

Second Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 10-1101.01 Ed DeCecco

SENATE BILL 10-212

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**SENATE SPONSORSHIP**

**Cadman**, Shaffer B., Penry, Tapia, Romer, Boyd

**HOUSE SPONSORSHIP**

(None),

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**Senate Committees**  
Finance

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE REPEAL OF MECHANISMS TO REFUND EXCESS STATE**  
102 **REVENUES.**

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**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>.)*

Section 20 (7) (d) of article X of the state constitution requires the state to refund any state revenues in excess of the state fiscal year spending limit. In accordance with this constitutional requirement, the general assembly enacted methods to refund the excess state revenues.

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.*

The bill repeals all of the current refund methods with the exception of the:

- ! Earned income tax credit;
- ! Income tax rate reduction; and
- ! State sales tax refund.

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

2 **SECTION 1. Repeal.** 24-75-216, 26-2-1005 (2) (h), (6), and (7),  
3 38-13-102 (7) (a) (VIII), 38-13-109.7 (2), 39-21-108 (6), 39-21-113 (12)  
4 (b), 39-22-104 (3) (h), (4) (1), and (4) (1.5), 39-22-119 (1.5), (5), (6), (7),  
5 (8), and (9), 39-22-124, 39-22-125, 39-22-126, 39-22-127, 39-22-304 (2)  
6 (g), 39-22-523, 39-22-527, 39-22-528, 39-22-627 (7), 39-26-105 (1) (e),  
7 39-26-106 (3), 39-26-501, 39-26-502, 39-26-601, 39-26-602, 42-3-305,  
8 and 43-4-205 (6.5) (d), Colorado Revised Statutes, are repealed.

9 **SECTION 2.** 35-75-201 (2), Colorado Revised Statutes, is  
10 amended to read:

11 **35-75-201. Legislative declaration - purpose of part.** (2) The  
12 general assembly further finds, determines, and declares that the public  
13 purpose served by the ~~tax credits~~, grants, loans and loan guarantees, and  
14 equity investments authorized by this part 2 ~~and by sections 39-22-527~~  
15 ~~and 39-22-528, C.R.S.~~, preponderates over any individual interests  
16 incidentally served thereby.

17 **SECTION 3.** 35-75-202 (7), Colorado Revised Statutes, is  
18 amended to read:

19 **35-75-202. Definitions.** As used in this part 2, unless the context  
20 otherwise requires:

21 (7) "Participant" means a resident individual or a domestic or  
22 foreign corporation subject to the provisions of part 3 of article 22 of title  
23 39, C.R.S., that ~~purchases tax credits from~~, or contributes cash funds to

1 the board.

2 **SECTION 4.** 35-75-204 (1), the introductory portion to  
3 35-75-204 (2), and 35-75-204 (2) (c), (3), (4) (a), (4) (c), and (5),  
4 Colorado Revised Statutes, are amended to read:

5 **35-75-204. Duties of board - agriculture value-added grants,**  
6 **loans and loan guarantees, and equity investments.** (1) The board has  
7 the power to make grants, loans and loan guarantees, and equity  
8 investments to any person, including eligible agricultural value-added  
9 cooperatives, as defined in section 35-75-202 (4), ~~and to offer tax credits~~  
10 ~~to such cooperatives pursuant to section 39-22-527, C.R.S.,~~ for new or  
11 ongoing agricultural projects and research that add value to Colorado  
12 agricultural products and aid the economy of rural Colorado communities.  
13 ~~Subject to the annual dollar limitations stated in sections 39-22-527 and~~  
14 ~~39-22-528, C.R.S.,~~ The board also has the power to fund market  
15 promotion activities of the department pursuant to section 35-75-205 (2)  
16 (f). ~~and to offer tax credits to participants and to agricultural businesses~~  
17 ~~other than eligible agricultural value-added cooperatives so long as such~~  
18 ~~agricultural businesses are located solely in Colorado and comply with the~~  
19 ~~criteria established by the board pursuant to subsection (2) of this section,~~  
20 ~~add value to agricultural products, and aid the economy of a rural~~  
21 ~~community.~~

22 (2) The board shall employ the following criteria in determining  
23 whether to award an agriculture value-added grant, loan, OR loan  
24 guarantee: ~~or tax credit:~~

25 (c) The contemplated schedule and phasing of the project, whether  
26 on an annual or multi-year basis, shall be such as to give the project a  
27 reasonable chance of success within three years at a constant or declining

1 rate of support from the board in the form of grants OR loans ~~or tax~~  
2 ~~credits~~, or a combination thereof; and

3 (3) The board may reject any application for grants, loans and loan  
4 guarantees, OR equity investments ~~or tax credits~~ pursuant to this part 2.

5 (4) (a) The board shall require a feasibility study of a member's  
6 rural agricultural business project concept to be performed before  
7 awarding a grant OR loan. ~~or tax credit.~~

8 (c) Upon a determination by the board that the project concept  
9 may be operated profitably, the board may provide for legal assistance to  
10 set up the project. Such legal assistance shall include, but not be limited  
11 to, providing advice and assistance on the form of business entity ~~the~~  
12 ~~availability of tax credits~~, and other assistance for which the member may  
13 qualify as well as helping the member apply for such assistance.

14 (5) The board may provide or facilitate grants, loans or loan  
15 guarantees, OR equity investments ~~or tax credits~~ for any person who meets  
16 the criteria set forth in this part 2 or established by the board under  
17 paragraph (d) of subsection (2.5) of this section, including, but not limited  
18 to, loans from the United States department of agriculture rural  
19 development program, subject to availability. Such financial assistance  
20 shall only be provided to feasible project concepts, and the amount of  
21 such financial assistance shall be the least amount necessary to cause the  
22 project to occur, as determined by the board. The board may structure the  
23 financial assistance in a way that causes the project to occur and also  
24 provides for a compensatory return on investment or loan payment to the  
25 board, based upon the risk of the project concept.

26 **SECTION 5.** 35-75-205 (1), Colorado Revised Statutes, is  
27 amended to read:

1           **35-75-205. Grants, loans and loan guarantees, and equity**  
2 **investments - agriculture value-added cash fund - created - repeal.**

3 (1) ~~The moneys derived from purchases of tax credits from the board by~~  
4 ~~participants in accordance with section 39-22-528, C.R.S., and Moneys~~  
5 received by the board from public or private gifts, grants, or donations or  
6 from any other source shall be forwarded to the state treasurer and shall  
7 be credited to the agriculture value-added cash fund, which fund is hereby  
8 created. Moneys in the fund are continuously appropriated to the board  
9 and shall be used for the purpose of preparing criteria and reviewing  
10 applications as provided in section 35-75-204 and for financial or  
11 technical assistance to agricultural projects, project concepts, and research  
12 as approved by the board. All interest earned on the investment of  
13 moneys in the fund shall be credited to the fund. The board may provide  
14 or facilitate ~~tax credits,~~ grants, loans and loan guarantees, and equity  
15 investments for agricultural projects, project concepts, or research; except  
16 that such ~~tax credits,~~ grants, loans and loan guarantees, and equity  
17 investments shall be limited to two million dollars per project. ~~Tax~~  
18 ~~credits,~~ Grants, loans and loan guarantees, and equity investments may  
19 only be provided to feasible projects and for an amount that is the least  
20 amount necessary to cause the project to occur, as determined by the  
21 board. The board may structure the grants, loans and loan guarantees, and  
22 equity investments in a way that facilitates the project and also provides  
23 for a compensatory return on investment or loan payment to the board  
24 based on the risk of the project. Any moneys credited to the agriculture  
25 value-added cash fund and unexpended at the end of any given fiscal year  
26 shall remain in the fund and shall not revert to the general fund or any  
27 other fund.

1           **SECTION 6.** 39-21-105 (1), Colorado Revised Statutes, is  
2 amended to read:

3           **39-21-105. Appeals.** (1) The taxpayer may appeal the final  
4 determination of the executive director issued pursuant to section  
5 39-21-103, 39-21-104, OR 39-21-104.5 ~~or 39-22-124 (10)~~ within thirty  
6 days after the mailing of such determination.

7           **SECTION 7.** 39-22-119 (2) and (3), Colorado Revised Statutes,  
8 are amended to read:

9           **39-22-119. Expenses related to child care - credits against state**  
10 **tax.** (2) If the credits allowed under ~~subsections (1), (1.5), and (5)~~  
11 SUBSECTION (1) of this section exceed the income taxes due on the  
12 resident individual's income, the amount of the credits not used to offset  
13 income taxes shall not be carried forward as tax credits against the  
14 resident individual's subsequent years' income tax liability and shall be  
15 refunded to the individual.

