

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 12-0699.01 Jery Payne x2157

HOUSE BILL 12-1216

HOUSE SPONSORSHIP

Becker, Gerou, Levy

SENATE SPONSORSHIP

Lambert, Hodge, Steadman

House Committees
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE FINANCING OF THE DIVISION OF MOTOR VEHICLES IN**
102 **THE DEPARTMENT OF REVENUE, AND, IN CONNECTION**
103 **THEREWITH, MAKING AND REDUCING APPROPRIATIONS.**

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>.)

Joint Budget Committee. Sections 1 to 5 of the bill make permanent the current diversion, from the highway users tax fund to the licensing services cash fund, of revenue collected for examinations for driver's licenses and for the issuance or renewal of instruction permits,

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.

driver's licenses, and identification cards. **Section 6** permits the use of funds in the motorist insurance identification account to be used for expenses incurred by the department of revenue in licensing drivers and issuing identification cards.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-2-107, **amend** (1)

3 (a) (I) as follows:

4 **42-2-107. Application for license or instruction permit -**
5 **anatomical gifts - donations to Emily Maureen Ellen Keyes organ and**
6 **tissue donation awareness fund - legislative declaration - repeal.**

7 (1) (a) (I) TO BE ACCEPTABLE, every application for an instruction permit
8 or for a driver's or minor driver's license ~~shall~~ MUST be made upon forms
9 furnished by the department ~~Every application shall be~~ AND accompanied
10 by the required fee. The fee for an application for any instruction permit
11 is thirteen dollars and forty cents. ~~which~~ THE DEPARTMENT shall ~~be~~
12 ~~transferred~~ TRANSFER THE FEE to the state treasurer, who shall credit ten
13 dollars to the highway users tax fund and three dollars and forty cents to
14 the licensing services cash fund created in section 42-2-114.5; except
15 that, for fiscal years ~~2010-11 and 2011-12~~ 2012-13 THROUGH 2014-2015,
16 the state treasurer shall credit ~~the fees~~ THE FEE to the licensing services
17 cash fund created in section 42-2-114.5. Every applicant shall submit with
18 the application proof of age or proof of identity, or both, as the
19 department may require.

20 **SECTION 2.** In Colorado Revised Statutes, **amend** 42-2-113 as
21 follows:

22 **42-2-113. License examiners appointed.** The department may
23 appoint license examiners for any county in this state to conduct local

1 examinations for all types of drivers' licenses. The officers of the
2 department shall conduct the examination as prescribed by law for all
3 drivers in the county and collect the fees as provided in section 42-2-114
4 and remit the same to the department, which shall ~~deposit~~ TRANSFER the
5 same ~~in the state treasury~~ to the credit of the highway users tax fund;
6 except that, for fiscal years ~~2010-11 and 2011-12~~ 2012-13 THROUGH
7 2014-2015, TO the state treasurer, WHO shall credit the fees to the
8 licensing services cash fund created in section 42-2-114.5.

9 **SECTION 3.** In Colorado Revised Statutes, 42-2-114, **amend** (2)
10 (a) (I) (A), (2) (a) (I) (D), and (4) (a) as follows:

11 **42-2-114. License issued - fees - repeal.** (2) (a) (I) Except as
12 provided in subsection (3) of this section:

13 (A) The fee for the issuance of a driver's license to a person
14 twenty-one years of age or older and sixty years of age or younger is
15 twenty dollars and forty cents, which license ~~shall expire~~ EXPIRES on the
16 birthday of the applicant in the fifth year after the issuance ~~thereof~~ OF THE
17 LICENSE. The DEPARTMENT SHALL TRANSFER THE fee ~~shall be transferred~~
18 to the state treasurer, who shall credit fifteen dollars to the highway users
19 tax fund and five dollars and forty cents to the licensing services cash
20 fund created in section 42-2-114.5; except that, for fiscal years ~~2010-11~~
21 ~~and 2011-12~~ 2012-13 THROUGH 2014-2015, the state treasurer shall credit
22 the fees FEE to the licensing services cash fund created in section
23 42-2-114.5. In the case of ~~such~~ a driver's license issued by the office of
24 the county clerk and recorder in each county, the office of the county
25 clerk and recorder shall retain the sum of eight dollars, and ~~twelve dollars~~
26 ~~and forty cents shall be forwarded~~ FORWARD THE REMAINDER OF THE FEE
27 to the department for ~~transmission to the state treasurer, who shall credit~~

1 three dollars and forty cents to the licensing services cash fund and nine
2 dollars to the highway users tax fund; except that, for fiscal years ~~2010-11~~
3 ~~and 2011-12~~ 2012-13 THROUGH 2014-2015, the state treasurer shall credit
4 ~~such~~ THE amount to the licensing services cash fund. The general
5 assembly shall make appropriations ~~therefrom~~ FROM THE LICENSING
6 SERVICES CASH FUND for the expenses of the administration of ~~this part~~
7 1 and part 2 of this article; except that eight dollars and fifty cents of each
8 fee ~~shall be~~ IS allocated ~~pursuant to~~ IN ACCORDANCE WITH section
9 43-4-205 (6) (b), C.R.S., other than during fiscal years ~~2010-11 and~~
10 ~~2011-12~~ 2012-13 THROUGH 2014-2015.

11 (D) The fee for the issuance of a driver's license to a person
12 sixty-one years of age or older is twenty dollars and forty cents, which
13 license shall expire on the birthday of the applicant in the fifth year after
14 the issuance ~~thereof~~ OF THE LICENSE. The DEPARTMENT SHALL TRANSFER
15 ~~THE fee shall be transferred~~ to the state treasurer, who shall credit fifteen
16 dollars to the highway users tax fund and five dollars and forty cents to
17 the licensing services cash fund created in section 42-2-114.5; except
18 that, for fiscal years ~~2010-11 and 2011-12~~ 2012-13 THROUGH 2014-2015,
19 the state treasurer shall credit ~~the fees~~ THE FEE to the licensing services
20 cash fund created in section 42-2-114.5. In the case of a driver's license
21 issued by the office of the county clerk and recorder in each county, the
22 office of the county clerk and recorder shall retain the sum of eight
23 dollars, and ~~twelve dollars and forty cents shall be forwarded~~ FORWARD
24 THE REMAINDER to the ~~department for transmission to the state treasurer,~~
25 who shall credit three dollars and forty cents to the licensing services cash
26 fund and nine dollars to the highway users tax fund; except that, for the
27 fiscal years ~~2010-11 and 2011-12~~ 2012-13 THROUGH 2014-2015, the state

1 treasurer shall credit ~~such~~ THE amount to the licensing services cash fund.
2 The general assembly shall make appropriations ~~therefrom~~ FROM THE
3 LICENSING SERVICES CASH FUND for the expenses of the administration of
4 this part 1 and part 2 of this article; except that eight dollars and fifty
5 cents of each fee ~~shall be~~ IS allocated ~~pursuant to~~ IN ACCORDANCE WITH
6 section 43-4-205 (6) (b), C.R.S., other than during fiscal years ~~2010-11~~
7 ~~and 2011-12~~ 2012-13 THROUGH 2014-2015.

8 (4) (a) The fee for the issuance of a minor driver's license is
9 twenty dollars and forty cents, which license ~~shall expire~~ EXPIRES twenty
10 days after the twenty-first birthday of the licensee. The DEPARTMENT
11 SHALL TRANSFER THE fee ~~shall be transferred~~ to the state treasurer, who
12 shall credit fifteen dollars to the highway users tax fund and five dollars
13 and forty cents to the licensing services cash fund created in section
14 42-2-114.5; except that, for fiscal years ~~2010-11 and 2011-12~~ 2012-13
15 THROUGH 2014-2015, the state treasurer shall credit the ~~fees~~ FEE to the
16 licensing services cash fund created in section 42-2-114.5. In the case of
17 the issuance of any minor driver's license by the office of the county clerk
18 and recorder, the fee ~~therefor shall be~~ FOR THE MINOR DRIVER'S LICENSE
19 IS apportioned in the same manner as for the issuance of a driver's license
20 ~~pursuant to~~ IN ACCORDANCE WITH paragraph (a) of subsection (2) of this
21 section.

22 **SECTION 4.** In Colorado Revised Statutes, 42-2-117, **amend** (1)
23 as follows:

24 **42-2-117. Duplicate permits and minor licenses - replacement**
25 **licenses.** (1) If an instruction permit or a minor driver's license issued
26 under this article is lost, stolen, or destroyed, the person to whom the
27 same was issued, upon request and the payment of a fee of six dollars and

1 ninety cents for the first duplicate and thirteen dollars and forty cents for
2 any subsequent duplicate to the department, may obtain a duplicate or
3 substitute ~~therefor~~ upon furnishing satisfactory proof to the department
4 that the permit or minor license had been lost, stolen, or destroyed and
5 that the applicant is qualified to have a permit or license. The
6 DEPARTMENT SHALL TRANSFER EITHER fee for the first duplicate license
7 ~~shall be transferred~~ to the state treasurer, who shall credit five dollars to
8 the highway users tax fund and one dollar and ninety cents to the
9 licensing services cash fund created in section 42-2-114.5; except that, for
10 fiscal years ~~2010-11 and 2011-12~~ 2012-13 THROUGH 2014-2015, the state
11 treasurer shall credit the ~~fees~~ FEE to the licensing services cash fund
12 created in section 42-2-114.5. The fee for a subsequent duplicate license
13 ~~shall be~~ IS transferred to the state treasurer, who shall credit ten dollars to
14 the highway users tax fund and three dollars and forty cents to the
15 licensing services cash fund; except that, for fiscal years ~~2010-11 and~~
16 ~~2011-12~~ 2012-13 THROUGH 2014-2015, the state treasurer shall credit the
17 ~~fees~~ FEE to the licensing services cash fund.

18 **SECTION 5.** In Colorado Revised Statutes, 42-2-406, **amend** (1),
19 (2), (3) (d), and (6) as follows:

20 **42-2-406. Fees.** (1) The fee for the issuance of a commercial
21 driver's license is thirty-four dollars and forty cents. ~~which~~ THE
22 DEPARTMENT shall ~~be~~ CAUSE THE FEE TO BE transferred to the state
23 treasurer, who shall credit twenty-five dollars to the highway users tax
24 fund and nine dollars and forty cents to the licensing services cash fund
25 created in section 42-2-114.5; except that, for fiscal years ~~2010-11 and~~
26 ~~2011-12~~ 2012-13 THROUGH 2014-2015, the state treasurer shall credit the
27 ~~fees~~ FEE to the licensing services cash fund created in section 42-2-114.5.

1 ~~Such~~ THE license ~~shall expire~~ EXPIRES on the birthday of the applicant in
2 the fourth year after its issuance. When issuing a commercial driver's
3 license, the office of the county clerk and recorder shall retain eight
4 dollars and ~~twenty-six dollars and forty cents shall be forwarded~~ SHALL
5 FORWARD THE REMAINDER to the department for transmission to the state
6 treasurer, who shall credit nineteen dollars to the highway users tax fund
7 and seven dollars and forty cents to the licensing services cash fund;
8 except that, for fiscal years 2010-11 and 2011-12 2012-13 THROUGH
9 2014-2015, the state treasurer shall credit the fees AMOUNT to the
10 licensing services cash fund. The general assembly shall make annual
11 appropriations ~~therefrom~~ FROM THE LICENSING SERVICES CASH FUND for
12 the expenses of the administration of parts 1 and 2 of this article and this
13 part 4; except that eight dollars and fifty cents of each commercial driver's
14 license fee shall be allocated pursuant to IN ACCORDANCE WITH section
15 43-4-205 (6) (b), C.R.S., other than during fiscal years 2010-11 and
16 2011-12 2012-13 THROUGH 2014-2015.

17 (2) Notwithstanding any other provision of law, the fee for a
18 person eighteen years of age or older for issuance of a minor driver's
19 license that authorizes operation of a commercial motor vehicle upon the
20 highways ~~of this state~~ is thirty-four dollars and forty cents. ~~which~~ THE
21 DEPARTMENT shall CAUSE THE FEE TO be transferred to the state treasurer,
22 who shall credit twenty-five dollars to the highway users tax fund and
23 nine dollars and forty cents to the licensing services cash fund created in
24 section 42-2-114.5; except that, for fiscal years 2010-11 and 2011-12
25 2012-13 THROUGH 2014-2015, the state treasurer shall credit the fees FEE
26 to the licensing services cash fund created in section 42-2-114.5. When
27 issuing a minor driver's license, the office of the county clerk and

