

**Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

REVISED

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

LLS NO. 18-0232.01 Jery Payne x2157

HOUSE BILL 18-1255

HOUSE SPONSORSHIP

Duran and Carver,

SENATE SPONSORSHIP

Cooke and Kefalas,

House Committees

Transportation & Energy
Finance
Appropriations

Senate Committees

Finance
Appropriations

A BILL FOR AN ACT

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

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://leg.colorado.gov>.)

The bill creates the childhood cancer awareness license plate. A person becomes eligible to use the plate by providing a certificate confirming that the person has made a donation to an organization chosen by the department of revenue based on the organization's assistance to children with cancer.

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

SENATE
2nd Reading Unamended
May 3, 2018

HOUSE
Amended 3rd Reading
April 30, 2018

HOUSE
Amended 2nd Reading
April 26, 2018

In addition to the standard motor vehicle fees, the plate requires 2 one-time fees of \$25. One of the fees is credited to the highway users tax fund and the other to the licensing services cash fund.

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

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

4 **42-3-252. Special plates - childhood cancer awareness plate -**
5 **short title.** (1) THE SHORT TITLE OF THIS SECTION IS THE "GABRIEL
6 SANTISTEVAN CHILDHOOD CANCER LICENSE PLATE ACT".

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

12 (3) (a) THERE IS HEREBY ESTABLISHED THE CHILDHOOD CANCER
13 AWARENESS LICENSE PLATE. THE DEPARTMENT MAY STOP ISSUING THE
14 PLATE IF FEWER THAN THREE THOUSAND PLATES ARE ISSUED BY JULY 1,
15 2023. A PERSON WHO WAS ISSUED A CHILDHOOD CANCER AWARENESS
16 LICENSE PLATE ON OR BEFORE JULY 1, 2023, MAY CONTINUE TO USE IT
17 AFTER JULY 1, 2023, REGARDLESS OF WHETHER THE DEPARTMENT STOPS
18 ISSUING THE SPECIAL LICENSE PLATE.

19 (b) THE DEPARTMENT SHALL USE A DESIGN FROM AN
20 ORGANIZATION MEETING THE STANDARDS OF SUBSECTION (4) OF THIS
21 SECTION, BUT THE DESIGN MUST CONFORM TO DEPARTMENT STANDARDS
22 AND BE APPROVED BY THE DEPARTMENT.

23 (4) (a) AT LEAST ONCE EVERY FIVE YEARS, THE DEPARTMENT
24 SHALL DESIGNATE AN ORGANIZATION TO QUALIFY APPLICANTS TO BE

1 ISSUED THE CHILDHOOD CANCER AWARENESS LICENSE PLATE. THE
2 ORGANIZATION MUST:

- 3 (I) BE HEADQUARTERED IN COLORADO;
- 4 (II) HAVE BEEN IN EXISTENCE FOR AT LEAST FIVE YEARS;
- 5 (III) ENSURE THAT THE MONEY FROM THE DONATIONS REQUIRED
6 IN SUBSECTION (4)(b) OF THIS SECTION COVER COSTS FOR OPERATIONS IN
7 COLORADO OR ARE SPENT, IN ACCORDANCE WITH SUBSECTION (4)(a)(IV)
8 OF THIS SECTION, IN COLORADO; AND
- 9 (IV) SPEND AT LEAST FIFTY PERCENT OF THE ORGANIZATION'S
10 REVENUE FINANCIALLY ASSISTING:

- 11 [REDACTED]
- 12 (A) FAMILIES WITH MINORS BEING TREATED IN COLORADO FOR
13 CANCER; OR
- 14 (B) RESEARCH FOUNDATIONS THAT PROVIDE MONEY FOR
15 PEDIATRIC CANCER RESEARCH.

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

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

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

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

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

16 (6) AN APPLICANT MAY APPLY FOR PERSONALIZED CHILDHOOD
17 CANCER AWARENESS LICENSE PLATES. UPON PAYMENT OF THE
18 ADDITIONAL FEE REQUIRED BY SECTION 42-3-211 (6)(a) FOR
19 PERSONALIZED LICENSE PLATES, THE DEPARTMENT MAY ISSUE THE PLATES
20 IF THE APPLICANT COMPLIES WITH SECTION 42-3-211. IF AN APPLICANT
21 HAS EXISTING PERSONALIZED LICENSE PLATES FOR A MOTOR VEHICLE, THE
22 APPLICANT MAY TRANSFER THE COMBINATION OF LETTERS OR NUMBERS
23 TO A NEW SET OF CHILDHOOD CANCER AWARENESS LICENSE PLATES FOR
24 THE VEHICLE UPON PAYING THE FEE REQUIRED BY SECTION 42-3-211 (6)(a)
25 AND UPON TURNING IN THE EXISTING PLATES TO THE DEPARTMENT. A
26 PERSON WHO HAS OBTAINED PERSONALIZED LICENSE PLATES UNDER THIS
27 SUBSECTION (6) SHALL PAY THE ANNUAL FEE IMPOSED BY SECTION

1 42-3-211 (6)(b) FOR RENEWAL OF THE PERSONALIZED PLATES. THE FEES
2 UNDER THIS SUBSECTION (6) ARE IN ADDITION TO ALL OTHER APPLICABLE
3 TAXES AND FEES.

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

6 **42-3-312. Special license plate surcharge.** In addition to any
7 other fee imposed by this article 3, an applicant for a special license plate
8 created by rule in accordance with section 42-3-207, as the section existed
9 when the plate was created, or license plates issued pursuant to sections
10 42-3-211 to ~~42-3-218~~ 42-3-214, SECTIONS 42-3-217 TO 42-3-218, sections
11 42-3-221 to 42-3-234, and sections 42-3-237 to ~~42-3-251~~ 42-3-252 shall
12 pay an issuance fee of twenty-five dollars; except that the fee is not
13 imposed on special license plates exempted from additional fees for the
14 issuance of a military special license plate by section 42-3-213 (1)(b)(II).
15 The department shall transfer the fee to the state treasurer, who shall
16 credit it to the licensing services cash fund created in section 42-2-114.5.

17 **SECTION 3. Appropriation.** For the 2018-19 state fiscal year,
18 \$8,288 is appropriated to the department of revenue for use by the
19 division of motor vehicles. This appropriation is from the license plate
20 cash fund created in section 42-3-301 (1)(b), C.R.S. To implement this
21 act, the division may use this appropriation for license plate ordering.

22 **SECTION 4. Act subject to petition - effective date.** This act
23 takes effect at 12:01 a.m. on the day following the expiration of the
24 ninety-day period after final adjournment of the general assembly (August
25 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
26 referendum petition is filed pursuant to section 1 (3) of article V of the
27 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 2018 and, in such case, will take effect on the date of the
4 official declaration of the vote thereon by the governor.