

CHAPTER 226

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 18-1255

BY REPRESENTATIVE(S) Duran and Carver, Arndt, Bridges, Buckner, Coleman, Covarrubias, Esgar, Exum, Ginal, Hamner, Hansen, Herod, Hooton, Kennedy, Kraft-Tharp, Lawrence, Lee, Lontine, McLachlan, Melton, Michaelson Jenet, Pabon, Pettersen, Reyher, Roberts, Rosenthal, Salazar, Sandridge, Singer, Valdez, Willett, Winkler, Winter, Young, Beckman, Catlin, Danielson, Foote, Gray, Jackson, Landgraf, Rankin, Van Winkle, Weissman, Williams D.;
also SENATOR(S) Cooke and Kefalas, Aguilar, Crowder, Fields, Garcia, Gardner, Jahn, Kerr, Martinez Humenik, Merrifield, Scott, Tate, Todd, Zenzinger.

AN ACT

CONCERNING THE CREATION OF A CHILDHOOD CANCER AWARENESS LICENSE PLATE, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, **add** 42-3-252 as follows:

42-3-252. Special plates - childhood cancer awareness plate - short title.

(1) THE SHORT TITLE OF THIS SECTION IS THE "GABRIEL SANTISTEVAN CHILDHOOD CANCER LICENSE PLATE ACT".

(2) BEGINNING ON OR BEFORE JANUARY 1, 2019, THE DEPARTMENT SHALL ISSUE SPECIAL LICENSE PLATES TO QUALIFIED APPLICANTS IN ACCORDANCE WITH THIS SECTION FOR MOTORCYCLES, PASSENGER CARS, TRUCKS, OR NONCOMMERCIAL OR RECREATIONAL MOTOR VEHICLES THAT DO NOT EXCEED SIXTEEN THOUSAND POUNDS EMPTY WEIGHT.

(3) (a) THERE IS HEREBY ESTABLISHED THE CHILDHOOD CANCER AWARENESS LICENSE PLATE. THE DEPARTMENT MAY STOP ISSUING THE PLATE IF FEWER THAN THREE THOUSAND PLATES ARE ISSUED BY JULY 1, 2023. A PERSON WHO WAS ISSUED A CHILDHOOD CANCER AWARENESS LICENSE PLATE ON OR BEFORE JULY 1, 2023, MAY CONTINUE TO USE IT AFTER JULY 1, 2023, REGARDLESS OF WHETHER THE DEPARTMENT STOPS ISSUING THE SPECIAL LICENSE PLATE.

(b) THE DEPARTMENT SHALL USE A DESIGN FROM AN ORGANIZATION MEETING THE

Capital letters or bold & italic numbers indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

STANDARDS OF SUBSECTION (4) OF THIS SECTION, BUT THE DESIGN MUST CONFORM TO DEPARTMENT STANDARDS AND BE APPROVED BY THE DEPARTMENT.

(4) (a) AT LEAST ONCE EVERY FIVE YEARS, THE DEPARTMENT SHALL DESIGNATE AN ORGANIZATION TO QUALIFY APPLICANTS TO BE ISSUED THE CHILDHOOD CANCER AWARENESS LICENSE PLATE. THE ORGANIZATION MUST:

(I) BE HEADQUARTERED IN COLORADO;

(II) HAVE BEEN IN EXISTENCE FOR AT LEAST FIVE YEARS;

(III) ENSURE THAT THE MONEY FROM THE DONATIONS REQUIRED IN SUBSECTION (4)(b) OF THIS SECTION COVER COSTS FOR OPERATIONS IN COLORADO OR ARE SPENT, IN ACCORDANCE WITH SUBSECTION (4)(a)(IV) OF THIS SECTION, IN COLORADO; AND

(IV) SPEND AT LEAST FIFTY PERCENT OF THE ORGANIZATION'S REVENUE FINANCIALLY ASSISTING:

(A) FAMILIES WITH MINORS BEING TREATED IN COLORADO FOR CANCER; OR

(B) RESEARCH FOUNDATIONS THAT PROVIDE MONEY FOR PEDIATRIC CANCER RESEARCH.

