMITATIONS OF SUBPARAGRAPH (II) OF THIS  
20 PARAGRAPH (c) OR OTHER STATE LAW THAT WOULD FACILITATE THE  
21 GRADUAL CONVERSION OF THE MOTOR VEHICLE FLEET SYSTEM TO  
22 VEHICLES THAT OPERATE ON COMPRESSED NATURAL GAS AND OTHER  
23 ALTERNATIVE FUELS, ALLOW THE STATE TO ACCOUNT FOR THE BENEFIT OF  
24 REDUCED EMISSIONS FROM VEHICLES THAT OPERATE ON COMPRESSED  
25 NATURAL GAS AND OTHER ALTERNATIVE FUELS IN ITS ANALYSIS  
26 REGARDING THE PURCHASE OF SUCH VEHICLES, AND ENABLE THE  
27 DEPARTMENT TO PROVIDE THE BEST VALUE TO THE STATE IN THE MOTOR

1 VEHICLE FLEET SYSTEM WHILE PURCHASING VEHICLES THAT OPERATE ON  
2 COMPRESSED NATURAL GAS AND OTHER ALTERNATIVE FUELS; AND

3 (G) A PLAN FOR PUTTING IN PLACE THE INFRASTRUCTURE  
4 NECESSARY TO SUPPORT VEHICLES IN THE STATE'S MOTOR VEHICLE FLEET  
5 SYSTEM THAT OPERATE ON COMPRESSED NATURAL GAS AND OTHER  
6 ALTERNATIVE FUELS.

7 **SECTION 2. Safety clause.** The general assembly hereby finds,  
8 determines, and declares that this act is necessary for the immediate  
9 preservation of the public peace, health, and safety.

First Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

BILL C

LLS NO. 13-0069.01 Chuck Brackney x2295

SENATE BILL

---

SENATE SPONSORSHIP

Hudak,

HOUSE SPONSORSHIP

Young, Hamner, Priola, Tyler, Williams A.

---

Senate Committees

House Committees

---

A BILL FOR AN ACT

101 CONCERNING VEHICLE REGISTRATION.

---

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billssummaries>.)*

**Transportation Legislation Review Committee.** The bill makes the statement on the notice of vehicle registration regarding the penalty for failure to register a vehicle consistent with the actual statutory penalty. The bill also repeals the statutory provisions for 2 retired special license plates.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

---

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-3-113, **amend** (2)  
3 (d) (III), (2) (e), and (3) as follows:

4 **42-3-113. Records of application and registration.** (2) The  
5 department, upon registering a vehicle, shall issue to the owner a  
6 registration card, which shall contain upon its face the following:

7 (d) A notice, in type that is larger than the other information  
8 contained on the registration card:

9 (III) That the minimum penalty for such offense is a  
10 ~~one-hundred-dollar~~ FIVE-HUNDRED-DOLLAR fine;

11 (e) A notice that Colorado law provides for a ~~thirty-day~~  
12 ONE-MONTH grace period after a registration is due for renewal;

13 (3) A notice for renewal of registration shall include a notice, in  
14 type that is larger than the other information contained in the notice, that  
15 specifies that motor vehicle insurance coverage is compulsory in  
16 Colorado, that noncompliance is a misdemeanor traffic offense, that the  
17 minimum penalty for such offense is a ~~one-hundred-dollar~~  
18 FIVE-HUNDRED-DOLLAR fine, and that the maximum penalty for such  
19 offense is one year's imprisonment and a one-thousand-dollar fine.

20 **SECTION 2.** In Colorado Revised Statutes, **repeal** 42-3-215 as  
21 follows:

22 **42-3-215. Special plates - United States olympic committee -**  
23 **retirement.** (1) ~~The department shall issue one or more sets of olympic~~  
24 ~~committee special license plates to applicants under this section for~~  
25 ~~passenger cars or trucks that do not exceed sixteen thousand pounds~~  
26 ~~empty weight.~~

1           ~~(2) (a) There is hereby established the United States olympic~~  
2 ~~committee special license plate. The department may begin issuance of~~  
3 ~~such license plate when the United States olympic committee has~~  
4 ~~commitments for license plate purchases from at least five hundred~~  
5 ~~persons and provides a list of the names and addresses of such persons to~~  
6 ~~the department.~~

7           ~~(b) The United States olympic committee is responsible for the~~  
8 ~~costs of designing the United States olympic committee special license~~  
9 ~~plate and shall pay such costs before the license plate is produced. The~~  
10 ~~design for the special license plate shall conform with standards~~  
11 ~~established by the department and shall be approved by the department.~~

12           ~~(3) (a) A person may apply for an olympic committee special~~  
13 ~~license plate for a motor vehicle if the person pays the taxes and fees~~  
14 ~~required under this section and provides the department or authorized~~  
15 ~~agent a certificate issued by the committee confirming that such person~~  
16 ~~meets the qualifications for the license plate established by the committee~~  
17 ~~pursuant to paragraph (b) of this subsection (3). The department shall~~  
18 ~~prepare a certificate form to be used by the committee when confirming~~  
19 ~~that a person is eligible to obtain olympic committee special license~~  
20 ~~plates.~~

21           ~~(b) The committee may establish the following qualifications for~~  
22 ~~persons seeking to obtain special license plates under this section:~~

23           ~~(I) Specified levels of contributions to the United States olympic~~  
24 ~~committee; or~~

25           ~~(II) Payment of specified dues, including special dues established~~  
26 ~~for the special license plates. If the olympic committee collects special~~  
27 ~~dues for special license plates, the moneys may be expended only for~~

1 support of the United States olympic committee program.

2 (4) (a) ~~The amount of the taxes and fees for olympic committee~~  
3 ~~special license plates under this section is the same as the amount of the~~  
4 ~~taxes and fees specified for regular motor vehicle license plates plus a~~  
5 ~~one-time fee of twenty-five dollars for each motor vehicle for issuance or~~  
6 ~~replacement of such license plates. The department shall transmit the~~  
7 ~~additional one-time fee to the state treasurer, who shall credit the fee to~~  
8 ~~the highway users tax fund for allocation and expenditure as specified in~~  
9 ~~section 43-4-205 (5.5) (b), C.R.S.~~

10 (b) ~~An applicant may apply for personalized olympic committee~~  
11 ~~special license plates. Upon payment of the additional fee required by~~  
12 ~~section 42-3-211 (6) (a) for personalized license plates, the department~~  
13 ~~may issue such plates if the applicant complies with section 42-3-211. If~~  
14 ~~an applicant has existing personalized license plates for a motor vehicle,~~  
15 ~~the applicant may transfer the combination of letters or numbers to a new~~  
16 ~~set of special license plates for the vehicle upon paying the fee imposed~~  
17 ~~by section 42-3-211 (6) (a) and upon turning such existing plates in to the~~  
18 ~~department as required by the department. A person who has obtained~~  
19 ~~personalized olympic committee special license plates under this~~  
20 ~~paragraph (b) is required to pay the annual fee imposed by section~~  
21 ~~42-3-211 (6) (b) for renewal of such personalized plates. The fees under~~  
22 ~~this paragraph (b) are in addition to all other taxes and fees imposed for~~  
23 ~~the special license plates.~~

24 (5) ~~Special license plates issued under this section shall be~~  
25 ~~renewed in the same manner as other license plates under section~~  
26 ~~42-3-113 or, for personalized plates, under section 42-3-211.~~

27 (6) ~~For the purposes of this section, "committee" means the~~

1 ~~United States olympic committee.~~

2 ~~(7) The special license plates authorized by this section shall be~~  
3 ~~retired unless such plates have been issued for at least three thousand~~  
4 ~~vehicles by July 1, 2007.~~

5 **SECTION 3.** In Colorado Revised Statutes, **repeal** 42-3-216 as  
6 follows:

7 **42-3-216. Special plates - Colorado foundation for agriculture**  
8 **and natural resources - definitions - retirement.** (1) For the purposes  
9 of this section:

10 (a) ~~"Foundation" means the Colorado foundation for agriculture.~~

11 (b) ~~"Special license plate" means the special agriculture and~~  
12 ~~natural resources license plate.~~

13 (2) ~~The department shall issue one or more sets of special license~~  
14 ~~plates to applicants under this section for passenger cars or trucks that do~~  
15 ~~not exceed sixteen thousand pounds empty weight.~~

16 (3) (a) ~~There is hereby established the special agriculture and~~  
17 ~~natural resources license plate. The department may begin issuance of~~  
18 ~~such special license plate when the foundation has commitments for~~  
19 ~~special license plate purchases for at least two hundred fifty special~~  
20 ~~license plates and provides a list of the names and addresses of persons~~  
21 ~~purchasing such plates to the department.~~

