

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 12-0322.01 Jery Payne x2157

HOUSE BILL 12-1023

HOUSE SPONSORSHIP

Nikkel,

SENATE SPONSORSHIP

King S.,

House Committees

Transportation
Appropriations

Senate Committees

Transportation
Finance
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF A FALLEN HEROES LICENSE PLATE,**
102 **AND IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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>.)

The bill creates the fallen heroes license plate. A person becomes eligible to use the plate by donating \$50 to the Colorado chapter of the concerns of police survivors. In addition to the normal motor vehicle fees, the plate requires 2 one-time fees of \$25. One of the fees is credited to the highway users tax fund and the other to the licensing services cash fund.

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.*

SENATE
3rd Reading Unam ended
April 10, 2012

SENATE
2nd Reading Unam ended
April 9, 2012

HOUSE
3rd Reading Unam ended
February 29, 2012

HOUSE
Am ended 2nd Reading
February 28, 2012

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 42-3-241 as
3 follows:

4 **42-3-241. Special plates - fallen heroes.** (1) BEGINNING THE
5 EARLIER OF JANUARY 1, 2013, OR WHEN THE DEPARTMENT IS ABLE TO
6 ISSUE THE PLATES, THE DEPARTMENT SHALL ISSUE SPECIAL LICENSE
7 PLATES TO QUALIFIED APPLICANTS UNDER THIS SECTION FOR
8 MOTORCYCLES, PASSENGER CARS, TRUCKS, OR NONCOMMERCIAL OR
9 RECREATIONAL MOTOR VEHICLES THAT DO NOT EXCEED SIXTEEN
10 THOUSAND POUNDS EMPTY WEIGHT.

11 (2) (a) THERE IS HEREBY ESTABLISHED THE FALLEN HEROES
12 SPECIAL LICENSE PLATE. THE DEPARTMENT MAY STOP ISSUING THE FALLEN
13 HEROES SPECIAL LICENSE PLATE IF A TOTAL OF THREE THOUSAND LICENSE
14 PLATES ARE NOT ISSUED BY JULY 1, 2017. A PERSON WHO WAS ISSUED A
15 FALLEN HEROES SPECIAL LICENSE PLATE ON OR BEFORE JULY 1, 2017, MAY
16 CONTINUE TO USE THE FALLEN HEROES SPECIAL LICENSE PLATE AFTER
17 JULY 1, 2017, REGARDLESS OF WHETHER THE DEPARTMENT STOPS ISSUING
18 THE SPECIAL LICENSE PLATE.

19 (b) THE COLORADO CHAPTER OF THE CONCERNS OF POLICE
20 SURVIVORS, INC., MAY DESIGN THE SPECIAL LICENSE PLATE IF THE PLATE
21 CONFORMS WITH STANDARDS ESTABLISHED BY THE DEPARTMENT.

22 (3) (a) A PERSON MAY APPLY FOR A FALLEN HEROES LICENSE
23 PLATE IF THE PERSON PAYS THE TAXES AND FEES REQUIRED UNDER THIS
24 SECTION AND PROVIDES TO THE DEPARTMENT OR AN AUTHORIZED AGENT
25 A CERTIFICATE, ISSUED BY THE COLORADO CHAPTER OF THE CONCERNS OF
26 POLICE SURVIVORS, INC., OR ITS SUCCESSOR ORGANIZATION, CONFIRMING

1 THAT THE APPLICANT HAS DONATED FIFTY DOLLARS TO THE COLORADO
2 CHAPTER OF THE CONCERNS OF POLICE SURVIVORS, INC.

3 (b) THE COLORADO CHAPTER OF THE CONCERNS OF POLICE
4 SURVIVORS, INC., OR ITS SUCCESSOR ORGANIZATION, SHALL FILE WITH THE
5 DEPARTMENT AN ANNUAL STATEMENT VERIFYING THAT IT IS A NONPROFIT
6 ORGANIZATION.

7 (4) THE AMOUNT OF THE TAXES AND FEES FOR SPECIAL LICENSE
8 PLATES UNDER THIS SECTION ARE THE SAME AS THE AMOUNT OF THE
9 TAXES AND FEES FOR REGULAR MOTOR VEHICLE LICENSE PLATES; EXCEPT
10 THAT THE DEPARTMENT SHALL COLLECT A ONE-TIME FEE OF TWENTY-FIVE
11 DOLLARS FOR ISSUANCE OR REPLACEMENT OF THE LICENSE PLATE. THE
12 DEPARTMENT SHALL TRANSMIT THE ADDITIONAL ONE-TIME FEE TO THE
13 STATE TREASURER, WHO SHALL CREDIT THE FEE TO THE HIGHWAY USERS
14 TAX FUND CREATED IN SECTION 43-4-201, C.R.S.

