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HOUSE BILL 14-1089

BY REPRESENTATIVE(S) Hamner, Garcia, Gerou, Ginal, Hullinghorst, Labuda, Lebsock, Melton, Mitsch Bush, Moreno, Pabon, Ryden, Schafer, Scott, Swalm, Young, Gardner, Rosenthal;
also SENATOR(S) Schwartz, Aguilar, Heath, Johnston, Kerr, Nicholson, Todd.

CONCERNING THE QUALIFICATION FOR A PERSON TO USE THE 10TH MOUNTAIN DIVISION LICENSE PLATE.

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

SECTION 1. In Colorado Revised Statutes, 42-3-208, **amend** (1) introductory portion; and **add** (1) (e) as follows:

42-3-208. Special plates - qualifications for issuance of special license plates. (1) The following special license plates created by rule by the department under section 42-3-207, as ~~such section~~ IT existed when the plates were created, ~~shall be~~ ARE subject to the FOLLOWING requirement: ~~so specified:~~

(e) (I) THE "10TH MOUNTAIN DIVISION" LICENSE PLATE IS HEREBY CONVERTED TO A "SUPPORT THE 10TH MOUNTAIN DIVISION" LICENSE PLATE. THE DEPARTMENT SHALL PLACE THE WORD "SUPPORT" PROMINENTLY ON

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

THE PLATE TO INDICATE THAT THE OWNER SUPPORTS THE 10TH MOUNTAIN DIVISION. WHEN THE REGISTRATION OF A MOTOR VEHICLE ASSIGNED A "10TH MOUNTAIN DIVISION" LICENSE PLATE EXPIRES, THE DEPARTMENT SHALL REPLACE THE PLATE WITH A "SUPPORT THE 10TH MOUNTAIN DIVISION" LICENSE PLATE UNLESS THE OWNER QUALIFIES FOR A "10TH MOUNTAIN DIVISION" LICENSE PLATE UNDER SECTION 42-3-213. THE DEPARTMENT SHALL NOT CHARGE THE FEES IMPOSED IN SECTION 42-3-207 OR SECTION 42-3-312 TO REPLACE THE CURRENT "10TH MOUNTAIN DIVISION" LICENSE PLATE WITH THE "SUPPORT THE 10TH MOUNTAIN DIVISION" LICENSE PLATE.

(II) THE DEPARTMENT SHALL NOT ISSUE A "SUPPORT THE 10TH MOUNTAIN DIVISION" LICENSE PLATE UNLESS AN APPLICANT PROVIDES A CERTIFICATE ISSUED BY THE 10TH MOUNTAIN DIVISION FOUNDATION, INC., OR A SUCCESSOR ORGANIZATION, CONFIRMING THAT THE PERSON MEETS THE QUALIFICATIONS ESTABLISHED BY THE FOUNDATION FOR THE LICENSE PLATE. THE 10TH MOUNTAIN DIVISION FOUNDATION, INC., MAY REQUIRE SPECIFIC LEVELS OF CONTRIBUTIONS TO A 10TH-MOUNTAIN-DIVISION GRANT FUND OF NOT LESS THAN FIFTEEN DOLLARS AND NOT MORE THAN ONE HUNDRED DOLLARS TO QUALIFY FOR THE PLATE.

(III) ON OR AFTER JANUARY 1, 2016, THE DEPARTMENT SHALL NOT RENEW THE REGISTRATION OF A "SUPPORT THE 10TH MOUNTAIN DIVISION" LICENSE PLATE THAT WAS ISSUED AFTER THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (III) UNLESS THE PERSON MEETS THE QUALIFICATIONS ESTABLISHED BY THE 10TH MOUNTAIN DIVISION FOUNDATION, INC., OR A SUCCESSOR ORGANIZATION, TO RENEW THE LICENSE PLATE. THE 10TH MOUNTAIN DIVISION FOUNDATION, INC., MAY REQUIRE SPECIFIC LEVELS OF CONTRIBUTIONS TO A 10TH-MOUNTAIN-DIVISION GRANT FUND OF NOT LESS THAN FIFTEEN DOLLARS AND NOT MORE THAN ONE HUNDRED DOLLARS TO RENEW THE PLATE.

(IV) (A) THE 10TH MOUNTAIN DIVISION FOUNDATION, INC., OR ITS SUCCESSOR ORGANIZATION SHALL AWARD GRANTS FROM THE 10TH-MOUNTAIN-DIVISION GRANT FUND TO FUND PROGRAMS, ACTIVITIES, AND EVENTS THAT SUPPORT VETERANS AND PRESERVE AND PROMOTE THE HISTORY AND SPIRIT OF PUBLIC SERVICE OF THE 10TH MOUNTAIN DIVISION.

(B) The 10TH MOUNTAIN DIVISION FOUNDATION, INC., OR ITS SUCCESSOR ORGANIZATION SHALL FILE AN ANNUAL STATEMENT VERIFYING

THAT IT IS A NONPROFIT ORGANIZATION. THE STATEMENT IS MADE UNDER PENALTY OF PERJURY WITH THE DEPARTMENT.

(C) IF THE DEPARTMENT GIVES AT LEAST SEVEN DAYS' NOTICE, THE DEPARTMENT OF REVENUE MAY AUDIT, DURING NORMAL BUSINESS HOURS, THE RECORDS AND BOOKS OF THE 10TH MOUNTAIN DIVISION FOUNDATION, INC., CONCERNING THE 10TH-MOUNTAIN-DIVISION GRANT FUND. THE AUDIT MUST TAKE PLACE WHERE THE RECORDS ARE NORMALLY KEPT OR AT A PLACE AGREEABLE TO BOTH THE DEPARTMENT AND THE FOUNDATION.

SECTION 2. In Colorado Revised Statutes, 42-3-213, **amend** (1) (a) (XXV) and (1) (a) (XXVI); and **add** (1) (a) (XXVIII) and (29) as follows:

42-3-213. Special plates - military veterans - rules - retirement.

(1) (a) The department shall issue one or more sets of special license plates to the following persons who own a truck that does not exceed sixteen thousand pounds empty weight, a passenger car, a motorcycle, or a noncommercial or recreational vehicle:

(XXV) An honorably discharged, retired, reserve, or active member of the Navy SEALs; ~~or~~

(XXVI) A natural person who supports the civil air patrol; OR

(XXVIII) AN HONORABLY DISCHARGED, RETIRED, RESERVE, OR ACTIVE MEMBER OF THE 10TH MOUNTAIN DIVISION OF THE UNITED STATES ARMY.

(29) **Veteran, reserve member, or active member of the 10th mountain division of the United States Army.** (a) THE DEPARTMENT SHALL DESIGN THE "10TH MOUNTAIN DIVISION" LICENSE PLATE TO INDICATE THAT AN OWNER OF A MOTOR VEHICLE TO WHICH THE PLATE IS ATTACHED IS A VETERAN, A RESERVE MEMBER, OR AN ACTIVE MEMBER OF THE 10TH MOUNTAIN DIVISION OF THE UNITED STATES ARMY.

(b) A NATURAL PERSON WHO MEETS THE CONDITIONS ESTABLISHED IN SUBPARAGRAPH (XXVIII) OF PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION MAY USE A "10TH MOUNTAIN DIVISION" LICENSE PLATE. TO QUALIFY FOR THE LICENSE PLATE, AN APPLICANT MUST SUBMIT A DD214

FORM ISSUED BY THE UNITED STATES GOVERNMENT OR OTHER EVIDENCE SUFFICIENT TO DEMONSTRATE THAT THE APPLICANT IS A VETERAN, A RESERVE MEMBER, OR AN ACTIVE MEMBER OF THE 10TH MOUNTAIN DIVISION OF THE UNITED STATES ARMY.

(c) BY JANUARY 1, 2016, THE DEPARTMENT SHALL REQUIRE EACH HOLDER OF A "10TH MOUNTAIN DIVISION" LICENSE PLATE TO EITHER SUBMIT THE EVIDENCE OF QUALIFICATION REQUIRED BY PARAGRAPH (b) OF THIS SUBSECTION (29) OR RETURN THE PLATE TO THE DEPARTMENT.

SECTION 3. Act subject to petition - effective date - applicability. (1) 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 6, 2014, if adjournment sine die is on May 7, 2014); 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 2014 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to license plates issued or renewed on or after January 1, 2015.

Mark Ferrandino
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Morgan Carroll
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO