






Colorado Revised Statutes

-  **Colorado Revised Statutes**
-  **TITLE 42 VEHICLES AND TRAFFIC**
-  **DRIVERS' LICENSES**
-  **ARTICLE 2 Drivers' Licenses**
-  **PART 1 DRIVERS' LICENSES**

42-2-107. Application for license or instruction permit – anatomical gifts – donations to Emily Maureen Ellen Keyes organ and tissue donation awareness fund – legislative declaration – repeal.

****Update Notice:** This section has been amended by

[CHAPTER 210, COLO. SESS. LAWS OF 2009](#).

(1) (a) (I) Every application for an instruction permit or for a driver's or minor driver's license shall be made upon forms furnished by the department. Every application shall be accompanied by the required fee. The fee for an application for any instruction permit shall be thirteen dollars and forty cents, which shall be transferred to the state treasurer, who shall credit ten dollars to the highway users tax fund and three dollars and forty cents to the licensing services cash fund created in section [42-2-114.5](#). Every applicant shall submit, with the application, proof of age or proof of identity, or both, as the department may require.

(II) If an applicant is applying for an instruction permit or driver's or minor driver's license for the first time in Colorado and the applicant otherwise meets the requirements for such license or permit, the applicant shall receive a temporary license or instruction permit pursuant to section [42-2-106](#)(2) until the department verifies all facts relative to such applicant's right to receive an instruction permit or minor driver's or driver's license including the age, identity, and residency of the applicant.

(b) (I) An applicant who submits proof of age or proof of identity issued by an entity other than a state or the United States shall also submit such proof as the department may require that the applicant is lawfully present in the United States.

(II) An applicant who submits, as proof of age or proof of identity, a driver's license or identification card issued by a state that issues drivers' licenses or identification cards to persons who are not lawfully present in the United States shall also submit such proof as the department may require that the applicant is lawfully present in the United States.

(c) The department may not issue a driver's or minor driver's license to any person who is not lawfully present in the United States.

(d) The department may not issue a driver's or minor driver's license to any person who is not a resident of the state of Colorado. The department shall issue such a license only upon the furnishing of such evidence of residency as the department may require.

(2) (a) Every application shall state the full name, date of birth, sex, and residence address of the applicant; briefly describe the applicant; be

signed by the applicant with such applicant's usual signature; have affixed thereon the applicant's fingerprint; and state whether the licensee has ever been licensed as a minor driver or driver and, if so, when and by what state or country and whether any such license has ever been denied, suspended, or revoked, the reasons therefor, and the date thereof. These statements shall be verified by the applicant's signature thereon.

(b) (I) In addition to the requirements of paragraph (a) of this subsection (2), an application shall state that:

(A) The applicant understands that, as a resident of the state of Colorado, any motor vehicle owned by the applicant must be registered in Colorado pursuant to the laws of the state and the applicant may be subject to criminal penalties, civil penalties, cancellation or denial of the applicant's driver's license, and liability for any unpaid registration fees and specific ownership taxes if the applicant fails to comply with such registration requirements; and

(B) The applicant agrees, within thirty days after the date the applicant became a resident, to register in Colorado any vehicle owned by the applicant.

(II) The applicant shall verify the statements required by this paragraph (b) by the applicant's signature on the application.

(2.5) (a) Any male United States citizen or immigrant who applies for an instruction permit or a driver's license or a renewal of any such permit or license and who is at least eighteen years of age but less than twenty-six years of age shall be registered in compliance with the requirements of section 3 of the "Military Selective Service Act", [50 U.S.C. App. sec. 453](#), as amended.

(b) The department shall forward in an electronic format the necessary personal information of the applicants identified in paragraph (a) of this subsection (2.5) to the selective service system. The applicant's submission of an application shall serve as an indication that the applicant either has already registered with the selective service system or that he is authorizing the department to forward to the selective service system the necessary information for such registration. The department shall notify the applicant that his submission of an application constitutes consent to registration with the selective service system, if so required by federal law.

(3) (a) Except as otherwise provided in paragraph (b) of this subsection (3), an application for a driver's or minor driver's license shall include the applicant's social security number, which shall remain confidential and shall not be placed on the applicant's driver's or minor driver's license; except that such confidentiality shall not extend to the state child support enforcement agency, the department, or a court of competent jurisdiction when requesting information in the course of activities authorized under article 13 of title 26, C.R.S., or article 14 of title 14, C.R.S. If the applicant does not have a social security number, the applicant shall submit a sworn statement made under penalty of law, together with the application, stating that the applicant does not have a social security number.

(b) If federal law is changed to prohibit the collection of social security numbers on driver's license applications, the department shall automatically stop its practice of including applicants' social security numbers on applications for driver's and minor driver's licenses as specified in paragraph (a) of this subsection (3).

(c) A sworn statement that is made under penalty of perjury shall be sufficient evidence of the applicant's social security number required by this subsection (3) and shall authorize the department to issue a driver's or minor driver's license to the applicant. Nothing in this paragraph (c) shall be construed to prevent the department from cancelling, denying, recalling, or updating a driver's or minor driver's license if the department learns that the applicant has provided a false social security number.

(4) (a) (Deleted by amendment, L. 2004, p. 1891, § 4, effective August 4, 2004.)

(b) (I) (A) The general assembly hereby finds, determines, and declares that the availability of human organs and tissue by voluntary designation of donors under the provisions of the "Revised Uniform Anatomical Gift Act", part 1 of article 34 of title 12, C.R.S., is critical for advancements in medical science to occur and for the successful use of various medical treatments to save and prolong lives.

(B) The general assembly further finds, determines, and declares that state government should play a role in increasing the availability of human organs and tissue to procurement organizations, as defined in section [12-34-102](#), C.R.S., by acting as a conduit to make moneys available for promoting organ and tissue donation and that this role constitutes a public purpose.

(II) There is hereby created in the state treasury the Emily Maureen Ellen Keyes organ and tissue donation awareness fund, which shall consist of all moneys credited thereto from all sources including but not limited to moneys collected from voluntary contributions for organ and tissue donation pursuant to subparagraph (V) of this paragraph (b) and sections [39-22-2702](#), C.R.S., and [42-2-118](#)(1)(a) (II). All moneys in the fund are hereby continuously appropriated to the department of the treasury and shall remain in the fund to be used for the purposes set forth in subparagraph (III) of this paragraph (b) and shall not revert to the general fund or any other fund. All interest derived from the deposit and investment of this fund shall be credited to the fund. At least quarterly, the state treasurer shall transfer all available moneys in the Emily Maureen Ellen Keyes organ and tissue donation awareness fund to the transplant council of the rockies (TCOR), or its successor organization, as directed by sub-subparagraph (A) of subparagraph (III) of this paragraph (b).

(III) At least quarterly, the state treasurer shall transfer all available moneys from the Emily Maureen Ellen Keyes organ and tissue donation awareness fund:

(A) To the transplant council of the rockies (TCOR), or its successor organization, to provide funding for activities to promote organ and tissue donation through the creation and dissemination, by means of

electronic media and otherwise, of educational information including public service announcements and information to increase awareness in the medical professions and related fields. The transplant council of the rockies (TCOR), or its successor organization, shall create, by amendment to its articles of incorporation or bylaws or otherwise, as appropriate, an advisory group to allocate moneys received pursuant to this sub-subparagraph (A). Such advisory body shall include a representative of any qualified transplant organization. Such organizations shall include those for organs, tissue, bone marrow, and blood. The advisory body created under this sub-subparagraph (A) shall report in writing in a form and manner determined by the department and at such intervals as required by the department on the use of moneys received under this sub-subparagraph (A). No moneys made available pursuant to this paragraph (b) shall be used to encourage fetal tissue donation.

(B) (Deleted by amendment, L. 98, p. 1172, § 9, effective June 1, 1998.)

(C) Before any payment to the transplant council of the rockies (TCOR), or its successor organization, from the Emily Maureen Ellen Keyes organ and tissue donation awareness fund may be made for any purpose, to the department for the reasonable costs associated with the initial installation of the organ and tissue donor registry, the setup for electronic transfer of the donor information for the organ and tissue donor registry to the federally designated organ procurement organization, computer programming and form changes necessary as a result of the creation of the organ and tissue donor registry, and the tracking and reporting of moneys designated as contributions to the fund pursuant to section [39-22-2702](#), C.R.S.;

(D) To the transplant council of the rockies (TCOR), or its successor organization, for the costs associated with educating the public about the organ and tissue donor registry pursuant to section [12-34-120](#), C.R.S.

(IV) Appropriations made by the general assembly pursuant to subparagraph (III) of this paragraph (b) shall not exceed moneys in the Emily Maureen Ellen Keyes organ and tissue donation awareness fund that are available for appropriation.

(V) An applicant may make a donation of one dollar or more to the Emily Maureen Ellen Keyes organ and tissue donation awareness fund, created in subparagraph (II) of this paragraph (b), to promote the donation of organs and tissues under the provisions of the "Revised Uniform Anatomical Gift Act", part 1 of article 34 of title 12, C.R.S. The department shall collect such donations and transmit them to the state treasurer, who shall credit the same to the Emily Maureen Ellen Keyes organ and tissue donation awareness fund. The donation prescribed in this subparagraph (V) is voluntary and may be refused by the applicant. The department shall make available informational booklets or other informational sources on the importance of organ and tissue donations to applicants as designed and approved by the advisory body created under sub-subparagraph (A) of subparagraph (III) of this paragraph (b). The department shall inquire of each applicant at the time the completed application is presented whether the applicant is interested in making a donation of one dollar or more and shall also specifically inform the applicant of the option for organ and tissue donations. The department shall also provide written information designed and approved by the advisory body created under sub-subparagraph

(A) of subparagraph (III) of this paragraph (b) to each applicant volunteering to become an organ and tissue donor. The written information shall disclose that the applicant's name shall be transmitted to the organ and tissue donor registry authorized in section [12-34-120](#), C.R.S., and that the applicant shall notify the federally designated organ procurement organization of any changes to the applicant's donor status.

(V.5) Designation on a donor's driver's license or permit shall fulfill the release requirements set forth in section [24-72-204](#)(7)(b), C.R.S.

(VI) The provisions of article 16 of title 6, C.R.S., shall not apply to the activities of the department under this paragraph (b).

(VII) This paragraph (b) is repealed, effective July 1, 2018.

(5)(a)(I) Prior to the issuance of a driver's or minor driver's license, the department shall determine if there are any outstanding judgments or warrants entered or issued against the applicant pursuant to section [42-4-1709](#)(7).

(II) For the purposes of this subsection (5), "outstanding judgments or warrants" does not include any judgment or warrant reported to the department in violation of the provisions of section [42-4-110.5](#)(2)(c).

(b) If the department determines that there are no outstanding judgments or warrants entered or issued against the applicant and if all other conditions for issuance required by articles 1 to 4 of this title are met, the department shall issue the license.

(c) If the department determines that there are outstanding judgments or warrants entered or issued against the applicant and the applicant is subject to the provisions of section [42-4-1709](#)(7), the license shall not be issued until the applicant has complied with the requirements of that section. Any person who satisfies an outstanding judgment or warrant entered pursuant to section [42-4-1709](#)(7) shall pay to the court a thirty-dollar administrative processing fee for each such judgment or warrant in addition to all other penalties, costs, or forfeitures. The court shall remit fifty percent of the administrative processing fee to the department of revenue, and the other fifty percent shall be retained by the issuing court.

(6) Notwithstanding the amount specified for any fee in this section, the executive director of the department by rule or as otherwise provided by law may reduce the amount of one or more of the fees if necessary pursuant to section [24-75-402](#)(3), C.R.S., to reduce the uncommitted reserves of the fund to which all or any portion of one or more of the fees is credited. After the uncommitted reserves of the fund are sufficiently reduced, the executive director of the department by rule or as otherwise provided by law may increase the amount of one or more of the fees as provided in section [24-75-402](#)(4), C.R.S.

Colorado Acts

CHAPTER 210, COLO. SESS. LAWS OF 2009

AN ACT

SENATE BILL 09-274

BY SENATOR(S) Keller, Tapia, White, Williams;

also REPRESENTATIVE(S) Pommer, Ferrandino, Marostica.

CONCERNING THE FINANCING OF THE DIVISION OF MOTOR VEHICLES IN THE DEPARTMENT OF REVENUE, AND, IN CONNECTION THEREWITH, AUTHORIZING APPROPRIATIONS FROM THE HIGHWAY USERS TAX FUND TO THE DIVISION OF MOTOR VEHICLES IN THE FISCAL YEARS 2008-09 AND 2009-10, CREDITING DURING FISCAL YEAR 2009-10 THE FEES RELATING TO DRIVER'S LICENSES AND IDENTIFICATION CARDS THAT WOULD OTHERWISE BE ALLOCATED TO THE HIGHWAY USERS TAX FUND TO THE LICENSING SERVICES CASH FUND, MODIFYING APPROPRIATIONS MADE TO THE DIVISION OF MOTOR VEHICLES IN THE FISCAL YEAR 2008-09 LONG APPROPRIATIONS BILL, AND MAKING AN APPROPRIATION.

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

SECTION 1. [42-2-107](#) (1) (a) (I), Colorado Revised Statutes, is amended to read:

[42-2-107](#). Application for license or instruction permit – anatomical gifts – donations to Emily Maureen Ellen Keyes organ and tissue donation awareness fund – legislative declaration – repeal. (1) (a) (I) Every application for an instruction permit or for a driver's or minor driver's license shall be made upon forms furnished by the department. Every application shall be accompanied by the required fee. The fee for an application for any instruction permit shall be thirteen dollars and forty cents, which shall be transferred to the state treasurer, who shall credit ten dollars to the highway users tax fund and three dollars and forty cents to the licensing services cash fund created in section [42-2-114.5](#); EXCEPT THAT, FOR THE FISCAL YEAR 2009-10, THE STATE TREASURER SHALL CREDIT ALL OF SUCH FEES TO THE LICENSING SERVICES CASH FUND. Every applicant shall submit, with the application, proof of age or proof of identity, or both, as the department may require.

SECTION 2. [42-2-113](#), Colorado Revised Statutes, is amended to read:

[42-2-113](#). License examiners appointed. The department may appoint license examiners for any county in this state to conduct local examinations for all types of drivers' licenses. Such officers of the department shall conduct the examination as prescribed by law for all drivers in said county and collect the fees as provided in section [42-2-114](#) and remit the same to the department, which shall deposit the same in the state treasury to the credit of the highway users tax fund; EXCEPT THAT, FOR THE FISCAL YEAR 2009-10, THE STATE TREASURER SHALL CREDIT ALL OF SUCH FEES TO THE LICENSING SERVICES CASH FUND.

SECTION 3. [42-2-114](#) (2) (a) (I) (A), (2) (a) (I) (D), and (4) (a),

Colorado Revised Statutes, are amended to read:

42-2-114. License issued – fees – repeal. (2) (a) (I) Except as provided in subsection (3) of this section:

(A) The fee for the issuance of a driver's license to a person twenty-one years of age or older and sixty years of age or younger shall be twenty dollars and forty cents, which license shall expire on the birthday of the applicant in the fifth year after the issuance thereof. The fee shall be transferred to the state treasurer, who shall credit fifteen dollars to the highway users tax fund and five dollars and forty cents to the licensing services cash fund created in section 42-2-114.5; EXCEPT THAT, FOR THE FISCAL YEAR 2009-10, THE STATE TREASURER SHALL CREDIT ALL OF SUCH FEES TO THE LICENSING SERVICES CASH FUND. In the case of such a driver's license issued by the office of the county clerk and recorder in each county, the office of the county clerk and recorder shall retain the sum of eight dollars, and twelve dollars and forty cents shall be forwarded to the department for transmission to the state treasurer, who shall credit three dollars and forty cents to the licensing services cash fund and nine dollars to the highway users tax fund; ~~and~~ EXCEPT THAT, FOR THE FISCAL YEAR 2009-10, THE STATE TREASURER SHALL CREDIT ALL OF SUCH FEES TO THE LICENSING SERVICES CASH FUND. The general assembly shall make appropriations therefrom for the expenses of the administration of this part 1 and part 2 of this article; except that eight dollars and fifty cents of each fee shall be allocated pursuant to section 43-4-205 (6) (b), C.R.S., OTHER THAN DURING FISCAL YEAR 2009-10.

(D) The fee for the issuance of a driver's license to a person sixty-one years of age or older shall be twenty dollars and forty cents, which license shall expire on the birthday of the applicant in the fifth year after the issuance thereof. The fee shall be transferred to the state treasurer, who shall credit fifteen dollars to the highway users tax fund and five dollars and forty cents to the licensing services cash fund created in section 42-2-114.5; EXCEPT THAT, FOR THE FISCAL YEAR 2009-10, THE STATE TREASURER SHALL CREDIT ALL OF SUCH FEES TO THE LICENSING SERVICES CASH FUND. In the case of such a driver's license issued by the office of the county clerk and recorder in each county, the office of the county clerk and recorder shall retain the sum of eight dollars, and twelve dollars and forty cents shall be forwarded to the department for transmission to the state treasurer, who shall credit three dollars and forty cents to the ~~license plate~~ LICENSING services cash fund and nine dollars to the highway users tax fund; ~~and~~ EXCEPT THAT, FOR THE FISCAL YEAR 2009-10, THE STATE TREASURER SHALL CREDIT ALL OF SUCH FEES TO THE LICENSING SERVICES CASH FUND. The general assembly shall make appropriations therefrom for the expenses of the administration of this part 1 and part 2 of this article; except that eight dollars and fifty cents of each fee shall be allocated pursuant to section 43-4-205 (6) (b), C.R.S., OTHER THAN DURING FISCAL YEAR 2009-10.

(4) (a) The fee for the issuance of a minor driver's license shall be twenty dollars and forty cents, which license shall expire twenty days after the twenty-first birthday of the licensee. The fee shall be transferred to the state treasurer, who shall credit fifteen dollars to the highway users tax fund and five dollars and forty cents to the licensing services cash fund created in section 42-2-114.5; EXCEPT THAT, FOR THE FISCAL YEAR 2009-10, THE STATE TREASURER SHALL CREDIT ALL OF SUCH

FEES TO THE LICENSING SERVICES CASH FUND. In the case of the issuance of any minor driver's license by the office of the county clerk and recorder, the fee therefor shall be apportioned in the same manner as for the issuance of a driver's license pursuant to paragraph (a) of subsection (2) of this section.

SECTION 4. [42-2-117](#) (1), Colorado Revised Statutes, is amended to read:

[42-2-117](#). Duplicate permits and minor licenses – replacement licenses. (1) If an instruction permit or a minor driver's license issued under this article is lost, stolen, or destroyed, the person to whom the same was issued, upon request and the payment of a fee of six dollars and ninety cents for the first duplicate and thirteen dollars and forty cents for any subsequent duplicate to the department, may obtain a duplicate or substitute therefor upon furnishing satisfactory proof to the department that such permit or minor license had been lost, stolen, or destroyed and that the applicant is qualified to have such a permit or license. The fee for the first duplicate license shall be transferred to the state treasurer, who shall credit five dollars to the highway users tax fund and one dollar and ninety cents to the licensing services cash fund created in section [42-2-114.5](#); EXCEPT THAT, FOR THE FISCAL YEAR 2009-10, THE STATE TREASURER SHALL CREDIT ALL OF SUCH FEES TO THE LICENSING SERVICES CASH FUND. The fee for a subsequent duplicate license shall be transferred to the state treasurer, who shall credit ten dollars to the highway users tax fund and three dollars and forty cents to the licensing services cash fund; EXCEPT THAT, FOR THE FISCAL YEAR 2009-10, THE STATE TREASURER SHALL CREDIT ALL OF SUCH FEES TO THE LICENSING SERVICES CASH FUND.