1 recorder shall retain eight dollars and ~~twenty-six dollars and forty cents~~
2 ~~shall be forwarded~~ SHALL FORWARD THE REMAINDER to the department
3 for transmission to the state treasurer, who shall credit nineteen dollars to
4 the highway users tax fund and seven dollars and forty cents to the
5 licensing services cash fund; except that, for fiscal years ~~2010-11 and~~
6 ~~2011-12~~ 2012-13 THROUGH 2014-2015, the state treasurer shall credit
7 ~~such~~ THE amount to the licensing services cash fund created in section
8 42-2-114.5. The general assembly shall make annual appropriations
9 ~~therefrom~~ FROM THE LICENSING SERVICES CASH FUND for the expenses of
10 the administration of parts 1 and 2 of this article and this part 4; except
11 that eight dollars and fifty cents of each ~~such~~ minor driver's license fee
12 ~~shall be~~ IS allocated pursuant to IN ACCORDANCE WITH section 43-4-205
13 (6) (b), C.R.S., other than during fiscal years ~~2010-11 and 2011-12~~
14 2012-13 THROUGH 2014-2015.

15 (3) (d) THE DEPARTMENT SHALL FORWARD all fees collected by the
16 department for the administration of driving tests ~~shall be forwarded~~ to
17 the state treasurer, who shall credit the ~~same~~ FEES to the licensing services
18 cash fund. The general assembly shall make annual appropriations
19 ~~therefrom~~ FROM THE LICENSING SERVICES CASH FUND for the expenses of
20 the administration of parts 1 and 2 of this article and this part 4 and any
21 fees credited to the fund pursuant to UNDER this subsection (3) in excess
22 of the amount of the appropriations ~~shall be~~ ARE allocated and expended
23 as specified in section 43-4-205 (5.5) (f), C.R.S., other than during fiscal
24 years ~~2010-11 and 2011-12~~ 2012-13 THROUGH 2014-2015.

25 (6) THE DEPARTMENT SHALL FORWARD all fees collected by the
26 department for the issuance of testing unit licenses and driving test
27 licenses pursuant to UNDER subsections (4) and (5) of this section shall be

1 forwarded to the state treasurer, who shall credit the same to the highway
2 users tax fund; except that, for fiscal years ~~2010-11 and 2011-12~~ 2012-13
3 THROUGH 2014-2015, the state treasurer shall credit the fees to the
4 licensing services cash fund. The general assembly shall make annual
5 appropriations ~~therefrom~~ FROM THE LICENSING SERVICES CASH FUND for
6 the expenses of the administration of parts 1 and 2 of this article and this
7 part 4 and any fees credited to the fund pursuant to this subsection (6) in
8 excess of the amount of the appropriations ~~shall be~~ ARE allocated and
9 expended as specified in section 43-4-205 (5.5) (f), C.R.S., other than
10 during fiscal years ~~2010-11 and 2011-12~~ 2012-13 THROUGH 2014-2015.

11 **SECTION 6.** In Colorado Revised Statutes, 42-3-304, **amend**
12 (18) (d) (I) as follows:

13 **42-3-304. Registration fees - passenger and passenger-mile**
14 **taxes - clean screen fund - repeal.** (18) (d) (I) In addition to any other
15 fee imposed by this section, the owner shall pay, at the time of
16 ~~registration of~~ REGISTERING a motor vehicle or low-power scooter, a
17 motorist insurance identification fee. The fee shall be adjusted annually
18 by the department, based upon moneys appropriated by the general
19 assembly for the operation of the motorist insurance identification
20 database program. ~~Prior to July 1, 2011, in no event shall the fee exceed~~
21 ~~fifty cents. On and after July 1, 2011, In no event shall the fee exceed ten~~
22 cents. The ~~fee~~ DEPARTMENT shall ~~be transmitted~~ TRANSMIT THE FEE to the
23 state treasurer, who shall credit it to a special account within the highway
24 users tax fund, to be known as the motorist insurance identification
25 account, which is hereby created. THE DEPARTMENT SHALL USE moneys
26 in the motorist insurance identification account, ~~shall be used,~~ subject to
27 appropriation by the general assembly, to cover the costs of

1 administration and enforcement of the motorist insurance identification
2 database program created in section 42-7-604 and for state fiscal years
3 2010-11 and 2011-12, for expenses incurred in connection with the
4 administration of article 2 of this title; ~~by the division of motor vehicles~~
5 ~~within the department~~; except that:

6 (A) For ~~the 2010-11 and 2011-12~~ fiscal years 2012-13 THROUGH
7 2014-2015, the state treasurer shall transfer moneys in the account in
8 excess of the amount of moneys appropriated from the account to the
9 Colorado state titling and registration account in the highway users tax
10 fund for allocation and expenditure as required by section 42-1-211 (2).

11 This sub-subparagraph (A) is repealed, effective July 1, ~~2012~~ 2015.

12 (B) For the fiscal year commencing July 1, ~~2012~~ 2015, the state
13 treasurer shall transfer moneys in the account in excess of the amount of
14 moneys appropriated from the account to the highway users tax fund for
15 allocation and expenditure as specified in section 43-4-205 (5.5) (c),
16 C.R.S.

17 **SECTION 7. Appropriation - adjustments in 2012 long bill.**

18 (1) For the implementation of this act, appropriations made in the annual
19 general appropriation act to the department of revenue for the fiscal year
20 beginning July 1, 2012, are adjusted as follows:

21 (a) The general fund appropriation to the executive director's
22 office, is decreased by \$7,954,625.

23 (b) The cash funds appropriation to the executive director's office,
24 is increased by \$8,051,285. Said sum is from the licensing services cash
25 fund created in section 42-2-114.5 (1), Colorado Revised Statutes.

26 (c) The cash funds appropriation to the executive director's office,
27 is decreased by \$31,708. Said sum is from the highway users tax fund

1 pursuant to section 43-4-201 (3) (a) (III) (C), Colorado Revised Statutes.

2 (d) The reappropriated funds appropriation to the executive
3 director's office, for personal services, is decreased by \$64,953. Of said
4 sum, \$21,918 is from moneys transferred from the enforcement business
5 group, limited gaming division and \$43,035 is from moneys transferred
6 from the state lottery division.

7 (e) The general fund appropriation to the central department
8 operations division, is decreased by \$108,245.

9 (f) The cash funds appropriation to the central department
10 operations division, is increased by \$126,582. Said sum is from the
11 licensing services cash fund created in section 42-2-114.5 (1), Colorado
12 Revised Statutes.

13 (g) The cash funds appropriation to the central department
14 operations division, is decreased by \$8,870. Said sum is from the
15 highway users tax fund pursuant to section 43-4-201 (3) (a) (III) (C),
16 Colorado Revised Statutes.

17 (h) The reappropriated funds appropriation to the central
18 department operations division, is decreased by \$9,467. Said sum is from
19 moneys transferred from the enforcement business group, limited gaming
20 division.

21 (i) The general fund appropriation to the division of motor
22 vehicles, administration, is decreased by \$408,535.

23 (j) The cash funds appropriation to the division of motor vehicles,
24 administration, is increased by \$423,014. Said sum is from the licensing
25 services cash fund created in section 42-2-114.5 (1), Colorado Revised
26 Statutes.

27 (k) The cash funds appropriation to the division of motor vehicles,

1 administration, is decreased by \$14,479. Said sum is from the highway
2 users tax fund pursuant to section 43-4-201 (3) (a) (III) (C), Colorado
3 Revised Statutes.

4 (l) The general fund appropriation to the division of motor
5 vehicles, driver and vehicle services, is decreased by \$14,192,839.

6 (m) The cash funds appropriation to the division of motor
7 vehicles, driver and vehicle services, is increased by \$14,192,839. Said
8 sum is from the licensing services cash fund created in section 42-2-114.5
9 (1), Colorado Revised Statutes.

10 (n) The cash funds appropriation to the enforcement business
11 group, limited gaming division, for indirect cost assessment, is decreased
12 by \$31,385. Said sum is from the limited gaming fund created in section
13 12-47.1-701 (1), Colorado Revised Statutes.

14 (o) The cash funds appropriation to the state lottery division, for
15 indirect cost assessment, is decreased by \$43,035. Said sum shall be from
16 the state lottery fund created in section 24-35-210 (1), Colorado Revised
17 Statutes.

18 **SECTION 8. Effective date.** This act takes effect July 1, 2012.

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