

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

REVISED

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

LLS NO. 10-0984.01 Jery Payne

HOUSE BILL 10-1387

HOUSE SPONSORSHIP

Pommer, Ferrandino, Lambert

SENATE SPONSORSHIP

White, Keller, Tapia

House Committees
Appropriations

Senate Committees
Appropriations

A BILL FOR AN ACT

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

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>.)

Budget Package Bill. Sections 1 to 5 of the bill permanently divert from the highway users tax fund (HUTF) to the licensing services cash fund the revenue from the fees for driver's license examinations and issuance or renewal of instruction permits, driver's licenses, and

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
Am ended 2nd Reading
April 12, 2010

HOUSE
3rd Reading Unam ended
April 1, 2010

HOUSE
Am ended 2nd Reading
March 31, 2010

identification cards. **Section 6** permits the use of funds in the motorist insurance identification subaccount of the HUTF to be used for expenses incurred by the department of revenue in licensing drivers and issuing identification cards. **Section 7** permits the use of funds in fiscal year 2010-11 in the HUTF "off-the-top" appropriation to be used for the expenses incurred by the department of revenue in licensing drivers and issuing identification cards. **Section 8** makes corresponding adjustments to the 2010-11 long bill.

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

2 **SECTION 1.** 42-2-107 (1) (a) (I), Colorado Revised Statutes, is
3 amended to read:

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) Every application for an instruction permit or for a driver's or
8 minor driver's license shall be made upon forms furnished by the
9 department. Every application shall be accompanied by the required fee.
10 The fee for an application for any instruction permit ~~shall be~~ IS thirteen
11 dollars and forty cents, which shall be transferred to the state treasurer,
12 who shall credit ten dollars to the highway users tax fund and three
13 dollars and forty cents to the licensing services cash fund created in
14 section 42-2-114.5; except that, for the fiscal year ~~2009-10~~ YEARS
15 2010-11 AND 2011-12, the state treasurer shall credit ~~all of such~~ THE fees
16 to the licensing services cash fund CREATED IN SECTION 42-2-114.5.
17 Every applicant shall submit, with the application, proof of age or proof
18 of identity, or both, as the department may require.

19 **SECTION 2.** 42-2-113, Colorado Revised Statutes, is amended
20 to read:

21 **42-2-113. License examiners appointed.** The department may

1 appoint license examiners for any county in this state to conduct local
2 examinations for all types of drivers' licenses. ~~Such~~ THE officers of the
3 department shall conduct the examination as prescribed by law for all
4 drivers in ~~said~~ THE county and collect the fees as provided in section
5 42-2-114 and remit the same to the department, which shall deposit the
6 same in the state treasury to the credit of the highway users tax fund;
7 except that, for the fiscal year 2009-10 YEARS 2010-11 AND 2011-12, the
8 state treasurer shall credit all of such THE fees to the licensing services
9 cash fund CREATED IN SECTION 42-2-114.5.

10 **SECTION 3.** 42-2-114 (2) (a) (I) (A), (2) (a) (I) (D), and (4) (a),
11 Colorado Revised Statutes, are amended to read:

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

14 (A) The fee for the issuance of a driver's license to a person
15 twenty-one years of age or older and sixty years of age or younger ~~shall~~
16 ~~be~~ IS twenty dollars and forty cents, which license shall expire on the
17 birthday of the applicant in the fifth year after the issuance thereof. The
18 fee shall be transferred to the state treasurer, who shall credit fifteen
19 dollars to the highway users tax fund and five dollars and forty cents to
20 the licensing services cash fund created in section 42-2-114.5; except
21 that, for the fiscal year 2009-10 YEARS 2010-11 AND 2011-12, the state
22 treasurer shall credit all of such THE fees to the licensing services cash
23 fund CREATED IN SECTION 42-2-114.5. In the case of such a driver's
24 license issued by the office of the county clerk and recorder in each
25 county, the office of the county clerk and recorder shall retain the sum of
26 eight dollars, and twelve dollars and forty cents shall be forwarded to the
27 department for transmission to the state treasurer, who shall credit three

1 dollars and forty cents to the licensing services cash fund and nine dollars
2 to the highway users tax fund; except that, for the fiscal year 2009-10
3 YEARS 2010-11 AND 2011-12, the state treasurer shall credit all of such
4 fees SUCH AMOUNT to the licensing services cash fund. The general
5 assembly shall make appropriations therefrom for the expenses of the
6 administration of this part 1 and part 2 of this article; except that eight
7 dollars and fifty cents of each fee shall be allocated pursuant to section
8 43-4-205 (6) (b), C.R.S., other than during fiscal year 2009-10 YEARS
9 2010-11 AND 2011-12.

