

## CHAPTER 139

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**TRANSPORTATION**

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## HOUSE BILL 16-1415

BY REPRESENTATIVE(S) Hamner, Young, Rankin, Fields, Lontine, Pabon, Pettersen, Primavera, Rosenthal, Hullinghorst, Becker K., Kraft-Tharp, Mitsch Bush, Vigil;  
also SENATOR(S) Steadman, Grantham, Lambert, Crowder, Heath, Merrifield, Cadman.

**AN ACT**

**CONCERNING THE MANNER IN WHICH THE STATE FUNDS DRIVER AND VEHICLE SERVICES BY THE DIVISION OF MOTOR VEHICLES IN THE DEPARTMENT OF REVENUE, AND, IN CONNECTION THEREWITH, MAKING AND REDUCING AN APPROPRIATION.**

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

**SECTION 1.** In Colorado Revised Statutes, 24-75-402, **amend** (5) (hh) and (5) (ii); and **add** (5) (jj) as follows:

**24-75-402. Cash funds - limit on uncommitted reserves - reduction in amount of fees - exclusions - repeal.** (5) Notwithstanding any provision of this section to the contrary, the following cash funds are excluded from the limitations specified in this section:

(hh) The conveyance safety fund created in section 9-5.5-111 (2) (b), C.R.S., until this paragraph (hh) is repealed, effective July 1, 2017; ~~and~~

(ii) The oil and gas conservation and environmental response fund created in section 34-60-122 (5), C.R.S.; AND

(jj) THE LICENSING SERVICES CASH FUND CREATED IN SECTION 42-2-114.5 (1), C.R.S.

**SECTION 2.** In Colorado Revised Statutes, 42-2-114, **amend** (2) (c) and (2) (e); and **add** (2) (c) (I.5) and (2) (c) (II.5) as follows:

**42-2-114. License issued - fees - rules - repeal.** (2) (c) Notwithstanding paragraph (b) of this subsection (2):

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

(I) If the driver's license is issued by the office of a county clerk and recorder in a county with a population of at least one hundred thousand individuals, the county clerk and recorder shall retain the sum of ~~eight dollars~~ SET FORTH IN SUBPARAGRAPH (I.5) OF THIS PARAGRAPH (c) and forward the remainder to the department for transmission to the state treasurer, who shall credit the remainder of the fee to the licensing services cash fund.

(I.5) THE COUNTY CLERK AND RECORDER SHALL RETAIN THE FOLLOWING AMOUNTS UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH (c):

(A) FOR A DRIVER'S LICENSE ISSUED PRIOR TO JULY 1, 2016, EIGHT DOLLARS;

(B) FOR A DRIVER'S LICENSE ISSUED ON OR AFTER JULY 1, 2016, BUT PRIOR TO JULY 1, 2017, TEN DOLLARS;

(C) FOR A DRIVER'S LICENSE ISSUED ON OR AFTER JULY 1, 2017, BUT PRIOR TO JULY 1, 2018, TWELVE DOLLARS; AND

(D) FOR A DRIVER'S LICENSE ISSUED ON OR AFTER JULY 1, 2018, THIRTEEN DOLLARS.

(II) If the driver's license is issued by an office of a county clerk and recorder in a county with a population of fewer than one hundred thousand individuals, the county clerk and recorder shall retain the sum of ~~thirteen dollars and sixty cents~~ SET FORTH IN SUBPARAGRAPH (II.5) OF THIS PARAGRAPH (c) and forward the remainder to the department for transmission to the state treasurer, who shall credit the remainder of the fee to the licensing services cash fund.

(II.5) THE COUNTY CLERK AND RECORDER SHALL RETAIN THE FOLLOWING AMOUNTS UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH (c):

(A) FOR A DRIVER'S LICENSE ISSUED PRIOR TO JULY 1, 2016, THIRTEEN DOLLARS AND SIXTY CENTS;

(B) FOR A DRIVER'S LICENSE ISSUED ON OR AFTER JULY 1, 2016, BUT PRIOR TO JULY 1, 2017, FIFTEEN DOLLARS;

(C) FOR A DRIVER'S LICENSE ISSUED ON OR AFTER JULY 1, 2017, BUT PRIOR TO JULY 1, 2018, SEVENTEEN DOLLARS; AND

(D) FOR A DRIVER'S LICENSE ISSUED ON OR AFTER JULY 1, 2018, EIGHTEEN DOLLARS.

(e) In addition to the fee established in paragraph (a) of this subsection (2), a surcharge is added for issuance of a driver's or minor driver's license, OR INSTRUCTION PERMIT, when an applicant retakes either the examination of knowledge of the traffic laws of this state or the demonstration of the applicant's ability to exercise ordinary and reasonable care and control in the operation of a motor vehicle. THE SURCHARGE APPLIES REGARDLESS OF WHETHER THE APPLICANT RETAKES THE EXAMINATION OR DEMONSTRATION WITH THE DEPARTMENT OR A

VENDOR APPROVED BY THE DEPARTMENT. The department shall set the surcharge by rule in an amount to offset the direct and indirect cost of giving the FAILED examination or demonstration. The department shall transfer the surcharge to the state treasurer, who shall credit it to the licensing services cash fund, created in section 42-2-114.5.

**SECTION 3.** In Colorado Revised Statutes, 42-2-114.5, **amend** (1) as follows:

**42-2-114.5. Licensing services cash fund - fee setting procedures - rules.**

(1) The licensing services cash fund is hereby created in the state treasury. The general assembly shall appropriate moneys in the fund to the department for the cost of implementing this article. ~~At the end of each fiscal year, the state treasurer shall credit the money in the fund, less sixteen and one-half percent of the amount appropriated from the fund for such operation in the fiscal year, to the highway users tax fund.~~

**SECTION 4.** In Colorado Revised Statutes, 42-2-114.5, **amend** (2) (a), (2) (b), (2) (d), (2) (f), (2) (g), (2) (n), (2) (o), and (3) as follows:

**42-2-114.5. Licensing services cash fund - fee setting procedures - rules.**

(2) Except as provided in subsection (3) of this section, the following fees must be paid for the following functions:

(a) The fee for a driving record under section 42-1-206 (2) is ~~two dollars and twenty cents~~ NINE DOLLARS;

(b) The fee for a certified driving record under section 42-1-206 (2) is ~~two~~ TEN dollars; ~~and seventy cents~~;

(d) The fee for a driver's license or minor driver's license under section 42-2-114 (2) (a) or (4) (a), respectively, is:

(I) ~~twenty-one~~ TWENTY-SIX dollars beginning July 1, 2016, BUT BEFORE JULY 1, 2017;

(II) TWENTY-SEVEN DOLLARS BEGINNING JULY 1, 2017, BUT BEFORE JULY 1, 2018; AND

(III) TWENTY-EIGHT DOLLARS BEGINNING JULY 1, 2018;

(f) The fee for a duplicate permit or minor driver's license under section 42-2-117 (1) is ~~seven~~ TWELVE dollars ~~and fifty cents~~ for the first duplicate and fourteen dollars for a subsequent duplicate;

(g) The fee for a driver's license extension under section 42-2-118 (1) (b) (I) is ~~three~~ SIX dollars AND FIFTY CENTS;

(n) The fee for licensing testing units under section 42-2-406 (4) is ~~three hundred~~ THREE THOUSAND NINETY-FOUR dollars for the initial license and ~~one hundred~~ ONE THOUSAND FIFTY-TWO dollars for each subsequent annual license renewal;

(o) The fee for licensing driving testers under section 42-2-406 (3) is one hundred FORTY-EIGHT dollars for the initial license and ~~fifty dollar~~ ONE HUNDRED FORTY DOLLARS for each subsequent annual license renewal; and

(3) (a) EXCEPT AS SET FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (3), beginning July 1, 2015, the department may raise or lower the fees listed in subsection (2) of this section, but the department shall not increase the fee by more than twenty percent before July 1, 2016, or by more than five percent per year on or after July 1, 2016.

(b) THE DEPARTMENT SHALL NOT RAISE OR LOWER THE FEES LISTED IN PARAGRAPHS (a), (b), (f), (g), (n), AND (o) OF SUBSECTION (2) OF THIS SECTION BEFORE JULY 1, 2017, AND THE FEE LISTED IN PARAGRAPH (d) OF SUBSECTION (2) OF THIS SECTION BEFORE JULY 1, 2019.

