

# MOTOR VEHICLES AND TRAFFIC REGULATION

<b>Titling, Registration, and Emissions</b>		
<b>HB 11-1004</b> (Enacted) <i>Farm Truck Registration</i>	<b>HB 11-1084</b> (Postponed Indefinitely) <i>Modify Late Vehicle Registration Fee</i>	<b>HB 11-1157</b> (Enacted) <i>Diesel Inspection Program Exemption</i>
<b>HB 11-1185</b> (Enacted) <i>Motor Vehicle Time Limit Release Lien</i>	<b>HB 11-1264</b> (Postponed Indefinitely) <i>Off-highway Vehicle Title &amp; Registration</i>	
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<b>SB 11-037</b> (Enacted) <i>World War II Special License Plate</i>	<b>SB 11-197</b> (Enacted) <i>Girls Scouts Centennial License Plate</i>	<b>HB 11-1034</b> (Postponed Indefinitely) <i>Protect-our-rivers Special License Plate</i>
<b>HB 11-1166</b> (Enacted) <i>Type I Diabetes Special License Plate</i>	<b>HB 11-1216</b> (Enacted) <i>Disability Benefit License Plate Numbers</i>	<b>HB 11-1236</b> (Enacted) <i>Group Special License Plates</i>
<b>HB 11-1298</b> (Enacted) <i>Craig Hospital Special License Plate</i>	<b>HB 11-1316</b> (Enacted) <i>Special License Plates Avalanche Nuggets</i>	

The General Assembly considered a variety of motor vehicle and traffic regulation-related legislation during the 2011 session. Major topics addressed include titling and registration, traffic regulation, regulation of drug- and alcohol-related driving offenses, driver education and licensing, and special license plates.

## Titling and Registration

In 2011, the General Assembly enacted three bills regarding the titling and registration of motor vehicles. Two bills were postponed indefinitely.

**Registration. House Bill 11-1004** prohibits the Department of Revenue (DOR) and county clerks from requiring that vehicle owners registering farm trucks or truck tractors present proof that their primary source of income or business is agriculture if the vehicles are:

- used primarily for agricultural production on a farm or ranch owned or leased by the vehicle owner; and
- used on property classified for tax purposes as agricultural land.

The bill also removes the farm truck exemption from the 50 cent motorist insurance identification fee charged at the time of vehicle registration. This fee supports the Motorist Insurance Identification Database (MIIDB) Program, used for verifying compliance with motor vehicle insurance requirements.

**House Bill 11-1084** would have repealed late vehicle registration fees enacted in Senate Bill 09-108, and reinstated the \$10 waivable late fee, credited to county governments, previously in effect. In determining whether to waive the fee, the bill would have permitted county clerks and recorders to consider whether a vehicle owner receives any of the following state or federal public assistance benefits:

- unemployment benefits;
- aid to the Needy Disabled program benefits;
- food stamps;
- Medicaid benefits;
- Social Security Supplemental Security Income benefits; and
- Social Security Disability Insurance benefits.

The bill was postponed indefinitely.

**Emissions. House Bill 11-1157** exempts heavy duty diesel vehicles registered inside of the state emissions program from emissions testing, if the vehicle is primarily operated outside of the program area. The owner of a fleet registered inside the program area may certify to executive director of the DOR that the vehicle is operated outside the program area. The program area for emissions testing includes the counties of Boulder, Denver, Douglas, Broomfield, and Jefferson, and parts of Adams, Arapahoe, Larimer and Weld counties. The Air Quality Control Commission is authorized to promulgate rules to administer the exemption.

**Titling. House Bill 11-1185** requires that once a motor vehicle lien or mortgage has been paid, the lienholder shall release the lien or mortgage and provide the certificate of title, the lien release, or both, to the new certificate of title holder within 15 days, unless a lienholder can show extenuating circumstances, such as situations where access to the title is impaired.

**House Bill 11-1264** would have allowed off-highway vehicles (OHVs) to be operated on public roadways subject to the following requirements.

- **Registration, titling, and insurance.** OHVs operated on public roadways would have been required to register with the DOR and be insured.

- **Driver's licenses.** With exceptions provided in state law, a person operating an OHV on a highway would have been required to hold a valid driver's license or minor driver's license.
- **Speed limits and rules of the road.** The bill would have required OHVs to obey all rules of the road and not exceed 40 miles per hour (mph) on public roadways.
- **Equipment standards and rider requirements.** The bill would have required OHVs to meet state equipment standards, such as seats, seatbelts, brakes, stoplights, red reflectors, and headlamps. The bill would have required riders to be licensed, and would have provided that an OHV may not carry more people than it is designed to carry.
- **Regulation.** The bill would have authorized the Colorado Department of Transportation (CDOT) and local authorities to regulate the use of OHVs on state highways.
- **Liens.** The bill would have permitted a vehicle repair shop to restore a lien on an OHV in the same manner as placing a lien on a motor vehicle.

Under the bill, operating an unregistered OHV on a public roadway would have been a Class B traffic infraction, punishable by a \$50 penalty and a \$16 surcharge. Driving in excess of 45 mph, driving on unauthorized roadways, or carrying more persons than an OHV is designed for would have been a Class B traffic infraction. Violations of OHV insurance requirements would have been a misdemeanor traffic offense, punishable by a \$500 to \$1,000 fine, a jail sentence of up to 1 year, or a combination of both. The bill was postponed indefinitely.

## **Traffic Regulation**

In 2011, the General Assembly enacted two bills concerning traffic regulation. One bill addressing this issue was postponed indefinitely.

***Longer vehicle combinations.*** **House Bill 11-1192** directs the CDOT to conduct evaluations on interstates and state highways for possible use by longer vehicle combinations (LVCs), if federal restrictions are relaxed for these vehicles on certain roads. A LVC is defined as any combination of a truck tractor and two or more trailers with a gross weight exceeding 80,000 pounds. Under current federal law, LVCs are restricted on certain interstates and highways. A CDOT evaluation must commence within 90 days of any change in the federal restriction.

***Transporting hazardous materials.*** **House Bill 11-1176** authorizes the Colorado State Patrol (CSP) to exempt crude oil transporters from state requirements regarding route designation for transporting hazardous materials. In order to approve a petition for exemption, the CSP must determine that the route designation:

- does not impose unreasonable transportation expenses, provides for greater public safety than other routes, and does not unreasonably burden interstate or intrastate commerce;
- is neither arbitrary nor diverts transportation to or through other communities;
- provides reasonable provision for public notice and roadway signage;

- does not interfere with hazardous material pickup or delivery; and
- is consistent with federal laws and administrative regulations.

Under current law, the CSP has sole authority, in consultation with local governments, over route designation to determine which public roads may be used to transport hazardous materials. Such designations may include road and highway closures, routing, and other conditions deemed necessary. State law currently provides specific exemptions from route designation for transporting gasoline, diesel fuel, and liquefied petroleum gas; under the bill, crude oil is added to this list.

***Bicycling on state roads.*** **House Bill 11-1092** would have clarified state law authorizing local authorities to prohibit bicycle or electric bicycle traffic on a street or highway when requirements for an alternate route and a traffic investigation had been met. The bill was postponed indefinitely.

### **Regulation of Drug- and Alcohol-related Driving Offenses**

The General Assembly enacted two bills specific to drug- and alcohol-related driving offenses. One bill addressing this issue was lost in the Senate. **House Bill 11-1189** requires that a court set specific bond conditions when an individual is arrested for an alcohol or drug driving offense (e.g., driving under the influence (DUI) or driving while ability impaired (DWAI)) after one or more prior convictions for an alcohol or drug driving offense. As a condition of any bail bond, the court is required to order that the individual abstain from the use of alcohol or the illegal use of drugs. Such abstinence is required to be monitored. A defendant may request a motion for relief from the court. Following a hearing on the motion the court may deny or grant the motion based on the interest of justice and the potential endangerment of public safety.

**House Bill 11-1268** clarifies certain DUI sentencing provisions. Upon conviction of a traffic offense involving drugs or alcohol where the offender has one or more prior convictions, the court may proceed directly to sentencing without first considering the statutorily required alcohol and drug evaluation if the prosecuting attorney and the defendant stipulate to such convictions.

For first time convictions for DUI, DUI per se, DWAI, or habitual user, the court may suspend the mandatory minimum period of imprisonment if the offender undergoes a pre-sentence or post-sentence alcohol and drug evaluation. Such offenders must also meet all financial obligations of an alcohol and drug driving safety program determined to be appropriate by the evaluation.

**House Bill 11-1261**, as introduced, would have expanded the definition of DUI per se to include driving with a tetrahydrocannabinol (THC) blood content of five nanograms or more. Under the bill, it would have been a misdemeanor for a person to drive with a THC blood content of five nanograms or more at the time of driving or within two hours after driving. The bill was lost in the Senate.

## Driver Education and Licensing

The General Assembly considered two bills addressing driver education and licensing. Both were postponed indefinitely.

