

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 10-1101.01 Ed DeCecco

SENATE BILL 10-212

SENATE SPONSORSHIP

Cadman, Shaffer B., Penry, Tapia, Romer, Boyd

HOUSE SPONSORSHIP

Weissmann,

Senate Committees
Finance

House Committees
Finance

A BILL FOR AN ACT

101 **CONCERNING THE REPEAL OF MECHANISMS TO REFUND EXCESS STATE**
102 **REVENUES.**

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>.)

Section 20 (7) (d) of article X of the state constitution requires the state to refund any state revenues in excess of the state fiscal year spending limit. In accordance with this constitutional requirement, the general assembly enacted methods to refund the excess state revenues.

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.

SENATE
3rd Reading Unamended
May 7, 2010

SENATE
2nd Reading Unamended
May 6, 2010

The bill repeals all of the current refund methods with the exception of the:

- ! Earned income tax credit;
- ! Income tax rate reduction; and
- ! State sales tax refund.

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

2 **SECTION 1. Repeal.** 24-75-216, 26-2-1005 (2) (h), (6), and (7),
3 38-13-102 (7) (a) (VIII), 38-13-109.7 (2), 39-21-108 (6), 39-21-113 (12)
4 (b), 39-22-104 (3) (h), (4) (l), (4) (1.5), (4) (1.5), (4) (m) (III), (4)
5 (m) (IV), (4) (m) (V), and (4) (m) (VI), 39-22-119 (1.5), (5), (6), (7), (8),
6 and (9), 39-22-124, 39-22-125, 39-22-126, 39-22-127, 39-22-304 (2) (g),
7 39-22-523, 39-22-527, 39-22-528, 39-22-627 (7), 39-26-105 (1) (e),
8 39-26-106 (3), 39-26-501, 39-26-502, 39-26-601, 39-26-602, 42-3-304
9 (23), 42-3-305 as amended by House Bills 10-1101 and 10-1172, and
10 43-4-205 (6.5) (d), Colorado Revised Statutes, are repealed.

11 **SECTION 2.** 35-75-201 (2), Colorado Revised Statutes, is
12 amended to read:

13 **35-75-201. Legislative declaration - purpose of part.** (2) The
14 general assembly further finds, determines, and declares that the public
15 purpose served by the ~~tax credits~~, grants, loans and loan guarantees, and
16 equity investments authorized by this part 2 ~~and by sections 39-22-527~~
17 ~~and 39-22-528, C.R.S.~~, preponderates over any individual interests
18 incidentally served thereby.

19 **SECTION 3.** 35-75-202 (7), Colorado Revised Statutes, is
20 amended to read:

21 **35-75-202. Definitions.** As used in this part 2, unless the context
22 otherwise requires:

23 (7) "Participant" means a resident individual or a domestic or

1 foreign corporation subject to the provisions of part 3 of article 22 of title
2 39, C.R.S., that ~~purchases tax credits from, or~~ contributes cash funds to
3 the board.

4 **SECTION 4.** 35-75-204 (1), the introductory portion to
5 35-75-204 (2), and 35-75-204 (2) (c), (3), (4) (a), (4) (c), and (5),
6 Colorado Revised Statutes, are amended to read:

7 **35-75-204. Duties of board - agriculture value-added grants,**
8 **loans and loan guarantees, and equity investments.** (1) The board has
9 the power to make grants, loans and loan guarantees, and equity
10 investments to any person, including eligible agricultural value-added
11 cooperatives, as defined in section 35-75-202 (4), ~~and to offer tax credits~~
12 ~~to such cooperatives pursuant to section 39-22-527, C.R.S.,~~ for new or
13 ongoing agricultural projects and research that add value to Colorado
14 agricultural products and aid the economy of rural Colorado communities.
15 ~~Subject to the annual dollar limitations stated in sections 39-22-527 and~~
16 ~~39-22-528, C.R.S.,~~ The board also has the power to fund market
17 promotion activities of the department pursuant to section 35-75-205 (2)
18 (f). ~~and to offer tax credits to participants and to agricultural businesses~~
19 ~~other than eligible agricultural value-added cooperatives so long as such~~
20 ~~agricultural businesses are located solely in Colorado and comply with the~~
21 ~~criteria established by the board pursuant to subsection (2) of this section,~~
22 ~~add value to agricultural products, and aid the economy of a rural~~
23 ~~community.~~

24 (2) The board shall employ the following criteria in determining
25 whether to award an agriculture value-added grant, loan, OR loan
26 guarantee: ~~or tax credit:~~

27 (c) The contemplated schedule and phasing of the project, whether

1 on an annual or multi-year basis, shall be such as to give the project a
2 reasonable chance of success within three years at a constant or declining
3 rate of support from the board in the form of grants OR loans ~~or tax~~
4 ~~credits~~, or a combination thereof; and

5 (3) The board may reject any application for grants, loans and loan
6 guarantees, OR equity investments ~~or tax credits~~ pursuant to this part 2.