22 (b) ~~The foundation is responsible for the costs of designing the~~  
23 ~~special license plate and shall pay such costs before the license plate is~~  
24 ~~produced. The design for the special license plate shall conform with~~  
25 ~~standards established by the department and shall be approved by the~~  
26 ~~department.~~

27 (4) (a) ~~A person may apply for a special license plate for a motor~~

1 ~~vehicle if the person pays the taxes and fees required under this section~~  
2 ~~and provides a certificate, issued by the foundation, confirming that such~~  
3 ~~person meets the qualifications for the license plate established by the~~  
4 ~~foundation pursuant to paragraph (b) of this subsection (4). The~~  
5 ~~department shall prepare a certificate form to be used by the foundation~~  
6 ~~when confirming that a person is eligible to obtain a special license plate.~~

7 (b) ~~The foundation may establish the following qualifications for~~  
8 ~~persons seeking to obtain special license plates under this section:~~

9 (I) ~~Specified levels of contributions to the foundation; or~~

10 (II) ~~Payment of specified special dues established for the special~~  
11 ~~license plates. If the foundation collects special dues for special license~~  
12 ~~plates, the moneys shall be expended only for support of the foundation's~~  
13 ~~programs.~~

14 (5) (a) ~~The amount of the taxes and fees for special license plates~~  
15 ~~under this section is the same as the amount of the taxes and fees~~  
16 ~~specified for regular motor vehicle license plates plus a one-time fee of~~  
17 ~~twenty-five dollars for each motor vehicle for issuing or replacing such~~  
18 ~~license plates. The department shall transmit the additional one-time fee~~  
19 ~~to the state treasurer, who shall credit the same to the highway users tax~~  
20 ~~fund for allocation and expenditure as specified in section 43-4-205 (5.5)~~

21 ~~(b), C.R.S.~~

22 (b) ~~An applicant may apply for personalized special license plates.~~  
23 ~~Upon payment of the additional fee required by section 42-3-211 (6) (a)~~  
24 ~~for personalized license plates, the department may issue such plates if~~  
25 ~~the applicant complies with section 42-3-211. If any applicant has~~  
26 ~~existing personalized license plates for a motor vehicle, the applicant may~~  
27 ~~transfer the combination of letters or numbers to a new set of special~~

1 ~~license plates for the vehicle upon paying the fee imposed by section~~  
2 ~~42-3-211 (6) (a) and upon turning such existing plates in to the~~  
3 ~~department as required by the department. Any person who has obtained~~  
4 ~~personalized special license plates under this paragraph (b) is required to~~  
5 ~~pay the annual fee imposed by section 42-3-211 (6) (b) for renewal of~~  
6 ~~such personalized plates. The fees under this paragraph (b) are in addition~~  
7 ~~to all other taxes and fees imposed for the special license plates.~~

8 ~~(6) Special license plates issued under this section shall be~~  
9 ~~renewed in the same manner as other license plates under section~~  
10 ~~42-3-113 or, for personalized plates, under section 42-3-211.~~

11 ~~(7) The special license plates authorized by this section shall be~~  
12 ~~retired unless such plates have been issued for at least three thousand~~  
13 ~~vehicles by March 1, 2008.~~

14 **SECTION 4. Safety clause.** The general assembly hereby finds,  
15 determines, and declares that this act is necessary for the immediate  
16 preservation of the public peace, health, and safety.

First Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

**BILL D**

LLS NO. 13-0070 Richard Sweetman x4333

**SENATE BILL**

---

**SENATE SPONSORSHIP**

**King**

**HOUSE SPONSORSHIP**

**Barker, Brown**

---

**House Committees**

**Senate Committees**

---

**A BILL FOR AN ACT**

101 **CONCERNING PENALTIES FOR PERSONS WHO DRIVE WHILE UNDER THE**  
102 **INFLUENCE OF ALCOHOL OR DRUGS.**

---

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

**Transportation Legislation Review Committee.** The existing definition of "DUI per se" is expanded to include driving when the driver's blood contains 5 nanograms or more of delta 9-tetrahydrocannabinol per milliliter in whole blood.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

Under current law, in any prosecution for vehicular homicide or vehicular assault, if at the time of the commission of the alleged offense, or within a reasonable time thereafter, as shown by analysis of the defendant's blood or breath, there was 0.08 or more grams of alcohol per 100 milliliters of blood, or if there was at such time 0.08 or more grams of alcohol per 210 liters of breath, it is presumed that the defendant was under the influence of alcohol. The bill removes this presumption and states instead that such fact gives rise to a "permissible inference" that the defendant was under the influence of alcohol.

The bill removes statutory instances of the term "habitual user".

---

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

**SECTION 1.** In Colorado Revised Statutes, 42-1-102, **amend** (27.5) as follows:

**42-1-102. Definitions.** As used in articles 1 to 4 of this title, unless the context otherwise requires:

(27.5) "DUI per se" means driving:

(a) With a BAC of 0.08 or more, ~~and~~ IN WHICH CASE use of the term shall incorporate by reference the offense described in section 42-4-1301 (2) (a); OR

(b) WHEN THE DRIVER'S BLOOD CONTAINS FIVE NANOGRAMS OR MORE OF DELTA 9-TETRAHYDROCANNABINOL PER MILLILITER IN WHOLE BLOOD, IN WHICH CASE USE OF THE TERM SHALL INCORPORATE BY REFERENCE THE OFFENSE DESCRIBED IN SECTION 42-4-1301 (2) (a.3).

**SECTION 2.** In Colorado Revised Statutes, 42-4-1301, **amend** (1) (d), (2) (b), (2) (c), (4), and (6) (e); **repeal** (1) (c); and **add** (2) (a.3) as follows:

**42-4-1301. Driving under the influence - driving while impaired - driving with excessive alcoholic content - definitions - penalties.** (1) (c) ~~It is a misdemeanor for any person who is an habitual user of any controlled substance defined in section 18-18-102 (5), C.R.S.;~~

1 ~~to drive a motor vehicle, vehicle, or low-power scooter in this state.~~

2 (d) ~~For the purposes of this subsection (1), AS USED IN THIS~~  
3 SECTION, one or more drugs ~~shall mean all substances defined as a~~ MEANS  
4 ANY drug, AS DEFINED in section 27-80-203 (13), C.R.S., ~~and all~~  
5 ~~controlled substances~~ ANY CONTROLLED SUBSTANCE, AS defined in  
6 section 18-18-102 (5), C.R.S., and ~~glue-sniffing, aerosol inhalation, and~~  
7 ~~the inhalation of~~ any INHALED GLUE, AEROSOL, OR other toxic vapor or  
8 vapors, AS DEFINED IN SECTION 18-18-412, C.R.S.

9 (2) (a.3) IT IS A MISDEMEANOR FOR ANY PERSON TO DRIVE A  
10 MOTOR VEHICLE OR VEHICLE WHEN THE PERSON'S BLOOD CONTAINS FIVE  
11 NANOGRAMS OR MORE OF DELTA 9-TETRAHYDROCANNABINOL AT THE  
12 TIME OF DRIVING OR WITHIN TWO HOURS AFTER DRIVING. DURING A TRIAL,  
13 IF THE STATE'S EVIDENCE RAISES THE ISSUE, OR IF A DEFENDANT PRESENTS  
14 SOME CREDIBLE EVIDENCE, THAT THE DEFENDANT CONSUMED A  
15 SUBSTANCE CONTAINING DELTA 9-TETRAHYDROCANNABINOL BETWEEN  
16 THE TIME THAT THE DEFENDANT STOPPED DRIVING AND THE TIME THAT  
17 TESTING OCCURRED, SUCH ISSUE IS AN AFFIRMATIVE DEFENSE, AND THE  
18 PROSECUTION MUST ESTABLISH BEYOND A REASONABLE DOUBT THAT THE  
19 MINIMUM FIVE NANOGRAMS OF DELTA 9-TETRAHYDROCANNABINOL  
20 REQUIRED IN THIS PARAGRAPH (a.3) WAS REACHED AS A RESULT OF  
21 CONSUMPTION BY THE DEFENDANT BEFORE THE DEFENDANT STOPPED  
22 DRIVING.

23 (b) In any prosecution for the offense of DUI per se, the defendant  
24 shall be entitled to offer direct and circumstantial evidence to show that  
25 there is a disparity between what ~~the~~ ANY tests show and other facts so  
26 that the trier of fact could infer that the tests were in some way defective  
27 or inaccurate. Such evidence may include testimony of nonexpert

1 witnesses relating to the absence of any or all of the common symptoms  
2 or signs of intoxication for the purpose of impeachment of the accuracy  
3 of the analysis of the person's blood or breath.

4 (c) Pursuant to section 16-2-106, C.R.S., in charging the offense  
5 of DUI per se, it shall be sufficient to describe the offense charged as  
6 "drove a vehicle with excessive alcohol content" OR "DROVE A VEHICLE  
7 WITH EXCESSIVE THC CONTENT".

8 (4) No court shall accept a plea of guilty to a non-alcohol-related  
9 or non-drug-related traffic offense or guilty to the offense of UDD from  
10 a person charged with DUI OR DUI per se; ~~or habitual user~~; except that  
11 the court may accept a plea of guilty to a non-alcohol-related or  
12 non-drug-related traffic offense or to UDD upon a good faith  
13 representation by the prosecuting attorney that the attorney could not  
14 establish a prima facie case if the defendant were brought to trial on the  
15 original alcohol-related or drug-related offense.

16 (6)(e) **Involuntary blood test - admissibility.** Evidence acquired  
17 through an involuntary blood test pursuant to section 42-4-1301.1 (3)  
18 shall be admissible in any prosecution for DUI, DUI per se, DWAI,  
19 ~~habitual user~~, or UDD, and in any prosecution for criminally negligent  
20 homicide pursuant to section 18-3-105, C.R.S., vehicular homicide  
21 pursuant to section 18-3-106 (1) (b), C.R.S., assault in the third degree  
22 pursuant to section 18-3-204, C.R.S., or vehicular assault pursuant to  
23 section 18-3-205 (1) (b), C.R.S.

24 **SECTION 3.** In Colorado Revised Statutes, 18-3-106, **amend** (1)  
25 (b) (II), (2) introductory portion, and (2) (c) as follows:

26 **18-3-106. Vehicular homicide.** (1) (b) (II) For the purposes of  
27 this subsection (1), one or more drugs ~~shall mean all substances defined~~

1 ~~as a~~ MEANS ANY drug, AS DEFINED in section 27-80-203 (13), C.R.S., ~~and~~  
2 ~~all controlled substances~~ ANY CONTROLLED SUBSTANCE, AS defined in  
3 section 18-18-102 (5), and ~~glue-sniffing, aerosol inhalation, or the~~  
4 ~~inhalation of~~ any INHALED GLUE, AEROSOL, OR other toxic vapor or  
5 vapors, as defined in section 18-18-412.

6 (2) In any prosecution for a violation of subsection (1) of this  
7 section, the amount of alcohol in the defendant's blood or breath at the  
8 time of the commission of the alleged offense, or within a reasonable time  
9 thereafter, as shown by analysis of the defendant's blood or breath, ~~shall~~  
10 ~~give~~ GIVES rise to the following presumptions:

11 (c) If there was at such time 0.08 or more grams of alcohol per  
12 one hundred milliliters of blood, or if there was at such time 0.08 or more  
13 grams of alcohol per two hundred ten liters of breath, ~~it shall be presumed~~  
14 SUCH FACT GIVES RISE TO THE PERMISSIBLE INFERENCE that the defendant  
15 was under the influence of alcohol.

16 **SECTION 4.** In Colorado Revised Statutes, 18-3-205, **amend** (1)  
17 (b) (II), (2) introductory portion, and (2) (c) as follows:

18 **18-3-205. Vehicular assault.** (1) (b) (II) For the purposes of this  
19 subsection (1), one or more drugs ~~shall mean all substances defined as a~~  
20 MEANS ANY drug, AS DEFINED in section 27-80-203 (13), C.R.S., ~~and all~~  
21 ~~controlled substances~~ ANY CONTROLLED SUBSTANCE, AS defined in  
22 section 18-18-102 (5), and ~~glue-sniffing, aerosol inhalation, or the~~  
23 ~~inhalation of~~ any INHALED GLUE, AEROSOL, OR other toxic vapor or  
24 vapors, as defined in section 18-18-412.

25 (2) In any prosecution for a violation of subsection (1) of this  
26 section, the amount of alcohol in the defendant's blood or breath at the  
27 time of the commission of the alleged offense, or within a reasonable time

1 thereafter, as shown by analysis of the defendant's blood or breath, ~~shall~~  
2 ~~give~~ GIVES rise to the following presumptions:

3 (c) If there was at such time 0.08 or more grams of alcohol per  
4 one hundred milliliters of blood, or if there was at such time 0.08 or more  
5 grams of alcohol per two hundred ten liters of breath, ~~it shall be presumed~~  
6 SUCH FACT GIVES RISE TO THE PERMISSIBLE INFERENCE that the defendant  
7 was under the influence of alcohol.

8 **SECTION 5.** In Colorado Revised Statutes, 42-1-102, **repeal**  
9 (41.7).

10 **SECTION 6.** In Colorado Revised Statutes, 42-2-121, **amend** (2)  
11 (b) and (5) (a) (III) as follows:

12 **42-2-121. Records to be kept by department - admission of**  
13 **records in court.** (2) (b) The department shall also keep a separate file  
14 of all abstracts of court records of dismissals of DUI, DUI per se, DWAI,  
15 ~~habitual user~~, and UDD charges and all abstracts of records in cases  
16 where the original charges were for DUI, DUI per se, DWAI, habitual  
17 user, and UDD and the convictions were for nonalcohol- or  
18 nondrug-related traffic offenses. This file shall be made available only to  
19 criminal justice agencies, as defined in section 24-72-302 (3), C.R.S.

20 (5) (a) Upon application by a person, the department shall  
21 expunge all records concerning a conviction of a person for UDD with a  
22 BAC of at least 0.02 but not more than 0.05 and any records concerning  
23 an administrative determination resulting in a revocation under section  
24 42-2-126 (3) (b) or (3) (e) if:

25 (III) The person has not been convicted for any other DUI, DUI  
26 per se, DWAI, ~~habitual user~~, or UDD offense that was committed while  
27 such person was under twenty-one years of age and is not subject to any

1 other administrative determination resulting in a revocation under section  
2 42-2-126 for any other occurrence while such person was under  
3 twenty-one years of age;

4 **SECTION 7.** In Colorado Revised Statutes, **amend** 42-2-129 as  
5 follows:

6 **42-2-129. Mandatory surrender of license or permit for**  
7 **driving under the influence or with excessive alcoholic content.**

8 Upon a plea of guilty or nolo contendere, or a verdict of guilty by the  
9 court or a jury, to DUI, OR DUI per se, ~~or habitual user~~, or, for a person  
10 under twenty-one years of age, to DUI, DUI per se, DWAI, ~~habitual user~~,  
11 or UDD, the court shall require the offender to immediately surrender the  
12 offender's driver's, minor driver's, or temporary driver's license or  
13 instruction permit to the court. The court shall forward to the department  
14 a notice of plea or verdict, on the form prescribed by the department,  
15 together with the offender's license or permit, not later than ten days after  
16 the surrender of the license or permit. Any person who does not  
17 immediately surrender the license or permit to the court, except for good  
18 cause shown, commits a class 2 misdemeanor traffic offense.

19 **SECTION 8.** In Colorado Revised Statutes, 42-2-125, **amend** (1)  
20 (b), (1) (g), and (1) (i) as follows:

21 **42-2-125. Mandatory revocation of license and permit.** (1) The  
22 department shall immediately revoke the license or permit of any driver  
23 or minor driver upon receiving a record showing that such driver has:

24 (b) Been convicted of driving a motor vehicle while under the  
25 influence of a controlled substance, as defined in section 18-18-102 (5),  
26 C.R.S.; ~~or while an habitual user of such a controlled substance;~~

27 (g) (I) Been twice convicted of any combination of DUI, DUI per

1 se, OR DWAI or habitual user for acts committed within a period of five  
2 years;

3 (II) In the case of a minor driver, been convicted of DUI, DUI per  
4 se, OR DWAI or habitual user committed while such driver was under  
5 twenty-one years of age;

6 (i) Been convicted of DUI, DUI per se, OR DWAI or habitual user  
7 and has two previous convictions of any of such offenses. The license of  
8 any driver shall be revoked for an indefinite period and shall only be  
9 reissued upon proof to the department that said driver has completed a  
10 level II alcohol and drug education and treatment program certified by the  
11 unit in the department of human services that administers behavioral  
12 health programs and services, including those related to mental health and  
13 substance abuse, pursuant to section 42-4-1301.3 and that said driver has  
14 demonstrated knowledge of the laws and driving ability through the  
15 regular motor vehicle testing process. In no event shall such license be  
16 reissued in less than two years.

