

**Second Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO**

**ENGROSSED**

*This Version Includes All Amendments Adopted  
on Second Reading in the House of Introduction*

LLS NO. 10-0984.01 Jery Payne

**HOUSE BILL 10-1387**

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**HOUSE SPONSORSHIP**

**Pommer,** Ferrandino, Lambert

**SENATE SPONSORSHIP**

**White,** Keller, Tapia

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**House Committees**  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING THE FINANCING OF THE DIVISION OF MOTOR VEHICLES IN**  
102             **THE DEPARTMENT OF REVENUE, AND MAKING APPROPRIATIONS**  
103             **THEREFOR.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

**Budget Package Bill.** Sections 1 to 5 of the bill permanently divert from the highway users tax fund (HUTF) to the licensing services cash fund the revenue from the fees for driver's license examinations and issuance or renewal of instruction permits, driver's licenses, and

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

HOUSE  
Amended 2nd Reading  
March 31, 2010

identification cards. **Section 6** permits the use of funds in the motorist insurance identification subaccount of the HUTF to be used for expenses incurred by the department of revenue in licensing drivers and issuing identification cards. **Section 7** permits the use of funds in fiscal year 2010-11 in the HUTF "off-the-top" appropriation to be used for the expenses incurred by the department of revenue in licensing drivers and issuing identification cards. **Section 8** makes corresponding adjustments to the 2010-11 long bill.

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

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

4 **42-2-107. Application for license or instruction permit -**  
5 **anatomical gifts - donations to Emily Maureen Ellen Keyes organ and**  
6 **tissue donation awareness fund - legislative declaration - repeal.**

7 (1) (a) (I) Every application for an instruction permit or for a driver's or  
8 minor driver's license shall be made upon forms furnished by the  
9 department. Every application shall be accompanied by the required fee.  
10 The fee for an application for any instruction permit ~~shall be~~ IS thirteen  
11 dollars and forty cents, which shall be transferred to the state treasurer,  
12 who shall credit ~~ten dollars to the highway users tax fund and three~~  
13 ~~dollars and forty cents to the licensing services cash fund created in~~  
14 ~~section 42-2-114.5; except that, for the fiscal year 2009-10, the state~~  
15 ~~treasurer shall credit all of such fees~~ THE FEE to the licensing services  
16 cash fund CREATED IN SECTION 42-2-114.5. Every applicant shall submit,  
17 with the application, proof of age or proof of identity, or both, as the  
18 department may require.

19 **SECTION 2.** 42-2-113, Colorado Revised Statutes, is amended  
20 to read:

21 **42-2-113. License examiners appointed.** The department may

1 appoint license examiners for any county in this state to conduct local  
2 examinations for all types of drivers' licenses. ~~Such~~ THE officers of the  
3 department shall conduct the examination as prescribed by law for all  
4 drivers in ~~said~~ THE county and collect the fees as provided in section  
5 42-2-114 and remit the same to the department, which shall ~~deposit the~~  
6 ~~same in the state treasury to the credit of the highway users tax fund;~~  
7 ~~except that, for the fiscal year 2009-10, TRANSMIT THE MONEY TO THE~~  
8 STATE TREASURER. The state treasurer shall credit ~~all of~~ such fees to the  
9 licensing services cash fund CREATED IN SECTION 42-2-114.5.

10 **SECTION 3.** 42-2-114 (2) (a) (I) (A), (2) (a) (I) (D), and (4) (a),  
11 Colorado Revised Statutes, are amended to read:

12 **42-2-114. License issued - fees - repeal.** (2) (a) (I) Except as  
13 provided in subsection (3) of this section:

14 (A) The fee for the issuance of a driver's license to a person  
15 twenty-one years of age or older and sixty years of age or younger ~~shall~~  
16 ~~be~~ IS twenty dollars and forty cents, which license shall expire on the  
17 birthday of the applicant in the fifth year after the issuance thereof. The  
18 fee shall be transferred to the state treasurer, who shall credit ~~fifteen~~  
19 ~~dollars to the highway users tax fund and five dollars and forty cents to~~  
20 ~~the licensing services cash fund created in section 42-2-114.5; except~~  
21 ~~that, for the fiscal year 2009-10, the state treasurer shall credit all of such~~  
22 THE fees to the licensing services cash fund CREATED IN SECTION  
23 42-2-114.5. In the case of such a driver's license issued by the office of  
24 the county clerk and recorder in each county, the office of the county  
25 clerk and recorder shall retain the sum of eight dollars, and twelve dollars  
26 and forty cents shall be forwarded to the department for transmission to  
27 the state treasurer, who shall credit ~~three dollars and forty cents to the~~