15 (5) AN APPLICANT MAY APPLY FOR PERSONALIZED FALLEN HEROES
16 SPECIAL LICENSE PLATES. UPON PAYMENT OF THE ADDITIONAL FEE
17 REQUIRED BY SECTION 42-3-211 (6) (a) FOR PERSONALIZED LICENSE
18 PLATES, THE DEPARTMENT MAY ISSUE THE PLATES IF THE APPLICANT
19 COMPLIES WITH SECTION 42-3-211. IF AN APPLICANT HAS EXISTING
20 PERSONALIZED LICENSE PLATES FOR A MOTOR VEHICLE, THE APPLICANT
21 MAY TRANSFER THE COMBINATION OF LETTERS OR NUMBERS TO A NEW SET
22 OF FALLEN HEROES SPECIAL LICENSE PLATES FOR THE VEHICLE UPON
23 PAYING THE FEE REQUIRED BY SECTION 42-3-211 (6) (a) AND UPON
24 TURNING IN THE EXISTING PLATES TO THE DEPARTMENT. A PERSON WHO
25 HAS OBTAINED PERSONALIZED FALLEN HEROES SPECIAL LICENSE PLATES
26 UNDER THIS SUBSECTION (5) SHALL PAY THE ANNUAL FEE IMPOSED BY
27 SECTION 42-3-211 (6) (b) FOR RENEWAL OF THE PERSONALIZED PLATES.

1 THE FEES UNDER THIS SUBSECTION (5) ARE IN ADDITION TO ALL OTHER
2 APPLICABLE TAXES AND FEES.

3 **SECTION 2.** In Colorado Revised Statutes, **amend** 42-3-312 as
4 follows:

5 **42-3-312. Special license plate surcharge.** In addition to any
6 other fee imposed by this article, an applicant for a special license plate
7 created by rule in accordance with section 42-3-207, as such section
8 existed when the plate was created, or license plates issued pursuant to
9 sections 42-3-211 to 42-3-218, sections 42-3-221 to 42-3-234, and
10 sections 42-3-237 to ~~42-3-240~~ 42-3-241 shall pay an issuance fee of
11 twenty-five dollars; except that the fee is not imposed on special license
12 plates exempted from additional fees for the issuance of a military special
13 license plate by section 42-3-213 (1) (b) (II). The department shall
14 transfer the fee to the state treasurer, who shall credit it to the licensing
15 services cash fund created in section 42-2-114.5.

16 **SECTION 3. Appropriation.** (1) In addition to any other
17 appropriation, there is hereby appropriated, out of any moneys in the
18 Colorado state titling and registration account of the highway users tax
19 fund created in section 42-1-211 (2), Colorado Revised Statutes, not
20 otherwise appropriated, to the department of revenue, information
21 technology division, for the fiscal year beginning July 1, 2012, the sum
22 of \$2,960, or so much thereof as may be necessary, for the
23 implementation of this act.

24 (2) In addition to any other appropriation, there is hereby
25 appropriated to the governor - lieutenant governor - state planning and
26 budgeting, for the fiscal year beginning July 1, 2012, the sum of \$2,960,
27 or so much thereof as may be necessary, for allocation to the office of

1 information technology for the provision of programming services to the
2 department of revenue related to the implementation of this act. Said sum
3 is from reappropriated funds received from the department of revenue out
4 of the appropriation made in subsection (1) of this section.

5 (3) In addition to any other appropriation, there is hereby
6 appropriated, out of any moneys in the license plate cash fund created in
7 section 42-3-301 (1) (b), Colorado Revised Statutes, not otherwise
8 appropriated, to the department of revenue, for the fiscal year beginning
9 July 1, 2012, the sum of \$17,760, or so much thereof as may be necessary,
10 for allocation to the division of motor vehicles, for the purchase of license
11 plates related to the implementation of this act.

12 **SECTION 4. Act subject to petition - effective date.** This act
13 takes effect at 12:01 a.m. on the day following the expiration of the
14 ninety-day period after final adjournment of the general assembly (August
15 7, 2012, if adjournment sine die is on May 9, 2012); except that, if a
16 referendum petition is filed pursuant to section 1 (3) of article V of the
17 state constitution against this act or an item, section, or part of this act
18 within such period, then the act, item, section, or part will not take effect
19 unless approved by the people at the general election to be held in
20 November 2012 and, in such case, will take effect on the date of the
21 official declaration of the vote thereon by the governor.