17 **SECTION 9.** In Colorado Revised Statutes, 42-2-127, **amend** (1)  
18 (a) and (6) (b); and **repeal** (5) (b) (II) as follows:

19 **42-2-127. Authority to suspend license - to deny license - type**  
20 **of conviction - points.** (1) (a) Except as provided in paragraph (b) of  
21 subsection (8) of this section, the department has the authority to suspend  
22 the license of any driver who, in accordance with the schedule of points  
23 set forth in this section, has been convicted of traffic violations resulting  
24 in the accumulation of twelve points or more within any twelve  
25 consecutive months or eighteen points or more within any twenty-four  
26 consecutive months, or, in the case of a minor driver eighteen years of age  
27 or older, who has accumulated nine points or more within any twelve

1 consecutive months, or twelve points or more within any twenty-four  
2 consecutive months, or fourteen points or more for violations occurring  
3 after reaching the age of eighteen years, or, in the case of a minor driver  
4 under the age of eighteen years, who has accumulated more than five  
5 points within any twelve consecutive months or more than six points for  
6 violations occurring prior to reaching the age of eighteen years; except  
7 that the accumulation of points causing the subjection to suspension of  
8 the license of a chauffeur who, in the course of employment, has as a  
9 principal duty the operation of a motor vehicle shall be sixteen points in  
10 one year, twenty-four points in two years, or twenty-eight points in four  
11 years, if all the points are accumulated while said chauffeur is in the  
12 course of employment. Any provision of this section to the contrary  
13 notwithstanding, the license of a chauffeur who is convicted of DUI, DUI  
14 per se, DWAI, ~~habitual user~~, UDD, or leaving the scene of an accident  
15 shall be suspended in the same manner as if the offense occurred outside  
16 the course of employment. Whenever a minor driver under the age of  
17 eighteen years receives a summons for a traffic violation, the minor's  
18 parent or legal guardian or, if the minor is without parents or guardian,  
19 the person who signed the minor driver's application for a license shall  
20 immediately be notified by the court from which the summons was  
21 issued.

22 (5) Point system schedule:

Type of conviction	Points
(b) (II) <del>Habitual user</del>	12

25 (6) (b) For the purposes of this article, a plea of no contest  
26 accepted by the court or the forfeiture of any bail or collateral deposited  
27 to secure a defendant's appearance in court or the failure to appear in

1 court by a defendant charged with DUI, DUI per se, ~~habitual user~~, or  
2 UDD who has been issued a summons and notice to appear pursuant to  
3 section 42-4-1707 as evidenced by records forwarded to the department  
4 in accordance with the provisions of section 42-2-124 shall be considered  
5 as a conviction.

6 **SECTION 10.** In Colorado Revised Statutes, 42-2-132, **amend**  
7 (2) (a) (III) and (2) (a) (IV) as follows:

8 **42-2-132. Period of suspension or revocation.** (2) (a) (III) In the  
9 case of a minor driver whose license has been revoked as a result of one  
10 conviction for DUI, DUI per se, DWAI, ~~habitual user~~, or UDD, the minor  
11 driver, unless otherwise required after an evaluation made pursuant to  
12 section 42-4-1301.3, must complete a level I alcohol and drug education  
13 program certified by the unit in the department of human services that  
14 administers behavioral health programs and services, including those  
15 related to mental health and substance abuse.

16 (IV) Any person whose license or privilege to drive a motor  
17 vehicle on the public highways has been revoked under section 42-2-125  
18 (1) (g) (I) or (1) (i) or 42-2-203 where the revocation was due in part to  
19 a DUI, DUI per se, OR DWAI or ~~habitual user~~ conviction shall be  
20 required to present an affidavit stating that the person has obtained at the  
21 person's own expense a signed lease agreement for the installation and  
22 use of an approved ignition interlock device, as defined in section  
23 42-2-132.5 (9) (a), in each motor vehicle on which the person's name  
24 appears on the registration and any other vehicle that the person may  
25 drive during the period of the interlock-restricted license.

26 **SECTION 11.** In Colorado Revised Statutes, 42-2-132.5, **amend**  
27 (1) (a), (1) (c), and (4) (c) as follows:

1           **42-2-132.5. Mandatory and voluntary restricted licenses**  
2 **following alcohol convictions - rules.** (1) **Persons required to hold an**  
3 **interlock-restricted license.** The following persons shall be required to  
4 hold an interlock-restricted license pursuant to this section for at least one  
5 year following reinstatement prior to being eligible to obtain any other  
6 driver's license issued under this article:

7           (a) A person whose privilege to drive was revoked for multiple  
8 convictions for any combination of a DUI, DUI per se, OR DWAI ~~or~~  
9 ~~habitual user~~ pursuant to section 42-2-125 (1) (g) (I) or (1) (i);

10           (c) A person whose privilege to drive was revoked as an habitual  
11 offender under section 42-2-203 in which the revocation was due in part  
12 to a DUI, DUI per se, OR DWAI ~~or habitual user~~ conviction; or

13           (4) **Persons who may acquire an interlock-restricted license**  
14 **prior to serving a full-term revocation.** (c) In order to be eligible for  
15 early reinstatement pursuant to this subsection (4), a person who has been  
16 designated an habitual offender under the provisions of section 42-2-202  
17 must have at least one conviction for DUI, DUI per se, OR DWAI ~~or~~  
18 ~~habitual user~~ under section 42-4-1301, and no contributing violations  
19 other than violations for driving under restraint under section 42-2-138  
20 or reckless driving under section 42-4-1401.

21           **SECTION 12.** In Colorado Revised Statutes, 42-2-138, **amend**  
22 (1) (a), (1) (d) (I), and (1) (d) (II) as follows:

23           **42-2-138. Driving under restraint - penalty.** (1) (a) Any person  
24 who drives a motor vehicle or off-highway vehicle upon any highway of  
25 this state with knowledge that the person's license or privilege to drive,  
26 either as a resident or a nonresident, is under restraint for any reason other  
27 than conviction of DUI, DUI per se, DWAI, ~~habitual user~~, or UDD is

1 guilty of a misdemeanor. A court may sentence a person convicted of this  
2 misdemeanor to imprisonment in the county jail for a period of not more  
3 than six months and may impose a fine of not more than five hundred  
4 dollars.

5 (d) (I) A person who drives a motor vehicle or off-highway  
6 vehicle upon any highway of this state with knowledge that the person's  
7 license or privilege to drive, either as a resident or nonresident, is  
8 restrained under section 42-2-126 (3), is restrained solely or partially  
9 because of a conviction of DUI, DUI per se, DWAI, ~~habitual user~~, or  
10 UDD, or is restrained in another state solely or partially because of an  
11 alcohol-related driving offense is guilty of a misdemeanor and, upon  
12 conviction thereof, shall be punished by imprisonment in the county jail  
13 for not less than thirty days nor more than one year and, in the discretion  
14 of the court, by a fine of not less than five hundred dollars nor more than  
15 one thousand dollars. Upon a second or subsequent conviction, the person  
16 shall be punished by imprisonment in the county jail for not less than  
17 ninety days nor more than two years and, in the discretion of the court, by  
18 a fine of not less than five hundred dollars nor more than three thousand  
19 dollars. The minimum county jail sentence imposed by this subparagraph  
20 (I) shall be mandatory, and the court shall not grant probation or a  
21 suspended sentence thereof; but, in a case where the defendant is  
22 convicted although the defendant established that he or she had to drive  
23 the motor vehicle in violation of this subparagraph (I) because of an  
24 emergency, the mandatory jail sentence, if any, shall not apply, and, for  
25 a first conviction, the court may impose a sentence of imprisonment in the  
26 county jail for a period of not more than one year and, in the discretion of  
27 the court, a fine of not more than one thousand dollars, and, for a second

1 or subsequent conviction, the court may impose a sentence of  
2 imprisonment in the county jail for a period of not more than two years  
3 and, in the discretion of the court, a fine of not more than three thousand  
4 dollars.

5 (II) In any trial for a violation of subparagraph (I) of this  
6 paragraph (d), a duly authenticated copy of the record of the defendant's  
7 former convictions and judgments for DUI, DUI per se, DWAI, ~~habitual~~  
8 ~~user~~, or UDD or an alcohol-related offense committed in another state  
9 from any court of record or a certified copy of the record of any denial or  
10 revocation of the defendant's driving privilege under section 42-2-126 (3)  
11 from the department shall be prima facie evidence of the convictions,  
12 judgments, denials, or revocations and may be used in evidence against  
13 the defendant. Identification photographs and fingerprints that are part of  
14 the record of the former convictions, judgments, denials, or revocations  
15 and the defendant's incarceration after sentencing for any of the former  
16 convictions, judgments, denials, or revocations shall be prima facie  
17 evidence of the identity of the defendant and may be used in evidence  
18 against the defendant.