16           (3) The child care expenses credits allowed under ~~subsections (1),~~  
17 ~~(1.5), and (5)~~ SUBSECTION (1) of this section shall not be allowed to a  
18 resident individual who is receiving child care assistance from the state  
19 department of human services except to the extent of the taxpayer's  
20 unreimbursed out-of-pocket expenses that result in a federal credit for  
21 child care expenses.

22           **SECTION 8.** 39-22-524 (10), Colorado Revised Statutes, is  
23 amended to read:

24           **39-22-524. Tax credit for individuals contributing matching**  
25 **funds for individual development accounts - repeal.** (10) This section  
26 is repealed, effective ~~April 15, 2011~~ JULY 1, 2010.

27           **SECTION 9.** 39-26-105 (1) (a), Colorado Revised Statutes, is

1 amended to read:

2           **39-26-105. Vendor liable for tax - repeal.** (1) (a) Except as  
3 provided in ~~paragraphs (d) and (e)~~ PARAGRAPH (d) of this subsection (1),  
4 every retailer, also in this part 1 called "vendor", shall, irrespective of the  
5 provisions of section 39-26-106, be liable and responsible for the  
6 payment of an amount equivalent to three percent of all sales made prior  
7 to January 1, 2001, and two and ninety one-hundredths percent of all sales  
8 made on or after January 1, 2001, by the vendor of commodities or  
9 services as specified in section 39-26-104 and shall, before the twentieth  
10 day of each month, make a return to the executive director of the  
11 department of revenue for the preceding calendar month and remit an  
12 amount equivalent to said percentage on such sales to said executive  
13 director, less three and one-third percent of the sum so remitted for sales  
14 occurring prior to July 1, 2003, or on or after July 1, 2005, and less two  
15 and one-third percent of the sum so remitted for sales occurring on or  
16 after July 1, 2003, but before July 1, 2005, to cover the vendor's expense  
17 in the collection and remittance of said tax; but, if any vendor is  
18 delinquent in remitting said tax, other than in unusual circumstances  
19 shown to the satisfaction of the executive director, the vendor shall not be  
20 allowed to retain any amounts to cover such vendor's expense in  
21 collecting and remitting said tax, and an amount equivalent to the said  
22 percentage, plus the amount of any local vendor expense that may be  
23 allowed by the local government to the vendor, shall be remitted to the  
24 executive director by any such delinquent vendor. Such returns of the  
25 taxpayer or the taxpayer's duly authorized agent shall contain such  
26 information and be made in such manner and upon such forms as the  
27 executive director shall prescribe. Any local vendor expense remitted to

1 the executive director shall be deposited to the state general fund.

2 **SECTION 10.** 39-26-106 (1) (a) (I), Colorado Revised Statutes,  
3 is amended to read:

4 **39-26-106. Schedule of sales tax.** (1) (a) (I) Except as otherwise  
5 provided in subparagraph (II) of this paragraph (a), ~~and in subsection (3)~~  
6 ~~of this section~~, there is imposed upon all sales of commodities and  
7 services specified in section 39-26-104 a tax at the rate of three percent  
8 of the amount of the sale, to be computed in accordance with schedules  
9 or systems approved by the executive director of the department of  
10 revenue. Said schedules or systems shall be designed so that no such tax  
11 is charged on any sale of seventeen cents or less.

12 **SECTION 11.** 42-3-304 (2), the introductory portions to 42-3-304  
13 (9) and (10) (a), and 42-3-304 (10) (b), (10) (c), (11), (14), and (17) (a),  
14 Colorado Revised Statutes, are amended to read:

15 **42-3-304. Registration fees - passenger and passenger-mile**  
16 **taxes - clean screen fund.** (2) With respect to passenger-carrying motor  
17 vehicles, the weight used in computing annual registration fees shall be  
18 that weight published by the manufacturer in approved manuals, and, in  
19 case of a dispute over the weight of such vehicle, the actual weight  
20 determined by weighing such vehicle on a certified scale, as provided in  
21 section 35-14-122 (6), C.R.S., shall be conclusive. With respect to all  
22 other vehicles, the weight used in computing annual registration fees shall  
23 be the empty weight, determined by weighing such vehicle on a certified  
24 scale or in the case of registration fees imposed pursuant to ~~section~~  
25 ~~42-3-305 (5)~~ SECTION 42-3-306 (5), the declared gross vehicle weight of  
26 the vehicle declared by the owner at the time of registration.