1     ~~licensing services cash fund and nine dollars to the highway users tax~~  
2     ~~fund; except that, for the fiscal year 2009-10, the state treasurer shall~~  
3     ~~credit all of such fees~~ AMOUNT to the licensing services cash fund. The  
4     general assembly shall make appropriations therefrom for the expenses  
5     of the administration of this part 1 and part 2 of this article. ~~except that~~  
6     ~~eight dollars and fifty cents of each fee shall be allocated pursuant to~~  
7     ~~section 43-4-205 (6) (b), C.R.S., other than during fiscal year 2009-10.~~

8             (D) The fee for the issuance of a driver's license to a person  
9     sixty-one years of age or older ~~shall be~~ IS twenty dollars and forty cents,  
10    which license shall expire on the birthday of the applicant in the fifth year  
11    after the issuance thereof. The fee shall be transferred to the state  
12    treasurer, who shall credit ~~fifteen dollars to the highway users tax fund~~  
13    ~~and five dollars and forty cents to the licensing services cash fund created~~  
14    ~~in section 42-2-114.5; except that, for the fiscal year 2009-10, the state~~  
15    ~~treasurer shall credit all of such~~ THE fees to the licensing services cash  
16    fund CREATED IN SECTION 42-2-114.5. In the case of ~~such~~ a driver's  
17    license issued by the office of the county clerk and recorder in each  
18    county, the office of the county clerk and recorder shall retain the sum of  
19    eight dollars, and twelve dollars and forty cents shall be forwarded to the  
20    department for transmission to the state treasurer, who shall credit ~~three~~  
21    ~~dollars and forty cents to the licensing services cash fund and nine dollars~~  
22    ~~to the highway users tax fund; except that, for the fiscal year 2009-10, the~~  
23    ~~state treasurer shall credit all of such fees~~ AMOUNT to the licensing  
24    services cash fund. The general assembly shall make appropriations  
25    therefrom for the expenses of the administration of this part 1 and part 2  
26    of this article. ~~except that eight dollars and fifty cents of each fee shall be~~  
27    ~~allocated pursuant to section 43-4-205 (6) (b), C.R.S., other than during~~

1     ~~fiscal year 2009-10.~~

2             (4) (a) The fee for the issuance of a minor driver's license ~~shall be~~  
3     IS twenty dollars and forty cents, which license shall expire twenty days  
4     after the twenty-first birthday of the licensee. The fee shall be transferred  
5     to the state treasurer, who shall credit ~~fifteen dollars to the highway users~~  
6     ~~tax fund and five dollars and forty cents to the licensing services cash~~  
7     ~~fund created in section 42-2-114.5; except that, for the fiscal year~~  
8     ~~2009-10, the state treasurer shall credit all of such fees~~ THE FEE to the  
9     licensing services cash fund CREATED IN SECTION 42-2-114.5. In the case  
10    of the issuance of any minor driver's license by the office of the county  
11    clerk and recorder, the fee therefor shall be apportioned in the same  
12    manner as for the issuance of a driver's license pursuant to paragraph (a)  
13    of subsection (2) of this section.

14            **SECTION 4.** 42-2-114.5 (1), Colorado Revised Statutes, is  
15    amended to read:

16            **42-2-114.5. Licensing services cash fund.** (1) The licensing  
17    services cash fund is hereby created in the state treasury. Moneys in the  
18    fund shall be appropriated by the general assembly to the department for  
19    the cost of personal services and operating expenses incurred in the  
20    operation of driver's license offices. ~~Moneys in the fund at the end of~~  
21    ~~each fiscal year, as well as interest earned on the investment of moneys~~  
22    ~~in the fund, shall be retained in the fund and shall not revert to the general~~  
23    ~~fund or any other fund.~~ AT THE END OF EACH FISCAL YEAR, THE STATE  
24    TREASURER SHALL CREDIT THE MONEY IN THE FUND, LESS SIXTEEN AND  
25    ONE HALF PERCENT OF THE AMOUNT APPROPRIATED FROM THE FUND FOR  
26    SUCH OPERATION IN THE FISCAL YEAR, TO THE HIGHWAY USERS TAX FUND.