19 **SECTION 13.** In Colorado Revised Statutes, 42-2-202, **amend**  
20 (2) (a) (I) as follows:

21 **42-2-202. Habitual offenders - frequency and type of**  
22 **violations.** (2) (a) An habitual offender is a person having three or more  
23 convictions of any of the following separate and distinct offenses arising  
24 out of separate acts committed within a period of seven years:

25 (I) DUI, DUI per se, OR DWAI; ~~or habitual user~~;

26 **SECTION 14.** In Colorado Revised Statutes, 42-2-405, **amend**  
27 (3) (a) as follows:

1           **42-2-405. Driver's license disciplinary actions - grounds for**  
2 **denial - suspension - revocation - disqualification.** (3) For purposes of  
3 the imposition of restraints and sanctions against commercial driving  
4 privileges:

5           (a) A conviction for DUI, DUI per se, OR DWAI, ~~or habitual user,~~  
6 or a substantially similar law of any other state pertaining to drinking and  
7 driving, or an administrative determination of a violation of section  
8 42-2-126 (3) (a) or (3) (b) shall be deemed driving under the influence;  
9 and

10           **SECTION 15.** In Colorado Revised Statutes, 42-4-1301.1,  
11 **amend** (2) (a) (I) and (2) (b) (I) as follows:

12           **42-4-1301.1. Expressed consent for the taking of blood, breath,**  
13 **urine, or saliva sample - testing.** (2) (a) (I) A person who drives a  
14 motor vehicle upon the streets and highways and elsewhere throughout  
15 this state shall be required to take and complete, and to cooperate in the  
16 taking and completing of, any test or tests of the person's breath or blood  
17 for the purpose of determining the alcoholic content of the person's blood  
18 or breath when so requested and directed by a law enforcement officer  
19 having probable cause to believe that the person was driving a motor  
20 vehicle in violation of the prohibitions against DUI, DUI per se, DWAI,  
21 ~~habitual user,~~ or UDD. Except as otherwise provided in this section, if a  
22 person who is twenty-one years of age or older requests that the test be a  
23 blood test, then the test shall be of his or her blood; but, if the person  
24 requests that a specimen of his or her blood not be drawn, then a  
25 specimen of the person's breath shall be obtained and tested. A person  
26 who is under twenty-one years of age shall be entitled to request a blood  
27 test unless the alleged violation is UDD, in which case a specimen of the

1 person's breath shall be obtained and tested, except as provided in  
2 subparagraph (II) of this paragraph (a).

3 (b) (I) Any person who drives any motor vehicle upon the streets  
4 and highways and elsewhere throughout this state shall be required to  
5 submit to and to complete, and to cooperate in the completing of, a test  
6 or tests of such person's blood, saliva, and urine for the purpose of  
7 determining the drug content within the person's system when so  
8 requested and directed by a law enforcement officer having probable  
9 cause to believe that the person was driving a motor vehicle in violation  
10 of the prohibitions against DUI, OR DWAI ~~or habitual user~~ and when it  
11 is reasonable to require such testing of blood, saliva, and urine to  
12 determine whether such person was under the influence of, or impaired  
13 by, one or more drugs, or one or more controlled substances, or a  
14 combination of both alcohol and one or more drugs, or a combination of  
15 both alcohol and one or more controlled substances.

16 **SECTION 16.** In Colorado Revised Statutes, 42-4-1307, **amend**  
17 (3) (a) introductory portion, (5) (a) introductory portion, (5) (b)  
18 introductory portion, (6) (a) introductory portion, (9) (a), (10) (a), (10)  
19 (b), (10) (c), (10) (d) (I), (12), and (13) as follows:

20 **42-4-1307. Penalties for traffic offenses involving alcohol and**  
21 **drugs - repeal.** (3) **First offenses - DUI, DUI per se, and habitual**  
22 **user.** (a) Except as otherwise provided in subsections (5) and (6) of this  
23 section, a person who is convicted of DUI OR DUI per se ~~or habitual user~~  
24 shall be punished by:

25 (5) **Second offenses.** (a) Except as otherwise provided in  
26 subsection (6) of this section, a person who is convicted of DUI, DUI per  
27 se, OR DWAI ~~or habitual user~~ who, at the time of sentencing, has a prior

1 conviction of DUI, DUI per se, DWAI, ~~habitual user~~, vehicular homicide  
2 pursuant to section 18-3-106 (1) (b), C.R.S., vehicular assault pursuant to  
3 section 18-3-205 (1) (b), C.R.S., aggravated driving with a revoked  
4 license pursuant to section 42-2-206 (1) (b) (I) (A) or (1) (b) (I) (B), or  
5 driving while the person's driver's license was under restraint pursuant to  
6 section 42-2-138 (1) (d), shall be punished by:

7 (b) If a person is convicted of DUI, DUI per se, DWAI or ~~habitual~~  
8 ~~user~~ and the violation occurred less than five years after the date of a  
9 previous violation for which the person was convicted of DUI, DUI per  
10 se, DWAI, ~~habitual user~~, vehicular homicide pursuant to section 18-3-106  
11 (1) (b), C.R.S., vehicular assault pursuant to section 18-3-205 (1) (b),  
12 C.R.S., aggravated driving with a revoked license pursuant to section  
13 42-2-206 (1) (b) (I) (A) or (1) (b) (I) (B), or driving while the person's  
14 driver's license was under restraint pursuant to section 42-2-138 (1) (d),  
15 the court shall not have discretion to employ any sentencing alternatives  
16 described in section 18-1.3-106, C.R.S., during the minimum period of  
17 imprisonment described in subparagraph (I) of paragraph (a) of this  
18 subsection (5); except that a court may allow the person to participate in  
19 a program pursuant to section 18-1.3-106 (1) (a) (II), (1) (a) (IV), or (1)  
20 (a) (V), C.R.S., only if the program is available through the county in  
21 which the person is imprisoned and only for the purpose of:

22 (6) **Third and subsequent offenses.** (a) A person who is  
23 convicted of DUI, DUI per se, OR DWAI or ~~habitual user~~ who, at the time  
24 of sentencing, has two or more prior convictions of DUI, DUI per se,  
25 DWAI, ~~habitual user~~, vehicular homicide pursuant to section 18-3-106 (1)  
26 (b), C.R.S., vehicular assault pursuant to section 18-3-205 (1) (b), C.R.S.,  
27 aggravated driving with a revoked license pursuant to section 42-2-206

1 (1) (b) (I) (A) or (1) (b) (I) (B), or driving while the person's driver's  
2 license was under restraint pursuant to section 42-2-138 (1) (d) shall be  
3 punished by:

4 (9) **Previous convictions.** (a) For the purposes of subsections (5)  
5 and (6) of this section, a person shall be deemed to have a previous  
6 conviction for DUI, DUI per se, DWAI, ~~habitual user~~, vehicular homicide  
7 pursuant to section 18-3-106 (1) (b), C.R.S., vehicular assault pursuant to  
8 section 18-3-205 (1) (b), C.R.S., aggravated driving with a revoked  
9 license pursuant to section 42-2-206 (1) (b) (I) (A) or (1) (b) (I) (B), or  
10 driving while the person's driver's license was under restraint pursuant to  
11 section 42-2-138 (1) (d), if the person has been convicted under the laws  
12 of this state or under the laws of any other state, the United States, or any  
13 territory subject to the jurisdiction of the United States, of an act that, if  
14 committed within this state, would constitute the offense of DUI, DUI per  
15 se, DWAI, ~~habitual user~~, vehicular homicide pursuant to section 18-3-106  
16 (1) (b), C.R.S., vehicular assault pursuant to section 18-3-205 (1) (b),  
17 C.R.S., aggravated driving with a revoked license pursuant to section  
18 42-2-206 (1) (b) (I) (A) or (1) (b) (I) (B), or driving while the person's  
19 driver's license was under restraint pursuant to section 42-2-138 (1) (d).

20 (10) **Additional costs and surcharges.** In addition to the  
21 penalties prescribed in this section:

22 (a) Persons convicted of DUI, DUI per se, DWAI, ~~habitual user~~,  
23 and UDD are subject to the costs imposed by section 24-4.1-119 (1) (c),  
24 C.R.S., relating to the crime victim compensation fund;

25 (b) Persons convicted of DUI, DUI per se, AND DWAI ~~and~~  
26 ~~habitual user~~ are subject to a surcharge of at least one hundred dollars but  
27 no more than five hundred dollars to fund programs to reduce the number

1 of persistent drunk drivers. The surcharge shall be mandatory, and the  
2 court shall not have discretion to suspend or waive the surcharge; except  
3 that the court may suspend or waive the surcharge if the court determines  
4 that a person is indigent. Moneys collected for the surcharge shall be  
5 transmitted to the state treasurer, who shall credit the amount collected to  
6 the persistent drunk driver cash fund created in section 42-3-303.

7 (c) Persons convicted of DUI, DUI per se, DWAI, ~~habitual user~~,  
8 and UDD are subject to a surcharge of twenty dollars to be transmitted to  
9 the state treasurer who shall deposit moneys collected for the surcharge  
10 in the Colorado traumatic brain injury trust fund created pursuant to  
11 section 26-1-309, C.R.S.;

12 (d) (I) Persons convicted of DUI, DUI per se, AND DWAI ~~and~~  
13 ~~habitual user~~ are subject to a surcharge of at least one dollar but no more  
14 than ten dollars for programs to fund efforts to address alcohol and  
15 substance abuse problems among persons in rural areas. The surcharge  
16 shall be mandatory, and the court shall not have discretion to suspend or  
17 waive the surcharge; except that the court may suspend or waive the  
18 surcharge if the court determines that a person is indigent. Any moneys  
19 collected for the surcharge shall be transmitted to the state treasurer, who  
20 shall credit the same to the rural alcohol and substance abuse cash fund  
21 created in section 27-80-117 (3), C.R.S.

