

**Final**  
STAFF SUMMARY OF MEETING

TRANSPORTATION LEGISLATION REVIEW COMMITTEE

Date: 10/05/2011

Time: **09:02 AM to 04:35 PM**

Place: HCR 0112

This Meeting was called to order by  
Representative Vaad

This Report was prepared by  
Elizabeth Hanson

ATTENDANCE

Barker	X
Brown	*
Fischer	*
Hamner	X
Jones	*
King S.	X
Looper	X
Priola	X
Ramirez	X
Renfroe	E
Schwartz	E
Scott	X
Spence	*
Tochtrop	X
Tyler	X
Williams A.	X
Williams S.	X
Young	X
Hudak	X
Vaad	X

X = Present, E = Excused, A = Absent, \* = Present after roll call

Bills Addressed:	Action Taken:
Presentation by the CWPMA	Witness Testimony and/or Committee Discussion Only
Presentation by CDOT	Witness Testimony and/or Committee Discussion Only
Presentation by Swift Tram	Witness Testimony and/or Committee Discussion Only
Presentation by the DOR	Witness Testimony and/or Committee Discussion Only
Presentation from Councilmember Bob Broom	Witness Testimony and/or Committee Discussion Only
Presentation regarding HUTF OTT Fund	Witness Testimony and/or Committee Discussion Only
Bill 1	Forwarded, as amended, to Legislative Council
Bill 2	Forwarded, as amended, to Legislative Council
Bill 3	Forwarded, as amended, to Legislative Council
Bill 4	Forwarded to Legislative Council
Bill 5	Forwarded to Legislative Council
Bill 6	Withdrawn from Consideration
Bill 7	Forwarded, as amended, to Legislative Council
Discussion on Special License Plates	Witness Testimony and/or Committee Discussion Only

**09:04 AM -- Presentation by the Colorado and Wyoming Petroleum Marketers Association**

Representative Vaad called the meeting to order. Roll call was taken and a quorum was present.

**09:04 AM**

Mr. Mark Larson and Mr. Grier Bailey, both representing the Colorado Wyoming Petroleum Marketers Association, testified before the committee. A handout was provided to the committee members (Attachment A). Mr. Larson yielded his time to Mr. Bailey, and made himself available for questions afterward.

Mr. Bailey asserted that there is a tax inequity between alternative fuel vehicles and vehicles using gasoline or diesel. He predicts that the number of alternative fuel vehicles will continue to increase, and therefore the inequity could become more defined. Mr. Bailey said that vehicles taking part in the state's CNG/ LNG decal program ultimately pay less in taxes than their gasoline and diesel counterparts, despite similar demands on roadways. Decals can range from \$70 to \$125, and exempt the vehicle from gas tax under C.R.S. 39-27-102.5. Gasoline and diesel vehicle owners may pay over \$1000 in taxes when combined with federal taxes. The decal exemption thus subtracts revenue that would otherwise be credited to the Highway Users Tax Fund (HUTF). Mr. Bailey concluded that the lost revenue ultimately encumbers the state's road maintenance and infrastructure needs.

**09:15 AM**

The committee recessed.

**09:27 AM -- Presentation by the Colorado Department of Transportation (CDOT) Division of Transit and Rail.**

The committee reconvened.

Mark Imhoff, representing CDOT Division of Transit and Rail testified before the committee. He distributed Attachment B to the committee members.

**09:28 AM**

Mr. Imhoff began his presentation with an overview of the division's ongoing activities. He outlined the division's transit grant program, which selects and allocates approximately \$15 million per year for transportation projects to state and local entities, as well as nonprofit organizations. The division is now seeking proposals for grants to be awarded in 2013 (due October 28). Chairman Vaad queried Mr. Imhoff on the grant selection process.

**09:44 AM**

Mr. Imhoff continued his presentation with a discussion of the division's annual report. The report includes information regarding the sale of the Towner Line, which closed one day prior to this committee meeting (10/4/11). The Towner Line was sold to V&S Railway, which operates a number of railways in the western states. The proceeds from the \$10 million sale are deposited into the State Rail Bank. Mr. Imhoff also detailed the status of the Tennessee Pass Line and the Fort Collins Line. He then detailed the division's various long range transportation plans, which include the feasibility of an advanced guideway system for I-70, and an Interregional Connectivity Study. CDOT is also assessing the feasibility for managed lane concepts on state highways, with express buses possibly using the managed lane.

**09:50 AM**

Mr. Imhoff responded to committee questions about private funding for Interstate 70 (I-70) improvements, and a recent unsolicited proposal mentioned in the press. Mr. Imhoff declined to elaborate on the proposal, as he had not seen it, but said it may involve a managed lane with buses. A public statement should be available on this matter this fall. Chairman Vaad recognized Mr. Herman Stockinger, CDOT Office of Policy and Intergovernmental Relations. Mr. Stockinger said that state engineers are now researching the private proposal mentioned earlier. If the engineers agree on the feasibility, then a Request for Proposal (RFP) would be released, and thus there will be no exclusivity for bidding.

**10:02 AM**

Mr. Imhoff answered questions regarding capacity in the Moffat Tunnel from Representative Ramirez. Mr. Imhoff also fielded further questions regarding the sale of the Towner Line.

**10:26 AM -- Presentation by Swift Tram Incorporated**

Mr. Carl Lawrence, chief executive officer, Swift Tram, Inc. presented to the committee. Mr. Lawrence presented information on his company's tramway systems. His previous experience is with Columbine Bus, which provides the buses for the 16th Street Mall. Swift Tram manufactures suspended monorail systems. Suspended monorails travel about 16 feet above the roadway in order to avoid vehicular traffic, cross streets, pedestrians and snow. The trams do not require a driver, and travel up to 100 miles per hour. The system costs approximately \$3 million in building costs per mile, reportedly far less than similar monorail technologies. Mr. Lawrence suggests that such a system is viable on I-70 corridor, as well as on I-25 between Denver and Ft. Collins.

**10:36 AM**

Mr. Lawrence discussed Swift Tram's expertise and staff support. He then responded to questions from the committee regarding costs, applicable grades, and appropriate weather conditions. Representative Tyler asked about project costs in comparison to buses, which are reportedly more expensive to operate because buses require an operator.

**10:37 AM**

The committee recessed.

**10:45 AM -- Presentation by the DOR**

The committee reconvened.

Mr. Mike Dixon and Ms. Maren Rubino, representing the Colorado Division of Motor Vehicles within the DOR, began a presentation about special license plates. A copy of the presentation is included as Attachment C. Ms. Rubino also distributed a handout that summarizes the 74 different type of license plates (Attachment D). Mr. Dixon explained that the presentation aims to address three questions raised by committee members, which include:

- transferring special license plates to other vehicles;
- a possible cap on the total number of special license plates; and
- historical data on the number of special license plates available.

Mr. Dixon explained that special license plates have a 10-year history in Colorado. He noted that in the last fiscal year, fees for special license plates resulted in about \$5 million in revenue to the Highway Users Tax Fund (HUTF). Ms. Rubino explained the process for developing special license plates, including a "roadmap" to special license plates, which is explained in Attachment D. She stated that taxes and fees for special license plates are assessed based upon a vehicle type, tax class, weight, and the county it is registered. Ms. Rubino noted that the presentation would focus on the difference between the fees that are collected for the HUTF and for licensing services, as well as the rule differences for different license plates. Ms. Rubino provided background information about military license plates, noting that there are 32 different types of military plates in Colorado, and 2 are available to any citizen. She continued explaining the fees and qualifications for obtaining these plates. She stated that all group special license plates generate fee revenue both to the HUTF and the Licensing Services Cash Fund. However, there are many differences in the rules governing other license plates. Ms. Rubino provided an overview of statutory requirements affecting special license plates, which is further explained in Attachment C, and specifying which plates do not have these requirements.

Ms. Rubino explained to the committee that the state has 35 alumni license plates, and provided the committee with background about these plates. She also explained the 28 different group license plates, and the 32 different type of military license plates. The panel responded to committee questions about annual renewal fees for license plates.

**11:01 AM**

Ms. Rubino continued the presentation by providing the committee with background information about personalized license plates and the costs of these plates. She noted that annual renewals cost each individual a \$50 fee, which is credited to the HUTF. She explained the revenues that have been collected since 2008 (Attachment D). She noted that special plate fees generated about \$5 million each year to the HUTF and \$2 million each year to the Licensing Services Cash Fund. Ms. Rubino responded to committee questions about the revenue that has been collected, and she noted that all the revenue generated is additional revenue that is not collected for normal plates. She also responded to committee questions about the burdens on county clerks for collecting the revenue from special plates.

Ms. Rubino provided the committee with background information about the statutory requirements for special plates, and noted that each group is given a letter by the department when they have satisfied the statutory requirements for a special license plate. After receiving a letter from the department, each group must find a legislator to sponsor legislation to create that special plate, she noted. This information is communicated to these groups during the application process by the department. Committee discussion ensued about the process for creating special license plates.

#### **11:14 AM**

Ms. Rubino provided the committee members with the department's six recommendations for making changes to the special license plate program. These recommendations include:

- reduce taxpayer funds tied up in inventory of license plates, and consider shifting the cost burden from the taxpayer to the nonprofit;
- standardize the process, and consider requiring the organization to obtain the state certification letter prior to sponsoring a bill for a new license plate;
- avoid destruction of plates that do not reach the 3,000 minimum limit within 12 months that is specified in statute. Consider allowing license plates to be retired only when the inventory is depleted;
- avoid lawsuits against the state by withdrawing support of amendments to existing group special license plates;
- revise the license plate creation process specified in Section 42-3-207, C.R.S.; and
- revise the removal process for retired license plates specified in Section 42-3-208, C.R.S.

Committee discussion ensued about the recommendations and potential legislation that would implement these ideas.

#### **11:20 AM**

Ms. Rubino responded to committee questions about shifting the cost burdens to nonprofit organizations to the taxpayers, and whether organizations could cover the costs of 3,000 plates through bonds. Ms. Rubino responded that different states have different procedures, and that some states do require the organization to purchase a bond. The committee members also discussed how license plate inventories affect counties.

#### **11:28 AM -- Presentation from Council member Bob Broom**

Senator Williams introduced Council member Bob Broom of the Aurora City Council. He distributed a handout to committee members, which is included as Attachment E.

Mr. Broom explained his proposal, which consists of a 3 percent surtax on the severance of oil, gas and minerals, which would be allocated for the state transportation needs. His idea stems from oil and gas companies in the 1970s, which reportedly invested heavily in state infrastructure at the time. The three percent tax is additional, and leaves existing tax structures in place. Eighty percent of the proceeds would be allocated to roads and 20 percent for public transportation. Council member Broom then discussed the need for continued funding for roads and infrastructure.

**11:34 AM**

Representative Tyler asked whether this tax proposal would be affected by Article X, Section 20 of the Colorado Constitution (otherwise known as the Taxpayers Bill of Rights (TABOR)). He also raised the question whether the change would require a ballot proposal. Councilmember Broom stated that the 3 percent proposal would be a TABOR issue and would require a ballot proposal.

**11:37 AM -- Presentation regarding HUTF OTT Fund**

David Meng and Viktor Bojilov, Joint Budget Committee Staff, began a presentation and distributed Attachment F. Mr. Meng began his presentation by defining "Off The Top" (OTT) appropriations. "Off The Top" refers to the portion of HUTF monies that is now spent for highway supervision. These funds are used to finance the Colorado State Patrol and Ports of Entry. These funds have also been used recently to support drivers license offices.

**11:45 AM**

Mr. Meng continued his presentation explaining the history and structure of the OTT monies. He then presented a time-lapse comparison of the OTT balances from FY 2000-01 forward. These figures are reflected in the attachment.

**11:49 AM**

Mr. Jason Gelender, representing the Office of Legislative Legal Services (OLLS), noted that it is not constitutionally required that the HUTF funds be used a certain way, beyond highway supervision, which has a broad definition. Traditionally, monies collected from relevant fees are allocated directly into the HUTF, but it is not constitutionally specified, he stated.

Representative Fischer queried Mr. Meng on whether the OTT funds are appropriate to fund the Colorado State Titling and Registration System (CSTARS) account. Mr. Meng responded that the CSTARS account is funded by an account within the HUTF, and House Bill 10-1182 addressed how this money is spent. Chairman Vaad advised the committee to be very protective of HUTF monies.

**11:55 AM**

Representative Brown asked whether licensing fees pay for the licensing process. Representative Brown also asked about the need for OTT monies to be allocated to the Licensing Services Cash Fund for registrations and funding drivers license offices. Mr. Meng responded by providing more detail on how these services are funded.

The committee recessed.

**01:13 PM -- Bill 1**

The committee reconvened.

Kurt Morrison, Legislative Council Staff (LCS), explained the process for considering legislation.

Representative Looper and Senator Williams presented Bill 1, which provides for permanent license plate registration for tractors and trailers. The bill is included as Attachment G. Representative Looper also distributed a handout to committee members, (Attachment H), a copy of Amendment 1 (Attachment I) and Amendment 2 (Attachment J). Additionally, Representative Looper distributed a memorandum about fees from the Office of Legislative Legal Services (OLLS) (Attachment K).

Senator Williams explained that Class A trucks and vehicles are operated on an interstate basis, and are registered with the International Registration Plan (IRP), not through county clerks. The IRP is generally a registration reciprocity agreement for motor carriers (or trucking companies) in the United States. The trailers, she noted, are owned by Colorado companies and are registered with county clerks and cannot be registered by the IRP. She explained that each state is left to decide how to register these interstate trailers. Representative Looper explained that Colorado does not have a multi-year option for registration of these vehicles while other states have this permanent registration option.

**01:21 PM**

Representative Looper noted that Colorado is competing with different states in their registration fees for commercial semitrailers, which is explained in Attachment H. Representative Looper also explained the fee breakdown for these vehicles, which is described in Attachment K. Representative Looper stated that the bill attempts to provide an incentive for these trailers to register their vehicles in Colorado, and she explained that there would be an increase in revenues from the specific ownership tax and other revenues. Representative Looper responded to questions about the additional revenue that would be collected.

Mr. Jery Payne, representing OLLS, explained the fees that would be collected. Representative Looper further noted that the fee would be collected on a one-time basis. She explained Amendment 1, and committee discussion ensued about the revenue that would result from the proposed legislation.

**01:37 PM**

The committee continued discussing the process for obtaining permanent plate registration in the proposed bill. Representative Looper explained to committee members that in-state trailers would have the option to pay a one-time fee of \$120 for a permanent registration, and she stated this would result in a net revenue gain to the state. The committee continued discussing about the revenue gain, and Mr. Payne returned to the table to explain that the bill includes a reporting requirement from the Department of Revenue to the General Assembly.

**01:49 PM**

No witnesses signed up to testify on the proposal. Public testimony was closed.

**01:51 PM**

The bill was placed on the table for action.

<b>BILL:</b>	Bill 1	
<b>TIME:</b>	01:51:30 PM	
<b>MOVED:</b>	Looper	
<b>MOTION:</b>	Adopt Amendment 1 to proposed Bill 1 (Attachment I). The motion passed without objection.	
<b>SECONDED:</b>	Williams S.	
		<b>VOTE</b>
	Barker	
	Brown	
	Fischer	
	Hamner	
	Jones	
	King S.	
	Looper	
	Priola	
	Ramirez	
	Renfroe	Excused
	Schwartz	Excused
	Scott	
	Spence	
	Tochtrop	
	Tyler	
	Williams A.	
	Williams S.	
	Young	
	Hudak	
	Vaad	
<b>Not Final YES: 0 NO: 0 EXC: 2 ABS: 0 FINAL ACTION: Pass Without Objection</b>		

<b>BILL:</b>	<b>Bill 1</b>	
<b>TIME:</b>	<b>01:52:24 PM</b>	
<b>MOVED:</b>	Williams S.	
<b>MOTION:</b>	Move that Bill 1, as amended, be included as one of the bills forwarded to Legislative Council. The motion passed on a 16-2 roll call vote, with 2 excused.	
<b>SECONDED:</b>	Looper	
		<b>VOTE</b>
	Barker	Yes
	Brown	Yes
	Fischer	No
	Hamner	Yes
	Jones	No
	King S.	Yes
	Looper	Yes
	Priola	Yes
	Ramirez	Yes
	Renfroe	Excused
	Schwartz	Excused
	Scott	Yes
	Spence	Yes
	Tochtrop	Yes
	Tyler	Yes
	Williams A.	Yes
	Williams S.	Yes
	Young	Yes
	Hudak	Yes
	Vaad	Yes
<b>Final YES: 16 NO: 2 EXC: 2 ABS: 0 FINAL ACTION: PASS</b>		

**01:56 PM**

Representative Vaad, Chair, requested sponsors and cosponsors. It was requested that the bill begin in the House of Representatives, and Representative Looper would be listed as the House sponsor. Senator Williams requested to be listed as the Senate sponsor. The following members requested that their names be added as cosponsors: Representative Scott, Representative Angela Williams, Representative Barker, Representative Ramirez, and Representative Brown.

**01:57 PM -- Bill 2**

Senator Williams, on behalf of Senator Schwartz, presented Bill 2, which impacts low-speed electric vehicles. A copy of the bill is included as Attachment L. The bill allows local governments to permit the operation of low-speed electric vehicles on local streets at speeds up to 40 miles per hour. The bill also repeals the authority of local governments to allow the operation of golf cars on local roadways. Additionally, the bill specifies that the term "low-speed electric vehicles" does not include full-speed electric vehicles. Mr. Chuck Brackney, representing OLLS, explained the legislation. Committee members raised questions about the golf cars provision of the proposed legislation.

**02:03 PM**

Mr. Bobby Juchem, representing the Colorado State Patrol, responded to questions about why the bill would remove the authority of local governments to allow the operation of golf cars. He stated that the required speed limit for golf cars is a safety issue, and explained that unlicensed younger drivers operating low-speed electric vehicles are affected by other cars on the road. The committee continued discussing the golf cars issue. Senator Williams distributed several letters from Pitkin County about the legislation, which is included as Attachment M.

The committee also discussed the current state law on low speed electric vehicles, which states that a low-speed electric vehicle may be operated only on a roadway that has a speed limit equal to or less than 35 miles per hour.

**02:16 PM**

Public testimony began. The following person testified:

**02:17 PM --** Mr. Mark Radtke, representing the Colorado Municipal League, testified and explained that only a local ordinance would allow the operation of golf cars. Committee discussion continued about these issues.

02:19 PM

Public testimony was closed. The bill was placed on the table for action.

<b>BILL:</b>	<b>Bill 2</b>	
<b>TIME:</b>	<b>02:21:04 PM</b>	
<b>MOVED:</b>	Tyler	
<b>MOTION:</b>	Adopt an amendment to Bill 2 to allow low-speed electric vehicles on roads that have higher speed limits equal to or less than 40 miler per hour. In Bill 2, page 2, line 27, strike "thirty-five" and insert "forty," page 3, line 2, strike "thirty-five" and insert "forty," page 3, line 3, strike "thirty-five" and insert "forty," and on page 3, strike lines 5-9. After discussion, the motion passed without objection.	
<b>SECONDED:</b>	Priola	
		<b>VOTE</b>
	Barker	
	Brown	
	Fischer	
	Hamner	
	Jones	
	King S.	
	Looper	
	Priola	
	Ramirez	
	Renfroe	Excused
	Schwartz	Excused
	Scott	
	Spence	
	Tochtrop	
	Tyler	
	Williams A.	
	Williams S.	
	Young	
	Hudak	
	Vaad	
	<b>Not Final YES: 0 NO: 0 EXC: 2 ABS: 0 FINAL ACTION: Pass Without Objection</b>	

02:33 PM

The committee discussed how to define "full speed" in the bill, and an amendment was placed on the table.

<b>BILL:</b>	<b>Bill 2</b>	
<b>TIME:</b>	<b>02:36:14 PM</b>	
<b>MOVED:</b>	Ramirez	
<b>MOTION:</b>	Adopt an amendment to Bill 2 to remove the reference to "full speed." In Bill 2, page 2, strike lines 21 and 22. After discussion, the motion passed without objection.	
<b>SECONDED:</b>	Looper	
		<b>VOTE</b>
	Barker	
	Brown	
	Fischer	
	Hamner	
	Jones	
	King S.	
	Looper	
	Priola	
	Ramirez	
	Renfroe	Excused
	Schwartz	Excused
	Scott	
	Spence	
	Tochtrop	
	Tyler	
	Williams A.	
	Williams S.	
	Young	
	Hudak	
	Vaad	
<b>Not Final YES: 0 NO: 0 EXC: 2 ABS: 0 FINAL ACTION: Pass Without Objection</b>		

**02:40 PM**

Committee members discussed the provisions of the bill as amended, and whether it should be recommended as legislation. Committee members also raised questions about repealing the authorities of local governments.

<b>BILL:</b>	<b>Bill 2</b>	
<b>TIME:</b>	<b>02:43:14 PM</b>	
<b>MOVED:</b>	Brown	
<b>MOTION:</b>	Adopt an amendment to Bill 2 to add golf cars to the proposal. In Bill 2, page 2, remove the strike on lines 6-12, and on page 3, remove the strike on lines 17-20. After discussion, the motion passed without objection.	
<b>SECONDED:</b>	Young	
		<b>VOTE</b>
	Barker	No
	Brown	Yes
	Fischer	Yes
	Hamner	Yes
	Jones	Yes
	King S.	Yes
	Looper	Yes
	Priola	Yes
	Ramirez	Yes
	Renfroe	Excused
	Schwartz	Excused
	Scott	No
	Spence	No
	Tochtrop	No
	Tyler	No
	Williams A.	Yes
	Williams S.	No
	Young	Yes
	Hudak	No
	Vaad	No
<b>Not Final YES: 10 NO: 8 EXC: 2 ABS: 0 FINAL ACTION: PASS</b>		

<b>BILL:</b>	<b>Bill 2</b>	
<b>TIME:</b>	<b>02:47:35 PM</b>	
<b>MOVED:</b>	Fischer	
<b>MOTION:</b>	Move that Bill 2, as amended, be included as one of the bills forwarded to Legislative Council. The motion passed on a 11-7 roll call vote, with 2 excused.	
<b>SECONDED:</b>	Brown	
		<b>VOTE</b>
	Barker	No
	Brown	Yes
	Fischer	Yes
	Hamner	Yes
	Jones	Yes
	King S.	No
	Looper	Yes
	Priola	Yes
	Ramirez	No
	Renfroe	Excused
	Schwartz	Excused
	Scott	No
	Spence	No
	Tochtrop	No
	Tyler	Yes
	Williams A.	Yes
	Williams S.	Yes
	Young	Yes
	Hudak	Yes
	Vaad	No
<b>Final YES: 11 NO: 7 EXC: 2 ABS: 0 FINAL ACTION: PASS</b>		

**02:49 PM**

Representative Vaad, Chair, requested sponsors and cosponsors. It was requested that the bill begin in the Senate, and Senator Schwartz will be listed as the Senate sponsor.

**02:50 PM -- Bill 3**

Representative Vaad presented proposed Bill 3 (Attachment N). The bill abolishes the motor carrier services division of the DOR and transfers the powers, duties, and functions of the division to the Department of Public Safety and the Colorado state patrol. Representative Vaad discussed the merits of the bill. Representative Vaad responded to questions from the committee.

**03:00 PM**

Representative Hudak asked for witnesses to testify before the bill.

**03:01 PM --** Major Savage, representing the Colorado State Patrol, testified regarding the bill. Major Savage responded to questions from the committee.

**03:12 PM**

Senator Hudak asked about the bill's impact on whether all ports of entry shall remain open.

**03:19 PM --** Mr. Mike Dixon, representing the DOR, testified regarding the bill. Mr. Dixon responded to questions from the committee.

**03:25 PM**

Senator Hudak expressed concerns regarding the bill. Representative Vaad responded to questions from the committee.

03:36 PM

Senator Hudak asked for amendments to the bill.

<b>BILL:</b>	<b>Bill 3</b>	
<b>TIME:</b>	<b>03:41:00 PM</b>	
<b>MOVED:</b>	Vaad	
<b>MOTION:</b>	Adopt Amendment 1 to Bill 3 (Attachment O). The motion passed without objection.	
<b>SECONDED:</b>	Scott	
		<b>VOTE</b>
	Barker	
	Brown	
	Fischer	
	Hamner	
	Jones	
	King S.	
	Looper	
	Priola	Excused
	Ramirez	
	Renfroe	Excused
	Schwartz	Excused
	Scott	
	Spence	
	Tochtrop	
	Tyler	
	Williams A.	Excused
	Williams S.	
	Young	
	Hudak	
	Vaad	
<b>Not Final YES: 0 NO: 0 EXC: 4 ABS: 0 FINAL ACTION: Pass Without Objection</b>		

<b>BILL:</b>	<b>Bill 3</b>	
<b>TIME:</b>	<b>03:44:45 PM</b>	
<b>MOVED:</b>	Vaad	
<b>MOTION:</b>	Move that Bill 3, as amended, be included as one of the bills forwarded to Legislative Council. The bill passed on a 16-0 roll call vote, with 4 excused.	
<b>SECONDED:</b>	Looper	
		<b>VOTE</b>
	Barker	Yes
	Brown	Yes
	Fischer	Yes
	Hamner	Yes
	Jones	Yes
	King S.	Yes
	Looper	Yes
	Priola	Excused
	Ramirez	Yes
	Renfroe	Excused
	Schwartz	Excused
	Scott	Yes
	Spence	Yes
	Tochtrop	Excused
	Tyler	Yes
	Williams A.	Yes
	Williams S.	Yes
	Young	Yes
	Hudak	Yes
	Vaad	Yes
<b>Final YES: 16 NO: 0 EXC: 4 ABS: 0 FINAL ACTION: PASS</b>		

**03:44 PM**

Senator Hudak, Chair, requested sponsors and cosponsors. It was requested that the bill begin in the House of Representatives, and Representative Vaad will be listed as the House sponsor. Senator Steve King requested to be listed as the Senate sponsor. The following members requested that their names be added as cosponsors: Representative Barker, Representative Looper, Representative Scott, Representative Ramirez, Representative Tyler, Senator Spence, and Senator Williams.

**03:47 PM -- Bill 4**

Representative Looper presented Bill 4 (Attachment P). The bill extends the processors and end users fund for waste tire fees to July 1, 2020. Representative Looper distributed a handout about the bill, which is also included as Attachment Q. The committee members discussed the proposal, and she explained that the bill does not repeal the fee but it extends fund through 2020.

**03:51 PM**

There were no witnesses that signed up to testify. Public testimony was closed.

<b>BILL:</b>	<b>Bill 4</b>	
<b>TIME:</b>	<b>03:51:49 PM</b>	
<b>MOVED:</b>	Looper	
<b>MOTION:</b>	Move that Bill 4 be included as one of the bills forwarded to Legislative Council. The motion passed on a 14-0 roll call vote, with 6 excused.	
<b>SECONDED:</b>	Jones	
		<b>VOTE</b>
	Barker	Excused
	Brown	Yes
	Fischer	Yes
	Hamner	Yes
	Jones	Yes
	King S.	Yes
	Looper	Yes
	Priola	Excused
	Ramirez	Yes
	Renfroe	Excused
	Schwartz	Excused
	Scott	Yes
	Spence	Yes
	Tochtrop	Excused
	Tyler	Yes
	Williams A.	Excused
	Williams S.	Yes
	Young	Yes
	Hudak	Yes
	Vaad	Yes
<b>Final YES: 14 NO: 0 EXC: 6 ABS: 0 FINAL ACTION: PASS</b>		

**03:51 PM**

Representative Vaad, Chair, requested sponsors and cosponsors. It was requested that the bill begin in the House of Representative and Representative Looper would be listed as the House sponsor. Senator Spence requested to be listed as Senate sponsor. The following members requested that their names be added as cosponsors: Representative Fisher, Representative Jones, Representative Hamner, Representative Tyler, Representative Ramirez, Representative Young, Representative Vaad, Senator Hudak, Senator Steve King, and Senator Williams.

**03:54 PM -- Bill 5**

Representative Young presented Bill 5 (Attachment R). The bill repeals the fee currently charged to a member of the armed services for the branch of service identifier on a Colorado driver's license. The committee discussed the proposed legislation, and Representative Young stated that the intent is to eliminate the fee, not the program. He noted that no fee revenue has been collected at this time, and explained that there would be no fee assessed for listing a military identification on the driver license. The committee discussed the potential revenue impacts of the proposed legislation.

**04:01 PM**

Mr. Mike Dixon, representing DOR, responded to committee questions and stated that the department is still establishing the program. He noted that no individuals have requested the identifier on their driver's license at this time. The cost of the program, he explained, was approximately \$55,000, and he stated that the fees would allow the department to recover this cost. Committee members raised questions about the fee, and Representative Young explained that the current fee is \$15.00.

No witnesses signed up to testify on the proposal. Public testimony was closed.

<b>BILL:</b>	<b>Bill 5</b>	
<b>TIME:</b>	<b>04:03:30 PM</b>	
<b>MOVED:</b>	Young	
<b>MOTION:</b>	Move that Bill 5 be included as one of the bills forwarded to Legislative Council. The motion passed on a 13-0 roll call vote, with 7 excused.	
<b>SECONDED:</b>	Looper	
		<b>VOTE</b>
	Barker	Yes
	Brown	Yes
	Fischer	Yes
	Hamner	Yes
	Jones	Yes
	King S.	Excused
	Looper	Yes
	Priola	Excused
	Ramirez	Yes
	Renfroe	Excused
	Schwartz	Excused
	Scott	Excused
	Spence	Yes
	Tochtrop	Excused
	Tyler	Yes
	Williams A.	Excused
	Williams S.	Yes
	Young	Yes
	Hudak	Yes
	Vaad	Yes
<b>Final YES: 13 NO: 0 EXC: 7 ABS: 0 FINAL ACTION: PASS</b>		

**04:03 PM**

Representative Vaad, Chair, requested sponsors and cosponsors. It was requested that the bill begin in the House of Representatives, and Representative Young will be listed as the House sponsor. Senator Spence requested to be listed as the Senate sponsor. The following members requested that their names be added as cosponsors: Representative Hamner, Representative Ramirez, Representative Looper, Representative Barker, Representative Fisher, Representative Jones, Representative Vaad, Senator Hudak, and Senator Williams.

**04:05 PM -- Bill 6**

Senator Williams, on behalf of Senator Schwartz, began a presentation about Bill 6 (Attachment S). The bill increases the penalty for commercial and noncommercial drivers that cause an incident that leads to a closure on interstate highway 25 or interstate highway 70.

The bill was withdrawn from consideration by Senator Williams at the request of Senator Schwartz.

**04:06 PM -- Bill 7**

Representative Looper presented proposed Bill 7, which would repeal several transportation reporting requirements that are currently submitted to the Transportation committees during the legislative session. The bill is included as Attachment T.

**04:07 PM**

There were no witnesses that signed up to testify. Public testimony was closed.

**04:07 PM**

Representative Jones explained his concerns about Section 2 of the proposed bill. An amendment was placed on the table for action.

<b>BILL:</b>	Bill 7	
<b>TIME:</b>	04:09:01 PM	
<b>MOVED:</b>	Jones	
<b>MOTION:</b>	Adopt an amendment to Bill 7 to strike Section 2. The motion passed without objection.	
<b>SECONDED:</b>	Williams S.	
		<b>VOTE</b>
	Barker	
	Brown	
	Fischer	
	Hamner	
	Jones	
	King S.	
	Looper	
	Priola	
	Ramirez	
	Renfroe	Excused
	Schwartz	Excused
	Scott	
	Spence	
	Tochtrop	
	Tyler	
	Williams A.	
	Williams S.	
	Young	
	Hudak	
	Vaad	
<b>Not Final YES: 0 NO: 0 EXC: 2 ABS: 0 FINAL ACTION: Pass Without Objection</b>		

<b>BILL:</b>	<b>Bill 7</b>	
<b>TIME:</b>	<b>04:11:01 PM</b>	
<b>MOVED:</b>	Looper	
<b>MOTION:</b>	Move that Bill 7, as amended, be included as one of the bills forwarded to Legislative Council. The motion passed on a 13-0 roll call vote, with 7 excused.	
<b>SECONDED:</b>	Ramirez	
		<b>VOTE</b>
	Barker	Yes
	Brown	Yes
	Fischer	Yes
	Hamner	Yes
	Jones	Yes
	King S.	Excused
	Looper	Yes
	Priola	Excused
	Ramirez	Yes
	Renfroe	Excused
	Schwartz	Excused
	Scott	Excused
	Spence	Yes
	Tochtrop	Excused
	Tyler	Yes
	Williams A.	Excused
	Williams S.	Yes
	Young	Yes
	Hudak	Yes
	Vaad	Yes
<b>Final YES: 13 NO: 0 EXC: 7 ABS: 0 FINAL ACTION: PASS</b>		

**04:11 PM**

Representative Vaad, Chair, requested sponsors and cosponsors. It was requested that the bill begin in the House of Representatives, and Representative Looper will be listed as the House sponsor. Senator Williams requested to be listed as the Senate sponsor. The following members requested that their names be added as cosponsors: Representative Priola, Representative Brown, Representative Barker, Representative Ramirez, Representative Tyler, and Senator Hudak.