27            **SECTION 5.** 42-2-117 (1), Colorado Revised Statutes, is

1 amended to read:

2 **42-2-117. Duplicate permits and minor licenses - replacement**

3 **licenses.** (1) If an instruction permit or a minor driver's license issued  
4 under this article is lost, stolen, or destroyed, the person to whom the  
5 same was issued, upon request and the payment of a fee of six dollars and  
6 ninety cents for the first duplicate and thirteen dollars and forty cents for  
7 any subsequent duplicate to the department, may obtain a duplicate or  
8 substitute therefor upon furnishing satisfactory proof to the department  
9 that ~~such~~ THE permit or minor license had been lost, stolen, or destroyed  
10 and that the applicant is qualified to have ~~such~~ a permit or license. The  
11 fee for the first duplicate license shall be transferred to the state treasurer,  
12 who shall credit ~~five dollars to the highway users tax fund and one dollar~~  
13 ~~and ninety cents to the licensing services cash fund created in section~~  
14 ~~42-2-114.5; except that, for the fiscal year 2009-10, the state treasurer~~  
15 ~~shall credit all of such fees~~ THE FEE to the licensing services cash fund  
16 CREATED IN SECTION 42-2-114.5. The fee for a subsequent duplicate  
17 license shall be transferred to the state treasurer, who shall credit ~~ten~~  
18 ~~dollars to the highway users tax fund and three dollars and forty cents to~~  
19 ~~the licensing services cash fund; except that, for the fiscal year 2009-10,~~  
20 ~~the state treasurer shall credit all of such fees~~ THE FEE to the licensing  
21 services cash fund.

22 **SECTION 6.** 42-2-406 (1), (2), (3) (d), and (6), Colorado Revised  
23 Statutes, are amended to read:

24 **42-2-406. Fees.** (1) The fee for the issuance of a commercial  
25 driver's license ~~shall be~~ IS thirty-four dollars and forty cents, which shall  
26 be transferred to the state treasurer, who shall credit ~~twenty-five dollars~~  
27 ~~to the highway users tax fund and nine dollars and forty cents to the~~

1     ~~licensing services cash fund created in section 42-2-114.5; except that, for~~  
2     ~~the fiscal year 2009-10, the state treasurer shall credit all of such fees~~ THE  
3     FEE to the licensing services cash fund CREATED IN SECTION 42-2-114.5.  
4     Such license shall expire on the birthday of the applicant in the fourth  
5     year after ~~the~~ ITS issuance. ~~thereof~~. When issuing a commercial driver's  
6     license, the office of the county clerk and recorder shall retain eight  
7     dollars, and twenty-six dollars and forty cents shall be forwarded to the  
8     department for transmission to the state treasurer, who shall credit  
9     ~~nineteen dollars to the highway users tax fund and seven dollars and forty~~  
10    ~~cents to the licensing services cash fund; except that, for the fiscal year~~  
11    ~~2009-10, the state treasurer shall credit all of such fees~~ THE FEE to the  
12    licensing services cash fund. The general assembly shall make annual  
13    appropriations therefrom for the expenses of the administration of parts  
14    1 and 2 of this article and this part 4. ~~except that eight dollars and fifty~~  
15    ~~cents of each commercial driver's license fee shall be allocated pursuant~~  
16    ~~to section 43-4-205 (6) (b), C.R.S., other than during fiscal year 2009-10.~~  
17         (2) Notwithstanding any other provision of law, the fee for a  
18    person eighteen years of age or older for issuance of a minor driver's  
19    license that authorizes operation of a commercial motor vehicle upon the  
20    highways of this state ~~shall be~~ IS thirty-four dollars and forty cents, which  
21    shall be transferred to the state treasurer, who shall credit ~~twenty-five~~  
22    ~~dollars to the highway users tax fund and nine dollars and forty cents to~~  
23    ~~the licensing services cash fund created in section 42-2-114.5; except~~  
24    ~~that, for the fiscal year 2009-10, the state treasurer shall credit all of such~~  
25    ~~fees~~ THE FEE to the licensing services cash fund CREATED IN SECTION  
26    42-2-114.5. When issuing ~~such~~ a minor driver's license, the office of the  
27    county clerk and recorder shall retain eight dollars, and twenty-six dollars