SECTION 5. [42-2-118](#) (1.5) (b), Colorado Revised Statutes, is amended to read:

[42-2-118](#). Renewal of license in person or by mail – donations to Emily Maureen Ellen Keyes organ and tissue donation awareness fund – repeal. (1.5) (b) Pursuant to sections [24-19.5-103](#) (3) and [29-11.5-103](#) (3), C.R.S., the department shall not allow any third-party charges that may be assessed to complete the electronic transaction to reduce the amount of revenue that would otherwise be required to be distributed to the highway users tax fund OR THE LICENSING SERVICES CASH FUND.

SECTION 6. [42-2-306](#) (2), Colorado Revised Statutes, is amended to read:

[42-2-306](#). Fees – disposition – repeal. (2) Fees collected under this section shall be remitted monthly to the state treasurer, who shall deposit the fee in ~~the state general fund pursuant to article 36 of title 24, C.R.S.; except that two dollars and ninety cents of the fee collected pursuant to subparagraph (II) of paragraph (a) of subsection (1) of this section shall be credited to~~ the licensing services cash fund created in section [42-2-114.5](#).

SECTION 7. [42-2-406](#) (1), (2), (3) (d), and (6), Colorado Revised Statutes, are amended to read:

[42-2-406](#). Fees. (1) The fee for the issuance of a commercial driver's license shall be thirty-four dollars and forty cents, which shall be transferred to the state treasurer, who shall credit twenty-five dollars

to the highway users tax fund and nine dollars and forty cents to the licensing services cash fund created in section 42-2-114.5; EXCEPT THAT, FOR THE FISCAL YEAR 2009-10, THE STATE TREASURER SHALL CREDIT ALL OF SUCH FEES TO THE LICENSING SERVICES CASH FUND. Such license shall expire on the birthday of the applicant in the fourth year after the issuance thereof. When issuing a commercial driver's license, the office of the county clerk and recorder shall retain eight dollars, and twenty-six dollars and forty cents shall be forwarded to the department for transmission to the state treasurer, who shall credit nineteen dollars to the highway users tax fund and seven dollars and forty cents to the licensing services cash fund; EXCEPT THAT, FOR THE FISCAL YEAR 2009-10, THE STATE TREASURER SHALL CREDIT ALL OF SUCH FEES TO THE LICENSING SERVICES CASH FUND. The general assembly shall make annual appropriations therefrom for the expenses of the administration of parts 1 and 2 of this article and this part 4; except that eight dollars and fifty cents of each commercial driver's license fee shall be allocated pursuant to section 43-4-205 (6) (b), C.R.S., OTHER THAN DURING FISCAL YEAR 2009-10.

(2) Notwithstanding any other provision of law, the fee for a person eighteen years of age or older for issuance of a minor driver's license that authorizes operation of a commercial motor vehicle upon the highways of this state shall be thirty-four dollars and forty cents, which shall be transferred to the state treasurer, who shall credit twenty-five dollars to the highway users tax fund and nine dollars and forty cents to the licensing services cash fund created in section 42-2-114.5; EXCEPT THAT, FOR THE FISCAL YEAR 2009-10, THE STATE TREASURER SHALL CREDIT ALL OF SUCH FEES TO THE LICENSING SERVICES CASH FUND. When issuing such a minor driver's license, the office of the county clerk and recorder shall retain eight dollars, and twenty-six dollars and forty cents shall be forwarded to the department for transmission to the state treasurer, who shall credit nineteen dollars to the highway users tax fund and seven dollars and forty cents to the licensing services cash fund; EXCEPT THAT, FOR THE FISCAL YEAR 2009-10, THE STATE TREASURER SHALL CREDIT ALL OF SUCH FEES TO THE LICENSING SERVICES CASH FUND. The general assembly shall make annual appropriations therefrom for the expenses of the administration of parts 1 and 2 of this article and this part 4; except that eight dollars and fifty cents of each such minor driver's license fee shall be allocated pursuant to section 43-4-205 (6) (b), C.R.S. , OTHER THAN DURING FISCAL YEAR 2009-10.

(3) (d) All fees collected by the department for the administration of driving tests shall be forwarded to the state treasurer, who shall credit the same to the ~~highway users tax~~ LICENSING SERVICES CASH fund. The general assembly shall make annual appropriations therefrom for the expenses of the administration of parts 1 and 2 of this article and this part 4, and any fees credited to the fund pursuant to this subsection (3) in excess of the amount of the appropriations shall be allocated and expended as specified in section 43-4-205 (5.5) (f), C.R.S., OTHER THAN DURING FISCAL YEAR 2009-10.