10 (D) The fee for the issuance of a driver's license to a person
11 sixty-one years of age or older ~~shall be~~ IS twenty dollars and forty cents,
12 which license shall expire on the birthday of the applicant in the fifth year
13 after the issuance thereof. The fee shall be transferred to the state
14 treasurer, who shall credit fifteen dollars to the highway users tax fund
15 and five dollars and forty cents to the licensing services cash fund created
16 in section 42-2-114.5; except that, for the fiscal year 2009-10 YEARS
17 2010-11 AND 2011-12, the state treasurer shall credit all of such THE fees
18 to the licensing services cash fund CREATED IN SECTION 42-2-114.5. In
19 the case of such a driver's license issued by the office of the county clerk
20 and recorder in each county, the office of the county clerk and recorder
21 shall retain the sum of eight dollars, and twelve dollars and forty cents
22 shall be forwarded to the department for transmission to the state
23 treasurer, who shall credit three dollars and forty cents to the licensing
24 services cash fund and nine dollars to the highway users tax fund; except
25 that, for the fiscal year 2009-10 YEARS 2010-11 AND 2011-12, the state
26 treasurer shall credit all of such fees SUCH AMOUNT to the licensing
27 services cash fund. The general assembly shall make appropriations

1 therefrom for the expenses of the administration of this part 1 and part 2
2 of this article; except that eight dollars and fifty cents of each fee shall be
3 allocated pursuant to section 43-4-205 (6) (b), C.R.S., other than during
4 fiscal year 2009-10 YEARS 2010-11 AND 2011-12.

5 (4) (a) The fee for the issuance of a minor driver's license shall be
6 IS twenty dollars and forty cents, which license shall expire twenty days
7 after the twenty-first birthday of the licensee. The fee shall be transferred
8 to the state treasurer, who shall credit fifteen dollars to the highway users
9 tax fund and five dollars and forty cents to the licensing services cash
10 fund created in section 42-2-114.5; except that, for the fiscal year
11 2009-10 YEARS 2010-11 AND 2011-12, the state treasurer shall credit all
12 of such THE fees to the licensing services cash fund CREATED IN SECTION
13 42-2-114.5. In the case of the issuance of any minor driver's license by
14 the office of the county clerk and recorder, the fee therefor shall be
15 apportioned in the same manner as for the issuance of a driver's license
16 pursuant to paragraph (a) of subsection (2) of this section.

17 **SECTION 4.** 42-2-114.5 (1), Colorado Revised Statutes, is
18 amended to read:

19 **42-2-114.5. Licensing services cash fund.** (1) The licensing
20 services cash fund is hereby created in the state treasury. Moneys in the
21 fund shall be appropriated by the general assembly to the department for
22 the cost of personal services and operating expenses incurred in the
23 operation of driver's license offices. ~~Moneys in the fund at the end of~~
24 ~~each fiscal year, as well as interest earned on the investment of moneys~~
25 ~~in the fund, shall be retained in the fund and shall not revert to the general~~
26 ~~fund or any other fund.~~ AT THE END OF EACH FISCAL YEAR, THE STATE
27 TREASURER SHALL CREDIT THE MONEY IN THE FUND, LESS SIXTEEN AND

1 ONE HALF PERCENT OF THE AMOUNT APPROPRIATED FROM THE FUND FOR
2 SUCH OPERATION IN THE FISCAL YEAR, TO THE HIGHWAY USERS TAX FUND.

3 **SECTION 5.** 42-2-117 (1), Colorado Revised Statutes, is
4 amended to read:

5 **42-2-117. Duplicate permits and minor licenses - replacement**
6 **licenses.** (1) If an instruction permit or a minor driver's license issued
7 under this article is lost, stolen, or destroyed, the person to whom the
8 same was issued, upon request and the payment of a fee of six dollars and
9 ninety cents for the first duplicate and thirteen dollars and forty cents for
10 any subsequent duplicate to the department, may obtain a duplicate or
11 substitute therefor upon furnishing satisfactory proof to the department
12 that ~~such~~ THE permit or minor license had been lost, stolen, or destroyed
13 and that the applicant is qualified to have ~~such~~ a permit or license. The
14 fee for the first duplicate license shall be transferred to the state treasurer,
15 who shall credit five dollars to the highway users tax fund and one dollar
16 and ninety cents to the licensing services cash fund created in section
17 42-2-114.5; except that, for the fiscal year 2009-10 YEARS 2010-11 AND
18 2011-12, the state treasurer shall credit all of such THE fees to the
19 licensing services cash fund CREATED IN SECTION 42-2-114.5. The fee for
20 a subsequent duplicate license shall be transferred to the state treasurer,
21 who shall credit ten dollars to the highway users tax fund and three
22 dollars and forty cents to the licensing services cash fund; except that, for
23 the fiscal year 2009-10 YEARS 2010-11 AND 2011-12, the state treasurer
24 shall credit all of such THE fees to the licensing services cash fund.

25 **SECTION 6.** 42-2-406 (1), (2), (3) (d), and (6), Colorado Revised
26 Statutes, are amended to read:

27 **42-2-406. Fees.** (1) The fee for the issuance of a commercial

1 driver's license ~~shall be~~ IS thirty-four dollars and forty cents, which shall
2 be transferred to the state treasurer, who shall credit twenty-five dollars
3 to the highway users tax fund and nine dollars and forty cents to the
4 licensing services cash fund created in section 42-2-114.5; except that, for
5 the fiscal year 2009-10 YEARS 2010-11 AND 2011-12, the state treasurer
6 shall credit all of such THE fees ___ to the licensing services cash fund
7 CREATED IN SECTION 42-2-114.5. Such license shall expire on the
8 birthday of the applicant in the fourth year after ~~the~~ ITS issuance. ~~thereof.~~
9 When issuing a commercial driver's license, the office of the county clerk
10 and recorder shall retain eight dollars, and twenty-six dollars and forty
11 cents shall be forwarded to the department for transmission to the state
12 treasurer, who shall credit nineteen dollars to the highway users tax fund
13 and seven dollars and forty cents to the licensing services cash fund;
14 except that, for the fiscal year 2009-10 YEARS 2010-11 AND 2011-12, the
15 state treasurer shall credit all of such THE fees to the licensing services
16 cash fund. The general assembly shall make annual appropriations
17 therefrom for the expenses of the administration of parts 1 and 2 of this
18 article and this part 4; except that eight dollars and fifty cents of each
19 commercial driver's license fee shall be allocated pursuant to section
20 43-4-205 (6) (b), C.R.S., other than during fiscal year 2009-10 YEARS
21 2010-11 AND 2011-12.

22 (2) Notwithstanding any other provision of law, the fee for a
23 person eighteen years of age or older for issuance of a minor driver's
24 license that authorizes operation of a commercial motor vehicle upon the
25 highways of this state ~~shall be~~ IS thirty-four dollars and forty cents, which
26 shall be transferred to the state treasurer, who shall credit twenty-five
27 dollars to the highway users tax fund and nine dollars and forty cents to

1 the licensing services cash fund created in section 42-2-114.5; except
2 that, for the fiscal year 2009-10 YEARS 2010-11 AND 2011-12, the state
3 treasurer shall credit all of such THE fees to the licensing services cash
4 fund CREATED IN SECTION 42-2-114.5. When issuing ~~such~~ a minor
5 driver's license, the office of the county clerk and recorder shall retain
6 eight dollars, and twenty-six dollars and forty cents shall be forwarded to
7 the department for transmission to the state treasurer, who shall credit
8 nineteen dollars to the highway users tax fund and seven dollars and forty
9 cents to the licensing services cash fund; except that, for the fiscal year
10 2009-10 YEARS 2010-11 AND 2011-12, the state treasurer shall credit all
11 of such fees SUCH AMOUNT to the licensing services cash fund CREATED
12 IN SECTION 42-2-114.5. The general assembly shall make annual
13 appropriations therefrom for the expenses of the administration of parts
14 1 and 2 of this article and this part 4; except that eight dollars and fifty
15 cents of each such minor driver's license fee shall be allocated pursuant
16 to section 43-4-205 (6) (b), C.R.S., other than during fiscal year 2009-10
17 YEARS 2010-11 AND 2011-12.