**04:13 PM -- Discussion on Special License Plates**

Senator Hudak began a committee discussion about special license plates. She she noted that the Colorado DOR's presentation (Attachment D) included several policy recommendations on page 37. The 6 recommendations include:

- reduce taxpayer funds tied up in inventory of license plates, and consider shifting the cost burden from the taxpayer to the nonprofit;
- standardize the process, and consider requiring the organization to obtain the state certification letter prior to sponsoring a bill for a new license plate;
- avoid destruction of plates that do not reach the 3,000 minimum limit within 12 months that is specified in statute. Consider allowing license plates to be retired only when the inventory is depleted;
- avoid lawsuits against the state by withdrawing support of amendments to existing group special license plates;
- revise the license plate creation process specified in Section 42-3-207, C.R.S.; and
- revise the removal process for retired license plates specified in Section 42-3-208, C.R.S.

Senator Hudak suggested drafting a bill in which the title would be broad, and listed the department's recommendations. After committee discussion, the idea was placed on the table to include recommendations 2 and 3 in a draft bill.

<b>BILL:</b>	<b>Discussion Special License Plates</b>	
<b>TIME:</b>	<b>04:16:49 PM</b>	
<b>MOVED:</b>	Hudak	
<b>MOTION:</b>	Draft Bill 8 on special license plates to include recommendations 2 and 3 from the Department of Revenue. The committee discussed the motion. The motion passed on a 7-6 roll call vote, with 7 excused.	
<b>SECONDED:</b>	Spence	
		<b>VOTE</b>
	Barker	No
	Brown	No
	Fischer	No
	Hamner	Yes
	Jones	Yes
	King S.	Excused
	Looper	No
	Priola	Excused
	Ramirez	No
	Renfroe	Excused
	Schwartz	Excused
	Scott	Excused
	Spence	Yes
	Tochtrop	Excused
	Tyler	Yes
	Williams A.	Excused
	Williams S.	Yes
	Young	Yes
	Hudak	Yes
	Vaad	No
<b>Not Final YES: 7 NO: 6 EXC: 7 ABS: 0 FINAL ACTION: PASS</b>		

**04:32 PM**

Senator Hudak explained she would like to be the Senate requester on the bill, and Representative Tyler expressed his support for being the House requester.

Mr. Kurt Morrison, LCS, explained that in order to move forward with an additional draft bill, the committee must have another meeting. He explained that a minimum of eleven members will need to reconvene during the month of October in order to consider this legislation. Mr. Morrison noted that if there is not a quorum present at the meeting, it would be a failure of the committee to act on the bill, and no draft bill could move forward.

**04:35 PM**

The committee adjourned.



## STATE OF COLORADO CNG/LPG DECAL PROGRAM

(5) (a) The tax imposed by section 39-27-102 (1) (a) (II) (B) shall not apply to any motor vehicle that has been registered in this state, that is powered by liquefied petroleum gas or natural gas, and for which a valid decal has been acquired as provided in this subsection (5). The owners or operators of such motor vehicles shall, in lieu of the tax imposed under section 39-27-102 (1) (a) (II) (B), pay an annual license tax fee on each such vehicle in accordance with the following schedule of motor vehicle gross weights:

**Gross Weight in  
Pounds  
Annual**

**License Tax Fee**

(I) 1- 10,000	\$70.00
(II) 10,001- 16,000	\$100.00
(III) Over 16,000	\$125.00

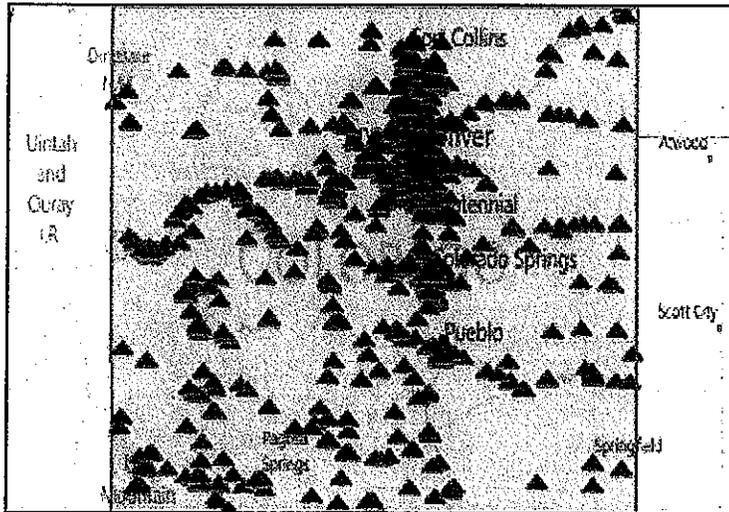
Example-

There is a CNG - fleet truck out there driving 30,000 miles per year in a 8,000 pound pre-load weight at an average per gallon rate of 10 miles per gallon. Divided out for the year the truck would have consumed 3000 "gallons" of CNG. At the Colorado's special fuel tax rate of 20.5 cents, this person would have paid "at retail" \$615.00 excise tax dollars, money that would go into the HUTF. So in this example, the operator of this truck, because he has a decal costing \$70.00 per year, received a \$545.00 per year benefit or the State's HUTF a \$545.00 dollar loss compared to a truck operated on diesel fuel. If you add the federal excise tax of 24.4 cents, the driver of the decal truck receives a combined net tax benefit of \$1,277.00 per year. This is money that goes directly to the maintenance and administration of the state's and nation's road infrastructure.

(Note: the federal excise tax loss would only apply to private filling)

# 2010 State Report

## Colorado



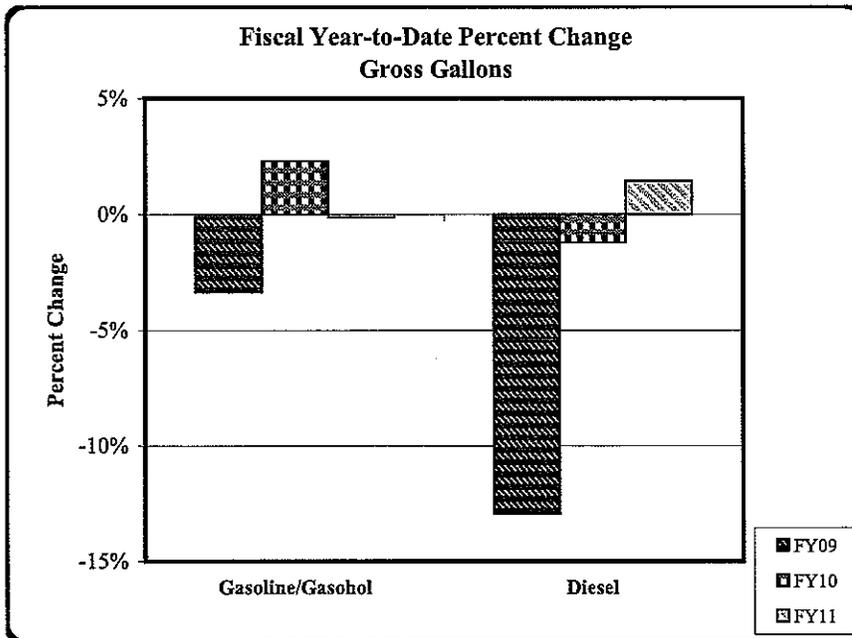
### Governor John Hickenlooper

	Average Per Store	District	Colorado
<b>Total Stores:</b>	1	2,089	2,089
<b>Total Employees:</b>	10	20,890	20,890
<b>Transactions per Day:</b>	1,150	2,402,350	2,402,350
<b>Total Sales:</b>	\$3,957,618	\$8,267,464,002	\$8,267,464,002
<b>Merchandise Sales:</b>	\$1,086,572	\$2,269,848,908	\$2,269,848,908
<b>Food Service Sales:</b>	\$222,550	\$464,906,950	\$464,906,950
<b>Total Motor Fuel Sales:</b>	\$2,648,496	\$5,532,708,144	\$5,532,708,144
<b>Total Motor Fuel Gallons:</b>	980,924	2,049,150,236	2,049,150,236
<b>Total Credit Card Expense:</b>	\$61,880	\$129,267,320	\$129,267,320
<b>Total Utilities Expense:</b>	\$47,940	\$100,146,660	\$100,146,660
<b>Total Labor Expense:</b>	\$221,184	\$462,053,376	\$462,053,376
<b>Pre-Tax Profit:</b>	\$44,004	\$91,924,356	\$91,924,356

Source: NACS State of the Industry Report of 2010 Data; Nielsen TDLinX Store Count (December 31, 2010)

**Colorado Department of Revenue  
Office of Research and Analysis  
Monthly State Motor Fuel Gallons and Receipts**

		June 2011	FY10-11 YTD	FY09-10 YTD	Percent Change
GASOLINE/ GASOHOL	Gross Gallons	184,477,559	2,158,641,939	2,161,334,944	-0.1%
	Exemptions/Deductions	8,688,691	101,302,927	110,918,680	-8.7%
	Refunds	1,278,667	14,405,051	21,594,879	-33.3%
	Net Gallons	174,510,202	2,042,933,961	2,028,821,385	0.7%
DIESEL:	Gross Gallons	51,178,484	630,057,726	621,057,943	1.4%
	Exemptions/Deductions	6,352,631	104,127,284	94,771,349	9.9%
	Refunds	954,891	25,660,687	28,176,871	-8.9%
	Distributed to Other States	505,312	16,966,738	13,877,979	22.3%
	Net Gallons	43,870,963	500,269,755	498,109,723	0.4%
ALTERNATIVE FUELS	Gross Gallons	3,827,418	19,742,779	4,553,299	333.6%
	Exemptions/Deductions	946,551	5,706,210	3,083,151	85.1%
	Net Gallons	2,880,867	14,036,569	1,470,148	854.8%
AVIATION GASOLINE	Gross Gallons	550,469	4,910,986	4,966,716	-1.1%
	Exemptions/Deductions	88,036	532,630	576,164	-7.6%
	Refunds	20,306	277,470	332,499	-16.6%
	Net Gallons	442,127	4,100,886	4,058,053	1.1%
AVIATION JET FUEL	Gross Gallons	15,982,119	179,108,936	183,859,626	-2.6%
	Exemptions/Deductions	12,965,137	144,315,546	149,625,448	-3.5%
	Refunds	110,072	3,609,548	4,794,728	-24.7%
	Net Gallons	2,906,910	31,183,842	29,439,450	5.9%
SUMMARY	Gross Gallons Total	256,016,049	2,992,462,366	2,975,772,528	0.6%
	Exemptions/Deductions Total	29,041,046	355,984,597	358,974,792	-0.8%
	Refunds Total	2,363,935	43,952,756	54,898,977	-19.9%
	Distributed to Other States	505,312	16,966,738	13,877,979	22.3%
	Net Gallons Total	224,611,068	2,592,525,013	2,561,898,759	1.2%
RECEIPTS	Net Gasoline/Gasohol @ 22 cents	\$ 37,473,196	\$ 446,669,209	\$ 444,500,847	0.5%
	Net Special Fuel @ 20.5 cents	9,621,253	105,720,993	103,348,301	2.3%
	Net Aviation Gasoline @ 6 cents	24,089	213,178	215,576	-1.1%
	Net Aviation Jet Fuel @ 4 cents	122,592	1,230,898	1,073,790	14.6%
	Net All Fuels Total	\$ 47,241,130	\$ 553,834,279	\$ 549,138,514	0.9%



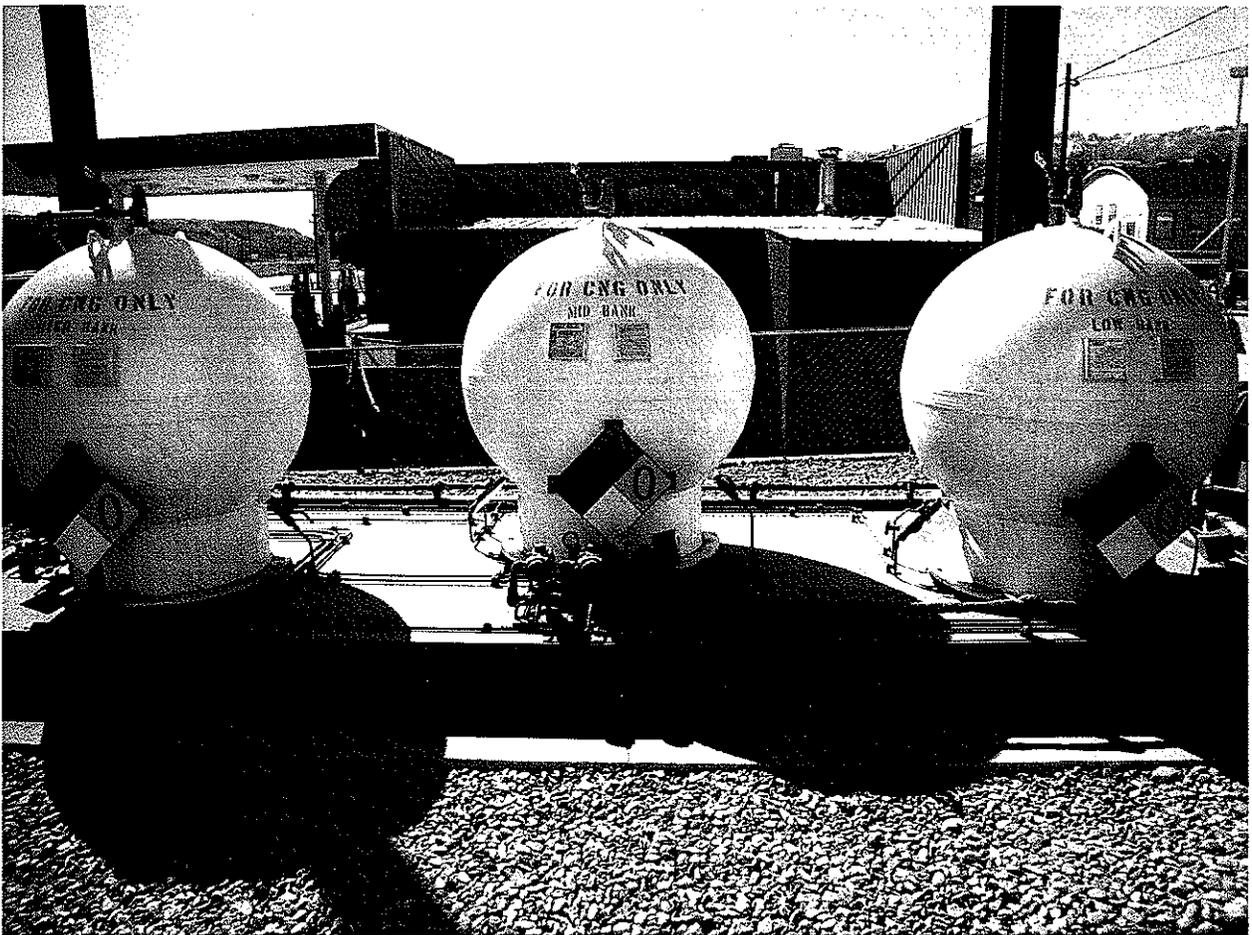
Note: Gallons and excise tax receipts may not reconcile. Gallons are tracked by actual period of activity, while excise taxes are based on receipts during the calendar month.

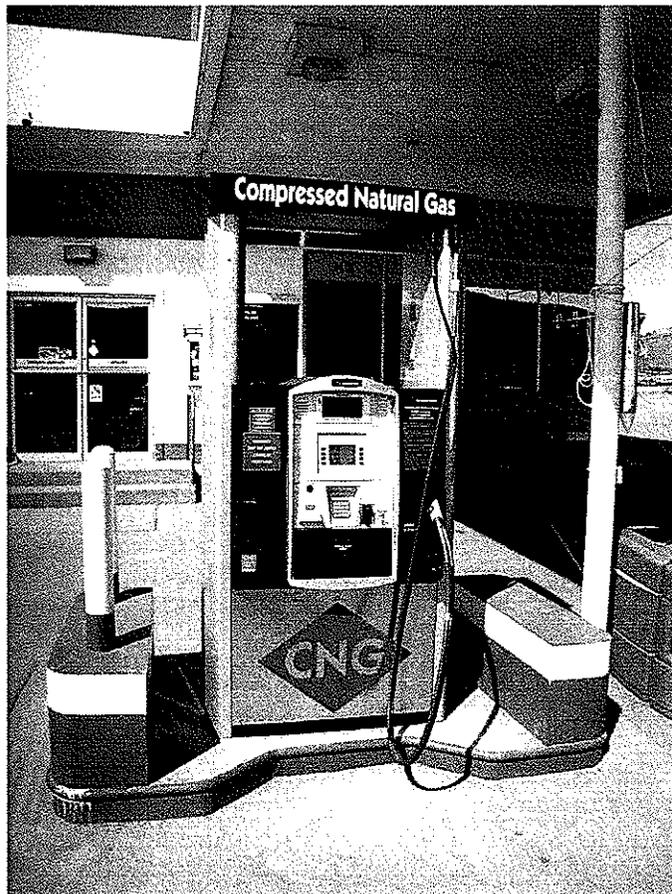


### State Motor Fuel Gallons and Receipts 1/ Fiscal Years 2007 to 2010

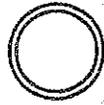
Year		2007	2008	2009	2010
GASOLINE/GASOHOL	Gross Gallons	2,162,040,412	2,209,843,900	2,112,254,297	2,160,576,328
	Exemptions/Deductions	93,032,298	107,995,352	95,674,957	110,865,130
	Refunds	18,084,499	20,216,232	13,821,825	21,594,879
	<b>Net Gallons</b>	<b>2,050,923,615</b>	<b>2,081,632,316</b>	<b>2,002,757,515</b>	<b>2,028,116,319</b>
DIESEL	Gross Gallons	678,476,746	721,081,645	627,044,488	617,717,664
	Exemptions/Deductions	103,508,480	123,657,407	88,856,472	94,498,874
	Refunds	29,153,082	32,260,314	24,157,367	28,176,871
	Distributed to Other States	22,841,419	24,780,422	19,895,103	13,877,979
	<b>Net Gallons</b>	<b>545,815,184</b>	<b>565,163,924</b>	<b>514,030,649</b>	<b>495,041,919</b>
ALTERNATIVE FUELS	Gross Gallons	13,727,073	8,310,525	5,063,055	4,858,074
	Exemptions/Deductions	9,791,610	4,297,578	3,165,775	3,401,320
	<b>Net Gallons</b>	<b>3,935,463</b>	<b>4,012,947</b>	<b>1,897,280</b>	<b>1,456,754</b>
AVIATION GASOLINE	Gross Gallons	6,589,083	5,043,554	4,999,677	4,940,784
	Exemptions/Deductions	1,127,509	184,558	536,097	559,755
	Refunds	144,010	71,763	300,683	332,499
	<b>Net Gallons</b>	<b>5,317,564</b>	<b>4,787,233</b>	<b>4,162,897</b>	<b>4,048,530</b>
AVIATION JET FUEL	Gross Gallons	300,511,184	276,227,462	214,699,584	183,859,626
	Exemptions/Deductions	257,043,761	233,457,450	179,394,194	149,625,448
	Refunds	31,158,280	8,756,530	4,288,620	4,794,728
	<b>Net Gallons</b>	<b>12,309,143</b>	<b>34,013,482</b>	<b>31,016,770</b>	<b>29,439,450</b>
SUMMARY	Gross Gallons Total	3,161,344,498	3,220,507,086	2,964,061,101	2,971,952,476
	Exemptions/Deductions Total	464,503,657	469,592,346	367,627,495	358,950,527
	Refunds Total	78,539,872	61,304,839	42,568,495	54,898,977
	Distributed to Other States	22,841,419	24,780,422	19,895,103	13,877,979
	<b>Net Gallons Total</b>	<b>2,618,300,969</b>	<b>2,689,609,902</b>	<b>2,553,865,111</b>	<b>2,558,102,972</b>
RECEIPTS	Net Gasoline/Gasohol @22 cents	\$480,159,622	\$449,935,623	\$438,245,772	\$444,500,847
	Net Special Fuel @ 20.5 cents	123,364,946	116,794,105	104,836,721	103,348,301
	Net Aviation Gasoline @ 6 cents	266,677	260,436	212,128	215,576
	Net Aviation Jet Fuel @ 4 cents	856,055	1,397,754	1,242,428	1,073,790
	<b>Net All Fuels Total</b>	<b>\$604,647,300</b>	<b>\$568,387,918</b>	<b>\$544,537,050</b>	<b>\$549,138,514</b>

1/ Gallons and excise tax receipts may not reconcile. Gallons are tracked by actual period of activity, while excise taxes are based on receipts during each calendar month.





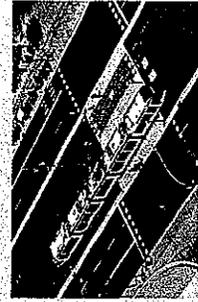
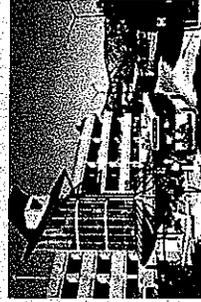
# Division of Transit & Rail



TRANSPORTATION LEGISLATION REVIEW  
COMMITTEE

OCTOBER 5<sup>TH</sup>, 2011

MARK IMHOFF  
DIRECTOR





# CDOT's Mission

2

To provide  
**the best multi-modal transportation**  
**system for Colorado**  
that most effectively and safely moves people,  
goods, and information.



working in coordination  
with other transit and  
rail providers to

plan

promote

and

implement

investments in transit  
and rail services  
statewide

## Division of Transit and Rail

Responsible for planning, development, operation, and integration of transit/rail into state planning and to assist local governments. C.R.S. 43-1-117.5

Duties related to transit and rail services:

- planning
- developing
- financing
- operating
- integrating



# Transit and Rail Advisory Committee (TRAC)

Ann Rajewski-TRAC Chairperson	Executive Director, Colorado Assn. of Transit Agencies
Tom Allen	Transit Director, South Central Council of Governments, Trinidad
Gary Beedy	County Commissioner, Lincoln County
Terri A. Binder	Citizen
Craig Blewitt	Mountain Metropolitan Transit, Colorado Springs
Richard M. Hartman	Director of Public Affairs, Union Pacific Railroad
Todd Hollenbeck	Grand Valley Metropolitan Planning Organization, Grand Junction
Jonathan Hutchison	Amtrak
David Johnson	Roaring Fork Transit Authority, Glenwood Springs/Aspen
Peter Rickershauser	OmniTrax
Matthew O'Neill	Colorado Municipal League, Windsor
William Van Meter	Acting Asst. General Manager, RTD Planning, FasTracks Team
James Soutby	Colorado Rail Passenger Association
Michael E. Timlin	Greyhound
Bill VanMeter	Regional Transportation District, Denver
Scott Weeks	Denver Regional Council of Governments/Western High Speed Rail Alliance



## TRAC Initiatives

- **Policy Input/Regular Transportation Commission Updates**
- **Proactive on all Transit/Rail studies and plans**
- **Transit Grant Award Process**
  - Both FTA and *FASTER*
  - Evaluation process and criteria
  - Improved transparency
- **Freight Rail Issues Identification**
  - Education
  - Economic Development
  - Shortline plight
- **Performance Based Planning**
  - Measurement Development



# Transit Grant Overview

(Federal and State)

## Grants

- 75 grantees
- 183 grants/year (apx)
  - 48 Operating grants/year
  - 125 Capital grants/year
  - 10 Planning grants

## Transit Database

- Operating and financial stats
- Annual reporting to Federal Transit Administration
- Capital Needs Database 
- Comprehensive statewide
- Asset management system
- Updated every grant cycle



# FTA Formula Grants (Federal and State)

7

A component

of

The

Federal

Authorization

Bill

SAFETEA-LU

Colorado Total

\$ 11.81m

5304

Rural Planning

• \$ 310k / Year

5310

Small Urban/Rural Capital

• \$ 1.69m / Year

5311

Rural Operating

• \$ 8.37m / Year

5316/17

Specialized Small Urban/Rural Capital and Operating

• \$ 1.44m / Year



# Grant Application Process

## FTA 5309 Discretionary Grant Competition (FFY 2011)

8

- Consolidated State Submittals (rural areas)
  - prioritized/first time
- Evaluation criteria and scoring vetted thru CASTA and other agencies
- Every application was given feedback
- Those not awarded were placed on 2013 *FASTER* Capital Needs Master List

5309 Grant Program	Total Applications	Prioritized Submittals	Submittal Date
• State of Good Repair	30	19	July
• Bus Livability	9	5	July
• Clean Fuels	4	2	August
• TIGGER	1	1	August
• Vets	4	4	September



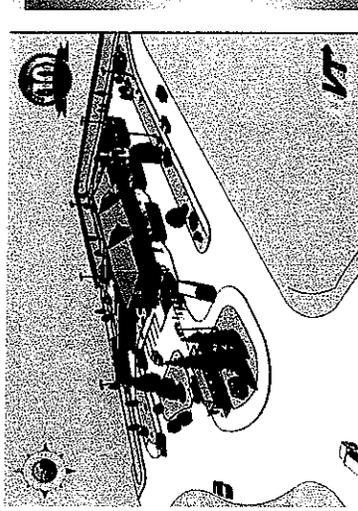
# State Grants

**2013**

**Call for  
projects  
has been  
made**

## **FASTER Transit**

- \$5 million/year for local transit projects
- \$10 million/year for statewide transit projects
- 85 Projects (2010-2012)
  - 45 Organizations
    - 19 Towns / Cities
    - 14 Counties
    - 7 Non-Profits
    - 3 Gov't Councils
    - 2 Transit Authorities



Grand Valley Transit/Greyhound Facility

# Getting more out of the existing system

## **U.S. 36 BRT/ Express Lanes (from I-25 to Interlocken)**

- Jointly with RTD
- Managed lanes
- Bus Rapid Transit System
- Transportation Infrastructure Finance and Innovation Act (TIFIA) Loan
- Anticipated completion by 2015
- Potential Public Private Partnership (P<sup>3</sup>) (from Interlocken-Boulder)



Improvements to U.S. 36 will cut travel times between Denver and Boulder by up to 25 minutes. (Planned)

## **I-25 Express Lanes (US 36 to 120<sup>th</sup> Ave) / PROPOSED**

- Proposed TIGER III
- Improved express bus service + Park and Ride access
- Congestion relief
- Decades earlier than planned



# SB 97-037 Annual Report

## Potential Rail Line Acquisition

11

### Three priorities

**Submitted**

**to the**

**TLRC**

**this month**

1. Administer final purchase of Townner Line to V & S RR
2. Monitor status of the Tennessee Pass line
3. Monitor status of the Fort Collins Branch line

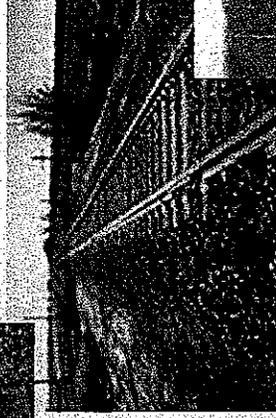
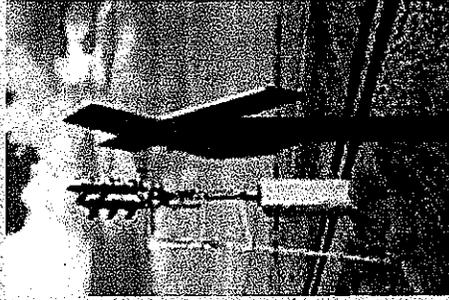


# Towner Line

HB 98-1395

- Contract Closing  
Early October 2011

- Public outreach  
on-going



## -2040 Long Range Transportation Plan-

- Statewide Freight and Passenger Rail Plan
- Statewide Transit Plan
- Interregional Connectivity Study
- I-70 Corridor Advanced Guideway System Feasibility Study

## Statewide Freight and Passenger Rail Plan

- Establish Statewide framework for future rail system
- No public funds identified
- Public officials workshops/Public open houses- August 2011
- Plan recommendations in development
- Final report January 2012

## Statewide Transit Plan

- Intercity and regional bus strategy
- Intermodal connections
- Work plan developed 1<sup>st</sup> quarter 2012

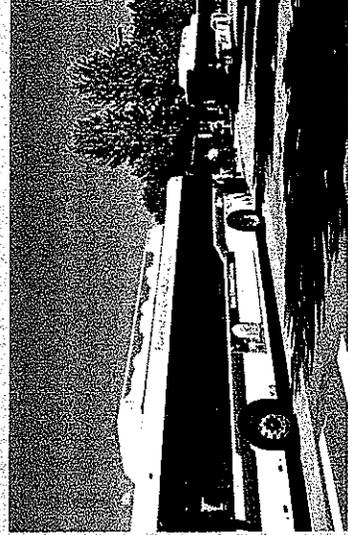


## Authority to “Operate” Transit

- No operating funds

## Regional/Commuter Bus and Rail Service

- FREX - Colorado Springs-Denver
- FLEX - Ft. Collins – Longmont
- I-70 – Mountain Bus Service
- Potential passenger rail



# Railroad Interface

## **Facilitate local government and RR communication**

- Railroad Communication Plan in development
- Overview of Railroad Regulation (whitepaper)

## **Exploring a short line RR low interest loan program**

- Better linkage to Class 1 RR system
- Improve agricultural access to markets
- Economic development focus



# QUESTIONS

MARK IMHOFF, DIRECTOR

CDOT DIVISION OF TRANSIT & RAIL

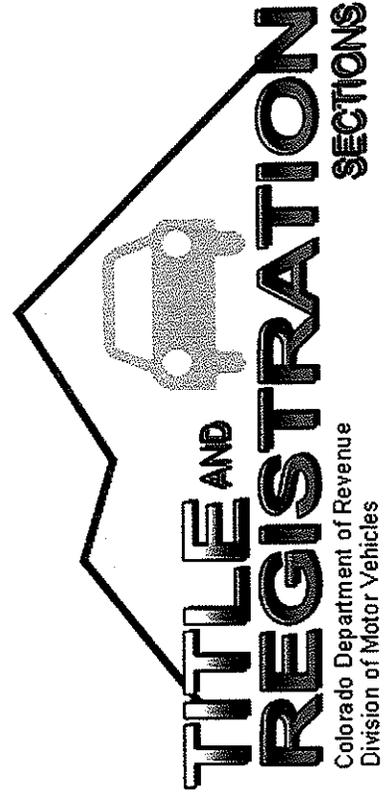
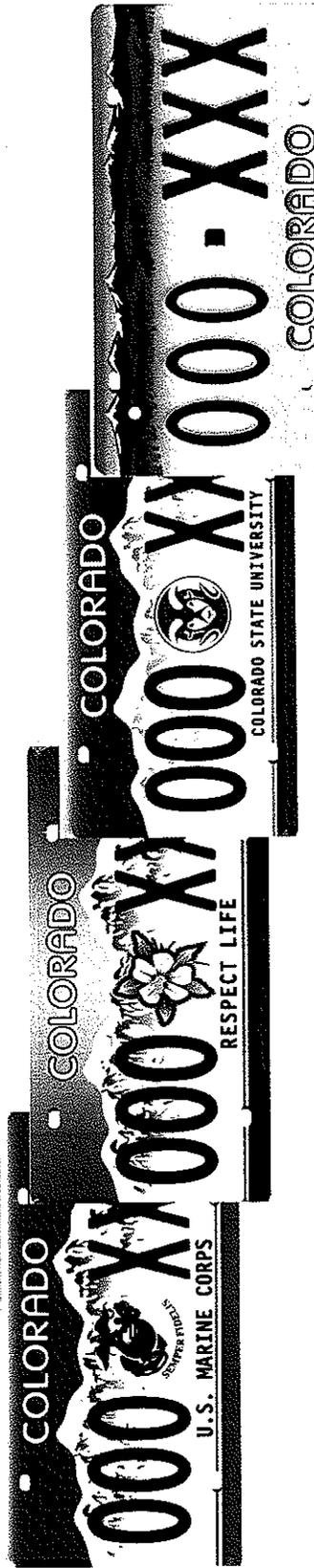
[MARK.IMHOFF@DOT.STATE.CO.US](mailto:MARK.IMHOFF@DOT.STATE.CO.US)

303-757-9007



# Special License Plates

## TLRC Interim Meeting - October 5, 2011





# Roadmap to Special License Plates (74\*)

## Military License Plates (32)

C.R.S. 42-1-102(24.5)



- (2)  - Available to anyone
- (14)  - Qualifier
- (10)  - First set free
- (6)  - HUTF waived first set

2.35% Registered Vehicles or 120,126

## Group Special License Plates (28)

C.R.S. 42-1-102(41.5)



- (11)  - Available to anyone
- (1)  - Qualifier
- (9)  - Qualifier with C.R.S. Donation
- (5)  - Qualifier with non-profit determined donation
- (2)  - Qualifier with state collected C.R.S donation

5.35% Registered Vehicles or 273,592

## Alumni License Plates (13)

C.R.S. 42-3-214



- (2)  - Available to anyone
- (11)  - Qualifier

0.43% Registered Vehicles or 22,152

## Designer (Optional) License Plate (1)

C.R.S. 42-3-212



3.56% Registered Vehicles or 181,934

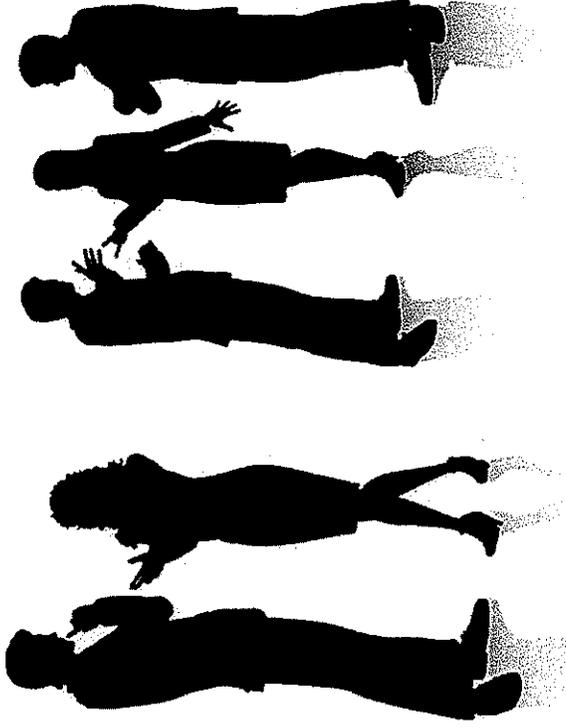
Colorado Department of Revenue, Division of Motor Vehicles, Title and Registration Sections

\* As of 1/1/2012, there will be 121 different license plate types authorized in statute. The plates not included here are the regular green and white license plates (6) and plates established for specific vehicle types such as Taxi, Livery, Fleet, Government, etc. (41)



# Topics of Discussion

- Taxes and Fees
- Roadmap to Special License Plates
  - Designer License Plate
  - Alumni License Plates
  - Group Special License Plates
  - Military License Plates
  - Personalized License Plates
- Revenue
- History and Process
- Other States
- Inventory Management
- DOR Suggestions





# Taxes and Fees

- Taxes and fees are assessed based on:

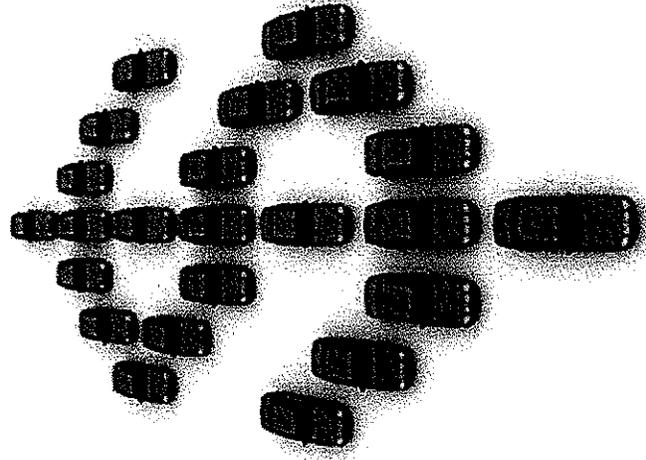
**Vehicle Type  
& Model Year**

**Tax Class**

**Weight**

**Registration  
County**

- Regardless of the license plate type, the normal taxes and fees remain the same based on these factors
- These normal fees apply to all situations to include issuance, renewal, replacement, transfer, change registration etc.
- The focus today will be differences in fees generated to HUTF and LSCF as well as "rule" differences





# Roadmap to Special License Plates

## Military License Plates (32)

C.R.S. 42-1-102(24.5)



- (2)  - Available to anyone
- (14)  - Qualifier
- (10)  - First set free
- (6)  - HUTF waived first set

2.35% Registered Vehicles or 120,126

## Group Special License Plates (28)

C.R.S. 42-1-102(41.5)



- (11)  - Available to anyone
- (1)  - Qualifier
- (9)  - Qualifier with C.R.S. Donation
- (5)  - Qualifier with non-profit determined donation
- (2)  - Qualifier with state collected C.R.S donation

5.35% Registered Vehicles or 273,592

## Alumni License Plates (13)

C.R.S. 42-3-214



- (2)  - Available to anyone
- (11)  - Qualifier

0.43% Registered Vehicles or 22,152

## Designer (Optional) License Plate (1)

C.R.S. 42-3-212



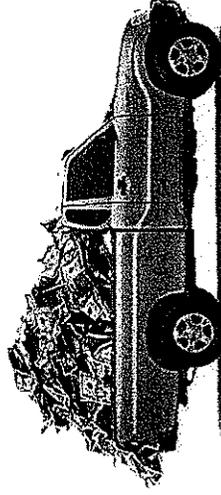
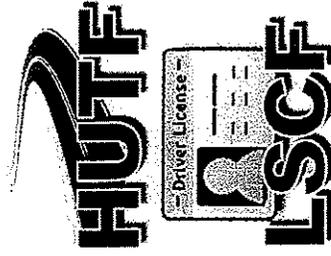
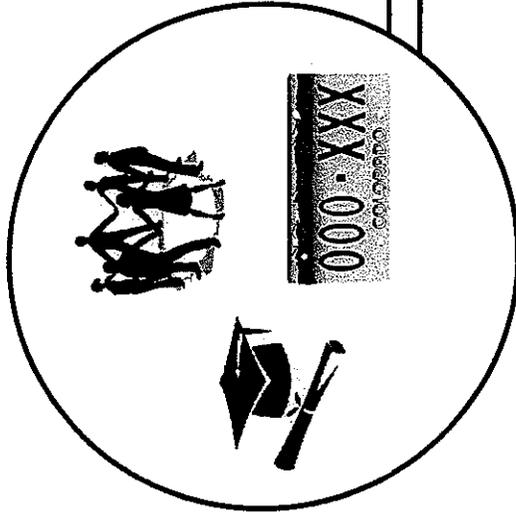
3.56% Registered Vehicles or 181,934



# Types of Special License Plates

Is anything the same?

- **All** Group Special, Alumni, and Designer license plates drive revenue to HUTF and LSCF

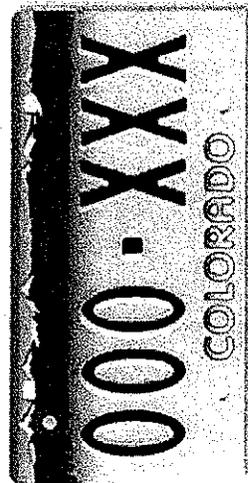


- Not all Military license plates drive revenue to HUTF and or LSCF



# Designer (Optional) License Plate (1)

C.R.S. 42-3-212



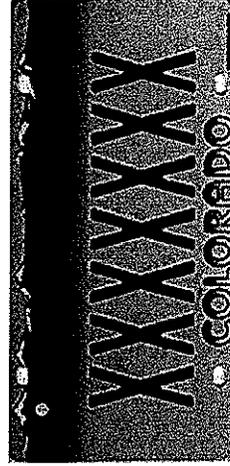
3.56% Registered Vehicles or 181,934

3.99% Registered Vehicles or 197,907



# Designer (Optional) License Plate

- Designer – No pre-qualification or donations required. Any Colorado qualifying vehicle owner may be issued these plates.



\$25 = HUTF fee assessed at the time of every renewal

Pre-Qualifiers				
	C.R.S. SPECIFIED QUALIFIER	C.R.S. DONATION REQUIRED	C.R.S. STATE COLLECTED DONATION	NON-PROFIT DEFINED DONATION
\$25 <b>HUTF</b>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
\$25 Licenses <b>LSCF</b>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
May be Personalized PRSNLZD COLORADO	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>



## Alumni License Plates (13)

C.R.S. 42-3-214



(2)

- Available to anyone



(11)

- Qualifier

0.43% Registered Vehicles or 22,152

0.13% Registered Vehicles or 5,719



## Alumni License Plates



- **“Alumni Special License Plate”** means a special license plate issued to an alumni association for a private or public college or university located within Colorado that offers at least a bachelors degree in an education program and that is accredited by a nationally recognized accrediting agency or association.  
CRS 42-3-214





# Alumni License Plates (2)



- Alumni Plates – No pre-qualification or special donations required.

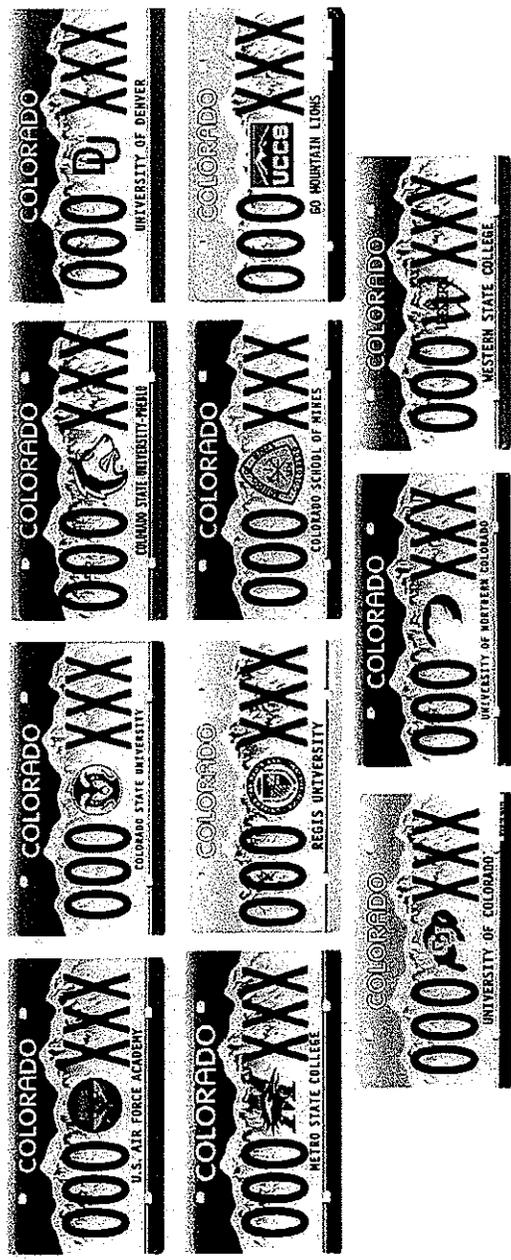


Pre-Qualifiers				
	C.R.S. SPECIFIED QUALIFIER	C.R.S. DONATION REQUIRED	C.R.S. STATE COLLECTED DONATION	NON-PROFIT DEFINED DONATION
\$25 HUTF	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
\$25 License LSCF	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
May be Personalized PRSNLZD COLORADO	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

# Alumni License Plates (11)



- Alumni Plates – Requires proof of prequalification from a the Colorado college, university, or alumni association before license plate can be issued



Pre-Qualifiers				
	C.R.S. SPECIFIED QUALIFIER	C.R.S. DONATION REQUIRED	C.R.S. STATE COLLECTED DONATION	NON-PROFIT DEFINED DONATION
\$25 <b>HUTTF</b>	✓	✓	✓	⊘
\$25 Licenses <b>LSCF</b>	✓	✓	✓	⊘
May be Personalized <b>PRSNLZD</b> COLORADO	✓	✓	✓	⊘
	✓	✓	✓	⊘





## Group Special License Plates (28)

C.R.S. 42-1-102(41.5)



(11)



- Available to anyone

(1)



- Qualifier

(9)



- Qualifier with C.R.S. Donation

(5)



- Qualifier with non-profit determined donation

(2)



- Qualifier with state collected C.R.S donation

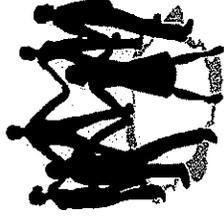
5.35% Registered Vehicles or 273,592

2020 Registration Aspects of 7/3/2020

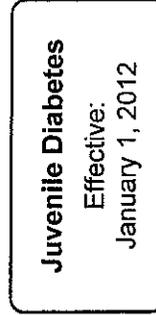
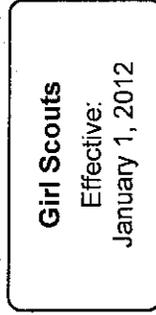
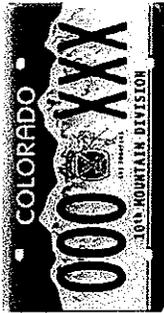
2020 C.R.S. 42-1-102



# Group Special License Plates (11)



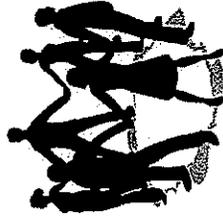
- Group Special – No pre-qualification or non-donation required.

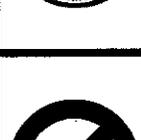
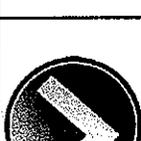
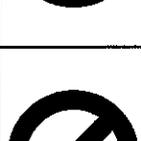


Pre-Qualifiers			
C.R.S. SPECIFIED QUALIFIER	C.R.S. DONATION REQUIRED	C.R.S. STATE COLLECTED DONATION	NON-PROFIT DEFINED DONATION
\$25 <b>HUTTF</b> \$25 LICENSES <b>LSCF</b>	May be Personalized <b>PRSNLZD</b> COLORADO		
	<b>SOME</b>	<b>SOME</b>	
	<b>SOME</b>		

# Group Special License Plates (1)

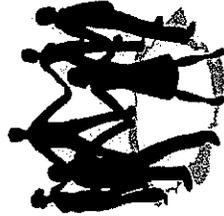
- Group Special – Requires a pre-qualification pursuant to the plate's creating statutes. donation is required



Pre-Qualifiers				
C.R.S. SPECIFIED QUALIFIER	C.R.S. DONATION REQUIRED	C.R.S. STATE COLLECTED DONATION	NON-PROFIT DEFINED DONATION	
				
				
				
				



# Group Special License Plates (9)



- Group Special – Statutory donation to profit organization required.



**\$45**  
**Colorado Avalanche**  
 Effective:  
 January 1, 2012

**\$20**  
**Craig Hospital**  
 Effective:  
 January 1, 2012

**\$45**  
**Denver Nuggets**  
 Effective:  
 January 1, 2012



Donation = the amounts defined by the Colorado Revised Statutes per issuance and plate type

Pre-Qualifiers			
C.R.S. SPECIFIED QUALIFIER	C.R.S. DONATION REQUIRED	C.R.S. STATE COLLECTED DONATION	NON-PROFIT DEFINED DONATION



# Group Special License Plates (5)



- Group Special – Requires a donation defined by the non-profit organization.



**Donation** = the amounts currently defined by the non-profit organization per issuance and plate type  
 \*or 50% offset of the vehicle's emissions

## 1 CCR 204-10 Rule 16. Group Special License Plates

		Pre-Qualifiers			
		C.R.S. SPECIFIED QUALIFIER	C.R.S. DONATION REQUIRED	C.R.S. STATE COLLECTED DONATION	NON-PROFIT DEFINED DONATION
\$25	HUTTF	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
\$25 License	LSCF	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
May be Personalized	PRSNLZD COLORADO	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	SOME	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	SOME	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



# Group Special License Plates (2)



- Group Special – Requires a pre-qualification pursuant to the plate's creating statutes and a donation to a fund collected by the state.



\$30 = at the time of issuance; and  
 \$25 = at each renewal

Adopt A Pet Foundation



\$25 = at the time of issuance; and  
 \$25 = at each renewal\*

(\*Donation is optional through June 30, 2012)

Breast and Cervical Cancer Prevention and Treatment Fund

Pre-Qualifiers			
C.R.S. SPECIFIED QUALIFIER	C.R.S. DONATION REQUIRED	C.R.S. STATE COLLECTED DONATION	NON-PROFIT DEFINED DONATION
May be Personalized 	SOME	SOME	
\$25 License 			
\$25 			



## Military License Plates (32)

C.R.S. 42-1-102(24.5)



(2)

- Available to anyone



(14)

- Qualifier



(10)

- First set free



(6)

- HUTF waived first set

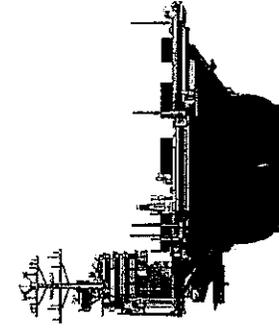
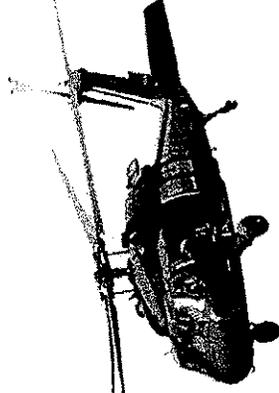
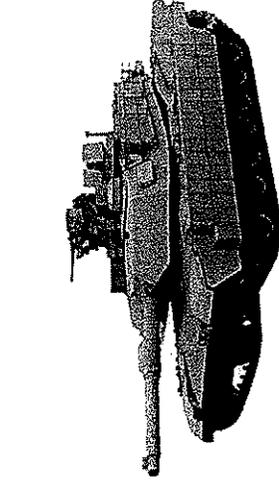
2.35% Registered Vehicles or 120,126

5700 Piedra Way, Suite 200, Boulder, CO 80501-1300



## Military - Taxes and Fees

- Unlike Group Special, Alumni, and Designer, Military license plate statutes permit for exemptions in certain situations of either both or one of the \$25.00 HUTF and \$25.00 LSCF one-time issuance and replacement specialty plate fees
  - This creates three different specialty plate fee structures for military license plates
  - The following slides will demonstrate these three different fee structures as they apply to military license plates
  - No military license plate has an annual or renewal specialty plate fee assessed on them

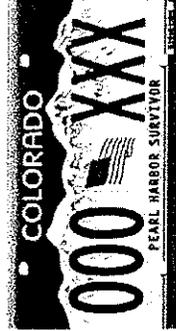




# Military License Plates (10)



- First plate per applicant is waived all taxes and fees to include HUTF and LSCF fees
- Second and subsequent plate is not waived fees



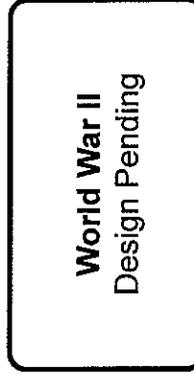
		Pre-Qualifiers			
		C.R.S. SPECIFIED QUALIFIER	C.R.S. DONATION REQUIRED	C.R.S. STATE COLLECTED DONATION	NON-PROFIT DEFINED DONATION
\$25	HUTF	✓	⊘	⊘	⊘
\$25	LSCF	✓	⊘	⊘	⊘
May be Personalized	PRSNLZD COLORADO	✓	⊘	⊘	⊘
		✓	⊘	⊘	⊘



# Military License Plates (6)



- First plate per applicant is waived the HUTF fee only
- Second and subsequent plate is not waived the HUTF or LSCF fees.



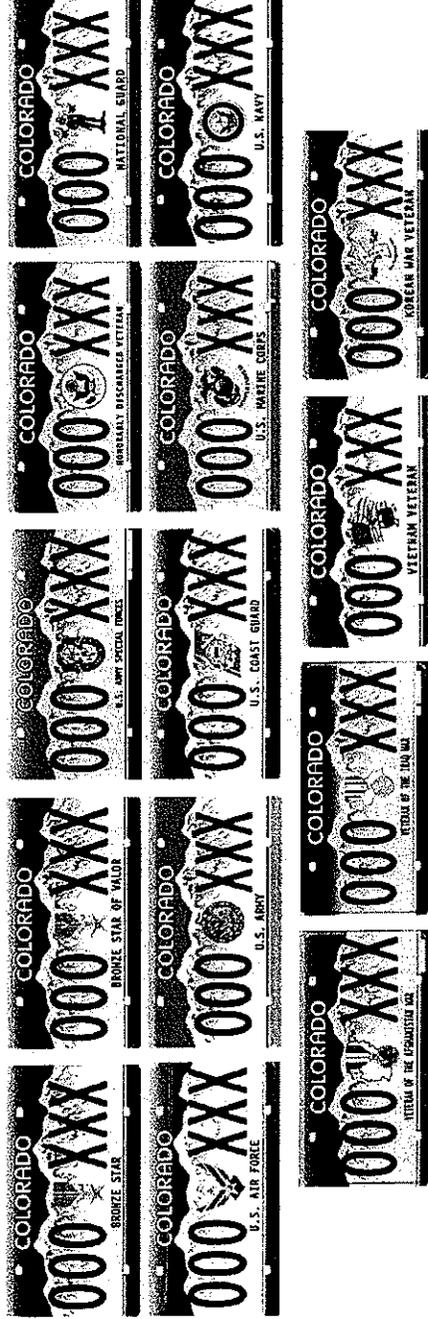
Pre-Qualifiers				
	C.R.S. SPECIFIED QUALIFIER	C.R.S. DONATION REQUIRED	C.R.S. STATE COLLECTED DONATION	NON-PROFIT DEFINED DONATION
\$25 HUTF				
\$25 LICENSES LSCF				
May be Personalized PRSNLZD COLORADO				



# Military License Plates (14)



- Available to qualified service members or veterans
- Plates are not exempt the HUTF or LSCF fees



Pre-Qualifiers				
	C.R.S. SPECIFIED QUALIFIER	C.R.S. DONATION REQUIRED	C.R.S. STATE COLLECTED DONATION	NON-PROFIT DEFINED DONATION
\$25 HUTF	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
\$25 License LSCF	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
May be Personalized PRSNLZD COLORADO	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



# Military License Plates (2)



- Military license plates without qualifiers. Any Colorado qualifying vehicle owner may be issued these plates
- Plates are **not exempt** the HUTF or LSCF fees



Pre-Qualifiers			
C.R.S. SPECIFIED QUALIFIER	C.R.S. DONATION REQUIRED	C.R.S. STATE COLLECTED DONATION	NON-PROFIT DEFINED DONATION
 \$25 <b>HUTF</b>			
 \$25 Licenses <b>LSCF</b>			
May be Personalized 			



# Plate Personalization (Vanity)



Military license plates may not be personalized



Some Group Special and all Alumni license plates may be personalized. If the plate qualifies and the applicant chooses to personalize the plate, they are assessed:

\$33 <b>HUTF</b>	\$25 <b>LSCF</b>	\$2 County Retained Fee	\$25 HUTF Annual Renewal

Total initial issuance and replacement cost: **\$60**

**Transfer: \$13**

If the applicant chooses to personalize a designer license plate, they are assessed:



\$58 <b>HUTF</b>	\$25 <b>LSCF</b>	\$2 County Retained Fee	\$50 HUTF Annual Renewal

Total initial issuance and replacement cost: **\$85**

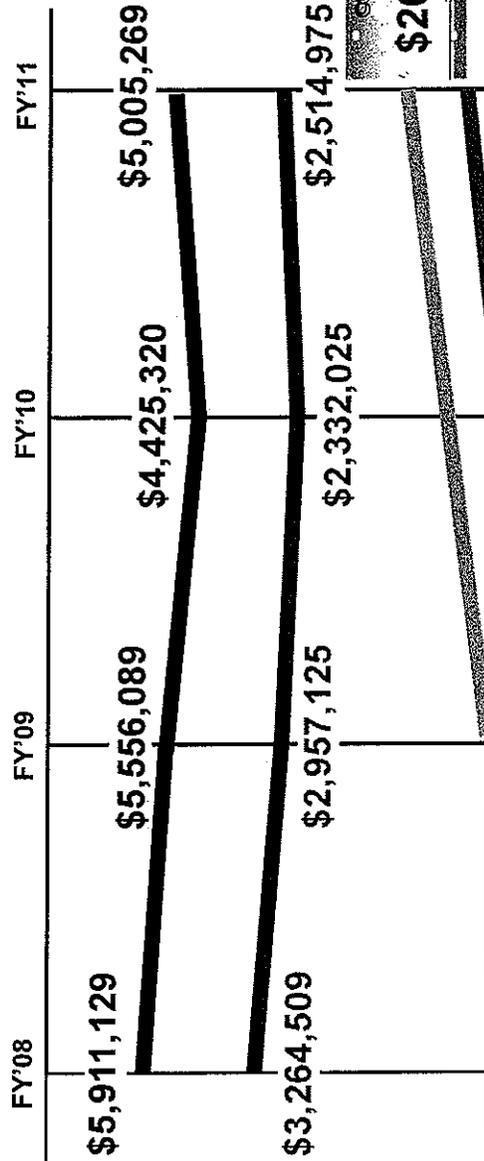
**Transfer: \$13**



# Fund Collections Since July 1, 2007

HUTF & LSCF Collected with License Plates Only Since LSCF Effective Date (SB07-241, July 1, 2007)

	FY'08			FY'09			FY'10			FY'11					
	Issued	HUTF	LSCF	BCCPTF	PET	Issued	HUTF	LSCF	BCCPTF	PET	Issued	HUTF	LSCF	BCCPTF	PET
Alumni	5,145	\$128,625	\$128,625	\$0	\$0	4,331	\$108,275	\$108,275	\$0	\$0	3,771	\$94,275	\$94,275	\$0	\$0
Designer	31,651	\$791,275	\$791,275	\$0	\$0	24,308	\$607,700	\$607,700	\$0	\$0	20,521	\$513,025	\$513,025	\$0	\$0
Military Not Exempt	24,738	\$618,450	\$618,450	\$0	\$0	24,952	\$623,800	\$623,800	\$0	\$0	18,320	\$458,000	\$458,000	\$0	\$0
Military Exempt 1st Issued	4,689	\$0	\$0	\$0	\$0	4,910	\$0	\$0	\$0	\$0	6,882	\$0	\$0	\$0	\$0
Military Exempt HUTF 1st Issued	115	\$0	\$2,875	\$0	\$0	6	\$0	\$150	\$0	\$0	7	\$0	\$175	\$0	\$0
Group Special Issuance	67,584	\$1,689,600	\$1,689,600	\$0	\$0	59,560	\$1,489,000	\$1,489,000	\$0	\$0	46,377	\$1,159,425	\$1,159,425	\$160,125	\$0
Group Special Renewal	0	\$0	\$0	\$0	\$0	0	\$0	\$0	\$0	\$0	0	\$0	\$0	\$0	\$0
Personalized Issuance and New Applications	16,901	\$845,029	\$33,684	\$0	\$0	18,086	\$904,314	\$128,200	\$0	\$0	16,505	\$412,620	\$107,125	\$0	\$0
Personalized Renewal	58,582	\$1,838,150	\$0	\$0	\$0	58,499	\$1,833,000	\$0	\$0	57,154	\$1,787,975	\$0	\$0	\$6,048	\$1,748,750
<b>Total All</b>	<b>209,405</b>	<b>\$5,911,129</b>	<b>\$3,264,509</b>	<b>\$0</b>	<b>\$0</b>	<b>194,652</b>	<b>\$5,566,089</b>	<b>\$2,957,125</b>	<b>\$0</b>	<b>\$0</b>	<b>168,537</b>	<b>\$4,425,320</b>	<b>\$2,332,025</b>	<b>\$160,125</b>	<b>\$0</b>



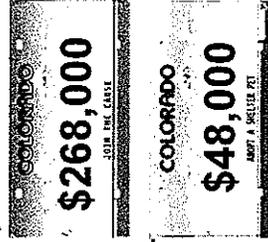
Issued = Initial issuance and replacement license plates

HUTF = Highway Users Tax Fund

LSCF = Licensing Services Cash Fund

BCCPTF = Breast and Cervical Cancer Prevention Treatment Fund

PET = Pet Overpopulation Fund





# GSLP Application Process



## Start

Application for the proposal to create a GSLP are completed pursuant to the:

Modified process in 42-3-207, C.R.S., and;

1 CCR 204-10 Rule 16. Group Special License Plates



## Step 1

Non-profit organizations desiring to propose the creation of a GSLP are provided a packet detailing the process and requirements



## Step 2

To ensure compliance with C.R.S. and rule, the Department requires the non-profit to provide the following:

1. Completed application
2. Affirm agreement to rules and regulation
3. Proof of non-profit tax exempt status
4. 3,000 signatures (both electronic and originals)
5. \$200.00 license plate design payment submitted to Colorado Correctional Industries
6. Funds descriptor letter detailing the non-profit's collection and use of a donation
7. Pre-certification process letter detailing the requirements that customers will have to meet in order to be authorized by the non-profit for issuance of the proposed GSLP
8. Organizations charter and/or articles of incorporation
9. Logo permissions



## Step 3

If the non-profit meets the minimum statutory requirements within 2 years, the Department issues an approval notification information the non-profit that:

1. Their application for the proposal to create a GSLP, documents supplied, and petitions obtained have met the minimum statutory requirements;
- and;
2. That the non-profit has the sole responsibility to obtain a legislator to sponsor a bill

At this point, a new 2-year time limit is established



# GSLP Application Process

## STATE OF COLORADO



**DIVISION OF MOTOR VEHICLES**  
 Department of Revenue  
 Title and Registration Sections  
 Maria Dubois  
 Operations Director  
 Business Location  
 1551 Pierce Street Lakewood, Colorado  
 Phone: 303-792-3606  
 Mailing Address  
 Denver, CO 80216-0016

John W. Hirschlecker  
 Governor  
 Richard J. Roth  
 Executive Director  
 Alex Elvson  
 Senior MS Director

September 19, 2011  
 [Non-Profit Organization]  
 122 Anystreet  
 Suite 123  
 Anytown, CO 99999  
 Attn: Mr. John Smith

Re: "[NAME]" Proposed Group Special License Plate

Dear John Smith:

Your application for creation and implementation of the "[NAME]" group special license plate has been reviewed and determined to meet the statutory requirements of 42-3-207, Colorado Revised Statutes, and the Code of Colorado Regulations 1 CCR 264-14. As the applicant for the "[NAME]" license plate, you have the sole responsibility to obtain a bill sponsor. The Department does not assist applicants in obtaining sponsors for group special license plates.

The Department of Revenue Public Relations Manager, Kyle Boyd, will be your contact through the rest of the process. Please understand that he has no authority regarding passage of the legislation or obtaining a bill sponsor. Kyle can assist you, however, with questions and concerns you may have.

Although the "[NAME]" license plate application has been reviewed and has met the minimum statutory requirement for creation of this plate, you may still want to continue collecting names of individuals interested in obtaining it. If the Colorado General Assembly approves the initial production, a supply of plates will be provided to county motor vehicle offices based on a percentage of the total number of names collected. The Registration Section Manager will determine the final cut off for the collection of names per manufacturing schedules.

Should you have any questions or concerns please feel free to contact Kyle Boyd at (303) 265-6353

Sincerely,

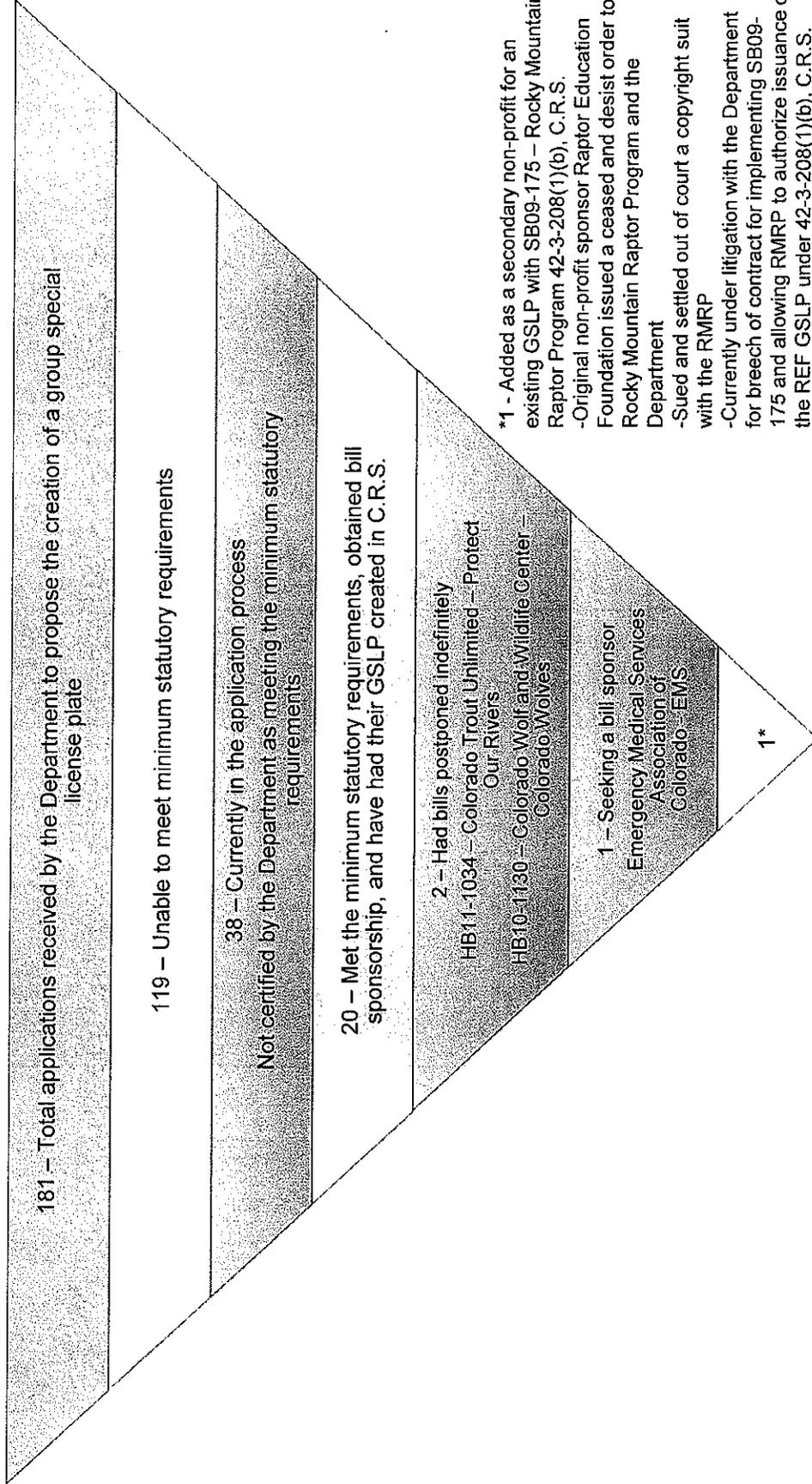
Barbara J. Brohl  
 Executive Director

Cc: Kyle Boyd, DMV



# Current Application Process Results

## Since 2005



- \*1 - Added as a secondary non-profit for an existing GSLP with SB09-175 – Rocky Mountain Raptor Program 42-3-208(1)(b), C.R.S.
- Original non-profit sponsor Raptor Education Foundation issued a ceased and desist order to Rocky Mountain Raptor Program and the Department
- Sued and settled out of court a copyright suit with the RMRP
- Currently under litigation with the Department for breach of contract for implementing SB09-175 and allowing RMRP to authorize issuance of the REF GSLP under 42-3-208(1)(b), C.R.S.
- Trial date set for mid-November 2011



# GSLP Retirement History

**Eliminated  
GSLP**

- Removed all existing inventory from stock
- Required replacement of plates registered at the time of elimination
- Owner required to re-plate the vehicle with a different plate

- Only 1 GSLP eliminated
- Rotary (eliminated May 2006) for non-profits non-compliance with C.R.S.



Elimination is no longer a process used by the Department

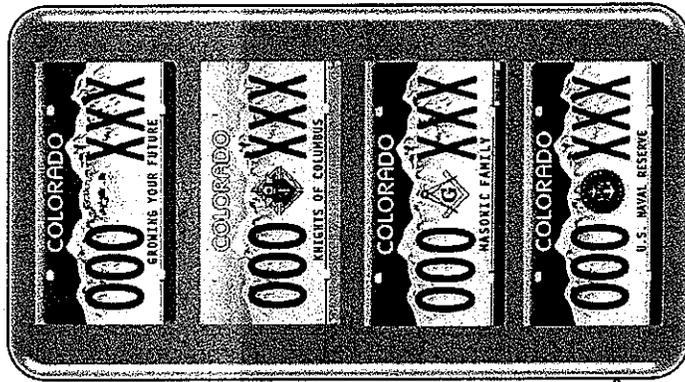
**Retired  
GSLP**

- Discontinue new and replacement issuance of the retired GSLP
- Remove existing inventory from stock
- Permits owner to retain and register the plate to a vehicle to include transferring of the plate to other vehicles

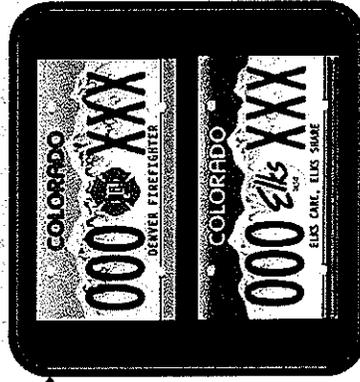
- Retired May 2008 for failure to have 3,000 registered to vehicles Agriculture, Knights of Columbus, Masonic Family, and Naval Reserve
- Retired June 2009 for failure to have 3,000 registered to vehicles Denver Firefighter and Protective Order of the Elks

Department takes into consideration inventory levels, costs associated with retirement, and other factors before retirement of a plate is considered

May  
2008

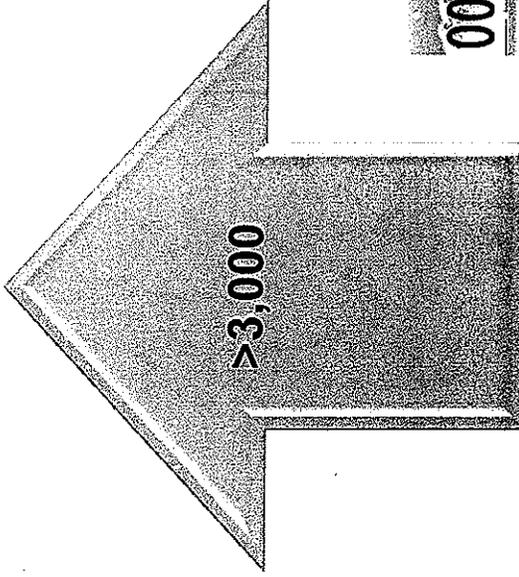


June  
2009





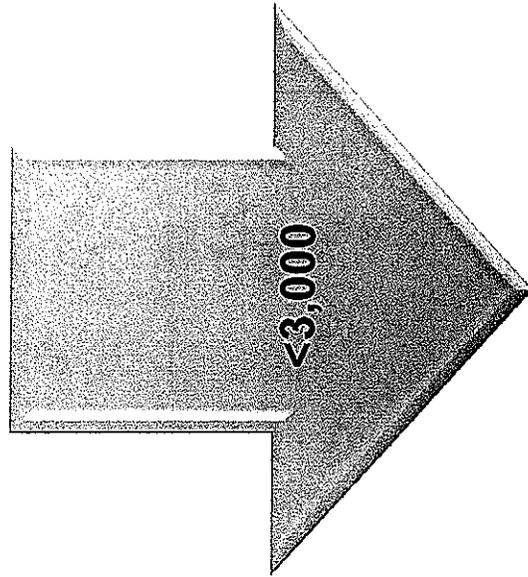
# 3,000 Registered Study



Only 5 GSLP have reached 3,000 minimum since their creation

All 5 have reached the 3,000 within 24-months of their effective date

5 plates are the Breast Cancer, Broncos Charities, Support the Troops, Share the Road, and Ski County USA



10 GSLP have not reached the 3,000 minimum since their creation

6 of these 10 have received retirement date extension amendments  
two different times

- SB09-175 extended the retirement to July 1, 2011
- HB11-1236 extended the retirement to July 1, 2016

The 10 plates, number currently registered, and months they have been issuing plates are.....



# 3,000 Registered Study

Plate	Name	# Registered	# of Months Available
	Support Education	681	55
	Kid's 1 <sup>st</sup>	1,432	49
	Italian American	2,217	44
	Carbon Fund	843	36
	Support the Horse	1,489	32
	Boy Scouts	887	26
	Alive at 25	42	20
	Donate Life	2,050	20
	State Parks	305	8
	Adopt a Pet	2,312	8



## Other States' Processes

- Other States' Processes to Create Plates
  - Although it varies greatly the average fee/bond required by those reporting states is \$19,453.00
  - States reporting application requirements vary from
    - Bonding; or
    - Pre-payment of manufacturing costs by the non-profit; or
    - Petitions similar to Colorado; or
    - Pre-commitments before manufacturing starts; or
    - Pre-sales with refunds if the minimum amount is not reached
  - A report of other state processes to create plates is provided in the printed version of this presentation for your reference



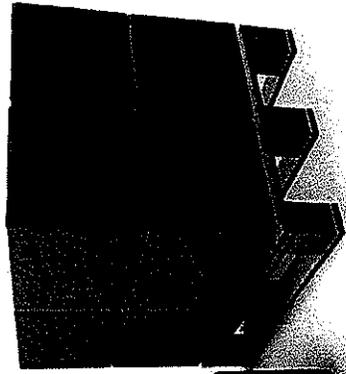
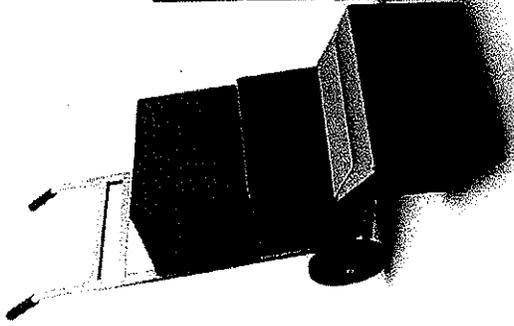
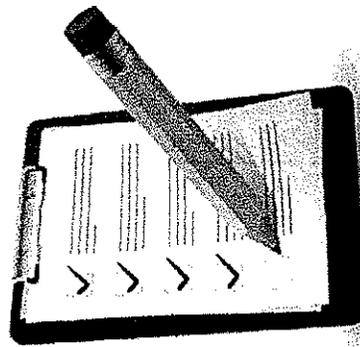
## Inventory Management (1 of 3)

- The Department uses three inventory management methods for established GSLP and all other license plate types
  - The Department uses several methodologies to implement year and first out-year ordering of GSLP (this will be discussed at the end of this section)
  - **The three inventory management methods are:**

**Classic Brick  
and Mortar**

**State Authorized  
and Distributed**

**Just in Time**





## Inventory Management (2 of 3)

- Plate Inventory Management System (PIMS) and Registration Product Inventory Management System (RPIP)
  - Prior to 2009 plate inventory was tracked and restock orders generated off of a poorly written system that was pieced together in a last ditch effort to gain control over inventory
  - In 2009 PIMS was developed and deployed
    - PIMS allows for a more up to date inventory status
    - Robust reporting and tracking of inventory
    - Currently tracking inventory at a 99.86% accuracy rating
  - NOTE: First 100% Audit was achieved on September, 2011
- In 2011 RPIP was developed and deployed to track registration product
  - Currently under robust testing to ensure accuracy of the new system as compared to physical inventory and inventory activity



## Inventory Management (3 of 3)

### GOAL

- The Department has realized some gains in processes, efficiencies, and accomplishments
  - Inventory management and levels of inventory
    - Inventory is managed and maintained based on historical issuance trends with maximum allowable inventory. This has resulted in reduction in ordering and inventory levels year over year
    - Allows for redistribution of the license plates from low issuance counties to high demand counties before new manufacturing is completed
    - Implemented in 2005 maximum allowable inventory was set at 9 months of supply, in 2010 that was reduced to 6 months of supply
      - Reduction realized from the inventory management system being implemented, dedicated staffing to inventory management, physical audits and to match with reductions being realized in the revenue intake into the License Plate Cash Fund



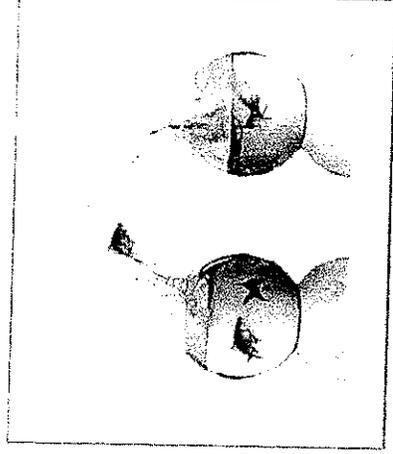
# New Plate Inventory Management

- Implement year and first out-year ordering
  - In the past the Department would spend the entire one-time appropriation given with the enacting legislation
    - Resulted in excess inventory for GSLP that did not realize issuance levels sufficient to deplete this inventory
    - Excess inventory was a key factor in HB11-1236 and extending low performing GSLP retirement dates
  - Over the past couple of years the Department has used marketing, comparisons to similar plates, and historical trends to determine implement year and first out-year ordering
    - Comparison of similar plates that have similar themes (e.g., Colorado Avalanche compared to Broncos Charities)
    - Comparison of similar plates that had similar petition efforts (e.g., Girl Scouts compared to Boy Scouts)
    - Comparison of similar plates that had similar application efforts – marketing plans, media exposure etc. (e.g., Craig Hospital compared to Adopt a Pet)
    - Allows for less ordering quantities and placement of the plates in the county offices in the areas/regions that will experience the greatest demand for them



## DOR Suggestions

- To reduce taxpayer funds tied up in inventory, consider shifting the burden of fiscal risk from the taxpayer to the Non-profit. Taxpayers currently pay \$17,760 for 3,000 plates and programming.
- To standardize the process, consider requiring the organization to obtain the state certification letter prior to sponsoring a bill for a new license plate.
- To avoid destruction of plates that do not reach the statutorily specified 3,000 minimum issuance within 12 months, consider allowing plates to be retired only when the inventory is depleted.
- To avoid lawsuits against the state, consider not supporting amendments to existing group special license plates.

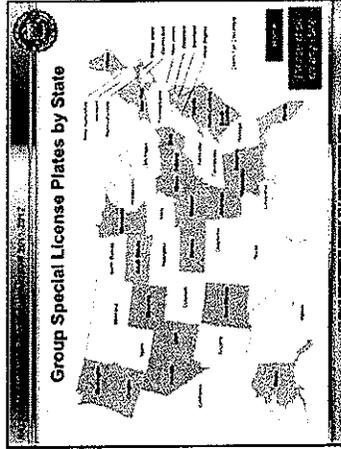
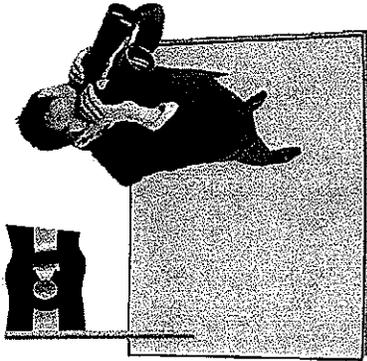


- Clean up 42-3-207 creation process
- Clean up 42-3-208 to remove retired plates



## Other States

- The Department maintains several comparison reports with other states. These reports are being provided with the printed versions of this presentation.
  - Specialty Plate Types by State Report
  - Specialty Plate Creation Requirements by State Report
  - Specialty Plate Issuance and Annual Fees by State Report
- The Department has also completed an interactive state-by-state tool combining these reporting into one document for use by the committee. This tool compares specialty plates at each state to Colorado and gives additional detail that might be helpful





## Contact Information

- Final Questions?
- For more information, please contact the Department's Legislative Liaison Mark Couch at [mcouch@dor.state.co.us](mailto:mcouch@dor.state.co.us)



**SPECIALITY PLATE TYPES  
(BY STATE)**

	<b>Group Special</b>	<b>Alumni</b>	<b>Military</b>
Alabama	59	26	26
Alaska	4	4	10
Arizona	23	5	6
Arkansas	51	17	21
California	19	1	11
Colorado	29	13	32
Connecticut	37	7	17
Delaware	36	23	25
Florida	35	36	6
Georgia	54	30	41
Hawaii	13	0	0
Idaho	33	10	8
Illinois	33	19	28
Indiana	47	33	12
Iowa	26	13	23
Kansas	12	7	7
Kentucky	35	29	19
Louisiana	66	41	39
Maine	10	1	13
Maryland	683	134	19
Massachusetts	18	0	20
Michigan	9	15	25
Minnesota	12	26	33
Mississippi	98	31	23
Missouri	65	33	44
Montana	121	21	17
Nebraska	0	1	4
Nevada	31	2	9
New Hampshire	1	0	5
New Jersey	67	9	14
New Mexico	19	5	13
New York	144	29	38
North Carolina	105	29	13
North Dakota	8	0	7
Ohio	78	27	35
Oklahoma	107	47	57
Oregon	10	5	14
Pennsylvania	172	91	20
Rhode Island	4	0	7
South Carolina	60	34	21
South Dakota	13	3	12
Tennessee	83	44	35
Texas	97	28	37
Utah	24	13	11
Vermont	11	0	6
Virginia	94	90	43
Washington	19	7	14
West Virginia	22	9	12
Wisconsin	23	2	8
Wyoming	6	1	6
District of Columbia	12	2	2

<b>High</b>	<b>683</b>	<b>134</b>	<b>57</b>
<b>Low</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Average</b>	<b>56</b>	<b>21</b>	<b>19</b>
<b>Colorado Totals</b>	<b>29</b>	<b>13</b>	<b>32</b>
<b>CO Diff. from Avg</b>	<b>(27)</b>	<b>(8)</b>	<b>13</b>

## SPECIAL LICENSE PLATE CREATION REQUIREMENTS

	GROUP SPECIAL		Comments
	\$	Commitments	
Alabama		1,000	pre-commitments before manufacturing starts, must be met within first year
Alaska			
Arizona	\$32,000		
Arkansas	\$5,000	500	
California	Manuf. Fees	7,500	
Colorado		3,000	petition process not commitments to buy
Connecticut	Manuf. Fees	400	
Delaware		200	
Florida	\$80,000	1,000	must be met within first year
Georgia	Manuf. Fees	1,000	
Hawaii			
Idaho		3,000	
Illinois	Manuf. Fees	10,000	
Indiana	\$6,000	500	
Iowa			
Kansas	\$10,000	500	
Kentucky	\$22,500	900	
Louisiana			
Maine	\$40,000	2,000	also org. pays State \$1 for every renewal annually
Maryland		25	
Massachusetts	\$100,000	1,500	bond
Michigan			
Minnesota			
Mississippi			
Missouri	\$5,000	200	
Montana	\$4,000		
Nebraska	\$35,000	500	
Nevada	\$5,000	1,000	bond
New Hampshire			must submit Marketing Strategy
New Jersey		500	
New Mexico			
New York	\$6,000		
North Carolina			
North Dakota	\$1,500	50	
Ohio		500	
Oklahoma			
Oregon	\$10,000	1,000	must be met within first year
Pennsylvania		300	
Rhode Island			
South Carolina	\$4,000	400	
South Dakota	15% Admin Fee	20	production cost plus 15% fee paid by organization
Tennessee		1,000	
Texas	\$8,000	1,900	must submit Marketing Plan
Utah			
Vermont			
Virginia		350	pre-paid applications before manufacturing begins
Washington			
West Virginia		250	must be met within first six months
Wisconsin	\$15,500		
Wyoming		1,000	
District of Columbia	\$100	25	
Highest	\$100,000	30,000	
Lowest	\$0	0	
Average	\$19,453	1,313	
Colorado	\$0	3,000	

**SPECIALITY PLATES ISSUANCE AND RENEWAL FEES  
(BY STATE)**

	Group Special (note 1 & 2)		Alumni (note 1 & 2)		Military (note 3)	
	Initial Issue	Annual/Renewal	Initial Issue	Annual/Renewal	Initial Issue	Annual/Renewal
Alabama	\$50	\$50	\$50	\$50	\$3	\$0
Alaska	\$50	\$0	\$50	\$0	\$30	\$0
Arizona	\$25	\$25	\$25	\$25	\$25	\$25
Arkansas	\$35	\$0	\$35	\$0	\$5	\$0
California	\$50	\$40	\$50	\$40	\$30	\$30
Colorado	\$50	\$0	\$50	\$0	\$50	\$0
Connecticut	\$55	\$15	\$55	\$15	\$55	\$15
Delaware	\$60	\$0	\$60	\$0	\$10	\$0
Florida	\$50	\$25	\$50	\$25	\$0	\$0
Georgia	\$55	\$35	\$55	\$35	\$25	\$20
Hawaii	\$31	\$25	\$0	\$0	\$0	\$0
Idaho	\$60	\$40	\$60	\$40	\$25	\$15
Illinois	\$219	\$124	\$234	\$126	\$209	\$99
Indiana	\$25	\$15	\$25	\$15	\$40	\$15
Iowa	\$35	\$10	\$25	\$5	\$25	\$5
Kansas	\$50	\$50	\$60	\$46	\$2	\$0
Kentucky	\$44	\$31	\$56	\$31	\$26	\$26
Louisiana	\$26	\$26	\$26	\$26	\$26	\$26
Maine	\$20	\$15	\$30	\$15	\$25	\$25
Maryland	\$25	\$5	\$25	\$5	\$25	\$0
Massachusetts	\$90	\$90	\$0	\$0	\$0	\$0
Michigan	\$35	\$10	\$35	\$10	\$5	\$0
Minnesota	\$40	\$30	\$40	\$30	\$0	\$0
Mississippi	\$51	\$0	\$51	\$0	\$31	\$0
Missouri	\$25	\$15	\$25	\$15	\$0	\$0
Montana	\$70	\$0	\$70	\$0	\$20	\$0
Nebraska	\$0	\$0	\$70	\$0	\$5	\$0
Nevada	\$61	\$30	\$61	\$30	\$61	\$30
New Hampshire	\$33	\$30	\$0	\$0	\$33	\$30
New Jersey	\$50	\$15	\$25	\$15	\$15	\$15
New Mexico	\$42	\$42	\$37	\$37	\$17	\$0
New York	\$65	\$31	\$90	\$31	\$60	\$31
North Carolina	\$60	\$30	\$55	\$30	\$40	\$30
North Dakota	\$75	\$50	\$0	\$0	\$15	\$10
Ohio	\$35	\$35	\$35	\$35	\$0	\$0
Oklahoma	\$38	\$37	\$38	\$37	\$11	\$10
Oregon	\$32	\$0	\$32	\$0	\$10	\$0
Pennsylvania	\$20	\$20	\$20	\$20	\$8	\$0
Rhode Island	\$32	\$0	\$0	\$0	\$32	\$0
South Carolina	\$70	\$0	\$70	\$0	\$0	\$0
South Dakota	\$10	\$0	\$10	\$0	\$10	\$0
Tennessee	\$57	\$57	\$57	\$57	\$26	\$22
Texas	\$30	\$30	\$30	\$30	\$0	\$0
Utah	\$50	\$40	\$45	\$30	\$35	\$10
Vermont	\$15	\$0	\$0	\$0	\$15	\$0
Virginia	\$25	\$25	\$25	\$25	\$10	\$10
Washington	\$40	\$30	\$40	\$30	\$40	\$30
West Virginia	\$60	\$45	\$60	\$45	\$60	\$45
Wisconsin	\$25	\$15	\$20	\$15	\$15	\$0
Wyoming	\$30	\$0	\$130	\$0	\$50	\$0
District of Columbia	\$25	\$10	\$25	\$10	\$25	\$10
National Highest	\$219	\$124	\$234	\$126	\$209	\$118
National Lowest	\$10	\$0	\$0	\$0	\$0	\$0
National Average	\$45	\$24	\$43	\$20	\$25	\$11
Colorado Totals	\$50	\$0	\$50	\$0	\$50	\$0
CO Diff. from Avg	\$5	(\$24)	\$7	(\$20)	\$25	(\$11)

Note 1: Plate fee presented is higher of all plates (i.e., Kentucky Child Victim is \$44 whereas the Lynx is \$31).

Note 2: Plate fee shown is collected by the State which may include fees for the organization that the State transfers to that organization. Unlike Colorado that requires the organization to collect the fee prior to State collecting the HUTF fee (i.e., Georgia collects the full fee and then transfers \$10 to the organization).

Note 3: Plate fee presented is fee collected on second or additional plate if first plate is offered as an exemption of fees.

## City of Aurora

Bob Broom  
 City Council Member, Ward VI  
 15151 E. Alameda Parkway  
 Aurora, Colorado 80012  
 Phone: 303-739-7015  
 Fax: 303-739-7594  
 bbroom@auroragov.org

**MEMORANDUM**

**Date:** September 27, 2011

**To:** Interested Parties

**From:** Aurora City Council Member Bob Broom, Ward VI *BB*

**Subject:** Colorado Transportation Funding: The 3% Solution

**PROBLEM STATEMENT:**

Current revenue sources available to meet Colorado's transportation needs are woefully inadequate to support a vibrant economy and the high quality of life people in Colorado expect from its elected officials.

**TRADITIONAL APPROACHES:**

Over the years local officials have tweaked existing revenue sources to squeeze out a few dollars to deal with very serious transportation problems. Officials hire lobbyist to secure earmarked funds from Congress, which merely take funds from other transportation programs. The State borrows against future revenues (TRES) to try and catch up, but then must deal with fewer funds in future years. While toll roads and toll lanes work in a few areas, they do not address 95% of our transportation needs.

**NEW PARADIGM:**

To solve our transportation funding problems in the 21<sup>st</sup> century, we clearly need to think outside the box. Way outside the box. With \$3.50 gasoline, even a 5-cent per gallon gas tax increase would be impossible to sell to voters. What is needed is a total new approach to transportation funding in Colorado! The 3% Solution!

**THE THREE PERCENT SOLUTION:**

Colorado needs to follow the lead of Alaska, North Dakota, Wyoming and New Mexico, and put its natural resources to work for us. The total value of natural resource production in Colorado increased 1.6% last year to \$11.88 billion! Natural resource

companies are expanding production with huge investments again this year and are building and expanding pipeline systems to export these resources. Now is the time for action to harvest some of these mammoth income streams to benefit Colorado. This may be Colorado's last "Gold Rush". A 3% severance tax surcharge (exempting only low volume stripper wells to encourage production with a 25 year sunset provision subject to voter approval to extend) would generate over \$356.4 million per year in revenue. This could support a \$1.3 billion bond issue for transportation (highways and mass transit) projects and still have funds left over for pay as you go projects. Proceeds would be placed into a Trust Fund for Transportation Improvements (80% highways and 20% transit) and would be allocated as "new money" by CDOT. The existing severance tax would remain in place with its exemptions, tax offsets and distribution formulas. This is the magnitude of funding needed to deal with I-70 West of Denver and projects all over the State! And best of all, most of these taxes would be paid for by energy and mineral users outside of the State of Colorado. If Colorado plans to host the Winter Olympics in a few years and keep our tourism industry growing and healthy, we must take advantage of our last "Gold Rush"!

The proposal set forth in this memorandum, with accompanying back up attachments, is being presented by Aurora City Council Member Bob Broom, and does not necessarily represent the opinion or endorsement of the City Council body as a whole.

