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HOUSE BILL 12-1023

BY REPRESENTATIVE(S) Nikkel, Casso, Coram, Duran, Hamner, Kerr A., Massey, Pace, Ramirez, Schafer S., Stephens, Todd, Young; also SENATOR(S) King S., Aguilar, Cadman, Giron, Harvey, Heath, Johnston, King K., Lambert, Lundberg, Morse, Neville, Newell, Nicholson, Roberts, Scheffel, Schwartz, Spence, White, Williams S., Shaffer B.

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

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

SECTION 1. In Colorado Revised Statutes, **add** 42-3-242 as follows:

42-3-242. Special plates - fallen heroes. (1) BEGINNING THE EARLIER OF JANUARY 1, 2013, OR WHEN THE DEPARTMENT IS ABLE TO ISSUE THE PLATES, THE DEPARTMENT SHALL ISSUE SPECIAL LICENSE PLATES TO QUALIFIED APPLICANTS UNDER THIS SECTION FOR MOTORCYCLES, PASSENGER CARS, TRUCKS, OR NONCOMMERCIAL OR RECREATIONAL MOTOR VEHICLES THAT DO NOT EXCEED SIXTEEN THOUSAND POUNDS EMPTY WEIGHT.

(2) (a) THERE IS HEREBY ESTABLISHED THE FALLEN HEROES SPECIAL LICENSE PLATE. THE DEPARTMENT MAY STOP ISSUING THE FALLEN HEROES

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

SPECIAL LICENSE PLATE IF A TOTAL OF THREE THOUSAND LICENSE PLATES ARE NOT ISSUED BY JULY 1, 2017. A PERSON WHO WAS ISSUED A FALLEN HEROES SPECIAL LICENSE PLATE ON OR BEFORE JULY 1, 2017, MAY CONTINUE TO USE THE FALLEN HEROES SPECIAL LICENSE PLATE AFTER JULY 1, 2017, REGARDLESS OF WHETHER THE DEPARTMENT STOPS ISSUING THE SPECIAL LICENSE PLATE.

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

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

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

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

(5) AN APPLICANT MAY APPLY FOR PERSONALIZED FALLEN HEROES SPECIAL LICENSE PLATES. UPON PAYMENT OF THE ADDITIONAL FEE REQUIRED BY SECTION 42-3-211 (6) (a) FOR PERSONALIZED LICENSE PLATES, THE DEPARTMENT MAY ISSUE THE PLATES IF THE APPLICANT COMPLIES WITH SECTION 42-3-211. IF AN APPLICANT HAS EXISTING PERSONALIZED LICENSE PLATES FOR A MOTOR VEHICLE, THE APPLICANT MAY TRANSFER THE COMBINATION OF LETTERS OR NUMBERS TO A NEW SET OF FALLEN HEROES

SPECIAL LICENSE PLATES FOR THE VEHICLE UPON PAYING THE FEE REQUIRED BY SECTION 42-3-211 (6) (a) AND UPON TURNING IN THE EXISTING PLATES TO THE DEPARTMENT. A PERSON WHO HAS OBTAINED PERSONALIZED FALLEN HEROES SPECIAL LICENSE PLATES UNDER THIS SUBSECTION (5) SHALL PAY THE ANNUAL FEE IMPOSED BY SECTION 42-3-211 (6) (b) FOR RENEWAL OF THE PERSONALIZED PLATES. THE FEES UNDER THIS SUBSECTION (5) ARE IN ADDITION TO ALL OTHER APPLICABLE TAXES AND FEES.

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

42-3-312. Special license plate surcharge. In addition to any other fee imposed by this article, an applicant for a special license plate created by rule in accordance with section 42-3-207, as such section existed when the plate was created, or license plates issued pursuant to sections 42-3-211 to 42-3-218, sections 42-3-221 to 42-3-234, and sections 42-3-237 to ~~42-3-240~~ 42-3-242 shall pay an issuance fee of twenty-five dollars; except that the fee is not imposed on special license plates exempted from additional fees for the issuance of a military special license plate by section 42-3-213 (1) (b) (II). The department shall transfer the fee to the state treasurer, who shall credit it to the licensing services cash fund created in section 42-2-114.5.

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

(2) In addition to any other appropriation, there is hereby appropriated to the governor - lieutenant governor - state planning and budgeting, for the fiscal year beginning July 1, 2012, the sum of \$2,960, or so much thereof as may be necessary, for allocation to the office of information technology for the provision of programming services to the department of revenue related to the implementation of this act. Said sum is from reappropriated funds received from the department of revenue out of the appropriation made in subsection (1) of this section.

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

SECTION 4. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 8, 2012, if adjournment sine die is on May 9, 2012); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2012

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

Frank McNulty
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Brandon C. Shaffer
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO