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HOUSE BILL 18-1139

BY REPRESENTATIVE(S) Hooton, Arndt, McKean, Thurlow, Ginal, Rosenthal;
also SENATOR(S) Zenzinger, Martinez Humenik, Moreno, Tate, Donovan, Guzman, Jones, Kerr, Merrifield, Priola, Todd.

CONCERNING THE REMOVAL OF OUTDATED STATUTORY REFERENCES TO REPEALED REPORTING REQUIREMENTS THAT WERE PREVIOUSLY IMPOSED ON THE PARKS AND WILDLIFE COMMISSION WITH REGARD TO ITS RULE-MAKING AUTHORITY TO SET FEES.

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

SECTION 1. Legislative declaration. (1) The general assembly hereby finds that:

(a) A provision of law that imposed reporting requirements on the parks and wildlife commission when setting fees by rule was repealed on September 1, 2017; and

(b) Twelve statutory provisions still reference the repealed provision.

(2) Now, therefore, the general assembly clarifies that the obsolete

references to the repealed statute should be removed and replaced with references to the commission's rules.

SECTION 2. In Colorado Revised Statutes, 33-10-107, **amend** (1)(h) as follows:

33-10-107. Powers of commission - rules - definitions. (1) The commission has power to:

(h) Establish by ~~rules pursuant to section 33-10-111 (5)~~ RULE the amounts of fees for certificates, permits, licenses, and passes and any other special charges in order to provide for cash revenues necessary for the continuous operation of the state park and recreation system, subject to section 33-10-115; except that ~~no~~ such fees shall NOT be used for capital construction other than controlled maintenance activities. Except as provided in section 33-10-111 (1), fees and charges collected pursuant to this ~~paragraph (h)~~ SUBSECTION (1)(h) shall be credited to the ~~division of~~ parks and outdoor recreation cash fund CREATED IN SECTION 33-10-111 (1).

SECTION 3. In Colorado Revised Statutes, 33-13-103, **amend** (1) introductory portion as follows:

33-13-103. Numbering of vessels required - rules. (1) It is unlawful for any person to operate or use a vessel on the waters of this state or to possess a vessel at a vessel staging area unless the vessel has been numbered and THE DIVISION HAS ISSUED a certificate of the number, referred to in this ~~article~~ ARTICLE 13 as a "registration", ~~has been issued~~ to the vessel. ~~by the division.~~ The operator of the vessel shall produce the registration for inspection upon demand of any officer authorized to enforce articles 10 to 15 and 32 of this ~~title~~ TITLE 33. The following are exempt from the requirements of this subsection (1) and from the vessel registration fee as specified ~~pursuant to section 33-10-111 (5)~~ BY THE COMMISSION BY RULE:

SECTION 4. In Colorado Revised Statutes, 33-13-104, **amend** (1) as follows:

33-13-104. Application for vessel number. (1) The owner of each vessel requiring numbering by this state shall file an application for a number with the division or any representative approved by the division on

forms approved and furnished by the division. The OWNER OF THE VESSEL MUST SIGN THE application ~~shall be signed by the owner of the vessel and shall be accompanied by a~~ PAY AN APPLICATION fee as specified pursuant to ~~section 33-10-111 (5)~~ BY THE COMMISSION BY RULE; except that those vessels owned and operated by the state or any political subdivision ~~thereof shall~~ OF THE STATE MUST be registered without payment of a registration fee. Upon receipt of the application in approved form, the division or its representative shall issue to the applicant a registration stating the number issued to the vessel. The number issued shall be painted on or attached to each side of the bow on the forward half of the vessel or, if there are no such sides, at a corresponding location on both sides of the foredeck of the vessel for which it is issued. The number issued ~~shall~~ MUST read from left to right in block characters of good proportion having a minimum of three inches in height, excluding border or trim, and of a color that contrasts with the color of the background, and ~~so maintained as to be~~ MUST REMAIN clearly visible and legible. ~~No Other number shall~~ NUMBERS MUST NOT be carried on the bow of the vessel. Any person who fails to display a vessel number as required in this subsection (1) is guilty of a class 2 petty offense and, upon conviction, shall be punished by a fine of twenty-five dollars.

SECTION 5. In Colorado Revised Statutes, 33-14-102, **amend** (3)(a) and (4)(a) as follows:

33-14-102. Snowmobile registration - fees - applications - requirements - penalties - exemptions. (3) (a) For all or any part of a year beginning October 1 and ending September 30, the original and each renewal registration fee TO BE PAID by an owner ~~shall~~ MUST be ~~as~~ IN THE AMOUNT specified pursuant to ~~section 33-10-111 (5)~~ BY THE COMMISSION BY RULE.

