

**NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.**



HOUSE BILL 10-1214

BY REPRESENTATIVE(S) McCann, Apuan, Fischer, Frangas, Primavera, Todd, Court, Looper, Middleton, Peniston, Priola;  
also SENATOR(S) Schwartz.

CONCERNING FINANCIAL SUPPORT FOR EFFORTS TO REDUCE THE OVERPOPULATION OF PETS, AND, IN CONNECTION THEREWITH, AUTHORIZING THE ISSUANCE OF AN ADOPT A SHELTER PET LICENSE PLATE, AND MAKING AN APPROPRIATION THEREFOR.

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

**SECTION 1.** 35-80-116.5 (2) (a) and (6), Colorado Revised Statutes, are amended to read:

**35-80-116.5. Pet overpopulation authority - creation - duties and powers - pet overpopulation fund.** (2) (a) The powers of the Colorado pet overpopulation authority shall be vested in a board of directors consisting of the following:

(I) One representative of the animal assistance foundation or its successor organization;

(II) One representative of the Colorado federation of animal welfare

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

agencies or its successor organization;

(III) One representative of a state veterinary medical association;

(IV) One representative of an association organized for Colorado animal control officers;

(V) One representative from the department of agriculture;

(VI) One member from an animal rescue organization; and

(VII) One member of the general public with an interest in animal welfare; AND

(VIII) ONE REPRESENTATIVE OF WESTERN COLORADO.

(6) EXCEPT AS PROVIDED IN SECTION 42-3-234, C.R.S., the Colorado pet overpopulation authority, created pursuant to this section, shall not be funded by or through any state agency.

**SECTION 2.** 35-80-116.5 (5), Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS to read:

**35-80-116.5. Pet overpopulation authority - creation - duties and powers - pet overpopulation fund.** (5) (d) THERE IS HEREBY CREATED IN THE PET OVERPOPULATION FUND THE ADOPT A SHELTER PET ACCOUNT, WHICH CONSISTS OF MONEYS DONATED TO QUALIFY FOR THE ADOPT A SHELTER PET SPECIAL LICENSE PLATE PURSUANT TO SECTION 42-3-234, C.R.S.

(e) THE AUTHORITY SHALL USE THE MONEYS IN THE ADOPT A SHELTER PET ACCOUNT TO SUPPORT THE SPAY AND NEUTERING AND OTHER MEDICAL COSTS OF ANIMALS IN ANIMAL SHELTERS AND RESCUES OR TO SUPPORT OVERPOPULATION EDUCATION PROGRAMS; EXCEPT THAT UP TO TEN PERCENT OF THE MONEYS IN THE ADOPT A SHELTER PET ACCOUNT MAY BE USED FOR THE ADMINISTRATION OF THE ACCOUNT.

**SECTION 3.** Part 2 of article 3 of title 42, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**42-3-234. Special plates - adopt a shelter pet - repeal.**

(1) BEGINNING THE EARLIER OF JANUARY 1, 2011, OR WHEN THE DEPARTMENT IS ABLE TO ISSUE THE PLATES CREATED BY THIS SECTION, THE DEPARTMENT SHALL ISSUE SPECIAL LICENSE PLATES TO QUALIFIED APPLICANTS IN ACCORDANCE WITH THIS SECTION FOR MOTORCYCLES, PASSENGER CARS, TRUCKS, AND NONCOMMERCIAL OR RECREATIONAL MOTOR VEHICLES THAT DO NOT EXCEED SIXTEEN THOUSAND POUNDS EMPTY WEIGHT.

(2) (a) THERE IS HEREBY ESTABLISHED THE ADOPT A SHELTER PET SPECIAL LICENSE PLATE.

(b) THE DESIGN FOR THE SPECIAL LICENSE PLATE SHALL CONFORM WITH STANDARDS ESTABLISHED BY THE DEPARTMENT AND SHALL BE SUBJECT TO THE DEPARTMENT'S APPROVAL.

(3) A PERSON MAY APPLY FOR AN ADOPT A SHELTER PET SPECIAL LICENSE PLATE IF THE PERSON PAYS THE TAXES AND FEES REQUIRED UNDER THIS SECTION.

