

Final
STAFF SUMMARY OF MEETING

TRANSPORTATION LEGISLATION REVIEW COMMITTEE

Date: 09/14/2012

Time: **09:37 AM to 03:01 PM**

Place: HCR 0112

This Meeting was called to order by
Senator Hudak

This Report was prepared by
Kelli Kelty

ATTENDANCE

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

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

Bills Addressed:	Action Taken:
Consideration of Letter to CDOT	Approved
Bill 1	Forwarded to Legislation Council
Bill 2	Committee Vote - Tie Vote
Bill 3	Forwarded, as amended, to Legislative Council
Bill 4	Fowarded to Legislative Council
Bill 5	Forwarded to Legislative Council
Bill 6	Fowarded to Legislative Council
Bill 8	Fowarded to Legislative Council
Bill 9	Forwarded to Legislative Council
Bill 10	Forwarded to Legislative Council

09:39 AM -- Consideration of Letter to CDOT

Senator Hudak, chair, called the meeting to order. A quorum was present. Senator Hudak discussed the agenda for the day. She commented that she is limiting public testimony to five minutes per bill. Representative Tyler, initiator of the letter, presented a summary of the letter (Attachment A). Representative Vaad commented on the letter and the purpose of the Transportation Legislation Review Committee (TLRC). He expressed his support for the intent of the letter. Senator King asked about the audit that was done on this particular issue. Representative Tyler responded that the last audit was done in 2000. Discussion ensued concerning the audit. Senator Williams commented on the letter and expressed her support. Senator King asked if the Joint Budget Committee will also receive a copy of the letter. Representative Tyler responded that it would be a good idea.

09:51 AM

Representative Hamner asked for information concerning the Colorado Department of Transportation's (CDOT) budget.

09:52 AM -- Mr. Kurt Morrison, CDOT, came to the table to respond to questions from the committee concerning CDOT's budget.

BILL:	Consideration of Letter to CDOT	
TIME:	09:55:04 AM	
MOVED:	Tyler	
MOTION:	Moved to adopt the Letter to the Colorado Department of Transportation. The motion passed on a vote of 16-0.	
SECONDED:		
		VOTE
	Barker	Yes
	Brown	Yes
	Fischer	Yes
	Hamner	Yes
	Jones	Yes
	King S.	Yes
	Looper	Excused
	Newell	Excused
	Priola	Yes
	Ramirez	Yes
	Renfroe	Excused
	Schwartz	Yes
	Scott	Yes
	Spence	Yes
	Tyler	Yes
	Williams A.	Excused
	Williams S.	Yes
	Young	Yes
	Vaad	Yes
	Hudak	Yes
YES: 16 NO: 0 EXC: 4 ABS: 0 FINAL ACTION: PASS		

09:56 AM -- Bill 1

Representative Vaad discussed Bill 1 (Attachment B). The bill adds two at-large members appointed by the governor, each of whom represents the entire state, to the Transportation Commission. One of the at-large members must reside on the western slope and the other must reside on the eastern slope. The at-large members serve 4-year terms; except that the at-large member who resides on the western slope serves an initial term of two years in order to stagger the timing of future appointments. Senator Schwartz commented on the bill and stated that there needs to be more rural representation on the Transportation Commission. Representative Vaad commented on the current configuration of the Transportation Commission.

10:03 AM

Representative Hamner commented on the composition of the Transportation Commission and asked if its possible that two people could end up representing the same district. Representative Vaad responded that the appointments are subject to confirmation by the Colorado Senate.

10:04 AM

Representative Tyler asked if the Transportation Commission has weighed in on the bill. Representative Vaad responded that the commission has not commented.

10:05 AM -- Mr. Kurt Morrison, CDOT, came to the table. He expressed that CDOT is neutral on the bill until a fiscal note can be reviewed. Senator Hudak asked how many commission members are from each section of the state. Discussion ensued concerning the composition of the Transportation Commission. Mr. Morrison provided an overview of the composition of the Transportation Commission. He commented that 1991 was the last redistricting by the commission.

10:13 AM

Representative Vaad commented on the committee's discussion. Representative Young asked how the two at-large members will represent statewide concerns. Representative Vaad responded that the responsibility of the two at-large members is for the overall transportation statewide system.

10:17 AM

Representative Ramirez commented on the composition of the commission.

10:18 AM

Senator Hudak commented on the bill.

10:19 AM

Senator King commented on the intent of the bill and expressed his support.

BILL:	Bill 1	
TIME:	10:21:09 AM	
MOVED:	Vaad	
MOTION:	Moved that Bill 1 be included as one of the bills forwarded to Legislative Council. The motion passed on a vote of 9-7.	
SECONDED:		
		VOTE
	Barker	Yes
	Brown	Yes
	Fischer	No
	Hamner	No
	Jones	No
	King S.	Yes
	Looper	Absent
	Newell	Excused
	Priola	Yes
	Ramirez	Yes
	Renfroe	Excused
	Schwartz	No
	Scott	Yes
	Spence	Yes
	Tyler	No
	Williams A.	Excused
	Williams S.	Yes
	Young	No
	Vaad	Yes
	Hudak	No
YES: 9 NO: 7 EXC: 3 ABS: 1 FINAL ACTION: PASS		

10:24 AM

Senator Hudak asked who would like to be the prime sponsor of the bill. Representative Priola requested to be the prime-sponsor of the bill in the House, where the bill will be introduced. Senator King will be the Senate sponsor. The following members requested that their names be added as co-sponsors of the bill: Representative Scott, Representative Ramirez, Representative Brown, and Representative Barker.

10:27 AM -- Bill 2

Representative Priola presented Bill 2, concerning allocation of sales and use tax revenues, to the committee (Attachment C). Under current law most net revenue from state sales and use taxes is eventually credited to the general fund. But 2% of total general fund revenues is required to be transferred to the highway users tax fund (HUTF) for 5 consecutive fiscal years beginning after Colorado personal income increases by 5 percent or more for a calendar year (Senate Bill 09-228 transfers). Bill 2 allocates a portion of future state sales and use tax net revenue growth that occurs during fiscal years before the first fiscal year in which Senate Bill 09-228 transfers begin for improvements to state highways, county roads, and municipal streets by requiring the state treasurer to transfer \$10 million per year from the general fund to the HUTF in every such fiscal year following a fiscal year in which state sales and use tax net revenue grew by 1.5 percent or more. Permanent transfers of \$10 million per year begin, not once, but cumulatively after each such fiscal year in which state sales and use tax net revenue growth of 1.5 percent or more occurs. The moneys transferred to the HUTF are allocated in accordance with an existing allocation formula as follows: 60 percent to the state highway fund; 22 percent to counties; and 18 percent to municipalities. If sales and use tax net revenue growth decreases by 5 percent or more in any fiscal year, the total amount of transfers to be made for the next fiscal year and for each fiscal year thereafter is reduced by 5 percent.

Representative Priola discussed provisions of the bill and commented on future sales tax growth to the HUTF. Representative Ramirez asked for information on off-the-top HUTF funds. Senator Williams asked where the sales tax revenue goes currently. Representative Priola responded that sales tax revenue is currently allocated to the General Fund. Representative Jones expressed his concern about revenue that is allocated to the General Fund and its impact on education funding. Representative Priola responded to Representative Jones' comments.

10:34 AM

Representative Vaad commented on General Fund revenues and education funding.

10:35 AM

Representative Brown commented on the condition of roads in Colorado over the last 10 years.

The following person testified on the bill:

10:37 AM -- Mr. RJ Hicks, representing the Western State Transportation Alliance, came to the table. Mr. Hicks commented on funding of the highway system. A handout was distributed to the committee (Attachment D). Representative Vaad asked for information concerning transportation funding in Colorado. Discussion ensued concerning transportation financing.

10:45 AM

Senator Williams asked about transportation financing in Utah. Discussion ensued concerning the bill and transportation financing in Colorado.

10:50 AM

Representative Young asked about section 1(6) of the bill.

10:51 AM

Representative Hamner commented on the bill and expressed her concerns. She said that she would prefer to see more flexibility to respond to the needs of the moment. Representative Ramirez commented on the need for the bill and expressed his support for the bill.

10:53 AM

Senator Hudak commented on transportation financing in Utah.

10:56 AM

Senator King expressed his support for the bill.

10:57 AM

Representative Brown commented on the bill and expressed his support.

10:58 AM

Representative Priola presented closing comments on the bill.

BILL:	Bill 2	
TIME:	11:00:11 AM	
MOVED:	Priola	
MOTION:	Moved that Bill 2 be included as one of the bill forwarded to Legislative Council. The motion failed on a 8-8 vote.	
SECONDED:		
		VOTE
	Barker	Yes
	Brown	Yes
	Fischer	No
	Hamner	No
	Jones	No
	King S.	Yes
	Looper	Absent
	Newell	Excused
	Priola	Yes
	Ramirez	Yes
	Renfroe	Excused
	Schwartz	No
	Scott	Yes
	Spence	Yes
	Tyler	No
	Williams A.	Excused
	Williams S.	No
	Young	No
	Vaad	Yes
	Hudak	No
YES: 8 NO: 8 EXC: 3 ABS: 1 FINAL ACTION: TIE		

11:01 AM -- Bill 3

The committee took a brief recess.

11:09 AM

The committee came back to order. Senator Schwartz presented Bill 3 (Attachment E). Currently, the executive director of the Department of Personnel (director) is required to purchase motor vehicles that operate on compressed natural gas (CNG) for the state's motor vehicle fleet system, subject to their availability and the availability of adequate fuel and fueling infrastructure. There is an exemption if the increased cost of the vehicle is more than 10 percent over the cost of a comparable nonflexible fuel vehicle. Beginning on July 1, 2013, Bill 3 requires the director to purchase motor vehicles that operate on CNG or other alternative fuels for the state's motor vehicle fleet system if either the increased base cost of such vehicle or the increased life-cycle cost of such vehicle is not more than 10 percent over the cost of a comparable nonflexible fuel vehicle. Amendment #1 was distributed to the committee (Attachment F). Senator Hudak asked if electric vehicles are considered an alternative fuel vehicle. Senator Schwartz responded that electric vehicles are included as alternative fuel vehicles.

11:14 AM -- Ms. Nicole Myers, Office of Legislative Legal Services (OLLS), came to the table to respond to questions concerning the short title of the bill.

11:16 AM

Representative Scott asked if the bill could create a problem with federal funding for alternate fuel vehicles and if the Governor's Energy Office would be able to provide this report without legislation. Senator Schwartz clarified that there is a directive in the bill that builds on a 2008 bill addressing alternate fuel vehicles. Senator Hudak clarified the purpose of the bill.

11:19 AM

Senator Williams asked about the report required pursuant to the bill.

11:21 AM

Representative Ramirez asked about the inclusion of electric vehicles as alternative fuel vehicles.

11:22 AM

Representative Vaad commented on the focus of the TLRC and expressed his opposition to the bill.

11:24 AM

Representative Barker commented on the bill and expressed his concern about mandating the purchase of motor vehicles that operate on CNG or other alternative fuels.

11:25 AM

Representative Scott commented on CNG vehicles and expressed that he supports the concept but isn't sure how the bill will achieve its purpose.

11:26 AM

Senator Schwartz commented on fleet conversions in the state and the fiscal benefit of using alternative fuel vehicles.

11:28 AM

Senator Hudak commented on language in the bill. Discussion ensued concerning the intent of the bill.

11:31 AM

Discussion ensued concerning the purpose of the bill. Senator Schwartz commented on language on page 5.

BILL:	Bill 3	
TIME:	11:37:34 AM	
MOVED:	Hudak	
MOTION:	Move to strike page 3, line 16, after "gas" through line 18 after "GAS". The motion passed without objection.	
SECONDED:		
		VOTE
	Barker	
	Brown	
	Fischer	
	Hamner	
	Jones	
	King S.	
	Looper	Absent
	Newell	Excused
	Priola	
	Ramirez	
	Renfroe	Excused
	Schwartz	
	Scott	
	Spence	
	Tyler	
	Williams A.	Excused
	Williams S.	
	Young	
	Vaad	
	Hudak	
YES: 0 NO: 0 EXC: 3 ABS: 1 FINAL ACTION: Pass Without Objection		

BILL:	Bill 3	
TIME:	11:38:54 AM	
MOVED:	Schwartz	
MOTION:	Moved to adopt proposed Amendment #1 (Attachment F). The motion passed without objection.	
SECONDED:		
		VOTE
	Barker	
	Brown	
	Fischer	
	Hamner	
	Jones	
	King S.	
	Looper	Absent
	Newell	Excused
	Priola	
	Ramirez	
	Renfroe	Excused
	Schwartz	
	Scott	
	Spence	
	Tyler	
	Williams A.	Excused
	Williams S.	
	Young	
	Vaad	
	Hudak	
YES: 0 NO: 0 EXC: 3 ABS: 1 FINAL ACTION: Pass Without Objection		

11:44 AM -- Mr. Bob Yuhunke, representing the Southwest Energy Efficiency Project, came to the table. He commented on the bill and responded to questions from the committee.

11:52 AM

Senator Schwartz presented closing comments on the bill. Representative Brown commented on the bill.

BILL:	Bill 3	
TIME:	11:54:15 AM	
MOVED:	Schwartz	
MOTION:	Moved that Bill 3, as amended, be included as one of the bills forwarded to Legislative Council. The motion passed on a vote of 12-3.	
SECONDED:		
		VOTE
	Barker	Yes
	Brown	Yes
	Fischer	Yes
	Hamner	Yes
	Jones	Yes
	King S.	Yes
	Looper	Absent
	Newell	Excused
	Priola	No
	Ramirez	Yes
	Renfroe	Excused
	Schwartz	Yes
	Scott	Yes
	Spence	Excused
	Tyler	Yes
	Williams A.	Excused
	Williams S.	No
	Young	Yes
	Vaad	No
	Hudak	Yes
YES: 12 NO: 3 EXC: 4 ABS: 1 FINAL ACTION: PASS		

11:55 AM

Senator Hudak asked for sponsors. Senator Schwartz will be the sponsor in the Senate, where the bill will begin. Representatives Scott and Tyler will be co-prime sponsors in the House. The following members requested that their names be added as co-sponsors: Representative Jones, Representative Hamner, Representative Young, and Representative Fischer.

11:57 AM -- Bill 4

Senator Hudak presented Bill 4 (Attachment G). The bill makes the statement on the notice of vehicle registration regarding the penalty for failure to register a vehicle consistent with the actual statutory penalty. The bill also repeals the statutory provisions for two retired special license plates.

BILL:	Bill 4	
TIME:	11:58:26 AM	
MOVED:	Priola	
MOTION:	Moved that Bill 4 be included as one of the bills forwarded to Legislative Council. The motion passed on a vote of 15-0.	
SECONDED:		
		VOTE
	Barker	Yes
	Brown	Yes
	Fischer	Yes
	Hamner	Yes
	Jones	Yes
	King S.	Yes
	Looper	Absent
	Newell	Excused
	Priola	Yes
	Ramirez	Yes
	Renfroe	Excused
	Schwartz	Yes
	Scott	Yes
	Spence	Excused
	Tyler	Yes
	Williams A.	Excused
	Williams S.	Yes
	Young	Yes
	Vaad	Yes
	Hudak	Yes
YES: 15 NO: 0 EXC: 4 ABS: 1 FINAL ACTION: PASS		

11:59 AM

Senator Hudak asked for prime sponsors. Senator Hudak requested to be prime sponsor in the Senate, where the bill will begin. Representative Young will be prime sponsor in the House. The following members requested that their names be added as co-sponsors: Representative Tyler, Representative Hamner, and Representative Priola.

12:00 PM

The committee recessed for lunch.

01:09 PM

The committee came back to order.

01:10 PM -- Bill 5

Senator King presented Bill 5 to the committee (Attachment H). The existing definition of "DUI per se" is expanded to include driving when the driver's blood contains 5 nanograms or more of delta 9-tetrahydrocannabinol per milliliter in whole blood. Under current law, in any prosecution for vehicular homicide or vehicular assault, if at the time of the commission of the alleged offense, or within a reasonable time thereafter, as shown by analysis of the defendant's blood or breath, there was 0.08 or more grams of alcohol per 100 milliliters of blood, or if there was at such time 0.08 or more grams of alcohol per 210 liters of breath, it is presumed that the defendant was under the influence of alcohol. Bill 5 removes this presumption and states instead that such fact gives rise to a "permissible inference" that the defendant was under the influence of alcohol. The bill removes statutory instances of the term "habitual user". Senator King discussed the provisions of the bill.

01:18 PM

Senator Williams commented on the bill and asked about individuals who have medical marijuana cards. Senator King responded that no one should get behind the wheel while impaired after smoking marijuana. Senator Hudak asked about statistics from the Department of Transportation. Senator King commented on statistics from the Colorado Department of Public Health and Environment (CDPHE). Representative Barker commented the need to make driving under the influence of drugs more controllable and stressed the importance of focusing on the safety aspect of the issue.

The following person signed up to testify:

01:27 PM -- Mr. Michael Elliott, representing the Medical Marijuana Industry Group (MMIG), came to the table. Mr. Elliott commented on MMIG's opposition to the bill. He discussed the 5 nanogram limit pursuant to the bill. He said there has only been one international test on the effectiveness of per se laws and the test showed that per se laws have zero effect on public safety. Senator King asked Mr. Elliott to explain the complied consent law in Colorado. Senator Schwartz asked about roadside sobriety tests in relation to demonstration of lack of impairment.

01:41 PM

Senator King asked about drug recognition experts (DREs).

01:44 PM

Representative Barker asked about states that have zero-tolerance policies. Mr. Elliott commented on medical marijuana states that have seen traffic fatalities go down.

01:46 PM

Representative Ramirez commented on recreational use of marijuana.

01:47 PM

Representative Scott asked about MMIG's training and education efforts concerning impaired driving.

01:52 PM

Senator King and Mr. Elliott discussed the 5 nanogram delta 9-THC.

01:55 PM

Representative Ramirez commented on current law addressing impaired driving under the influence of alcohol and drugs.

01:58 PM -- Mr. Bobby Juchem, representing the Colorado State Patrol (CSP), came to the table to respond to questions from the committee. Representative Fischer asked for more information on the blood draw requirement and the implied consent laws. Mr. Juchem gave a description of the implied consent law in Colorado, including reasonable suspicion of a violated crime, probable cause, and voluntary roadside maneuvers. He commented on what law enforcement officers look for when pulling suspected individuals over, according to current law. Committee discussion ensued concerning express consent laws under current law.

02:09 PM

Representative Tyler asked for information concerning mandatory tests for DUI for vehicular assault and vehicular homicide. He also asked about roadside tests for driving while impaired under drugs.

02:13 PM

Representative Ramirez asked about current law concerning driving while impaired.

BILL:	Bill 5	
TIME:	02:13:59 PM	
MOVED:	King S.	
MOTION:	Moved that Bill 5 be included as one of the bills forwarded to Legislative Council. . The motion passed on a vote of 10-6.	
SECONDED:		
		VOTE
	Barker	Yes
	Brown	Yes
	Fischer	No
	Hamner	Yes
	Jones	Yes
	King S.	Yes
	Looper	Absent
	Newell	Excused
	Priola	No
	Ramirez	Yes
	Renfroe	Excused
	Schwartz	Yes
	Scott	Yes
	Spence	Yes
	Tyler	No
	Williams A.	Excused
	Williams S.	No
	Young	No
	Vaad	Yes
	Hudak	No
YES: 10 NO: 6 EXC: 3 ABS: 1 FINAL ACTION: PASS		

02:14 PM

Senator King read testimony from a Senate Judiciary Committee hearing in the 2012 session. Representative Hamner asked why Senator King is running this as a TLRC bill.

02:19 PM

Senator Hudak asked for sponsors and co-sponsors. Senator King will be prime sponsor in the Senate, where the bill will begin. Representative Barker will be prime sponsor in the House. Representative Brown requested that his name be added as a co-sponsor.

02:19 PM -- Bill 6

Senator Hudak presented Bill 6 (Attachment I). The bill directs the Department of Revenue to set up an electronic system to receive tax reports filed by the owners of rental special mobile machinery. The department will make the reports available to the counties and remit the tax to the counties as if it were paid directly to the counties. Senator Schwartz asked for information concerning revenues associated with taxes.

BILL:	Bill 6	
TIME:	02:24:00 PM	
MOVED:	Brown	
MOTION:	Moved that Bill 6 be included as one of the bills forwarded to Legislative Council. The motion passed on a vote of 16-0.	
SECONDED:		
		VOTE
	Barker	Yes
	Brown	Yes
	Fischer	Yes
	Hamner	Yes
	Jones	Yes
	King S.	Yes
	Looper	Absent
	Newell	Excused
	Priola	Yes
	Ramirez	Yes
	Renfroe	Excused
	Schwartz	Yes
	Scott	Yes
	Spence	Yes
	Tyler	Yes
	Williams A.	Excused
	Williams S.	Yes
	Young	Yes
	Vaad	Yes
	Hudak	Yes
YES: 16 NO: 0 EXC: 3 ABS: 1 FINAL ACTION: PASS		

02:24 PM

Senator Hudak asked for sponsors and co-sponsors. Representative Brown will be the prime-sponsor in the House, where the bill will begin. Senator Hudak will be prime-sponsor in the Senate. The following members requested that their names be added as co-sponsors: Representative Fischer, Representative Priola, Representative Ramirez, Representative Scott, Representative Tyler, and Representative Young.

02:26 PM -- Bill 8

Representative Ramirez explained that he withdrew Bill 7 concerning the MOST program. He explained that the bill is not ready but they will continue to work on it.

Representative Young presented Bill 8 (Attachment J). 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 or state identification card.

BILL:	Bill 8	
TIME:	02:31:08 PM	
MOVED:	Brown	
MOTION:	Moved to include Bill 8 as one of the bills forwarded to Legislative Council. The motion passed on a vote of 16-0.	
SECONDED:		
		VOTE
	Barker	Yes
	Brown	Yes
	Fischer	Yes
	Hamner	Yes
	Jones	Yes
	King S.	Yes
	Looper	Absent
	Newell	Excused
	Priola	Yes
	Ramirez	Yes
	Renfroe	Excused
	Schwartz	Yes
	Scott	Yes
	Spence	Yes
	Tyler	Yes
	Williams A.	Excused
	Williams S.	Yes
	Young	Yes
	Vaad	Yes
	Hudak	Yes
YES: 16 NO: 0 EXC: 3 ABS: 1 FINAL ACTION: PASS		

02:32 PM

Representative Young is prime sponsor in the House, where the bill will begin. Senator Hudak is the prime sponsor in the Senate. All members present at the meeting requested that their names be added as co-sponsors.

02:33 PM -- Bill 9

Representative Scott presented Bill 9 (Attachment K). The bill limits the number of alumni, designer, military, or group special license plates to 96. Representative Scott discussed the impetus behind the bill.

02:35 PM -- Mr. Bobby Juchem, representing CSP, came to the table to respond to questions from the committee. Senator Williams asked about the design of license plates, specifically the colors, and if the different colors make it difficult for law enforcement to distinguish Colorado license plates.

02:42 PM

Representative Hamner commented that Colorado currently has 96 special license plates.

02:43 PM

Committee discussion ensued concerning the bill and current license plate totals.

BILL:	Bill 9	
TIME:	02:46:14 PM	
MOVED:	Scott	
MOTION:	Moved that Bill 9 is included as one of the bills forwarded to Legislative Council. The motion passed on a vote of 8-7.	
SECONDED:		
		VOTE
	Barker	Yes
	Brown	Yes
	Fischer	Yes
	Hamner	No
	Jones	No
	King S.	Excused
	Looper	Absent
	Newell	Excused
	Priola	Yes
	Ramirez	Yes
	Renfroe	Excused
	Schwartz	Yes
	Scott	Yes
	Spence	No
	Tyler	No
	Williams A.	Excused
	Williams S.	No
	Young	No
	Vaad	Yes
	Hudak	No
YES: 8 NO: 7 EXC: 4 ABS: 1 FINAL ACTION: PASS		

02:50 PM

Senator Hudak asked for sponsors and co-sponsors. Representative Scott and Representative Priola are the co-prime sponsors in the House, where the bill will begin. The following members requested that their names be added as co-sponsors: Representative Brown and Representative Fischer.

02:50 PM -- Bill 10

Representative Brown presented Bill 10 (Attachment L). The Public Utilities Commission (PUC) is currently required to provide the executive director of the department of revenue with a list of the public utilities subject to its jurisdiction. The bill exempts certain rail fixed guideway systems from inclusion on the list. Current law authorizes the PUC to establish an oversight program for the safety and security of rail fixed guideway systems pursuant to the federal "Intermodal Surface Transportation Efficiency Act of 1991". In addition, the bill authorizes the PUC to establish the oversight program pursuant to the new federal "Moving Ahead for Progress in the 21st Century Act" (new federal Act).

Current law allows the PUC to assess fees to cover its administrative costs in connection with the oversight of rail fixed guideway systems. However, the new federal Act prohibits the commission from fixing fees against any rail fixed guideway system that it regulates. To comply with the new federal Act, the bill eliminates the authority of the PUC to assess fees to cover administrative expenses and eliminates the requirement that all fees collected be remitted to the state treasurer and credited to the Public Utilities Commission Fixed Utility Fund. In addition, the bill clarifies that the PUC may still expend moneys from the Public Utilities Commission Fixed Utility Fund to cover administrative expenses.

02:52 PM -- Ms. Nicole Myers, representing OLLS, and Ms. Pamela Fischhaber, from the Public Utilities Commission (PUC), came to the table. Ms. Fischhaber explained the intent of the bill and explained that the bill keeps the state in compliance with the federal Map 21 legislation.

BILL:	Bill 10	
TIME:	02:55:18 PM	
MOVED:	Brown	
MOTION:	Moved that Bill 10 be included as one of the bills forwarded to LC. The motion passed on a vote of 15-0.	
SECONDED:		
		VOTE
	Barker	Yes
	Brown	Yes
	Fischer	Yes
	Hamner	Yes
	Jones	Yes
	King S.	Excused
	Looper	Absent
	Newell	Excused
	Priola	Yes
	Ramirez	Yes
	Renfroe	Excused
	Schwartz	Yes
	Scott	Yes
	Spence	Yes
	Tyler	Yes
	Williams A.	Excused
	Williams S.	Yes
	Young	Yes
	Vaad	Yes
	Hudak	Yes
YES: 15 NO: 0 EXC: 4 ABS: 1 FINAL ACTION: PASS		

02:56 PM

Senator Hudak asked for sponsors and co-sponsors. Representative Brown will be the prime sponsor in the House, where the bill will begin. Senator Schwartz will be the prime sponsor in the Senate. The following members requested that their names be added as co-sponsors: Representative Fischer, Representative Priola. and Representative Tyler.

Senator Hudak asked the committee if OLLS has the authority to make technical changes as they draft the bill.

02:58 PM

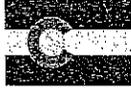
Representative Young thanked Representative Vaad for his service. Senator Schwartz acknowledged the committee's work and members who will not be returning next session.

02:59 PM

Representative Fischer announced the 4th Annual Ram Bicycle Classic in Fort Collins.

03:01 PM

The committee adjourned.



General Assembly
State of Colorado
Denver

September 14, 2012

Donald E. Hunt, Executive Director
Colorado Department of Transportation
Headquarters Office
4201 E Arkansas Ave
Denver, CO 80222

Dear Director Hunt:

We, the Transportation Legislation Review Committee (TLRC), write to explore ways in which the General Assembly can assist the Department of Transportation (CDOT) in expediting current construction projects to best utilize the cash available within CDOT's various funds.

As of June 30, 2012, it appears that CDOT had available, or at least unencumbered, over \$97.8 million, according to the Joint Budget Committee. The TLRC would like to see these and any other available funds in operation as quickly as possible, and any delay in expenditure be minimized. We recommend that CDOT evaluate its cash inflows and outflows, determine an appropriate range of cash on hand, and modify project commitments as appropriate.