**SOURCES AND USES OF FUNDS**

**City of Aurora, Colorado  
Severance Tax  
Transportation Revenue Bonds  
4.00 x Coverage**

Dated Date           12/01/2012  
Delivery Date       12/01/2012

**Sources:**

---

<b>Bond Proceeds:</b>	
Par Amount	1,301,400,000.00
	<hr/>
	1,301,400,000.00

---

**Uses:**

---

<b>Project Fund Deposits:</b>	
Project Fund	1,288,386,000.00
<b>Delivery Date Expenses:</b>	
Cost of Issuance	13,014,000.00
	<hr/>
	1,301,400,000.00

---

## BOND DEBT SERVICE

City of Aurora, Colorado  
Severance Tax  
Transportation Revenue Bonds  
4.00 x Coverage

Period Ending	Principal	Coupon	Interest	Debt Service
12/01/2013	48,625,000	1.000%	40,397,122.00	89,022,122.00
12/01/2014	49,110,000	1.080%	39,910,872.00	89,020,872.00
12/01/2015	49,640,000	1.240%	39,380,484.00	89,020,484.00
12/01/2016	50,260,000	1.570%	38,764,948.00	89,024,948.00
12/01/2017	51,045,000	1.830%	37,975,866.00	89,020,866.00
12/01/2018	51,980,000	2.110%	37,041,742.50	89,021,742.50
12/01/2019	53,075,000	2.390%	35,944,964.50	89,019,964.50
12/01/2020	54,345,000	2.620%	34,676,472.00	89,021,472.00
12/01/2021	55,770,000	2.800%	33,252,633.00	89,022,633.00
12/01/2022	57,330,000	2.990%	31,691,073.00	89,021,073.00
12/01/2023	59,045,000	3.190%	29,976,906.00	89,021,906.00
12/01/2024	60,930,000	3.370%	28,093,370.50	89,023,370.50
12/01/2025	62,980,000	3.510%	26,040,029.50	89,020,029.50
12/01/2026	65,195,000	3.630%	23,829,431.50	89,024,431.50
12/01/2027	67,560,000	3.740%	21,462,853.00	89,022,853.00
12/01/2028	70,085,000	3.840%	18,936,109.00	89,021,109.00
12/01/2029	72,775,000	3.940%	16,244,845.00	89,019,845.00
12/01/2030	75,645,000	4.030%	13,377,510.00	89,022,510.00
12/01/2031	78,695,000	4.120%	10,329,016.50	89,024,016.50
12/01/2032	81,935,000	4.200%	7,086,782.50	89,021,782.50
12/01/2033	85,375,000	4.270%	3,645,512.50	89,020,512.50
	1,301,400,000		568,058,543.00	1,869,458,543.00

**BOND SOLUTION**

**City of Aurora, Colorado  
Severance Tax  
Transportation Revenue Bonds  
4.00 x Coverage**

Period Ending	Proposed Principal	Proposed Debt Service	Total Adj Debt Service	Revenue Constraints	Unused Revenues	Debt Serv Coverage
12/01/2013	48,625,000	89,022,122	89,022,122	356,100,000	267,077,878	400.01293%
12/01/2014	49,110,000	89,020,872	89,020,872	356,100,000	267,079,128	400.01855%
12/01/2015	49,640,000	89,020,484	89,020,484	356,100,000	267,079,516	400.02029%
12/01/2016	50,260,000	89,024,948	89,024,948	356,100,000	267,075,052	400.00023%
12/01/2017	51,045,000	89,020,866	89,020,866	356,100,000	267,079,134	400.01858%
12/01/2018	51,980,000	89,021,743	89,021,743	356,100,000	267,078,258	400.01464%
12/01/2019	53,075,000	89,019,965	89,019,965	356,100,000	267,080,036	400.02263%
12/01/2020	54,345,000	89,021,472	89,021,472	356,100,000	267,078,528	400.01585%
12/01/2021	55,770,000	89,022,633	89,022,633	356,100,000	267,077,367	400.01064%
12/01/2022	57,330,000	89,021,073	89,021,073	356,100,000	267,078,927	400.01765%
12/01/2023	59,045,000	89,021,906	89,021,906	356,100,000	267,078,094	400.01390%
12/01/2024	60,930,000	89,023,371	89,023,371	356,100,000	267,076,630	400.00732%
12/01/2025	62,980,000	89,020,030	89,020,030	356,100,000	267,079,971	400.02233%
12/01/2026	65,195,000	89,024,432	89,024,432	356,100,000	267,075,569	400.00255%
12/01/2027	67,560,000	89,022,853	89,022,853	356,100,000	267,077,147	400.00965%
12/01/2028	70,085,000	89,021,109	89,021,109	356,100,000	267,078,891	400.01748%
12/01/2029	72,775,000	89,019,845	89,019,845	356,100,000	267,080,155	400.02316%
12/01/2030	75,645,000	89,022,510	89,022,510	356,100,000	267,077,490	400.01119%
12/01/2031	78,695,000	89,024,017	89,024,017	356,100,000	267,075,984	400.00442%
12/01/2032	81,935,000	89,021,783	89,021,783	356,100,000	267,078,218	400.01446%
12/01/2033	85,375,000	89,020,513	89,020,513	356,100,000	267,079,488	400.02016%
	<b>1,301,400,000</b>	<b>1,869,458,543</b>	<b>1,869,458,543</b>	<b>7,478,100,000</b>	<b>5,608,641,457</b>	

**BOND SUMMARY STATISTICS**

**City of Aurora, Colorado  
Severance Tax  
Transportation Revenue Bonds  
4.00 x Coverage**

Dated Date	12/01/2012
Delivery Date	12/01/2012
Last Maturity	12/01/2033
Arbitrage Yield	3.556881%
True Interest Cost (TIC)	3.556881%
Net Interest Cost (NIC)	3.614093%
All-In TIC	3.663347%
Average Coupon	3.614093%
Average Life (years)	12.078
Duration of Issue (years)	9.629
Par Amount	1,301,400,000.00
Bond Proceeds	1,301,400,000.00
Total Interest	568,058,543.00
Net Interest	568,058,543.00
Total Debt Service	1,869,458,543.00
Maximum Annual Debt Service	89,024,948.00
Average Annual Debt Service	89,021,835.38
Underwriter's Fees (per \$1000)	
Average Takedown	
Other Fee	
Total Underwriter's Discount	
Bid Price	100.000000

Bond Component	Par Value	Price	Average Coupon	Average Life	PV of 1 bp change
Serial Bond	1,301,400,000.00	100.000	3.614%	12.078	1,200,318.65
	1,301,400,000.00			12.078	1,200,318.65

	TIC	All-In TIC	Arbitrage Yield
Par Value	1,301,400,000.00	1,301,400,000.00	1,301,400,000.00
+ Accrued Interest			
+ Premium (Discount)			
- Underwriter's Discount			
- Cost of Issuance Expense		(13,014,000.00)	
- Other Amounts			
Target Value	1,301,400,000.00	1,288,386,000.00	1,301,400,000.00
Target Date	12/01/2012	12/01/2012	12/01/2012
Yield	3.556881%	3.663347%	3.556881%

## Mining and Logging

Colorado is an energy- and mineral-rich state. The U.S. Energy Information Agency (EIA) annually publishes lists of the top 100 natural gas and oil fields in the country. Colorado is home to all, or part of, 13 of the largest natural gas fields in the nation and two of the largest oil fields. Colorado is the 11th largest coal producer by volume in the nation. The Henderson Mine is North America's largest primary producer of molybdenum. In addition to traditional energy resource development, Colorado is also striving to become one of the nation's leading renewable energy states

with plans to achieve 30% renewable energy by 2020. This goal will include a portfolio mixed with wind, solar, geothermal, and hydroelectric energy resources.

Revenues generated by Mining and Logging-related activities make this sector one of the most significant contributors to Colorado's GDP. Indications are that this sector will show significantly slower growth in 2010 and 2011 compared to the previous decade primarily due to decreases in natural gas prices. A slower-than-expected

recovery from the global economic slowdown has resulted in nationwide oversupply and flat-to-sliding demand. Additionally, the passage of the Clean Air-Clean Jobs Act in Colorado will have both positive and negative impacts on industry and employment, although they will not be felt until late 2011 at the earliest.

Mining and Logging employment is expected to contract by 200 jobs in 2010, followed by a gain of nearly 2,000 positions in 2011.

*continued on page 18*

### VALUE OF COLORADO MINING AND LOGGING (In Millions of Dollars)

Year	Oil and Gas Extraction				Mining						
	Crude Oil	Natural Gas	Carbon Dioxide	Subtotal	Percent Change	Coal	Minerals	Subtotal	Percent Change	Total	Percent Change
2002	\$479	\$2,233	\$98	\$2,810	-23.7%	\$616	\$629	\$1,245	19.5%	\$4,055	-14.2%
2003	805	4,567	104	5,276	87.8	703	702	1,405	12.9	6,681	64.8
2004	862	5,929	151	6,942	31.6	796	951	1,747	24.3	8,689	30.1
2005	1,235	8,378	200	9,813	41.3	813	1,789	2,602	48.9	12,415	42.9
2006	1,428	7,469	258	9,155	-6.7	974	1,762	2,736	5.1	11,891	-4.2
2007	1,619	6,368	257	8,244	-9.9	1,075	1,886	2,961	8.2	11,205	-5.8
2008	2,561	10,737	430	13,728	66.5	887	1,821	2,708	-8.5	16,436	46.7
2009	1,540	5,267	324	7,131	-48.1	1,166	1,030	2,196	-18.9	9,327	-43.3
2010 <sup>a</sup>	1,796	7,033	330	9,159	28.4	1,070	1,466	2,536	15.5	11,695	25.4
2011 <sup>b</sup>	1,778	7,364	337	9,479	3.5	1,000	1,400	2,400	-5.4	11,879	1.6

<sup>a</sup>Estimated.

<sup>b</sup>Forecast.

Sources: Colorado Geological Survey Mineral and Minerals Fuel Activity Reports; Colorado Oil and Gas Conservation Commission; Department of Minerals and Geology, and Colorado Business Economic Outlook Committee.

# Alaska Approves Revised Law Lifting Taxes for Oil Companies

WSJ By RUSSELL GOLD 8/12/06  
And JIM CARLTON

Alaskan lawmakers approved the first major overhaul of state oil taxes since the 1980s late Thursday night, just days after the discovery of corroded pipelines forced BP PLC to shut down Prudhoe Bay, the nation's largest oil field and the state's main source of revenue.

Amid anger on the part of Alaskans over the Prudhoe Bay shutdown, the new tax package substantially raised how much BP and its partners, ConocoPhillips and Exxon Mobil Corp., will pay on oil production in the state.

The tax legislation, which is expected to be signed by Gov. Frank Murkowski, sets a base taxation of 22.5%, a rate that increases when the price of oil is above \$55 a barrel. The companies also will be able to take a substantial tax credit for the costs of new oil and gas development to encourage additional exploration and development of the North Slope's energy resources.

Governor Murkowski originally proposed a 25% tax, but lowered his proposal to a 20% tax after meeting with the producing companies in February. The three oil companies said they were willing to support a 20% tax because they realized the old tax regime was outdated. But

## Prudhoe Whistleblower

One of the oil industry's pre-eminent gadflies last year provided information on Prudhoe Bay's corrosion problems to the EPA.....B1

they objected to the higher tax rate that was approved by the legislature.

The new tax law would generate more than \$1 billion a year in additional oil taxes if the price of oil remains high, according to state estimates. But Sarah Palin, a Republican gubernatorial candidate, worries the oil companies got away too easy under the newly approved tax regime. "That is what it looks like to Alaskans, and it scares us," says Mrs. Palin, who most polls predict will beat Mr. Murkowski in the coming Republican Party primary.

In the meantime, the fallout to the Alaskan economy of the sudden and indefinite shutdown of Prudhoe Bay is likely to be muted, most economists there agree. Alaskan revenues have been so pumped up by high oil prices that a shutdown by Prudhoe Bay isn't expected to put much of a dent in the state coffers. That's because oil-tax revenues have more than doubled to \$2.85 billion last year, when oil was trading at \$70 a barrel, from \$1.32 billion in 2002, when oil was trading at \$27 a barrel. Oil revenues account for about 85% of Alaska's 2006 state budget of \$3.5 billion.

Moreover, Alaska has a cushion of about \$2.6 billion in budget reserves. "Oil prices are definitely more important than

Mr. Murkowski proposed the new taxes and credits as a way to encourage oil companies to develop mammoth reserves of natural gas and build a pipeline to bring the gas from the North Slope to markets. While crude oil from the North Slope is sent to markets, the gas extracted is reinjected into the ground. Enough gas is reinjected daily in Prudhoe Bay to heat one of every six homes in the U.S.

In a statement, ConocoPhillips said it "has been an advocate for a change...but we are concerned that the new tax represents such a deviation from government tax takes in the Lower 48 [states] and Canada." Exxon said it was "disappointed" the final tax bill was higher than originally proposed. BP didn't return calls for comment.

All three oil companies stepped up their lobbying in Juneau, the state capital, this year. According to the Alaska Public Offices Commission, the companies spent \$1.2 million on lobbyists from January through June this year, up from \$330,000 for the same period last year.

But while the tax law was passed, the gas-pipeline deal is still far from completion, with no guarantees a contract between the state and oil companies will be approved any time soon. State lawmakers earlier this past week voted down a bill that would have ratified the currently proposed contract. While most Alaskans favor the rapid construction of a pipeline because of the economic and job boom it would create, the oil companies have tried to slow down the process to study the \$25 billion project more closely to make sure it's economically viable.

The loss of taxes from the shutdown of Prudhoe Bay oil production prompted Mr. Murkowski on Wednesday to order a state hiring freeze. But not everyone believes this was a necessary precaution. "He was grandstanding, but every governor when faced with these situations has to show people he is doing something," says Gregg Erickson, an economic consultant in Juneau and editor at large of the Alaska Budget Report, an economic newsletter.

The impact of the shutdown could be lessened even further, since BP officials now say they may be able to continue operating the western half of Prudhoe Bay while repair work goes on in the eastern side. The western half accounts for roughly half Prudhoe's total volume of 400,000 barrels of crude a day, and so would limit the fiscal effects of a shutdown.

Steve Marshall, president of BP's BP Exploration Alaska unit, said Department of Transportation officials had notified BP on Thursday that the agency isn't aware of any corrosion data that would necessitate an immediate shutdown of the so-called Western Operating Area. Mr. Marshall said BP expected to make a decision sometime Friday on whether it can continue to safely operate that side of the field. But he said the company wouldn't resume production on the eastern side of the field where the

## MEMORANDUM

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**TO:** Members of the Transportation Legislation Review Committee

**FROM:** Viktor Bojilov, JBC Staff  
David Meng, JBC Staff

**SUBJECT:** Highway Users Tax Fund "Off-the-Top"

**DATE:** October 5, 2011

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Section 18 of Article X of the Colorado Constitution limits expenditures from gas taxes, license and registration fees, and fines and fees resulting from the operation of motor vehicles on the highways exclusively to the construction, maintenance, and supervision of state highways. The Highway Users Tax Fund (HUTF) "off-the-top" refers to the portion of the HUTF that is now spent for highway supervision. The term "off-the-top" is due to these appropriations coming from the HUTF before other statutory distributions to the State Highway Fund and to counties and municipalities. Pursuant to Sections 42-4-201 through 215, C.R.S. (2011), off-the-top appropriations are limited to: (1) the Colorado State Patrol in the Department of Public Safety; (2) the Ports of Entry Program in the Department of Revenue; and (3) related capital projects, and (4) *temporarily*, by the Driver's License program within the Department of Revenue.

This section was first added to statutes in 1979. House Bill 1445 did not place any restrictions on the use of HUTF moneys beyond the constitutional restrictions on appropriations from the HUTF, but did restrict HUTF appropriations by the General Assembly to no more than 23.0 percent of the net HUTF revenue and any year-to-year increase was limited to 7.0 percent.

A significant change occurred in the 1990 session where S.B. 90-190 placed restrictions on what HUTF moneys could be appropriated for (more restrictive than what Section 18 of Article X of the Colorado Constitution requires). In 1995, S.B. 95-047 was passed further restricting appropriations of HUTF moneys, this time to the current *permanent* purposes of the Colorado State Patrol and the Ports of Entry. Prior to passage of this bill, funding for driver's license offices was from the HUTF. In FY 1996-97, the funding was split evenly between the HUTF and the General Fund. Starting in FY 1997-98, funding was primarily from the General Fund. Senate Bill 07-241 created the Licensing Services Cash Fund (LSCF), increased the fee for driver's licenses by \$5.40, credited to the LSCF, and used those funds to open three new offices and increase staffing at others.

Various bills (S.B. 03-267, H.B. 05-1196, S.B. 09-274, H.B. 10-1387, and H.B. 11-1161) over the last 10 years have authorized the use of HUTF moneys or to supplement or replace General Fund in the operations of driver's license offices in a number of fiscal years. In particular, starting with S.B. 09-274, the General Assembly diverted fees for driver's licenses, which had been credited to the HUTF, to the LSCF. Between using HUTF moneys for driver's license offices and the LSCF, the General Assembly was able to replace \$16.2 million General Fund in FY 2009-10, and \$20.0 million in FY 2010-11 and FY 2011-12.

Table 1 below provides detail of the recent history of the off-the-top appropriation.

Table 1 - Highway Users Tax Fund (HUTF) Off-the-Top						
Fiscal Year	HUTF Total Revenue	Allowable Off-the-top Appropriation	Total Off-the-top Appropriation	Under/ (over)	Percentage of Total HUTF	Off-the-top Percent Growth
2000-01	\$718,376,093	\$71,216,208	\$71,216,208	\$0	9.91%	6.00%
2001-02	739,703,912	75,489,180	75,489,180	0	10.21%	6.00%
2002-03 /a	736,666,507	80,018,531	79,955,627	62,904	10.85%	5.92%
2003-04 /b	752,506,680	84,752,965	84,752,744	221	11.26%	6.00%
2004-05 /b	776,718,965	89,837,909	89,837,909	0	11.57%	6.00%
2005-06 /b	734,100,000	95,228,184	95,217,800	10,384	12.97%	5.99%
2006-07 /c	746,300,000	91,445,591	91,445,591	0	12.25%	-3.96%
2007-08	767,563,495	96,932,326	96,932,326	0	12.63%	6.00%
2008-09 /d	862,381,858	102,748,266	102,748,266	0	11.91%	6.00%
2009-10 /d	903,926,111	108,913,162	108,913,162	0	12.05%	6.00%
2010-11 /d	938,352,968	115,447,952	115,447,951	1	12.30%	6.00%
2011-12	929,700,000	122,374,828	110,786,607	11,588,221	11.92%	-4.04%

/a The appropriation was under the 6.0 percent limit because of a capital construction reversion.

/b Senate Bill 03-267 authorized the use of HUTF to fund driver's license office operations for FY 2003-04 and FY 2004-05. House Bill 05-1196 extended that authorization for FY 2005-06.

/c After the provisions of H.B. 05-1196 expired, the off-the-top appropriation was reduced by \$8,948,375.

/d Senate Bill 09-274 authorized use of HUTF to fund driver's license office operations for FY 2009-10. House Bill 10-1387 extended that authorization for FY 2010-11 and H.B. 11-1161 extended the authorization for FY 2011-12.

Table 2 details the FY 2011-12 appropriation for the off-the-top appropriation.

<b>Table 2 - Statutory HUTF Off-the-Top Appropriations Limit and FY 2011-12 Appropriations</b>	
<b>Description</b>	<b>Appropriation</b>
FY 2010-11 HUTF Off-the-Top appropriation	\$115,447,951
Multiplied by 6.0 percent allowable growth	1.06
FY 2011-12 HUTF Off-the-Top appropriation limit	\$122,374,828
FY 2011-12 HUTF Off-the-Top appropriations:	
Department of Public Safety, State Patrol (S.B. 11-209)	\$99,950,034
Department of Revenue, Ports of Entry (S.B. 11-209)	9,764,117
Department of Revenue, Driver and Vehicle Services (S.B. 11-209)	2,314,271
Capital Construction	0
S.B. 11-076 (PERA Contribution Rate Change)	(1,441,726)
H.B. 11-1157 (Diesel Inspection Program Exemption)	6,000
H.B. 11-1163 (CDOT Super-load Highway Permits)	740
<b>Total FY 2010-11 HUTF Off-the-Top appropriations</b>	<b>\$110,593,436</b>
Over/(Under) FY 2011-12 HUTF Off-the-Top appropriations limit	(\$11,781,392)

## **DEPARTMENT OF REVENUE HUTF APPROPRIATIONS**

In addition to funding the Ports of Entry Division in the Department of Revenue, the General Assembly has twice since 2003 authorized the use of HUTF off-the-top moneys to replace General Fund in the driver's license offices in the Department of Revenue. Senate Bill 03-267 and H.B. 05-1196 authorized the use of off-the-top moneys for FY 2003-04, FY 2004-05, and FY 2005-06. Even with the infusion of moneys from the HUTF, numerous driver's license offices were closed and staffing reduced at others.

Then in 2009, S.B. 09-274 again replaced General Fund in FY 2009-10 for the operation of driver's license offices with a combination of moneys from the HUTF and driver's license fees that were diverted from the HUTF to the Licensing Services Cash Fund (LSCF). In that refinancing, all fee revenue from driver's licenses was diverted to the Licensing Services Cash Fund and used to fund driver's licenses. In addition, funding for driver's license office operations was authorized for FY 2009-10. The refinancing was extended by H.B. 10-1387 for FY 2010-11 and H.B. 11-1161 for FY 2011-12.

Effective for FY 2012-13, the provisions of H.B. 10-1387 and H.B. 11-1161 expire. HUTF funds will no longer be authorized for the operations of the Division of Motor Vehicles and the funding provision that diverts drivers license fees to the LSCF will not occur. Unless these provisions are extended by a new bill, the General Fund will have to replace all but about \$7.0 million in the expenses of operating driver's license offices. The refinancing will be required even though fees from the issuance of driver's licenses and other identification documents are expected generate enough income to operate those offices in FY 2012-13 at their current operational levels.

Table 3 details General Fund savings that resulted from the refinance of the driver's license offices.

<b>Table 3 - General Fund Replaced by Cash Funds from: Licensing Services Cash Fund and Highway Users Tax Fund</b>			
<b>Division - Line Item</b>	<b>FY 2009-10 /a</b>	<b>FY 2010-11</b>	<b>FY 2011-12</b>
EDO - Various Line Items (POTS)	\$3,980,851	\$6,797,693	\$6,797,693
Central Department Operations	0	248,906	248,906
DMV-Administration - Personal Services	0	522,292	522,292
DMV-Administration - Operating Expenses	0	33,404	33,404
DMV-DVS-Personal Services	8,895,893	9,351,125	9,351,125
DMV-DVS-Operating Expenses	1,214,937	1,214,937	1,214,937
DMV-DVS-Drivers License Documents	<u>2,085,577</u>	<u>1,792,770</u>	<u>1,792,770</u>
<b>Total</b>	16,177,258	19,961,127	19,961,127

/a Because of the General Fund pay date shift, \$808,719 of General Fund remained for FY 2009-10.

Table 4 displays the HUTF funding for the Department of Revenue for the last three fiscal years:

<b>Table 4 - Total Department of Revenue HUTF Off-the-Top funding for Driver's Licenses offices</b>			
	<b>FY 2009-10</b>	<b>FY 2010-11</b>	<b>FY 2011-12</b>
HUTF Off-the-Top funding for operations of Driver's License Offices	\$4,457,916	\$5,121,059	\$2,314,271
Total HUTF Off-the-Top funding for the Department of Revenue (includes Ports of Entry section)	\$14,029,440	\$14,740,381	\$12,143,203

Second Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

DRAFT  
9.30.11

**BILL 1**

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LLS NO. 12-0150.03 Jery Payne x2157

**INTERIM COMMITTEE BILL**

**Transportation Legislation Review Committee**

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**SHORT TITLE: "Multi-year Class A Trailer Registration"**

**DEADLINES: File by: 9/30/2011**

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**A BILL FOR AN ACT**

101 **CONCERNING THE CREATION OF A MULTI-YEAR REGISTRATION FOR**  
102 **CLASS A TRAILERS.**

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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>.)*

**Transportation Legislation Review Committee. Section 1** of the bill makes a legislative declaration. **Section 2** creates an alternate registration for interstate, commercial trailers and semitrailers if the owner is based in a jurisdiction other than Colorado. The registration does not expire. The department of revenue (department) will periodically

*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

verify that the trailer is still owned by the registrant. The registration sunsets in 2015, but the department will issue a report in 2014, including the registration's cost-effectiveness and whether to extend it.

**Section 3** sets the specific ownership tax at \$95.50. **Section 4** sets the registration fee at \$24.50. Of the fee, the department or authorized agent that registers the vehicle retains \$2.00, the county gets \$1.50 for the county road and bridge fund, the statewide bridge enterprise special revenue fund is credited with \$5.00, the Colorado state titling and registration account is credited with \$0.50, the license plate cash fund is credited with \$2.50, and the highway users tax fund is credited with \$13.00.

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

2           **SECTION 1. Legislative declaration.** (1) (a) The general  
3 assembly hereby determines that the restoration of Colorado's economy  
4 is one of the most critical tasks it must consider. To that end, Colorado  
5 needs to remain competitive with the western United States and the  
6 nation. An emerging issue dealing with the registration of commercial  
7 vehicles in Colorado threatens the state's competitiveness. Under current  
8 law and regulations, interstate commercial trailers can be licensed in any  
9 state regardless of whether the owner resides in that state. Twenty-six  
10 states have created some version of a permanent commercial trailer plate  
11 for commercial trailers.

12           (b) Permanent commercial trailer plates offer several advantages  
13 to the enacting state and to trailer owners. States enjoy the reduction in  
14 workload as a permanent plate does not need to be processed yearly and  
15 most states collect higher revenues with the initial registration because of  
16 the projected term of use. The transportation industry benefits as they do  
17 not have to locate their trailers across the nation each year to replace the  
18 registration on that trailer and they can shop for the best possible pricing  
19 in the many states that offer these permanent plate options. In Colorado,

1 the cost of commercial trailer registration is significantly higher than  
2 other states.

3 (2) The general assembly finds that there has been a decrease in  
4 both interstate truck and trailer registrations in Colorado over the past five  
5 years. The Colorado transportation industry reports a significant reduction  
6 not only in registrations and sales of commercial vehicles and trailers but  
7 the loss of thousands of jobs as well. The general assembly therefore  
8 seeks to create a competitive process for the registration of interstate  
9 commercial trailers in Colorado to generate new revenue for Colorado by  
10 drawing registrations from other states with a permanent trailer  
11 registration option in Colorado.

12 (3) The general assembly finds that this legislation begins to  
13 address major policy issues dealing with the transportation industry in  
14 Colorado and helps to take a small step towards making Colorado  
15 competitive in the interstate transportation industry. This legislation  
16 honors the reality of our current budget situation in Colorado while  
17 moving into program options that both generate new revenue for  
18 Colorado and help to retain current revenue from the trailer registrations.

19 **SECTION 2.** In Colorado Revised Statutes, 42-3-102, **add** (4) as  
20 follows:

21 **42-3-102. Periodic registration - repeal.** (4) (a) IN LIEU OF  
22 REGISTERING UNDER SUBSECTIONS (1) TO (3) OF THIS SECTION, AN  
23 APPLICANT MAY REGISTER A COMMERCIAL TRAILER OR SEMITRAILER  
24 UNDER THIS SUBSECTION (4) IF:

25 (I) THE TRAILER OR SEMITRAILER QUALIFIES AS CLASS A  
26 PERSONAL PROPERTY;

27 (II) THE OWNER IS BASED OUTSIDE COLORADO IN ACCORDANCE

1 WITH THE INTERNATIONAL REGISTRATION PLAN; AND

2 (III) THE OWNER COMPLIES WITH THIS SECTION AND SECTIONS  
3 42-3-107 (28) AND 42-3-313.

4 (b) A TRAILER OR SEMITRAILER REGISTRATION ISSUED UNDER THIS  
5 SUBSECTION (4) DOES NOT EXPIRE EXCEPT WHEN THE VEHICLE CHANGES  
6 OWNERSHIP IN ACCORDANCE WITH THIS ARTICLE.

7 (c) THE DEPARTMENT SHALL ISSUE A LICENSE PLATE TO A TRAILER  
8 OR SEMITRAILER REGISTERED UNDER THIS SUBSECTION (4), BUT A  
9 VALIDATING STICKER OR TAB IS NOT ISSUED NOR REQUIRED FOR THE  
10 LICENSE PLATE.

11 (d) THE DEPARTMENT SHALL PERIODICALLY VERIFY THAT  
12 OWNERSHIP OF A TRAILER OR SEMITRAILER REGISTERED UNDER THIS  
13 SUBSECTION (4) HAS NOT CHANGED. THE DEPARTMENT MAY CANCEL THE  
14 REGISTRATION OF A TRAILER OR SEMITRAILER IF THE OWNER FAILS TO  
15 CONFIRM OWNERSHIP OF THE TRAILER OR SEMITRAILER WITHIN THIRTY  
16 DAYS AFTER VERIFICATION IS REQUESTED. THE DEPARTMENT MAY  
17 DETERMINE THE FREQUENCY OF THE VERIFICATION.

18 (e) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE OR  
19 ARTICLE 6 OF THIS TITLE, A PERSON MAY REGISTER A TRAILER OR  
20 SEMITRAILER UNDER THIS SUBSECTION (4) WITH A VALID CERTIFICATE OF  
21 TITLE FROM ANOTHER JURISDICTION OF THE UNITED STATES WITHOUT  
22 FILING FOR A CERTIFICATE OF TITLE IN COLORADO.

23 (f) THE DEPARTMENT SHALL ISSUE A REPORT TO THE  
24 TRANSPORTATION LEGISLATION REVIEW COMMITTEE CREATED IN SECTION  
25 43-2-145, C.R.S., BY JULY 1, 2014, DETAILING THE NUMBER OF TRAILERS  
26 AND SEMITRAILERS REGISTERED UNDER THIS SUBSECTION (4) AND MAKING  
27 RECOMMENDATIONS AS TO THE COST-EFFECTIVENESS OF THE PERMANENT

1 REGISTRATION AND WHETHER TO EXTEND THIS SUBSECTION (4) AND  
2 SECTIONS 42-3-107 (28) AND 42-3-313.

3 (g) THE DEPARTMENT SHALL STOP REGISTERING TRAILERS AND  
4 SEMITRAILERS UNDER THIS SUBSECTION (4) AFTER SEPTEMBER 1, 2015,  
5 BUT ANY REGISTRATION ALREADY ISSUED DOES NOT EXPIRE EXCEPT IN  
6 ACCORDANCE WITH THIS SUBSECTION (4).

7 (h) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE SEPTEMBER 1,  
8 2025.

9 SECTION 3. In Colorado Revised Statutes, 42-3-107, add (28)  
10 as follows:

11 **42-3-107. Taxable value of classes of property - rate of tax -**  
12 **when and where payable - department duties - apportionment of tax**  
13 **collections - definitions - repeal.** (28) (a) THE PREPAID ANNUAL  
14 SPECIFIC OWNERSHIP TAX FOR A REGISTRATION ISSUED UNDER SECTION  
15 42-3-102 (4) IS NINETY-FIVE DOLLARS AND FIFTY CENTS.

16 (b) THIS SUBSECTION (28) IS REPEALED, EFFECTIVE JULY 1, 2015.

17 SECTION 4. In Colorado Revised Statutes, add 42-3-313 as  
18 follows:

19 **42-3-313. Fee for long-term or permanent registration -**  
20 **trailers and semitrailers - repeal.** (1) IN LIEU OF ANY OTHER FEE  
21 IMPOSED FOR REGISTRATION, THE FEE FOR REGISTRATION ISSUED UNDER  
22 SECTION 42-3-102 (4) IS TWENTY-FOUR DOLLARS AND FIFTY CENTS.

23 (2) (a) THE DEPARTMENT OR AUTHORIZED AGENT WHO  
24 REGISTERED THE COMMERCIAL TRAILER OR SEMITRAILER MAY RETAIN TWO  
25 DOLLARS OF THE REGISTRATION FEE.

26 (b) THE DEPARTMENT OR AUTHORIZED AGENT SHALL RETAIN ONE  
27 DOLLAR AND FIFTY CENTS OF THE FEE, WHICH THE DEPARTMENT SHALL

1 TRANSFER TO THE COUNTY, IF APPLICABLE, AND THE COUNTY SHALL  
2 ALLOCATE TO THE COUNTY ROAD AND BRIDGE FUND.

3 (c) THE DEPARTMENT SHALL TRANSFER THE REMAINDER OF THE  
4 FEE TO THE STATE TREASURER, WHO SHALL CREDIT THE FOLLOWING  
5 AMOUNTS TO THE FOLLOWING FUNDS:

6 (I) FIFTY CENTS TO THE COLORADO STATE TITLING AND  
7 REGISTRATION ACCOUNT CREATED IN SECTION 42-1-211 (2) WITHIN THE  
8 HIGHWAY USERS TAX FUND;

9 (II) TWO DOLLARS AND FIFTY CENTS TO THE LICENSE PLATE CASH  
10 FUND CREATED IN SECTION 42-3-301 (1) (b);

11 (III) FIVE DOLLARS TO THE STATEWIDE BRIDGE ENTERPRISE  
12 SPECIAL REVENUE FUND CREATED IN SECTION 43-4-805 (3) (a), C.R.S.;  
13 AND

14 (IV) THE REMAINDER OF THE FEE TO THE HIGHWAY USERS TAX  
15 FUND.

16 (3) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2015.

17 **SECTION 5. Act subject to petition - effective date -**  
18 **applicability.** (1) This act shall take effect at 12:01 a.m. on the day  
19 following the expiration of the ninety-day period after final adjournment  
20 of the general assembly (August 7, 2012, if adjournment sine die is on  
21 May 9, 2012); except that, if a referendum petition is filed pursuant to  
22 section 1 (3) of article V of the state constitution against this act or an  
23 item, section, or part of this act within such period, then the act, item,  
24 section, or part shall not take effect unless approved by the people at the  
25 general election to be held in November 2012 and shall take effect on the  
26 date of the official declaration of the vote thereon by the governor.

1           (2) The provisions of this act shall apply to registrations issued  
2           and registration applications made on or after January 1, 2013.

2012 Session- TLRC Bill Draft #1

“Multi-year Class A Trailer Registration”

Background:

Class A type vehicles, both trucks and trailers are those vehicles that are operated on an INTERSTATE BASIS. These trucks or power units do not register in Colorado through the County Clerks as all other vehicles do, they register with the International Registration Program or IRP (IRP is formal interstate compact agreement between all states and the US DOT). IRP is part of the operation of the Motor Carrier Services Division within the Department of Revenue. Class A trailers owned by Colorado based companies do register these trailers with the County Clerk in the County where their business resides and cannot be registered by the IRP as IRP does not register trailers, only power units.

Since these interstate commercial trailers, **remember we are only dealing with trailers**, are not part of the IRP, each state is left to decide what process they will adopt to register these interstate commercial trailers. Over the years, states have begun to create a “Permanent or Multi-Year” registration option for these trailers. Currently, 27 states now have some form of a permanent or multi-year plate option for interstate trailers. Please see State Listing of trailer fees which we have handed out in this package of information. **(EXHIBIT 1)**

Colorado does have a permanent plate but it requires an annual registration process. These other 27 states do not require an annual registration and offer from a 6 year to permanent trailer plate/registration.