22 (12) **Victim impact panels.** In addition to any other penalty  
23 provided by law, the court may sentence a person convicted of DUI, DUI  
24 per se, DWAI, ~~habitual user~~, or UDD to attend and pay for one  
25 appearance at a victim impact panel approved by the court, for which the  
26 fee assessed to the person shall not exceed twenty-five dollars.

27 (13) **Alcohol and drug evaluation and supervision costs.** In

1 addition to any fines, fees, or costs levied against a person convicted of  
2 DUI, DUI per se, DWAI, ~~habitual user~~, or UDD, the judge shall assess  
3 each such person for the cost of the presentence or postsentence alcohol  
4 and drug evaluation and supervision services.

5 **SECTION 17.** In Colorado Revised Statutes, 42-4-1702, **amend**  
6 (1) as follows:

7 **42-4-1702. Alcohol- or drug-related traffic offenses - collateral**  
8 **attack.** (1) Except as otherwise provided in paragraph (b) of this  
9 subsection (1), no person against whom a judgment has been entered for  
10 DUI, DUI per se, DWAI, ~~habitual user~~, or UDD shall collaterally attack  
11 the validity of that judgment unless such attack is commenced within six  
12 months after the date of entry of the judgment.

13 **SECTION 18.** In Colorado Revised Statutes, 42-4-1705, **amend**  
14 (1) (c) as follows:

15 **42-4-1705. Person arrested to be taken before the proper**  
16 **court.** (1) Whenever a person is arrested for any violation of this article  
17 punishable as a misdemeanor, the arrested person shall be taken without  
18 unnecessary delay before a county judge who has jurisdiction of such  
19 offense as provided by law, in any of the following cases:

20 (c) When the person is arrested and charged with DUI, DUI per  
21 se, ~~habitual user~~, or UDD;

22 **SECTION 19.** In Colorado Revised Statutes, 42-4-1715, **amend**  
23 (1) (b) (II) and (4) (a) (II) as follows:

24 **42-4-1715. Convictions, judgments, and charges recorded -**  
25 **public inspection.** (1) (b) (II) Upon receiving a request for  
26 expungement, the court may delay consideration of such request until  
27 sufficient time has elapsed to ensure that the person is not convicted for

1 any additional offense of DUI, DUI per se, DWAI, ~~habitual user~~, or UDD  
2 committed while the person was under twenty-one years of age.

3 (4) (a) Every court of record shall also forward a like report to the  
4 department:

5 (II) Upon the dismissal of a charge for DUI, DUI per se, DWAI,  
6 ~~habitual user~~, or UDD or if the original charge was for DUI, DUI per se,  
7 DWAI, ~~habitual user~~, or UDD and the conviction was for a nonalcohol-  
8 or nondrug-related traffic offense.

9 **SECTION 20.** In Colorado Revised Statutes, 42-7-408, **amend**  
10 (1) (c) (I) as follows:

11 **42-7-408. Proof of financial responsibility - methods of giving**  
12 **proof - duration - exception.** (1) (c) Notwithstanding the three-year  
13 requirement in paragraph (b) of this subsection (1):

14 (I) If an insured has been found guilty of DUI, DUI per se, OR  
15 DWAI or ~~habitual user~~ or if the insured's license has been revoked  
16 pursuant to section 42-2-126, other than a revocation under section  
17 42-2-126 (3) (b) or (3) (e), only one time and no accident was involved  
18 in such offense, proof of financial responsibility for the future shall be  
19 required to be maintained only for as long as the insured's driving  
20 privilege is ordered to be under restraint, up to a maximum of three years.  
21 The time period for maintaining the future proof of liability insurance  
22 shall begin at the time the driver reinstates his or her driving privilege.

23 **SECTION 21.** In Colorado Revised Statutes, 40-10.1-110,  
24 **amend** (3) (c) (I) as follows:

25 **40-10.1-110. Criminal history record check.** (3) An individual  
26 whose criminal history record is checked pursuant to this section is  
27 disqualified and prohibited from driving motor vehicles for the motor

1 carrier described in subsection (1) of this section if the criminal history  
2 record check reflects that:

3 (c) Within the two years immediately preceding the date the  
4 criminal history record check is completed, the individual was:

5 (I) Convicted in this state of driving under the influence, as  
6 defined in section 42-4-1301 (1) (f), C.R.S.; driving with excessive  
7 alcoholic content, as described in section 42-4-1301 (2) (a), C.R.S.; OR  
8 driving while ability impaired, as defined in section 42-4-1301 (1) (g),  
9 C.R.S.; ~~or driving while an habitual user of a controlled substance, as~~  
10 ~~described in section 42-4-1301 (1) (c), C.R.S.;~~ or

11 **SECTION 22. Safety clause.** The general assembly hereby finds,  
12 determines, and declares that this act is necessary for the immediate  
13 preservation of the public peace, health, and safety.

First Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

**BILL E**

LLS NO. 13-0071.01 Jery Payne x2157

**HOUSE BILL**

**HOUSE SPONSORSHIP**

**Brown, Fischer, Priola, Ramirez, Scott, Tyler, Williams A., Young**

**SENATE SPONSORSHIP**

**Hudak**

---

**House Committees**

**Senate Committees**

---

**A BILL FOR AN ACT**

101 **CONCERNING THE AUTHORIZATION OF OWNERS OF RENTAL SPECIAL**  
102 **MOBILE MACHINERY TO PAY SPECIFIC OWNERSHIP TAX**  
103 **THROUGH AN ELECTRONIC REPORTING PROCESS.**

---

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

**Transportation Legislation Review Committee.** The bill directs the department of revenue to set up an electronic system to receive tax reports filed by the owners of rental special mobile machinery. The

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

department will make the reports available to the counties and remit the tax to the counties as if it were paid directly to the counties.

---

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-3-107, **amend**  
3 (16) (c) and (16) (d) as follows:

4 **42-3-107. Taxable value of classes of property - rate of tax -**  
5 **when and where payable - department duties - apportionment of tax**  
6 **collections - definitions - rules.** (16) (c) (I) Upon receiving authorization  
7 under paragraph (b) of this subsection (16), the owner shall collect from  
8 the user the specific ownership tax in the amount equivalent to two  
9 percent of the amount of the rental or lease payment.

10 (II) No later than the twentieth day of each month, the owner shall  
11 submit a report, using forms furnished by the department, to the  
12 authorized agent in each county where the equipment is used, together  
13 with the remittance of the taxes collected for the use in the county for the  
14 preceding month. THE OWNER SHALL SIMULTANEOUSLY SUBMIT a copy of  
15 each report ~~shall be submitted simultaneously by the owner~~ to the  
16 department. THIS SUBPARAGRAPH (II) DOES NOT APPLY WHEN MODIFIED  
17 BY SUBPARAGRAPH (III) OF PARAGRAPH (d) OF THIS SUBSECTION (16).

18 (d) (I) ~~Such reports shall be made~~ EXCEPT AS MODIFIED BY  
19 SUBPARAGRAPH (III) OF THIS PARAGRAPH (d), THE OWNER SHALL MAKE  
20 THE REPORT monthly to the department and to the authorized agent in the  
21 county where the equipment is located with a user, even if no specific  
22 ownership taxes were collected by the owner in the previous month.

23 (II) Failure to make such ~~reports~~ REPORT in a period of sixty days  
24 ~~shall be~~ IS grounds for the termination of ~~such~~ THE owner's right to pay  
25 the specific ownership taxes on the owner's Class F personal property in

1 the manner provided under this subsection (16). If the owner fails to remit  
2 specific ownership taxes received from a renter or lessee during such  
3 sixty-day period, the authorized agent may proceed to collect ~~such~~ THE  
4 delinquent taxes in the manner authorized in subsection (21) of this  
5 section.

6 (III) THE DEPARTMENT SHALL ALLOW THE OWNER TO FILE THE  
7 REPORT ELECTRONICALLY WITH THE DEPARTMENT OF REVENUE EITHER BY  
8 ELECTRONIC TRANSMISSION OR BY ELECTRONICALLY READABLE MEDIA AS  
9 DETERMINED BY RULE. IF THE FILING IS MADE UNDER THIS SUBPARAGRAPH  
10 (III), THE OWNER SHALL PAY THE SPECIFIC OWNERSHIP TAX DIRECTLY TO  
11 THE DEPARTMENT OF REVENUE AND NEED NOT FILE WITH OR REMIT  
12 PAYMENT TO THE AUTHORIZED AGENT. THE DEPARTMENT SHALL:

13 (A) MAKE THE INFORMATION IN THE REPORT AVAILABLE TO THE  
14 AUTHORIZED AGENTS IN THE COUNTIES WHERE THE EQUIPMENT IS RENTED  
15 OR USED; AND

16 (B) TRANSMIT THE APPROPRIATE PORTION OF THE COLLECTED TAX  
17 TO EACH COUNTY AS REQUIRED BY THIS SECTION AS IF THE REPORT WERE  
18 NOT FILED ELECTRONICALLY.

