

MOTOR VEHICLES AND TRAFFIC REGULATION

Titling, Registration, and Emissions		
SB 12-012 (Enacted) <i>Department of Revenue Audits Auto Emission Test Centers</i>	SB 12-095 (Enacted) <i>Motor Vehicle Sales Certificate of Title Bond Requirement</i>	HB 12-1014 (Postponed Indefinitely) <i>Modify Late Vehicle Registration Fee</i>
HB 12-1038 (Enacted) <i>Multi-year Class A Trailer Registration</i>	HB 12-1098 (Postponed Indefinitely) <i>Salvage Vehicle Sale Certificate Title Warning</i>	HB 12-1291 (Postponed Indefinitely) <i>Collector Vehicle Registration Late Fee Exemption</i>
Traffic Regulation		
SB 12-013 (Enacted) <i>Low-speed Electric Vehicles</i>	SB 12-050 (Postponed Indefinitely) <i>Prohibit Red Light Camera Vehicle Identification</i>	SB 12-059 (Enacted) <i>Commercial Vehicle Standards Livestock & Weight</i>
SB 12-092 (Enacted) <i>Motor Vehicle Video Display</i>		
Regulation of Drug- and Alcohol-Related Driving Offenses		
SB 12-117 (Deemed Lost) <i>Penalties for DUI Offenses</i>	HB 12-1168 (Enacted) <i>Ignition Interlock Device Recodification</i>	
Driver Education and Licensing		
SB 12-089 (Postponed Indefinitely) <i>Repeal Motorcycle Operator Safety Program</i>	HB 12-1106 (Postponed Indefinitely) <i>Court-ordered Driver Improvement School</i>	
Special License Plates		
SB 12-007 (Enacted) <i>Group Special License Plate Procedure</i>	SB 12-170 (Enacted) <i>Personalized License Plate Auctions One Position</i>	HB 12-1023 (Enacted) <i>Fallen Heroes Vehicle License Plate</i>
HB 12-1131 (Enacted) <i>Child Loss Awareness Vehicle License Plate</i>	HB 12-1153 (Enacted) <i>Distinguished Flying Cross License Plate</i>	HB 12-1162 (Enacted) <i>Operation Desert Storm Vehicle License Plate</i>
HB 12-1275 (Enacted) <i>Colorado Wildlife Sporting License Plate</i>	HB 12-1295 (Enacted) <i>Colorado Rockies Vehicle License Plate</i>	HB 12-1302 (Enacted) <i>Flight For Life Colorado Special License Plate</i>

The General Assembly considered a variety of motor vehicle- and traffic regulation-related legislation during the 2012 session. Major topics addressed include titling and registration, traffic regulation, regulation of drug- and alcohol-related driving offenses, driver education and licensing, and special license plates.

Titling, Registration, and Emissions

In 2012, the General Assembly enacted three bills regarding the titling, registration, and emissions of motor vehicles. Three additional bills were postponed indefinitely.

Titling. Senate Bill 12-095 clarifies motor vehicle titling procedures if an applicant does not have a title. Under current law, title applicants with a vehicle over 25 years old can avoid paying a bond if they produce a notarized bill of sale (within two years) and a certified vehicle identification number inspection document. This bill allows all applicants possessing these documents to gain a title without paying a bond if the vehicle for which the certificate is filed is 25 years old or older, regardless of the date of the purchase.

Under current law, a vehicle must be under six years of age at the time of becoming damaged beyond repair in order to be titled as a salvage vehicle. **House Bill 12-1098** would have altered disclosure information on salvage vehicle titles and defined certain provisions for their sale. It also would have required that resellers, defined as "salvage vehicle pools," only sell salvage vehicles to dealers and recyclers. Finally, the bill would have established a misdemeanor for selling or transferring a salvage vehicle without obtaining a salvage title, and a corresponding penalty of ten days to six months imprisonment in a county jail, a fine of \$10 to \$500, or both. The bill was postponed indefinitely.

Registration. House Bill 12-1038 establishes a permanent registration for Class A trailers and semitrailers. In order to qualify for permanent registration, an owner must either be based outside of Colorado, or if the owner is based in Colorado, then the trailer must be at least 10 years old. The new registration is permanent, but expires when the trailer or semitrailer transfers ownership.

House Bill 12-1014 would have replaced the fee for late vehicle registration from \$25 for each month late (capping at \$100) to a flat fee of \$20. This bill would have also removed the late fee for vehicles that have expired temporary registration number plates, tags, or certificates. Finally, this bill would have removed the authority of the Department of Revenue (DOR) and its agents to reduce or waive fees for idle commercial trailers. Fees would have continued to be payable when a vehicle was ultimately registered. The bill was postponed indefinitely.

House Bill 12-1291 would have eliminated the late registration fee for collector items, such as a motor vehicle model year 1975 or earlier, or a horseless carriage. The current late registration fee for this type of motor vehicle is \$25 for each month late (capped at \$100). The bill was postponed indefinitely.

Emissions. Senate Bill 12-012 changes the frequency of performance and equipment audits of auto emission testing facilities. Among other things, it decreases the frequency of overt performance audits and increases the frequency of covert performance audits. It also allows the DOR to conduct additional audits under other conditions.

Traffic Regulation

In 2012, the General Assembly enacted four bills concerning traffic regulation. One bill addressing this issue was postponed indefinitely.

Low-speed electric vehicles. Senate Bill 12-013 allows operation of low-speed electric vehicles on a state highway or cross a roadway having a speed of 40 miles per hour under certain conditions. The bill also amends existing law to raise the age limit for driving golf cars on streets

from age 14 to 16.

Automated vehicle identification systems. **Senate Bill 12-050** would have prohibited the use of automated vehicle identification systems, including photo radar and "red light cameras," for traffic law enforcement. Under the bill, an automated vehicle identification system could have been used on a toll road or highway to assess toll charges and issue citations for related toll violations. The bill was postponed indefinitely.

Motor vehicle video display. **Senate Bill 12-092** allows video displays in any location of a moving motor vehicle, so long as the display is not visible to the driver. Under current law, video screens are prohibited at any point forward of the back of the drivers' seat.

Equipment. **Senate Bill 12-059** excludes a vehicle from commercial vehicle classification if it:

- has a gross weight of less than 26,001 pounds;
- is not operated in interstate commerce;
- is not transporting hazardous materials requiring placarding;
- is transporting fewer than 16 passengers (or fewer than 8 for compensation); or
- is used solely for agricultural purposes.

Regulation of Drug- and Alcohol-related Driving Offenses

The General Assembly considered two bills specific to drug- and alcohol-related driving offenses. One was deemed lost in the House.

House Bill 12-1168 repeals and reenacts the statutes governing the use of ignition interlock devices (IID) for motor vehicles. An IID is a mechanism installed on a motor vehicle's dashboard that measures blood alcohol concentration (BAC). Before the vehicle's motor can be started, the driver first must exhale into the device; if the resultant BAC is greater than a certain level, the device prevents the engine from being started.

Current law specifies that a driver whose BAC is 0.08 or greater while driving, or within two hours of driving, can be charged with driving under the influence (DUI) per se in addition to DUI. There is no corresponding DUI per se charge for drivers accused of driving while under the influence of drugs. **Senate Bill 12-117** would have expanded the definition of DUI per se to apply to drivers whose blood contains five nanograms or more of tetrahydrocannabinol (THC) per milliliter in whole blood while driving or within two hours of driving. The bill also would have repealed the law specifying that it is a misdemeanor for a habitual user of any controlled substance to drive a motor vehicle or low-power scooter. Other references to charges of "habitual user" would have also been repealed. The bill was lost on House second reading.

Driver Education and Licensing

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

Driver improvement program. **House Bill 12-1106** would have required the DOR to semi-annually inform courts of driver improvement school evaluations, as well as whether the school is in compliance with the fee remittance system. The driver improvement program allows courts to refer drivers to schools to improve their driving skills. Under current law, evaluations are submitted to courts annually, and information regarding the fee remittance system is not included.