Due to the fact that companies may have hundreds of trailers and these trailers are located often in multiple states, the act of getting that annual registration to that trailer is a huge task and expense. Coupled with the fees charged by other states for a multi-year or permanent trailer plate compared to what Colorado must charge by law, Colorado’s process is not only cumbersome but also non-competitive in price. These two facts are driving Colorado interstate commercial trailers out of the state and to other states who are offering a permanent plate at a fraction of the cost.

Colorado Motor Carriers has asked the TLRC to investigate this issue and to see if there can be any options provided by the state to keep these thousands of trailers in Colorado. Industry here in Colorado has stated that Colorado could lose some 4,000 trailer registrations to other states in the next year of so due to the differences noted above. This would be a significant hit to SOT

funds, HUTF and various other functions that rely on Colorado registration process to collect revenue.

**Proposed Legislation:**

The bill with amendments we are offering today for TLRC approval has two parts.

Part One: TLRC Draft Bill # 1 before Committee

Creation of a Permanent Plate process for out-of-state companies to register their interstate commercial trailers here in Colorado for a set fee that is competitive with those states in the west who offer such a plate option.

This would entail the following steps for Colorado:

- Must create a permanent plate option for companies located outside of Colorado for their interstate commercial trailers only.
- Must set a fee that is competitive with other western states for this permanent plate. Would suggest a fee of \$120.
- We offer the following taxes and fees be collected on these out-of state trailer registrations: **SEE EXHIBIT 2**
- Since these registrations are new to Colorado, this is all new revenue and does not exist today in the state revenue stream for the various funds in current registration processes.
- Create a verification process to ensure applicant is an out of state company. We would suggest that the IRP system be queried to determine if the company resides in Colorado.
- These registrations would be canceled upon sale or transfer of ownership, the registration is not transferable and a new plate would have to be obtained.
- Require the owner of the trailer to notify DOR if trailer is sold or transferred.
- We can utilize either a current plate type or develop one that could be used for these registrations. We would suggest using the current Colorado permanent plate with some changes.
- We should request the transportation industry here in Colorado help to educate and inform the industry nationwide thru trade publications and associations that this new plate exists in Colorado.
- We should begin this program ASAP to ensure Colorado has a viable option for these trailer registrations for companies out of state. Implement by August 1, 2012 and the bill would have a safety clause to speed implementation.

PLEASE REMEMBER- THIS IS ALL NEW REVENUE AND WE ARE NOT TAKING MONEY OUT OF ANY EXISTING FUND.

Revenue Projections: Utilizing the fees in draft bill

5,000 NEW registrations	\$67,500 HUTF Funds	\$477,500 SOT Collections
10,000 NEW registrations	\$135,000 HUTF Funds	\$955,000 SOT collections

**Part Two: The effect of the amendments offered.**

The legislation would create a permanent plate option for commercial trailers based here in Colorado and operated on an interstate basis. We must create some relief for Colorado transportation companies or due to price differences we see between Colorado and other western states or we will lose the vast majority of all interstate commercial trailer registrations. But due to our taxing and fee structure, especially SOT rates, we cannot offer this option for newer trailers without creating backfill issues due to significant SOT revenue losses.

Therefore, we offer the best model we can accomplish within our budgetary and economic constraints. This would be a permanent plate for companies based here in Colorado for their interstate commercial trailers starting at model year 10 years or older.

Due to the fact the SOT collections drop off dramatically from model year 9 to 10, we have the opportunity to create a permanent plate and not lose revenues in key areas of SOT and HUTF.

SOT rates for model years is listed below: CRS 42-3-107

1<sup>st</sup> Year- 2.10 % of taxable value

2<sup>nd</sup> Year- 1.50% of taxable value

3<sup>rd</sup> Year- 1.20% of taxable value

4<sup>th</sup> Year .90% of taxable value

5<sup>th</sup> thru 9<sup>th</sup> Year - .45% of taxable value or \$3.00 whichever is greater

**10<sup>th</sup> or Greater Year- \$3.00**

The in-state company permanent plate option for interstate commercial trailers would need the following:

- Create ability to register Colorado Company's interstate commercial trailers that are 10 years or older model year for a permanent plate.
- Create a permanent plate registration fee of \$120.
- We could utilize existing permanent trailer plates and/or make small modifications.
- State that the registration is not transferable due to sale, transfer of ownership or if the trailer is wrecked.
- The owner of the trailer would have to notify DOR if the trailer ownership is sold or transferred.
- The registration would occur at the county clerk's offices where the company resides.
- Fees for this permanent registration exceed 10 years worth of SOT collections- a 10<sup>th</sup> model year rate of \$3.00 per year.
- The fee breakout for this permanent registration would be: see **EXHIBIT 3**
- Create safety clause for the bill and an implementation date of August 1, 2012

What these amendments do is provide much needed relief for a small portion of the Colorado Company's trailers that operate on an interstate basis. What it also does is provide a method of possibly keeping some of the Colorado interstate commercial trailer registrations in this state and not leaving to be registered in another state like Idaho where the fees are close to the \$120 level.

We urge that this bill with the offered amendments contain not only the option for the Out-of-State Permanent Plate for interstate commercial trailers--BUT-- It also contains an in-state option for Colorado Companies that operate on an interstate basis for a permanent plate for their interstate commercial trailers 10 model years or older.

This helps to make Colorado more competitive in the trailer registration market and helps to defer revenue loss we are seeing now.

Thank You

State Fees for the Registration  
of Commercial Semitrailers  
(rounded to whole dollars)

<u>State</u>	<u>Annual Fee</u>	<u>Fee for Permanent Plate</u>
Alabama	\$ 20	\$ 60
Alaska		10
Arizona		245
Arkansas	20	65
California	10 – 5 years	75
Colorado	\$8 + \$43.87 in other fees + Specific Ownership Tax	
property tax		
Connecticut	40	
Delaware	20	
Florida	31	
Georgia	12	
Hawaii	(split fee)	
Idaho	15	112
Illinois		19
Indiana		66
Iowa	10	
Kansas	35	
Kentucky	20	107
Louisiana	10	70
Maine	12	80 – 25 years
Maryland	20	
Massachusetts	300 – 5 years	
Michigan	39	300
Minnesota		13
Mississippi		65
Missouri	8 – 1 year; \$23 – 3 years	53
Montana	21	
Nebraska	10.25 – 1st year, \$2 thereafter	
Nevada	24	
New Hampshire	22	
New Mexico		10
New York	23	86 - 6 years
North Carolina	20	
North Dakota	20	
Ohio	25	
Oklahoma	46 – 1st year, \$6 thereafter	
Oregon		10
Pennsylvania	27	135
Rhode Island	12 – 1 year; \$50 – 5 years	80 – 8 years
South Carolina	20	87
South Dakota		10
Tennessee		52
Texas	15	
Utah	11	130
Vermont	46 – 1 year; \$90 – 2 years	
Virginia	22	100
Washington	34	
West Virginia		51
Wisconsin	15	50
Wyoming	6 plus property tax	

**Tax Class B (42-3-106(2)(b) trailer, and semitrailer)**

Vehicle Assumption Trailer  
 Vehicle Year Assumption 2011  
 MSRP Assumption (base vehicle) \$25,000  
 Weight Assumption (base vehicle) 2,100  
 Tax Class B  
 Plate Assumption Green & White Regular  
 SOT Taxable Value (75% of MSRP) \$18,750.00  
 SOT Calculation \$393.75  
 Registration Period 1st Model Year

Tax or Fee Collected	Tax of Fee Statute	Tax of Fee	Distribution of Tax or Fee	Statute Distribution Statute
Specific Ownership Tax	42-3-107	\$393.75	\$0.50 CSTARS Acct, Remaining Balance County Treasurer	42-1-213
<b>Weight Fees</b>	42-3-306	\$8.00	HUTF	42-3-306(2)(b)(III)
<b>Registration Fees</b>				
Clerk Hire	42-1-210(1)(a)	\$4.00	County Clerk	42-1-210(1)(a)
Emergency Medical Service	42-3-304(21)	\$2.00	EMS Account	42-3-304(21)
Motorist Insurance Identification	42-3-304(1)(a)	\$0.10	MIIDB	42-3-304(1)(a)
Road & Bridge	42-3-310(1)	\$1.50	County Road and Bridge Fund	42-3-310(5)
License Plate	42-3-301(2)(a)(I)	\$1.89	License Plate Cash Fund	42-3-301(2)(a)(I)
Year Tab	42-3-301(2)(a)(III)	\$0.17	License Plate Cash Fund	42-3-301(2)(a)(III)
Month Tab	42-3-301(2)(a)	\$0.11	License Plate Cash Fund	42-3-301(2)(a)
Road Safety Surcharge	43-4-804(1)(a)(I)	\$23.00	Highways Users Tax Fund	43-4-804(1)
Bridge Safety Surcharge	43-4-805(5)(g)	\$18.00	Bridge Special Fund	43-4-805(5)(g)(II)
CSTARS Fee	42-3-306(14)(b)	\$0.50	CSTARS Acct	42-3-219(7)
Peace Officer Standardized Training Fee	42-3-304(24)	\$0.60	POST Training Fund	42-3-304(24)
<b>Total Registration Fees</b>		<b>\$51.87</b>		
<b>Customer Elected Fees</b>				
Personalized	42-3-211	\$60.00	Highway Users Tax Fund	42-3-211
<b>Fines and Penalties</b>				
Late Fee (see Late Fees tab if assessed)	42-3-112(1)	\$0.00	\$10.00 Retained by County, balance to Highway Users Tax Fund	42-3-112(2)

**Taxable Value**  
 Class B - 75% of MSRP (42-3-107(1)(a)(I) C.R.S.)  
**YOS (Taxable Value x YOS) (42-3-107(8) C.R.S.)**  
 1st Year - 2.10% of Taxable Value  
 2nd Year - 1.50% of Taxable Value  
 3rd Year - 1.20% of Taxable Value  
 4th Year - 0.90% of Taxable Value  
 5th thru 9th Year - 0.45% of Taxable Value or \$3.00 whichever is greater  
 10th and Greater Year - \$3.00

**Tax Class B (42-3-106(2)(b) trailer and semitrailer)**

Vehicle Assumption  
 Trailer  
 2011  
 MSRP Assumption (base vehicle) \$25,000  
 Weight Assumption (base vehicle) 2,100  
 Tax Class B  
 42-3-106(2)(b)  
 Plate Assumption  
 Green & White Regular  
 SOT Taxable Value (75% MSRP) \$18,750.00  
 SOT Tax Calculation (See Taxable Below) \$393.75  
 Registration Period 1st Model Year

Taxes and Fees (based on vehicle and assumptions above)		Tax or Fee	Distribution	Statute
Tax or Fee Collected	Tax of Fee Statute		Distribution of Tax or Fee	Distribution Statute
Specific Ownership Tax	42-3-107	\$95.50	\$0.50 CSTARS Acct, Remaining Balance County Treasurer	42-1-213
Weight Fees	42-3-306	\$13.50	HUTF	42-3-306(2)(b)(III)
Registration Fees				
Dept/Clerk Fee- Reg	42-1-210(1)(a)	\$2.00	County Clerk	42-1-210(1)(a)
County Road & Bridge	42-3-310 (1)	\$1.50	County Road and Bridge Fund	42-3-310(5)
License Plate	42-3-301 (2)(a)(1)	\$2.00	License Plate Cash Fund	42-3-301(2)(a)(I)
Bridge Safety Surcharge	43-4-805 (5)(G)	\$5.00	License Plate Cash Fund	42-3-301(2)(a)(III)
CSTARS Fee	42-3-306(14)(b)	\$0.50	Highways Users Tax Fund	43-4-804(1)
			Bridge Special Fund	43-4-805(5)(g)(II)
<b>Total Registraton Fees</b>		<b>\$11.00</b>		
Customer Elected Fees				
Personalized	42-3-211	\$60.00	Highway Users Tax Fund	42-3-211
Fines and Penalties				
Late Fee (see Late Fees tab if assessed)	42-3-112(1)	\$0.00	\$10.00 Retained by County, balance to Highway Users Tax Fund	42-3-112(2)

**Taxable Value**  
 Class B - 75% of MSRP (42-3-107(1)(a)(I) C.R.S.)  
**YOS (Taxable Value x YOS) (42-3-107(8) C.R.S.)**  
 1st Year - 2.10% of Taxable Value  
 2nd Year - 1.50% of Taxable Value  
 3rd Year - 1.20% of Taxable Value  
 4th Year - 0.90% of Taxable Value  
 5th thru 9th Year - 0.45% of Taxable Value or \$3.00 whichever is greater  
 10th and Greater Year - \$3.00

LLS NO. 12-01050.03\_BILL 1\_AMENDMENT # 1  
INTERIM COMMITTEE AMENDMENT  
Transportation Legislation Review Committee.  
BY REPRESENTATIVE Looper and SENATOR Williams  
LLS NO. 12-0150.03 be amended as follows:

- 1 Amend LLS NO. 12-0150.03, page 3, strike lines 9 through 11 and  
2 substitute "commercial trailers in Colorado to accomplish two major  
3 goals by making the state competitive with other states:  
4 (a) The first goal is to generate new revenue for Colorado by  
5 drawing registrations from other states with a permanent trailer  
6 registration option in Colorado; and  
7 (b) The second goal is to reduce the number of currently  
8 registered interstate commercial trailers that leave Colorado for another  
9 state by creating a permanent registration for Colorado."
- 10 Page 3, line 21, strike "**registration - repeal. (4) (a)**" and substitute  
11 "**registration. (4) (a) (I)**".
- 12 Page 3, line 24, strike "SUBSECTION (4)" and substitute "PARAGRAPH (a)".
- 13 Page 3, line 25, strike "(I)" and substitute "(A)".
- 14 Page 3, line 27, strike "(II)" and substitute "(B)".
- 15 Page 4, line 2, strike "(III)" and substitute "(C)".
- 16 Page 4, line 4, strike "(b)" and substitute "(II)".
- 17 Page 4, line 6, after the period add "THE REGISTRATION EXPIRES UPON THE  
18 SALE OR TRANSFER OF THE TRAILER OR SEMITRAILER."
- 19 Page 4, line 7, strike "(c)" and substitute "(III)".
- 20 Page 4, line 8, strike "SUBSECTION (4)," and substitute "PARAGRAPH (a),".
- 21 Page 4, after line 10 insert:
- 22 (b) (I) IN LIEU OF REGISTERING UNDER SUBSECTIONS (1) TO (3) OF  
23 THIS SECTION, AN APPLICANT MAY REGISTER A COMMERCIAL TRAILER OR  
24 SEMITRAILER UNDER THIS PARAGRAPH (b) IF:  
25 (A) THE TRAILER OR SEMITRAILER QUALIFIES AS CLASS A  
26 PERSONAL PROPERTY;



1 (B) THE OWNER IS BASED IN COLORADO IN ACCORDANCE WITH THE  
2 INTERNATIONAL REGISTRATION PLAN;

3 (C) THE TRAILER OR SEMITRAILER IS IN AT LEAST ITS TENTH YEAR  
4 OF SERVICE; AND

5 (D) THE OWNER COMPLIES WITH THIS SECTION AND SECTIONS  
6 42-3-107 (28) AND 42-3-313.

7 (II) A TRAILER OR SEMITRAILER REGISTRATION ISSUED UNDER THIS  
8 PARAGRAPH (b) DOES NOT EXPIRE EXCEPT WHEN THE VEHICLE CHANGES  
9 OWNERSHIP IN ACCORDANCE WITH THIS ARTICLE. THE REGISTRATION  
10 EXPIRES UPON THE SALE OR TRANSFER OF THE TRAILER OR SEMITRAILER.

11 (III) THE DEPARTMENT SHALL ISSUE A LICENSE PLATE TO A  
12 TRAILER OR SEMITRAILER REGISTERED UNDER THIS PARAGRAPH (b), BUT  
13 A VALIDATING STICKER OR TAB IS NOT ISSUED NOR REQUIRED FOR THE  
14 LICENSE PLATE."

15 Page 4, strike lines 11 through 17 and substitute:

16 "(c) UPON THE SALE OR TRANSFER OF OWNERSHIP OF A TRAILER OR  
17 SEMITRAILER REGISTERED UNDER THIS SECTION, THE OWNER SHALL  
18 NOTIFY THE DEPARTMENT OF THE SALE OR TRANSFER. UPON REGISTERING  
19 A TRAILER OR SEMITRAILER UNDER THIS SECTION, THE DEPARTMENT SHALL  
20 NOTIFY THE OWNER OF THIS PROVISION. THE DEPARTMENT SHALL ALSO  
21 NOTIFY THE PUBLIC OF THE REQUIREMENTS OF THIS SECTION ON ITS WEB  
22 PAGE."

23 Reletter succeeding paragraphs accordingly.

24 Page 4, line 26, before "THIS" insert "PARAGRAPHS (a) AND (b) OF".

25 Page 5, strike lines 1 through 8 and substitute "REGISTRATION."

26 Page 5, line 13, strike "definitions - repeal. (28) (a)" and substitute  
27 "definitions. (28)".

28 Page 5, strike line 16.

29 Page 5, line 20, strike "semitrailers - repeal." and substitute  
30 "semitrailers."

31 Page 6, strike lines 16 through 26 and substitute:



1           **"SECTION 5. Applicability.** This act shall apply to registrations  
2 issued or applications made on or after August 1, 2012.

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

6   Strike page 7.

\*\* \*\* \* \* \* \*\* \* \* \* \*\*



LLS NO. 12-01050.03\_BILL 1\_AMENDMENT # 2  
 INTERIM COMMITTEE AMENDMENT  
 Transportation Legislation Review Committee.  
 BY REPRESENTATIVE Looper  
LLS NO. 12-0150.03 be amended as follows:

- 1 Amend LLS NO. 12-0150.03, page 3, line 21, strike "**registration -**  
 2 **repeal.**" and substitute "**registration.**".
- 3 Page 4, line 6, after the period add "THE REGISTRATION EXPIRES UPON THE  
 4 SALE OR TRANSFER OF THE TRAILER OR SEMITRAILER."
- 5 Page 4, strike lines 11 through 17 and substitute:
- 6 "(d) UPON THE SALE OR TRANSFER OF OWNERSHIP OF A TRAILER OR  
 7 SEMITRAILER REGISTERED UNDER THIS SECTION, THE OWNER SHALL  
 8 NOTIFY THE DEPARTMENT OF THE SALE OR TRANSFER. UPON REGISTERING  
 9 A TRAILER OR SEMITRAILER UNDER THIS SECTION, THE DEPARTMENT SHALL  
 10 NOTIFY THE OWNER OF THIS PROVISION. THE DEPARTMENT SHALL ALSO  
 11 NOTIFY THE PUBLIC OF THE REQUIREMENTS OF THIS SECTION ON ITS WEB  
 12 PAGE."
- 13 Page 5, strike lines 1 through 8 and substitute "REGISTRATION."
- 14 Page 5, line 13, strike "**definitions - repeal. (28) (a)**" and substitute  
 15 "**definitions. (28)**".
- 16 Page 5, strike line 16.
- 17 Page 5, line 20, strike "**semitrailers - repeal.**" and substitute  
 18 "**semitrailers.**".
- 19 Page 6, strike lines 16 through 26 and substitute:
- 20 "**SECTION 5. Applicability.** This act shall apply to registrations  
 21 issued or applications made on or after August 1, 2012.  
 22 **SECTION 6. Safety clause.** The general assembly hereby finds,  
 23 determines, and declares that this act is necessary for the immediate  
 24 preservation of the public peace, health, and safety."
- 25 Strike page 7.

\*\* \*\* \*\* \*\* \*\*



OFFICE OF LEGISLATIVE LEGAL SERVICES  
COLORADO GENERAL ASSEMBLY

Attachment K

STATE CAPITOL BUILDING, ROOM 091  
200 EAST COLFAX AVENUE  
DENVER, COLORADO 80203-1782

TELEPHONE: 303-866-2045 FACSIMILE: 303-866-4157  
E-MAIL: OLLS.GA@STATE.CO.US

MEMORANDUM

**TO:** Senator Williams

**FROM:** Jerry Payne

**DATE:** October 4, 2011

**SUBJECT:** Breakdown of fee in proposed TLRC bill LLS12-0150.03

The proposed TLRC bill, "Concerning the creation of a multi-year registration for class a trailers," requires the applicant to pay an \$120 fee. The fee is distributed as follows:

Specific Ownership Tax .....	\$95.50
Collection Fee .....	\$2.00
County Road and Bridge Fund .....	\$1.50
Colorado State Titling and Registration Account .....	\$0.50
License Plate Cash Fund .....	\$2.50
Statewide Bridge Enterprise Special Revenue Fund .....	\$5.00
Highway Users Tax Fund .....	\$13.00

Second Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

DRAFT  
9.29.11

BILL 2

*Temporary storage location: C:\temp\12-0152\_wpd.tmp*

LLS NO. 12-0152.01 Chuck Brackney x2295

INTERIM COMMITTEE BILL

Transportation Legislation Review Committee

---

SHORT TITLE: "Low-speed Electric Vehicles"

---

A BILL FOR AN ACT

101 CONCERNING LOW-SPEED ELECTRIC VEHICLES.

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>.)*

**Transportation Legislation Review Committee.** The bill allows local governments to permit the operation of low-speed electric vehicles on local streets at speeds up to 40 miles per hour. The bill also repeals the authority of local governments to allow the operation of golf cars on local roadways. The bill specifies that the term "low-speed electric vehicles" does not include full-speed electric vehicles.

*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, 42-1-102, **amend**  
3 (48.6); and **repeal** (39.5) as follows:

4           **42-1-102. Definitions.** As used in articles 1 to 4 of this title,  
5 unless the context otherwise requires:

6           (39.5) ~~"Golf car" means a self-propelled vehicle not designed~~  
7 ~~primarily for operation on roadways and that has:~~

8           ~~(a) A design speed of less than twenty miles per hour;~~

9           ~~(b) At least three wheels in contact with the ground;~~

10           ~~(c) An empty weight of not more than one thousand three hundred~~  
11 ~~pounds; and~~

12           ~~(d) A carrying capacity of not more than four persons.~~

13           (48.6) (a) "Low-speed electric vehicle" means a vehicle that:

14           (I) Is self-propelled utilizing electricity as its primary propulsion  
15 method;

16           (II) Has at least three wheels in contact with the ground;

17           (III) Does not use handlebars to steer; and

18           (IV) Exhibits the manufacturer's compliance with 49 CFR 565 or  
19 displays a seventeen-character vehicle identification number as provided  
20 in 49 CFR 565.

21           (b) "LOW-SPEED ELECTRIC VEHICLE" DOES NOT MEAN A  
22 FULL-SPEED ELECTRIC VEHICLE.

23           **SECTION 2.** In Colorado Revised Statutes, 42-4-109.5, **amend**  
24 (1) as follows:

25           **42-4-109.5. Low-speed electric vehicles.** (1) (a) A low-speed  
26 electric vehicle may be operated only on a roadway that has a speed limit  
27 equal to or less than thirty-five miles per hour; except that it may be

1 operated to directly cross a roadway that has a speed limit greater than  
2 thirty-five miles per hour at an at-grade crossing to continue traveling  
3 along a roadway with a speed limit equal to or less than thirty-five miles  
4 per hour.

5 (b) NOTWITHSTANDING PARAGRAPH (a) OF THIS SUBSECTION (1),  
6 LOCAL AUTHORITIES MAY AUTHORIZE THE OPERATION OF LOW-SPEED  
7 ELECTRIC VEHICLES ON SPECIFIED LIMITED SECTIONS OF HIGHWAYS AT A  
8 SPEED UP TO FORTY MILES PER HOUR; EXCEPT THAT THIS PARAGRAPH (b)  
9 DOES NOT APPLY TO LIMITED-ACCESS HIGHWAYS.

10 **SECTION 3.** In Colorado Revised Statutes, 42-4-111, **repeal** (1)  
11 (bb) as follows:

12 **42-4-111. Powers of local authorities.** (1) This article shall not  
13 be deemed to prevent local authorities, with respect to streets and  
14 highways under their jurisdiction and within the reasonable exercise of  
15 the police power, except those streets and highways that are parts of the  
16 state highway system that are subject to section 43-2-135, C.R.S., from:

17 ~~(bb) Authorizing and regulating the operation of golf cars on~~  
18 ~~roadways by resolution or ordinance of the governing body, if the~~  
19 ~~authorization or regulation is consistent with this title and does not~~  
20 ~~authorize.~~

21 ~~(f) An unlicensed driver of a golf car to carry a passenger who is~~  
22 ~~under twenty-one years of age;~~

23 ~~(H) Operation of a golf car by a person under fourteen years of~~  
24 ~~age, or~~

25 ~~(HH) Operation of a golf car on a state highway.~~

26 **SECTION 4. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.

TLRC Committee October 5, 2011  
Low-Speed Electric Vehicles  
Written Testimony: Rifle, CO

The City of Rifle has 4 low speed/neighborhood electric vehicles in use by our parks dept., city hall staff and code/parking enforcement – these were purchased from Aspen Electric Cars about 1 year ago in an effort to diversify our fleet and realize some cost savings in fuel and vehicle maintenance. Our City hall lies North of the CO River/I-70 in Downtown Rifle. Most of our commercial development in recent years has occurred on the South side of the River/Interstate 70. We maintain parks and public spaces and conduct code enforcement on both sides of the River. However, the bridge over the River is controlled by CDOT/SH 13 with a speed limit of 40 mph – making it impossible under current law for the City's electric vehicles to travel to South Rifle. Additionally, the City recently built its park maintenance facility at our large regional park, Deerfield Park, in north Rifle, which is also only accessible by SH13 with a speed limit of 40 mph. Her proposed bill will allow us to better access our community with our electric vehicles. Currently our city staff have to swap-out vehicles if they plan to travel over the River to South Rifle or attend a meeting or work at our parks maintenance facility/Deerfield park.

**Mike Braaten**

Government Affairs Coordinator  
City of Rifle

Our Park Maintenance Facility is located at the north end of Rifle just off of Hwy 13. From this point we traverse to our various maintenance areas throughout Rifle. We have about a half mile (or less) of Hwy 13 that is questionable access on the north end of Rifle for the two electric pick-ups we operate. This segment is from 30<sup>th</sup> Street going south to the junction of the bypass north of Rifle. After this junction, the speed limit is 25 miles per hour through town. We are then fine through town going south on Hwy 13 (Railroad Avenue) until Hwy 6. We then have to cross Hwy 6 (Centennial Parkway) and then continue on Hwy 13 across the Colorado River and under Interstate 70 to get to South Rifle and Airport Road which is 35 mph.

I would estimate that segment to be about .5 to .75 miles. But for about 1.25 to 1.5 miles of hwy, we could have access to the entire town with our EV's.

Tom

**Tom Whitmore**  
Parks Director  
Rifle, CO

Dear Senator Schwartz,

There are currently over 100 NEV vehicles that have been sold in Aspen/Pitkin county. Most of these have replaced daily trips in and about the community GREATLY reducing carbon emissions and noise pollutants in our community. Many more individuals and businesses are interested in making a difference by switching to 100% electric vehicles but are finding several areas where the speeds are prohibitive on Hwy 82 our Main street.

Hwy 82 as you know is also Main street as it passes thru Aspen. Currently City, County and CDOT are in discussion with the realigning of Hwy 82 at the Airport Business Center (about 4 miles from AABC to the center of downtown). Not only is the AABC a hub of small business that serve Aspen, but it is also the center of several subsidized employee housing units and Affordable housing for Aspen.

The speed limits as they exist today are VERY confusing and inconsistent on Hwy 82. From The Airport stop light heading East into Aspen the speed limit is a consistent 35/mph until you pass the round about then it is 25/mph thru town and continues up toward independence pass.

HOWEVER heading west on Hwy 82 the speed changes many times in awkward locations.

It is 25/mph thru town to Cemetery lane where it changes to 35/mph just *before* the stop light. It holds to 35/mph to just *before* the Buttermilk ski area where it changes to 40 -about 30 yds *before* the stop light.

It is only 40/mph for approx 1/4 mile (which includes before and after the stop light) when it changes to 50/mph just *before* the turn to the AABC shopping and residential area.( another 1/8-1/4 mile max).

You can understand with the road being 35/mph the WHOLE way into Aspen and the speeds changing 4 times in the same short distance heading out of town how confusing it really is. NOT only that , if the speeds were a consistent 35/mph heading West, many of the businesses and individuals interested in reducing carbon emissions, foreign fuel dependency and noise pollutions could potentially drive 100% electric NEV and make a difference.

The City of Aspen and Pitkin County are leaders in the push for electric vehicles use and provide many incentives for driving electric in the community. By allowing for these lower speed vehicles to use Hwy 82 ( Aspen Main street) where the speeds are higher will help eliminate the need for individuals ,businesses and government vehicles and workers from having to change vehicles to drive the short distance on Hwy 82 to the AABC.

The current Bill SB09-75 allows for municipalities to define where these NEV can drive and we ask the the State allow these municipalities to allow for special use on appropriate roads for them. Signage can be paid for by the municipalities who approve this use, (less than \$200/sign for CDOT approved sign)

Please make this happen and allow municipalities to designate where these vehicles can safely be driven!

Shae

Shae Singer

Second Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

Attachment N

10.3.11

**BILL 3**

*Temporary storage location: C:\temp\12-0154\_wpd.tmp*

LLS NO. 12-0154.01 Jason Gelender x4330

**INTERIM COMMITTEE BILL**

**Transportation Legislation Review Committee**

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**SHORT TITLE: "Transfer Ports Of Entry To State Patrol"**

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**A BILL FOR AN ACT**

101 **CONCERNING THE ABOLITION OF THE MOTOR CARRIER SERVICES**  
102 **DIVISION OF THE DIVISION OF MOTOR VEHICLES OF THE**  
103 **DEPARTMENT OF REVENUE, AND, IN CONNECTION THEREWITH,**  
104 **TRANSFERRING THE POWERS, DUTIES, AND FUNCTIONS OF THE**  
105 **MOTOR CARRIER SERVICES DIVISION RELATING TO PORTS OF**  
106 **ENTRY TO THE COLORADO STATE PATROL OF THE DEPARTMENT**  
107 **OF PUBLIC SAFETY AND TRANSFERRING THE POWERS, DUTIES,**  
108 **AND FUNCTIONS OF THE MOTOR CARRIER SERVICES DIVISION**  
109 **RELATING TO COMMERCIAL DRIVER'S LICENSES AND THE**  
110 **INTERNATIONAL REGISTRATION PLAN TO THE DEPARTMENT OF**  
111 **REVENUE.**

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**Bill Summary**

*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

*(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>.)*

**Transportation Legislation Review Committee. Section 1** of the bill abolishes the motor carrier services division (division) of the division of motor vehicles of the department of revenue (department) and transfers the powers, duties, and functions of the division by **type 3** transfers as follows:

- It transfers the ports of entry section of the division to the Colorado state patrol of the department of public safety.
- It transfers the powers, duties, and functions of the division relating to commercial driver's licenses to the department.
- It transfers the powers, duties, and functions of the division relating to the international registration plan to the department.

**Section 11** of the bill defines the term "port of entry officer". **Section 25** of the bill makes the bill effective July 1, 2012. **Sections 2 to 10 and 12 to 24** of the bill make conforming amendments.

---

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

2           **SECTION 1.** In Colorado Revised Statutes, 24-1-117, **repeal** (4)  
3 (a) (III) and (4) (c) (II); and **add** (5) as follows:

4           **24-1-117. Department of revenue - creation.** (4) (a) The  
5 department of revenue shall consist of the following divisions:

6           (III) ~~Motor carrier services division;~~

7           (c) (II) ~~Whenever any law of this state or any rule promulgated~~  
8 ~~under the laws of this state refers to the motor vehicle division or the~~  
9 ~~ports of entry division of the department, such law or rule shall be~~  
10 ~~deemed to refer to the department of revenue.~~

11           (5) THE MOTOR CARRIER SERVICES DIVISION, CREATED IN SECTION  
12 42-8-103 (1), C.R.S., PRIOR TO THE REPEAL OF SAID SUBSECTION (1) BY  
13 HOUSE BILL 12-\_\_\_\_\_, ENACTED IN 2012, IS ABOLISHED, AND ITS POWERS,

1 DUTIES, AND FUNCTIONS ARE TRANSFERRED BY **TYPE 3** TRANSFERS AS  
2 FOLLOWS:

3 (a) THE POWERS, DUTIES, AND FUNCTIONS OF ITS PORTS OF ENTRY  
4 SECTION ARE TRANSFERRED TO THE DEPARTMENT OF PUBLIC SAFETY AND  
5 ALLOCATED TO THE COLORADO STATE PATROL.