19 **SECTION 2. Act subject to petition - effective date.** This act  
20 takes effect at 12:01 a.m. on the day following the expiration of the  
21 ninety-day period after final adjournment of the general assembly; except  
22 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
23 of the state constitution against this act or an item, section, or part of this  
24 act within such period, then the act, item, section, or part will not take  
25 effect unless approved by the people at the general election to be held in  
26 November 2014 and, in such case, will take effect on the date of the  
27 official declaration of the vote thereon by the governor.

**First Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO**

**BILL F**

LLS NO. 13-0074.01 Chuck Brackney x2295

**HOUSE BILL**

---

**HOUSE SPONSORSHIP**

**Young and Hamner**, Barker, Brown, Fischer, Jones, Priola, Ramirez, Scott, Tyler, Williams A.

**SENATE SPONSORSHIP**

**Hudak and Schwartz**, King

---

**House Committees**

**Senate Committees**

---

**A BILL FOR AN ACT**

101 **CONCERNING THE REPEAL OF THE FEE FOR THE BRANCH-OF-SERVICE**  
102 **IDENTIFIER ON CARDS ISSUED BY THE DEPARTMENT OF REVENUE.**

---

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

**Transportation Legislation Review Committee.** The bill repeals the fee currently charged to a member of the armed services for the branch-of-service identifier on a Colorado driver's license or state identification card.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

---

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-2-114, **repeal** (10)

3 (b) (I) as follows:

4 **42-2-114. License issued - fees - repeal.** (10) (b) (I) ~~To be issued~~  
5 ~~a driver's license bearing a branch of service identifier, or to have such~~  
6 ~~license renewed, the applicant shall pay a fee of fifteen dollars to the~~  
7 ~~department, which shall be in addition to any other fee for a driver's~~  
8 ~~license. The department shall transfer the fee to the state treasurer, who~~  
9 ~~shall credit the fee to the highway users tax fund, except as provided in~~  
10 ~~subparagraph (H) of this paragraph (b).~~

11 **SECTION 2.** In Colorado Revised Statutes, 42-2-303, **repeal** (4)

12 (b) as follows:

13 **42-2-303. Contents of identification card.** (4) (b) ~~To be issued~~  
14 ~~an identification card bearing a branch of service identifier, or to have~~  
15 ~~such license renewed, the applicant shall pay a fee of fifteen dollars to the~~  
16 ~~department, which shall be in addition to any other fee for an~~  
17 ~~identification card. The department shall transfer the fee to the state~~  
18 ~~treasurer, who shall credit the fee to the highway users tax fund.~~

19 **SECTION 3. Act subject to petition - effective date.** This act  
20 takes effect at 12:01 a.m. on the day following the expiration of the  
21 ninety-day period after final adjournment of the general assembly; except  
22 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
23 of the state constitution against this act or an item, section, or part of this  
24 act within such period, then the act, item, section, or part will not take  
25 effect unless approved by the people at the general election to be held in

1 November 2014 and, in such case, will take effect on the date of the  
2 official declaration of the vote thereon by the governor.

First Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

**BILL G**

LLS NO. 13-0073.01 Jery Payne x2157

**HOUSE BILL**

---

**HOUSE SPONSORSHIP**

**Scott and Priola**, Brown, Fischer

**SENATE SPONSORSHIP**

**(None)**

---

**House Committees**

**Senate Committees**

---

**A BILL FOR AN ACT**

101 **CONCERNING A LIMIT ON THE TYPES OF SPECIAL LICENSE PLATES**  
102 **ENACTED BY STATUTE.**

---

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

**Transportation Legislation Review Committee.** The bill limits the number of alumni, designer, military, or group special license plates to 96.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

---

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

2           **SECTION 1.** In Colorado Revised Statutes, 42-3-207, **add** (8) as  
3 follows:

4           **42-3-207. Special plates - rules - new plates - retirement.** (8) IF  
5 THE PASSAGE OF A BILL CREATING A NEW SPECIAL LICENSE PLATE WOULD  
6 RESULT IN MORE THAN NINETY-SIX TYPES OF ALUMNI, DESIGNER,  
7 MILITARY, OR GROUP SPECIAL LICENSE PLATES, A MEMBER OF THE  
8 GENERAL ASSEMBLY SHALL NOT INTRODUCE A BILL OR AMEND THE BILL TO  
9 CREATE A NEW ALUMNI, DESIGNER, MILITARY, OR GROUP SPECIAL LICENSE  
10 PLATE.

11           **SECTION 2. Act subject to petition - effective date.** This act  
12 takes effect at 12:01 a.m. on the day following the expiration of the  
13 ninety-day period after final adjournment of the general assembly; except  
14 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
15 of the state constitution against this act or an item, section, or part of this  
16 act within such period, then the act, item, section, or part will not take  
17 effect unless approved by the people at the general election to be held in  
18 November 2014 and, in such case, will take effect on the date of the  
19 official declaration of the vote thereon by the governor.

**First Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO**

**BILL H**

LLS NO. 13-0075a.01 Nicole Myers x4326

**HOUSE BILL**

---

**HOUSE SPONSORSHIP**

**Brown,** Fischer, Priola, Tyler, Williams, A.,

**SENATE SPONSORSHIP**

**Schwartz,**

---

**House Committees**

**Senate Committees**

---

**A BILL FOR AN ACT**

101 **CONCERNING MODIFICATIONS TO THE PUBLIC UTILITY COMMISSION'S**  
102 **OVERSIGHT OF RAIL FIXED GUIDEWAY SYSTEM SAFETY.**

---

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

**Transportation Legislation Review Committee.** The public utilities commission (commission) is currently required to provide the executive director of the department of revenue with a list of the public utilities subject to its jurisdiction. The bill exempts certain rail fixed guideway systems from inclusion on the list.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

Current law authorizes the commission to establish an oversight program for the safety and security of rail fixed guideway systems pursuant to the federal "Intermodal Surface Transportation Efficiency Act of 1991". In addition, the bill authorizes the commission to establish the oversight program pursuant to the new federal "Moving Ahead for Progress in the 21st Century Act" (new federal Act).

Current law allows the commission to assess fees to cover its administrative costs in connection with the oversight of rail fixed guideway systems. However, the new federal Act prohibits the commission from fixing fees against any rail fixed guideway system that it regulates. To comply with the new federal Act, the bill eliminates the authority of the commission to assess fees to cover administrative expenses and eliminates the requirement that all fees collected be remitted to the state treasurer and credited to the public utilities commission fixed utility fund. In addition, the bill clarifies that the commission may still expend moneys from the public utilities commission fixed utility fund to cover administrative expenses.

---

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

2           **SECTION 1.** In Colorado Revised Statutes, **amend** 40-2-109 as  
3 follows:

4           **40-2-109. Report to executive director of the department of**  
5 **revenue.** On March 1 of each year, the public utilities commission shall  
6 furnish the executive director of the department of revenue with a list of  
7 those public utilities subject to its jurisdiction, supervision, and regulation  
8 on January 1 of each year, excepting those motor carriers subject to the  
9 passenger-mile tax imposed by sections 42-3-304 to 42-3-306, C.R.S., but  
10 only so long as the cost of regulation of such motor carriers is defrayed  
11 from the proceeds of such passenger-mile tax, AND EXCEPTING THOSE  
12 RAIL FIXED GUIDEWAY SYSTEMS THAT ARE REGULATED BY THE PUBLIC  
13 UTILITIES COMMISSION PURSUANT TO PART 1 OF ARTICLE 18 OF THIS TITLE.

14           **SECTION 2.** In Colorado Revised Statutes, **amend** 40-18-102 as  
15 follows:

16           **40-18-102. Rail fixed guideway system safety oversight**

1 **program - commission may establish.** The commission is authorized to  
2 establish an oversight program for the safety and security of rail fixed  
3 guideway systems in accordance with section 28 of the "Intermodal  
4 Surface Transportation Efficiency Act of 1991", 49 U.S.C. sec. 5330 AND  
5 THE "MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY ACT", 49  
6 U.S.C. SEC. 5329.