(6) All fees collected by the department for the issuance of testing unit licenses and driving test licenses pursuant to the provisions of subsections (4) and (5) of this section shall be forwarded to the state treasurer, who shall credit the same to the highway users tax fund; EXCEPT THAT, FOR THE FISCAL YEAR 2009-10, THE STATE TREASURER SHALL CREDIT ALL OF SUCH FEES TO THE LICENSING SERVICES CASH FUND. The general

assembly shall make annual appropriations therefrom for the expenses of the administration of parts 1 and 2 of this article and this part 4, and any fees credited to the fund pursuant to this subsection (6) in excess of the amount of the appropriations shall be allocated and expended as specified in section [43-4-205](#) (5.5) (f), C.R.S. , OTHER THAN DURING FISCAL YEAR 2009-10.

SECTION 8. [42-3-304](#) (1) (c) and (18) (d), Colorado Revised Statutes, are amended to read:

[42-3-304](#). Registration fees – passenger and passenger-mile taxes – clean screen fund. (1) (c) ~~This subsection (1) is repealed, effective July 1, 2007, unless the motorist insurance identification database program created in section [42-7-604](#) is extended by the general assembly beyond such date.~~

(18) (d) (I) In addition to any other fee imposed by this section, the owner shall pay, at the time of registration of any motor vehicle in the state, a motorist insurance identification fee. The fee shall be adjusted annually by the department, based upon moneys appropriated by the general assembly for the operation of the motorist insurance identification database program. In no event shall the fee exceed fifty cents. The fee shall be transmitted to the state treasurer, who shall credit it to a special account within the highway users tax fund, to be known as the motorist insurance identification account, which is hereby created. Moneys in the motorist insurance identification account shall be used, subject to appropriation by the general assembly, to cover the costs of administration and enforcement of the motorist insurance identification database program, created in section [42-7-604](#) AND, FOR STATE FISCAL YEAR 2008-09, FOR EXPENSES INCURRED IN CONNECTION WITH THE ADMINISTRATION OF ARTICLE 2 OF THIS TITLE BY THE DIVISION OF MOTOR VEHICLES WITHIN THE DEPARTMENT; except that the state treasurer shall transfer moneys in the account in excess of the amount of moneys appropriated from the account to the highway users tax fund for allocation and expenditure as specified in section [43-4-205](#) (5.5) (c), C.R.S.

(II) ~~This paragraph (d) is repealed, effective July 1, 2006, unless the motorist insurance identification database program created in section [42-7-604](#) is extended by the general assembly beyond such date.~~

SECTION 9. The introductory portion to [43-4-201](#) (3) (a) (I) and [43-4-201](#) (3) (a) (I) (B), (3) (a) (III) (A), (3) (a) (III) (B), (3) (a) (III) (C), and (3) (a) (IV), Colorado Revised Statutes, are amended to read:

[43-4-201](#). Funds created. (3) (a) (I) The general assembly shall not make any annual appropriation (whether by regular, special, or supplementary appropriation) or any statutory distribution from the highway users tax fund for any purpose or purposes in a total amount ~~which~~THAT is:

(B) ~~Commencing in the fiscal year 1981-82 through the fiscal year 1994-95, more than a seven percent increase over such appropriation for the prior fiscal year and Commencing in the fiscal year 1995-96, more than a six percent increase over such appropriation to the department of public safety for the Colorado state patrol and to the department of revenue for the ports of entry division for the prior fiscal year; except in fiscal years 2002-03 to 2005-06, more than a six percent increase over~~

~~such appropriation to the department of public safety for the Colorado state patrol, to the department of revenue for the ports of entry division, to the department of revenue for license plate funding pursuant to sub-subparagraph (L) of subparagraph (II) of this paragraph (a), and to the department of revenue for administration and expenses of the division of motor vehicles pursuant to sub-subparagraph (M) of subparagraph (II) of this paragraph (a) for the prior fiscal year. Commencing in the fiscal year 2006-07, the general assembly shall not make any annual appropriation (whether by regular, special, or supplementary appropriation) or any statutory distribution from the highway users tax fund for any purpose or purposes in a total amount that is more than a six percent increase over such appropriation to the department of public safety for the Colorado state patrol and to the department of revenue for the ports of entry division. For fiscal years 2002-03 to 2005-06, any annual appropriation or statutory distribution from the highway users tax fund to the department of revenue for license plate funding unrelated to license plate replacement pursuant to sub-subparagraph (L) of subparagraph (II) of this paragraph (a) and to the department of revenue for administration and expenses of the division of motor vehicles pursuant to sub-subparagraph (M) of subparagraph (II) of this paragraph (a) within the six percent overall limit on state appropriations pursuant to section ~~24-75-201.1~~ (1) (a) (II), C.R.S., shall not be based on a level of appropriation that expands the six percent overall limit~~EXCEPT IN FISCAL YEARS 2009-10 AND 2010-11, MORE THAN A SIX PERCENT INCREASE OVER SUCH APPROPRIATION TO THE DEPARTMENT OF PUBLIC SAFETY FOR THE COLORADO STATE PATROL, TO THE DEPARTMENT OF REVENUE FOR THE PORTS OF ENTRY DIVISION, AND TO THE DEPARTMENT OF REVENUE FOR THE DIVISION OF MOTOR VEHICLES PURSUANT TO SUB-SUBPARAGRAPH (C) OF SUBPARAGRAPH (III) OF THIS PARAGRAPH (a) FOR THE PRIOR FISCAL YEAR.

~~(III) (A) The general assembly shall not make any annual appropriation or statutory distribution from the highway users tax fund for the fiscal year 1995-96 authorized by subparagraph (II) of this paragraph (a), excluding the annual appropriation or statutory distribution to the Colorado state patrol and the ports of entry division, that exceeds sixty six and two thirds percent of the fiscal year 1994-95 annual appropriation or statutory distribution.~~

~~(B) The general assembly shall not make any annual appropriation or statutory distribution from the highway users tax fund for the fiscal year 1996-97 authorized by subparagraph (II) of this paragraph (a), excluding the annual appropriation or statutory distribution to the Colorado state patrol and the ports of entry section, that exceeds thirty three and one third percent of the fiscal year 1994-95 annual appropriation or statutory distribution.~~

(C) The general assembly shall not make any annual appropriation or statutory distribution from the highway users tax fund for the fiscal year 1997-98 or for any succeeding fiscal year authorized by subparagraph (II) of this paragraph (a), excluding the annual appropriation or statutory distribution to the Colorado state patrol and the ports of entry section and excluding any appropriation to the department of revenue ~~for replacement of license plates as authorized by sub-subparagraph (K) of subparagraph (II) of this paragraph (a) or, for the fiscal years 2003-04 to 2005-06, to the department of revenue~~2008-09 AND 2009-10 for expenses incurred in connection with the administration

of ARTICLE 2 OF TITLE 42, C.R.S., BY the division of motor vehicles within the department. ~~with the exception of expenses incurred by the division in connection with license plate ordering as authorized by sub-subparagraph (M) of subparagraph (II) of this paragraph (a).~~

(IV) In addition to any other allocations required by this article, there shall be allocated from the highway users tax fund on or after July 31 for fiscal year 1995-96 and each succeeding fiscal year an amount equal to that not annually appropriated or statutorily distributed pursuant to ~~sub-subparagraphs (A) to~~SUB-SUBPARAGRAPH (C) of subparagraph (III) of this paragraph (a). The moneys shall be allocated in accordance with the provisions of section 43-4-205 (6) (b).

SECTION 10. 43-4-205 (5.5) (f), Colorado Revised Statutes, is amended to read:

43-4-205. Allocation of fund. (5.5) The following highway users tax fund revenues shall be allocated and expended in accordance with the formula specified in subsection (5) of this section:

(f) Revenues from fees that are credited to the fund pursuant to ~~sections 42-2-406 (3) and (6) and~~SECTION 42-3-311 (1), C.R.S., and that exceed the amount of appropriations made from the fund pursuant to those sections for the purpose of defraying specified administrative expenses;

SECTION 11. Part XIX (5) (B), (6), and the affected totals of section 2 of chapter 474, Session Laws of Colorado 2008, as amended by section 1 of Senate Bill 09-200, are amended to read:

Section 2. Appropriation.

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	GENERAL CASH FUNDS FUNDS	REAPPROP- RIATED FUNDS	FEDERAL FUNDS
PART XIX DEPARTMENT OF REVENUE						
(5) DIVISION OF MOTOR VEHICLES						
(B) Driver and Vehicle Services						
Personal Services						
15,962,016		9,270,814		6,691,202a		
(377.8 FTE)						
Operating Expenses						
1,492,122		1,214,937		277,185a		
Drivers License Documents						
2,560,075		1,913,728		646,347b		
License Plate Ordering						
5,934,196				5,934,196c		

25,948,409

a These amounts reflect direct program costs from the following sources: ~~\$4,905,600~~\$3,491,219 shall be from the Licensing Services Cash Fund, pursuant to Section [42-2-114.5](#), C.R.S., \$339,424 shall be from the Colorado State Titling and Registration Account pursuant to Section [42-1-211](#) (2), C.R.S., \$1,429,699 shall be from the Driver's License Administrative Revocation Account pursuant to Section [42-2-132](#) (4) (b), C.R.S., \$765,000 SHALL BE FROM THE MOTORIST INSURANCE IDENTIFICATION ACCOUNT PURSUANT TO SECTION [42-3-304](#) (18) (d) (I), C.R.S., \$649,381 SHALL BE FROM THE HIGHWAY USERS TAX FUND PURSUANT TO SECTION [43-4-201](#) (3) (a) (III) (C), C.R.S., \$210,933 shall be from the Outstanding Judgments and Warrants Account as administered under Section [42-2-118](#) (3) (c), C.R.S., \$73,650 shall be from the Penalty Assessment Account as administered under the provisions of Section [42-1-217](#) (2), C.R.S., \$3,842 shall be from the Auto Dealers License Fund pursuant to Section [12-6-123](#) (1), C.R.S., \$3,239 shall be from the Identification Security Fund pursuant to Section [42-1-220](#) (1), C.R.S., and \$2,000 shall be from the Persistent Drunk Driver Cash Fund pursuant to Section [42-3-303](#) (1), C.R.S.

b This amount shall be from the Identification Security Fund pursuant to Section [42-1-220](#) (1), C.R.S.

c This amount shall be from the License Plate Cash Fund pursuant to Section [42-3-301](#) (1) (b), C.R.S.

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND EXEMPT	GENERAL CASH FUND FUNDS	REAPPROP- RIATED FUNDS	FEDERAL FUNDS
(6) MOTOR CARRIER SERVICES DIVISION					
Personal Services					
6,916,812			6,218,977a		
6,786,812			6,088,977a		
	623,589		74,246b		
					(131.2 FTE)
Operating Expenses					
433,811		38,045	395,766a		
Fixed and Mobile Port Maintenance					
221,545			221,545a		
Motor Carrier Safety Assistance Program					
745,770				745,770c	
					(9.0 FTE)
Hazardous Materials Permitting Program					
202,363			202,363d		

(4.0 FTE)

~~8,520,301~~
8,390,301

a Of these amounts, ~~\$6,802,221~~\$6,672,221 shall be from the Highway Users Tax Fund pursuant to Section [43-4-201](#) (3) (a) (III) (C), C.R.S., and \$34,067 shall be from the Nuclear Materials Transportation Fund created in Section [42-20-511](#), C.R.S.

b This amount shall be from the Motor Carrier Safety Assistance Program for the purposes of indirect cost recoveries.

c This amount includes \$74,246 for indirect cost recoveries.

d This amount shall be from the Hazardous Materials Safety Fund created in Section [42-20-107](#) (1), C.R.S.

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND EXEMPT	GENERAL CASH FUND FUNDS	REAPPROP- RIATED FUNDS	FEDERAL FUNDS
TOTALS PART XIX					
(REVENUE)					
	\$685,834,193		\$582,916,311b		
	<u>\$685,704,193</u>		<u>\$582,786,311b</u>		
		\$100,053,836a		\$1,392,448	\$1,471,598

a Of this amount, \$30,600,000 is included as information for the purpose of complying with the limitation on state fiscal year spending imposed by Article X, Section 20 of the State Constitution. These amounts are continuously appropriated by a permanent statute or constitutional provision, and shall not be deemed to be an appropriation subject to the limitations of Section [24-75-201.1](#), C.R.S.

b Of this amount, ~~\$9,744,130~~\$10,263,511 is from the Highway Users Tax Fund pursuant to Section [43-4-201](#) (3) (a) (III) (C), C.R.S., and \$529,398 is from the Highway Users Tax Fund exempt from the statutory limit under Section [43-4-201](#) (3) (a) (V), C.R.S.

SECTION 12. Appropriation – adjustments in the 2009 long bill. For the implementation of this act, appropriations made in the annual general appropriation act to the department of revenue for the fiscal year beginning July 1, 2009, shall be adjusted as follows:

(1) The general fund appropriation to the executive director's office, for centrally appropriated line items, is decreased by three million nine hundred eighty thousand eight hundred fifty-one dollars (\$3,980,851).

(2) The cash funds appropriation to the executive director's office, for centrally appropriated line items, is increased by three million nine hundred eighty thousand eight hundred fifty-one dollars (\$3,980,851). Said sum shall be from the licensing services cash fund created in

section [42-2-114.5](#), Colorado Revised Statutes.

(3) The general fund appropriation to the division of motor vehicles, driver and vehicle services, for personal services, is decreased by eight million eight hundred ninety-five thousand eight hundred ninety-three dollars (\$8,895,893).

(4) The cash funds appropriation to the division of motor vehicles, driver and vehicle services, for personal services, is increased by nine million seven hundred four thousand six hundred twelve dollars (\$9,704,612). Of said sum, four million sixty-four thousand eight hundred thirty-nine dollars (\$4,064,839) shall be from the highway users tax fund pursuant to section [43-4-201](#) (3) (a) (III) (C), Colorado Revised Statutes, and five million six hundred thirty-nine thousand seven hundred seventy-three dollars (\$5,639,773) shall be from the licensing services cash fund created in section [42-2-114.5](#), Colorado Revised Statutes.

(5) The general fund appropriation to the division of motor vehicles, driver and vehicle services, for operating expenses, is decreased by one million two hundred fourteen thousand nine hundred thirty-seven dollars (\$1,214,937).

(6) The cash funds appropriation to the division of motor vehicles, driver and vehicle services for operating expenses, is increased by one million two hundred fourteen thousand nine hundred thirty-seven dollars (\$1,214,937). Said sum shall be from the licensing services cash fund created in section [42-2-114.5](#), Colorado Revised Statutes.

(7) The general fund appropriation to the division of motor vehicles, driver and vehicle services, for driver's license documents, is decreased by two million eighty-five thousand five hundred seventy-seven dollars (\$2,085,577).

(8) The cash funds appropriation to the division of motor vehicles, driver and vehicle services for driver's license documents, is increased by two million eighty-five thousand five hundred seventy-seven dollars (\$2,085,577). Said sum shall be from the licensing services cash fund created in section [42-2-114.5](#), Colorado Revised Statutes.

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

May 1, 2009 - Enacted