18 (3) (d) All fees collected by the department for the administration
19 of driving tests shall be forwarded to the state treasurer, who shall credit
20 the same to the licensing services cash fund. The general assembly shall
21 make annual appropriations therefrom for the expenses of the
22 administration of parts 1 and 2 of this article and this part 4, and any fees
23 credited to the fund pursuant to this subsection (3) in excess of the
24 amount of the appropriations shall be allocated and expended as specified
25 in section 43-4-205 (5.5) (f), C.R.S., other than during fiscal year 2009-10
26 YEARS 2010-11 AND 2011-12.

27 (6) All fees collected by the department for the issuance of testing

1 unit licenses and driving test licenses pursuant to ~~the provisions of~~
2 subsections (4) and (5) of this section shall be forwarded to the state
3 treasurer, who shall credit the same to the highway users tax fund; except
4 that, for the fiscal year 2009-10 YEARS 2010-11 AND 2011-12, the state
5 treasurer shall credit all of such THE fees to the licensing services cash
6 fund. The general assembly shall make annual appropriations therefrom
7 for the expenses of the administration of parts 1 and 2 of this article and
8 this part 4, and any fees credited to the fund pursuant to this subsection
9 (6) in excess of the amount of the appropriations shall be allocated and
10 expended as specified in section 43-4-205 (5.5) (f), C.R.S., other than
11 during fiscal year 2009-10 YEARS 2010-11 AND 2011-12.

12 **SECTION 7.** 42-3-304 (18) (d) (I), Colorado Revised Statutes,
13 as it will become effective July 1, 2010, is amended to read:

14 **42-3-304. Registration fees - passenger and passenger-mile**
15 **taxes - clean screen fund.** (18) (d) (I) In addition to any other fee
16 imposed by this section, the owner shall pay, at the time of registration of
17 a motor vehicle or low-power scooter, a motorist insurance identification
18 fee. The fee shall be adjusted annually by the department, based upon
19 moneys appropriated by the general assembly for the operation of the
20 motorist insurance identification database program. In no event shall the
21 fee exceed fifty cents. The fee shall be transmitted to the state treasurer,
22 who shall credit it to a special account within the highway users tax fund,
23 to be known as the motorist insurance identification account, which is
24 hereby created. Moneys in the motorist insurance identification account
25 shall be used, subject to appropriation by the general assembly, to cover
26 the costs of administration and enforcement of the motorist insurance
27 identification database program, created in section 42-7-604 and for state

1 fiscal year 2008-09 YEARS 2010-11 AND 2011-12, for expenses incurred
2 in connection with the administration of article 2 of this title by the
3 division of motor vehicles within the department; except that the state
4 treasurer shall transfer moneys in the account in excess of the amount of
5 moneys appropriated from the account to the highway users tax fund for
6 allocation and expenditure as specified in section 43-4-205 (5.5) (c),
7 C.R.S.

8 **SECTION 8.** 43-4-201 (3) (a) (III) (C), Colorado Revised
9 Statutes, is amended to read:

10 **43-4-201. Funds created.** (3) (a) (III) (C) The general assembly
11 shall not make any annual appropriation or statutory distribution from the
12 highway users tax fund for the fiscal year 1997-98 or for any succeeding
13 fiscal year authorized by subparagraph (II) of this paragraph (a),
14 excluding the annual appropriation or statutory distribution to the
15 Colorado state patrol and the ports of entry section and excluding any
16 appropriation to the department of revenue for the fiscal years 2008-09,
17 ~~and~~ 2009-10, AND 2010-11 for expenses incurred in connection with the
18 administration of article 2 of title 42, C.R.S., by the division of motor
19 vehicles within the department.

20 **SECTION 9. Appropriation - adjustments in 2010 long bill.**

21 (1) For the implementation of this act, appropriations made in the annual
22 general appropriation act to the department of revenue for the fiscal year
23 beginning July 1, 2010, shall be adjusted as follows:

24 (a) The general fund appropriation to the executive director's
25 office is decreased by six million seven hundred ninety-seven thousand
26 six hundred ninety-three dollars (\$6,797,693).

27 (b) The cash funds appropriation to the executive director's office

1 is increased by six million seven hundred ninety-seven thousand six
2 hundred ninety-three dollars (\$6,797,693). Of said sum, one million eight
3 hundred ninety-eight thousand dollars (\$1,898,000) shall be from the
4 highway users tax fund pursuant to section 43-4-201 (3) (a) (III) (C),
5 Colorado Revised Statutes, and four million eight hundred ninety-nine
6 thousand six hundred ninety-three dollars (\$4,899,693) shall be from the
7 licensing services cash fund created in section 42-2-114.5, Colorado
8 Revised Statutes.

9 (c) The general fund appropriation to central department
10 operations, for personal services, is decreased by two hundred forty-eight
11 thousand nine hundred six dollars (\$248,906).

12 (d) The cash funds appropriation to central department operations,
13 for personal services, is increased by two hundred forty-eight thousand
14 nine hundred six dollars (\$248,906). Said sum shall be from the highway
15 users tax fund pursuant to section 43-4-201 (3) (a) (III) (C), Colorado
16 Revised Statutes.

17 (e) The general fund appropriation to the division of motor
18 vehicles, administration, for personal services, is decreased by five
19 hundred twenty-two thousand two hundred ninety-two dollars (\$522,292).

20 (f) The cash funds appropriation to the division of motor vehicles,
21 administration, for personal services, is increased by five hundred
22 twenty-two thousand two hundred ninety-two dollars (\$522,292). Said
23 sum shall be from the highway users tax fund pursuant to section
24 43-4-201 (3) (a) (III) (C), Colorado Revised Statutes.

25 (g) The general fund appropriation to the division of motor
26 vehicles, administration, for operating expenses, is decreased by
27 thirty-three thousand four hundred four dollars (\$33,404).

1 (h) The cash funds appropriation to the division of motor vehicles,
2 administration, for operating expenses, is increased by thirty-three
3 thousand four hundred four dollars (\$33,404). Said sum shall be from the
4 highway users tax fund pursuant to section 43-4-201 (3) (a) (III) (C),
5 Colorado Revised Statutes.

6 (i) The general fund appropriation to the division of motor
7 vehicles, driver and vehicle services, for personal services, is decreased
8 by nine million three hundred fifty-one thousand one hundred twenty-five
9 dollars (\$9,351,125).

10 (j) The cash funds appropriation to the division of motor vehicles,
11 driver and vehicle services, for personal services, is increased by nine
12 million three hundred fifty-one thousand one hundred twenty-five dollars
13 (\$9,351,125). Said sum shall be from the licensing services cash fund
14 created in section 42-2-114.5, Colorado Revised Statutes.

15 (k) The general fund appropriation to the division of motor
16 vehicles, driver and vehicle services, for operating expenses, is decreased
17 by one million two hundred fourteen thousand nine hundred thirty-seven
18 dollars (\$1,214,937).

19 (l) The cash funds appropriation to the division of motor vehicles,
20 driver and vehicle services, for operating expenses, is increased by one
21 million two hundred fourteen thousand nine hundred thirty-seven dollars
22 (\$1,214,937). Said sum shall be from the licensing services cash fund
23 created in section 42-2-114.5, Colorado Revised Statutes.

24 (m) The general fund appropriation to the division of motor
25 vehicles, driver and vehicle services, for driver's license documents, is
26 decreased by one million seven hundred ninety-two thousand seven
27 hundred seventy dollars (\$1,792,770).

1 (n) The cash funds appropriation to the division of motor vehicles,
2 driver and vehicle services, for driver's license documents, is increased
3 by one million seven hundred ninety-two thousand seven hundred seventy
4 dollars (\$1,792,770). Said sum shall be from the licensing services cash
5 fund created in section 42-2-114.5, Colorado Revised Statutes.

6 **SECTION 10. Safety clause.** The general assembly hereby finds,
7 determines, and declares that this act is necessary for the immediate
8 preservation of the public peace, health, and safety.