(4) (a) For each year beginning October 1 and ending September 30 or portion ~~thereof~~ OF THE YEAR for which ~~such~~ THE registration is made, the AMOUNT OF THE registration fee for all snowmobiles owned by a dealer or manufacturer ~~which~~ THAT are operated for demonstration or testing purposes only ~~shall~~ MUST be ~~as~~ IN THE AMOUNT specified pursuant to ~~section 33-10-111 (5)~~ BY THE COMMISSION BY RULE.

SECTION 6. In Colorado Revised Statutes, 33-14-105, **amend** (2)(a) as follows:

33-14-105. Transfer or other termination of ownership. (2) (a) If there is a change of ownership of a snowmobile for which a registration has been issued, the new owner shall apply for a new registration from a dealer employed as a licensing agent or from the division. ~~Such~~ THE application ~~shall~~ MUST set forth the original number issued and ~~shall~~ MUST be accompanied by the old registration properly signed by the previous owner and by the required fee for registration ~~as~~ IN THE AMOUNT specified ~~pursuant to section 33-10-111(5)~~ BY THE COMMISSION BY RULE.

SECTION 7. In Colorado Revised Statutes, 33-14.5-102, **amend** (1)(b), (3)(a), (4)(a), and (9)(c)(I) as follows:

33-14.5-102. Off-highway vehicle registration - nonresident-owned or -operated off-highway vehicle permits - fees - applications - requirements - exemptions. (1) (b) The division shall employ off-highway vehicle agents, including dealers and licensing agents serving as such for the division, for off-highway vehicle registration pursuant to section 33-12-104. Upon receiving a registration application, an agent shall collect the fee specified ~~pursuant to section 33-10-111(5)~~ BY THE COMMISSION BY RULE and issue a temporary registration and shall forward the application to the division, which shall issue the registration. An agent may retain a commission ~~of~~ not in excess of one dollar, as authorized by the division, for each registration issued. Any dealer is authorized to issue a temporary registration when a person purchases an off-highway vehicle from ~~such~~ THE dealer.

(3) (a) For each year, or portion ~~thereof~~ OF THE YEAR, beginning April 1 and ending the following March 31, the original and each renewal registration fee TO BE PAID by an owner ~~shall~~ MUST be IN the ~~fee~~ AMOUNT specified ~~pursuant to section 33-10-111(5)~~ BY THE COMMISSION BY RULE.

(4) (a) For each year, or portion ~~thereof~~ OF THE YEAR, beginning April 1 and ending the following March 31, for which ~~such~~ THE registration is made, the registration fee for all off-highway vehicles owned by a dealer or manufacturer and operated solely for demonstration or testing purposes ~~shall~~ MUST be a fee IN AN AMOUNT specified ~~pursuant to section 33-10-111(5)~~ BY THE COMMISSION BY RULE.

(9) (c) (I) Nonresident off-highway vehicle permits shall be sold by the agents designated pursuant to section 33-12-104, and the fee TO BE PAID

for ~~said~~ THE permits ~~shall~~ MUST be IN the ~~fee~~ AMOUNT provided pursuant to ~~section 33-10-111 (5)~~ BY THE COMMISSION BY RULE.

SECTION 8. In Colorado Revised Statutes, 33-14.5-105, **amend** (1) as follows:

33-14.5-105. Transfer or other termination of ownership. (1) If there is a change of ownership of an off-highway vehicle for which a registration has been issued, the new owner shall apply for a new registration from a dealer employed as a licensing agent or from the division. ~~Such~~ THE application shall set forth the original number issued and shall be accompanied by the old registration properly signed by the previous owner and by the ~~required~~ fee for registration pursuant to ~~section 33-10-111 (5)~~ IN AN AMOUNT SPECIFIED BY THE COMMISSION BY RULE.

SECTION 9. In Colorado Revised Statutes, 33-14.5-112, **amend** (2) as follows:

33-14.5-112. Off-highway use permit - fees - applications - requirements - exemptions. (2) Off-highway use permits shall be sold by the agents referred to in section 33-12-104, and the fee TO BE PAID for ~~said~~ THE permits ~~shall~~ MUST be IN the ~~fee~~ AMOUNT provided pursuant to ~~section 33-10-111 (5)~~ BY THE COMMISSION BY RULE.

SECTION 10. 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, 2018, if adjournment sine die is on May 9, 2018); 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 2018

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

Crisanta Duran
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Kevin J. Grantham
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Effie Ameen
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO