

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 12-0179.01 Chuck Brackney x2295

SENATE BILL 12-089

SENATE SPONSORSHIP

Renfroe, Cadman, Grantham, Harvey, Lambert, Lundberg, Mitchell, Neville, Roberts, Scheffel, Spence

HOUSE SPONSORSHIP

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Senate Committees
Transportation

House Committees

A BILL FOR AN ACT

101 CONCERNING THE REPEAL OF THE MOTORCYCLE OPERATOR SAFETY
102 TRAINING PROGRAM.

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/billssummaries>.)

The bill repeals the motorcycle operator safety training program administered by the office of transportation safety in the department of transportation and repeals all license and registration fees imposed to fund the program.

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.

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

2 **SECTION 1.** In Colorado Revised Statutes, **repeal** part 5 of
3 article 5 of title 43 as follows:

4 **43-5-501. Definitions.** ~~As used in this part 5, unless the context~~
5 ~~otherwise requires:~~

6 (1) ~~"Director" means the director of the office.~~

7 (2) ~~"Fund" means the motorcycle operator safety training fund~~
8 ~~created in section 43-5-504.~~

9 (3) ~~"Instructor training specialist" means a licensed motorcycle~~
10 ~~operator who meets the standards promulgated by the office to train and~~
11 ~~oversee instructors for the program.~~

12 (4) ~~"Office" means the office of transportation safety in the~~
13 ~~department of transportation.~~

14 (5) ~~"Program" means the motorcycle operator safety training~~
15 ~~program established pursuant to section 43-5-502.~~

16 **43-5-502. Motorcycle operator safety training program.**

17 ~~(1)(a)(I) The office shall establish a motorcycle operator safety training~~
18 ~~program which shall include courses to develop the knowledge, attitudes,~~
19 ~~habits, and skills necessary for the safe operation of a motorcycle. Such~~
20 ~~program shall include instruction relating to the effects of alcohol and~~
21 ~~drugs on the operation of motorcycles, and it shall include a course to~~
22 ~~train instructors. The office shall set standards for the certification of~~
23 ~~courses in the program. The office shall contract with vendors for the~~
24 ~~purpose of providing the program.~~

25 ~~(II) The following individuals may enroll in a certified motorcycle~~
26 ~~operator safety training course:~~

1 ~~(A) Any resident of the state who holds a current valid Colorado~~
2 ~~driver's license, a minor driver's license, or an instruction permit~~
3 ~~authorized by section 42-2-106, C.R.S.; or~~

4 ~~(B) Any individual who is a member of the armed forces, who has~~
5 ~~moved to Colorado on a permanent change of station basis, and who~~
6 ~~holds a valid driver's license issued by another state.~~

7 ~~(H) The charge for enrollment in the certified motorcycle~~
8 ~~operator training course shall be the same regardless of whether an~~
9 ~~individual qualifies for the course pursuant to sub-subparagraph (A) or~~
10 ~~(B) of subparagraph (H) of this paragraph (a).~~

11 ~~(b) The director may certify any person meeting the applicable~~
12 ~~standards as an instructor training specialist to assist in establishing~~
13 ~~motorcycle operator safety training courses throughout the state, in~~
14 ~~implementing the program, and in training and monitoring instructors.~~

15 ~~(c) The director shall designate a program coordinator to~~
16 ~~implement and administer the program. In no event shall the office~~
17 ~~expend more than fifteen percent of the total cost of the program for~~
18 ~~administrative costs.~~

19 ~~(d) The office shall adopt such rules and regulations as are~~
20 ~~necessary to carry out the provisions of the program pursuant to article 4~~
21 ~~of title 24, C.R.S.~~

22 ~~(2) The office shall begin implementation of this part 5 on~~
23 ~~November 1, 1990, or when the moneys in the fund are sufficient to pay~~
24 ~~for the costs of implementing the program, whichever is later. However,~~
25 ~~operation of courses in the program shall commence no later than July 1,~~
26 ~~1991.~~

27 **43-5-503. Instructor requirements and training.** ~~(1) The office~~

1 shall establish standards for an approved instructor training course.
2 Successful completion of the course shall require the participant to
3 demonstrate knowledge of course material, knowledge of safe motorcycle
4 operating practices, and the necessary aptitude for instructing students.

5 (2) Each applicant for an instructor certificate shall be at least
6 twenty-one years of age and hold a valid Colorado driver's license
7 endorsed for motorcycles, which license has not been revoked or
8 suspended within the three years preceding the date on which the
9 application for certification is made.

10 (3) No applicant shall be certified as an instructor if, within the
11 three years preceding the date on which the application for certification
12 is made:

13 (a) The applicant was convicted for an offense which is assigned
14 eight or more points in the point system schedule, as specified in section
15 42-2-127 (5), C.R.S., or its equivalent in another state; or

16 (b) The applicant's driver's license from any other state was
17 revoked or suspended.

18 (4) The office shall prescribe the form for an approved instructor
19 certificate and shall provide for verification that a certified instructor is
20 currently active in the program. No instructor shall participate in the
21 program without a current certificate.

22 **43-5-504. Motorcycle operator safety training fund.** There is
23 hereby created in the state treasury a motorcycle operator safety training
24 fund which shall consist of moneys collected pursuant to sections
25 42-2-114 (2) (b) and (4) (b), 42-2-118 (1) (b) (II), and 42-3-304 (4),
26 C.R.S. The moneys in the fund shall be available immediately, without
27 further appropriation, for allocation by the transportation commission to

1 ~~the office of transportation safety to be used for the implementation and~~
2 ~~administration of the program. Moneys credited to the fund shall remain~~
3 ~~therein at the end of each fiscal year and shall not be transferred to any~~
4 ~~other fund.~~

5 **43-5-505. Advisory committee. (Repealed)**

6 **SECTION 2.** In Colorado Revised Statutes, 2-3-1203, **repeal** (3)

7 (i) (I) as follows:

8 **2-3-1203. Sunset review of advisory committees.** (3) The
9 following dates are the dates for which the statutory authorization for the
10 designated advisory committees is scheduled for repeal:

11 (i) July 1, 1996:

12 (I) ~~The program advisory committee on motorcycle operator~~
13 ~~safety training, appointed pursuant to section 43-5-505, C.R.S.;~~

14 **SECTION 3.** In Colorado Revised Statutes, 12-15-101, **amend**
15 (3) as follows:

16 **12-15-101. Definitions.** As used in this article, unless the context
17 otherwise requires:

18 (3) "Commercial driving school" means any business or any
19 person who, for compensation, provides or offers to provide instruction
20 in the operation of a motor vehicle, with the exceptions of secondary
21 schools and institutions of higher education offering programs approved
22 by the department of education and private occupational schools offering
23 programs approved by the private occupational school division. ~~Such~~
24 ~~term shall not include any motorcycle operator safety training program~~
25 ~~established pursuant to section 43-5-502, C.R.S.~~

26 **SECTION 4.** In Colorado Revised Statutes, 24-75-402, **repeal** (5)

27 (n) as follows:

1 **24-75-402. Cash funds - limit on uncommitted reserves -**
2 **reduction in amount of fees - exclusions.** (5) Notwithstanding any
3 provision of this section to the contrary, the following cash funds are
4 excluded from the limitations specified in this section:

5 (n) ~~The motorcycle operator safety training fund created in section~~
6 ~~43-5-504, C.R.S.;~~

7 **SECTION 5.** In Colorado Revised Statutes, 42-2-114, **repeal** (2)
8 (b) and (4) (b) as follows:

9 **42-2-114. License issued - fees - repeal.** (2) (b) ~~(f)~~ Prior to July
10 1, 2006, there shall be a surcharge of one dollar added for issuance of a
11 driver's or provisional driver's license for which a motorcycle
12 endorsement is requested which shall be credited to the motorcycle
13 operator safety training fund created in section 43-5-504, C.R.S.

14 ~~(H)~~ On and after July 1, 2006, there shall be a surcharge of two
15 dollars added for issuance of a driver's or provisional driver's license for
16 which a motorcycle endorsement is requested which shall be credited to
17 the motorcycle operator safety training fund created in section 43-5-504,
18 C.R.S.

19 (4) (b) ~~(f)~~ Prior to July 1, 2006, a surcharge of one dollar shall be
20 added for issuance of a minor driver's license for which a motorcycle
21 endorsement is requested which shall be credited to the motorcycle
22 operator safety training fund created in section 43-5-504, C.R.S.

23 ~~(H)~~ On and after July 1, 2006, a surcharge of two dollars shall be
24 added for issuance of a minor driver's license for which a motorcycle
25 endorsement is requested which shall be credited to the motorcycle
26 operator safety training fund created in section 43-5-504, C.R.S.

27 **SECTION 6.** In Colorado Revised Statutes, 42-2-118, **repeal** (1)

1 (b) (II) as follows:

2 **42-2-118. Renewal of license in person or by mail - donations**
3 **to Emily Maureen Ellen Keyes organ and tissue donation awareness**
4 **fund - repeal.** (1) (b) (II) ~~A surcharge of one dollar shall be added to any~~
5 ~~extension sought for a license for which a motorcycle endorsement is~~
6 ~~requested which shall be credited to the motorcycle operator safety~~
7 ~~training fund created in section 43-5-504, C.R.S.~~

8 **SECTION 7.** In Colorado Revised Statutes, 42-3-304, **repeal** (4)
9 as follows:

10 **42-3-304. Registration fees - passenger and passenger-mile**
11 **taxes - clean screen fund - repeal.** (4) ~~Upon registration, the owner of~~
12 ~~each motorcycle shall pay a surcharge of four dollars, which shall be~~
13 ~~credited to the motorcycle operator safety training fund created in section~~
14 ~~43-5-504, C.R.S.~~

15 **SECTION 8.** In Colorado Revised Statutes, **amend** 42-4-101 as
16 follows:

17 **42-4-101. Short title.** Parts 1 to 3, 5 to 19, and 21 of this article
18 AND part 1 of article 2 of this title and ~~part 5 of article 5 of title 43,~~
19 ~~C.R.S.,~~ shall be known and may be cited as the "Uniform Safety Code of
20 1935".

21 **SECTION 9. Act subject to petition - effective date.** This act
22 takes effect at 12:01 a.m. on the day following the expiration of the
23 ninety-day period after final adjournment of the general assembly (August
24 7, 2012, if adjournment sine die is on May 9, 2012); except that, if a
25 referendum petition is filed pursuant to section 1 (3) of article V of the
26 state constitution against this act or an item, section, or part of this act
27 within such period, then the act, item, section, or part will not take effect

1 unless approved by the people at the general election to be held in
2 November 2012 and, in such case, will take effect on the date of the
3 official declaration of the vote thereon by the governor.