7 **SECTION 3.** In Colorado Revised Statutes, **amend** 40-18-105 as  
8 follows:

9 **40-18-105. Calculation and assessment of fees.** At each regular  
10 session, the general assembly shall determine the amounts to be expended  
11 by the commission FROM THE PUBLIC UTILITIES COMMISSION FIXED  
12 UTILITY FUND CREATED IN SECTION 40-2-114 for its administrative  
13 expenses under this article, including any additional FTE that may be  
14 necessary. ~~The commission shall assess fees in amounts that, in the~~  
15 ~~aggregate, equal the administrative expenses. Such fees shall be assessed~~  
16 ~~against the operators of all rail fixed guideway systems operating within~~  
17 ~~the state, and shall be apportioned on the basis of the rail miles of each~~  
18 ~~system in proportion to the total rail miles of all systems. All fees~~  
19 ~~collected under this section shall be remitted to the state treasurer, who~~  
20 ~~shall credit the same to the public utilities commission fixed utility fund~~  
21 ~~created pursuant to section 40-2-114.~~

22 **SECTION 4. Act subject to petition - effective date.** This act  
23 takes effect at 12:01 a.m. on the day following the expiration of the  
24 ninety-day period after final adjournment of the general assembly (August  
25 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a  
26 referendum petition is filed pursuant to section 1 (3) of article V of the  
27 state constitution against this act or an item, section, or part of this act

1     within such period, then the act, item, section, or part will not take effect  
2     unless approved by the people at the general election to be held in  
3     November 2014 and, in such case, will take effect on the date of the  
4     official declaration of the vote thereon by the governor.

1 of 1 DOCUMENT

COLORADO REVISED STATUTES

\*\*\* This document reflects changes passed at the Second Regular Session and First Extraordinary Session of the Sixty-Eighth General Assembly of the State of Colorado (2012) \*\*\*

TITLE 43. TRANSPORTATION  
HIGHWAYS AND HIGHWAY SYSTEMS  
ARTICLE 2.STATE, COUNTY, AND MUNICIPAL HIGHWAYS  
PART 1. STATE, COUNTY, AND CITY HIGHWAYS SYSTEMS

**GO TO COLORADO STATUTES ARCHIVE DIRECTORY**

C.R.S. 43-2-145 (2012)

43-2-145. Transportation legislation review - committee

(1) (a) The transportation legislation review committee is hereby created in order to give guidance and direction to:

(I) The department of transportation in the development of the state transportation system and to provide legislative overview of and input into such development;

(II) The department of revenue in the licensing of drivers and registration and titling of motor vehicles; and

(III) Any state agency or political subdivision of Colorado that regulates motor vehicles or traffic, including, without limitation, penalties imposed for violating traffic statutes and rules.

(b) The committee shall meet at least once each year to review transportation, traffic, and motor vehicle legislation and may consult with experts in the fields of traffic regulation, the licensing of drivers, the registration and titling of motor vehicles, and highway construction and planning and may consult with the personnel of the department of transportation or the department of revenue as may be necessary; except that the committee shall not meet during the 2010 interim. All personnel of the department of transportation, department of revenue, or any state agency or political subdivision of Colorado that regulates motor vehicles or traffic shall cooperate with the committee and with any persons assisting the committee in carrying out its duties pursuant to this section. The committee may review any phase of department of transportation operations, including planning and construction of highway projects, prior to and during the completion of such projects.

(c) The committee may also conduct a postoperation review of such projects to determine whether the project was completed in the most cost-effective and efficient manner. The committee may require the department of transportation to prepare and adopt five-, ten-, and fifteen-year plans for the development of the state transportation system, and the committee shall monitor the progress of such plans. The committee may also require financial or performance audits to be conducted. Upon completion of its review of the transportation laws, the committee shall make recommendations to the governor and to the general assembly for such additional legislation as it deems necessary. The committee shall also develop and make recommendations concerning the financing of the state transportation system. Legislation recommended by the committee shall be treated as legislation recommended by an interim legislative committee for purposes of any introduction deadlines or bill limitations imposed by the joint rules of the general assembly.

(d) Prior to January 1, 2016, the committee shall develop and make recommendations concerning the financing of the completion of the strategic transportation projects identified by the department as the "seventh pot projects". No

later than February 1, 2016, the committee shall recommend legislation to implement the recommendations, and such legislation shall be treated as legislation recommended by an interim legislative committee for purposes of any introduction deadlines or bill limitations imposed by the joint rules of the general assembly; except that the bills shall not be subject to review by or approval of legislative council.

(1.3) (a) (I) For purposes of this subsection (1.3), "agency" means any state, regional, or local agency, authority, department, district, or organization, other than an individual municipality or county, that:

(A) Is responsible for researching, planning, developing, or improving transportation systems, mass transit systems, or regional plans that include the provision of mass transit within the jurisdiction of the agency; and

(B) Has or may have overlapping or coterminous jurisdiction with another agency.

(II) The term "agency" includes, without limitation, the department of transportation, the regional transportation district, the Colorado intermountain fixed guideway authority, and the Denver regional council of governments.

(b) Each agency shall share information and coordinate efforts with other agencies in the research, planning, and development of mass transit systems to avoid the creation of duplicative or conflicting mass transit systems in the state. The committee may review the operations of any agency to ensure compliance with the provisions of this paragraph (b). In connection with the review of the committee, any agency required to share information and coordinate efforts in accordance with this paragraph (b) shall report to the committee no later than August 15, 2001, and each August 15 thereafter through August 15, 2009, and no later than August 15, 2011, and each August 15 thereafter regarding compliance with this paragraph (b).

(1.5) The committee may review any phase of operations of any public highway authority created pursuant to part 5 of article 4 of this title, including planning and construction of public highway projects, prior to and during the completion of such projects. The committee may also conduct a postoperation review of a project to determine whether the project was completed in the most cost-effective and efficient manner. The committee may require any public highway authority to prepare and adopt long-range plans for the development of the public highways, and the committee shall monitor the progress of such plans. The committee may also require the state auditor to conduct a financial or performance audit of any public highway authority.

(1.6) and (1.8) Repealed.

(1.9) The committee may review any phase of operations of any regional transportation authority created pursuant to part 6 of article 4 of this title, including the planning and construction of regional transportation systems, prior to and during the completion of such systems. The committee may also conduct a postoperation review of any system to determine whether the system was completed in the most cost-effective and efficient manner. The committee may require any regional transportation authority to prepare and adopt long-range plans for the development of regional transportation systems, and the committee shall monitor the progress of the plans. The committee may also require financial or performance audits to be conducted.

(2) Repealed.

(2.5) (a) Effective January 1, 2001, the committee shall be comprised of the members of the transportation and energy committee of reference of the house of representatives and the members of the transportation committee of reference of the senate. The chairman of the senate transportation committee shall be the chairman in even-numbered years and vice-chairman in odd-numbered years. The chairman of the house transportation and energy committee shall be chairman in odd-numbered years and vice-chairman in even-numbered years.

(b) The members of the respective committees of reference shall receive the usual per diem and necessary travel and subsistence expenses as provided for members of the general assembly who attend interim committee meetings

pursuant to section 2-2-307, C.R.S.

(3) and (4) Repealed.

(5) The legislative council staff shall be made available to assist the committee in carrying out its duties pursuant to this section.

(6) to (8) Repealed.

**HISTORY:** Source: L. 53: p. 531, § 45.CRS 53: § 120-13-45. C.R.S. 1963: § 120-13-45.L. 86: Entire section amended, p. 427, § 68, effective March 26; entire section R&RE, p. 1133, § 10, effective July 1.L. 87: (1.5) added, p. 1856, § 3, effective August 27.L. 88: (1.6) added, p. 1387, § 13, effective July 1.L. 89, 1st Ex. Sess.: (1.8) added, p. 62, § 17, effective August 1.L. 90: (1) amended and (6) repealed, pp. 1826, 1827, § § 1, 2, effective March 13.L. 91: (1) amended, p. 1107, § 151, effective July 1.L. 94: (1) amended, p. 621, § 1, effective April 14; (7) added, p. 1388, § 4, effective May 25.L. 97: (1.9) added, p. 499, § 4, effective August 6.L. 2000: (2), (3), and (4) amended and (2.5) added, p. 116, § 4, effective March 15.L. 2001: (1.3) added, p. 298, § 1, effective August 8.L. 2005: (1.6) and (1.8) repealed, p. 291, § 47, effective August 8; (1.9) amended, p. 1069, § 18, effective January 1, 2006.L. 2007: (1.3)(b) amended, p. 2050, § 104, effective June 1; (1) amended, p. 341, § 1, effective August 3.L. 2009: (1)(d) added, (SB 09-228), ch. 410, p. 2264, § 15, effective July 1; (8) added, (HB 09-1230), ch. 232, p. 1067, § 3, effective August 5.L. 2010: (1)(b) and (1.3)(b) amended, (SB 10-213), ch. 375, p. 1765, § 14, effective June 7.L. 2011: (1.5) amended, (HB 11-1118), ch. 84, p. 228, § 2, effective March 31.