27 (9) In addition to the registration fees imposed by ~~section~~

1 ~~42-3-305 (4) (a)~~ SECTION 42-3-306 (4) (a), the following additional  
2 registration fee shall be imposed on such vehicles:

3 (10) (a) In addition to the registration fees imposed by ~~section~~  
4 ~~42-3-305 (5) (a) and (13)~~ SECTION 42-3-306 (5) (a) AND (13), for motor  
5 vehicles described in ~~section 42-3-305 (5) (a) and (13)~~ SECTION 42-3-306  
6 (5) (a) AND (13), the following additional registration fee shall be  
7 imposed:

8 (b) In addition to the registration fees imposed by ~~section~~  
9 ~~42-3-305 (5) (b), (5) (c), or (12) (b)~~ SECTION 42-3-306 (5) (b), (5) (c), OR  
10 (12) (b), an additional registration fee of ten dollars shall be assessed.

11 (c) The department shall adopt rules that allow a vehicle owner or  
12 a vehicle owner's agent to apply for apportioned registration for a vehicle  
13 that is used in interstate commerce and that qualifies for the registration  
14 fees provided in ~~section 42-3-305 (5)~~ SECTION 42-3-306 (5). In  
15 establishing the amount of such apportioned registration, such rules shall  
16 take into account the length of time such item may be operated in  
17 Colorado or the number of miles such item may be driven in Colorado.  
18 The apportioned registration, if based upon the length of time such item  
19 may be operated in Colorado, shall be valid for a period of between two  
20 and eleven months. Such rules shall also allow for extensions of  
21 apportioned registration periods. During such rule-making, the  
22 department shall confer with its authorized agents regarding enhanced  
23 communications with the authorized agents and the coordination of  
24 enforcement efforts.

25 (11) The additional fees collected pursuant to ~~section 42-3-305 (2)~~  
26 ~~(b) (H)~~ SECTION 42-3-306 (2) (b) (II) and subsection (9) of this section  
27 and paragraphs (a) and (b) of subsection (10) of this section shall be

1 transmitted to the state treasurer, who shall credit the same to the highway  
2 users tax fund to be allocated pursuant to section 43-4-205 (6) (b), C.R.S.

3 (14) (a) The owner or operator of mobile machinery or  
4 self-propelled construction equipment having an empty weight not in  
5 excess of sixteen thousand pounds that the owner or operator desires to  
6 operate over the public highways of this state shall register such vehicle  
7 under ~~section 42-3-305 (5) (a)~~ SECTION 42-3-306 (5) (a).

8 (b) The owner or operator of mobile machinery or self-propelled  
9 construction equipment with an empty weight exceeding sixteen thousand  
10 pounds that such owner or operator desires to operate over the public  
11 highways of this state shall register such vehicle under ~~section 42-3-305~~  
12 ~~(5) (b)~~ SECTION 42-3-306 (5) (b).

13 (17) (a) At the time of registration of such vehicle, the owner of  
14 a truck subject to registration under ~~section 42-3-305 (5)~~ SECTION  
15 42-3-306 (5) having a weight in excess of four thousand five hundred  
16 pounds, but not in excess of ten thousand pounds, including mounted  
17 equipment other than that of a recreational type, shall present to the  
18 authorized agent a copy of the manufacturer's statement or certificate of  
19 origin that specifies the shipping weight of such vehicle, or if such  
20 documentation is not available, a certified scale ticket showing the weight  
21 of such vehicle.

22 **SECTION 12.** 42-3-306 (1), Colorado Revised Statutes, is  
23 amended to read:

24 **42-3-306. Registration fees - passenger and passenger-mile**  
25 **taxes - fee schedule.** (1) This section shall apply in any fiscal year ~~in~~  
26 ~~which the legislative council does not certify to the executive director of~~  
27 ~~the department that, based on the annual March revenue forecast from the~~

1 ~~legislative council, there will be sufficient excess state revenue to fund~~  
2 ~~the fee reductions enacted by House Bill 00-1227, enacted at the second~~  
3 ~~regular session of the sixty-second general assembly~~ BEGINNING ON OR  
4 AFTER JULY 1, 2010.

5 **SECTION 13.** 42-3-307 (1), Colorado Revised Statutes, is  
6 amended to read:

7 **42-3-307. Enforcement powers of department.** (1) The  
8 department may administer and enforce sections 42-3-304 ~~42-3-305~~, and  
9 42-3-306, including the right to inspect and audit the books, records, and  
10 documents of an owner or operator of a vehicle operated upon the public  
11 highways who is required to pay any registration fee or tax imposed, and  
12 the executive director of the department may promulgate such reasonable  
13 rules as the director deems necessary or suitable for such administration  
14 and enforcement.