(4) THE AMOUNT OF THE TAXES AND FEES FOR SPECIAL LICENSE PLATES UNDER THIS SECTION IS THE SAME AS THE AMOUNT OF THE TAXES AND FEES SPECIFIED FOR REGULAR MOTOR VEHICLE LICENSE PLATES; EXCEPT THAT THE DEPARTMENT SHALL COLLECT THE FOLLOWING FEES AND DONATIONS:

(a) A ONE-TIME, TWENTY-FIVE-DOLLAR FEE FOR ISSUANCE OR REPLACEMENT OF THE LICENSE PLATE, WHICH FEE SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE HIGHWAY USERS TAX FUND CREATED IN SECTION 43-4-201, C.R.S.;

(b) A ONE-TIME, THIRTY-DOLLAR DONATION FOR ISSUANCE OR REPLACEMENT OF THE LICENSE PLATE, WHICH DONATION SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE ADOPT A SHELTER PET ACCOUNT IN THE PET OVERPOPULATION FUND CREATED IN SECTION 35-80-116.5, C.R.S.; AND

(c) AN ANNUAL TWENTY-FIVE-DOLLAR LICENSE PLATE RENEWAL DONATION, WHICH DONATION SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE ADOPT A SHELTER PET

ACCOUNT IN THE PET OVERPOPULATION FUND CREATED IN SECTION 35-80-116.5, C.R.S.; EXCEPT THAT THE DEPARTMENT AND ITS AUTHORIZED AGENTS MAY RETAIN THE PORTION OF THE DONATION NECESSARY TO OFFSET IMPLEMENTING THIS PARAGRAPH (c), UP TO A MAXIMUM OF TWO DOLLARS.

(5) AN APPLICANT MAY APPLY FOR PERSONALIZED ADOPT A SHELTER PET 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 SUCH 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 ADOPT A SHELTER PET SPECIAL LICENSE PLATES FOR THE VEHICLE UPON PAYMENT OF THE FEE IMPOSED BY SECTION 42-3-211 (6) AND UPON TURNING IN SUCH EXISTING PLATES TO THE DEPARTMENT. A PERSON WHO HAS OBTAINED PERSONALIZED ADOPT A SHELTER PET SPECIAL LICENSE PLATES UNDER THIS SUBSECTION (5) SHALL PAY THE ANNUAL FEE IMPOSED BY SECTION 42-3-211 (6) (b) FOR RENEWAL OF SUCH PERSONALIZED PLATES. THE FEES UNDER THIS SUBSECTION (5) ARE IN ADDITION TO ALL OTHER TAXES AND FEES IMPOSED FOR PERSONALIZED ADOPT A SHELTER PET SPECIAL LICENSE PLATES.

(6) (a) THE ADOPT A SHELTER PET LICENSE PLATE SHALL BE RETIRED IF THREE THOUSAND PLATES ARE NOT ISSUED BY JULY 1, 2014.

(b) EFFECTIVE JULY 1, 2014, THIS SECTION IS REPEALED IF THE DEPARTMENT NOTIFIES THE REVISOR OF STATUTES IN WRITING THAT THREE THOUSAND PLATES WERE NOT ISSUED BY JULY 1, 2014.

**SECTION 4.** 42-3-312, Colorado Revised Statutes, is amended to read:

**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 and sections 42-3-221 to ~~42-3-232~~ 42-3-234 shall pay an issuance fee of twenty-five dollars; except that the fee shall not be 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 fee shall be transferred to the state treasurer and credited to the licensing

services cash fund created in section 42-2-114.5.

**SECTION 5. Appropriation.** 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 allocation to the division of motor vehicles, driver and vehicle services, for the fiscal year beginning July 1, 2010, the sum of seventeen thousand seven hundred sixty dollars (\$17,760) cash funds, or so much thereof as may be necessary, for the implementation of this act.

**SECTION 6. Act subject to petition - effective date.** This act shall take 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 11, 2010, if adjournment sine die is on May 12, 2010); 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 shall not take effect unless

approved by the people at the general election to be held in November 2010 and shall take effect on the date of the official declaration of the vote thereon by the governor.

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Terrance D. Carroll  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Brandon C. Shaffer  
PRESIDENT OF  
THE SENATE

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Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

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Karen Goldman  
SECRETARY OF  
THE SENATE

APPROVED \_\_\_\_\_

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Bill Ritter, Jr.  
GOVERNOR OF THE STATE OF COLORADO