1 and forty cents shall be forwarded to the department for transmission to  
2 the state treasurer, who shall credit ~~nineteen dollars to the highway users~~  
3 ~~tax fund and seven dollars and forty cents to the licensing services cash~~  
4 ~~fund; except that, for the fiscal year 2009-10, the state treasurer shall~~  
5 ~~credit all of such fees~~ SUCH AMOUNT to the licensing services cash fund  
6 CREATED IN SECTION 42-2-114.5. The general assembly shall make  
7 annual appropriations therefrom for the expenses of the administration of  
8 parts 1 and 2 of this article and this part 4. ~~except that eight dollars and~~  
9 ~~fifty cents of each such minor driver's license fee shall be allocated~~  
10 ~~pursuant to section 43-4-205 (6) (b), C.R.S., other than during fiscal year~~  
11 ~~2009-10.~~

12 (3) (d) All fees collected by the department for the administration  
13 of driving tests shall be forwarded to the state treasurer, who shall credit  
14 the same to the licensing services cash fund. The general assembly shall  
15 make annual appropriations therefrom for the expenses of the  
16 administration of parts 1 and 2 of this article and this part 4, and any fees  
17 credited to the fund pursuant to this subsection (3) in excess of the  
18 amount of the appropriations shall be allocated and expended as specified  
19 in section 43-4-205 (5.5) (f), C.R.S. ~~other than during fiscal year 2009-10.~~

20 (6) All fees collected by the department for the issuance of testing  
21 unit licenses and driving test licenses pursuant to ~~the provisions of~~  
22 subsections (4) and (5) of this section shall be forwarded to the state  
23 treasurer, who ~~shall credit the same to the highway users tax fund; except~~  
24 ~~that, for the fiscal year 2009-10, the state treasurer shall credit all of such~~  
25 fees to the licensing services cash fund. The general assembly shall make  
26 annual appropriations therefrom for the expenses of the administration of  
27 parts 1 and 2 of this article and this part 4, and any fees credited to the



1 fund pursuant to this subsection (6) in excess of the amount of the  
2 appropriations shall be allocated and expended as specified in section  
3 43-4-205 (5.5) (f), C.R.S. ~~other than during fiscal year 2009-10.~~

4 **SECTION 7.** 42-3-304 (18) (d) (I), Colorado Revised Statutes,  
5 as it will become effective July 1, 2010, is amended to read:

6 **42-3-304. Registration fees - passenger and passenger-mile**  
7 **taxes - clean screen fund.** (18) (d) (I) In addition to any other fee  
8 imposed by this section, the owner shall pay, at the time of registration of  
9 a motor vehicle or low-power scooter, a motorist insurance identification  
10 fee. The fee shall be adjusted annually by the department, based upon  
11 moneys appropriated by the general assembly for the operation of the  
12 motorist insurance identification database program. In no event shall the  
13 fee exceed fifty cents. The fee shall be transmitted to the state treasurer,  
14 who shall credit it to a special account within the highway users tax fund,  
15 to be known as the motorist insurance identification account, which is  
16 hereby created. Moneys in the motorist insurance identification account  
17 shall be used, subject to appropriation by the general assembly, to cover  
18 the costs of administration and enforcement of the motorist insurance  
19 identification database program, created in section 42-7-604 and ~~for state~~  
20 ~~fiscal year 2008-09~~, for expenses incurred in connection with the  
21 administration of article 2 of this title by the division of motor vehicles  
22 within the department; except that the state treasurer shall transfer  
23 moneys in the account in excess of the amount of moneys appropriated  
24 from the account to the highway users tax fund for allocation and  
25 expenditure as specified in section 43-4-205 (5.5) (c), C.R.S.

26 **SECTION 8.** 43-4-201 (3) (a) (III) (C), Colorado Revised  
27 Statutes, is amended to read:

1           **43-4-201. Funds created.** (3) (a) (III) (C) The general assembly  
2 shall not make any annual appropriation or statutory distribution from the  
3 highway users tax fund for the fiscal year 1997-98 or for any succeeding  
4 fiscal year authorized by subparagraph (II) of this paragraph (a),  
5 excluding the annual appropriation or statutory distribution to the  
6 Colorado state patrol and the ports of entry section and excluding any  
7 appropriation to the department of revenue for the fiscal years 2008-09,  
8 ~~and~~ 2009-10, AND 2010-11 for expenses incurred in connection with the  
9 administration of article 2 of title 42, C.R.S., by the division of motor  
10 vehicles within the department.

