

HB1026_L.012

SENATE COMMITTEE OF REFERENCE REPORT

 Chairman of Committee

 Date
Committee on Transportation.

After consideration on the merits, the Committee recommends the following:

HB09-1026 be amended as follows:

1 Amend reengrossed bill, page 14, line 19, strike "(28.5)" and substitute
2 "(28.7)".

3 Page 16, line 8, strike "AND 42-2-206," and substitute "42-2-206,
4 42-2-1301, AND 42-2-1301.1,".

5 Page 25, after line 27, insert the following:

6 "SECTION 26. 42-3-105 (1) (d) and (2), Colorado Revised
7 Statutes, are amended to read:

8 **42-3-105. Application for registration - tax.** (1) (d) (I) The
9 department or its authorized agents shall not register a motor vehicle OR
10 LOW-POWER SCOOTER unless the applicant has a complying motor vehicle
11 insurance policy pursuant to part 6 of article 4 of title 10, C.R.S., or a
12 certificate of self-insurance in full force and effect as required by sections
13 10-4-619 and 10-4-624, C.R.S. The requirements of this paragraph (d)
14 apply only to motor vehicles classified as Class C personal property under
15 section 42-3-106 (2) (c), to light trucks that do not exceed sixteen
16 thousand pounds empty weight, and to sports utility vehicles that are
17 classified as Class B personal property under section 42-3-106 (2) (b), OR
18 TOLOW-POWER SCOOTERS. The applicant shall provide the department or
19 its authorized agents with the proof of insurance certificate or insurance
20 identification card provided to the applicant by the applicant's insurer
21 pursuant to section 10-4-604.5, C.R.S., or provide proof of insurance in
22 such other media as is authorized by the department. Nothing in this



1 paragraph (d) shall be interpreted to preclude the department from
2 electronically transmitting insurance information to designated agents
3 pursuant to section 42-7-604 for the purpose of ensuring compliance with
4 mandatory insurance requirements.

5 (II) Any person who knowingly provides fraudulent information
6 or documents under subparagraph (I) of this paragraph (d) to obtain
7 registration of a motor vehicle OR LOW-POWER SCOOTER is guilty of a
8 misdemeanor and is subject to the criminal and civil penalties provided
9 under section 42-6-139 (3) and (4).

10 (2) Upon applying for registration, the owner of a motor vehicle
11 OR LOW-POWER SCOOTER shall receive a written notice printed on the
12 application for registration in type that is larger than the other information
13 contained on the application for registration. Such notice shall state that
14 motor vehicle insurance or operator's coverage is compulsory in
15 Colorado, that noncompliance is a misdemeanor traffic offense, that the
16 minimum penalty for such offense is a five-hundred-dollar fine, and that
17 the maximum penalty for such offense is one year's imprisonment and a
18 one-thousand-dollar fine, and that such owner shall be required as a
19 condition of obtaining a registration card to sign an affirmation clause
20 that appears on the registration. The clause shall state, "I swear or affirm
21 in accordance with section 24-12-102, C.R.S., under penalty of perjury
22 that I now have in effect a complying policy of motor vehicle insurance
23 including an operator's policy pursuant to part 6 of article 4 of title 10,
24 C.R.S., or a certificate of self-insurance to cover the vehicle or operator
25 of the vehicle for which this registration is issued, and I understand that
26 such insurance must be renewed so that coverage is continuous.
27 Signature _____, Date _____."

28 Renumber succeeding sections accordingly.

29 Page 27, after line 3, insert the following:

30 "SECTION 29. 42-3-304 (18) (d), Colorado Revised Statutes, is
31 amended to read:

32 **42-3-304. Registration fees - passenger and passenger-mile**
33 **taxes - clean screen fund.** (18) (d) (I) In addition to any other fee
34 imposed by this section, the owner shall pay, at the time of registration of
35 any A motor vehicle ~~in the state~~ OR LOW-POWER SCOOTER, a motorist
36 insurance identification fee. The fee shall be adjusted annually by the
37 department, based upon moneys appropriated by the general assembly for



1 the operation of the motorist insurance identification database program.
2 In no event shall the fee exceed fifty cents. The fee shall be transmitted
3 to the state treasurer, who shall credit it to a special account within the
4 highway users tax fund, to be known as the motorist insurance
5 identification account, which is hereby created. Moneys in the motorist
6 insurance identification account shall be used, subject to appropriation by
7 the general assembly, to cover the costs of administration and
8 enforcement of the motorist insurance identification database program,
9 created in section 42-7-604; except that the state treasurer shall transfer
10 moneys in the account in excess of the amount of moneys appropriated
11 from the account to the highway users tax fund for allocation and
12 expenditure as specified in section 43-4-205 (5.5) (c), C.R.S.

13 (II) ~~This paragraph (d) is repealed, effective July 1, 2006, unless~~
14 ~~the motorist insurance identification database program created in section~~
15 ~~42-7-604 is extended by the general assembly beyond such date."~~

16 Renumber succeeding sections accordingly

17 Page 31, strike lines 2 and 3 and substitute the following:

18 said 42-4-111 (1) is further amended BY THE ADDITION OF THE
19 FOLLOWING NEW PARAGRAPHS, to read:";

20 line 16, strike "(3)." and substitute "(3).";

21 after line 16, insert the following:

22 "(cc) AUTHORIZING THE USE OF THE ELECTRICAL MOTOR ON AN
23 ELECTRICAL ASSISTED BICYCLE ON A BIKE OR PEDESTRIAN PATH."

24 Page 40, line 14, strike "(1) (h), (1) (i)," and strike "(2) (c).";

25 strike lines 20 and 21 and substitute the following:

26 "alcohol and one or more drugs, to drive any vehicle in this state A MOTOR
27 VEHICLE OR VEHICLE.";

28 strike lines 24 and 25 and substitute the following:

29 "drugs, to drive any vehicle in this state A MOTOR VEHICLE OR VEHICLE."

30 Page 41, strike lines 3 and 4 and substitute the following:



1 "(f) "Driving under the influence" means driving a MOTOR vehicle
2 OR VEHICLE when a person has consumed alcohol";

3 strike lines 11 and 12 and substitute the following:

4 "(g) "Driving while ability impaired" means driving a MOTOR
5 vehicle OR VEHICLE when a person has consumed";

6 strike lines 20 through 27.

7 Page 42, strike lines 1 through 4 and substitute the following:

8 "(2) (a) It is a misdemeanor for any person to drive ~~any~~ A MOTOR
9 vehicle ~~in this state~~ OR VEHICLE when the person's";

10 strike lines 15 and 16 and substitute the following:

11 "twenty-one years of age to drive ~~any~~ A MOTOR vehicle ~~in this state~~ OR
12 VEHICLE when the person's BAC, as shown by";

13 strike lines 26 and 27.

14 Page 43, strike lines 1 through 3;

15 strike lines 10 and 11 and substitute the following:

16 "and that the defendant's ability to operate a MOTOR vehicle OR VEHICLE
17 was not impaired by the consumption of alcohol.";

18 strike lines 14 and 15 and substitute the following:

19 "defendant's ability to operate a MOTOR vehicle OR VEHICLE was impaired
20 by the consumption of alcohol, and such fact may";

21 strike lines 22 and 23 and substitute the following:

22 "defendant's ability to operate a MOTOR vehicle OR VEHICLE was impaired
23 by the consumption of alcohol.";

24 line 25, strike "MOTOR vehicle, VEHICLE, OR LOW-POWER SCOOTER," and
25 substitute "MOTOR vehicle OR VEHICLE";

26 line 27, strike "MOTOR vehicle, VEHICLE, OR LOW-POWER SCOOTER" and



- 1 substitute "MOTOR vehicle OR VEHICLE".
- 2 Page 44, strike lines 12 and 13 and substitute the following:
 - 3 "to believe such person was driving a MOTOR vehicle OR VEHICLE in
 - 4 violation of this section and whether to".
- 5 Page 46, after line 4, insert the following:
 - 6 "SECTION 54. 42-4-1412, Colorado Revised Statutes, is
 - 7 amended BY THE ADDITION OF A NEW SUBSECTION to read:
 - 8 **42-4-1412. Operation of bicycles and other human-powered**
 - 9 **vehicles. (14) EXCEPT AS AUTHORIZED BY SECTION 42-4-111, THE RIDER**
 - 10 **OF AN ELECTRICAL ASSISTED BICYCLE SHALL NOT USE THE ELECTRICAL**
 - 11 **MOTOR ON A BIKE OR PEDESTRIAN PATH."**
 - 12 Renumber succeeding sections accordingly.
- 13 Page 46, strike lines 16 through 21.
- 14 Renumber succeeding sections accordingly.
- 15 Page 49, line 18, strike "(1) and (49)" and substitute "(1), (26), (29), and
- 16 (53)".

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