15 **SECTION 14.** 42-3-308 (1) (a), Colorado Revised Statutes, is  
16 amended to read:

17 **42-3-308. Taxpayer statements - payment of tax - estimates -**  
18 **penalties - deposits - delinquency proceedings.** (1) (a) Every owner or  
19 operator of a motor vehicle operated on a public highway of this state and  
20 required to pay the passenger-mile tax imposed by sections 42-3-304  
21 ~~42-3-305~~, and 42-3-306 shall, on or before the twenty-fifth day of each  
22 month, file with the department, on forms prescribed by the department  
23 and the public utilities commission, a statement, subject to the penalties  
24 for perjury in the second degree, showing the name and address of the  
25 owner of the motor vehicle, total miles traveled, and total number of  
26 passengers carried in this state during the preceding month and such other  
27 information as required by the department and the commission and shall

1 compute and pay such tax; except that the executive director of the  
2 department may authorize the filing of statements and the payment of tax  
3 for periods in excess of one month but not to exceed a period of twelve  
4 months.

5 **SECTION 15.** 42-3-309 (1), Colorado Revised Statutes, is  
6 amended to read:

7 **42-3-309. Permit to be secured - records kept - penalties.**

8 (1) Every owner or operator of a motor vehicle operated over any public  
9 highway of this state who is required to pay the passenger-mile tax  
10 imposed by sections 42-3-304 ~~42-3-305~~, and 42-3-306 shall apply to the  
11 department and secure a passenger-mile tax permit and shall keep and  
12 maintain true and correct records of the operations of such motor  
13 vehicles, including the number of miles operated and the number of  
14 passengers carried, in such form as to reflect the actual activity of all such  
15 motor vehicles and as may be prescribed by the department and the public  
16 utilities commission. Such owner or operator shall preserve all such  
17 records for a period of four years. The passenger-mile tax permit shall  
18 remain effective until the owner advises the department of a change in  
19 ownership or a discontinuance of business or until such owner has failed  
20 to file tax reports and pay any applicable passenger-mile tax for four  
21 successive tax periods.

22 **SECTION 16.** 42-4-304 (18), Colorado Revised Statutes, is  
23 amended to read:

24 **42-4-304. Definitions relating to automobile inspection and**  
25 **readjustment program.** As used in sections 42-4-301 to 42-4-316,  
26 unless the context otherwise requires:

27 (18) "Motor vehicle", as applicable to the AIR program, includes

1 only a motor vehicle that is operated with four wheels or more on the  
2 ground, self-propelled by a spark-ignited engine burning gasoline,  
3 gasoline blends, gaseous fuel, blends of liquid gasoline and gaseous fuels,  
4 alcohol, alcohol blends, or other similar fuels, having a personal property  
5 classification of A, B, or C pursuant to section 42-3-106, and for which  
6 registration in this state is required for operation on the public roads and  
7 highways or which motor vehicle is owned or operated or both by a  
8 nonresident who meets the requirements set forth in section 42-4-310 (1)  
9 (c). "Motor vehicle" does not include kit vehicles; vehicles registered  
10 pursuant to section 42-3-219 ~~42-3-305 (4)~~, or 42-3-306 (4); vehicles  
11 registered pursuant to section 42-12-102 that are of model year 1975 or  
12 earlier or that have two-stroke cycle engines manufactured prior to 1980;  
13 or vehicles registered as street rods pursuant to section 42-3-201.

14 **SECTION 17.** 42-4-401 (5), Colorado Revised Statutes, is  
15 amended to read:

16 **42-4-401. Definitions.** As used in this part 4, unless the context  
17 otherwise requires:

18 (5) "Diesel powered motor vehicle" or "diesel vehicle" as  
19 applicable to opacity inspections, includes only a motor vehicle with four  
20 wheels or more on the ground, powered by an internal combustion,  
21 compression ignition, diesel fueled engine, and also includes any motor  
22 vehicle having a personal property classification of A, B, or C, pursuant  
23 to section 42-3-106, as specified on its vehicle registration, and for which  
24 registration in this state is required for operation on the public roads and  
25 highways. "Diesel vehicle" does not include the following: Vehicles  
26 registered pursuant to section 42-3-219 ~~42-3-305 (4)~~, or 42-3-306 (4), or  
27 off-the-road diesel powered vehicles or heavy construction equipment.

