

Final
STAFF SUMMARY OF MEETING

TRANSPORTATION LEGISLATION REVIEW COMMITTEE

Date: 11/02/2015

ATTENDANCE

Time: **09:01 AM to 11:04 AM**

Place: RM 271

This Meeting was called to order by
Representative Tyler

This Report was prepared by
Jessika Shipley

Becker J.	X
Buck	X
Carver	X
Cooke	X
Coram	X
Donovan	X
Esgar	X
Kraft-Tharp	X
Melton	*
Mitsch Bush	X
Moreno	X
Neville P.	X
Nordberg	X
Scott	E
Todd	X
Winter	X
Baumgardner	X
Tyler	X

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

Bills Addressed:	Action Taken:
Discussion of Low-income Transit Fares	Witness Testimony and/or Committee Discussion Only
Discussion and Approval of Bill Drafts	Send Bills 1, 2, 3, 5, and 7 forward as committee bills

09:02 AM -- Discussion of Low-income Transit Fares

Representative Tyler welcomed the committee and explained that the committee is allowed to sponsor five bills, but has seven bill drafts. As such, the committee will need to pare it down prior to adjourning. He explained his suggestion for the process for doing so. He also spoke about the afternoon agenda of the Joint Transportation Committee.

09:04 AM

Bill Van Meter and Lacy Bell, representing RTD, came to the table to discuss fares for low-income riders and provided two handouts (Attachment A and Attachment B). Mr. Van Meter talked about a 2016 fare study, the goals of which were:

- simplicity;
- acceptability/marketability;
- affordability;
- achievement of RTD revenue goals to avoid service reductions; and
- integration of 2016 transit line openings.

He explained the new 2016 fare policies, including day passes, stored value cards, reduced fares for seniors, persons with disabilities, Medicare recipients, and students ages 6 through 19. He spoke about the feedback RTD received from the low-income community, which was incorporated into the new fare policy. He responded to questions from the committee about the period a day pass covers.

09:15 AM

Mr. Van Meter turned to a discussion of RTD's nonprofit agency reduced fare program. The program began over 25 years ago and works with nonprofit and government agencies to provide discount fares to low-income individuals. Nonprofit and government agencies are responsible for confirming income eligibility. Mr. Van Meter commented that the 2016 fare policy attempts to simplify administration of the program. He summarized his presentation and indicated that RTD is constantly working together with the low-income community to determine the financial feasibility of implementing a broader-based low-income fare program.

09:21 AM

Committee discussion ensued regarding how many more people would use the transit system if fares were lower. Mr. Van Meter and Ms. Bell spoke about the elasticity built into the model used for the 2016 fare study. Representative Winter asked for more information about the nonprofit program.

09:30 AM

Dace West, representing Mile High Connects, joined the committee to speak about the affordability of transit in the metro Denver area. She discussed the public hearings Mile High Connects facilitated beginning in 2014, which led to a plan for an income-based fare system. She spoke about how things will proceed in 2016, including the possibility of a collaboration with various philanthropic organizations to subsidize the low-income program.

09:38 AM

Ms. Bell, Ms. West, and Mr. Van Meter responded to questions from the committee about the variety of sources from which RTD receives revenue; low-income transit programs in other cities; and the possible mechanism for facilitating the receipt of gifts, grants, and donations by RTD. Ms. West discussed the fundraising efforts currently underway by Mile High Connects.

09:44 AM -- Discussion and Approval of Bill Drafts

Clare Pramuk, representing Legislative Council Staff, explained the fiscal notes process for interim committee bills.

09:46 AM

Representative Mitsch Bush presented Bill 1 concerning I-70 chain laws (Attachment C). She discussed the legislative declaration in the bill draft and spoke about the reasons the bill is necessary. She showed pictures of a recent closure on I-70 that resulted from snow and icy roads. She commented that the bill speaks to public safety. She responded to questions from the committee. Discussion ensued about the fiscal note (Attachment D) and the merits of the bill.

10:02 AM

Discussion continued about specific language in the bill.

10:10 AM

The committee continued discussing the enforcement of the bill. State Trooper Dave Hall, representing the Colorado State Patrol (CSP), came to the table to clarify that the CSP would only pull drivers over pursuant to the bill when snowy and ice-packed conditions exist. Representative Carver suggested an amendment to the bill on page 5, line 1, but the amendment was not offered.

BILL:	Discussion and Approval of Bill Drafts	
TIME:	10:14:55 AM	
MOVED:	Mitsch Bush	
MOTION:	Refer Bill 1 (Attachment C) as a committee bill. The motion passed on a vote of 10-8.	
SECONDED:	Melton	
		VOTE
	Becker J.	No
	Buck	No
	Carver	No
	Cooke	No
	Coram	Yes
	Donovan	Yes
	Esgar	Yes
	Kraft-Tharp	Yes
	Melton	Yes
	Mitsch Bush	Yes
	Moreno	Yes
	Neville P.	No
	Nordberg	No
	Scott	No
	Todd	Yes
	Winter	Yes
	Baumgardner	No
	Tyler	Yes
Final YES: 10 NO: 8 EXC: 0 ABS: 0 FINAL ACTION: PASS		

10:16 AM

Representative Tyler assigned Representatives Mitsch Bush and Rankin as the House sponsors and Senators Todd and Donovan as the Senate sponsors of Bill 1. Representative Carver explained Bill 2 concerning procedures of the Statewide Transportation Advisory Committee (STAC) (Attachment E). She referenced a letter from the STAC chairman, Vince Rogalski, in support of the bill (Attachment F).

BILL:	Discussion and Approval of Bill Drafts	
TIME:	10:20:54 AM	
MOVED:	Buck	
MOTION:	Refer Bill 2 (Attachment E) as a committee bill. The motion passed on a vote of 18-0.	
SECONDED:	Mitsch Bush	
		VOTE
	Becker J.	Yes
	Buck	Yes
	Carver	Yes
	Cooke	Yes
	Coram	Yes
	Donovan	Yes
	Esgar	Yes
	Kraft-Tharp	Yes
	Melton	Yes
	Mitsch Bush	Yes
	Moreno	Yes
	Neville P.	Yes
	Nordberg	Yes
	Scott	Yes
	Todd	Yes
	Winter	Yes
	Baumgardner	Yes
	Tyler	Yes
Final YES: 18 NO: 0 EXC: 0 ABS: 0 FINAL ACTION: PASS		

10:22 AM

Representative Tyler announced that Representatives Carver and Mitsch Bush would be the House sponsors of Bill 2 and Senator Todd would be the Senate sponsor. Representative Carver explained Bill 3 concerning the modification of the membership of the Transportation Commission (Attachment G). She provided the committee with a history of legislation with regards to Transportation Commission district boundaries (Attachment H). She indicated that she would be moving a strike-below amendment to Bill 3 (Attachment I). Discussion ensued about the fiscal impact of the bill with the adoption of amendment #1.

BILL:	Discussion and Approval of Bill Drafts	
TIME:	10:31:02 AM	
MOVED:	Carver	
MOTION:	Adopt amendment #1 (Attachment I) to Bill 3. The motion passed on a vote of 16-2.	
SECONDED:	Nordberg	
		VOTE
	Becker J.	Yes
	Buck	Yes
	Carver	Yes
	Cooke	Yes
	Coram	Yes
	Donovan	Yes
	Esgar	Yes
	Kraft-Tharp	No
	Melton	Yes
	Mitsch Bush	Yes
	Moreno	Yes
	Neville P.	Yes
	Nordberg	Yes
	Scott	Yes
	Todd	Yes
	Winter	Yes
	Baumgardner	Yes
	Tyler	No
YES: 16 NO: 2 EXC: 0 ABS: 0 FINAL ACTION: PASS		

BILL:	Discussion and Approval of Bill Drafts	
TIME:	10:33:36 AM	
MOVED:	Carver	
MOTION:	Refer Bill 3 (Attachment G), as amended, as a committee bill. The motion passed on a vote of 17-1.	
SECONDED:	Buck	
		VOTE
	Becker J.	Yes
	Buck	Yes
	Carver	Yes
	Cooke	Yes
	Coram	Yes
	Donovan	Yes
	Esgar	Yes
	Kraft-Tharp	Yes
	Melton	No
	Mitsch Bush	Yes
	Moreno	Yes
	Neville P.	Yes
	Nordberg	Yes
	Scott	Yes
	Todd	Yes
	Winter	Yes
	Baumgardner	Yes
	Tyler	Yes
Final YES: 17 NO: 1 EXC: 0 ABS: 0 FINAL ACTION: PASS		

10:34 AM

Representative Tyler announced that the House sponsor of Bill 3 will be Representative Carver. Senator Scott explained Bill 4 concerning private agent motor vehicle regulation (Attachment J). Michael Dixon, representing the Division of Motor Vehicles (DMV) in the Department of Revenue, commented that the DMV is neutral on the bill, but has not had time to thoroughly vet the bill. He responded to questions from the committee about costs associated with the department's new driver's license and title and registration computer systems that are being implemented. Senator Scott indicated that he would be withdrawing Bill 4 from consideration in order to work on it further. Committee members commented about the bill.

10:47 AM

Representative Becker presented Bill 5 concerning kei vehicle road use (Attachment K). He discussed amendments #2 and #3 (Attachments L and M) and responded to questions from the committee about the bill.

BILL:	Discussion and Approval of Bill Drafts	
TIME:	10:53:58 AM	
MOVED:	Becker J.	
MOTION:	Adopt amendment #3 (Attachment M) to Bill 5. The motion passed without objection.	
SECONDED:	Moreno	
		VOTE
	Becker J.	
	Buck	
	Carver	
	Cooke	
	Coram	
	Donovan	
	Esgar	
	Kraft-Tharp	
	Melton	
	Mitsch Bush	
	Moreno	
	Neville P.	
	Nordberg	
	Scott	
	Todd	
	Winter	
	Baumgardner	
	Tyler	
	YES: 0 NO: 0 EXC: 0 ABS: 0 FINAL ACTION: Pass Without Objection	

BILL:	Discussion and Approval of Bill Drafts	
TIME:	10:54:49 AM	
MOVED:	Moreno	
MOTION:	Adopt amendment #2 (Attachment L) to Bill 5. The motion passed without objection.	
SECONDED:	Becker J.	
		VOTE
	Becker J.	
	Buck	
	Carver	
	Cooke	
	Coram	
	Donovan	
	Esgar	
	Kraft-Tharp	
	Melton	
	Mitsch Bush	
	Moreno	
	Neville P.	
	Nordberg	
	Scott	
	Todd	
	Winter	
	Baumgardner	
	Tyler	
YES: 0 NO: 0 EXC: 0 ABS: 0 FINAL ACTION: Pass Without Objection		

BILL:	Discussion and Approval of Bill Drafts	
TIME:	10:55:14 AM	
MOVED:	Becker J.	
MOTION:	Refer Bill 5 (Attachment K), as amended, as a committee bill. The motion passed on a vote of 15-3.	
SECONDED:	Buck	
		VOTE
	Becker J.	Yes
	Buck	Yes
	Carver	Yes
	Cooke	Yes
	Coram	Yes
	Donovan	No
	Esgar	Yes
	Kraft-Tharp	Yes
	Melton	No
	Mitsch Bush	Yes
	Moreno	Yes
	Neville P.	Yes
	Nordberg	Yes
	Scott	Yes
	Todd	Yes
	Winter	Yes
	Baumgardner	Yes
	Tyler	No
Final YES: 15 NO: 3 EXC: 0 ABS: 0 FINAL ACTION: PASS		

10:56 AM

Representative Tyler announced that Bill 5 would be sponsored by Representative Becker and Senator Cooke. He presented Bill 7 concerning abandoned motor vehicle national title searches (Attachment N).

BILL:	Discussion and Approval of Bill Drafts	
TIME:	10:57:58 AM	
MOVED:	Tyler	
MOTION:	Refer Bill 7 (Attachment N) as a committee bill. The motion passed on a vote of 17-1.	
SECONDED:	Coram	
		VOTE
	Becker J.	Yes
	Buck	Yes
	Carver	Yes
	Cooke	Yes
	Coram	Yes
	Donovan	Yes
	Esgar	Yes
	Kraft-Tharp	Yes
	Melton	Yes
	Mitsch Bush	Yes
	Moreno	Yes
	Neville P.	No
	Nordberg	Yes
	Scott	Yes
	Todd	Yes
	Winter	Yes
	Baumgardner	Yes
	Tyler	Yes
	Final YES: 17 NO: 1 EXC: 0 ABS: 0 FINAL ACTION: PASS	

10:59 AM

Representative Tyler announced that he and Representative Coram would be the House sponsors and Senators Baumgardner and Todd would be the Senate sponsors of Bill 7. Representative Tyler presented Bill 8 concerning a regional transportation authority mill levy (Attachment O). He responded to questions from the committee.

BILL:	Discussion and Approval of Bill Drafts	
TIME:	11:01:50 AM	
MOVED:	Tyler	
MOTION:	Refer Bill 8 (Attachment O) as a committee bill. The motion failed on a 9-9 vote.	
SECONDED:	Mitsch Bush	
		VOTE
	Becker J.	No
	Buck	No
	Carver	No
	Cooke	No
	Coram	No
	Donovan	Yes
	Esgar	Yes
	Kraft-Tharp	Yes
	Melton	Yes
	Mitsch Bush	Yes
	Moreno	Yes
	Neville P.	No
	Nordberg	No
	Scott	No
	Todd	Yes
	Winter	Yes
	Baumgardner	No
	Tyler	Yes
	Final YES: 9 NO: 9 EXC: 0 ABS: 0 FINAL ACTION: TIE	

11:03 AM

Representative Tyler announced that the interim committee would be adjourning, but the Joint Transportation Committee would convene at 1:00 PM for a portion of the committee's SMART Government Act briefing from the Office of the State Auditor and the Colorado Department of Transportation.