In particular, the TLRC asks that the department respond to the following questions:

- What is the department's plan to accelerate currently funded projects into construction?
- Are there specific construction projects now planned that can be expedited?
- What additional resources might be necessary for engineering, project management, or other needs required to accelerate the construction schedule?
- How can the legislature be a partner to help facilitate any related plans going forward?

The TLRC requests that information regarding these questions be presented at a Joint House and Senate Transportation Committee meeting during the first weeks of the 2013 legislative session.

Please know that we appreciate CDOT's ongoing efforts to get construction projects underway quicker, and we look forward to discussing with you how the General Assembly may assist CDOT on this matter. Thank you for taking the time to consider our concerns.

Sincerely,

Senator Evie Hudak, Chair

Representative Glenn Vaad, Vice-chair

Representative Mark Barker

Representative Ray Scott

Representative J. Paul Brown

Representative Max Tyler

Representative Randy Fischer

Senator Steve King

Representative Millie Hamner

Senator Linda Newell

Representative Matt Jones

Senator Scott Renfroe

Representative Marsha Looper

Senator Gail Schwartz

Representative Kevin Priola

Senator Nancy Spence

Representative Robert Ramirez

Senator Suzanne Williams

First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

DRAFT 9.4.12

DRAFT

Temporary storage location: C:\temp\13-0066_wpd.tmp

LLS NO. 13-0066 Jason Gelender

BILL 1

Transportation Legislation Review Committee

A BILL FOR AN ACT

101 **CONCERNING THE ADDITION OF TWO AT-LARGE MEMBERS TO THE**
102 **TRANSPORTATION COMMISSION.**

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 transportation commission currently consists of 11 members appointed by the governor, each of whom represents a single transportation district. The bill adds 2 at-large members appointed by the governor, each of whom represents the entire state, to the commission. One of the at-large

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

members must reside on the western slope and the other must reside on the eastern slope. The at-large members serve 4-year terms; except that the at-large member who resides on the western slope serves an initial term of 2 years in order to stagger the timing of future appointments.

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

2 **SECTION 1.** In Colorado Revised Statutes, 43-1-106, **amend** (1),
3 (2) introductory portion, (3), (4) (a), and (6); and **add** (4) (b.5) as follows:

4 **43-1-106. Transportation commission - powers and duties.**

5 (1) There is hereby created a transportation commission, which ~~shall~~
6 ~~consist of eleven~~ CONSISTS OF THIRTEEN members. ~~The initial members~~
7 ~~of the commission shall be the members of the state highway commission~~
8 ~~immediately prior to July 1, 1991, and each such commission member~~
9 ~~shall continue to represent the same district.~~

10 (2) THE GOVERNOR SHALL APPOINT TO THE COMMISSION TWO
11 AT-LARGE MEMBERS, ONE OF WHOM MUST RESIDE ON THE WESTERN SLOPE
12 AND ONE OF WHOM MUST RESIDE ON THE EASTERN SLOPE, AND one
13 member of the commission shall be appointed by the governor from each
14 of the following districts:

15 (3) Each district member ~~shall~~ MUST actually reside in the district
16 he or she represents. ONE AT-LARGE MEMBER MUST ACTUALLY RESIDE ON
17 THE WESTERN SLOPE, AND ONE AT-LARGE MEMBER MUST ACTUALLY
18 RESIDE ON THE EASTERN SLOPE, BUT IT IS THE INTENT OF THE GENERAL
19 ASSEMBLY THAT BOTH AT-LARGE MEMBERS REPRESENT THE ENTIRE STATE
20 AND FOCUS PRIMARILY ON STATEWIDE TRANSPORTATION NEEDS. If a
21 district member ceases to reside in the district he or she represents such
22 ~~district~~ OR AN AT-LARGE MEMBER CEASES TO RESIDE ON THE SLOPE FROM
23 WHICH THE GOVERNOR APPOINTED THE MEMBER, THE member ~~shall be~~ IS

1 deemed to have resigned as a member of the commission.

2 (4) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b.5) OF
3 THIS SUBSECTION (4), each member of the commission shall be appointed
4 by the governor, with the consent of the senate, for a term of four years.

5 (b.5) THE INITIAL TERMS OF THE AT-LARGE MEMBERS OF THE
6 COMMISSION BEGIN ON JULY 1, 2013, AND THE INITIAL TERM OF THE
7 AT-LARGE MEMBER WHO RESIDES ON THE WESTERN SLOPE EXPIRES ON
8 JULY 1, 2015.

9 (6) The commission shall meet regularly not less than eight times
10 a year, but ~~special meetings may be called by the governor, the chairman~~
11 ~~of the commission, the executive director, or a majority of the members~~
12 ~~of the commission~~ MAY CALL SPECIAL MEETINGS on three days' prior
13 notice by mail or, in case of emergency, on twenty-four hours' notice by
14 telephone or telegraph. The commission shall adopt rules in relation to its
15 meetings and the transaction of its business. ~~Six~~ SEVEN members shall
16 constitute a quorum of the commission. All meetings of the commission,
17 in any suit or proceedings, ~~shall be~~ ARE presumed to have been duly
18 called and regularly held, and all orders, rules and regulations, and
19 proceedings of the commission to have been authorized, unless the
20 contrary is proved. Each member of the commission shall receive
21 seventy-five dollars per day for each regular or special meeting of the
22 commission actually attended and shall be reimbursed for his or her
23 necessary expenses incurred in the discharge of such THE member's
24 official duties. Mileage rates shall MUST be computed in accordance with
25 section 24-9-104, C.R.S.

26 **SECTION 2. 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.

First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

DRAFT 9.7.12

BILL 2

Temporary storage location: C:\temp\13-0067_02_wpd.tmp

LLS NO. 13-0067.02 Jason Gelender x4330

INTERIM COMMITTEE BILL

Transportation Legislation Review Committee

SHORT TITLE: "Allocation Of Sales & Use Tax Revenues To HUTF"

A BILL FOR AN ACT

101 **CONCERNING THE ALLOCATION OF A PORTION OF FUTURE GROWTH IN**
102 **STATE SALES AND USE TAX REVENUES TO THE HIGHWAY USERS**
103 **TAX FUND.**

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. Under current law most net revenue from state sales and use taxes is eventually credited to the general fund. But 2% of total general fund revenues is required to be transferred to the highway users tax fund (HUTF) for 5 consecutive

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

fiscal years beginning after Colorado personal income increases by 5% or more for a calendar year (Senate Bill 09-228 transfers).

The bill allocates a portion of future state sales and use tax net revenue growth that occurs during fiscal years before the first fiscal year in which Senate Bill 09-228 transfers begin for improvements to state highways, county roads, and municipal streets by requiring the state treasurer to transfer \$10 million per year from the general fund to the HUTF in every such fiscal year following a fiscal year in which state sales and use tax net revenue grew by 1.5% or more. Permanent transfers of \$10 million per year begin, not once, but cumulatively after each such fiscal year in which state sales and use tax net revenue growth of 1.5% or more occurs. The moneys transferred to the HUTF are allocated in accordance with an existing allocation formula as follows: 60% to the state highway fund; 22% to counties; and 18% to municipalities. If sales and use tax net revenue growth decreases by 5% or more in any fiscal year, the total amount of transfers to be made for the next fiscal year and for each fiscal year thereafter is reduced by 5%.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-75-219, **add** (5)
3 and (6) as follows:

4 **24-75-219. Transfers - transportation - capital construction -**
5 **definitions.** (5) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (6) OF
6 THIS SECTION, FROM THE 2012-13 FISCAL YEAR THROUGH THE FISCAL
7 YEAR IMMEDIATELY PRECEDING THE FIRST FISCAL YEAR FOR WHICH THE
8 STATE TREASURER MAKES TRANSFERS UNDER SUBSECTION (2) OF THIS
9 SECTION, IF THE AMOUNT OF NET REVENUE, AS DEFINED IN SECTION
10 39-26-123 (1) (a), C.R.S., FOR ANY FISCAL YEAR EXCEEDS THE AMOUNT OF
11 NET REVENUE FOR THE PRIOR FISCAL YEAR BY ONE AND ONE-HALF
12 PERCENT OR MORE, IN THE NEXT FISCAL YEAR AND IN EACH SUCCEEDING
13 FISCAL YEAR THE STATE TREASURER SHALL TRANSFER TEN MILLION
14 DOLLARS FROM THE GENERAL FUND TO THE HIGHWAY USERS TAX FUND
15 FOR ALLOCATION TO THE STATE HIGHWAY FUND, COUNTIES, AND
16 MUNICIPALITIES AS SPECIFIED IN SECTION 43-4-205 (6.3), C.R.S. FOR EACH

1 FISCAL YEAR FOR WHICH THE AMOUNT OF NET REVENUE GROWTH
2 REQUIRES THE STATE TREASURER TO MAKE TRANSFERS UNDER THIS
3 SUBSECTION (5), THE STATE TREASURER SHALL MAKE THE FIRST REQUIRED
4 TRANSFER ON THE DATE THE STATE CONTROLLER DISTRIBUTES THE
5 COMPREHENSIVE ANNUAL FINANCIAL REPORT OF THE STATE FOR THE
6 FISCAL YEAR. THE STATE TREASURER SHALL MAKE SUBSEQUENT REQUIRED
7 TRANSFERS ON JULY 1 OF EACH SUCCEEDING FISCAL YEAR; EXCEPT THAT
8 THE STATE TREASURER MAY DELAY ANY SUBSEQUENT REQUIRED
9 TRANSFER UNTIL THE DATE THE STATE CONTROLLER DISTRIBUTES THE
10 COMPREHENSIVE ANNUAL FINANCIAL REPORT OF THE STATE FOR THE PRIOR
11 FISCAL YEAR IF THE STATE TREASURER IS UNCERTAIN WHETHER OR NOT
12 SUBSECTION (6) OF THIS SECTION WILL REQUIRE A REDUCTION IN THE
13 AMOUNT OF THE TRANSFER.

14 (6) IF THE AMOUNT OF NET REVENUE, AS DEFINED IN SECTION
15 39-26-123 (1) (a), C.R.S., FOR ANY FISCAL YEAR DECLINES BY FIVE
16 PERCENT OR MORE FROM THE PRIOR FISCAL YEAR, THE TOTAL AMOUNT OF
17 TRANSFERS TO BE MADE FOR THE NEXT FISCAL YEAR AND FOR EACH FISCAL
18 YEAR THEREAFTER PURSUANT TO SUBSECTION (5) OF THIS SECTION IS
19 REDUCED BY FIVE PERCENT.

20 **SECTION 2.** In Colorado Revised Statutes, 43-4-205, **amend**
21 (6.3) as follows:

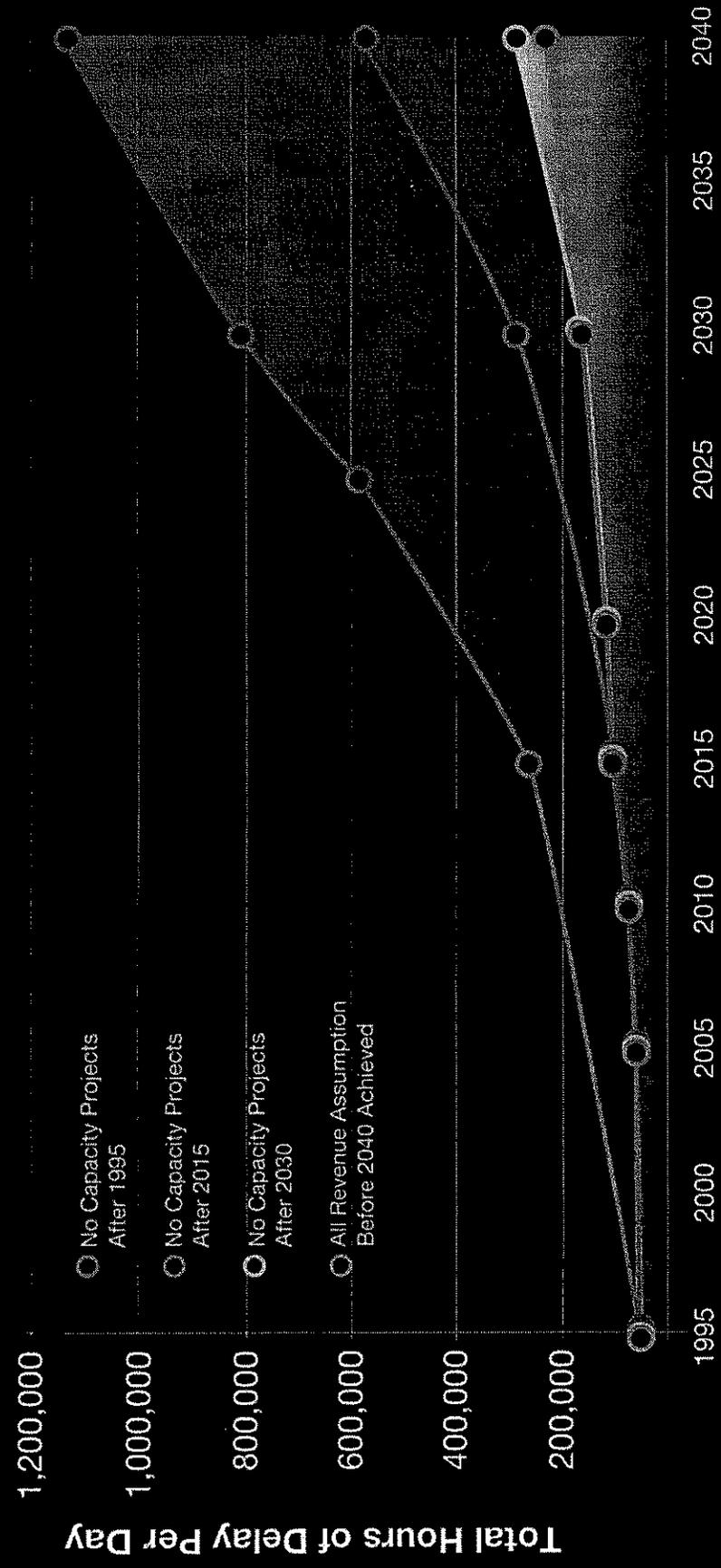
22 **43-4-205. Allocation of fund.** (6.3) Revenues from the
23 surcharges, fees, and fines credited to the highway users tax fund
24 pursuant to ~~section 43-4-804 (1)~~ SECTIONS 24-75-219 (5) AND 43-4-804
25 (1), C.R.S., shall be allocated and expended in accordance with the
26 formula specified in paragraph (b) of subsection (6) of this section.

27 **SECTION 3. Act subject to petition - effective date.** This act

1 takes effect at 12:01 a.m. on the day following the expiration of the
2 ninety-day period after final adjournment of the general assembly; except
3 that, if a referendum petition is filed pursuant to section 1 (3) of article V
4 of the state constitution against this act or an item, section, or part of this
5 act within such period, then the act, item, section, or part will not take
6 effect unless approved by the people at the general election to be held in
7 November 2014 and, in such case, will take effect on the date of the
8 official declaration of the vote thereon by the governor.

Delay Along the Wasatch Front

Davis, Weber, Salt Lake & Utah Counties



First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

REDRAFT
9.11.12
Double underlining
denotes changes from
prior draft

BILL 3

Temporary storage location: C:\Temp\13-0068_wpd.tmp

LLS NO. 13-0068.01 Nicole Myers x4326

INTERIM COMMITTEE BILL

Transportation Legislation Review Committee

SHORT TITLE: "Report On Alternative Fuel Fleet Vehicles"

A BILL FOR AN ACT

101 CONCERNING A REQUIREMENT THAT THE EXECUTIVE DIRECTOR OF
102 THE DEPARTMENT OF PERSONNEL SUBMIT A REPORT TO THE
103 GENERAL ASSEMBLY CONCERNING THE PURCHASE OF VEHICLES
104 THAT OPERATE ON ALTERNATIVE FUELS FOR THE STATE MOTOR
105 VEHICLE FLEET SYSTEM.

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

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

executive director of the department of personnel (director) is required to purchase motor vehicles that operate on compressed natural gas (CNG) for the state's motor vehicle fleet system, subject to their availability and the availability of adequate fuel and fueling infrastructure. There is an exemption if the increased cost of the vehicle is more than 10% over the cost of a comparable nonflexible fuel vehicle. Beginning on July 1, 2013, the bill requires the director to purchase motor vehicles that operate on CNG or other alternative fuels for the state's motor vehicle fleet system if either the increased base cost of such vehicle or the increased life-cycle cost of such vehicle is not more than 10% over the cost of a comparable nonflexible fuel vehicle.

The bill requires the director to submit a report to the transportation committees of the senate and the house of representatives during the 2013 legislative session regarding the purchase of vehicles that operate on CNG and other alternative fuels.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-30-1104, **amend**
3 (2) (c) (II) introductory portion; and **add** (2) (c) (V) as follows:

4 **24-30-1104. Central services functions of the department -**
5 **definitions.** (2) In addition to the county-specific functions set forth in
6 subsection (1) of this section, the department of personnel shall take such
7 steps as are necessary to fully implement a central state motor vehicle
8 fleet system by January 1, 1993. The provisions of the motor vehicle fleet
9 system created pursuant to this subsection (2) shall apply to the executive
10 branch of the state of Colorado, its departments, its institutions, and its
11 agencies; except that the governing board of each institution of higher
12 education, by formal action of the board, and the Colorado commission
13 on higher education, by formal action of the commission, may elect to be
14 exempt from the provisions of this subsection (2) and may obtain a motor
15 vehicle fleet system independent of the state motor vehicle fleet system.
16 Under the direction of the executive director, the department of personnel
17 shall perform the following functions pertaining to the motor vehicle fleet

1 system throughout the state:

2 (c) (II) By January 1, 2008, the executive director shall adopt a
3 policy to significantly increase the utilization of alternative fuels and that
4 establishes increasing utilization objectives for each following year. To
5 encourage compliance with this policy, the rules promulgated pursuant to
6 this paragraph (c) may establish progressively more stringent percentage
7 mileposts and, ~~shall~~; for fiscal years commencing after July 1, 2004,
8 require the collection of data concerning the annual percentage of
9 state-owned bi-fueled vehicles that were fueled exclusively with an
10 alternative fuel. For the years commencing on January 1, 2008, and
11 January 1, 2009, the executive director shall purchase flexible fuel
12 vehicles or hybrid vehicles, subject to availability, unless the increased
13 cost of such vehicle is more than ten percent over the cost of a
14 comparable nonflexible fuel vehicle. Beginning on January 1, 2010, the
15 executive director shall purchase motor vehicles that operate on
16 compressed natural gas AND BEGINNING ON JULY 1, 2013, THE EXECUTIVE
17 DIRECTOR ^{MAT} SHALL PURCHASE MOTOR VEHICLES THAT OPERATE ON
18 COMPRESSED NATURAL GAS OR OTHER ALTERNATIVE FUELS, subject to
19 their availability and the availability of adequate fuel and fueling
20 infrastructure, unless IF EITHER the increased base cost of such vehicle or
21 the increased life-cycle cost of such vehicle is NOT more than ten percent
22 over the cost of a comparable nonflexible fuel vehicle. If the executive
23 director does not purchase a motor vehicle that operates on compressed
24 natural gas because of its cost, he or she shall purchase another type of
25 flexible fuel vehicle or a hybrid vehicle, subject to availability, unless the
26 increased cost of such vehicle is more than ten percent over the cost of a
27 comparable nonflexible fuel vehicle. The executive director shall adopt

1 a policy to allow some vehicles to be exempted from this requirement.
2 During the ~~second regular session of the sixty-seventh general assembly~~
3 ~~in 2010~~ FIRST REGULAR SESSION OF THE SIXTY-NINTH GENERAL ASSEMBLY
4 IN 2013, the executive director OR THE DIRECTOR'S DESIGNEE shall SUBMIT
5 A report ~~simultaneously~~ to the transportation ~~committee~~ COMMITTEES of
6 the senate and the ~~transportation and energy committee~~ of the house of
7 representatives, or any successor committees, detailing the ~~key financial~~
8 ~~decision points and analysis that led to the executive director's~~
9 ~~determination to purchase or decline to purchase motor vehicles that~~
10 ~~operate on natural gas as required by this subparagraph (H)~~ ITEMS
11 SPECIFIED IN SUBPARAGRAPH (V) OF THIS PARAGRAPH (c). As used in this
12 subparagraph (II):

13 (V) ON OR BEFORE MARCH 1, 2013, THE EXECUTIVE DIRECTOR OR
14 THE DIRECTOR'S DESIGNEE SHALL SUBMIT A REPORT TO THE GENERAL
15 ASSEMBLY AS SPECIFIED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (c).
16 THE REPORT MUST INCLUDE, BUT NEED NOT BE LIMITED TO, THE
17 FOLLOWING:

18 (A) THE NUMBER OF VEHICLES THAT THE EXECUTIVE DIRECTOR OR
19 THE DIRECTOR'S DESIGNEE PURCHASED SINCE JANUARY 1, 2008, FOR THE
20 MOTOR VEHICLE FLEET SYSTEM THAT OPERATE ON COMPRESSED NATURAL
21 GAS AND OTHER ALTERNATIVE FUELS;

22 (B) AN ESTIMATE OF THE NUMBER OF NONFLEXIBLE FUEL VEHICLES
23 THAT THE EXECUTIVE DIRECTOR OR THE DIRECTOR'S DESIGNEE PURCHASED
24 FOR THE MOTOR VEHICLE FLEET SYSTEM SINCE JANUARY 1, 2008, INSTEAD
25 OF A VEHICLE THAT OPERATES ON COMPRESSED NATURAL GAS OR OTHER
26 ALTERNATIVE FUEL BECAUSE THE BASE COST OR LIFE-CYCLE COST OF THE
27 COMPRESSED NATURAL GAS VEHICLE OR OTHER ALTERNATIVE FUEL

1 VEHICLE WAS MORE THAN TEN PERCENT OVER THE COST OF A
2 COMPARABLE NONFLEXIBLE FUEL VEHICLE;

3 (C) AN EXPLANATION OF THE AVAILABILITY OF ADEQUATE FUEL
4 AND FUELING INFRASTRUCTURE IN THE STATE FOR COMPRESSED NATURAL
5 GAS VEHICLES AND OTHER ALTERNATIVE FUEL VEHICLES AND WHETHER
6 LIMITED AVAILABILITY OF FUEL OR FUELING INFRASTRUCTURE
7 CONTRIBUTES TO THE PURCHASE OF NONFLEXIBLE FUEL VEHICLES FOR THE
8 MOTOR VEHICLE FLEET SYSTEM INSTEAD OF VEHICLES THAT OPERATE ON
9 COMPRESSED NATURAL GAS AND OTHER ALTERNATIVE FUELS;

10 (D) A SUMMARY OF THE POLICY THAT ALLOWS THE EXECUTIVE
11 DIRECTOR TO EXEMPT SOME VEHICLES FROM THE REQUIREMENT TO
12 PURCHASE VEHICLES THAT OPERATE ON COMPRESSED NATURAL GAS AND
13 THE PERCENTAGE OF NONFLEXIBLE FUEL VEHICLES THAT THE DIRECTOR
14 PURCHASED PURSUANT TO THIS EXEMPTION;

15 (E) A SUMMARY OF THE ADMINISTRATIVE PROCEDURES OR
16 POLICIES IN PLACE WITHIN THE DEPARTMENT, IF ANY, THAT ARE INTENDED
17 TO FACILITATE THE PURCHASE OF VEHICLES THAT OPERATE ON
18 COMPRESSED NATURAL GAS AND OTHER ALTERNATIVE FUELS; _____

19 (F) THE EXECUTIVE DIRECTOR'S SUGGESTED CHANGES TO THE
20 REQUIREMENTS AND LIMITATIONS OF SUBPARAGRAPH (II) OF THIS
21 PARAGRAPH (c) OR OTHER STATE LAW THAT WOULD FACILITATE THE
22 GRADUAL CONVERSION OF THE MOTOR VEHICLE FLEET SYSTEM TO
23 VEHICLES THAT OPERATE ON COMPRESSED NATURAL GAS AND OTHER
24 ALTERNATIVE FUELS, ALLOW THE STATE TO ACCOUNT FOR THE BENEFIT OF
25 REDUCED EMISSIONS FROM VEHICLES THAT OPERATE ON COMPRESSED
26 NATURAL GAS AND OTHER ALTERNATIVE FUELS IN ITS ANALYSIS
27 REGARDING THE PURCHASE OF SUCH VEHICLES, AND ENABLE THE

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9.11.12
Double underlining
denotes changes from
prior draft

1 DEPARTMENT TO PROVIDE THE BEST VALUE TO THE STATE IN THE MOTOR
2 VEHICLE FLEET SYSTEM WHILE PURCHASING VEHICLES THAT OPERATE ON
3 COMPRESSED NATURAL GAS AND OTHER ALTERNATIVE FUELS; AND
4 (G) A PLAN FOR PUTTING IN PLACE THE INFRASTRUCTURE
5 NECESSARY TO SUPPORT VEHICLES IN THE STATE'S MOTOR VEHICLE FLEET
6 SYSTEM THAT OPERATE ON COMPRESSED NATURAL GAS AND OTHER
7 ALTERNATIVE FUELS.

8 **SECTION 2. Act subject to petition - effective date.** This act
9 takes effect at 12:01 a.m. on the day following the expiration of the
10 ninety-day period after final adjournment of the general assembly (August
11 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a
12 referendum petition is filed pursuant to section 1 (3) of article V of the
13 state constitution against this act or an item, section, or part of this act
14 within such period, then the act, item, section, or part will not take effect
15 unless approved by the people at the general election to be held in
16 November 2014 and, in such case, will take effect on the date of the
17 official declaration of the vote thereon by the governor. <*If the*
18 *committee chooses to keep the reporting requirement for the 2013*
19 *legislative session, I recommend a safety clause due to timing issues.*>

LLS NO. 13-0068_AMENDMENT # 1
INTERIM COMMITTEE AMENDMENT
Transportation Legislation Review Committee.
BY SENATOR Schwartz
LLS No. 13-0068 be amended as follows:

- 1 Amend LLS No. 13-0068 (dated 9/11/2012), page 3, line 14, strike
- 2 "nonflexible" and substitute "~~nonflexible~~ DEDICATED PETROLEUM".

- 3 Page 3, line 22, strike "nonflexible" and substitute "~~nonflexible~~
- 4 DEDICATED PETROLEUM".

- 5 Page 4, line 22, strike "NONFLEXIBLE" and substitute "DEDICATED
- 6 PETROLEUM".

- 7 Page 5, line 2, strike "NONFLEXIBLE" and substitute "DEDICATED
- 8 PETROLEUM".

- 9 Page 5, line 7, strike "NONFLEXIBLE" and substitute "DEDICATED
- 10 PETROLEUM".

- 11 Page 5, line 13, strike "NONFLEXIBLE" and substitute "DEDICATED
- 12 PETROLEUM".

** ** ** ** **

First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

DRAFT
9.6.12

BILL 4

Temporary storage location: C:\temp\13-0069_wpd.tmp

LLS NO. 13-0069.01 Chuck Brackney x2295 **INTERIM COMMITTEE BILL**

Transportation Legislation Review Committee

SHORT TITLE: "Vehicle Regis Penalty Statement Repeal Spec Plates"

A BILL FOR AN ACT

101 **CONCERNING VEHICLE REGISTRATION.**

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 makes the statement on the notice of vehicle registration regarding the penalty for failure to register a vehicle consistent with the actual statutory penalty. The bill also repeals the statutory provisions for 2 retired special license plates.

*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, 42-3-113, **amend** (2)
3 (d) (III), (2) (e), and (3) as follows:

4 **42-3-113. Records of application and registration.** (2) The
5 department, upon registering a vehicle, shall issue to the owner a
6 registration card, which shall contain upon its face the following:

7 (d) A notice, in type that is larger than the other information
8 contained on the registration card:

9 (III) That the minimum penalty for such offense is a
10 ~~one-hundred-dollar~~ FIVE-HUNDRED-DOLLAR fine;

11 (e) A notice that Colorado law provides for a ~~thirty-day~~
12 ONE-MONTH grace period after a registration is due for renewal;

13 (3) A notice for renewal of registration shall include a notice, in
14 type that is larger than the other information contained in the notice, that
15 specifies that motor vehicle insurance coverage is compulsory in
16 Colorado, that noncompliance is a misdemeanor traffic offense, that the
17 minimum penalty for such offense is a ~~one-hundred-dollar~~
18 FIVE-HUNDRED-DOLLAR fine, and that the maximum penalty for such
19 offense is one year's imprisonment and a one-thousand-dollar fine.

20 **SECTION 2.** In Colorado Revised Statutes, **repeal** 42-3-215 as
21 follows:

22 **42-3-215. Special plates - United States olympic committee -**
23 **retirement.** (1) ~~The department shall issue one or more sets of olympic~~
24 ~~committee special license plates to applicants under this section for~~
25 ~~passenger cars or trucks that do not exceed sixteen thousand pounds~~
26 ~~empty weight.~~

1 ~~(2) (a) There is hereby established the United States olympic~~
2 ~~committee special license plate. The department may begin issuance of~~
3 ~~such license plate when the United States olympic committee has~~
4 ~~commitments for license plate purchases from at least five hundred~~
5 ~~persons and provides a list of the names and addresses of such persons to~~
6 ~~the department.~~

7 ~~(b) The United States olympic committee is responsible for the~~
8 ~~costs of designing the United States olympic committee special license~~
9 ~~plate and shall pay such costs before the license plate is produced. The~~
10 ~~design for the special license plate shall conform with standards~~
11 ~~established by the department and shall be approved by the department.~~

12 ~~(3) (a) A person may apply for an olympic committee special~~
13 ~~license plate for a motor vehicle if the person pays the taxes and fees~~
14 ~~required under this section and provides the department or authorized~~
15 ~~agent a certificate issued by the committee confirming that such person~~
16 ~~meets the qualifications for the license plate established by the committee~~
17 ~~pursuant to paragraph (b) of this subsection (3). The department shall~~
18 ~~prepare a certificate form to be used by the committee when confirming~~
19 ~~that a person is eligible to obtain olympic committee special license~~
20 ~~plates.~~

21 ~~(b) The committee may establish the following qualifications for~~
22 ~~persons seeking to obtain special license plates under this section:~~

23 ~~(I) Specified levels of contributions to the United States olympic~~
24 ~~committee; or~~

25 ~~(II) Payment of specified dues, including special dues established~~
26 ~~for the special license plates. If the olympic committee collects special~~
27 ~~dues for special license plates, the moneys may be expended only for~~

1 support of the United States olympic committee program.

2 (4) (a) ~~The amount of the taxes and fees for olympic committee~~
3 ~~special license plates under this section is the same as the amount of the~~
4 ~~taxes and fees specified for regular motor vehicle license plates plus a~~
5 ~~one-time fee of twenty-five dollars for each motor vehicle for issuance or~~
6 ~~replacement of such license plates. The department shall transmit the~~
7 ~~additional one-time fee to the state treasurer, who shall credit the fee to~~
8 ~~the highway users tax fund for allocation and expenditure as specified in~~
9 ~~section 43-4-205 (5.5) (b), C.R.S.~~

10 (b) ~~An applicant may apply for personalized olympic committee~~
11 ~~special license plates. Upon payment of the additional fee required by~~
12 ~~section 42-3-211 (6) (a) for personalized license plates, the department~~
13 ~~may issue such plates if the applicant complies with section 42-3-211. If~~
14 ~~an applicant has existing personalized license plates for a motor vehicle,~~
15 ~~the applicant may transfer the combination of letters or numbers to a new~~
16 ~~set of special license plates for the vehicle upon paying the fee imposed~~
17 ~~by section 42-3-211 (6) (a) and upon turning such existing plates in to the~~
18 ~~department as required by the department. A person who has obtained~~
19 ~~personalized olympic committee special license plates under this~~
20 ~~paragraph (b) is required to pay the annual fee imposed by section~~
21 ~~42-3-211 (6) (b) for renewal of such personalized plates. The fees under~~
22 ~~this paragraph (b) are in addition to all other taxes and fees imposed for~~
23 ~~the special license plates.~~

24 (5) ~~Special license plates issued under this section shall be~~
25 ~~renewed in the same manner as other license plates under section~~
26 ~~42-3-113 or, for personalized plates, under section 42-3-211.~~

27 (6) ~~For the purposes of this section, "committee" means the~~

1 ~~United States olympic committee:~~

2 ~~(7) The special license plates authorized by this section shall be~~
3 ~~retired unless such plates have been issued for at least three thousand~~
4 ~~vehicles by July 1, 2007.~~

5 **SECTION 3.** In Colorado Revised Statutes, **repeal** 42-3-216 as
6 follows:

7 **42-3-216. Special plates - Colorado foundation for agriculture**
8 **and natural resources - definitions - retirement.** ~~(1) For the purposes~~
9 ~~of this section:~~

10 ~~(a) "Foundation" means the Colorado foundation for agriculture.~~

11 ~~(b) "Special license plate" means the special agriculture and~~
12 ~~natural resources license plate.~~

13 ~~(2) The department shall issue one or more sets of special license~~
14 ~~plates to applicants under this section for passenger cars or trucks that do~~
15 ~~not exceed sixteen thousand pounds empty weight.~~

16 ~~(3) (a) There is hereby established the special agriculture and~~
17 ~~natural resources license plate. The department may begin issuance of~~
18 ~~such special license plate when the foundation has commitments for~~
19 ~~special license plate purchases for at least two hundred fifty special~~
20 ~~license plates and provides a list of the names and addresses of persons~~
21 ~~purchasing such plates to the department.~~

22 ~~(b) The foundation is responsible for the costs of designing the~~
23 ~~special license plate and shall pay such costs before the license plate is~~
24 ~~produced. The design for the special license plate shall conform with~~
25 ~~standards established by the department and shall be approved by the~~
26 ~~department.~~

27 ~~(4) (a) A person may apply for a special license plate for a motor~~

1 ~~vehicle if the person pays the taxes and fees required under this section~~
2 ~~and provides a certificate, issued by the foundation, confirming that such~~
3 ~~person meets the qualifications for the license plate established by the~~
4 ~~foundation pursuant to paragraph (b) of this subsection (4). The~~
5 ~~department shall prepare a certificate form to be used by the foundation~~
6 ~~when confirming that a person is eligible to obtain a special license plate.~~

7 (b) ~~The foundation may establish the following qualifications for~~
8 ~~persons seeking to obtain special license plates under this section:~~

9 (i) ~~Specified levels of contributions to the foundation; or~~

10 (ii) ~~Payment of specified special dues established for the special~~
11 ~~license plates. If the foundation collects special dues for special license~~
12 ~~plates, the moneys shall be expended only for support of the foundation's~~
13 ~~programs.~~

14 (5) (a) ~~The amount of the taxes and fees for special license plates~~
15 ~~under this section is the same as the amount of the taxes and fees~~
16 ~~specified for regular motor vehicle license plates plus a one-time fee of~~
17 ~~twenty-five dollars for each motor vehicle for issuing or replacing such~~
18 ~~license plates. The department shall transmit the additional one-time fee~~
19 ~~to the state treasurer, who shall credit the same to the highway users tax~~
20 ~~fund for allocation and expenditure as specified in section 43-4-205 (5.5)~~

21 ~~(b), C.R.S.~~

22 (b) ~~An applicant may apply for personalized special license plates.~~
23 ~~Upon payment of the additional fee required by section 42-3-211 (6) (a)~~
24 ~~for personalized license plates, the department may issue such plates if~~
25 ~~the applicant complies with section 42-3-211. If any applicant has~~
26 ~~existing personalized license plates for a motor vehicle, the applicant may~~
27 ~~transfer the combination of letters or numbers to a new set of special~~

1 ~~license plates for the vehicle upon paying the fee imposed by section~~
2 ~~42-3-211 (6) (a) and upon turning such existing plates in to the~~
3 ~~department as required by the department. Any person who has obtained~~
4 ~~personalized special license plates under this paragraph (b) is required to~~
5 ~~pay the annual fee imposed by section 42-3-211 (6) (b) for renewal of~~
6 ~~such personalized plates. The fees under this paragraph (b) are in addition~~
7 ~~to all other taxes and fees imposed for the special license plates.~~

8 ~~(6) Special license plates issued under this section shall be~~
9 ~~renewed in the same manner as other license plates under section~~
10 ~~42-3-113 or, for personalized plates, under section 42-3-211.~~

11 ~~(7) The special license plates authorized by this section shall be~~
12 ~~retired unless such plates have been issued for at least three thousand~~
13 ~~vehicles by March 1, 2008.~~

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

jFirst Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

DRAFT
9.6.12

BILL 5

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LLS NO. 13-0070 Richard Sweetman x4333

INTERIM COMMITTEE BILL

Transportation Legislation Review Committee

SHORT TITLE: "Penalty For DUI Involving Marijuana"

A BILL FOR AN ACT

101 CONCERNING PENALTIES FOR PERSONS WHO DRIVE WHILE UNDER THE
102 INFLUENCE OF ALCOHOL OR DRUGS.

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 existing definition of "DUI per se" is expanded to include driving when the driver's blood contains 5 nanograms or more of delta 9-tetrahydrocannabinol per milliliter in whole blood.

Under current law, in any prosecution for vehicular homicide or

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

vehicular assault, if at the time of the commission of the alleged offense, or within a reasonable time thereafter, as shown by analysis of the defendant's blood or breath, there was 0.08 or more grams of alcohol per 100 milliliters of blood, or if there was at such time 0.08 or more grams of alcohol per 210 liters of breath, it is presumed that the defendant was under the influence of alcohol. The bill removes this presumption and states instead that such fact gives rise to a "permissible inference" that the defendant was under the influence of alcohol.

The bill removes statutory instances of the term "habitual user".

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 (27.5) as follows:

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

6 (27.5) (a) "DUI per se" means driving with a BAC of 0.08 or
7 more, ~~and~~ IN WHICH CASE use of the term shall incorporate by reference
8 the offense described in section 42-4-1301 (2) (a); OR

9 (b) DRIVING WHEN THE DRIVER'S BLOOD CONTAINS FIVE
10 NANOGRAMS OR MORE OF DELTA 9-TETRAHYDROCANNABINOL PER
11 MILLILITER IN WHOLE BLOOD, IN WHICH CASE USE OF THE TERM SHALL
12 INCORPORATE BY REFERENCE THE OFFENSE DESCRIBED IN SECTION
13 42-4-1301 (2) (a.3).

14 **SECTION 2.** In Colorado Revised Statutes, 42-4-1301, **amend**
15 (1) (d), (2) (b), (2) (c), (4), and (6) (e); **repeal** (1) (c); and **add** (2) (a.3)
16 as follows:

17 **42-4-1301. Driving under the influence - driving while**
18 **impaired - driving with excessive alcoholic content - definitions -**
19 **penalties.** (1) (c) ~~It is a misdemeanor for any person who is an habitual~~
20 ~~user of any controlled substance defined in section 18-18-102 (5), C.R.S.,~~

1 ~~to drive a motor vehicle, vehicle, or low-power scooter in this state.~~

2 (d) ~~For the purposes of this subsection (1), AS USED IN THIS~~
3 ~~SECTION, one or more drugs shall mean all substances defined as a MEANS~~
4 ~~ANY drug, AS DEFINED in section 27-80-203 (13), C.R.S., and all~~
5 ~~controlled substances~~ ANY CONTROLLED SUBSTANCE, AS defined in
6 section 18-18-102 (5), C.R.S., and ~~glue-sniffing, aerosol inhalation, and~~
7 ~~the inhalation of~~ any INHALED GLUE, AEROSOL, OR other toxic vapor or
8 vapors, AS DEFINED IN SECTION 18-18-412, C.R.S.

9 (2) (a.3) IT IS A MISDEMEANOR FOR ANY PERSON TO DRIVE A
10 MOTOR VEHICLE OR VEHICLE WHEN THE PERSON'S BLOOD CONTAINS FIVE
11 NANOGRAMS OR MORE OF DELTA 9-TETRAHYDROCANNABINOL AT THE
12 TIME OF DRIVING OR WITHIN TWO HOURS AFTER DRIVING. DURING A TRIAL,
13 IF THE STATE'S EVIDENCE RAISES THE ISSUE, OR IF A DEFENDANT PRESENTS
14 SOME CREDIBLE EVIDENCE, THAT THE DEFENDANT CONSUMED A
15 SUBSTANCE CONTAINING DELTA 9-TETRAHYDROCANNABINOL BETWEEN
16 THE TIME THAT THE DEFENDANT STOPPED DRIVING AND THE TIME THAT
17 TESTING OCCURRED, SUCH ISSUE IS AN AFFIRMATIVE DEFENSE, AND THE
18 PROSECUTION MUST ESTABLISH BEYOND A REASONABLE DOUBT THAT THE
19 MINIMUM FIVE NANOGRAMS OF DELTA 9-TETRAHYDROCANNABINOL
20 REQUIRED IN THIS PARAGRAPH (a.3) WAS REACHED AS A RESULT OF
21 CONSUMPTION BY THE DEFENDANT BEFORE THE DEFENDANT STOPPED
22 DRIVING.

23 (b) In any prosecution for the offense of DUI per se, the defendant
24 shall be entitled to offer direct and circumstantial evidence to show that
25 there is a disparity between what ~~the~~ ANY tests show and other facts so
26 that the trier of fact could infer that the tests were in some way defective
27 or inaccurate. Such evidence may include testimony of nonexpert

1 witnesses relating to the absence of any or all of the common symptoms
2 or signs of intoxication for the purpose of impeachment of the accuracy
3 of the analysis of the person's blood or breath.

4 (c) Pursuant to section 16-2-106, C.R.S., in charging the offense
5 of DUI per se, it shall be sufficient to describe the offense charged as
6 "drove a vehicle with excessive alcohol content" OR "DROVE A VEHICLE
7 WITH EXCESSIVE THC CONTENT".

8 (4) No court shall accept a plea of guilty to a non-alcohol-related
9 or non-drug-related traffic offense or guilty to the offense of UDD from
10 a person charged with DUI OR DUI per se; ~~or habitual user~~; except that
11 the court may accept a plea of guilty to a non-alcohol-related or
12 non-drug-related traffic offense or to UDD upon a good faith
13 representation by the prosecuting attorney that the attorney could not
14 establish a prima facie case if the defendant were brought to trial on the
15 original alcohol-related or drug-related offense.

16 (6)(e) **Involuntary blood test - admissibility.** Evidence acquired
17 through an involuntary blood test pursuant to section 42-4-1301.1 (3)
18 shall be admissible in any prosecution for DUI, DUI per se, DWAI,
19 ~~habitual user~~; or UDD, and in any prosecution for criminally negligent
20 homicide pursuant to section 18-3-105, C.R.S., vehicular homicide
21 pursuant to section 18-3-106 (1) (b), C.R.S., assault in the third degree
22 pursuant to section 18-3-204, C.R.S., or vehicular assault pursuant to
23 section 18-3-205 (1) (b), C.R.S.

24 **SECTION 3.** In Colorado Revised Statutes, 18-3-106, **amend** (1)
25 (b) (II), (2) introductory portion, and (2) (c) as follows:

26 **18-3-106. Vehicular homicide.** (1) (b) (II) For the purposes of
27 this subsection (1), one or more drugs ~~shall mean all substances defined~~

1 ~~as a~~ MEANS ANY drug, AS DEFINED in section 27-80-203 (13), C.R.S., and
2 ~~all controlled substances~~ ANY CONTROLLED SUBSTANCE, AS defined in
3 section 18-18-102 (5), and ~~glue-sniffing, aerosol inhalation, or the~~
4 ~~inhalation~~ of any INHALED GLUE, AEROSOL, OR other toxic vapor or
5 vapors, as defined in section 18-18-412.

6 (2) In any prosecution for a violation of subsection (1) of this
7 section, the amount of alcohol in the defendant's blood or breath at the
8 time of the commission of the alleged offense, or within a reasonable time
9 thereafter, as shown by analysis of the defendant's blood or breath, ~~shall~~
10 ~~give~~ GIVES rise to the following presumptions:

11 (c) If there was at such time 0.08 or more grams of alcohol per
12 one hundred milliliters of blood, or if there was at such time 0.08 or more
13 grams of alcohol per two hundred ten liters of breath, ~~it shall be presumed~~
14 SUCH FACT GIVES RISE TO THE PERMISSIBLE INFERENCE that the defendant
15 was under the influence of alcohol.

16 **SECTION 4.** In Colorado Revised Statutes, 18-3-205, **amend** (1)
17 (b) (II), (2) introductory portion, and (2) (c) as follows:

18 **18-3-205. Vehicular assault.** (1) (b) (II) For the purposes of this
19 subsection (1), one or more drugs ~~shall mean all substances defined as a~~
20 MEANS ANY drug, AS DEFINED in section 27-80-203 (13), C.R.S., and ~~all~~
21 ~~controlled substances~~ ANY CONTROLLED SUBSTANCE, AS defined in
22 section 18-18-102 (5), and ~~glue-sniffing, aerosol inhalation, or the~~
23 ~~inhalation~~ of any INHALED GLUE, AEROSOL, OR other toxic vapor or
24 vapors, as defined in section 18-18-412.

25 (2) In any prosecution for a violation of subsection (1) of this
26 section, the amount of alcohol in the defendant's blood or breath at the
27 time of the commission of the alleged offense, or within a reasonable time

1 thereafter, as shown by analysis of the defendant's blood or breath, shall
2 ~~give~~ GIVES rise to the following presumptions:

3 (c) If there was at such time 0.08 or more grams of alcohol per
4 one hundred milliliters of blood, or if there was at such time 0.08 or more
5 grams of alcohol per two hundred ten liters of breath, it shall be presumed
6 SUCH FACT GIVES RISE TO THE PERMISSIBLE INFERENCE that the defendant
7 was under the influence of alcohol.

8 **SECTION 5.** In Colorado Revised Statutes, 42-1-102, **repeal**
9 (41.7).

10 **SECTION 6.** In Colorado Revised Statutes, 42-2-121, **amend** (2)
11 (b) and (5) (a) (III) as follows:

12 **42-2-121. Records to be kept by department - admission of**
13 **records in court.** (2) (b) The department shall also keep a separate file
14 of all abstracts of court records of dismissals of DUI, DUI per se, DWAI,
15 ~~habitual user~~, and UDD charges and all abstracts of records in cases
16 where the original charges were for DUI, DUI per se, DWAI, habitual
17 user, and UDD and the convictions were for nonalcohol- or
18 nondrug-related traffic offenses. This file shall be made available only to
19 criminal justice agencies, as defined in section 24-72-302 (3), C.R.S.

20 (5) (a) Upon application by a person, the department shall
21 expunge all records concerning a conviction of a person for UDD with a
22 BAC of at least 0.02 but not more than 0.05 and any records concerning
23 an administrative determination resulting in a revocation under section
24 42-2-126 (3) (b) or (3) (e) if:

25 (III) The person has not been convicted for any other DUI, DUI
26 per se, DWAI, ~~habitual user~~, or UDD offense that was committed while
27 such person was under twenty-one years of age and is not subject to any

1 other administrative determination resulting in a revocation under section
2 42-2-126 for any other occurrence while such person was under
3 twenty-one years of age;

4 **SECTION 7.** In Colorado Revised Statutes, **amend** 42-2-129 as
5 follows:

6 **42-2-129. Mandatory surrender of license or permit for**
7 **driving under the influence or with excessive alcoholic content.**

8 Upon a plea of guilty or nolo contendere, or a verdict of guilty by the
9 court or a jury, to DUI, OR DUI per se, ~~or habitual user,~~ or, for a person
10 under twenty-one years of age, to DUI, DUI per se, DWAI, ~~habitual user,~~
11 or UDD, the court shall require the offender to immediately surrender the
12 offender's driver's, minor driver's, or temporary driver's license or
13 instruction permit to the court. The court shall forward to the department
14 a notice of plea or verdict, on the form prescribed by the department,
15 together with the offender's license or permit, not later than ten days after
16 the surrender of the license or permit. Any person who does not
17 immediately surrender the license or permit to the court, except for good
18 cause shown, commits a class 2 misdemeanor traffic offense.

19 **SECTION 8.** In Colorado Revised Statutes, 42-2-125, **amend** (1)
20 (b), (1) (g) (I), (1) (g) (II), and (1) (i) as follows:

21 **42-2-125. Mandatory revocation of license and permit.** (1) The
22 department shall immediately revoke the license or permit of any driver
23 or minor driver upon receiving a record showing that such driver has:

24 (b) Been convicted of driving a motor vehicle while under the
25 influence of a controlled substance, as defined in section 18-18-102 (5),
26 C.R.S.; ~~or while an habitual user of such a controlled substance;~~

27 (g) (I) Been twice convicted of any combination of DUI, DUI per

1 se, OR DWAI or ~~habitual user~~ for acts committed within a period of five
2 years;

3 (II) In the case of a minor driver, been convicted of DUI, DUI per
4 se, OR DWAI or ~~habitual user~~ committed while such driver was under
5 twenty-one years of age;

6 (i) Been convicted of DUI, DUI per se, OR DWAI or ~~habitual user~~
7 and has two previous convictions of any of such offenses. The license of
8 any driver shall be revoked for an indefinite period and shall only be
9 reissued upon proof to the department that said driver has completed a
10 level II alcohol and drug education and treatment program certified by the
11 unit in the department of human services that administers behavioral
12 health programs and services, including those related to mental health and
13 substance abuse, pursuant to section 42-4-1301.3 and that said driver has
14 demonstrated knowledge of the laws and driving ability through the
15 regular motor vehicle testing process. In no event shall such license be
16 reissued in less than two years.

17 **SECTION 9.** In Colorado Revised Statutes, 42-2-127, **amend** (1)
18 (a) and (6) (b); and **repeal** (5) (b) (II) as follows:

19 **42-2-127. Authority to suspend license - to deny license - type**
20 **of conviction - points.** (1) (a) Except as provided in paragraph (b) of
21 subsection (8) of this section, the department has the authority to suspend
22 the license of any driver who, in accordance with the schedule of points
23 set forth in this section, has been convicted of traffic violations resulting
24 in the accumulation of twelve points or more within any twelve
25 consecutive months or eighteen points or more within any twenty-four
26 consecutive months, or, in the case of a minor driver eighteen years of age
27 or older, who has accumulated nine points or more within any twelve

1 consecutive months, or twelve points or more within any twenty-four
2 consecutive months, or fourteen points or more for violations occurring
3 after reaching the age of eighteen years, or, in the case of a minor driver
4 under the age of eighteen years, who has accumulated more than five
5 points within any twelve consecutive months or more than six points for
6 violations occurring prior to reaching the age of eighteen years; except
7 that the accumulation of points causing the subjection to suspension of
8 the license of a chauffeur who, in the course of employment, has as a
9 principal duty the operation of a motor vehicle shall be sixteen points in
10 one year, twenty-four points in two years, or twenty-eight points in four
11 years, if all the points are accumulated while said chauffeur is in the
12 course of employment. Any provision of this section to the contrary
13 notwithstanding, the license of a chauffeur who is convicted of DUI, DUI
14 per se, DWAI, ~~habitual user~~, UDD, or leaving the scene of an accident
15 shall be suspended in the same manner as if the offense occurred outside
16 the course of employment. Whenever a minor driver under the age of
17 eighteen years receives a summons for a traffic violation, the minor's
18 parent or legal guardian or, if the minor is without parents or guardian,
19 the person who signed the minor driver's application for a license shall
20 immediately be notified by the court from which the summons was
21 issued.

22 (5) Point system schedule:

23	Type of conviction	Points
24	(b) (II) Habitual user	12

25 (6) (b) For the purposes of this article, a plea of no contest
26 accepted by the court or the forfeiture of any bail or collateral deposited
27 to secure a defendant's appearance in court or the failure to appear in

1 court by a defendant charged with DUI, DUI per se, ~~habitual user~~, or
2 UDD who has been issued a summons and notice to appear pursuant to
3 section 42-4-1707 as evidenced by records forwarded to the department
4 in accordance with the provisions of section 42-2-124 shall be considered
5 as a conviction.

6 **SECTION 10.** In Colorado Revised Statutes, 42-2-132, **amend**
7 (2) (a) (III) and (2) (a) (IV) as follows:

8 **42-2-132. Period of suspension or revocation.** (2) (a) (III) In the
9 case of a minor driver whose license has been revoked as a result of one
10 conviction for DUI, DUI per se, DWAI, ~~habitual user~~, or UDD, the minor
11 driver, unless otherwise required after an evaluation made pursuant to
12 section 42-4-1301.3, must complete a level I alcohol and drug education
13 program certified by the unit in the department of human services that
14 administers behavioral health programs and services, including those
15 related to mental health and substance abuse.

16 (IV) Any person whose license or privilege to drive a motor
17 vehicle on the public highways has been revoked under section 42-2-125
18 (1) (g) (I) or (1) (i) or 42-2-203 where the revocation was due in part to
19 a DUI, DUI per se, OR DWAI or ~~habitual user~~ conviction shall be
20 required to present an affidavit stating that the person has obtained at the
21 person's own expense a signed lease agreement for the installation and
22 use of an approved ignition interlock device, as defined in section
23 42-2-132.5 (9) (a), in each motor vehicle on which the person's name
24 appears on the registration and any other vehicle that the person may
25 drive during the period of the interlock-restricted license.

26 **SECTION 11.** In Colorado Revised Statutes, 42-2-132.5, **amend**
27 (1) (a), (1) (c), and (4) (c) as follows:

1 **42-2-132.5. Mandatory and voluntary restricted licenses**
2 **following alcohol convictions - rules. (1) Persons required to hold an**
3 **interlock-restricted license.** The following persons shall be required to
4 hold an interlock-restricted license pursuant to this section for at least one
5 year following reinstatement prior to being eligible to obtain any other
6 driver's license issued under this article:

7 (a) A person whose privilege to drive was revoked for multiple
8 convictions for any combination of a DUI, DUI per se, OR DWAI or
9 ~~habitual user~~ pursuant to section 42-2-125 (1) (g) (I) or (1) (i);

10 (c) A person whose privilege to drive was revoked as an habitual
11 offender under section 42-2-203 in which the revocation was due in part
12 to a DUI, DUI per se, OR DWAI or ~~habitual user~~ conviction; or

13 (4) **Persons who may acquire an interlock-restricted license**
14 **prior to serving a full-term revocation.** (c) In order to be eligible for
15 early reinstatement pursuant to this subsection (4), a person who has been
16 designated an habitual offender under the provisions of section 42-2-202
17 must have at least one conviction for DUI, DUI per se, OR DWAI or
18 ~~habitual user~~ under section 42-4-1301, and no contributing violations
19 other than violations for driving under restraint under section 42-2-138
20 or reckless driving under section 42-4-1401.

21 **SECTION 12.** In Colorado Revised Statutes, 42-2-138, **amend**
22 (1) (a), (1) (d) (I), and (1) (d) (II) as follows:

23 **42-2-138. Driving under restraint - penalty.** (1) (a) Any person
24 who drives a motor vehicle or off-highway vehicle upon any highway of
25 this state with knowledge that the person's license or privilege to drive,
26 either as a resident or a nonresident, is under restraint for any reason other
27 than conviction of DUI, DUI per se, DWAI, ~~habitual user~~, or UDD is

1 guilty of a misdemeanor. A court may sentence a person convicted of this
2 misdemeanor to imprisonment in the county jail for a period of not more
3 than six months and may impose a fine of not more than five hundred
4 dollars.

5 (d) (I) A person who drives a motor vehicle or off-highway
6 vehicle upon any highway of this state with knowledge that the person's
7 license or privilege to drive, either as a resident or nonresident, is
8 restrained under section 42-2-126 (3), is restrained solely or partially
9 because of a conviction of DUI, DUI per se, DWAI, ~~habitual user~~, or
10 UDD, or is restrained in another state solely or partially because of an
11 alcohol-related driving offense is guilty of a misdemeanor and, upon
12 conviction thereof, shall be punished by imprisonment in the county jail
13 for not less than thirty days nor more than one year and, in the discretion
14 of the court, by a fine of not less than five hundred dollars nor more than
15 one thousand dollars. Upon a second or subsequent conviction, the person
16 shall be punished by imprisonment in the county jail for not less than
17 ninety days nor more than two years and, in the discretion of the court, by
18 a fine of not less than five hundred dollars nor more than three thousand
19 dollars. The minimum county jail sentence imposed by this subparagraph
20 (I) shall be mandatory, and the court shall not grant probation or a
21 suspended sentence thereof; but, in a case where the defendant is
22 convicted although the defendant established that he or she had to drive
23 the motor vehicle in violation of this subparagraph (I) because of an
24 emergency, the mandatory jail sentence, if any, shall not apply, and, for
25 a first conviction, the court may impose a sentence of imprisonment in the
26 county jail for a period of not more than one year and, in the discretion of
27 the court, a fine of not more than one thousand dollars, and, for a second

1 or subsequent conviction, the court may impose a sentence of
2 imprisonment in the county jail for a period of not more than two years
3 and, in the discretion of the court, a fine of not more than three thousand
4 dollars.

5 (II) In any trial for a violation of subparagraph (I) of this
6 paragraph (d), a duly authenticated copy of the record of the defendant's
7 former convictions and judgments for DUI, DUI per se, DWAI, ~~habitual~~
8 ~~user~~, or UDD or an alcohol-related offense committed in another state
9 from any court of record or a certified copy of the record of any denial or
10 revocation of the defendant's driving privilege under section 42-2-126 (3)
11 from the department shall be prima facie evidence of the convictions,
12 judgments, denials, or revocations and may be used in evidence against
13 the defendant. Identification photographs and fingerprints that are part of
14 the record of the former convictions, judgments, denials, or revocations
15 and the defendant's incarceration after sentencing for any of the former
16 convictions, judgments, denials, or revocations shall be prima facie
17 evidence of the identity of the defendant and may be used in evidence
18 against the defendant.

19 **SECTION 13.** In Colorado Revised Statutes, 42-2-202, **amend**
20 (2) (a) (I) as follows:

21 **42-2-202. Habitual offenders - frequency and type of**
22 **violations.** (2) (a) An habitual offender is a person having three or more
23 convictions of any of the following separate and distinct offenses arising
24 out of separate acts committed within a period of seven years:

25 (I) DUI, DUI per se, OR DWAI; ~~or habitual user;~~

26 **SECTION 14.** In Colorado Revised Statutes, 42-2-405, **amend**
27 (3) (a) as follows:

1 **42-2-405. Driver's license disciplinary actions - grounds for**
2 **denial - suspension - revocation - disqualification.** (3) For purposes of
3 the imposition of restraints and sanctions against commercial driving
4 privileges:

5 (a) A conviction for DUI, DUI per se, OR DWAI, ~~or habitual user,~~
6 or a substantially similar law of any other state pertaining to drinking and
7 driving, or an administrative determination of a violation of section
8 42-2-126 (3) (a) or (3) (b) shall be deemed driving under the influence;
9 and

10 **SECTION 15.** In Colorado Revised Statutes, 42-4-1301.1,
11 **amend** (2) (a) (I) and (2) (b) (I) as follows:

12 **42-4-1301.1. Expressed consent for the taking of blood, breath,**
13 **urine, or saliva sample - testing.** (2) (a) (I) A person who drives a
14 motor vehicle upon the streets and highways and elsewhere throughout
15 this state shall be required to take and complete, and to cooperate in the
16 taking and completing of, any test or tests of the person's breath or blood
17 for the purpose of determining the alcoholic content of the person's blood
18 or breath when so requested and directed by a law enforcement officer
19 having probable cause to believe that the person was driving a motor
20 vehicle in violation of the prohibitions against DUI, DUI per se, DWAI,
21 ~~habitual user,~~ or UDD. Except as otherwise provided in this section, if a
22 person who is twenty-one years of age or older requests that the test be a
23 blood test, then the test shall be of his or her blood; but, if the person
24 requests that a specimen of his or her blood not be drawn, then a
25 specimen of the person's breath shall be obtained and tested. A person
26 who is under twenty-one years of age shall be entitled to request a blood
27 test unless the alleged violation is UDD, in which case a specimen of the

1 person's breath shall be obtained and tested, except as provided in
2 subparagraph (II) of this paragraph (a).

3 (b) (I) Any person who drives any motor vehicle upon the streets
4 and highways and elsewhere throughout this state shall be required to
5 submit to and to complete, and to cooperate in the completing of, a test
6 or tests of such person's blood, saliva, and urine for the purpose of
7 determining the drug content within the person's system when so
8 requested and directed by a law enforcement officer having probable
9 cause to believe that the person was driving a motor vehicle in violation
10 of the prohibitions against DUI, OR DWAI ~~or habitual user~~ and when it
11 is reasonable to require such testing of blood, saliva, and urine to
12 determine whether such person was under the influence of, or impaired
13 by, one or more drugs, or one or more controlled substances, or a
14 combination of both alcohol and one or more drugs, or a combination of
15 both alcohol and one or more controlled substances.

16 **SECTION 16.** In Colorado Revised Statutes, 42-4-1307, **amend**
17 (3) (a) introductory portion, (5) (a) introductory portion, (5) (b)
18 introductory portion, (6) (a) introductory portion, (9) (a), (10) (a), (10)
19 (b), (10) (c), (10) (d) (I), (12), and (13) as follows:

20 **42-4-1307. Penalties for traffic offenses involving alcohol and**
21 **drugs - repeal.** (3) **First offenses - DUI, DUI per se, and habitual**
22 **user.** (a) Except as otherwise provided in subsections (5) and (6) of this
23 section, a person who is convicted of DUI OR DUI per se ~~or habitual user~~
24 shall be punished by:

25 (5) **Second offenses.** (a) Except as otherwise provided in
26 subsection (6) of this section, a person who is convicted of DUI, DUI per
27 se, OR DWAI ~~or habitual user~~ who, at the time of sentencing, has a prior

1 conviction of DUI, DUI per se, DWAI, ~~habitual user~~; vehicular homicide
2 pursuant to section 18-3-106 (1) (b), C.R.S., vehicular assault pursuant to
3 section 18-3-205 (1) (b), C.R.S., aggravated driving with a revoked
4 license pursuant to section 42-2-206 (1) (b) (I) (A) or (1) (b) (I) (B), or
5 driving while the person's driver's license was under restraint pursuant to
6 section 42-2-138 (1) (d), shall be punished by:

7 (b) If a person is convicted of DUI, DUI per se, DWAI ~~or habitual~~
8 ~~user~~ and the violation occurred less than five years after the date of a
9 previous violation for which the person was convicted of DUI, DUI per
10 se, DWAI, ~~habitual user~~; vehicular homicide pursuant to section 18-3-106
11 (1) (b), C.R.S., vehicular assault pursuant to section 18-3-205 (1) (b),
12 C.R.S., aggravated driving with a revoked license pursuant to section
13 42-2-206 (1) (b) (I) (A) or (1) (b) (I) (B), or driving while the person's
14 driver's license was under restraint pursuant to section 42-2-138 (1) (d),
15 the court shall not have discretion to employ any sentencing alternatives
16 described in section 18-1.3-106, C.R.S., during the minimum period of
17 imprisonment described in subparagraph (I) of paragraph (a) of this
18 subsection (5); except that a court may allow the person to participate in
19 a program pursuant to section 18-1.3-106 (1) (a) (II), (1) (a) (IV), or (1)
20 (a) (V), C.R.S., only if the program is available through the county in
21 which the person is imprisoned and only for the purpose of:

22 (6) **Third and subsequent offenses.** (a) A person who is
23 convicted of DUI, DUI per se, OR DWAI ~~or habitual user~~ who, at the time
24 of sentencing, has two or more prior convictions of DUI, DUI per se,
25 DWAI, ~~habitual user~~; vehicular homicide pursuant to section 18-3-106 (1)
26 (b), C.R.S., vehicular assault pursuant to section 18-3-205 (1) (b), C.R.S.,
27 aggravated driving with a revoked license pursuant to section 42-2-206

1 (1) (b) (I) (A) or (1) (b) (I) (B), or driving while the person's driver's
2 license was under restraint pursuant to section 42-2-138 (1) (d) shall be
3 punished by:

4 (9) **Previous convictions.** (a) For the purposes of subsections (5)
5 and (6) of this section, a person shall be deemed to have a previous
6 conviction for DUI, DUI per se, DWAI, ~~habitual user~~, vehicular homicide
7 pursuant to section 18-3-106 (1) (b), C.R.S., vehicular assault pursuant to
8 section 18-3-205 (1) (b), C.R.S., aggravated driving with a revoked
9 license pursuant to section 42-2-206 (1) (b) (I) (A) or (1) (b) (I) (B), or
10 driving while the person's driver's license was under restraint pursuant to
11 section 42-2-138 (1) (d), if the person has been convicted under the laws
12 of this state or under the laws of any other state, the United States, or any
13 territory subject to the jurisdiction of the United States, of an act that, if
14 committed within this state, would constitute the offense of DUI, DUI per
15 se, DWAI, ~~habitual user~~, vehicular homicide pursuant to section 18-3-106
16 (1) (b), C.R.S., vehicular assault pursuant to section 18-3-205 (1) (b),
17 C.R.S., aggravated driving with a revoked license pursuant to section
18 42-2-206 (1) (b) (I) (A) or (1) (b) (I) (B), or driving while the person's
19 driver's license was under restraint pursuant to section 42-2-138 (1) (d).

20 (10) **Additional costs and surcharges.** In addition to the
21 penalties prescribed in this section:

22 (a) Persons convicted of DUI, DUI per se, DWAI, ~~habitual user~~,
23 and UDD are subject to the costs imposed by section 24-4.1-119 (1) (c),
24 C.R.S., relating to the crime victim compensation fund;

25 (b) Persons convicted of DUI, DUI per se, AND DWAI and
26 ~~habitual user~~ are subject to a surcharge of at least one hundred dollars but
27 no more than five hundred dollars to fund programs to reduce the number

1 of persistent drunk drivers. The surcharge shall be mandatory, and the
2 court shall not have discretion to suspend or waive the surcharge; except
3 that the court may suspend or waive the surcharge if the court determines
4 that a person is indigent. Moneys collected for the surcharge shall be
5 transmitted to the state treasurer, who shall credit the amount collected to
6 the persistent drunk driver cash fund created in section 42-3-303.

7 (c) Persons convicted of DUI, DUI per se, DWAI, ~~habitual user~~,
8 and UDD are subject to a surcharge of twenty dollars to be transmitted to
9 the state treasurer who shall deposit moneys collected for the surcharge
10 in the Colorado traumatic brain injury trust fund created pursuant to
11 section 26-1-309, C.R.S.;

12 (d) (I) Persons convicted of DUI, DUI per se, AND DWAI ~~and~~
13 ~~habitual user~~ are subject to a surcharge of at least one dollar but no more
14 than ten dollars for programs to fund efforts to address alcohol and
15 substance abuse problems among persons in rural areas. The surcharge
16 shall be mandatory, and the court shall not have discretion to suspend or
17 waive the surcharge; except that the court may suspend or waive the
18 surcharge if the court determines that a person is indigent. Any moneys
19 collected for the surcharge shall be transmitted to the state treasurer, who
20 shall credit the same to the rural alcohol and substance abuse cash fund
21 created in section 27-80-117 (3), C.R.S.

22 (12) **Victim impact panels.** In addition to any other penalty
23 provided by law, the court may sentence a person convicted of DUI, DUI
24 per se, DWAI, ~~habitual user~~, or UDD to attend and pay for one
25 appearance at a victim impact panel approved by the court, for which the
26 fee assessed to the person shall not exceed twenty-five dollars.

27 (13) **Alcohol and drug evaluation and supervision costs.** In

1 addition to any fines, fees, or costs levied against a person convicted of
2 DUI, DUI per se, DWAI, ~~habitual user~~, or UDD, the judge shall assess
3 each such person for the cost of the presentence or postsentence alcohol
4 and drug evaluation and supervision services.

5 **SECTION 17.** In Colorado Revised Statutes, 42-4-1702, **amend**
6 (1) as follows:

7 **42-4-1702. Alcohol- or drug-related traffic offenses - collateral**
8 **attack.** (1) Except as otherwise provided in paragraph (b) of this
9 subsection (1), no person against whom a judgment has been entered for
10 DUI, DUI per se, DWAI, ~~habitual user~~, or UDD shall collaterally attack
11 the validity of that judgment unless such attack is commenced within six
12 months after the date of entry of the judgment.

13 **SECTION 18.** In Colorado Revised Statutes, 42-4-1705, **amend**
14 (1) (c) as follows:

15 **42-4-1705. Person arrested to be taken before the proper**
16 **court.** (1) Whenever a person is arrested for any violation of this article
17 punishable as a misdemeanor, the arrested person shall be taken without
18 unnecessary delay before a county judge who has jurisdiction of such
19 offense as provided by law, in any of the following cases:

20 (c) When the person is arrested and charged with DUI, DUI per
21 se, ~~habitual user~~, or UDD;

22 **SECTION 19.** In Colorado Revised Statutes, 42-4-1715, **amend**
23 (1) (b) (II) and (4) (a) (II) as follows:

24 **42-4-1715. Convictions, judgments, and charges recorded -**
25 **public inspection.** (1) (b) (II) Upon receiving a request for
26 expungement, the court may delay consideration of such request until
27 sufficient time has elapsed to ensure that the person is not convicted for

1 any additional offense of DUI, DUI per se, DWAI, ~~habitual user~~, or UDD
2 committed while the person was under twenty-one years of age.

3 (4) (a) Every court of record shall also forward a like report to the
4 department:

5 (II) Upon the dismissal of a charge for DUI, DUI per se, DWAI,
6 ~~habitual user~~, or UDD or if the original charge was for DUI, DUI per se,
7 DWAI, ~~habitual user~~, or UDD and the conviction was for a nonalcohol-
8 or nondrug-related traffic offense.

9 **SECTION 20.** In Colorado Revised Statutes, 42-7-408, **amend**
10 (1) (c) (I) as follows:

11 **42-7-408. Proof of financial responsibility - methods of giving**
12 **proof - duration - exception.** (1) (c) Notwithstanding the three-year
13 requirement in paragraph (b) of this subsection (1):

14 (I) If an insured has been found guilty of DUI, DUI per se, OR
15 DWAI ~~or habitual user~~ or if the insured's license has been revoked
16 pursuant to section 42-2-126, other than a revocation under section
17 42-2-126 (3) (b) or (3) (e), only one time and no accident was involved
18 in such offense, proof of financial responsibility for the future shall be
19 required to be maintained only for as long as the insured's driving
20 privilege is ordered to be under restraint, up to a maximum of three years.
21 The time period for maintaining the future proof of liability insurance
22 shall begin at the time the driver reinstates his or her driving privilege.

23 **SECTION 21.** In Colorado Revised Statutes, 40-10.1-110,
24 **amend** (3) (c) (I) as follows:

25 **40-10.1-110. Criminal history record check.** (3) An individual
26 whose criminal history record is checked pursuant to this section is
27 disqualified and prohibited from driving motor vehicles for the motor

1 carrier described in subsection (1) of this section if the criminal history
2 record check reflects that:

3 (c) Within the two years immediately preceding the date the
4 criminal history record check is completed, the individual was:

5 (I) Convicted in this state of driving under the influence, as
6 defined in section 42-4-1301 (1) (f), C.R.S.; driving with excessive
7 alcoholic content, as described in section 42-4-1301 (2) (a), C.R.S.; OR
8 driving while ability impaired, as defined in section 42-4-1301 (1) (g),
9 C.R.S.; or ~~driving while an habitual user of a controlled substance, as~~
10 ~~described in section 42-4-1301 (1) (c), C.R.S.;~~ or

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

First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

DRAFT
9.7.12

BILL 6

Temporary storage location: C:\temp\13-0071_wpd.tmp

LLS NO. 13-0071.01 Jery Payne x2157

INTERIM COMMITTEE BILL

Transportation Legislation Review Committee

SHORT TITLE: "Ownership Tax Rental Mobile Machinery Electronic"

A BILL FOR AN ACT

101 CONCERNING THE AUTHORIZATION OF OWNERS OF RENTAL SPECIAL
102 MOBILE MACHINERY TO PAY SPECIFIC OWNERSHIP TAX
103 THROUGH AN ELECTRONIC REPORTING PROCESS.

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 directs the department of revenue to set up an electronic system to receive tax reports filed by the owners of rental special mobile machinery. The department will make the reports available to the counties and remit the

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

tax to the counties as if it were paid directly to the counties.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-3-107, **amend**
3 (16) (c) and (16) (d) as follows:

4 **42-3-107. Taxable value of classes of property - rate of tax -**
5 **when and where payable - department duties - apportionment of tax**
6 **collections - definitions - rules.** (16) (c) (I) Upon receiving authorization
7 under paragraph (b) of this subsection (16), the owner shall collect from
8 the user the specific ownership tax in the amount equivalent to two
9 percent of the amount of the rental or lease payment.

10 (II) No later than the twentieth day of each month, the owner shall
11 submit a report, using forms furnished by the department, to the
12 authorized agent in each county where the equipment is used, together
13 with the remittance of the taxes collected for the use in the county for the
14 preceding month. THE OWNER SHALL SIMULTANEOUSLY SUBMIT a copy of
15 each report ~~shall be submitted simultaneously by the owner~~ to the
16 department. THIS SUBPARAGRAPH (II) DOES NOT APPLY WHEN MODIFIED
17 BY SUBPARAGRAPH (III) OF PARAGRAPH (d) OF THIS SUBSECTION (16).

18 (d) (I) ~~Such reports shall be made~~ EXCEPT AS MODIFIED BY
19 SUBPARAGRAPH (III) OF THIS PARAGRAPH (d), THE OWNER SHALL MAKE
20 THE REPORT monthly to the department and to the authorized agent in the
21 county where the equipment is located with a user, even if no specific
22 ownership taxes were collected by the owner in the previous month.

23 (II) Failure to make such ~~reports~~ REPORT in a period of sixty days
24 ~~shall be~~ IS grounds for the termination of ~~such~~ THE owner's right to pay
25 the specific ownership taxes on the owner's Class F personal property in

1 the manner provided under this subsection (16). If the owner fails to remit
2 specific ownership taxes received from a renter or lessee during such
3 sixty-day period, the authorized agent may proceed to collect such THE
4 delinquent taxes in the manner authorized in subsection (21) of this
5 section.

6 (III) THE DEPARTMENT SHALL ALLOW THE OWNER TO FILE THE
7 REPORT ELECTRONICALLY WITH THE DEPARTMENT OF REVENUE EITHER BY
8 ELECTRONIC TRANSMISSION OR BY ELECTRONICALLY READABLE MEDIA AS
9 DETERMINED BY RULE. IF THE FILING IS MADE UNDER THIS SUBPARAGRAPH
10 (III), THE OWNER SHALL PAY THE SPECIFIC OWNERSHIP TAX DIRECTLY TO
11 THE DEPARTMENT OF REVENUE AND NEED NOT FILE WITH OR REMIT
12 PAYMENT TO THE AUTHORIZED AGENT. THE DEPARTMENT SHALL:

13 (A) MAKE THE INFORMATION IN THE REPORT AVAILABLE TO THE
14 AUTHORIZED AGENTS IN THE COUNTIES WHERE THE EQUIPMENT IS RENTED
15 OR USED; AND

16 (B) TRANSMIT THE APPROPRIATE PORTION OF THE COLLECTED TAX
17 TO EACH COUNTY AS REQUIRED BY THIS SECTION AS IF THE REPORT WERE
18 NOT FILED ELECTRONICALLY.

19 **SECTION 2. Act subject to petition - effective date.** This act
20 takes effect at 12:01 a.m. on the day following the expiration of the
21 ninety-day period after final adjournment of the general assembly; except
22 that, if a referendum petition is filed pursuant to section 1 (3) of article V
23 of the state constitution against this act or an item, section, or part of this
24 act within such period, then the act, item, section, or part will not take
25 effect unless approved by the people at the general election to be held in
26 November 2014 and, in such case, will take effect on the date of the
27 official declaration of the vote thereon by the governor.

First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

DRAFT
9.6.12

BILL 8

Temporary storage location: C:\temp\13-0074_wpd.tmp

LLS NO. 13-0074.01 Chuck Brackney x2295

INTERIM COMMITTEE BILL

Transportation Legislation Review Committee

SHORT TITLE: "Repeal Fee Veteran's Identifier Driver's License"

A BILL FOR AN ACT

101 **CONCERNING THE REPEAL OF THE FEE FOR THE BRANCH-OF-SERVICE**
102 **IDENTIFIER ON CARDS ISSUED BY THE DEPARTMENT OF REVENUE.**

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 or state identification card.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-2-114, **repeal** (10)
3 (b) (I) as follows:

4 **42-2-114. License issued - fees - repeal.** (10) (b) (I) ~~To be issued~~
5 ~~a 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 **SECTION 2.** In Colorado Revised Statutes, 42-2-303, **repeal** (4)
12 (b) as follows:

13 **42-2-303. Contents of identification card.** (4) (b) ~~To be issued~~
14 ~~an identification card bearing a branch of service identifier, or to have~~
15 ~~such license renewed, the applicant shall pay a fee of fifteen dollars to the~~
16 ~~department, which shall be in addition to any other fee for an~~
17 ~~identification card. The department shall transfer the fee to the state~~
18 ~~treasurer, who shall credit the fee to the highway users tax fund.~~

19 **SECTION 3. Act subject to petition - effective date.** This act
20 takes effect at 12:01 a.m. on the day following the expiration of the
21 ninety-day period after final adjournment of the general assembly; except
22 that, if a referendum petition is filed pursuant to section 1 (3) of article V
23 of the state constitution against this act or an item, section, or part of this
24 act within such period, then the act, item, section, or part will not take
25 effect unless approved by the people at the general election to be held in

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1 November 2014 and, in such case, will take effect on the date of the
2 official declaration of the vote thereon by the governor.

First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

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9.6.12

BILL 9

Temporary storage location: C:\temp\13-0073_wpd.tmp

LLS NO. 13-0073.01 Jery Payne x2157

INTERIM COMMITTEE BILL

Transportation Legislation Review Committee

SHORT TITLE: "Vehicle Special License Plate Limit"

A BILL FOR AN ACT

101 CONCERNING A LIMIT ON THE TYPES OF SPECIAL LICENSE PLATES
102 ENACTED BY STATUTE.

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 limits the number of alumni, designer, military, or group special license plates to 96.

*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, 42-3-207, **add** (8) as
3 follows:

4 **42-3-207. Special plates - rules - new plates - retirement.** (8) IF
5 THE PASSAGE OF A BILL CREATING A NEW SPECIAL LICENSE PLATE WOULD
6 RESULT IN MORE THAN NINETY-SIX TYPES OF ALUMNI, DESIGNER,
7 MILITARY, OR GROUP SPECIAL LICENSE PLATES, A MEMBER OF THE
8 GENERAL ASSEMBLY SHALL NOT INTRODUCE A BILL OR AMEND THE BILL TO
9 CREATE A NEW ALUMNI, DESIGNER, MILITARY, OR GROUP SPECIAL LICENSE
10 PLATE.

11 **SECTION 2. Act subject to petition - effective date.** This act
12 takes effect at 12:01 a.m. on the day following the expiration of the
13 ninety-day period after final adjournment of the general assembly; except
14 that, if a referendum petition is filed pursuant to section 1 (3) of article V
15 of the state constitution against this act or an item, section, or part of this
16 act within such period, then the act, item, section, or part will not take
17 effect unless approved by the people at the general election to be held in
18 November 2014 and, in such case, will take effect on the date of the
19 official declaration of the vote thereon by the governor.

First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

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LLS NO. 13-0075a.01 Nicole Myers x4326

BILL 10

Transportation Legislation Review Committee

SHORT TITLE: "PUC Oversight Of Rail Fixed Guideway Systems"

A BILL FOR AN ACT

101 **CONCERNING MODIFICATIONS TO THE PUBLIC UTILITY COMMISSION'S**
102 **OVERSIGHT OF RAIL FIXED GUIDEWAY SYSTEM SAFETY.**

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 public utilities commission (commission) is currently required to provide the executive director of the department of revenue with a list of the public utilities subject to its jurisdiction. The bill exempts certain rail fixed guideway systems from inclusion on the list.

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

Current law authorizes the commission to establish an oversight program for the safety and security of rail fixed guideway systems pursuant to the federal "Intermodal Surface Transportation Efficiency Act of 1991". In addition, the bill authorizes the commission to establish the oversight program pursuant to the new federal "Moving Ahead for Progress in the 21st Century Act" (new federal Act).

Current law allows the commission to assess fees to cover its administrative costs in connection with the oversight of rail fixed guideway systems. However, the new federal Act prohibits the commission from fixing fees against any rail fixed guideway system that it regulates. To comply with the new federal Act, the bill eliminates the authority of the commission to assess fees to cover administrative expenses and eliminates the requirement that all fees collected be remitted to the state treasurer and credited to the public utilities commission fixed utility fund. In addition, the bill clarifies that the commission may still expend moneys from the public utilities commission fixed utility fund to cover administrative expenses.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 40-2-109 as
3 follows:

4 **40-2-109. Report to executive director of the department of**
5 **revenue.** On March 1 of each year, the public utilities commission shall
6 furnish the executive director of the department of revenue with a list of
7 those public utilities subject to its jurisdiction, supervision, and regulation
8 on January 1 of each year, excepting those motor carriers subject to the
9 passenger-mile tax imposed by sections 42-3-304 to 42-3-306, C.R.S., but
10 only so long as the cost of regulation of such motor carriers is defrayed
11 from the proceeds of such passenger-mile tax, AND EXCEPTING THOSE
12 RAIL FIXED GUIDEWAY SYSTEMS THAT ARE REGULATED BY THE PUBLIC
13 UTILITIES COMMISSION PURSUANT TO PART 1 OF ARTICLE 18 OF THIS TITLE.

14 **SECTION 2.** In Colorado Revised Statutes, **amend** 40-18-102 as
15 follows:

16 **40-18-102. Rail fixed guideway system safety oversight**

1 **program - commission may establish.** The commission is authorized to
2 establish an oversight program for the safety and security of rail fixed
3 guideway systems in accordance with section 28 of the "Intermodal
4 Surface Transportation Efficiency Act of 1991", 49 U.S.C. sec. 5330 AND
5 THE "MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY ACT", 49
6 U.S.C. SEC. 5329.

7 **SECTION 3.** In Colorado Revised Statutes, **amend** 40-18-105 as
8 follows:

9 **40-18-105. Calculation and assessment of fees.** At each regular
10 session, the general assembly shall determine the amounts to be expended
11 by the commission FROM THE PUBLIC UTILITIES COMMISSION FIXED
12 UTILITY FUND CREATED IN SECTION 40-2-114 for its administrative
13 expenses under this article, including any additional FTE that may be
14 necessary. ~~The commission shall assess fees in amounts that, in the~~
15 ~~aggregate, equal the administrative expenses. Such fees shall be assessed~~
16 ~~against the operators of all rail fixed guideway systems operating within~~
17 ~~the state, and shall be apportioned on the basis of the rail miles of each~~
18 ~~system in proportion to the total rail miles of all systems. All fees~~
19 ~~collected under this section shall be remitted to the state treasurer, who~~
20 ~~shall credit the same to the public utilities commission fixed utility fund~~
21 ~~created pursuant to section 40-2-114.~~

22 **SECTION 4. Act subject to petition - effective date.** This act
23 takes effect at 12:01 a.m. on the day following the expiration of the
24 ninety-day period after final adjournment of the general assembly (August
25 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a
26 referendum petition is filed pursuant to section 1 (3) of article V of the
27 state constitution against this act or an item, section, or part of this act

1 within such period, then the act, item, section, or part will not take effect
2 unless approved by the people at the general election to be held in
3 November 2014 and, in such case, will take effect on the date of the
4 official declaration of the vote thereon by the governor.