**SECTION 5.** In Colorado Revised Statutes, **add** 42-2-511 as follows:

**42-2-511. Driving test - third-party option - definition.** (1) AS USED IN THIS SECTION, "DRIVING TEST" MEANS THE DEMONSTRATION OF ORDINARY AND REASONABLE CARE IN THE OPERATION OF A MOTOR VEHICLE IN ACCORDANCE WITH SECTION 42-2-111.

(2) TO USE THE PROCEDURE SET FORTH IN SUBSECTION (3) OF THIS SECTION, AN APPLICANT FOR AN IDENTIFICATION DOCUMENT MUST FULFILL THE APPLICABLE REQUIREMENTS OF THIS PART 5 AND PART 1 OF THIS ARTICLE OTHER THAN THE DRIVING TEST.

(3) IF AN APPLICANT FOR AN IDENTIFICATION DOCUMENT UNDER THIS PART 5 FAILS THE DRIVING TEST, THE APPLICANT MAY RETAKE THE DRIVING TEST FROM A VENDOR APPROVED BY THE DEPARTMENT TO CONDUCT THE TEST. IF THE APPLICANT PASSES THE DRIVING TEST WITHIN SIXTY DAYS AFTER FAILING THE DRIVING TEST, THE APPLICANT MAY REOPEN THE APPLICATION FOR A DRIVER'S LICENSE AT ANY OFFICE AUTHORIZED TO ISSUE IDENTIFICATION DOCUMENTS TO THE APPLICANT. TO BE ISSUED THE LICENSE UNDER THIS PART 5, THE APPLICANT MUST PRESENT EVIDENCE OF PASSING THE TEST.

**SECTION 6.** In Colorado Revised Statutes, 43-4-201, **amend** (3) (a) (I) (C) and (3) (a) (III) (C); and **repeal** (3) (a) (I.1) as follows:

**43-4-201. Highway users tax fund - 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 that is:

(C) Commencing in the fiscal year 2013-14, more than a six percent increase over the appropriation to the Colorado state patrol for the prior fiscal year, PLUS, FOR THE FISCAL YEARS 2016-17, 2017-18, AND 2018-19 ONLY, THE AMOUNT APPROPRIATED TO THE DEPARTMENT OF REVENUE FOR USE BY THE DIVISION OF MOTOR VEHICLES PURSUANT TO SUB-SUBPARAGRAPH (C) OF SUBPARAGRAPH (III) OF THIS PARAGRAPH (a).

~~(I.1) Commencing with the fiscal year 1995-96, the general assembly shall not make any annual appropriation or statutory distribution from the highway users tax fund pursuant to this paragraph (a), except to the department of public safety for the Colorado state patrol or, through the fiscal year 2011-12 only, to the department of revenue for the ports of entry section, that exceeds the annual appropriation or statutory distribution for all purposes except the Colorado state patrol and the ports of entry division for the fiscal year 1994-95.~~

(III) (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, through the fiscal year 2011-12 only, the ports of entry section and excluding any appropriation to the department of revenue for the fiscal years 2008-09, 2009-10, 2010-11, and 2011-12, 2016-17, 2017-18, AND 2018-19, 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.

**SECTION 7. Appropriation - adjustments to 2016 long bill.** (1) To implement this act, appropriations made in the annual general appropriation act for the 2016-17 state fiscal year to the department of revenue for use by the division of motor vehicles are adjusted as follows:

(a) The general fund appropriation for personal services related to driver services is decreased by \$3,200,000; and

(b) The cash funds appropriation from the licensing services cash fund created in section 42-2-114.5 (1), C.R.S., for personal services related to driver services is increased by \$1,200,000.

(2) For the 2016-17 state fiscal year, \$2,000,000 is appropriated to the department of revenue for use by the division of motor vehicles. This appropriation is from the highway users tax fund created in section 43-4-201, C.R.S. To implement this act, the division may use this appropriation for personal services, related to driver services.

**SECTION 8. Effective date.** This act takes effect upon passage; except that section 4 of this act takes effect July 1, 2016.

**SECTION 9. 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.

Approved: May 4, 2016