6 (b) ITS POWERS, DUTIES, AND FUNCTIONS RELATING TO  
7 COMMERCIAL DRIVER'S LICENSES ARE TRANSFERRED TO THE DEPARTMENT  
8 OF REVENUE.

9 (c) ITS POWERS, DUTIES, AND FUNCTIONS RELATING TO THE  
10 INTERNATIONAL REGISTRATION PLAN ARE TRANSFERRED TO THE  
11 DEPARTMENT OF REVENUE.

12 **SECTION 2.** In Colorado Revised Statutes, 24-1-128.6, amend  
13 (2) (a) as follows:

14 **24-1-128.6. Department of public safety - creation - repeal.**

15 (2) The department of public safety shall consist of the following  
16 divisions:

17 (a) Colorado state patrol, the head of which shall be the chief of  
18 the Colorado state patrol. The Colorado state patrol and the office of  
19 chief thereof, created by part 2 of article 33.5 of this title, and their  
20 powers, duties, and functions are transferred by a **type 2** transfer to the  
21 department of public safety. The powers, duties, and functions of the  
22 state department of highways relating to the Colorado state patrol are  
23 transferred by a **type 2** transfer to the department of public safety and  
24 allocated to the Colorado state patrol. THE POWERS, DUTIES, AND  
25 FUNCTIONS OF THE PORTS OF ENTRY SECTION OF THE MOTOR CARRIER  
26 SERVICES DIVISION OF THE DIVISION OF MOTOR VEHICLES OF THE  
27 DEPARTMENT OF REVENUE, WHICH MOTOR CARRIER SERVICES DIVISION IS

1 ABOLISHED PURSUANT TO SECTION 24-1-117 (5), ENACTED BY HOUSE BILL  
2 12- \_\_\_\_\_, ENACTED IN 2012, ARE TRANSFERRED BY A TYPE 3 TRANSFER  
3 TO THE DEPARTMENT OF PUBLIC SAFETY AND ALLOCATED TO THE  
4 COLORADO STATE PATROL.

5 **SECTION 3.** In Colorado Revised Statutes, **repeal** 24-33.5-111  
6 as follows:

7 **24-33.5-111. Motor carrier safety assistance - study.** ~~(1) On~~  
8 ~~August 15, 2010, the motor carrier safety inspection program of the ports~~  
9 ~~of entry section in the department of revenue is hereby transferred to the~~  
10 ~~department of public safety and allocated to the Colorado state patrol.~~

11 ~~(2) The department of public safety, in collaboration with the~~  
12 ~~department of transportation and the department of revenue, shall issue~~  
13 ~~a request for proposal for a performance study to be conducted by an~~  
14 ~~independent private vendor, subject to available appropriations. The~~  
15 ~~departments shall work cooperatively to determine the scope of the study~~  
16 ~~and the independent private vendor shall request and consider input from~~  
17 ~~potentially impacted parties during the course of the study. The study~~  
18 ~~shall include, but not be limited to, an examination of the ports of entry~~  
19 ~~operations, infrastructure, management, potential cost savings or~~  
20 ~~efficiencies, as well as how the port of entry section may maximize~~  
21 ~~resources and technology. The study shall also determine which principal~~  
22 ~~department is most appropriate for operating the ports of entry section in~~  
23 ~~a cost-effective manner. The independent private vendor shall complete~~  
24 ~~the performance review and report its findings to the transportation~~  
25 ~~committees of the senate and the house of representatives no later than~~  
26 ~~June 1, 2011.~~

27 **SECTION 4.** In Colorado Revised Statutes, 24-33.5-203, **amend**

1 (2) as follows:

2           **24-33.5-203. Duties of executive director and patrol.** (2) The  
3 Colorado state patrol shall enforce or aid in enforcing all state laws  
4 pertaining to motor and all other vehicles, their equipment, weight,  
5 cargoes, and licenses, vehicle operators, and other operations including  
6 checking for brand inspection certificates or official bills of sale or  
7 acceptable trucking waybills on livestock or agricultural products upon  
8 the highways of Colorado and for the use thereof. The Colorado state  
9 patrol shall also aid in the enforcement of the collection of all motor and  
10 other vehicle taxes and license fees, motor fuel taxes, and highway  
11 compensation taxes (with respect to the transportation of persons and  
12 property over public highways) as provided by law and shall otherwise  
13 promote safety, protect human life, and preserve the highways of this  
14 state by the courteous and strict enforcement of laws of this state which  
15 relate to highways and traffic upon such highways, notwithstanding any  
16 provisions of law charging any other department or agency in the state  
17 with the enforcement of such laws. THE COLORADO STATE PATROL SHALL  
18 ALSO ESTABLISH AND OPERATE PORT OF ENTRY WEIGH STATIONS  
19 PURSUANT TO ARTICLE 8 OF TITLE 42, C.R.S. The Colorado state patrol  
20 shall also aid in the enforcement of other laws of this state as specifically  
21 authorized by the provisions of this part 2.

22           **SECTION 5.** In Colorado Revised Statutes, 40-7-116, **amend**  
23 (1) (a) as follows:

24           **40-7-116. Enforcement of civil penalties against carriers.**  
25 (1) (a) Investigative personnel of the commission, ~~and personnel of the~~  
26 ~~ports of entry and the~~ Colorado state patrol OFFICERS, AND PORT OF ENTRY  
27 OFFICERS AS DEFINED IN SECTION 42-8-102 (3), C.R.S., have the authority

1 to issue civil penalty assessments for the violations enumerated in  
2 sections 40-7-112 and 40-7-113. When a person is cited for the violation,  
3 the person operating the motor vehicle involved shall be given notice of  
4 the violation in the form of a civil penalty assessment notice.

5 **SECTION 6.** In Colorado Revised Statutes, 40-10.1-102, **amend**  
6 (2) as follows:

7 **40-10.1-102. Powers of commission.** (2) The Colorado state  
8 patrol ~~and the ports of entry section of the department of revenue have~~  
9 HAS the power to monitor and enforce compliance with the certificate and  
10 permit requirements of this article and article 10.5 of this title.

11 **SECTION 7.** In Colorado Revised Statutes, 40-10.1-502, **amend**  
12 (5) (a) and (5) (b) (III) as follows:

13 **40-10.1-502. Permit requirements - issuance by ports of entry.**  
14 (5) (a) ~~The motor carrier services division in the department of revenue~~  
15 COLORADO STATE PATROL may issue, through a port of entry weigh  
16 station created pursuant to article 8 of title 42, C.R.S., a temporary  
17 household goods mover permit. The temporary permit is valid for fifteen  
18 consecutive days and is not renewable. A mover or its successor who has  
19 been issued a temporary permit is not eligible for a subsequent temporary  
20 permit.

21 (b) A temporary permit shall not be approved until the applicant:

22 (III) Pays the fees required by section 40-10.1-111 (1) (e) and (1)

23 (f). ~~The motor carrier services division in the department of revenue~~  
24 COLORADO STATE PATROL shall transmit the fees to the state treasurer,  
25 who shall credit them to the public utilities commission motor carrier  
26 fund pursuant to section 40-10.1-111 (4).

27 **SECTION 8.** In Colorado Revised Statutes, 42-4-235, **amend** (1)

1 (b), (2) (a), (2) (d) (I), (3), (4), and (5) as follows:

2 **42-4-235. Minimum standards for commercial vehicles - rules**  
3 **- repeal.** (1) As used in this section, unless the context otherwise  
4 requires:

5 (b) ~~"Department" means the department of public safety.~~

6 (2) (a) No person shall operate a commercial vehicle, as defined  
7 in subsection (1) of this section, on any public highway of this state  
8 unless such vehicle is in compliance with the rules adopted by the  
9 ~~department~~ CHIEF OF THE COLORADO STATE PATROL pursuant to  
10 subsection (4) of this section. Any person who violates such THE rules,  
11 including ANY intrastate motor carriers CARRIER, shall be subject to the  
12 civil penalties authorized pursuant to 49 CFR part 386, subpart G, as such  
13 subpart existed on October 1, 2001. Persons who utilize an independent  
14 contractor shall not be liable for penalties imposed on the independent  
15 contractor for equipment, acts, and omissions within the independent  
16 contractor's control or supervision. All civil penalties collected pursuant  
17 to this article by a state agency or by a court shall be transmitted to the  
18 state treasurer, who shall credit ~~the same~~ THEM to the highway users tax  
19 fund created in section 43-4-201, C.R.S., for allocation and expenditure  
20 as specified in section 43-4-205 (5.5) (a), C.R.S.

21 (d) (I) Upon notice from the ~~department of public safety~~  
22 COLORADO STATE PATROL, the department shall, pursuant to section  
23 42-3-120, cancel the registration of a motor carrier who fails to pay in  
24 full a civil penalty imposed pursuant to this subsection (2) within thirty  
25 days after notification of the penalty.

26 (3) Any motor carrier operating a commercial vehicle within  
27 Colorado must declare knowledge of the rules ~~and regulations~~ adopted

1 by the ~~department~~ CHIEF OF THE COLORADO STATE PATROL pursuant to  
2 subsection (4) of this section. ~~Such~~ THE declaration of knowledge shall  
3 be in writing on a form provided by the ~~department~~. ~~Such~~ COLORADO  
4 STATE PATROL. THE form must be signed and returned by a motor carrier  
5 according to ~~regulations~~ RULES adopted by the ~~department~~ CHIEF.

6 (4) (a) The ~~department~~ CHIEF OF THE COLORADO STATE PATROL  
7 shall adopt rules for the operation of all commercial vehicles. In  
8 adopting ~~such~~ THE rules, the ~~department~~ CHIEF shall use as general  
9 guidelines the standards contained in the current rules and regulations of  
10 the United States department of transportation relating to safety  
11 regulations, qualifications of drivers, driving of motor vehicles, parts and  
12 accessories, notification and reporting of accidents, hours of service of  
13 drivers, inspection, repair and maintenance of motor vehicles, financial  
14 responsibility, insurance, and employee safety and health standards;  
15 except that rules regarding financial responsibility and insurance do not  
16 apply to a commercial vehicle as defined in subsection (1) of this section  
17 that is also subject to regulation by the public utilities commission under  
18 article 10.1 of title 40, C.R.S. On and after September 1, 2003, all  
19 commercial vehicle safety inspections conducted to determine  
20 compliance with rules promulgated by the ~~department~~ CHIEF pursuant to  
21 this paragraph (a) shall be performed by an enforcement official, as  
22 defined in section 42-20-103 (2), who has been certified by the  
23 commercial vehicle safety alliance, or any successor organization thereto,  
24 to perform level I inspections.

25 (b) The Colorado public utilities commission may enforce safety  
26 rules of the ~~department~~ CHIEF OF THE COLORADO STATE PATROL  
27 governing commercial vehicles described in subparagraphs (I) and (II) of

1 paragraph (a) of subsection (1) of this section pursuant to its HIS OR HER  
2 authority to regulate motor carriers as defined in section 40-10.1-101,  
3 C.R.S., including the issuance of civil penalties for violations of the rules  
4 as provided in section 40-7-113, C.R.S.

5 (5) Any person who violates a rule ~~or regulation~~ promulgated by  
6 the ~~department~~ CHIEF OF THE COLORADO STATE PATROL pursuant to this  
7 section or fails to comply with subsection (3) of this section commits a  
8 class 2 misdemeanor traffic offense.

9 **SECTION 9.** In Colorado Revised Statutes, 42-4-510, **amend** (1)  
10 (a), (3), (5), (8) (b), (11) (a) introductory portion, and (12) (c) as follows:

11 **42-4-510. Permits for excess size and weight and for**  
12 **manufactured homes - rules - repeal.** (1) (a) The department of  
13 transportation, ~~the motor carrier services division of the department of~~  
14 ~~revenue,~~ or the Colorado state patrol with respect to highways under its  
15 jurisdiction, or any local authority with respect to highways under its  
16 jurisdiction may, upon application in writing and good cause being  
17 shown therefor, issue a single trip, a special, or an annual permit in  
18 writing authorizing the applicant to operate or move a vehicle or  
19 combination of vehicles of a size or weight of vehicle or load exceeding  
20 the maximum specified in this article or otherwise not in conformity with  
21 the provisions of this article upon any highway under the jurisdiction of  
22 the party granting such permit and for the maintenance of which said  
23 party is responsible; except that permits for the movement of any  
24 manufactured home shall be issued as provided in subsection (2) of this  
25 section.

26 (3) The department of transportation, ~~the motor carrier services~~  
27 ~~division of the department of revenue,~~ or the Colorado state patrol, or any

1 local authority is authorized to issue or withhold a permit, as provided in  
2 this section, and, if such permit is issued, to limit the number of trips, or  
3 to establish seasonal or other time limitations within which the vehicles  
4 described may be operated on the highways indicated, or otherwise to  
5 limit or prescribe conditions of operation of such vehicles, when  
6 necessary to protect the safety of highway users, to protect the efficient  
7 movement of traffic from unreasonable interference, or to protect the  
8 highways from undue damage to the road foundations, surfaces, or  
9 structures and may require such undertaking or other security as may be  
10 deemed necessary to compensate for any injury to any highway or  
11 highway structure.

12 (5) The department of transportation ~~the motor carrier services~~  
13 ~~division of the department of revenue~~, or the Colorado state patrol shall,  
14 unless such action will jeopardize distribution of federal highway funds  
15 to the state, authorize the operation or movement of a vehicle or  
16 combination of vehicles on the interstate highway system of Colorado at  
17 a maximum weight of eighty-five thousand pounds.

18 (8) (b) Effective July 1, 1996, the ~~motor carrier services division~~  
19 ~~in the department of revenue~~ COLORADO STATE PATROL shall have  
20 available for issuance at each fixed port of entry weigh station permits for  
21 extralegal vehicles or loads; except that special permits for extralegal  
22 vehicles or loads that are considered extraordinary in dimensions or  
23 weight, or both, and that require additional safety precautions while in  
24 transit shall be issued only by the department of transportation. A port  
25 of entry may issue such special permits if authorized to do so by the  
26 department of transportation and under such rules as the department of  
27 transportation may establish, and may deliver from a fixed port of entry

1 weigh station any permit issued by the department of transportation.

2 (11) (a) The department of transportation ~~the motor carrier~~  
3 ~~services division of the department of revenue,~~ or the Colorado state  
4 patrol may charge permit applicants permit fees as follows:

5 (12) (c) The department of transportation ~~or the Colorado state~~  
6 ~~patrol~~ with regard to any state permit and the local authority with regard  
7 to a local permit may, after a hearing under section 24-4-105, C.R.S.,  
8 revoke, suspend, refuse to renew, or refuse to issue any permit authorized  
9 by this section upon a finding that the holder of the permit has violated  
10 the provisions of this section, any ordinance or resolution of a local  
11 authority, or any standards or rules ~~or regulations~~ promulgated pursuant  
12 to this section.

13 **SECTION 10.** In Colorado Revised Statutes, 42-4-511, **amend**  
14 (2) (c) as follows:

15 **42-4-511. Permit standards - state and local.** (2) (c) ~~Effective~~  
16 ~~July 1, 1996,~~ any A local authority that adopts or has adopted an  
17 ordinance or resolution governing permits for the movement of oversize  
18 or overweight vehicles or loads shall file a copy of ~~such~~ THE ordinance  
19 or resolution with the department of transportation. ~~and the motor carrier~~  
20 ~~services division of the department of revenue:~~

21 **SECTION 11.** In Colorado Revised Statutes, 42-8-102, **add** (3)  
22 as follows:

23 **42-8-102. Definitions.** As used in this article, unless the context  
24 otherwise requires:

25 (3) "PORT OF ENTRY OFFICER" MEANS A UNIFORMED MEMBER OF  
26 THE COLORADO STATE PATROL WHO IS NOT A PATROLMAN AND WHOSE  
27 POWERS AND DUTIES ARE DESCRIBED IN SECTION 42-8-104 (2).

1           **SECTION 12.** In Colorado Revised Statutes, **amend** 42-8-103  
2 as follows:

3           **42-8-103. Ports of entry - operation by Colorado state patrol.**

4           ~~(1) There is hereby created within the department of revenue a motor~~  
5 ~~carrier services division, which, division, acting under the authority and~~  
6 ~~direction of the executive director of the department of revenue, shall be~~  
7 ~~further subdivided into enforcement functions and service functions.~~  
8 ~~Enforcement functions shall include, but need not be limited to, the ports~~  
9 ~~of entry section. Service functions shall include, but need not be limited~~  
10 ~~to, personnel and facilities for dealing with interstate and international~~  
11 ~~motor vehicle registrations.~~

12           (2) The ~~executive director~~ CHIEF OF THE COLORADO STATE  
13 PATROL shall be responsible for establishing and operating port of entry  
14 weigh stations at such points along the public highways of this state as  
15 are determined to be necessary to carry out the purposes of this article.  
16 The ~~executive director~~ CHIEF shall authorize permanent port of entry  
17 weigh stations and mobile port of entry weigh stations to be established  
18 and operated by the ~~division~~ COLORADO STATE PATROL. The location or  
19 relocation of ~~such~~ THE stationary or mobile port of entry weigh stations  
20 shall be determined by the ~~executive director~~. ~~Wherever any provision~~  
21 ~~of this article refers to a motor vehicle inspection station or to a motor~~  
22 ~~carrier inspection station, such provision shall be deemed to refer to a~~  
23 ~~port of entry weigh station established and operated by the motor carrier~~  
24 ~~services division~~ CHIEF.

25           **SECTION 13.** In Colorado Revised Statutes, **amend** 42-8-104  
26 as follows:

27           **42-8-104. Powers and duties.** (1) The ~~executive director of the~~

1 ~~department of revenue~~ CHIEF OF THE COLORADO STATE PATROL shall  
2 issue such rules and ~~regulations~~ as the ~~executive director~~ CHIEF deems  
3 necessary to implement this article and carry out its purposes. Said  
4 ~~executive director shall, to the fullest extent possible, house department~~  
5 ~~field offices at such places as port of entry weigh stations are established.~~  
6 All permanent port of entry weigh stations established under the authority  
7 of this article shall be operated ~~on a twenty-four-hour-a-day basis, except~~  
8 ~~for certain holidays or other~~ AT times determined by the ~~executive~~  
9 ~~director of the department of revenue and in such manner~~ CHIEF SO as to  
10 reasonably allow owners and operators of motor vehicles subject to fees,  
11 licenses, or taxes or to ~~regulations~~ RULES imposed by the state of  
12 Colorado to comply with all such laws and ~~regulations issued pursuant~~  
13 ~~thereto~~ RULES by clearance at a port of entry weigh station. All port of  
14 entry weigh stations, either permanent or mobile, shall be equipped with  
15 weighing equipment approved as to accuracy by the division of  
16 inspection and consumer services of the department of agriculture.

17 (2) ~~The personnel of a port of entry weigh station~~ A PORT OF  
18 ENTRY OFFICER, during the time that ~~they are~~ HE OR SHE IS actually  
19 engaged in performing ~~their~~ HIS OR HER duties as such and while acting  
20 under proper orders or ~~regulations~~ RULES issued by the ~~executive director~~  
21 ~~of the department of revenue~~, CHIEF OF THE COLORADO STATE PATROL,  
22 shall have and exercise all the powers invested in peace officers in  
23 connection with the enforcement of the provisions of this article, article  
24 ~~2~~ ARTICLES 2, 3, AND 20 of this title, ~~parts 2, 3, and 5 of article 20 of this~~  
25 ~~title, part 5 of article 4 of this title, and sections 42-3-107 (17) and~~  
26 ~~42-4-1409~~ 42-4-209, 42-4-225 (1.5), 42-4-235, 42-4-1407, 42-4-1409,  
27 AND 42-4-1414; except that ~~they~~ AN OFFICER shall not have the power to

1 serve civil writs and process and, in the exercise of their HIS OR HER  
2 duties, ~~such personnel~~ AN OFFICER shall have the authority to restrain and  
3 detain persons or vehicles and may impound any vehicle until any tax or  
4 license fee imposed by law is paid or until compliance is had with any tax  
5 or regulatory law or ~~regulation~~ RULE issued thereunder.

6 **SECTION 14.** In Colorado Revised Statutes, 42-8-105, **amend**  
7 (1) and (4); and **repeal** (6) as follows:

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

1 section. A vehicle with a seating capacity of fourteen or more passengers  
2 registered under the provisions of section 42-3-304 (13) or 42-3-306 (2)  
3 (c) (I) shall not be required to secure a valid clearance pursuant to this  
4 section.

5 (4) ~~The department of revenue~~ COLORADO STATE PATROL may  
6 issue a special revocable permit to the owner or operator of any vehicle  
7 being operated over a regularly scheduled route waiving the requirement  
8 that the owner or operator seek out and secure a valid clearance at a port  
9 of entry weigh station not located directly on the route being followed.  
10 In order for the permit to be effective, the vehicle must be operating over  
11 a regularly scheduled route that has previously been cleared with the  
12 ~~department of revenue~~ COLORADO STATE PATROL.

13 (6) ~~To facilitate the proper identification and handling of all~~  
14 ~~motor vehicles requiring clearance through the port of entry weigh~~  
15 ~~stations of the state, every vehicle requiring such clearance shall have~~  
16 ~~affixed to it a distinct marking conforming to specifications set by the~~  
17 ~~executive director. Such marking shall include the name or company~~  
18 ~~logo of the owner or operator of the motor vehicle and such other~~  
19 ~~information as the executive director shall require.~~

20 **SECTION 15.** In Colorado Revised Statutes, **amend** 42-8-106  
21 as follows:

22 **42-8-106. Issuance of clearance receipts.** All owners and  
23 operators of motor vehicles subject to the payment of fees, licenses, or  
24 taxes imposed by the laws of this state, including foreign vehicles, that  
25 have not been properly certificated or permitted by the public utilities  
26 commission or that have not been approved by the department of revenue  
27 for monthly or periodic payment of such fees, licenses, or taxes shall be

1 issued a clearance receipt at a port of entry weigh station only after such  
2 fees, licenses, or taxes that may be due are paid or compliance is had with  
3 regulatory acts. A clearance receipt issued under this section shall  
4 specify the date upon which issued and amounts of fees, licenses, or taxes  
5 to be paid. ~~Such~~ THE receipt shall be valid only for the dates and trips  
6 specified thereon and for the length of time specified thereon. The  
7 ~~executive director of the department of revenue~~ COLORADO STATE  
8 PATROL, through the port of entry weigh stations, may also issue permits  
9 for oversize and overweight commercial hauls pursuant to rules and  
10 regulations governing such hauls established by the department of  
11 transportation. Failure to secure such clearance receipt shall subject the  
12 owner or operator to a penalty of double the amount of any tax, license,  
13 or fee due that shall be in addition to and distinct from the penalty  
14 provided for in section 42-8-109.

15 **SECTION 16.** In Colorado Revised Statutes, **amend** 42-8-107  
16 as follows:

17 **42-8-107. Construction and rights-of-way.** Within thirty days  
18 after receiving notification from the ~~executive director of the department~~  
19 ~~of revenue~~ CHIEF OF THE COLORADO STATE PATROL, the department of  
20 transportation shall make available without charge to the ~~department of~~  
21 ~~revenue~~ COLORADO STATE PATROL such rights-of-way upon or adjacent  
22 to the public highways of this state as are needed for the construction or  
23 reconstruction of port of entry weigh stations. If such rights-of-way are  
24 not available, the department of transportation shall acquire such  
25 rights-of-way as are needed to carry out the purposes of this article out  
26 of money in the state highway fund provided for right-of-way acquisition.  
27 If possible, the construction, reconstruction, and maintenance of port of

1 entry weigh stations shall be accomplished with forces of the department  
2 of transportation within thirty days after notification by the ~~executive~~  
3 ~~director of the department of revenue~~ CHIEF OF THE COLORADO STATE  
4 PATROL requesting such work.

5 **SECTION 17.** In Colorado Revised Statutes, **amend** 42-8-108  
6 as follows:

7 **42-8-108. Cooperation among departments.** The governor of  
8 Colorado shall require the ~~executive director of the department of~~  
9 ~~revenue~~, the chief of the Colorado state patrol, the chief engineer of the  
10 ~~division of highways~~ DEPARTMENT OF TRANSPORTATION, the  
11 commissioner of agriculture, the director of the division of commerce and  
12 development, and the ~~chairman~~ CHAIR of the public utilities commission  
13 to cooperate to the fullest extent possible to the end that port of entry  
14 weigh stations established under authority of this article shall serve the  
15 broadest possible functions.

16 **SECTION 18.** In Colorado Revised Statutes, 42-8-109, **amend**  
17 (3) as follows:

18 **42-8-109. Fines and penalties.** (3) In addition to the penalties  
19 imposed pursuant to subsection (1) of this section, the ~~executive director~~  
20 ~~of the department of revenue~~ CHIEF OF THE COLORADO STATE PATROL  
21 shall, upon the conviction of any owner or operator or of any agent,  
22 officer, or employee, after a third offense within one calendar year, notify  
23 the public utilities commission of such conviction, and the commission  
24 may suspend any license or permit for a period not to exceed six months  
25 or revoke all such certificates and permits issued to the owner or operator  
26 of such vehicles by the public utilities commission. Such certificate or  
27 permit can be suspended or revoked only after due notice and hearing and

1 for good cause shown. The ~~executive director of the department of~~  
 2 ~~revenue~~ CHIEF shall file a complaint with the public utilities commission,  
 3 and the commission must hold a hearing within thirty days after filing of  
 4 a complaint by the ~~said executive director~~ CHIEF. If at the hearing the  
 5 commission finds that the facts as stated in the complaint by the ~~said~~  
 6 ~~executive director~~ CHIEF are substantially correct, the commission may  
 7 immediately revoke all intrastate certificates and permits issued by it to  
 8 such violator.

9 **SECTION 19.** In Colorado Revised Statutes, 42-8-111, **amend**  
 10 (1), (4), and (5) as follows:

11 **42-8-111. Cooperative agreements with contiguous states for**  
 12 **operations of ports of entry - rules.** (1) In addition to any other powers  
 13 granted by law, the ~~executive director of the department of revenue~~ CHIEF  
 14 OF THE COLORADO STATE PATROL is hereby authorized to negotiate and  
 15 enter into cooperative agreements with the designated representatives of  
 16 contiguous states for the operations of ports of entry at the borders  
 17 between Colorado and such contiguous states.

18 (4) The ~~executive director of the department of revenue~~ CHIEF OF  
 19 THE COLORADO STATE PATROL is hereby authorized to appoint employees  
 20 and officials of a contiguous state as agents of the ~~ports of entry section~~  
 21 ~~of the department of revenue~~ COLORADO STATE PATROL with the powers  
 22 to enforce the laws of Colorado under the terms of cooperative  
 23 agreements entered into under the provisions of this section.

24 (5) The ~~executive director of the department of revenue~~ CHIEF OF  
 25 THE COLORADO STATE PATROL may promulgate such ~~regulations~~ RULES  
 26 as are necessary for the implementation of the provisions of this section.

27 **SECTION 20.** In Colorado Revised Statutes, 42-20-103, **amend**

1 (2) as follows:

2 **42-20-103. Definitions.** As used in this article, unless the context  
3 otherwise requires:

4 (2) "Enforcement official" means, and is limited to, a peace  
5 officer who is an officer of the Colorado state patrol as described in  
6 sections 16-2.5-101 and 16-2.5-114, C.R.S., ~~a certified peace officer who~~  
7 ~~is a certified port of entry officer as described in sections 16-2.5-101 and~~  
8 ~~16-2.5-115, C.R.S.~~ A PORT OF ENTRY OFFICER, AS DEFINED IN SECTION  
9 42-8-102 (3), a peace officer who is an investigating official of the  
10 transportation section of the public utilities commission as described in  
11 sections 16-2.5-101 and 16-2.5-143, C.R.S., or any other peace officer as  
12 described in section 16-2.5-101, C.R.S.

13 **SECTION 21.** In Colorado Revised Statutes, 42-20-203, **amend**  
14 (1) as follows:

15 **42-20-203. Carrying of permit and shipping papers.** (1) Any  
16 person transporting hazardous materials that require placarding under 49  
17 CFR 172 or 173 in this state shall carry a copy of the shipping papers  
18 required in 49 CFR 172.200 and a copy of the hazardous materials  
19 transportation permit issued by the public utilities commission or ~~the~~ BY  
20 THE COLORADO STATE PATROL AT A port of entry weigh station in the  
21 transporting motor vehicle while in this state; except that, if a peace  
22 officer, as described in section 16-2.5-101, C.R.S., or any other  
23 enforcement official may determine that the hazardous materials  
24 transportation permit can be electronically verified at the time of contact,  
25 a copy of the permit need not be carried by the person transporting  
26 hazardous materials. ~~Such~~ THE permit shall be open to inspection or  
27 electronic verification by any enforcement official.

1           **SECTION 22.** In Colorado Revised Statutes, **amend** 42-20-404  
2 as follows:

3           **42-20-404. Inspections.** All vehicles carrying nuclear materials  
4 entering the state on the public highways shall be inspected by A  
5 Colorado state patrol ~~officers~~ OFFICER OR A PORT OF ENTRY OFFICER, AS  
6 DEFINED IN SECTION 42-8-102 (3), at the nearest point at which the  
7 shipment enters the state or at a location specified by the Colorado state  
8 patrol. For all shipments originating within the state, inspection shall be  
9 made at the point of origination by A Colorado state patrol ~~officers~~. ~~All~~  
10 ~~such~~ OFFICER OR A PORT OF ENTRY OFFICER. Inspections conducted by  
11 Colorado state patrol officers OR PORT OF ENTRY OFFICERS shall be in  
12 accordance with the rules promulgated pursuant to sections 42-4-235,  
13 42-20-108 (2), and 42-20-403.

14           **SECTION 23.** In Colorado Revised Statutes, **amend** 42-20-505  
15 as follows:

16           **42-20-505. Penalties - permit system.** (1) The investigative  
17 personnel of the commission, ~~the ports of entry personnel, and the~~  
18 ~~officers of the~~ A Colorado state patrol OFFICER, OR A PORT OF ENTRY  
19 OFFICER, AS DEFINED IN SECTION 42-8-102 (3), may assess a civil penalty  
20 of one thousand dollars against ~~every~~ A carrier who transports nuclear  
21 materials without first obtaining a nuclear materials transportation permit.

22           (2) ~~Every~~ A carrier who misrepresents information in the carrier's  
23 application for a nuclear materials transportation permit, violates the  
24 terms of the permit, or commits a second violation of subsection (1) of  
25 this section within one calendar year shall be assessed a civil penalty of  
26 not less than five hundred dollars nor more than three thousand dollars.

27           (3) The penalties in subsection (1) of this section shall be assessed

1 upon an action brought by the commission ~~the motor carrier services~~  
2 ~~division of the department of revenue~~, or the Colorado state patrol in  
3 accordance with the procedure set forth in section 42-20-406.

4 **SECTION 24.** In Colorado Revised Statutes, 43-4-804, amend  
5 (1) (c) (I) as follows:

6 **43-4-804. Highway safety projects - surcharges and fees -**  
7 **crediting of moneys to highway users tax fund.** (1) On and after July  
8 1, 2009, the following surcharges, fees, and fines shall be collected and  
9 credited to the highway users tax fund created in section 43-4-201 (1) (a)  
10 and allocated to the state highway fund, counties, and municipalities as  
11 specified in section 43-4-205 (6.3):

12 (c) (I) A supplemental oversize and overweight vehicle surcharge  
13 in an amount equal to the amount of the fee charged pursuant to section  
14 42-4-510 (11) (a), C.R.S., by the department ~~the motor carrier services~~  
15 ~~division of the department of revenue~~, or the Colorado state patrol for the  
16 issuance of the single trip permit; except that the surcharge shall not be  
17 imposed on a vehicle if the single trip permit fee was imposed pursuant  
18 to section 42-4-510 (11) (a) (VI) (B), C.R.S.

19 **SECTION 25. Effective date.** This act shall take effect July 1,  
20 2012.

21 **SECTION 26. Safety clause.** The general assembly hereby  
22 finds, determines, and declares that this act is necessary for the  
23 immediate preservation of the public peace, health, and safety.

LLS NO. 12-0154\_AMENDMENT # 1  
 INTERIM COMMITTEE AMENDMENT  
 Transportation Legislation Review Committee.  
 BY REPRESENTATIVE Vaad  
LLS No. 12-0154 be amended as follows:

1 Amend LLS No. 12-0154, page 21, after line 3 insert:

2 "SECTION 24. In Colorado Revised Statutes, 43-4-201, amend  
 3 (3) (a) (I) (B), (3) (a) (I.1), and (3) (a) (III) (C); and add (3) (a) (I) (C) as  
 4 follows:

5 **43-4-201. Highway users tax fund - created.** (3) (a) (I) The  
 6 general assembly shall not make any annual appropriation (whether by  
 7 regular, special, or supplementary appropriation) or any statutory  
 8 distribution from the highway users tax fund for any purpose or purposes  
 9 in a total amount that is:

10 (B) Commencing in the fiscal year 1995-96, AND ENDING IN THE  
 11 FISCAL YEAR 2012-13, more than a six percent increase over ~~such~~ THE  
 12 appropriation to the department of public safety for the Colorado state  
 13 patrol and to the department of revenue for the ports of entry division for  
 14 the prior fiscal year; except in fiscal years 2009-10, 2010-11, and  
 15 2011-12, more than a six percent increase over ~~such~~ THE appropriation to  
 16 the department of public safety for the Colorado state patrol, to the  
 17 department of revenue for the ports of entry division, and to the  
 18 department of revenue for the division of motor vehicles pursuant to  
 19 sub-subparagraph (C) of subparagraph (III) of this paragraph (a) for the  
 20 prior fiscal year.

21 (C) COMMENCING IN THE FISCAL YEAR 2013-14, MORE THAN A SIX  
 22 PERCENT INCREASE OVER THE APPROPRIATION TO THE COLORADO STATE  
 23 PATROL FOR THE PRIOR FISCAL YEAR.

24 (I.1) Commencing with the fiscal year 1995-96, the general  
 25 assembly shall not make any annual appropriation or statutory distribution  
 26 from the highway users tax fund pursuant to this paragraph (a), except to  
 27 the department of public safety for the Colorado state patrol or, THROUGH  
 28 THE FISCAL YEAR 2011-12 ONLY, to the department of revenue for the  
 29 ports of entry section, that exceeds the annual appropriation or statutory  
 30 distribution for all purposes except the Colorado state patrol and the ports  
 31 of entry division for the fiscal year 1994-95.

32 (III) (C) The general assembly shall not make any annual  
 33 appropriation or statutory distribution from the highway users tax fund for  
 34 the fiscal year 1997-98 or for any succeeding fiscal year authorized by  
 35 subparagraph (II) of this paragraph (a), excluding the annual  
 36 appropriation or statutory distribution to the Colorado state patrol and,



1 THROUGH THE FISCAL YEAR 2011-12 ONLY, the ports of entry section and  
2 excluding any appropriation to the department of revenue for the fiscal  
3 years 2008-09, 2009-10, 2010-11, and 2011-12, for expenses incurred in  
4 connection with the administration of article 2 of title 42, C.R.S., by the  
5 division of motor vehicles within the department."

6 Renumber succeeding sections accordingly.

\*\* \*\*\* \*\* \*\*\* \*\*

Second Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

Attachment P

9.16.11

BILL 4

Temporary storage location: C:\temp\12-0149\_wpd.tmp

LLS NO. 12-0149.01 Jery Payne x2157

INTERIM COMMITTEE BILL

Transportation Legislation Review Committee

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**SHORT TITLE: "Waste Tire Processor End User Fund"**

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**A BILL FOR AN ACT**

101 **CONCERNING CONTINUING THE PROCESSORS AND END USERS FUND**  
102 **THAT ENCOURAGES RECYCLING OF WASTE TIRES.**

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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>.)*

**Transportation Legislation Review Committee.** Currently, the processors and end users fund, which allocates money to encourage recycling, is scheduled to repeal on July 1, 2012. The fund is extended to July 1, 2020.

*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, **amend** 25-17-202.5  
3 as follows:

4           **25-17-202.5. Processors and end users fund created - rules -**  
5 **repeal.** (1) There is hereby created, in the state treasury, the processors  
6 and end users fund. Such fund shall consist of the fee revenue credited  
7 pursuant to section 25-17-202 (3) (a) (I) AND year-end surpluses  
8 transferred pursuant to sections 25-17-202.6 (1), 25-17-202.8 (1),  
9 25-17-202.9 (1), and 25-17-207 (4). ~~and transfers by the state treasurer on~~  
10 ~~June 10, 2010, of the balances of the unexpended and unencumbered~~  
11 ~~moneys in the waste tire cleanup fund formerly created in section~~  
12 ~~24-32-117, C.R.S., and the advanced technology fund formerly created~~  
13 ~~in section 25-16.5-105 (2) (a), as such balances existed on June 10, 2010,~~  
14 ~~and as such funds existed prior to their repeal.~~ All interest or any other  
15 return on the investment of moneys in the fund shall be deposited in the  
16 fund. Any moneys in the fund not expended or encumbered from any  
17 appropriation at the end of any fiscal year ~~shall~~ remain available ~~without~~  
18 ~~further appropriation,~~ for expenditure in the next fiscal year by the  
19 department to be used for monthly partial reimbursement to processors  
20 and end users, up to a maximum of sixty-five dollars for each ton of raw  
21 Colorado waste tires that are processed or used. The purpose of such  
22 partial reimbursements ~~shall be~~ IS to assist new and existing waste tire  
23 recycling technologies to become economically feasible and to thereby  
24 encourage the use of waste tires and reduce the storage of waste tires in  
25 Colorado.

26           (1.5) ~~Notwithstanding any provision of subsection (1) of this~~

1 ~~section to the contrary, on April 15, 2010, the state treasurer shall deduct~~  
2 ~~five hundred thousand dollars from the processors and end users of waste~~  
3 ~~tires cash fund and transfer such sum to the general fund.~~

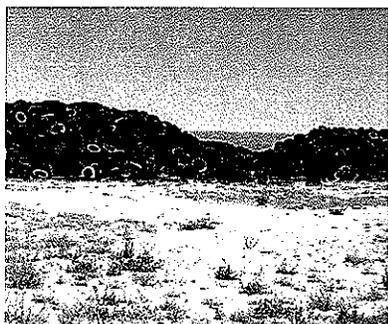
4 (2) This section is repealed, effective July 1, 2012 2020.

5 **SECTION 2. Effective date.** This act shall take effect July 1,  
6 2012.

7 **SECTION 3. Safety clause.** The general assembly hereby finds,  
8 determines, and declares that this act is necessary for the immediate  
9 preservation of the public peace, health, and safety.

**HOUSE SPONSOR –**  
**SENATE SPONSOR –**

***CONCERNING CONTINUING THE PROCESSORS AND END USER FUND  
THAT ENCOURAGES RECYCLING OF WASTE TIRES***



**INTENT**

Extend the Processor and End User Fund until July 1, 2020 to allow time for the Waste Tire Advisory Committee to develop markets in Colorado for waste tires.

**BACKGROUND**

**2010** – 4,829,711 Waste tires were generated in Colorado;

571,000 waste tires generated in Colorado were hauled to Utah;

293,771 waste tires were shipped to Colorado facilities from out of state sources;

4,485,777 waste tires were recycled by Colorado processors, 93% of Colorado generated tires  
9% increase from 92% recycled in 2009;

7% remaining waste tires stored at waste tire facilities including tire monofills and  
processing facilities

**2010 - Top Recycled Waste Tire End User Markets**

- ❖ 1,874,800 – Tire Derived Fuel
- ❖ 978,761 – Leachate Drainage Material
- ❖ 571,000 – Crumb Rubber
- ❖ 531,436 – Resale of Tires
- ❖ 236,913 Alternate Daily Cover
- ❖ 7.3% increase in numbers of tires going to final end user markets

**Using waste tires as tire-derived fuels prevented the use of 63,620 tons of coal, or  
enough energy to power 9,912 homes for one year, and diverted 1,874,800 tires from  
monofill disposal. On average, one waste tire is generated  
for each Colorado resident each year.**

- HB05-1126 requires the registration of commercial transporters of waste tires,
- SB05-141 limits the disposal of residentially generated tires in landfills;
- SB09-289 required reallocation of collection of tire fee to point of sale, improving collection  
Of funds;
- HB10-1018 established a cradle-grave process of disposing of waste tires, registration,  
decals and manifest requirements for waste tire haulers and facilities; inventory  
reduction plan for monofills, established waste tire fire prevention fund, law  
enforcement fund, market development fund and waste tire advisory committee.

Second Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

DRAFT  
9.28.11

BILL 5

Temporary storage location: C:\temp\12-0151\_02\_wpd.tmp

LLS NO. 12-0151.02 Chuck Brackney x2295

INTERIM COMMITTEE BILL

Transportation Legislation Review Committee

**SHORT TITLE: "Repeal Branch Of Service Identifier Fee"**

**A BILL FOR AN ACT**

101 **CONCERNING THE REPEAL OF THE FEE FOR THE BRANCH OF SERVICE**  
102 **IDENTIFIER ON COLORADO DRIVER'S LICENSES.**

**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>.)*

**Transportation Legislation Review Committee.** The bill repeals the fee currently charged to a member of the armed services for the branch of service identifier on a Colorado driver's license.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-4-114, **repeal** (10)

3 (b) as follows:

4 **42-2-114. License issued - fees.** (10) (b) (i) ~~To be issued a~~  
5 ~~driver's license bearing a branch of service identifier, or to have such~~  
6 ~~license renewed, the applicant shall pay a fee of fifteen dollars to the~~  
7 ~~department, which shall be in addition to any other fee for a driver's~~  
8 ~~license. The department shall transfer the fee to the state treasurer, who~~  
9 ~~shall credit the fee to the highway users tax fund, except as provided in~~  
10 ~~subparagraph (ii) of this paragraph (b).~~

11 ~~(ii) (A) The department may retain up to ninety-eight thousand~~  
12 ~~five hundred thirty-eight dollars of the fees collected pursuant to~~  
13 ~~subparagraph (i) of this paragraph (b) as necessary to offset the direct and~~  
14 ~~indirect cost of implementing this subsection (10).~~

15 ~~(B) This subparagraph (ii) is repealed, effective July 1, 2012.~~

16 **SECTION 2. Safety clause.** The general assembly hereby finds,  
17 determines, and declares that this act is necessary for the immediate  
18 preservation of the public peace, health, and safety.

Second Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

DRAFT  
9.30.11

**BILL 6**

Temporary storage location: C:\temp\12-0155\_wpd.tmp

LLS NO. 12-0155.01 Richard Sweetman x4333

**COMMITTEE BILL**

**Transportation Legislation Review Committee**

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**SHORT TITLE: "Penalty For No Chains Or Snow Tires"**

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**A BILL FOR AN ACT**

101 **CONCERNING INCREASING THE PENALTY FOR A PERSON WHO**  
102 **OPERATES A MOTOR VEHICLE IN VIOLATION OF RESTRICTIONS**  
103 **IMPOSED BY TRAFFIC ENFORCEMENT OFFICIALS, WHERE THE**  
104 **RESULT OF THE VIOLATION IS AN INCIDENT THAT CAUSES THE**  
105 **CLOSURE OF A TRAFFIC LANE ON AN INTERSTATE HIGHWAY.**

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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>.)*

**Transportation Legislation Review Committee. For any person**

*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

who operates a motor vehicle in violation of restrictions imposed by the department of transportation or the state patrol, where the result of the violation is an incident that causes the closure of a travel lane in one or both directions on interstate highway 25 or interstate highway 70, the penalty is increased from \$1,000 to \$1,500 for commercial drivers and from \$500 to \$750 for noncommercial drivers.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-4-106, amend (5)

3 (a) (II) and (5) (a) (IV) as follows:

4 **42-4-106. Who may restrict right to use highways.**

5 (5) (a) (II) (A) Any person who operates a motor vehicle in violation of  
6 restrictions imposed by the department of transportation or the state patrol  
7 under subparagraph (I) of this paragraph (a) ~~where the result of the~~  
8 ~~violation is an incident that causes the closure of a travel lane in one or~~  
9 ~~both directions~~, shall be subject to an enhanced penalty as set forth in  
10 section 42-4-1701 (4) (a) (I) (F) IF THE RESULT OF THE VIOLATION IS AN  
11 INCIDENT THAT CAUSES THE CLOSURE OF A TRAVEL LANE IN ONE OR BOTH  
12 DIRECTIONS.

13 (B) ANY PERSON WHO OPERATES A MOTOR VEHICLE IN VIOLATION  
14 OF RESTRICTIONS IMPOSED BY THE DEPARTMENT OF TRANSPORTATION OR  
15 THE STATE PATROL UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH (a)  
16 SHALL BE SUBJECT TO AN ENHANCED PENALTY AS SET FORTH IN SECTION  
17 42-4-1701 (4) (a) (I) (F) IF THE RESULT OF THE VIOLATION IS AN INCIDENT  
18 THAT CAUSES THE CLOSURE OF A TRAVEL LANE IN ONE OR BOTH  
19 DIRECTIONS ON INTERSTATE HIGHWAY 25 OR INTERSTATE HIGHWAY 70.

20 (IV) (A) A person who violates subparagraph (I) of this paragraph  
21 (a) while operating a commercial vehicle ~~and the violation causes a~~  
22 ~~closure in a travel lane~~ shall be subject to an enhanced penalty as set forth

1 in section 42-4-1701 (4) (a) (I) (F) IF THE RESULT OF THE VIOLATION IS AN  
2 INCIDENT THAT CAUSES THE CLOSURE OF A TRAVEL LANE.

3 (B) A PERSON WHO VIOLATES SUBPARAGRAPH (I) OF THIS  
4 PARAGRAPH (a) WHILE OPERATING A COMMERCIAL VEHICLE SHALL BE  
5 SUBJECT TO AN ENHANCED PENALTY AS SET FORTH IN SECTION 42-4-1701  
6 (4) (a) (I) (F) IF THE RESULT OF THE VIOLATION IS AN INCIDENT THAT  
7 CAUSES THE CLOSURE OF A TRAVEL LANE ON INTERSTATE HIGHWAY 25 OR  
8 INTERSTATE HIGHWAY 70.

9 SECTION 2. In Colorado Revised Statutes, 42-4-1701, amend  
10 (4) (a) (I) (F) as follows:

11 42-4-1701. **Traffic offenses and infractions classified -**  
12 **penalties - penalty and surcharge schedule - repeal.** (4) (a) (I) Except  
13 as provided in paragraph (c) of subsection (5) of this section, every  
14 person who is convicted of, who admits liability for, or against whom a  
15 judgment is entered for a violation of any provision of this title to which  
16 paragraph (a) or (b) of subsection (5) of this section apply shall be fined  
17 or penalized, and have a surcharge levied thereon pursuant to sections  
18 24-4.1-119 (1) (f) and 24-4.2-104 (1) (b) (I), C.R.S., in accordance with  
19 the penalty and surcharge schedule set forth in sub-subparagraphs (A) to  
20 (P) of this subparagraph (I); or, if no penalty or surcharge is specified in  
21 the schedule, the penalty for class A and class B traffic infractions shall  
22 be fifteen dollars, and the surcharge shall be four dollars. These penalties  
23 and surcharges shall apply whether the defendant acknowledges the  
24 defendant's guilt or liability in accordance with the procedure set forth by  
25 paragraph (a) of subsection (5) of this section or is found guilty by a court  
26 of competent jurisdiction or has judgment entered against the defendant  
27 by a county court magistrate. Penalties and surcharges for violating

1 specific sections shall be as follows:

2	Section Violated	Penalty	Surcharge
3	<b>(F) Size, weight, and load violations:</b>		
4	42-4-502	\$ 75.00	\$ 24.00
5	42-4-503	15.00	6.00
6	42-4-504	75.00	24.00
7	42-4-505	75.00	24.00
8	42-4-506	15.00	6.00
9	42-4-509	50.00	16.00
10	42-4-510 (12)(a)	35.00	10.00
11	42-4-106 (1), (3), (4),		
12	(6), or (7)	35.00	10.00
13	42-4-106 (5)(a)(I)	100.00	32.00
14	<del>42-4-106 (5)(a)(II)</del>	<del>500.00</del>	<del>156.00</del>
15	42-4-106 (5)(a)(II)(A)	500.00	156.00
16	42-4-106 (5)(a)(II)(B)	750.00	156.00
17	42-4-106 (5)(a)(III)	500.00	78.00
18	<del>42-4-106 (5)(a)(IV)</del>	<del>1,000.00</del>	<del>156.00</del>
19	42-4-106 (5)(a)(IV)(A)	1,000.00	156.00
20	42-4-106 (5)(a)(IV)(B)	1,500.00	156.00
21	42-4-512	75.00	24.00
22	42-8-105 (1) to (5)	50.00	16.00
23	42-8-106	50.00	16.00

24 **SECTION 3. Act subject to petition - effective date.** This act  
 25 shall take effect at 12:01 a.m. on the day following the expiration of the  
 26 ninety-day period after final adjournment of the general assembly  
 27 (August 7, 2012, if adjournment sine die is on May 9, 2012); except that,

1 if a referendum petition is filed pursuant to section 1 (3) of article V of  
2 the state constitution against this act or an item, section, or part of this act  
3 within such period, then the act, item, section, or part shall not take effect  
4 unless approved by the people at the general election to be held in  
5 November 2012 and shall take effect on the date of the official  
6 declaration of the vote thereon by the governor.

Second Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

DRAFT  
9.30.11

**BILL 7**

*Temporary storage location: S:\LLS\2012A\Bills\Pre-Draft\12-0153.wpd*

LLS NO. 12-0153.01 Jason Gelender x4330

**INTERIM COMMITTEE BILL**

**Transportation Legislation Review Committee**

**SHORT TITLE: "Repeal Transp-related Reporting Reqmnts"**

**A BILL FOR AN ACT**

101 **CONCERNING THE REPEAL OF REQUIREMENTS THAT SPECIFIED TYPES**  
102 **OF INFORMATION BE SUBMITTED TO LEGISLATIVE COMMITTEES,**  
103 **AND, IN CONNECTION THEREWITH, REPEALING CERTAIN**  
104 **TRANSPORTATION AND ENERGY-RELATED INFORMATION**  
105 **SUBMISSION REQUIREMENTS.**

**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>.)*

**Transportation Legislation Review Committee. The bill repeals**

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requirements that the following transportation and energy-related reports or other information be provided to various committees of the general assembly:

- An annual capital construction request submitted by the transportation commission to the capital development committee for state highway reconstruction, repair, and maintenance projects to be funded from money transferred to the capital construction fund for those purposes;
- Policy and findings submitted by the public utilities commission to the house and senate committees with jurisdiction over energy-related matters regarding a credit program for distributed generation;
- 3-year plans and annual activity reports submitted by the Colorado clean energy development authority to the house and senate committees with jurisdiction over energy-related matters;
- An annual report submitted by the executive director of the department of revenue to the transportation legislation review committee (TLRC) on the effectiveness of motor vehicle emissions program quality assurance and enforcement measures and additional related matters;
- An annual report from the department of public health and environment to the TLRC on the cost and effectiveness of the high emitter program currently provided by the department of public health and environment, in cooperation with the program contractor;
- A prioritized list submitted by the executive director of the department of transportation to the TLRC with recommendations concerning railroad rights-of-way or rail lines proposed to be acquired by the state and their proposed uses;
- An annual report submitted by the office of transportation safety to the TLRC on the nature and purpose of the programs funded by, and distribution and expenditure of law enforcement assistance fund moneys appropriated to, the department of public health and environment for drunken driving prevention and law enforcement improvement by counties; and
- Notice of the boundaries of a public highway authority to be created or of a value capture area to be created within the boundaries of a public highway authority submitted by the board of the authority to the TLRC.

1           **SECTION 1.** In Colorado Revised Statutes, 2-3-1304, **repeal** (1)  
2 (a.5) as follows:

3           **2-3-1304. Powers and duties of capital development**  
4 **committee.** (1) The capital development committee shall have the  
5 following powers and duties:

6           ~~(a.5) To study the capital construction request from the~~  
7 ~~transportation commission for state highway reconstruction, repair, and~~  
8 ~~maintenance projects to be funded from money transferred to the capital~~  
9 ~~construction fund pursuant to section 24-75-302 (2), C.R.S., specifically~~  
10 ~~for such purpose. On or before October 1 of each year, the transportation~~  
11 ~~commission shall submit its capital construction request, based on the~~  
12 ~~statewide transportation improvement programs, with a prioritized list of~~  
13 ~~recommended state highway reconstruction, repair, and maintenance~~  
14 ~~projects with the priority of projects on the list determined on the basis of~~  
15 ~~greatest need without regard to location in the state, except that, for the~~  
16 ~~1998-99 fiscal year, the prioritized list of projects to be funded by the~~  
17 ~~revenues appropriated for such year by House Bill 98-1202, as enacted at~~  
18 ~~the second regular session of the sixty-first general assembly, shall consist~~  
19 ~~only of state highway reconstruction, repair, maintenance, and capacity~~  
20 ~~expansion projects. The capital development committee shall determine~~  
21 ~~the number of projects on the list that may be funded from money~~  
22 ~~available in the capital construction fund for state highway reconstruction,~~  
23 ~~repair, or maintenance projects. Only projects on the list may be funded~~  
24 ~~from money available in the capital construction fund for state highway~~  
25 ~~reconstruction, repair, or maintenance projects, and the projects must be~~  
26 ~~funded in the priority determined by the transportation commission,~~  
27 ~~except that, if a project on the list cannot be funded because an alternative~~

1 source of funding for the project has become available, a court order has  
2 enjoined the project, or an act of God has made the project construction  
3 unfeasible, the transportation commission shall submit the next phase of  
4 that project or the next project on that regional priority list to the capital  
5 development committee for approval as an addition to the list in lieu of  
6 the project that cannot be funded. No substitute project submitted by the  
7 transportation commission from the regional priority list shall be  
8 approved by the capital development committee if funding said project  
9 would result in the delay of any other project on the list. Upon approval  
10 of an amended list, the department of transportation shall provide a copy  
11 of the amended list to the members of the joint budget committee, the  
12 transportation and energy committee in the house of representatives, and  
13 the transportation committee in the senate. Projects on the list submitted  
14 by the transportation commission by October 1 or on an amended list  
15 submitted as provided in this paragraph (a.5) may be funded from money  
16 transferred to the capital construction fund and available in the current  
17 fiscal year or money to be transferred to the capital construction fund for  
18 the fiscal year beginning the following July 1.

19 **SECTION 2.** In Colorado Revised Statutes, 40-2-109.5, **amend**  
20 (1) as follows:

21 **40-2-109.5. Incentives for distributed generation - definition.**

22 (1) The commission shall develop a policy to establish incentives for  
23 consumers who produce distributed generation, including, but not limited  
24 to, small wind turbines, thermal biomass, electric biomass, and solar  
25 thermal energy. The commission shall consider whether a credit program  
26 similar to the renewable energy standard set forth in section 40-2-124  
27 would work for consumers who produce distributed generation. The

1 ~~commission shall present the policy and findings regarding a credit~~  
2 ~~program to the house of representatives transportation and energy~~  
3 ~~committee and the senate agriculture, natural resources, and energy~~  
4 ~~committee, or their successor committees.~~

5 **SECTION 3.** In Colorado Revised Statutes, 40-9.7-106, **repeal**  
6 (1) (d) (IV) as follows:

7 **40-9.7-106. Authority - duties and powers.** (1) The authority  
8 shall:

9 (d) (IV) ~~The authority shall adopt and submit its initial three-year~~  
10 ~~plan to the agriculture, natural resources, and energy committee of the~~  
11 ~~senate and the transportation and energy committee of the house of~~  
12 ~~representatives, or any successor committees, no later than February 1,~~  
13 ~~2008, and shall adopt and submit to said committees its subsequent~~  
14 ~~three-year plans no later than February 1 of every third year thereafter.~~

15 **SECTION 4.** In Colorado Revised Statutes, **amend** 40-9.7-123  
16 as follows:

17 **40-9.7-123. Report to legislature.** Notwithstanding section  
18 24-1-136 (11), C.R.S., the authority shall submit a report of its activities  
19 to the governor ~~and to the agriculture, natural resources, and energy~~  
20 ~~committee of the senate and the transportation and energy committee of~~  
21 ~~the house of representatives, or any successor committees, no later than~~  
22 February 1 of each year. Each report shall set forth a complete operating  
23 and financial statement covering the authority's operations for the  
24 previous fiscal year.

25 **SECTION 5.** In Colorado Revised Statutes, 42-4-305, **repeal** (11)  
26 as follows:

27 **42-4-305. Powers and duties of executive director - automobile**

1 **inspection and readjustment program - basic emissions program -**  
2 **enhanced emissions program - clean screen program.** (11) ~~The~~  
3 ~~executive director shall report to the transportation legislation review~~  
4 ~~committee annually on the effectiveness of the quality assurance and~~  
5 ~~enforcement measures contained in this section, the overall motorist~~  
6 ~~compliance rates with inspections for registration denial, and the status~~  
7 ~~of state implementation plan compliance pertaining to quality assurance.~~  
8 ~~This annual report shall be submitted to the commission in May of each~~  
9 ~~year for incorporation into appropriate annual and biennial reporting~~  
10 ~~requirements. Reports shall cover the previous calendar year.~~

11 **SECTION 6.** In Colorado Revised Statutes, 42-4-307, **repeal** (13)  
12 as follows:

13 **42-4-307. Powers and duties of the department of public**  
14 **health and environment - division of administration - automobile**  
15 **inspection and readjustment program - basic emissions program -**  
16 **enhanced emissions program - clean screen program.** (13) ~~Beginning~~  
17 ~~July 1, 2007, and on or before October 15 of each year thereafter through~~  
18 ~~October 15, 2009, and no later than October 15, 2011, and each October~~  
19 ~~15 thereafter, the department of public health and environment, in~~  
20 ~~cooperation with the contractor, shall brief the transportation legislation~~  
21 ~~review committee on the cost and effectiveness of the high emitter~~  
22 ~~program. The briefing shall compare the effectiveness of the high emitter~~  
23 ~~program to other emissions reduction options, including, but not limited~~  
24 ~~to, the elimination of the AIR program, the elimination of the requirement~~  
25 ~~for regular motor vehicle emissions inspections, and the appropriate~~  
26 ~~reduction of the emissions inspection fee.~~

27 **SECTION 7.** In Colorado Revised Statutes, 43-1-1302, **repeal** (3)

1 as follows:

2 **43-1-1302. Definitions.** As used in this part 13, unless the  
3 context otherwise requires:

4 (3) ~~"TLRC" means the transportation legislation review~~  
5 ~~committee created in section 43-2-145.~~

6 **SECTION 8.** In Colorado Revised Statutes, 43-1-1303, amend  
7 (2) and (3) as follows:

8 **43-1-1303. Duties of the executive director - property eligible**  
9 **for acquisition.** (2) The commission shall review any property  
10 determined to be eligible for acquisition and approve OR DISAPPROVE the  
11 acquisition. ~~before the executive director submits the prioritized list of~~  
12 ~~rail lines or rights-of-way to be acquired to the TLRC pursuant to~~  
13 ~~subsection (3) of this section.~~

14 (3) ~~The executive director shall submit a prioritized list with~~  
15 ~~recommendations to the TLRC concerning the railroad rights-of-way or~~  
16 ~~rail lines proposed to be acquired by the state and their proposed uses.~~

17 **SECTION 9.** In Colorado Revised Statutes, repeal 43-1-1307 as  
18 follows:

19 **43-1-1307. Powers and duties of the TLRC concerning state**  
20 **acquisition of abandoned railroad rights-of-way.** (1) ~~The~~  
21 ~~transportation legislation review committee shall study the~~  
22 ~~recommendations of the executive director made pursuant to section~~  
23 ~~43-1-1303 (3) for acquisition of, and use or uses for, abandoned or~~  
24 ~~proposed to be abandoned railroad rights-of-way. On or before October~~  
25 ~~1 of each year, the executive director shall submit a prioritized list that~~  
26 ~~shall include recommendations for the acquisition and proposed use of~~  
27 ~~abandoned or proposed to be abandoned railroad rights-of-way. The~~

1 ~~members of the transportation legislation review committee shall~~  
2 ~~determine which abandoned railroad rights-of-way may be acquired by~~  
3 ~~the department and funded out of the state rail bank fund, created in~~  
4 ~~section 43-1-1309, based upon the greatest need and its proposed use or~~  
5 ~~uses.~~

6 (2) ~~The transportation legislation review committee may hold such~~  
7 ~~hearings as it determines necessary to consider reports, studies, and other~~  
8 ~~pertinent information from any source, including affected individuals,~~  
9 ~~political subdivisions, railroad companies, or other entities, with respect~~  
10 ~~to the acquisition of abandoned railroad rights-of-way.~~

11 (3) ~~The transportation legislation review committee may~~  
12 ~~determine the priority of acquisition of, and use or uses for, abandoned~~  
13 ~~railroad rights-of-way by the department.~~

14 **SECTION 10.** In Colorado Revised Statutes, **repeal** 43-1-1308  
15 as follows:

16 **43-1-1308. Recommendations and findings of the TLRC.** ~~The~~  
17 ~~members of the transportation legislation review committee shall make~~  
18 ~~a written report setting forth its recommendations, findings, and~~  
19 ~~comments as to each recommendation for the acquisition of abandoned~~  
20 ~~railroad rights-of-way and their uses and submit the report to the general~~  
21 ~~assembly.~~

22 **SECTION 11.** In Colorado Revised Statutes, 43-4-404, **amend**  
23 (1) as follows:

24 **43-4-404. Formula for allocation of moneys.** (1) The office of  
25 transportation safety shall allocate not less than thirty percent and not  
26 more than fifty percent of the moneys allocated to the office pursuant to  
27 section 43-4-402 (2) to counties that have established a qualified drunken

1 driving prevention and law enforcement program. The intent of the  
2 general assembly is that these moneys be expended in a manner that will  
3 improve enforcement of drunken driving laws. To this end, rules for the  
4 distribution of these moneys shall be developed by the office of  
5 transportation safety. ~~The office shall report annually to the~~  
6 ~~transportation legislation review committee on the distribution and~~  
7 ~~expenditure of these funds and the nature and purpose of the programs.~~  
8 All moneys appropriated hereunder shall be used for drunken driving  
9 prevention and law enforcement improvement by counties and not for  
10 statewide programs.

11 **SECTION 12.** In Colorado Revised Statutes, 43-4-514, **repeal** (1)  
12 (c) and (4) as follows:

13 **43-4-514. Notice - coordination of information - reports.**

14 (1) (c) ~~At the time the notice required in paragraph (a) or (b) of this~~  
15 ~~subsection (1) is sent to the division, a copy shall be filed with the~~  
16 ~~transportation legislation review committee.~~

17 (4) ~~The authority shall report annually in the month of August to~~  
18 ~~the transportation legislation review committee on its activities during the~~  
19 ~~preceding twelve months and on its proposed activities during the~~  
20 ~~succeeding twelve months. The board and staff of the authority shall~~  
21 ~~cooperate with the transportation legislation review committee in carrying~~  
22 ~~out its duties pursuant to section 43-2-145 (1.5).~~

23 **SECTION 13. Act subject to petition - effective date.** This act  
24 shall take effect at 12:01 a.m. on the day following the expiration of the  
25 ninety-day period after final adjournment of the general assembly (August  
26 7, 2012, if adjournment sine die is on May 9, 2012); except that, if a  
27 referendum petition is filed pursuant to section 1 (3) of article V of the

1 state constitution against this act or an item, section, or part of this act  
2 within such period, then the act, item, section, or part shall not take effect  
3 unless approved by the people at the general election to be held in  
4 November 2012 and shall take effect on the date of the official  
5 declaration of the vote thereon by the governor. <{ask committee}>