11:04 AM

The committee adjourned.



RTD FARES FOR LOW-INCOME RIDERS

Transportation Legislation Review Committee
November 2, 2015



2016 RTD Fare Study

Objective:
Simplify RTD's fare policy in an *equitable* and *cost-effective* manner to better serve the needs of the District and customers moving forward

Goals:

1. Simplicity (ease of use)
2. Acceptability/Marketability (implementable)
3. Affordability/Equity (cost of service and relationship between modes and services)
4. Achieve RTD revenue goals to avoid service reductions
5. Integrate 2016 transit line openings

2



2016 RTD Fares

- Full Fare Options
 - One-way trip (\$2.60 – \$4.50)
 - Day Pass (\$5.20 – \$9)
 - Airport trip (\$9)
 - Smart Card Stored Value (provides a 25 cent discount on one-way trips)
 - Ten Ride Ticket Books (\$23.50 – \$40.50)
 - Monthly Pass (\$99 – \$171)
- Discount/Half Fares
 - Federally mandated: Seniors (65+), persons with disabilities, Medicare recipients
 - Students ages 6-19 (children 5 and under ride free)

3



Public Feedback Regarding Affordability

- Fares are a challenge for some passengers
- Some passengers are not able to afford all of the trips they need to make in a day
- Some low-income passengers cannot afford the up front cost of a monthly pass
- Increasing number of low-income passengers are making longer trips from the suburbs that require a higher fare
- Desire for a low-income pass

4



2016 Fare Policies: Day Pass

- RTD is introducing a low priced Day Pass in January as part of the new fare policies
- **Travel all-day for the price of one round trip**
- Day Passes will be available for purchase on the bus and at rail stations
 - Do not have to pre-purchase tickets to get the benefit of unlimited travel for a day

5



RTD Nonprofit Agency Reduced Fare Program

- Program started more than 25 years ago
- Work with 240+ nonprofit and government agencies to provide discount fare media to low-income individuals
 - One-way tickets and monthly passes provided with multiple discount levels (25%, 40%, 60%)
- Nonprofit and government agencies are responsible for confirming income eligibility, not RTD
- Approximately \$6 million in fare media distributed to low-income riders at a discount each year

6



2016 Fare Policies: Simplified RTD Nonprofit Program

- Simplifies administration
 - Eliminates quarterly reports and distribution log for all passes
- Provides a consistent 50% discount for all products
- Offers **Day Pass** Ticket Books as another fare option for the agencies
- Allows agencies to recover full reduced cost of the tickets from their clients

7



2016 Fare Policy Summary

- Incorporated much of the feedback we received from the low-income community to develop the new fare policies for Jan. 1, 2016
 - Day Pass for the price of a round trip
 - Increased the number of trips that can be made with a Local fare
 - Streamlined nonprofit program
- Continue to provide half fares for seniors, passengers with disabilities, Medicare recipients and students (ages 6-19) on all fare products

8



Continued Efforts

- The Mile High Connects led Affordable Fares Task Force requested a more widely available half fare for low-income individuals
 - Riders would not have to go to a nonprofit agency to get the discount fare media
 - Initial estimate: \$11 – \$12 million of lost RTD fare revenue each year which could result in significant service reductions
- Working together to determine the financial feasibility of implementing a broader based low-income fare program as requested by the Affordable Fares Task Force

9

RTD Facts

Funding

RTD receives revenue from a variety of sources. As illustrated below, the largest source of RTD's funding is from the 1 percent sales and use tax levied within the RTD boundary. The next largest source of funding comes in the form of grants: \$279.3 million from the Federal Transit Administration, and \$5.5 million from the CDOT FASTER program. The \$5.5 million in CDOT funding constitutes 0.4 percent of CDOT's \$1.3 billion annual budget. The next largest source of RTD funding comes from fare box revenues.

RTD Revenue Sources

Source	Dollar Amount (in thousands)	Percent
Sales and Use Tax**	\$535,146	55.5
Grants Total	\$284,829	29.6
<i>Federal</i>	\$279,294	29.0.0
<i>CDOT FASTER</i>	\$5,535	0.6
Operating Revenues	\$124,559	12.9
Investment Income	\$4,310	0.4
Advertising Revenue	\$4,000	0.4
Non-operating Revenue	\$11,020	1.2

* RTD 2015 Adopted Budget

** Collected within the District boundaries.

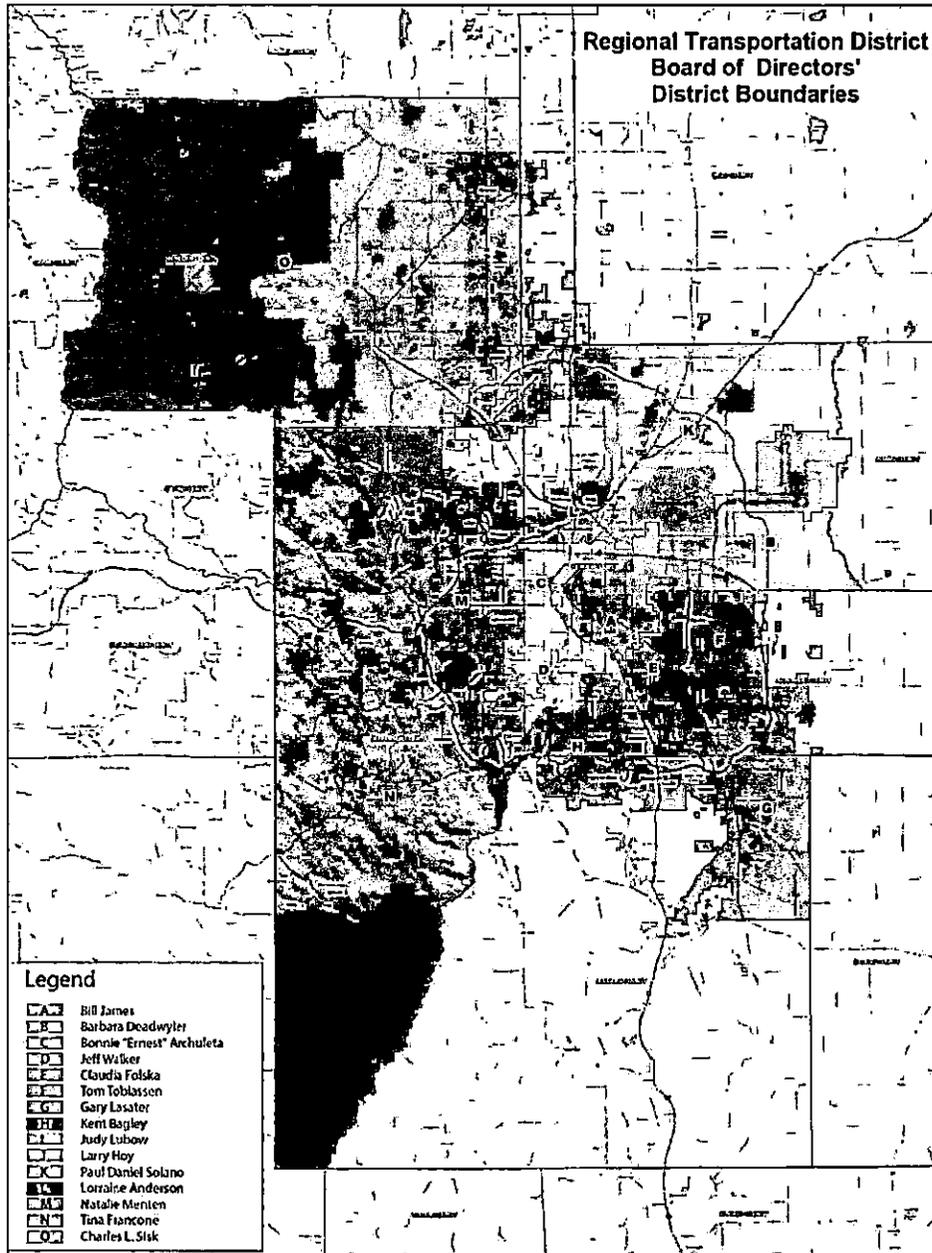
RTD Economic Benefits

Annually, RTD services, which include 137 bus routes and 48 miles of light rail, have almost 105 million annual boardings. In addition to the direct transportation and mobility benefits provided by these services, the RTD FasTracks program will provide broad-reaching benefits with respect to economic development, improved air quality and smart growth. In many of the existing and future rail and Bus Rapid Transit corridors, transit travel times will be faster than a similar trip taken by auto. Reductions in travel time and congestion have been shown to improve access for workers to jobs and lower transportation costs and the cost of living.

FasTracks has served as an economic driver for the Denver metropolitan region, as well as the state as a whole, and has helped the local economy weather the recession. FasTracks project planning, design, construction, and implementation have generated direct and indirect jobs as well as induced employment. As an example, the Eagle project is expected to create 5,400 jobs at the height of construction and 320 permanent jobs during operation, including direct, indirect, and induced jobs in total. Once completed, the entire FasTracks program is estimated to add over 2,500 permanent jobs and \$150 million a year in wages and salaries associated with the transit system while during peak construction, FasTracks is projected to create over 10,000 total jobs.

District Boundaries and Representation

The 2,430 square mile District includes all of Boulder, Denver and Jefferson counties, as well as most of Broomfield, western Adams and Arapahoe Counties, northern Douglas County and Southwest Weld County. RTD's authorizing legislation does not permit RTD to operate services outside the District boundaries; however, Denver Union Station accommodates Amtrak as well as the future CDOT Bustang service.



RTD is governed by an elected 15-member Board of Directors. Each Board member is elected for a four-year term and represents approximately 180,000 residents in a specific District as illustrated in the accompanying map.

**Second Regular Session
Seventieth General Assembly
STATE OF COLORADO**

DRAFT 10.21.15

BILL 1

*Temporary storage location: S:\LCS\Policy & Research\Committees\Interim\2015\TLRC -
Transportation Legislation Review Committee\Bill Drafts\TLRC Bill 1 - Chain Laws.wpd*

LLS NO. 16-0368.01 Jery Payne x2157

INTERIM COMMITTEE BILL

Transportation Legislation Review Committee

BILL TOPIC: "Interstate 70 Motor Vehicle Traction Equipment"

A BILL FOR AN ACT

101 **CONCERNING A REQUIREMENT THAT NONCOMMERCIAL MOTOR**
 102 **VEHICLES BE APPROPRIATELY EQUIPPED WHEN DRIVING ON THE**
 103 **INTERSTATE 70 MOUNTAIN CORRIDOR DURING WINTER STORM**
 104 **CONDITIONS.**

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, a person is required to use certain traction control equipment, such as

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

chains or snow-rated tires, when the Colorado department of transportation restricts road use due to a winter storm. The bill broadens this law to require the traction equipment to be carried on I-70 between milepost 133 (Dotsero) and milepost 259 (Morrison) when icy or snow-packed conditions are present. The bill also requires that this traction control equipment be used when icy or snowy conditions are present.

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

2 **SECTION 1. Legislative declaration.** The general assembly
3 hereby finds, determines, and declares that:

4 (1) During heavy snow and inclement weather, both Vail Pass and
5 the Eisenhower-Johnson Memorial Tunnels, as well as other portions of
6 the Interstate 70 (I-70) mountain corridor from Idaho Springs to Dotsero,
7 have been reduced to one lane or completely closed because of passenger
8 vehicles using inadequate winter driving equipment.

9 (2) Winter closures on the I-70 mountain corridor caused by
10 passenger vehicles not equipped with either adequate tires, chains, or
11 alternative traction devices cause severe problems for mountain
12 community workers, who typically drive properly equipped vehicles
13 while commuting to their jobs. Mountain community workers who use
14 public transit to get to work along the mountain corridor are also
15 negatively affected when a lane closure occurs. Missing even a few hours'
16 pay causes hardship.

17 (3) Economic losses for communities along the I-70 mountain
18 corridor and for the entire state are estimated at \$800,000 per hour of
19 closure.

20 (4) Inadequate traction use on the I-70 mountain corridor risks
21 public safety.

22 (5) Lane closures create a competitive disadvantage for Colorado

1 businesses.

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

3 (a) (I) as follows:

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

5 (5) (a) (I) (A) The department of transportation ~~shall also have authority~~
6 ~~to~~ MAY close any portion of a state highway ~~to public travel or to prohibit~~
7 ~~the use thereof~~ FOR USE DURING STORMS OR OTHER DANGEROUS DRIVING
8 CONDITIONS, DURING CONSTRUCTION OR MAINTENANCE OPERATIONS, OR
9 WHENEVER THE DEPARTMENT CONSIDERS A ROAD CLOSURE NECESSARY
10 FOR THE PROTECTION AND SAFETY OF THE PUBLIC.

11 ~~(B) unless motor vehicles using the same are equipped with tire~~
12 ~~chains, four-wheel drive with adequate tires for the existing conditions,~~
13 ~~or snow tires with a "mud and snow" or all weather rating from the~~
14 ~~manufacturer having a tread of sufficient abrasive or skid-resistant design~~
15 ~~or composition and depth to provide adequate traction under existing~~
16 ~~driving conditions. during storms or when other dangerous driving~~
17 ~~conditions exist or during construction or maintenance operations~~
18 ~~whenever the department considers such closing or restriction of use~~
19 ~~necessary for the protection and safety of the public~~ THE DEPARTMENT
20 MAY RESTRICT ANY PORTION OF A STATE HIGHWAY TO TRAVEL BY ANY
21 MOTOR VEHICLE UNLESS THE MOTOR VEHICLE IS EQUIPPED WITH THE
22 FOLLOWING: TIRE CHAINS OR AN APPROVED TRACTION-CONTROL DEVICE;
23 FOUR-WHEEL DRIVE WITH TIRES THAT HAVE A TREAD DEPTH OF FOUR
24 THIRTY-SECONDS OF AN INCH; ALL-WHEEL DRIVE WITH TIRES THAT HAVE
25 A TREAD DEPTH OF FOUR THIRTY-SECONDS OF AN INCH; OR TIRES THAT ARE
26 IMPRINTED BY A MANUFACTURER WITH A MOUNTAIN-SNOWFLAKE, "M&S",
27 "M+S", OR "M/S" SYMBOL AND THAT HAVE A TREAD DEPTH OF FOUR

1 THIRTY-SECONDS OF AN INCH.

2 (C) ~~Such A prohibition or restriction of use shall be~~ UNDER THIS
3 SUBSECTION (5) IS effective when signs, including temporary or electronic
4 signs, ~~giving notice thereof~~ THAT NOTIFY THE PUBLIC OF THE PROHIBITION
5 OR RESTRICTION are erected upon ~~such portion of said~~ THE highway, and
6 ~~it shall be unlawful to proceed in violation of such notice~~ AND THE
7 RESTRICTION IN SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (I) IS
8 EFFECTIVE ON INTERSTATE 70 BETWEEN MILEPOST 133 (DOTSERO) AND
9 MILEPOST 259 (MORRISON) WHEN ICY OR SNOW-PACKED CONDITIONS ARE
10 PRESENT.

11 (D) The Colorado state patrol shall cooperate with the department
12 of transportation in the enforcement of ~~any such A closing or restriction.~~
13 ~~of use. "Tire chains", as used in this subsection (5), means metal chains~~
14 ~~which consist of two circular metal loops, one on each side of the tire,~~
15 ~~connected by not less than nine evenly spaced chains across the tire tread~~
16 ~~and any other traction devices differing from such metal chains in~~
17 ~~construction, material, or design but capable of providing traction equal~~
18 ~~to or exceeding that of such metal chains under similar conditions.~~

19 (E) The ~~operator~~ DRIVER of a commercial vehicle with four or
20 more drive wheels, other than a bus, shall affix tire chains to at least four
21 of the drive wheel tires ~~of such vehicle~~ when ~~such~~ THE vehicle is required
22 to be equipped with tire chains under this subsection (5). The ~~operator~~
23 DRIVER of a bus shall affix tire chains to at least two of the drive wheel
24 tires ~~of such vehicle~~ when ~~such~~ THE vehicle is required to be equipped
25 with tire chains under this subsection (5).

26 (F) "EQUIPPED", AS USED IN THIS SUBSECTION (5), MEANS THAT A
27 MOTOR VEHICLE USES OR CARRIES THE APPROPRIATE TRACTION

1 EQUIPMENT IF ICY OR SNOW-PACKED CONDITIONS ARE NOT PRESENT AND
2 THAT A MOTOR VEHICLE USES THE APPROPRIATE TRACTION EQUIPMENT IF
3 ICY OR SNOW-PACKED CONDITIONS ARE PRESENT.

4 (G) "TIRE CHAINS", AS USED IN THIS SUBSECTION (5), MEANS
5 METAL CHAINS CONSISTING OF TWO CIRCULAR METAL LOOPS, ONE ON EACH
6 SIDE OF THE TIRE, CONNECTED BY NO FEWER THAN NINE EVENLY SPACED
7 CHAINS ACROSS THE TIRE TREAD.

8 (H) "TRACTION CONTROL DEVICE", AS USED IN THIS SUBSECTION
9 (5), MEANS A DEVICE AFFIXED TO A WHEEL OR TIRE THAT IS APPROVED BY
10 THE COLORADO DEPARTMENT OF TRANSPORTATION AS CAPABLE OF
11 PROVIDING TRACTION EQUAL TO OR EXCEEDING THAT OF METAL CHAINS
12 UNDER SIMILAR CONDITIONS.

13 (I) A PERSON WHO VIOLATES THIS SUBPARAGRAPH (I) COMMITS A
14 TRAFFIC INFRACTION AND IS SUBJECT TO THE PENALTIES IN SECTION
15 42-4-1701 (4) (a) (I) (F).

16 **SECTION 3. Act subject to petition - effective date -**
17 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
18 the expiration of the ninety-day period after final adjournment of the
19 general assembly (August 10, 2016, if adjournment sine die is on May 11,
20 2016); except that, if a referendum petition is filed pursuant to section 1
21 (3) of article V of the state constitution against this act or an item, section,
22 or part of this act within such period, then the act, item, section, or part
23 will not take effect unless approved by the people at the general election
24 to be held in November 2016 and, in such case, will take effect on the
25 date of the official declaration of the vote thereon by the governor.

26 (2) This act applies to offenses committed on or after the effective
27 date of this act.



Colorado
Legislative
Council
Staff

Bill 1

FISCAL NOTE

FISCAL IMPACT: State Local Statutory Public Entity Conditional No Fiscal Impact

Drafting Number: LLS 16-0368
Prime Sponsor(s):

Date: October 29, 2015
Bill Status: Transportation Legislation Review
Committee Interim Bill Request

Fiscal Analyst: Matt Kiszka (303-866-6275)

BILL TOPIC: WINTER DRIVING I-70 TREAD DEPTH & TIRE CHAINS

Fiscal Impact Summary	FY 2016-2017	FY 2017-2018
State Revenue	<\$5,000	<\$5,000
Cash Funds	<5,000	<5,000
State Expenditures	Minimal workload impact. See State Expenditures section.	
TABOR Impact	<\$5,000	<\$5,000
FTE Position Change		
Appropriation Required: None.		

Summary of Legislation

This bill, *requested by the Transportation Legislation Review Committee*, requires motor vehicles driving on Interstate 70 between milepost 133 (Dotsero) and milepost 259 (Morrison), when icy or snow-packed conditions are present, to be equipped with:

- tire chains or an equivalent traction control device (i.e. cable chains);
- four-wheel drive or all-wheel drive, and tires with a tread depth of one-eighth of an inch; or
- tires with any form of the mountain-snowflake symbol or "mud and snow" lettering (i.e., M/S and M+S) on the side wall of the tire and a tread depth of one-eighth of an inch.

Under the bill, "equipped" means that a motor vehicle uses or carries the appropriate traction equipment if icy or snow-packed conditions are not present, and that a motor vehicle uses the appropriate traction equipment if icy or snow-packed conditions are present.

A noncommercial violator of these requirements commits a class B traffic infraction and is subject to a \$100 fine and a \$32 surcharge. If a violation results in the closure of at least one lane of traffic, the violator is subject to an enhanced penalty of \$500 and a \$156 surcharge.

Background

Under current statute, the Colorado Department of Transportation (CDOT) has the authority to close any portion of a state highway to public travel or to prohibit travel by vehicles that are not equipped with tire chains, four-wheel drive with adequate tires for existing conditions, or snow tires with a "mud and snow" or all-weather rating from the manufacturer. CDOT can do this whenever it considers such a closure or restriction of use necessary for the protection and safety of the public. Highway closures and restrictions are achieved with cooperation from the Colorado State Patrol (CSP).

The Transportation Commission has statutory authority to promulgate rules to implement Colorado's chain laws, which apply to all state, federal, and interstate highways. For noncommercial vehicles, the commission has determined two levels of chain law: "chains or adequate snow tires required" and "chains only."

Chains or adequate snow tires required. This level requires the use of snow tires or traction devices such as cable chains. Snow tires must have the M/S or all-weather rating from the manufacturer on the side wall.

Chains only. When this level is in effect, use of conventional, steel-link chains is required. Four-wheel drive vehicles are permitted to operate without tire chains.

State Revenue

Assumptions. Because the bill affects travel during icy or snow-packed conditions, it is assumed that CDOT and CSP will begin to implement its requirements in the winter of FY 2016-17.

Beginning in FY 2016-17, this bill is anticipated to increase fine revenue by less than \$5,000 per year, credited to the Highway Users Tax Fund (HUTF), and allocated to the State Highway Fund (SHF) within CDOT and to cities and counties. While an increase in fines collected is expected, based on the low number of fines imposed in 2014, the fiscal note assumes that any revenue generated is likely to be less than \$5,000 per year.

TABOR Impact

The bill increases state revenue from fines, which will increase the amount required to be refunded under TABOR. TABOR refunds are paid from the General Fund.

State Expenditures

Beginning in FY 2016-17, this bill is anticipated to minimally increase workload in CDOT, the Judicial Department, the Department of Public Safety, and the Department of Revenue.

Colorado Department of Transportation. The CDOT is required to provide signage notifying the public of traction control requirements during inclement weather, which is expected to have a minimal fiscal impact and will be achieved within existing resources.

Judicial Department. Trial courts in counties along the I-70 corridor between Dotsero and Morrison (Eagle, Summit, Clear Creek, and Jefferson) can expect to see a minimal increase in infractions. Under the Judicial Department's workload model, one county court judicial officer can process 30,207 infraction cases a year; therefore, it is assumed that workload impact is minimal and will not require an increase in appropriations.

Department of Public Safety. The Department of Public Safety will be required to enforce the bill and update its information materials on the Colorado chain law. These impacts are expected to be accomplished within existing workloads and appropriations.

Department of Revenue. The Department of Revenue will be required to update its Penalty Assessment Express System (PAX), and the accounting system used to input ticket payment information. It is assumed that this workload impact can be managed within existing appropriations.

Local Government Impact

This bill will increase HUTF revenue to local governments beginning in FY 2016-17 by increasing the local government portion of fine revenue collected from the class B traffic infraction under the bill.

Effective Date

The bill takes effect August 10, 2016, if the General Assembly adjourns on May 11, 2016, as scheduled, and no referendum petition is filed.

State and Local Government Contacts

Transportation
Public Safety
RTD

Judicial
Cities and Counties
Law

Local Affairs
Revenue
Sheriffs

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

DRAFT 10.22.15

BILL 2

*Temporary storage location: S:\LCS\Policy & Research\Committees\Interim\2015\TLRC -
Transportation Legislation Review Committee\Bill Drafts\TLRC Bill 2 - STAC Advice to TC.wpd*

LLS NO. 16-0367.01 Jason Gelender x4330

INTERIM COMMITTEE BILL

Transportation Legislation Review Committee

BILL TOPIC: "Transportation Advisory Committee Procedures"

A BILL FOR AN ACT

101 **CONCERNING A REQUIREMENT THAT THE STATEWIDE**
102 **TRANSPORTATION ADVISORY COMMITTEE PROVIDE ADVICE AND**
103 **COMMENTS REGARDING TRANSPORTATION-RELATED MATTERS**
104 **TO BOTH THE DEPARTMENT OF TRANSPORTATION AND THE**
105 **TRANSPORTATION COMMISSION RATHER THAN TO THE**
106 **DEPARTMENT ONLY.**

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/bills/summaries>.)

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

Transportation Legislation Review Committee. Current law requires the statewide transportation advisory committee to advise the department of transportation on the needs of the transportation systems in the state and to review and comment on all regional transportation plans submitted for the transportation planning regions of the state. The bill more precisely specifies the matters on which advice is to be provided and requires the committee to provide its advice and comments to both the department of transportation and the transportation commission.

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

2 **SECTION 1.** In Colorado Revised Statutes, 43-1-1104, **amend**
3 (2) as follows:

4 **43-1-1104. Transportation advisory committee.** (2) The
5 committee shall provide advice to BOTH the department AND THE
6 COMMISSION on the needs of the transportation systems in Colorado,
7 INCLUDING BUT NOT LIMITED TO BUDGETS, TRANSPORTATION
8 IMPROVEMENT PROGRAMS, THE STATEWIDE TRANSPORTATION
9 IMPROVEMENT PROGRAM, TRANSPORTATION PLANS, AND STATE
10 TRANSPORTATION POLICIES, and shall review and PROVIDE comment TO
11 BOTH THE DEPARTMENT AND THE COMMISSION on all regional
12 transportation plans submitted for the transportation planning regions.
13 The activities of the committee shall not be construed to constrain or
14 replace the county hearing process.

15 **SECTION 2. Act subject to petition - effective date.** This act
16 takes effect at 12:01 a.m. on the day following the expiration of the
17 ninety-day period after final adjournment of the general assembly (August
18 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
19 referendum petition is filed pursuant to section 1 (3) of article V of the
20 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 2016 and, in such case, will take effect on the date of the
4 official declaration of the vote thereon by the governor.

November 1, 2015

State Representative Terri Carver
Transportation Legislative Review Committee

Dear Representative Carver:

Thank you for attending the STAC meeting on October 23rd. As you heard, there seems to be a consensus of agreement for our proposed bill to have the STAC report directly to CDOT and The Transportation Commission.

I wish you success in your endeavors.

Sincerely

A handwritten signature in black ink, appearing to read "Vince Rogalski". The signature is written in a cursive style with a large initial "V".

Vince Rogalski
Chairman State Transportation Advisory Committee

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

DRAFT
10.22.15

BILL 3

*Temporary storage location: S:\LCS\Policy & Research\Committees\Interim\2015\TLRC -
Transportation Legislation Review Committee\Bill Drafts\TLRC Bill 3 - TC Membership.wpd*

LLS NO. 16-0369.01 Jason Gelender x4330

INTERIM COMMITTEE BILL**Transportation Legislation Review Committee**

BILL TOPIC: "Modify Transportation Commission Membership"

A BILL FOR AN ACT

101 **CONCERNING A REQUIREMENT THAT THE TRANSPORTATION**
102 **COMMISSION BE COMPRISED OF ONE MEMBER FROM EACH**
103 **TRANSPORTATION PLANNING REGION OF THE STATE.**

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/bills/summaries>.)

Transportation Legislation Review Committee. The transportation commission is currently comprised of 11 members, each of

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Dashes through the words indicate deletions from existing statute.*

whom represents a statutorily defined district. On and after February 1, 2017, the bill requires the commission to instead be comprised of one member from each of the transportation planning regions of the state.

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), (4) (b), and (6); and **add** (2.1) and
4 (3.5) as follows:

5 **43-1-106. Transportation commission - powers and duties -**
6 **repeal.** (1) There is hereby created a transportation commission, which
7 ~~shall consist~~ CONSISTS of eleven members ~~The initial members of the~~
8 ~~commission shall be the members of the state highway commission~~
9 ~~immediately prior to July 1, 1991, and each such commission member~~
10 ~~shall continue to represent the same district~~ THROUGH JANUARY 31, 2017,
11 APPOINTED AS SPECIFIED IN SUBSECTION (2) OF THIS SECTION, AND ONE
12 MEMBER FROM EACH TRANSPORTATION PLANNING REGION OF THE STATE,
13 APPOINTED BY THE GOVERNOR, ON AND AFTER FEBRUARY 1, 2017. THE
14 TERMS OF ALL MEMBERS OF THE COMMISSION APPOINTED TO REPRESENT
15 DISTRICTS AS SPECIFIED IN SUBSECTION (2) OF THIS SECTION EXPIRE ON
16 JANUARY 31, 2017.

17 (2) Through January 31, 2017, the GOVERNOR SHALL APPOINT one
18 member of the commission ~~shall be appointed by the governor~~ from each
19 of the following districts:

20 (2.1) SUBSECTION (2) OF THIS SECTION AND THIS SUBSECTION (2.1)
21 ARE REPEALED, EFFECTIVE JULY 1, 2017.

22 (3) (a) BEFORE FEBRUARY 1, 2017, each ~~district~~ member OF THE
23 COMMISSION shall actually reside in the district THAT he or she represents.
24 If a ~~district~~ member ceases to reside in the district he or she represents,

1 ~~such district~~ THE member ~~shall be~~ IS deemed to have resigned as a
2 member of the commission.

3 (b) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE JULY 1, 2017.

4 (3.5) ON AND AFTER FEBRUARY 1, 2017, EACH MEMBER OF THE
5 COMMISSION SHALL ACTUALLY RESIDE IN THE TRANSPORTATION PLANNING
6 REGION THAT HE OR SHE REPRESENTS. IF A MEMBER CEASES TO RESIDE IN
7 THE TRANSPORTATION PLANNING REGION THAT HE OR SHE REPRESENTS,
8 THE MEMBER IS DEEMED TO HAVE RESIGNED AS A MEMBER OF THE
9 COMMISSION.

10 (4) (a) Except as otherwise provided in paragraph (b) of this
11 subsection (4), the governor shall appoint each member of the
12 commission, ~~shall be appointed by the governor,~~ with the consent of the
13 senate, for a term of four years.

14 (b) ~~The terms of members of the commission who are transferred~~
15 ~~from the state highway commission on July 1, 1991, shall expire as~~
16 ~~follows:~~ AS DESIGNATED BY THE GOVERNOR, THE TERMS OF SEVEN OF THE
17 COMMISSIONERS APPOINTED BY THE GOVERNOR FOR TERMS COMMENCING
18 ON FEBRUARY 1, 2017, ARE FOR TWO YEARS.

19 (I) ~~The terms of members of the commission representing districts~~
20 ~~2, 4, 5, 6, 9, and 11 shall expire on July 1, 1991, and~~

21 (II) ~~The terms of members of the commission representing~~
22 ~~districts 1, 3, 7, 8, and 10 shall expire on July 1, 1993.~~

23 (6) The commission shall meet regularly not less than eight times
24 a year, but ~~special meetings may be called by the governor, the chairman~~
25 ~~of the commission, the executive director, or a majority of the members~~
26 ~~of the commission~~ MAY CALL SPECIAL MEETINGS on three days' prior
27 notice by mail or, in case of emergency, on twenty-four hours' notice by

1 telephone or other telecommunications device. The commission shall
2 adopt rules in relation to its meetings and the transaction of its business.
3 ~~Six~~ A MAJORITY OF THE members ~~shall constitute~~ OF THE COMMISSION
4 CONSTITUTES a quorum of the commission. All meetings of the
5 commission, in any suit or proceedings, ~~shall be~~ ARE presumed to have
6 been duly called and regularly held, and all orders, rules, and proceedings
7 of the commission to have been authorized, unless the contrary is proved.
8 Each member of the commission shall receive seventy-five dollars per
9 day for each regular or special meeting of the commission actually
10 attended and shall be reimbursed for his or her necessary expenses
11 incurred in the discharge of such member's official duties. Mileage rates
12 ~~shall~~ MUST be computed in accordance with section 24-9-104, C.R.S.

13 **SECTION 2. Act subject to petition - effective date.** This act
14 takes effect at 12:01 a.m. on the day following the expiration of the
15 ninety-day period after final adjournment of the general assembly (August
16 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
17 referendum petition is filed pursuant to section 1 (3) of article V of the
18 state constitution against this act or an item, section, or part of this act
19 within such period, then the act, item, section, or part will not take effect
20 unless approved by the people at the general election to be held in
21 November 2016 and, in such case, will take effect on the date of the
22 official declaration of the vote thereon by the governor.

State Representative
TERRI CARVER
Colorado State Capitol
200 East Colfax Avenue, Room 307
Capitol: 303-866-2191
E-mail: terri.carver.house@state.co.us



Member:
Judiciary Committee
Transportation & Energy
Committee

COLORADO
HOUSE OF REPRESENTATIVES
State Capitol
Denver
80203

**RE: HISTORY OF LEGISLATION WITH REGARDS TO TRANSPORTATION
COMMISSION DISTRICT BOUNDARIES**

Based on information provided by the Colorado Department of Transportation, here is a summary of legislative changes made to the Transportation Commission districts and their boundaries over the years:

1913 -- the Transportation Commission (TC) is created, and five districts are drawn, with five corresponding commissioners

1921 -- the TC is expanded to seven districts, with seven corresponding commissioners

1952 -- the TC is expanded to eight districts, with eight corresponding commissioners

1953 -- a minor redrawing of TC district boundaries is performed to address an improper drawing of one of the TC districts in the previous year

1968 -- the TC district boundaries are re-drawn, and statute is amended to add one at-large commissioner to the list of eight current commissioners

1982 -- the TC is expanded to nine districts, with nine corresponding commissioners, and the at-large commissioner is removed from statute

1991 -- the TC is expanded to 11 districts, with 11 corresponding commissioners

This information is provided as background for consideration of a bill proposal to modify TC district boundaries.

LLS NO. 16-0369_AMENDMENT #1
INTERIM COMMITTEE AMENDMENT
Transportation Legislation Review Committee.
BY REPRESENTATIVE Carver
LLS No. 16-0369 be amended as follows:

1 Amend LLS No. 16-0369 (Bill 3), strike everything below the enacting
2 clause and substitute:

3 "SECTION 1. In Colorado Revised Statutes, add 43-2-145.7 as
4 follows:

5 **43-2-145.7. Transportation legislation review committee -**
6 **study of transportation commission districts.** (1) IN ADDITION TO ITS
7 OTHER DUTIES, DURING THE 2016 LEGISLATIVE INTERIM THE
8 TRANSPORTATION LEGISLATION REVIEW COMMITTEE SHALL STUDY THE
9 TRANSPORTATION COMMISSION DISTRICTS ESTABLISHED IN SECTION
10 43-1-106 (2) TO DETERMINE:

11 (a) WHETHER THE NUMBER AND BOUNDARIES OF THE DISTRICTS
12 SHOULD BE MODIFIED TO ENSURE THAT THE COMMISSION IS ABLE TO
13 CARRY OUT ITS FUNCTIONS IN PROVIDING A SAFE AND EFFICIENT
14 TRANSPORTATION SYSTEM THAT SERVES THE NEEDS OF THE ENTIRE STATE;
15 AND

16 (b) IF MODIFICATIONS ARE APPROPRIATE, WHAT SPECIFIC
17 MODIFICATIONS SHOULD BE MADE.

18 (2) LEGISLATIVE COUNCIL STAFF SHALL ASSIST THE
19 TRANSPORTATION LEGISLATION REVIEW COMMITTEE IN CONDUCTING THE
20 STUDY REQUIRED BY SUBSECTION (1) OF THIS SECTION. SPECIFICALLY, NO
21 LATER THAN AUGUST 1, 2016, LEGISLATIVE COUNCIL STAFF, WITH THE
22 COOPERATION OF THE DEPARTMENT OF TRANSPORTATION, SHALL PREPARE
23 AND PRESENT TO THE COMMITTEE A RESEARCH STUDY THAT DOCUMENTS
24 CHANGES SINCE THE LAST TIME THE GENERAL ASSEMBLY MODIFIED THE
25 NUMBER AND BOUNDARIES OF THE TRANSPORTATION COMMISSION
26 DISTRICTS, TO INCLUDE POPULATION, NUMBER OF LANE MILES, AND
27 ANNUAL VEHICLE MILES TRAVELED FOR EACH OF THE DISTRICTS AND
28 TAKING INTO ACCOUNT EXISTING COUNTY AND MUNICIPAL BOUNDARIES,
29 REGIONAL TRANSPORTATION AREAS AND DISTRICTS, AND
30 TRANSPORTATION PLANNING REGIONS. THE COMMITTEE SHALL HOLD
31 PUBLIC HEARINGS IN THE MAJOR GEOGRAPHICAL REGIONS OF THE STATE
32 REGARDING POTENTIAL MODIFICATIONS TO THE NUMBER AND BOUNDARIES
33 OF THE DISTRICTS.

34 (3) THE COMMITTEE MAY RECOMMEND LEGISLATION TO MODIFY
35 THE NUMBER AND BOUNDARIES OF THE TRANSPORTATION COMMISSION
36 DISTRICTS BASED ON THE RESULTS OF THE RESEARCH STUDY AND PUBLIC
37 COMMENTS RECEIVED ABOUT THE STUDY. SUCH LEGISLATION IS DEEMED
38 LEGISLATION RECOMMENDED BY AN INTERIM LEGISLATIVE COMMITTEE
39 FOR PURPOSES OF ANY INTRODUCTION DEADLINES OR BILL LIMITATIONS
40 IMPOSED BY THE JOINT RULES OF THE GENERAL ASSEMBLY; EXCEPT THAT

1 THE LEGISLATION IS NOT SUBJECT TO REVIEW BY OR APPROVAL OF THE
2 LEGISLATIVE COUNCIL.

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

6 Page 1, strike lines 102 and 103 and substitute "**LEGISLATION REVIEW**
7 **COMMITTEE STUDY THE TRANSPORTATION COMMISSION DISTRICTS OF**
8 **THE STATE TO DETERMINE WHETHER THEY SHOULD BE MODIFIED.**".

** *** ** *** **

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

DRAFT
10.20.15

BILL 4

*Temporary storage location: S:\LCS\Policy & Research\Committees\Interim\2015\TLRC -
Transportation Legislation Review Committee\Bill Drafts\TLRC Bill 4 -Third Party DMV.wpd*

LLS NO. 16-366.01 Jery Payne x2157

INTERIM COMMITTEE BILL

Transportation Legislation Review Committee

BILL TOPIC: "Private Agent Motor Vehicle Regulation"

A BILL FOR AN ACT

101 **CONCERNING A CERTIFICATION FOR PRIVATE AGENTS TO PERFORM**
102 **CERTAIN DELEGATED MOTOR VEHICLE FUNCTIONS OF THE**
103 **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/bills/summaries>.)

Transportation Legislation Review Committee. The bill authorizes the director of the department of revenue to certify private agents to perform many of its motor vehicle functions, such as issuing

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

1 (1) "DELEGATED FUNCTION" MEANS A FUNCTION OF THE
2 DEPARTMENT UNDER THIS ARTICLE OR UNDER ARTICLES 2 TO 4, 6, OR 12
3 OF THIS TITLE, AS DETERMINED APPROPRIATE BY THE DIRECTOR,
4 INCLUDING ISSUING, RENEWING, OR REISSUING DRIVER'S LICENSES; ISSUING
5 CERTIFICATES OF TITLE; REGISTERING MOTOR VEHICLES; AND RENEWING
6 MOTOR VEHICLE REGISTRATIONS.

7 (2) "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OF
8 REVENUE OR THE DIRECTOR'S DESIGNEE.

9 (3) "PRIVATE AGENT" MEANS AN INDIVIDUAL WHO PERFORMS, OR
10 ATTEMPTS TO PERFORM, A DELEGATED FUNCTION.

11 **42-1-502. Applicability.** THIS PART 5 DOES NOT APPLY TO
12 COMMERCIAL DRIVER'S LICENSE DRIVING TESTERS OR COMMERCIAL
13 DRIVER'S LICENSE TESTING UNITS AS DEFINED IN SECTION 42-2-402,
14 COMMERCIAL DRIVING INSTRUCTORS OR COMMERCIAL DRIVING SCHOOLS
15 AS DEFINED IN SECTION 12-15-101, C.R.S., COUNTY CLERKS, OR OTHER
16 AUTHORIZED AGENTS.

17 **42-1-503. Certification of private agents.** THE DIRECTOR MAY
18 CERTIFY PRIVATE AGENTS TO PERFORM INDIVIDUAL OR MULTIPLE
19 DELEGATED FUNCTIONS.

20 **42-1-504. Delegated functions.** THE DIRECTOR MAY DETERMINE
21 BY RULE WHAT FUNCTIONS TO DELEGATE UNDER THIS PART 5.

22 **42-1-505. Contract with private entities.** THE DIRECTOR MAY
23 CONTRACT WITH PRIVATE ENTITIES TO OPERATE ONE OR MORE LOCATIONS
24 TO EMPLOY CERTIFIED PRIVATE AGENTS TO OFFER DELEGATED FUNCTIONS.

25 **42-1-506. Quality control - rules.** THE DIRECTOR SHALL
26 PROMULGATE RULES ESTABLISHING QUALITY CONTROL PROCEDURES AND
27 REQUIREMENTS FOR PRIVATE AGENTS TO ISSUE DRIVER'S LICENSES AND

1 REGISTER MOTOR VEHICLES.

2 **42-1-507. Fees. (1) Certification.** (a) THE DIRECTOR MAY
3 ESTABLISH AND CHARGE A FEE TO:

- 4 (I) CERTIFY A PRIVATE AGENT;
- 5 (II) RENEW THE CERTIFICATION OF A PRIVATE AGENT; AND
- 6 (III) REINSTATE AN EXPIRED CERTIFICATION.

7 (b) THE FEES ESTABLISHED BY THE DIRECTOR MUST NOT EXCEED
8 THE DIRECT AND INDIRECT COST OF ISSUING, RENEWING, OR REINSTATING
9 A CERTIFICATION.

10 (2) **Private agent services.** IN ADDITION TO THE FEES AND TAXES
11 IMPOSED UNDER THIS ARTICLE AND TRANSFERRED TO THE DEPARTMENT,
12 A PRIVATE AGENT MAY COLLECT AND RETAIN A FEE FOR ANY
13 TRANSACTION AUTHORIZED BY THE DIRECTOR. THE PRIVATE AGENT SHALL
14 NOT COLLECT A FEE THAT IS MORE THAN ____ PERCENT OF THE TOTAL
15 TAXES AND FEES IMPOSED ON THE TRANSACTION BY THIS TITLE; EXCEPT
16 THAT, IF THE FEE CALCULATED BY PERCENTAGE IS LESS THAN FOUR
17 DOLLARS, THE PRIVATE AGENT MAY CHARGE FOUR DOLLARS PER
18 TRANSACTION.

19 **42-1-508. Minimum certification standards - background**
20 **check - bond. (1) Qualifications - application.** IF THE DIRECTOR
21 DELEGATES A FUNCTION TO A PRIVATE AGENT, THE DIRECTOR SHALL
22 ESTABLISH THE FOLLOWING MINIMUM STANDARDS FOR CERTIFICATION:

23 (a) TO BE VALID, AN APPLICATION FOR CERTIFICATION TO PROVIDE
24 DRIVER'S LICENSE PROCESSING OR MOTOR VEHICLE REGISTRATION
25 PROCESSING MUST CONTAIN DOCUMENTATION THAT THE APPLICANT:

- 26 (I) IS QUALIFIED TO DETECT FRAUDULENT DOCUMENTS; AND
- 27 (II) UNDERSTANDS THE LEGAL STANDARDS FOR ISSUING ANY

1 DOCUMENT THE APPLICANT WOULD ISSUE IF CERTIFIED.

2 (b) (I) WITH THE SUBMISSION OF AN APPLICATION FOR A
3 CERTIFICATION UNDER THIS PART 5, EACH APPLICANT SHALL SUBMIT A
4 COMPLETE SET OF FINGERPRINTS TO THE DIRECTOR. THE DIRECTOR SHALL
5 FORWARD THE FINGERPRINTS TO THE COLORADO BUREAU OF
6 INVESTIGATION FOR THE PURPOSE OF CONDUCTING A STATE AND NATIONAL
7 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK UTILIZING THE
8 RECORDS OF THE COLORADO BUREAU OF INVESTIGATION AND THE
9 FEDERAL BUREAU OF INVESTIGATION.

10 (II) THE COLORADO BUREAU OF INVESTIGATION SHALL TRANSFER
11 THE RESULTS OF THE NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY
12 RECORD CHECK TO THE DIRECTOR.

13 (III) THE APPLICANT SHALL PAY THE COSTS ASSOCIATED WITH THE
14 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK TO THE
15 COLORADO BUREAU OF INVESTIGATION.

16 (c) A PRIVATE AGENT WHO IS CERTIFIED TO PROCESS DRIVER'S
17 LICENSE TRANSACTIONS SHALL OBTAIN AND MAINTAIN A PERFORMANCE
18 BOND IN THE AMOUNT OF AT LEAST FIFTY THOUSAND DOLLARS. TO
19 COMPLY WITH THIS SECTION, THE BOND MUST:

20 (I) BE ISSUED BY A SURETY COMPANY AUTHORIZED TO TRANSACT
21 BUSINESS IN THIS STATE;

22 (II) NAME THE PRIVATE AGENT AS PRINCIPAL OBLIGOR ON THE
23 BOND AND THE STATE AS OBLIGEE;

24 (III) BE CONDITIONED UPON THE PRIVATE AGENT'S FAITHFUL
25 COMPLIANCE WITH THIS ARTICLE AND ARTICLES 2 TO 4, 6, AND 12 OF THIS
26 TITLE THAT GOVERN THE DELEGATED FUNCTION THE AGENT IS CERTIFIED
27 TO PERFORM;

1 (IV) BE NONCANCELLABLE WITHOUT AT LEAST SIXTY DAYS' PRIOR
2 WRITTEN NOTICE TO THE DIRECTOR;

3 (V) INURE TO THE BENEFIT OF ANY PERSON WHO SUFFERS LOSS
4 BECAUSE OF THE PRIVATE AGENT'S FAILURE TO:

5 (A) TRANSFER TO THE DEPARTMENT ANY FEE OR TAX IMPOSED BY
6 THIS TITLE PAID TO THE PRIVATE AGENT BY A CUSTOMER; OR

7 (B) COMPLY WITH THIS PART 5 OR ANY RULE PROMULGATED
8 UNDER THIS PART 5.

9 (2) **Criminal history.** THE DIRECTOR MAY DENY AN APPLICATION
10 FOR CERTIFICATION UNDER THIS PART 5 IF THE CRIMINAL HISTORY RECORD
11 CHECK SHOWS ANY OF THE FOLLOWING:

12 (a) THAT THE APPLICATION CONTAINS A MATERIAL OMISSION,
13 MISREPRESENTATION, OR MISSTATEMENT OF FACT; OR

14 (b) THAT THE APPLICANT HAS BEEN CONVICTED OR SERVED A
15 SENTENCE WITHIN THE IMMEDIATELY PRECEDING TEN YEARS FOR ANY
16 CRIME INVOLVING THEFT OF MORE THAN TWO HUNDRED FIFTY DOLLARS,
17 FRAUD INVOLVING MORE THAN TWO HUNDRED FIFTY DOLLARS, FORGERY,
18 BRIBERY, OR PERJURY.

19 **42-1-509. Denial of application. (1) Statement of denial.** IF THE
20 DIRECTOR DENIES AN APPLICATION FOR CERTIFICATION, THE APPLICANT
21 MAY REQUEST THAT THE DIRECTOR EXPLAIN THE BASIS OF THE DECISION
22 IN WRITING. IF THE REQUEST IS MADE WITHIN FIVE WORKING DAYS AFTER
23 THE DENIAL, THE DIRECTOR SHALL PROVIDE THE APPLICANT A STATEMENT
24 IN WRITING OF THE REASONS FOR THE DENIAL.

25 (2) **Hearings.** WITHIN THIRTY DAYS AFTER A DENIAL, AN
26 APPLICANT WHO IS DENIED CERTIFICATION MAY REQUEST A HEARING ON
27 THE APPLICATION. THE HEARING AND ALL PROCEDURES ARE GOVERNED BY

1 ARTICLE 4 OF TITLE 24, C.R.S. IF THE APPLICANT DOES NOT REQUEST A
2 HEARING WITHIN THIRTY DAYS, THE DENIAL IS FINAL.

3 **42-1-510. Expiration of certification. (1) Schedule set by**
4 **director.** ALL CERTIFICATES EXPIRE IN ACCORDANCE WITH A SCHEDULE
5 ESTABLISHED BY THE DIRECTOR.

6 (2) **Failure to renew.** IF A PERSON FAILS TO RENEW A
7 CERTIFICATION IN ACCORDANCE WITH THE SCHEDULE ESTABLISHED BY THE
8 DIRECTOR, THE CERTIFICATE EXPIRES. A PERSON WHOSE CERTIFICATE HAS
9 EXPIRED IS NO LONGER AUTHORIZED TO PERFORM DELEGATED FUNCTIONS
10 AND IS SUBJECT TO A DELINQUENCY FEE FOR REINSTATEMENT.

11 **42-1-511. Records - transactions. (1) Processing.** THE
12 DIRECTOR MAY AUTHORIZE PRIVATE AGENTS TO USE ELECTRONIC
13 PROCESSING OF DOCUMENTS, EVIDENCE, AND PAYMENTS.

14 (2) **Records maintained.** THE DEPARTMENT SHALL REQUIRE A
15 PRIVATE AGENT TO MAINTAIN RECORDS OF ALL DELEGATED FUNCTIONS
16 PERFORMED FOR AT LEAST THREE YEARS.

17 **42-1-512. Notice.** EACH PRIVATE AGENT THAT PROVIDES SERVICES
18 TO THE PUBLIC UNDER THIS PART 5 SHALL POST A CONSPICUOUS SIGN IN A
19 CONSPICUOUS LOCATION IN EACH FACILITY OF THE PRIVATE AGENT THAT
20 STATES THE AMOUNT CHARGED FOR EACH TRANSACTION PERFORMED BY
21 THE PRIVATE AGENT AND HOW TO FILE A COMPLAINT WITH THE DIRECTOR
22 ABOUT THE PRIVATE AGENT.

23 **42-1-513. Enforcement - investigations, audits, and discipline.**

24 (1) **Compliance.** THE DIRECTOR MAY:

25 (a) CONDUCT INVESTIGATIONS AND AUDITS OF PRIVATE AGENTS
26 AND BUSINESSES THAT EMPLOY PRIVATE AGENTS TO ENSURE COMPLIANCE
27 WITH THIS ARTICLE AND ARTICLES 2 TO 4, 6, AND 12 OF THIS TITLE AND

1 RULES PROMULGATED UNDER THOSE ARTICLES.

2 (b) MAKE ON-SITE INSPECTIONS DURING REGULAR BUSINESS HOURS
3 AT ANY LOCATION WHERE:

- 4 (I) DRIVER'S LICENSES ARE PROCESSED;
5 (II) MOTOR VEHICLE REGISTRATIONS ARE PROCESSED; OR
6 (III) RECORDS OF TRANSACTIONS ARE HELD.

7 (2) **Discipline.** IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24,
8 C.R.S., THE DIRECTOR MAY DENY AN APPLICANT OR SUSPEND OR CANCEL
9 A CERTIFICATION OR ISSUE A REMEDIAL ORDER IF A PRIVATE AGENT HAS:

10 (a) MADE A MATERIAL OMISSION, MISREPRESENTATION, OR
11 MISSTATEMENT OF FACT IN THE APPLICATION FOR CERTIFICATION;

12 (b) VIOLATED A LAW OF THIS STATE;

13 (c) VIOLATED A RULE ADOPTED BY THE DIRECTOR;

14 (d) FAILED TO KEEP AND MAINTAIN RECORDS REQUIRED BY THIS
15 PART 5;

16 (e) IMPROPERLY DISCLOSED PERSONAL INFORMATION;

17 (f) FAILED TO TRANSFER ALL TAXES AND FEES IMPOSED BY THIS
18 TITLE TO THE DIRECTOR;

19 (g) ENGAGED IN A PATTERN OF INAPPROPRIATE CONDUCT; OR

20 (h) FAILED TO MAINTAIN THE BOND REQUIRED BY SECTION
21 42-1-508.

22 (3) **Summary suspension.** IF THE DIRECTOR HAS REASONABLE
23 GROUNDS TO BELIEVE THAT A PRIVATE AGENT HAS COMMITTED ONE OF
24 THE FOLLOWING VIOLATIONS, THE DIRECTOR MAY ORDER A SUMMARY
25 SUSPENSION OF THE PRIVATE AGENT'S CERTIFICATION PENDING FORMAL
26 PROCEEDINGS FOR NO LONGER THAN SIXTY DAYS:

27 (a) TITLE OR REGISTRATION FRAUD;

- 1 (b) TAX FRAUD OR EVASION;
2 (c) LICENSE OR IDENTIFICATION CARD FRAUD;
3 (d) IMPROPER DISCLOSURE OF PERSONAL INFORMATION;
4 (e) BRIBERY;
5 (f) THEFT;
6 (g) PERJURY; OR
7 (h) ANY PATTERN OF ILLEGAL ACTS IN THE PERFORMANCE OF
8 DELEGATED FUNCTIONS.

9 **42-1-514. Violations.** (1) A PERSON WHO DOES ANY OF THE
10 FOLLOWING COMMITS A CLASS 1 MISDEMEANOR:

11 (a) PROCESSES A DRIVER'S LICENSE OR MOTOR VEHICLE
12 REGISTRATION WITHOUT HOLDING THE CERTIFICATION FROM THE
13 DIRECTOR NECESSARY TO PERFORM THE DELEGATED FUNCTION OR DURING
14 ANY PERIOD WHEN THE CERTIFICATION IS SUSPENDED, REVOKED, OR
15 EXPIRED;

16 (b) AUTHORIZES A PERSON WHO DOES NOT HOLD A CERTIFICATION
17 FROM THE DIRECTOR TO PROCESS A DRIVER'S LICENSE OR MOTOR VEHICLE
18 REGISTRATION; OR

19 (c) USES THE AUTHORITY GRANTED IN A CERTIFICATION ISSUED
20 UNDER THIS PART 5 TO KNOWINGLY VIOLATE OR AID ANOTHER PERSON TO
21 VIOLATE ANY STATUTE IN THIS ARTICLE OR ARTICLES 2 TO 4, 6, OR 12 OF
22 THIS TITLE OR ANY RULE PROMULGATED UNDER THOSE ARTICLES.

23 **SECTION 2. Act subject to petition - effective date -**
24 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
25 the expiration of the ninety-day period after final adjournment of the
26 general assembly (August 10, 2016, if adjournment sine die is on May 11,
27 2016); except that, if a referendum petition is filed pursuant to section 1

1 (3) of article V of the state constitution against this act or an item, section,
2 or part of this act within such period, then the act, item, section, or part
3 will not take effect unless approved by the people at the general election
4 to be held in November 2016 and, in such case, will take effect on the
5 date of the official declaration of the vote thereon by the governor.

6 (2) This act applies to offenses committed on or after the
7 applicable effective date of this act.

**Second Regular Session
Seventieth General Assembly
STATE OF COLORADO**

DRAFT 10.14.15

BILL 5

*Temporary storage location: S:\LCS\Policy & Research\Committees\Interim\2015\TLRC -
Transportation Legislation Review Committee\Bill Drafts\TLRC Bill 5 - Register Keis.wpd*

LLS NO. 16-0365.01 Jery Payne x2157

INTERIM COMMITTEE BILL

Transportation Legislation Review Committee

BILL TOPIC: "Register Kei Vehicles Road Use"

A BILL FOR AN ACT

101 **CONCERNING AUTHORIZATION TO DRIVE A KEI VEHICLE ON PUBLIC**
 102 **ROADWAYS IF THE KEI VEHICLE IS REGISTERED WITH THE**
 103 **STATE.**

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 authorizes a person to drive a kei vehicle on a roadway if it is registered with the division of motor vehicles. A person must be licensed to drive a

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

kei vehicle. The registration costs \$15, specific ownership tax is \$3, and the kei vehicle is issued a license plate. Kei vehicles must follow the rules of the road and cannot be driven on limited-access highways or roads with a speed limit that is greater than 55 miles per hour. Kei vehicles must have insurance. To be used on the road, a kei vehicle must have, in good working order:

- Brakes;
- Headlamps and tail lights;
- Turn signals;
- A windshield and windshield wipers;
- Rear-view mirrors; and
- Seatbelts.

The bill provides for titling kei vehicles as off-highway vehicles. The bill also clarifies that a dealer in kei vehicles has to be licensed, but current dealers are exempt.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-1-102, **add** (45.3)
3 as follows:

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

6 (45.3) (a) "KEI VEHICLE" MEANS A VEHICLE, INCLUDING TRUCKS
7 OR VANS, THAT:

8 (I) IS POWERED BY AN INTERNAL COMBUSTION ENGINE WITH A
9 DISPLACEMENT OF ONE THOUSAND CUBIC CENTIMETERS OR LESS OR AN
10 ELECTRICAL MOTOR OF FIFTY-SIX THOUSAND WATTS OR LESS;

11 (II) IS SIXTY-SEVEN INCHES OR LESS IN WIDTH;

12 (III) HAS AN EMPTY WEIGHT OF TWO THOUSAND POUNDS OR LESS;

13 (IV) TRAVELS ON FOUR OR MORE TIRES;

14 (V) HAS A TOP SPEED OF APPROXIMATELY FIFTY-FIVE MILES PER
15 HOUR;

16 (VI) IS EQUIPPED WITH A COMPARTMENT THAT IS AT LEAST
17 TWENTY-FOUR INCHES BY FIFTY INCHES OR A BED FOR HAULING;

1 (VII) HAS AN ENCLOSED PASSENGER CAB; AND

2 (VIII) IS NOT SOLD IN THE UNITED STATES FOR OPERATION ON
3 ROADWAYS.

4 (b) "KEI VEHICLES" ARE ALSO KNOWN AS "KEI TRUCKS",
5 "MICROTRUCKS", "MINITRUCKS", AND "UTILITY TRANSPORTATION
6 VEHICLES".

7 (c) A KEI VEHICLE IS NOT A MOTOR VEHICLE.

8 **SECTION 2.** In Colorado Revised Statutes, 42-1-211, **amend (2)**
9 as follows:

10 **42-1-211. Colorado state titling and registration system.**

11 (2) There is hereby created the Colorado state titling and registration
12 account in the highway users tax fund for the purpose of providing funds
13 for the development and operation of the Colorado state titling and
14 registration system, including: Operations performed under article 6 of
15 this title; THE REGISTRATION OF KEI VEHICLES; and to cover the costs of
16 administration and enforcement of the motorist insurance identification
17 database program created in section 42-7-604. Moneys received from the
18 fees imposed by section 38-29-138 (1), (2), (4), and (5), C.R.S., and
19 sections 42-1-206 (2) (a), 42-3-107 (22), ~~42-3-213 (1) (b) (IV), 42-6-137~~
20 ~~(1), (2), (4), (5), and (6), and 42-3-304 (18) (d)~~ 42-3-213 (1) (B) (IV),
21 42-3-304 (18) (d), 42-3-315, AND 42-6-137 (1), (2), (4), (5), AND (6), as
22 well as any moneys received through gifts, grants, and donations to the
23 account from private or public sources for the purposes of this section,
24 shall be credited by the state treasurer to the Colorado state titling and
25 registration account. The general assembly shall appropriate annually the
26 moneys in the Colorado state titling and registration account for the
27 purposes of this subsection (2). If any unexpended and unencumbered

1 moneys remain in the account at the end of a fiscal year, the balance
2 remains in the fund and is not transferred to the general fund or any other
3 fund.

4 **SECTION 3.** In Colorado Revised Statutes, 42-2-103, **add** (2.5)
5 as follows:

6 **42-2-103. Motorcycles - low-power scooters - kei vehicles -**
7 **driver's license required. (2.5)** A PERSON SHALL NOT DRIVE A KEI
8 VEHICLE ON A ROADWAY UNLESS THE PERSON POSSESSES A VALID DRIVER'S
9 LICENSE.

10 **SECTION 4.** In Colorado Revised Statutes, 42-3-103, **add** (6) as
11 follows:

12 **42-3-103. Registration required - exemptions - rules. (6) (a)** A
13 PERSON SHALL NOT DRIVE A KEI VEHICLE ON A ROADWAY UNLESS THE
14 OWNER REGISTERS THE KEI VEHICLE WITH THE DEPARTMENT OR THE KEI
15 VEHICLE IS BEING USED AS AUTHORIZED BY SECTION 33-14.5-108, C.R.S.
16 THE REGISTRATION EXPIRES ANNUALLY IF OWNERSHIP OF THE KEI VEHICLE
17 IS NOT TRANSFERRED TO ANOTHER PERSON OR UPON TRANSFER IF
18 OWNERSHIP OF THE KEI VEHICLE IS TRANSFERRED TO ANOTHER PERSON.

19 (b) A KEI VEHICLE IS NOT SUBJECT TO ANY MOTOR VEHICLE
20 REGISTRATION FEE UNLESS THE FEE IS EXPRESSLY AUTHORIZED FOR A KEI
21 VEHICLE BY ARTICLE 3 OF THIS TITLE.

22 (c) WHEN REGISTERING A KEI VEHICLE, THE OWNER SHALL, IN
23 ACCORDANCE WITH SECTION 42-3-105, SHOW PROOF OF INSURANCE OR
24 SIGN A STATEMENT OF NONUSE.

25 (d) A VIOLATION OF THIS SUBSECTION (6) IS A CLASS B TRAFFIC
26 INFRACTION.

27 **SECTION 5.** In Colorado Revised Statutes, 42-3-107, **add** (29)

1 as follows:

2 **42-3-107. Taxable value of classes of property - rate of tax -**
3 **when and where payable - department duties - apportionment of tax**
4 **collections - definitions - rules - repeal.** (29) THE ANNUAL SPECIFIC
5 OWNERSHIP TAX FOR A KEI VEHICLE IS THE SAME AS FOR CLASS C
6 PERSONAL PROPERTY.

7 **SECTION 6.** In Colorado Revised Statutes, 42-3-201, **amend** (1)
8 (a) (I) (E) and (1) (a) (I) (F); and **add** (1) (a) (I) (G) as follows:

9 **42-3-201. Number plates furnished - style - periodic reissuance**
10 **- tabs - rules.** (1) (a) (I) The department shall issue to every owner
11 whose vehicle is registered two number plates; except that the department
12 shall issue one number plate for the following:

13 (E) An item of special mobile machinery; or

14 (F) An autocyple; OR

15 (G) A KEI VEHICLE.

16 **SECTION 7.** In Colorado Revised Statutes, 42-3-202, **amend** (1)
17 (a) as follows:

18 **42-3-202. Number plates to be attached.** (1) (a) The owner shall
19 attach the number plates assigned to a self-propelled vehicle, other than
20 a motorcycle, autocyple, KEI VEHICLE, or street rod vehicle, to the vehicle
21 with one in the front and the other in the rear. The owner shall attach the
22 number plate assigned to a motorcycle, autocyple, KEI VEHICLE, street rod
23 vehicle, trailer, semitrailer, other vehicle drawn by a motor vehicle, or
24 special mobile machinery to the rear of the vehicle. The owner shall
25 display number plates during the current registration year, except as
26 otherwise provided in this article.

27 **SECTION 8.** In Colorado Revised Statutes, 42-3-203, **amend** (3)

1 (a) (I) and (3) (b) as follows:

2 **42-3-203. Standardized plates - rules.** (3) (a) (I) The department
3 may issue individual temporary registration number plates and certificates
4 good for a period not to exceed sixty days upon application by an owner
5 of a motor vehicle OR KEI VEHICLE, or the owner's agent, and the payment
6 of a registration fee of two dollars, one dollar and sixty cents to be
7 retained by the authorized agent or department issuing the plates and
8 certificates and the remainder to be remitted monthly to the department
9 to be transmitted to the state treasurer for credit to the highway users tax
10 fund.

11 (b) The department may issue to licensed motor vehicle dealers
12 AND POWERSPORTS VEHICLE DEALERS temporary registration number
13 plates and certificates in blocks of twenty-five upon payment of a fee of
14 six dollars and twenty-five cents for each block of twenty-five. The
15 department shall transmit any money it receives from this sale to the state
16 treasurer for credit to the highway users tax fund and allocation and
17 expenditure as specified in section 43-4-205 (5.5) (b), C.R.S. The
18 department may promulgate rules creating a system for the dealer to:

19 (I) Print on the temporary plates the temporary registration
20 number, vehicle identification number, and other information required by
21 the department; and

22 (II) Print temporary registration certificates with the information
23 required by the department.

24 **SECTION 9.** In Colorado Revised Statutes, 42-3-301, **amend** (1)
25 (a) as follows:

26 **42-3-301. License plate cash fund - license plate fees.** (1) (a) In
27 addition to the payment of any fees for motor vehicle registration or for

1 the issuance of license plates, decals, or validating tabs, each owner of a
2 motor vehicle OR KEI VEHICLE issued a license plate, decal, or validating
3 tab for a motor vehicle pursuant to UNDER this article shall also pay a fee
4 to cover the direct costs of such THE plates, decals, or tabs. The amount
5 of the fee imposed pursuant to this section shall be as specified in
6 paragraph (b) of subsection (2) of this section.

7 **SECTION 10.** In Colorado Revised Statutes, add 42-3-315 as
8 follows:

9 **42-3-315. Kei vehicle registration fee.** THE OWNER SHALL PAY
10 A FIFTEEN-DOLLAR FEE TO REGISTER A KEI VEHICLE WITH THE
11 DEPARTMENT. THE DEPARTMENT SHALL TRANSFER THE FEE TO THE STATE
12 TREASURER, WHO SHALL CREDIT THE FEE TO THE COLORADO STATE
13 TITLING AND REGISTRATION ACCOUNT CREATED IN SECTION 42-1-211 (2).

14 **SECTION 11.** In Colorado Revised Statutes, add 42-4-109.7 as
15 follows:

16 **42-4-109.7. Kei vehicles - rules.** (1) A PERSON DRIVING A KEI
17 VEHICLE UPON A ROADWAY HAS ALL OF THE RIGHTS AND IS SUBJECT TO
18 ALL OF THE DUTIES OF A DRIVER OF A MOTOR VEHICLE UNDER ARTICLES 1
19 TO 4 OF THIS TITLE EXCEPT THOSE PROVISIONS OF THIS ARTICLE THAT BY
20 THEIR NATURE HAVE NO APPLICATION. UNLESS THE STATUTE SETTING
21 FORTH A PENALTY FOR VIOLATION OF A DUTY SPECIFIES THAT THE
22 PENALTY APPLIES TO A KEI VEHICLE, A VIOLATION OF ANY DUTY IMPOSED
23 UNDER ARTICLES 1 TO 4 OF THIS TITLE IS A CLASS B TRAFFIC INFRACTION.

24 (2) (a) (I) EXCEPT AS PROHIBITED BY THIS SECTION AND SECTION
25 42-3-103, A PERSON MAY DRIVE A KEI VEHICLE ON A ROADWAY THAT HAS
26 A SPEED LIMIT OF FIFTY-FIVE MILES PER HOUR OR LESS.

27 (II) PROHIBITING A PERSON FROM DRIVING A KEI VEHICLE ON A

1 ROADWAY DOES NOT PROHIBIT THE PERSON FROM DRIVING ACROSS THE
2 ROADWAY AT AN AT-GRADE INTERSECTION WITH AN AUTHORIZED
3 ROADWAY.

4 (b) A PERSON SHALL NOT DRIVE A KEI VEHICLE ON A
5 LIMITED-ACCESS HIGHWAY.

6 (3) A VIOLATION OF THIS SECTION IS A CLASS B TRAFFIC
7 INFRACTION.

8 **SECTION 12.** In Colorado Revised Statutes, **add** 42-4-242 as
9 follows:

10 **42-4-242. Equipment - kei vehicles.** (1) A PERSON SHALL NOT
11 DRIVE A KEI VEHICLE ON A ROADWAY UNLESS THE VEHICLE IS EQUIPPED
12 WITH THE FOLLOWING IN GOOD WORKING ORDER:

13 (a) BRAKES THAT ENABLE THE OPERATOR TO MAKE THE WHEELS
14 SKID ON DRY, LEVEL, AND CLEAN PAVEMENT;

15 (b) A HEAD LAMP AIMED AND SUFFICIENTLY INTENSE TO REVEAL
16 PERSONS AND VEHICLES AT NIGHT AT A DISTANCE OF ONE HUNDRED FEET
17 AHEAD ON A STRAIGHT, LEVEL ROAD;

18 (c) TWO TAIL LIGHTS THAT EMIT A RED LIGHT WHEN THE HEAD
19 LAMPS ARE LIGHTED AND THAT ARE:

20 (I) VISIBLE FROM A DISTANCE OF FIVE HUNDRED FEET TO THE
21 REAR;

22 (II) MOUNTED ON THE REAR OF THE VEHICLE ON THE SAME LEVEL
23 AND AS WIDELY SPACED LATERALLY AS PRACTICABLE; AND

24 (III) LOCATED AT A HEIGHT OF NOT MORE THAN SEVENTY-TWO
25 INCHES NOR LESS THAN TWENTY INCHES OFF THE GROUND;

26 (d) LAMPS ON THE FRONT AND REAR OF THE VEHICLE THAT
27 INDICATE AN INTENTION TO TURN EITHER TO THE RIGHT OR TO THE LEFT BY

1 FLASHING THE LAMP ON AND OFF AND THAT:

2 (I) ARE LOCATED ON THE SAME LEVEL AND AS WIDELY SPACED
3 LATERALLY AS PRACTICABLE;

4 (II) DISPLAY A WHITE OR AMBER LIGHT ON THE FRONT; AND

5 (III) DISPLAY RED, ORANGE, OR AMBER LIGHT ON THE REAR;

6 (e) SAFETY GLAZING MATERIAL AT THE FRONT OF THE VEHICLE SO
7 AS TO SERVE AS A WINDSHIELD AND AS EYE PROTECTION FOR THE DRIVER;

8 (f) A DEVICE CONTROLLED BY THE DRIVER OF THE VEHICLE FOR
9 CLEANING MOISTURE FROM THE WINDSHIELD;

10 (g) A MIRROR THAT REFLECTS TO THE DRIVER AN UNOBSTRUCTED
11 VIEW OF THE ROADWAY FOR AT LEAST TWO HUNDRED FEET BEHIND THE
12 REAR OF THE VEHICLE;

13 (h) SAFETY BELTS FOR EACH PASSENGER OF THE VEHICLE; AND

14 (i) A HORN.

15 (2) A VIOLATION OF THIS SECTION IS A CLASS B TRAFFIC
16 INFRACTION.

17 **SECTION 13.** In Colorado Revised Statutes, 42-4-1409, **amend**
18 (2), (3) (a), and (5) as follows:

19 **42-4-1409. Compulsory insurance - penalty - legislative intent.**

20 (2) ~~No~~ A person shall ~~operate~~ NOT DRIVE a motor vehicle, KEI VEHICLE,
21 or low-power scooter on ~~the~~ A public ~~highways of this state~~ ROADWAY
22 without a complying policy or certificate of self-insurance in full force
23 and effect as required by law.

24 (3) (a) When an accident occurs or when requested to do so
25 following ~~any lawful~~ A traffic contact or during ~~any~~ A traffic investigation
26 by a peace officer, ~~an owner or operator~~ THE DRIVER of a motor vehicle,
27 KEI VEHICLE, or low-power scooter shall IMMEDIATELY present to the

1 requesting officer ~~immediate~~ evidence of a complying policy or certificate
2 of self-insurance in full force and effect as required by law.

3 (5) Testimony of the failure of ~~any~~ AN owner or operator of a
4 motor vehicle, KEI VEHICLE, or low-power scooter to present ~~immediate~~
5 evidence of a complying policy or certificate of self-insurance in full
6 force and effect as required by law, when requested to do so by a peace
7 officer, ~~shall constitute~~ IS prima facie evidence at a trial concerning a
8 violation charged under subsection (1) or (2) of this section that ~~such~~ THE
9 owner or operator ~~of a motor vehicle~~ violated subsection (1) or (2) of this
10 section.

11 **SECTION 14.** In Colorado Revised Statutes, 42-6-102, **amend**
12 (6.5), (11.5) (a) (III), and (11.5) (b) introductory portion; and **add** (6.6)
13 as follows:

14 **42-6-102. Definitions.** As used in this part 1, unless the context
15 otherwise requires:

16 (6.5) ~~"Kit vehicle" means a passenger-type motor vehicle~~
17 ~~assembled, by other than a licensed manufacturer, from a manufactured~~
18 ~~kit that includes a prefabricated body and chassis and is accompanied by~~
19 ~~a manufacturer's statement of origin.~~ "KEI VEHICLE" HAS THE MEANING
20 SET FORTH IN SECTION 42-1-102.

21 (6.6) "KIT VEHICLE" MEANS A PASSENGER-TYPE MOTOR VEHICLE
22 ASSEMBLED, BY OTHER THAN A LICENSED MANUFACTURER, FROM A
23 MANUFACTURED KIT THAT INCLUDES A PREFABRICATED BODY AND
24 CHASSIS AND IS ACCOMPANIED BY A MANUFACTURER'S STATEMENT OF
25 ORIGIN.

26 (11.5) (a) "Off-highway vehicle" means a self-propelled vehicle
27 that is:

1 (III) Generally and commonly used to transport persons for
2 recreational OR OCCUPATIONAL purposes.

3 (b) "Off-highway vehicle" includes vehicles commonly known as
4 all-terrain vehicles, KEI VEHICLES, and snowmobiles but does not include:

5 **SECTION 15.** In Colorado Revised Statutes, 42-6-148, **amend**
6 (2) as follows:

7 **42-6-148. Off-highway vehicles - sales.** (2) (a) A current
8 off-highway vehicle registration issued under article 14.5 of title 33,
9 C.R.S., is sufficient evidence of ownership to issue a certificate of title
10 under this part 1.

11 (b) IF A KEI VEHICLE DOES NOT HAVE A MANUFACTURER'S VEHICLE
12 IDENTIFICATION NUMBER, THE DEPARTMENT MAY ISSUE A CERTIFICATE OF
13 TITLE BASED UPON:

14 (I) A MANUFACTURER'S STATEMENT OF ORIGIN;

15 (II) A PHYSICAL INSPECTION IN ACCORDANCE WITH SECTION
16 42-6-107 (1) (b);

17 (III) A BILL OF SALE; OR

18 (IV) (A) A MANUFACTURER'S CERTIFICATE, IMPORTER'S
19 CERTIFICATE, OR EXPORT CERTIFICATE FOR A KEI VEHICLE; AND

20 (B) AN AFFIDAVIT BY THE OWNER AFFIRMING OWNERSHIP.

21 **SECTION 16.** In Colorado Revised Statutes, 10-4-601, **amend**
22 (6) and (10) introductory portion; and **add** (5.3) as follows:

23 **10-4-601. Definitions.** As used in this part 6, unless the context
24 otherwise requires:

25 (5.3) "KEI VEHICLE" HAS THE MEANING SET FORTH IN SECTION
26 42-1-102, C.R.S.

27 (6) "Motor vehicle" OR "AUTOMOBILE" means a motor vehicle, and

1 a low-power scooter, OR A KEI VEHICLE as ~~both terms are~~ EACH TERM IS
 2 defined in section 42-1-102, C.R.S.; except that "motor vehicle" OR
 3 "AUTOMOBILE" does not include a toy vehicle, KEI VEHICLE, snowmobile,
 4 OTHER off-highway vehicle, or vehicle designed primarily for use on rails.

5 (10) "Policy" means ~~an automobile~~ A MOTOR VEHICLE insurance
 6 policy providing coverage for all or any of the following coverages:
 7 Collision, comprehensive, bodily injury liability, property damage
 8 liability, medical payments, and uninsured motorist coverage, or a
 9 combination ~~automobile~~ MOTOR VEHICLE policy providing bodily injury
 10 liability, property damage liability, medical payments, uninsured motorist,
 11 and physical damage coverage, delivered or issued for delivery in this
 12 state, insuring a single individual, or husband and wife, or family
 13 members residing in the same household, as THE named insured, and
 14 under which the insured vehicles ~~therein~~ designated IN THE POLICY are of
 15 the following types only:

16 **SECTION 17.** In Colorado Revised Statutes, 12-6-502, **amend**
 17 (10); and **add** (5.7) as follows:

18 **12-6-502. Definitions.** As used in this part 5, unless the context
 19 otherwise requires:

20 (5.7) "KEI VEHICLE" HAS THE MEANING SET FORTH IN SECTION
 21 42-1-102, C.R.S.

22 (10) "Powersports vehicle" means any of the following:

- 23 (a) An off-highway vehicle;
- 24 (b) A personal watercraft; ~~or~~
- 25 (c) A snowmobile; OR
- 26 (d) A KEI VEHICLE.

27 **SECTION 18.** In Colorado Revised Statutes, 12-6-523, **amend**

1 (2) as follows:

2 **12-6-523. Unlawful acts.** (2) (a) EXCEPT AS PROVIDED BY
3 SUBSECTION (b) OF THIS SUBSECTION (2), it is unlawful for a person to act
4 as a wholesaler, powersports vehicle dealer, used powersports vehicle
5 dealer, powersports vehicle manufacturer, powersports vehicle
6 distributor, powersports vehicle manufacturer representative, or
7 powersports vehicle salesperson unless the person has been duly licensed
8 under the provisions of this part 5.

9 (b) A PERSON WHO WAS IN THE BUSINESS OF SELLING KEI VEHICLES
10 BEFORE JULY 1, 2015, MAY CONTINUE TO SELL KEI VEHICLES SO LONG AS
11 THE PERSON CONTINUES TO OPERATE THE BUSINESS.

12 **SECTION 19.** In Colorado Revised Statutes, 33-14.5-101,
13 **amend** (3) introductory portion, (3) (d), and (3) (g) as follows:

14 **33-14.5-101. Definitions.** As used in this article, unless the
15 context otherwise requires:

16 (3) "Off-highway vehicle" means ~~any~~ A self-propelled vehicle
17 ~~which~~ THAT is designed to travel on wheels or tracks in contact with the
18 ground, ~~which~~ is designed primarily for use off of the public highways,
19 and ~~which~~ is generally and commonly used ~~to transport persons~~ for
20 recreational purposes. "Off-highway vehicle" does not include: the
21 following:

22 (d) Golf ~~carts~~ CARS;

23 (g) MOTOR vehicles registered ~~pursuant to~~ UNDER article 3 of title
24 42, C.R.S.

25 **SECTION 20. Act subject to petition - effective date -**
26 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
27 the expiration of the ninety-day period after final adjournment of the

1 general assembly (August 10, 2016, if adjournment sine die is on May 11,
2 2016); except that, if a referendum petition is filed pursuant to section 1
3 (3) of article V of the state constitution against this act or an item, section,
4 or part of this act within such period, then the act, item, section, or part
5 will not take effect unless approved by the people at the general election
6 to be held in November 2016 and, in such case, will take effect on the
7 date of the official declaration of the vote thereon by the governor.

8 (2) This act applies to registrations made and offenses committed
9 on or after January 1, 2017.

LLS NO. 16-0365_L.001 AMENDMENT # 2
INTERIM COMMITTEE AMENDMENT
Transportation Legislation Review Committee.
BY REPRESENTATIVE Moreno
LLS No. 16-0365 be amended as follows:

- 1 Amend LLS No. 16-0365, page 12, line 12, strike "husband and wife,"
- 2 and substitute "~~husband and wife~~, MARRIED SPOUSES,".

** ** ** ** **

INTERIM COMMITTEE AMENDMENT

Transportation Legislation Review Committee.

BY REPRESENTATIVE Moreno

LLS No. 16-0365 be amended as follows:

1 Amend LLS No. 16-0365, page 3, after line 7 insert:

2 "SECTION 2. In Colorado Revised Statutes, 42-1-210, amend
3 (1) (a) as follows:

4 **42-1-210. County clerk and recorders and manager of revenue**
5 **or other appointed official as agents - legislative declaration - fee.**
6 (1) (a) The county clerk and recorder in each county in the state of
7 Colorado, the clerk and recorder in the city and county of Broomfield,
8 and, in the city and county of Denver, the manager of revenue or such
9 other official of the city and county of Denver as may be appointed by the
10 mayor to perform functions related to the registration of motor vehicles
11 are hereby designated as the authorized agents of the department for the
12 administration of the provisions of articles 3 and 6 of this title relating to
13 registrations of motor vehicles in such counties; and for the enforcement
14 of the provisions of section 42-6-139 relating to the registering and titling
15 of motor vehicles in such counties; and for the enforcement of the
16 provisions of section 38-29-120, C.R.S., relating to the titling of
17 manufactured homes; but any such authorized agent in a county has the
18 power to appoint and employ such motor vehicle registration and license
19 clerks as are actually necessary in the issuance of motor vehicle licenses
20 and shall retain for the purpose of defraying such expenses, including
21 mailing, a sum equal to four dollars per paid motor vehicle registration,
22 and KEI VEHICLE REGISTRATION, registration requiring a metallic plate,
23 plates, individual temporary registration number plates, or validation tab
24 or sticker as provided in section 42-3-201. This fee of four dollars shall
25 apply to every registration of a motor vehicle that is designed primarily
26 to be operated or drawn on any highway of this state OR KEI VEHICLE,
27 except such vehicles as are specifically exempted from payment of any
28 registration fee by the provisions of article 3 of this title, and shall be in
29 addition to the annual registration fee prescribed by law for such vehicle.
30 The fee of four dollars, when collected by the department, shall be
31 credited to the same fund as registration fees collected by the department.
32 The county clerk and recorders, the clerk and recorder in the city and
33 county of Broomfield, and the manager of revenue or such other official
34 of the city and county of Denver as may be appointed by the mayor to
35 perform functions related to the registration of motor vehicles in the city
36 and county of Denver so designated as the authorized agents of the
37 department, as provided in this section, shall serve as such authorized
38 agents under the provisions of this part 2 without additional remuneration
39 or fees, except as otherwise provided in articles 1 to 6 of this title."

40 Renumber succeeding sections accordingly.

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

BILL 7

Temporary storage location: S:\LCS\Policy & Research\Committees\Interim\2015\TLRC -
Transportation Legislation Review Committee\Bill Drafts\TLRC Bill 7 - Tow Title Search.wpd

LLS NO. 16-0363.02 Jery Payne x2157

INTERIM COMMITTEE BILL**Transportation Legislation Review Committee**

BILL TOPIC: "Abandoned Motor Vehicle National Title Search"

A BILL FOR AN ACT

101 **CONCERNING A REQUIREMENT THAT THE HOLDER OF AN ABANDONED**
102 **MOTOR VEHICLE USE THE RECORDS OF A NATIONAL TITLE**
103 **SEARCH TO NOTIFY PERSONS WITH AN INTEREST IN THE MOTOR**
104 **VEHICLE THAT THE VEHICLE HAS BEEN TOWED AND IS SUBJECT**
105 **TO SALE.**

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>.)

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

Transportation Legislation Review Committee. Currently, when an abandoned motor vehicle has been towed, the responsible law enforcement agency and tow operator notify the department of revenue, which searches its records to determine who owns the vehicle and if there is a lienholder. This information is used to return stolen vehicles and to notify the owner and any lienholder that the vehicle will be sold at an auction if it is not claimed. The bill broadens the records used in the search to include those that can be obtained through a national title search.

The bill also extends the period for a tow operator to notify the owner and any lienholder from three days to five days.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-4-1804, **amend**
3 (2) and (6) (a) introductory portion as follows:

4 **42-4-1804. Report of abandoned motor vehicles - owner's**
5 **opportunity to request hearing.** (2) (a) Upon its receipt of such A report
6 MADE UNDER SUBSECTION (1) OR (6) OF THIS SECTION, the department
7 shall search its records to ascertain the last-known owner of record for the
8 abandoned motor vehicle and any lienholder as those persons are
9 represented in department records.

10 (b) ~~In the event~~ IF the vehicle is ~~determined by the department not~~
11 ~~to be registered in the state of Colorado the report required by this section~~
12 ~~shall state that no Colorado title record exists regarding the vehicle WITH~~
13 THE DEPARTMENT, THE DEPARTMENT SHALL CONDUCT A TITLE SEARCH
14 WITH AN ENTITY THAT:

15 (I) HAS A NATIONAL DATABASE;

16 (II) MAY RETRIEVE RECORDS BASED ON BOTH THE VEHICLE
17 IDENTIFICATION NUMBER AND VEHICLE REGISTRATION NUMBER (LICENSE
18 PLATE NUMBER); AND

19 (III) PROVIDES THE FOLLOWING INFORMATION: THE VEHICLE

1 IDENTIFICATION NUMBER, THE VEHICLE REGISTRATION NUMBER, THE
2 OWNER'S NAME AND CONTACT INFORMATION, AND THE LIENHOLDER'S
3 NAME AND CONTACT INFORMATION.

4 (c) Within ten working days after such receipt OF A REPORT MADE
5 UNDER SUBSECTION (1) OR (6) OF THIS SECTION, the department shall
6 complete its search and shall transmit such THE report, together with all
7 relevant information, to the responsible law enforcement agency OR TOW
8 OPERATOR.

9 (6) (a) An operator or its agent shall, no less than two days, but no
10 more than ten days after a motor vehicle has been towed, determine if
11 ~~there is an~~ WHO THE OWNER IS and IF THERE IS a lienholder ~~represented in~~
12 ~~department records~~ AND send a notice by certified mail, return receipt
13 requested, to the last address of the owner ~~as shown on the motor~~
14 ~~vehicle's registration, and the lienholder, as shown on the title, if either is~~
15 ~~shown in department records~~ AS DETERMINED FROM RECORDS OF THE
16 DEPARTMENT, FROM THE NATIONAL SEARCH PERFORMED BY THE
17 DEPARTMENT, OR BOTH. The cost of complying with this paragraph (a)
18 ~~shall be considered~~ IS a cost of towing; except that the total of such ALL
19 costs OF COMPLYING WITH THIS SECTION shall not exceed one hundred
20 fifty dollars. TO COMPLY WITH THIS SUBSECTION (6), the notice to the
21 owner and lienholder ~~shall~~ MUST be sent within ~~three~~ FIVE days after the
22 operator receives the information from the department ~~Such notice shall~~
23 AND MUST contain the following information:

24 **SECTION 2.** In Colorado Revised Statutes, 42-4-2103, amend
25 (3) (c) (I); and add (3) (b.5) as follows:

26 **42-4-2103. Abandonment of motor vehicles - private property.**
27 (3) (b.5) (I) UPON RECEIPT OF A REPORT MADE UNDER PARAGRAPHS (a)

1 AND (b) OF THIS SUBSECTION (3), THE DEPARTMENT SHALL SEARCH ITS
2 RECORDS TO ASCERTAIN THE LAST-KNOWN OWNER OF RECORD FOR THE
3 ABANDONED MOTOR VEHICLE AND ANY LIENHOLDER AS THOSE PERSONS
4 ARE REPRESENTED IN DEPARTMENT RECORDS.

5 (II) IF THE VEHICLE IS NOT REGISTERED WITH THE DEPARTMENT,
6 THE DEPARTMENT SHALL CONDUCT A TITLE SEARCH WITH AN ENTITY
7 THAT:

8 (A) HAS A NATIONAL DATABASE;

9 (B) MAY RETRIEVE RECORDS BASED ON BOTH THE VEHICLE
10 IDENTIFICATION NUMBER AND VEHICLE REGISTRATION NUMBER (LICENSE
11 PLATE NUMBER); AND

12 (C) PROVIDES THE FOLLOWING INFORMATION: THE VEHICLE
13 IDENTIFICATION NUMBER, THE VEHICLE REGISTRATION NUMBER, THE
14 OWNER'S NAME AND CONTACT INFORMATION, AND THE LIENHOLDER'S
15 NAME AND CONTACT INFORMATION.

16 (III) WITHIN TEN WORKING DAYS AFTER RECEIPT OF A REPORT
17 MADE UNDER PARAGRAPHS (a) AND (b) OF THIS SUBSECTION (3), THE
18 DEPARTMENT SHALL COMPLETE ITS SEARCH AND SHALL TRANSMIT THE
19 REPORT, TOGETHER WITH ALL RELEVANT INFORMATION, TO THE
20 RESPONSIBLE LAW ENFORCEMENT AGENCY OR TOW OPERATOR.

21 (c) (I) An operator or its agent shall, no less than two days, but no
22 more than ten days after a motor vehicle has been towed or abandoned,
23 determine if there is an WHO THE owner IS and IF THERE IS a lienholder
24 represented in department records and send a notice by certified mail,
25 return receipt requested, to the address of the owner as shown on the
26 motor vehicle's registration, and the lienholder if either is shown in
27 department records. Such AS DETERMINED FROM RECORDS OF THE

1 DEPARTMENT, FROM THE NATIONAL SEARCH PERFORMED BY THE
2 DEPARTMENT, OR BOTH. THE notice ~~shall~~ MUST include the information
3 required by the report set forth in paragraph (b) of this subsection (3). The
4 cost of complying with ~~the provisions of~~ this paragraph (c) shall be
5 considered a cost of towing; except that the total of ~~such~~ ALL costs OF
6 COMPLYING WITH THIS SECTION shall not exceed one hundred fifty dollars.
7 The TOW OPERATOR SHALL SEND THE notice to the owner and lienholder
8 ~~shall be sent within three~~ WITHIN FIVE days after receiving the information
9 from the department.

10 **SECTION 3. Act subject to petition - effective date -**
11 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
12 the expiration of the ninety-day period after final adjournment of the
13 general assembly (August 10, 2016, if adjournment sine die is on May 11,
14 2016); except that, if a referendum petition is filed pursuant to section 1
15 (3) of article V of the state constitution against this act or an item, section,
16 or part of this act within such period, then the act, item, section, or part
17 will not take effect unless approved by the people at the general election
18 to be held in November 2016 and, in such case, will take effect on the
19 date of the official declaration of the vote thereon by the governor.

20 (2) This act applies to vehicles towed on or after January 1, 2017.

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

DRAFT 10.16.15

BILL 8

*Temporary storage location: S:\LCS\Policy & Research\Committees\Interim\2015\TLRC -
Transportation Legislation Review Committee\Bill Drafts\TLRC Bill 8 - RTA Mill Levy.wpd*

LLS NO. 16-0362.01 Jason Gelender x4330

INTERIM COMMITTEE BILL

Transportation Legislation Review Committee

BILL TOPIC: "Regional Transportation Authority Mill Levy"

A BILL FOR AN ACT

101 **CONCERNING EXTENSION OF THE AUTHORIZATION FOR A REGIONAL**
102 **TRANSPORTATION AUTHORITY TO IMPOSE A UNIFORM MILL**
103 **LEVY ON ALL TAXABLE PROPERTY WITHIN ITS TERRITORY.**

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. Current law authorizes a regional transportation authority to impose a uniform mill levy of up to 5 mills on all taxable property within its territory, but the

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

authorization is scheduled to repeal on January 1, 2019. The bill extends the authorization until January 1, 2029.

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

2 **SECTION 1.** In Colorado Revised Statutes, 43-4-605, **amend** (1)
3 (j.5) as follows:

4 **43-4-605. Powers of the authority - inclusion or exclusion of**
5 **property - determination of regional transportation system alignment**
6 **- fund created - repeal.** (1) In addition to any other powers granted to
7 the authority pursuant to this part 6, the authority has the following
8 powers:

9 (j.5) (I) Subject to the provisions of section 43-4-612, to impose
10 a uniform mill levy of up to five mills on all taxable property within the
11 territory of the authority. This paragraph (j.5) does not limit or affect the
12 power of an authority to establish local improvement districts and impose
13 special assessments as authorized by section 43-4-608.

14 (II) This paragraph (j.5) is repealed, effective ~~January 1, 2019~~
15 JANUARY 1, 2029.

16 **SECTION 2. Act subject to petition - effective date.** This act
17 takes effect at 12:01 a.m. on the day following the expiration of the
18 ninety-day period after final adjournment of the general assembly (August
19 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
20 referendum petition is filed pursuant to section 1 (3) of article V of the
21 state constitution against this act or an item, section, or part of this act
22 within such period, then the act, item, section, or part will not take effect
23 unless approved by the people at the general election to be held in

1 November 2016 and, in such case, will take effect on the date of the
2 official declaration of the vote thereon by the governor.