11           **SECTION 9. Appropriation - adjustments in 2010 long bill.**

12           (1) For the implementation of this act, appropriations made in the annual  
13 general appropriation act to the department of revenue for the fiscal year  
14 beginning July 1, 2010, shall be adjusted as follows:

15           (a) The general fund appropriation to the executive director's  
16 office is decreased by six million seven hundred ninety-seven thousand  
17 six hundred ninety-three dollars (\$6,797,693).

18           (b) The cash funds appropriation to the executive director's office  
19 is increased by six million seven hundred ninety-seven thousand six  
20 hundred ninety-three dollars (\$6,797,693). Of said sum, one million eight  
21 hundred ninety-eight thousand dollars (\$1,898,000) shall be from the  
22 highway users tax fund pursuant to section 43-4-201 (3) (a) (III) (C),  
23 Colorado Revised Statutes, and four million eight hundred ninety-nine  
24 thousand six hundred ninety-three dollars (\$4,899,693) shall be from the  
25 licensing services cash fund created in section 42-2-114.5, Colorado  
26 Revised Statutes.

27           (c) The general fund appropriation to central department

1 operations, for personal services, is decreased by two hundred forty-eight  
2 thousand nine hundred six dollars (\$248,906).

3 (d) The cash funds appropriation to central department operations,  
4 for personal services, is increased by two hundred forty-eight thousand  
5 nine hundred six dollars (\$248,906). Said sum shall be from the highway  
6 users tax fund pursuant to section 43-4-201 (3) (a) (III) (C), Colorado  
7 Revised Statutes.

8 (e) The general fund appropriation to the division of motor  
9 vehicles, administration, for personal services, is decreased by five  
10 hundred twenty-two thousand two hundred ninety-two dollars (\$522,292).

11 (f) The cash funds appropriation to the division of motor vehicles,  
12 administration, for personal services, is increased by five hundred  
13 twenty-two thousand two hundred ninety-two dollars (\$522,292). Said  
14 sum shall be from the highway users tax fund pursuant to section  
15 43-4-201 (3) (a) (III) (C), Colorado Revised Statutes.

16 (g) The general fund appropriation to the division of motor  
17 vehicles, administration, for operating expenses, is decreased by  
18 thirty-three thousand four hundred four dollars (\$33,404).

19 (h) The cash funds appropriation to the division of motor vehicles,  
20 administration, for operating expenses, is increased by thirty-three  
21 thousand four hundred four dollars (\$33,404). Said sum shall be from the  
22 highway users tax fund pursuant to section 43-4-201 (3) (a) (III) (C),  
23 Colorado Revised Statutes.

24 (i) The general fund appropriation to the division of motor  
25 vehicles, driver and vehicle services, for personal services, is decreased  
26 by nine million three hundred fifty-one thousand one hundred twenty-five  
27 dollars (\$9,351,125).

1 (j) The cash funds appropriation to the division of motor vehicles,  
2 driver and vehicle services, for personal services, is increased by nine  
3 million three hundred fifty-one thousand one hundred twenty-five dollars  
4 (\$9,351,125). Said sum shall be from the licensing services cash fund  
5 created in section 42-2-114.5, Colorado Revised Statutes.

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

10 (l) The cash funds appropriation to the division of motor vehicles,  
11 driver and vehicle services, for operating expenses, is increased by one  
12 million two hundred fourteen thousand nine hundred thirty-seven dollars  
13 (\$1,214,937). Said sum shall be from the licensing services cash fund  
14 created in section 42-2-114.5, Colorado Revised Statutes.

15 (m) The general fund appropriation to the division of motor  
16 vehicles, driver and vehicle services, for driver's license documents, is  
17 decreased by one million seven hundred ninety-two thousand seven  
18 hundred seventy dollars (\$1,792,770).

19 (n) The cash funds appropriation to the division of motor vehicles,  
20 driver and vehicle services, for driver's license documents, is increased  
21 by one million seven hundred ninety-two thousand seven hundred seventy  
22 dollars (\$1,792,770). Said sum shall be from the licensing services cash  
23 fund created in section 42-2-114.5, Colorado Revised Statutes.

24 **SECTION 10. Safety clause.** The general assembly hereby finds,  
25 determines, and declares that this act is necessary for the immediate  
26 preservation of the public peace, health, and safety.