(b) A PERSON MAY APPLY FOR A CHILDHOOD CANCER AWARENESS LICENSE PLATE IF THE PERSON PAYS THE TAXES AND FEES REQUIRED UNDER THIS SECTION AND PROVIDES TO THE DEPARTMENT OR AN AUTHORIZED AGENT A CERTIFICATE ISSUED BY THE ORGANIZATION CHOSEN IN ACCORDANCE WITH THIS SUBSECTION (4) CONFIRMING THAT THE APPLICANT HAS MADE A DONATION TO THE ORGANIZATION. THE ORGANIZATION MAY ESTABLISH A MINIMUM DONATION AMOUNT TO QUALIFY FOR THE PLATE. THE AMOUNT MUST NEITHER BE LESS THAN TWENTY-FIVE DOLLARS NOR MORE THAN SEVENTY-FIVE DOLLARS. THE ORGANIZATION SHALL USE THE DONATION TO FINANCIALLY ASSIST:

(I) FAMILIES OF A MINOR BEING TREATED IN COLORADO FOR CANCER; OR

(II) RESEARCH FOUNDATIONS THAT PROVIDE MONEY FOR PEDIATRIC CANCER RESEARCH.

(c) TO QUALIFY APPLICANTS TO HAVE A CHILDHOOD CANCER AWARENESS LICENSE PLATE, THE ORGANIZATION CHOSEN IN ACCORDANCE WITH THIS SUBSECTION (4) MUST FILE WITH THE DEPARTMENT AN ANNUAL STATEMENT VERIFYING THAT IT IS A NONPROFIT ORGANIZATION UNLESS THE DEPARTMENT STOPS ISSUING THE LICENSE PLATE.

(5) THE AMOUNT OF THE TAXES AND FEES FOR SPECIAL LICENSE PLATES UNDER THIS SECTION IS THE SAME AS THE AMOUNT OF THE TAXES AND FEES FOR REGULAR MOTOR VEHICLE LICENSE PLATES; EXCEPT THAT THE DEPARTMENT SHALL COLLECT AN ADDITIONAL ONE-TIME FEE OF TWENTY-FIVE DOLLARS FOR ISSUANCE OR REPLACEMENT OF THE LICENSE PLATE. THE DEPARTMENT SHALL TRANSMIT THE ADDITIONAL ONE-TIME FEE TO THE STATE TREASURER, WHO SHALL CREDIT THE FEE TO THE HIGHWAY USERS TAX FUND CREATED IN SECTION 43-4-201.

(6) AN APPLICANT MAY APPLY FOR PERSONALIZED CHILDHOOD CANCER AWARENESS LICENSE PLATES. UPON PAYMENT OF THE ADDITIONAL FEE REQUIRED BY SECTION 42-3-211 (6)(a) FOR PERSONALIZED LICENSE PLATES, THE DEPARTMENT MAY ISSUE THE PLATES IF THE APPLICANT COMPLIES WITH SECTION 42-3-211. IF AN APPLICANT HAS EXISTING PERSONALIZED LICENSE PLATES FOR A MOTOR VEHICLE, THE APPLICANT MAY TRANSFER THE COMBINATION OF LETTERS OR NUMBERS TO A NEW SET OF CHILDHOOD CANCER AWARENESS LICENSE PLATES FOR THE VEHICLE UPON PAYING THE FEE REQUIRED BY SECTION 42-3-211 (6)(a) AND UPON TURNING IN THE EXISTING PLATES TO THE DEPARTMENT. A PERSON WHO HAS OBTAINED PERSONALIZED LICENSE PLATES UNDER THIS SUBSECTION (6) SHALL PAY THE ANNUAL FEE IMPOSED BY SECTION 42-3-211 (6)(b) FOR RENEWAL OF THE PERSONALIZED PLATES. THE FEES UNDER THIS SUBSECTION (6) ARE IN ADDITION TO ALL OTHER APPLICABLE TAXES AND FEES.

SECTION 2. In Colorado Revised Statutes, **amend** 42-3-312 as follows:

42-3-312. Special license plate surcharge. In addition to any other fee imposed by this article 3, an applicant for a special license plate created by rule in accordance with section 42-3-207, as the section existed when the plate was created, or license plates issued pursuant to sections 42-3-211 to ~~42-3-218~~ 42-3-214, SECTIONS 42-3-217 TO 42-3-218, sections 42-3-221 to 42-3-234, and sections 42-3-237 to ~~42-3-251~~ 42-3-252 shall pay an issuance fee of twenty-five dollars; except that the fee is not imposed on special license plates exempted from additional fees for the issuance of a military special license plate by section 42-3-213 (1)(b)(II). The department shall transfer the fee to the state treasurer, who shall credit it to the licensing services cash fund created in section 42-2-114.5.

SECTION 3. Appropriation. For the 2018-19 state fiscal year, \$8,288 is appropriated to the department of revenue for use by the division of motor vehicles. This appropriation is from the license plate cash fund created in section 42-3-301 (1)(b), C.R.S. To implement this act, the division may use this appropriation for license plate ordering.

SECTION 4. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 22, 2018