

SENATE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

March 31, 2009  
Date

Committee on Transportation.

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

HB09-1026 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

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 TO LOW-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

1 pursuant to section 10-4-604.5, C.R.S., or provide proof of insurance in  
2 such other media as is authorized by the department. Nothing in this  
3 paragraph (d) shall be interpreted to preclude the department from  
4 electronically transmitting insurance information to designated agents  
5 pursuant to section 42-7-604 for the purpose of ensuring compliance with  
6 mandatory insurance requirements.

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

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

30 Renumber succeeding sections accordingly.

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

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

34 **42-3-304. Registration fees - passenger and passenger-mile**  
35 **taxes - clean screen fund.** (18) (d) (I) In addition to any other fee

1 imposed by this section, the owner shall pay, at the time of registration of  
2 ~~any~~ A motor vehicle ~~in the state~~ OR LOW-POWER SCOOTER, a motorist  
3 insurance identification fee. The fee shall be adjusted annually by the  
4 department, based upon moneys appropriated by the general assembly for  
5 the operation of the motorist insurance identification database program.  
6 In no event shall the fee exceed fifty cents. The fee shall be transmitted  
7 to the state treasurer, who shall credit it to a special account within the  
8 highway users tax fund, to be known as the motorist insurance  
9 identification account, which is hereby created. Moneys in the motorist  
10 insurance identification account shall be used, subject to appropriation by  
11 the general assembly, to cover the costs of administration and  
12 enforcement of the motorist insurance identification database program,  
13 created in section 42-7-604; except that the state treasurer shall transfer  
14 moneys in the account in excess of the amount of moneys appropriated  
15 from the account to the highway users tax fund for allocation and  
16 expenditure as specified in section 43-4-205 (5.5) (c), C.R.S.

17 (II) ~~This paragraph (d) is repealed, effective July 1, 2006, unless~~  
18 ~~the motorist insurance identification database program created in section~~  
19 ~~42-7-604 is extended by the general assembly beyond such date."~~

20 Renumber succeeding sections accordingly.

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

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

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

25 after line 16, insert the following:

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

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

29 strike lines 20 and 21 and substitute the following:

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

1 strike lines 24 and 25 and substitute the following:

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

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

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

6 strike lines 11 and 12 and substitute the following:

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

9 strike lines 20 through 27.

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

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

13 strike lines 15 and 16 and substitute the following:

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

16 strike lines 26 and 27.

17 Page 43, strike lines 1 through 3;

18 strike lines 10 and 11 and substitute the following:

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

21 strike lines 14 and 15 and substitute the following:

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

24 strike lines 22 and 23 and substitute the following:

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

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

5 line 27, strike "MOTOR vehicle, VEHICLE, OR LOW-POWER SCOOTER" and  
6 substitute "MOTOR vehicle OR VEHICLE".

7 Page 44, strike lines 12 and 13 and substitute the following:

8 "to believe such person was driving a MOTOR vehicle OR VEHICLE in  
9 violation of this section and whether to".

10 Page 46, after line 4, insert the following:

11 "SECTION 54. 42-4-1412, Colorado Revised Statutes, is  
12 amended BY THE ADDITION OF A NEW SUBSECTION to read:

13 **42-4-1412. Operation of bicycles and other human-powered**  
14 **vehicles.** (14) EXCEPT AS AUTHORIZED BY SECTION 42-4-111, THE RIDER  
15 OF AN ELECTRICAL ASSISTED BICYCLE SHALL NOT USE THE ELECTRICAL  
16 MOTOR ON A BIKE OR PEDESTRIAN PATH."

17 Renumber succeeding sections accordingly.

18 Page 46, strike lines 16 through 21.

19 Renumber succeeding sections accordingly.

20 Page 49, line 18, strike "1 and 49" and substitute "1, 26, 29, and 53".

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