1           **SECTION 18.** 42-4-1407.5 (3) (a) and (3) (b), Colorado Revised  
2 Statutes, are amended to read:

3           **42-4-1407.5. Splash guards - when required.** (3) This section  
4 does not apply to:

5           (a) Passenger-carrying motor vehicles registered pursuant to  
6 ~~section 42-3-305 (2)~~ SECTION 42-3-306 (2);

7           (b) Trucks and truck tractors registered pursuant to ~~section~~  
8 ~~42-3-305 (4) or (5)~~ SECTION 42-3-306 (4) OR (5) having an empty weight  
9 of ten thousand pounds or less;

10           **SECTION 19.** 42-7-510 (1), Colorado Revised Statutes, is  
11 amended to read:

12           **42-7-510. Insurance or bond required.** (1) Every owner of a  
13 truck that is subject to the registration fee imposed pursuant to ~~section~~  
14 ~~42-3-305 (5) (b) or (7) or~~ SECTION 42-3-306 (5) (b) or (7) and that is not  
15 subject to regulation by the public utilities commission under article 10,  
16 11, 13, or 16 of title 40, C.R.S., before operating or permitting the  
17 operation of such vehicle upon any public highway in this state shall have  
18 in each such vehicle a motor vehicle liability insurance policy or a  
19 certificate evidencing such policy issued by an insurance carrier or insurer  
20 authorized to do business in Colorado, or a copy of a valid certificate of  
21 self-insurance issued pursuant to section 10-4-624, C.R.S., or a surety  
22 bond issued by a company authorized to do a surety business in Colorado  
23 in the sum of fifty thousand dollars for damages to property of others; the  
24 sum of one hundred thousand dollars for damages for or on account of  
25 bodily injury or death of one person as a result of any one accident; and,  
26 subject to such limit as to one person, the sum of three hundred thousand  
27 dollars for or on account of bodily injury to or death of all persons as a

1 result of any one accident.

2 **SECTION 20.** 42-8-105 (1), Colorado Revised Statutes, is  
3 amended to read:

4 **42-8-105. Clearance of motor vehicles at port of entry weigh**  
5 **stations.** (1) Every owner or operator of a motor vehicle that is subject  
6 to payment of registration fees under the provisions of ~~section 42-3-305~~  
7 ~~(5) (b)~~ or SECTION 42-3-306 (5) (b) and every owner or operator of a  
8 motor vehicle or combination of vehicles having a manufacturer's gross  
9 vehicle weight rating or gross combination weight rating of twenty-six  
10 thousand one pounds or more shall secure a valid clearance from an  
11 office of the department of revenue, from an officer of the Colorado state  
12 patrol, or from a port of entry weigh station before operating such vehicle  
13 or combination of vehicles or causing such vehicle or combination of  
14 vehicles to be operated on the public highways of this state, but an owner  
15 or operator shall be deemed to have complied with the provisions of this  
16 subsection (1) if the owner or operator secures a valid clearance from the  
17 first port of entry weigh station located within five road miles of the route  
18 that the owner or operator would normally follow from the point of  
19 departure to the point of destination. An owner or operator shall not be  
20 required to seek out a port of entry weigh station not located on the route  
21 such owner or operator is following if the owner or operator secures a  
22 special revocable permit from the department of revenue in accordance  
23 with the provisions of subsection (4) of this section. A vehicle with a  
24 seating capacity of fourteen or more passengers registered under the  
25 provisions of section 42-3-304 (13) ~~42-3-305 (2) (c) (I)~~, or 42-3-306 (2)  
26 (c) (I) shall not be required to secure a valid clearance pursuant to this  
27 section.

1           **SECTION 21.** 43-4-205 (5.5) (c), Colorado Revised Statutes, is  
2 amended to read:

3           **43-4-205. Allocation of fund.** (5.5) The following highway  
4 users tax fund revenues shall be allocated and expended in accordance  
5 with the formula specified in subsection (5) of this section:

6           (c) Revenues from driver's license fees, motor vehicle title and  
7 registration fees, and motorist insurance identification fees that are  
8 credited to the fund pursuant to sections 42-2-132 (4) (b), 42-3-304 (18)  
9 (d) (I), ~~42-3-305 (6), (7), and (8) (c)~~, and 42-3-306 (6) and (7), C.R.S.;

10           **SECTION 22. Specified effective date.** This act shall take effect  
11 July 1, 2010.

12           **SECTION 23. Safety clause.** The general assembly hereby finds,  
13 determines, and declares that this act is necessary for the immediate  
14 preservation of the public peace, health, and safety.