***Driver instruction.*** Under state law, traffic law offenders may be required to attend a driver instruction course and pay a penalty surcharge of \$25. Surcharge fees are credited to the Defensive Driving School Fund to contract with a private entity for the purposes of monitoring and evaluating driver improvement classes. **House Bill 11-1272** would have repealed state requirements for the DOR to contract with a private entity to monitor and evaluate driver improvement schools. The bill also would have repealed the Defensive Driving School Fund and eliminated required surcharge payments by persons who are court-ordered to attend a driver improvement school.

***Minor driver laws.*** **House Bill 11-1024** would have created an agricultural youth driver's license for individuals between the ages of 14 1/2 and 17. These drivers would have been required to hold an instruction permit for at least six months and to have had 50 hours of supervised driving experience prior to licensure. Drivers under age 16 would have been authorized to drive only on the highway while accompanied by a licensed adult and while engaged in agricultural business. The bill also would have permitted the driver to travel between his or her residence and the agricultural business. Applicants would have been required to submit a signed affidavit certifying that the individual is engaged in agricultural business.

## Special License Plates

The General Assembly enacted seven bills establishing new special license plates. One bill addressing this issue was postponed indefinitely.

**House Bill 11-1166** creates the Juvenile Diabetes special license plate. The plate will be available to all applicants who pay the necessary fees, including a one-time additional charge of \$50. Of the \$50 fee, \$25 is credited to the Licensing Services Cash Fund (LPCF) and \$25 is credited to the Highway Users Tax Fund (HUTF).

**House Bill 11-1216** creates the Laura Hershey Disability-Benefit Support Act, and subject to available moneys, establishes a program to award state contracts to one or more non-profit organizations that assist disabled persons with obtaining benefits. The nine-member Disabled-Benefit Support Contract Committee is created in the Department of Personnel and Administration (DPA) and tasked with contracting and evaluation of services. Revenue for the program is generated through the receipt of gifts, grants, and donations, and the sale of uniquely valuable registration numbers.

The bill also creates the seven-member License Plate Auction Group (LPAG), housed in the Governor's Office, to market and manage the sales of uniquely valuable license plate numbers. It authorizes the DOR to hold and release available license plate numbers for sale by the LPAG or private entities. The state receives the full amount of revenue for the sale of unissued license plate numbers, and a 25 percent royalty on sales by private entities. A buyer of a designated license plate number secures the exclusive right to its use, and if the number is not within the normal format for license plates, it must be issued as a personalized plate. The LPAG is authorized to accept gifts, grants, and donations; hire employees; and set prices and auction available license plate numbers.

Under current law, the General Assembly is required to set a minimum issuance of each special license plate in the bill creating the plate. **House Bill 11-1236** repeals the minimum number of group special license plates that must be issued before a plate can be discontinued. Examples of such plates include alumni association plates, U.S. Olympic Committee plates, and public education plates, among others. However, the bill provides that the department may stop issuing the support public education special license plate if 3,000 license plates are not issued by July 1, 2016. A person who was issued a support public education special license plate on or before July 1, 2016, may continue to use the plate after July 1, 2016.

**House Bill 11-1298** creates the Craig Hospital special license plate. The plate will be available to applicants who pay the appropriate one-time license fee of \$50, and a one-time donation of \$20 to Craig Hospital. Of the \$50 fee, \$25 is credited to the HUTF and \$25 is credited to the LSCF. The DOR is authorized to stop issuing the plate if less than 3,000 are issued by July 1, 2016.

**House Bill 11-1316** creates both the Colorado Avalanche and Denver Nuggets special license plates. The plates will be available to applicants who pay the appropriate one-time license fee of \$50, and make a one-time donation of \$45 to Kroenke Sports charities. Of the \$50 fee, \$25 is credited to the HUTF and \$25 is credited to the LSCF. The DOR may stop issuing the plate if fewer than 3,000 are issued by July 1, 2016.

**Senate Bill 11-037** creates the World War II specialty license plate. The plate will be available to applicants who were members of the U.S. armed services between December 7, 1941, and September 2, 1945. Applicants must show a DD214, or similar form, to demonstrate evidence of their veteran status.

**Senate Bill 11-197** creates the Girl Scouts Centennial special license plate. The plates will be available to applicants who pay the appropriate license fees and two one-time fees of \$25. One \$25 fee is credited to the HUTF and the other is credited to the LSCF. The DOR may stop issuing the plate sets if less than 3,000 are issued by July 1, 2017.

**House Bill 11-1034** would have created the Protect Our Rivers special license plate. The plate would have been available to applicants who paid the appropriate license fees, a one-time fee of \$50, and a one-time donation of \$25 to Colorado Trout Unlimited. Of the \$50 fee, \$25 would have been credited to the HUTF and \$25 would have been credited to the LSCF. The DOR would have been authorized to stop issuing the plate if less than 3,000 were issued by July 1, 2014. The bill was postponed indefinitely.