This bill would have also required the DOR to inform the schools when they are not in compliance with the statutory fee structure. If the school was not in compliance, it would have been provided 30 days to correct any problem. If the school still failed to comply, the court would have been notified. If a school refused to allow an evaluation, then courts would have been notified and this information would have been posted on the DOR website. Finally, under this bill, the DOR would have been required to notify schools of an unsatisfactory performance evaluation. The schools would have been given 90 days to correct problems from that evaluation, which would have been reflected in the next DOR notification to the courts. The bill was postponed indefinitely.

Motorcycle operator safety program. The Motorcycle Operator Safety Training (MOST) program, which is administered by the Colorado Department of Transportation (CDOT), provides motorcycle training and education courses for Colorado residents. The program is funded by a \$2.00 surcharge for a motorcycle endorsement on a driver's or provisional driver's license and a \$4.00 surcharge on the registration of a motorcycle. Moneys are credited to the MOST Fund and used by the CDOT to implement and administer the program. In FY 2010-11, \$794,972 was credited to the MOST Fund. **Senate Bill 12-089** would have eliminated the MOST program administered by the Office of Transportation Safety in the CDOT.

Special License Plates

The General Assembly enacted eight bills establishing new special license plates, and one bill altering the procedure for creating group special license plates.

Senate Bill 12-007 alters the procedure for creating group special license plates. This bill removes the requirement that an applicant certify that at least 3,000 plates will be issued within one year. It also allows special license plates to be sold until inventories are depleted and removes the requirement that proof of membership be provided to obtain certain license plates.

Senate Bill 12-170 allows personalized license plates sold by the License Plate Auction Group to have one single number or letter.

House Bill 12-1023 creates the Fallen Heroes special license plate. The plate will be available to all applicants who donate \$50 to the Colorado chapter of the Concerns of Police Survivors, and pay the necessary fees, including a one-time additional fee of \$50. Of this latter fee, \$25 is credited to the Licensing Services Cash Fund (LSCF) and \$25 is credited to the Highway Users Tax Fund (HUTF).

House Bill 12-1131 creates the Child Loss Awareness special license plate. The plate will be available to all applicants who pay a one-time additional fee of \$50. Of this fee, \$25 is credited to the LSCF and \$25 is credited to the HUTF.

House Bill 12-1153 creates the Distinguished Flying Cross special license plate. The plate will be available to recipients of the Distinguished Flying Cross, a military medal of valor. In addition to the standard license plate fees, applicants will pay a one-time additional fee of \$50. Of this fee, \$25 is credited to the LSCF and \$25 is credited to the HUTF.

House Bill 12-1162 creates the Operation Desert Storm special license plate. The plate will be available to veterans who served in the U.S. Armed Forces between August 2, 1990, and February 28, 1991. In addition to the standard license plate fees, applicants will pay a one-time additional fee of \$50. Of this fee, \$25 is credited to the LSCF and \$25 is credited to the HUTF.

House Bill 12-1275 creates the Wildlife Sporting special license plate. The plate will be available to all applicants who pay a one-time additional fee of \$60. Of this fee, \$25 is credited to the LSCF, \$25 is credited to the HUTF, and \$10 is credited to the Wildlife Cash Fund. This plate also requires a \$25 annual renewal fee. The money in the Wildlife Cash Fund is used to fund grants to create or enhance shooting ranges, and for projects to improve fishing opportunities.

House Bill 12-1295 creates the Colorado Rockies special license plate. The plate will be available to all applicants who pay a one-time additional fee of \$50 and demonstrate they have donated \$52.80 to the Colorado Rockies Baseball Club Foundation. Of this fee, \$25 is credited to the LSCF and \$25 is credited to the HUTF.

House Bill 12-1302 creates the Flight for Life Colorado special license plate. The plate will be available to all applicants who pay a one-time additional fee of \$50 and demonstrate they have donated \$25 to Flight For Life Colorado. Of this fee, \$25 is credited to the LSCF and \$25 is credited to the HUTF.