7 (4) (a) The board shall require a feasibility study of a member's
8 rural agricultural business project concept to be performed before
9 awarding a grant OR loan. ~~or tax credit.~~

10 (c) Upon a determination by the board that the project concept
11 may be operated profitably, the board may provide for legal assistance to
12 set up the project. Such legal assistance shall include, but not be limited
13 to, providing advice and assistance on the form of business entity ~~the~~
14 ~~availability of tax credits~~, and other assistance for which the member may
15 qualify as well as helping the member apply for such assistance.

16 (5) The board may provide or facilitate grants, loans or loan
17 guarantees, OR equity investments ~~or tax credits~~ for any person who meets
18 the criteria set forth in this part 2 or established by the board under
19 paragraph (d) of subsection (2.5) of this section, including, but not limited
20 to, loans from the United States department of agriculture rural
21 development program, subject to availability. Such financial assistance
22 shall only be provided to feasible project concepts, and the amount of
23 such financial assistance shall be the least amount necessary to cause the
24 project to occur, as determined by the board. The board may structure the
25 financial assistance in a way that causes the project to occur and also
26 provides for a compensatory return on investment or loan payment to the
27 board, based upon the risk of the project concept.

1 **SECTION 5.** 35-75-205 (1), Colorado Revised Statutes, is
2 amended to read:

3 **35-75-205. Grants, loans and loan guarantees, and equity**
4 **investments - agriculture value-added cash fund - created - repeal.**

5 (1) ~~The moneys derived from purchases of tax credits from the board by~~
6 ~~participants in accordance with section 39-22-528, C.R.S., and Moneys~~
7 received by the board from public or private gifts, grants, or donations or
8 from any other source shall be forwarded to the state treasurer and shall
9 be credited to the agriculture value-added cash fund, which fund is hereby
10 created. Moneys in the fund are continuously appropriated to the board
11 and shall be used for the purpose of preparing criteria and reviewing
12 applications as provided in section 35-75-204 and for financial or
13 technical assistance to agricultural projects, project concepts, and research
14 as approved by the board. All interest earned on the investment of
15 moneys in the fund shall be credited to the fund. The board may provide
16 or facilitate ~~tax credits,~~ grants, loans and loan guarantees, and equity
17 investments for agricultural projects, project concepts, or research; except
18 that such ~~tax credits,~~ grants, loans and loan guarantees, and equity
19 investments shall be limited to two million dollars per project. ~~Tax~~
20 ~~credits,~~ Grants, loans and loan guarantees, and equity investments may
21 only be provided to feasible projects and for an amount that is the least
22 amount necessary to cause the project to occur, as determined by the
23 board. The board may structure the grants, loans and loan guarantees, and
24 equity investments in a way that facilitates the project and also provides
25 for a compensatory return on investment or loan payment to the board
26 based on the risk of the project. Any moneys credited to the agriculture
27 value-added cash fund and unexpended at the end of any given fiscal year

1 shall remain in the fund and shall not revert to the general fund or any
2 other fund.

3 **SECTION 6.** 39-21-105 (1), Colorado Revised Statutes, is
4 amended to read:

5 **39-21-105. Appeals.** (1) The taxpayer may appeal the final
6 determination of the executive director issued pursuant to section
7 39-21-103, 39-21-104, OR 39-21-104.5 ~~or 39-22-124 (10)~~ within thirty
8 days after the mailing of such determination.

9 **SECTION 7.** 39-22-104 (4) (m) (I), Colorado Revised Statutes,
10 is amended to read:

11 **39-22-104. Income tax imposed on individuals, estates, and**
12 **trusts - single rate - definitions - repeal.** (4) There shall be subtracted
13 from federal taxable income:

14 (m) (I) ~~Subject to the provisions of subparagraph (III) of this~~
15 ~~paragraph (m),~~ For any income tax year commencing on or after January
16 1, 2001, for any individual who claims the basic standard deduction
17 allowed under section 63 (c) (2) of the internal revenue code on the
18 individual's federal return and, therefore, cannot claim an itemized
19 deduction for charitable contributions pursuant to section 170 of the
20 internal revenue code, an amount equal to the amount of any deduction
21 based upon the aggregate amount of charitable contributions in excess of
22 five hundred dollars that the individual could have claimed pursuant to
23 section 170 of the internal revenue code if the individual had not claimed
24 the basic standard deduction.

25 **SECTION 8.** 39-22-119 (2) and (3), Colorado Revised Statutes,
26 are amended to read:

27 **39-22-119. Expenses related to child care - credits against state**

1 **tax.** (2) If the credits allowed under ~~subsections (1), (1.5), and (5)~~
2 SUBSECTION (1) of this section exceed the income taxes due on the
3 resident individual's income, the amount of the credits not used to offset
4 income taxes shall not be carried forward as tax credits against the
5 resident individual's subsequent years' income tax liability and shall be
6 refunded to the individual.

7 (3) The child care expenses credits allowed under ~~subsections (1),~~
8 ~~(1.5), and (5)~~ SUBSECTION (1) of this section shall not be allowed to a
9 resident individual who is receiving child care assistance from the state
10 department of human services except to the extent of the taxpayer's
11 unreimbursed out-of-pocket expenses that result in a federal credit for
12 child care expenses.

13 **SECTION 9.** 39-22-524 (10), Colorado Revised Statutes, is
14 amended to read:

15 **39-22-524. Tax credit for individuals contributing matching**
16 **funds for individual development accounts - repeal.** (10) This section
17 is repealed, effective ~~April 15, 2011~~ JULY 1, 2010.

18 **SECTION 10.** 39-26-105 (1) (a), Colorado Revised Statutes, is
19 amended to read:

20 **39-26-105. Vendor liable for tax - repeal.** (1) (a) Except as
21 provided in ~~paragraphs (d) and (e)~~ PARAGRAPH (d) of this subsection (1),
22 every retailer, also in this part 1 called "vendor", shall, irrespective of the
23 provisions of section 39-26-106, be liable and responsible for the
24 payment of an amount equivalent to three percent of all sales made prior
25 to January 1, 2001, and two and ninety one-hundredths percent of all sales
26 made on or after January 1, 2001, by the vendor of commodities or
27 services as specified in section 39-26-104 and shall, before the twentieth

1 day of each month, make a return to the executive director of the
2 department of revenue for the preceding calendar month and remit an
3 amount equivalent to said percentage on such sales to said executive
4 director, less three and one-third percent of the sum so remitted for sales
5 occurring prior to July 1, 2003, or on or after July 1, 2005, and less two
6 and one-third percent of the sum so remitted for sales occurring on or
7 after July 1, 2003, but before July 1, 2005, to cover the vendor's expense
8 in the collection and remittance of said tax; but, if any vendor is
9 delinquent in remitting said tax, other than in unusual circumstances
10 shown to the satisfaction of the executive director, the vendor shall not be
11 allowed to retain any amounts to cover such vendor's expense in
12 collecting and remitting said tax, and an amount equivalent to the said
13 percentage, plus the amount of any local vendor expense that may be
14 allowed by the local government to the vendor, shall be remitted to the
15 executive director by any such delinquent vendor. Such returns of the
16 taxpayer or the taxpayer's duly authorized agent shall contain such
17 information and be made in such manner and upon such forms as the
18 executive director shall prescribe. Any local vendor expense remitted to
19 the executive director shall be deposited to the state general fund.

20 **SECTION 11.** 39-26-106 (1) (a) (I), Colorado Revised Statutes,
21 is amended to read:

22 **39-26-106. Schedule of sales tax.** (1) (a) (I) Except as otherwise
23 provided in subparagraph (II) of this paragraph (a), ~~and in subsection (3)~~
24 ~~of this section~~, there is imposed upon all sales of commodities and
25 services specified in section 39-26-104 a tax at the rate of three percent
26 of the amount of the sale, to be computed in accordance with schedules
27 or systems approved by the executive director of the department of

1 revenue. Said schedules or systems shall be designed so that no such tax
2 is charged on any sale of seventeen cents or less.

3 **SECTION 12.** 42-3-304 (2), the introductory portions to 42-3-304
4 (9) and (10) (a), and 42-3-304 (10) (b), (10) (c), (11), (14), and (17) (a),
5 Colorado Revised Statutes, are amended to read:

6 **42-3-304. Registration fees - passenger and passenger-mile**
7 **taxes - clean screen fund.** (2) With respect to passenger-carrying motor
8 vehicles, the weight used in computing annual registration fees shall be
9 that weight published by the manufacturer in approved manuals, and, in
10 case of a dispute over the weight of such vehicle, the actual weight
11 determined by weighing such vehicle on a certified scale, as provided in
12 section 35-14-122 (6), C.R.S., shall be conclusive. With respect to all
13 other vehicles, the weight used in computing annual registration fees shall
14 be the empty weight, determined by weighing such vehicle on a certified
15 scale or in the case of registration fees imposed pursuant to ~~section~~
16 ~~42-3-305 (5)~~ SECTION 42-3-306 (5), the declared gross vehicle weight of
17 the vehicle declared by the owner at the time of registration.

18 (9) In addition to the registration fees imposed by ~~section~~
19 ~~42-3-305 (4) (a)~~ SECTION 42-3-306 (4) (a), the following additional
20 registration fee shall be imposed on such vehicles:

21 (10) (a) In addition to the registration fees imposed by ~~section~~
22 ~~42-3-305 (5) (a) and (13)~~ SECTION 42-3-306 (5) (a) AND (13), for motor
23 vehicles described in ~~section 42-3-305 (5) (a) and (13)~~ SECTION 42-3-306
24 (5) (a) AND (13), the following additional registration fee shall be
25 imposed:

26 (b) In addition to the registration fees imposed by ~~section~~
27 ~~42-3-305 (5) (b), (5) (c), or (12) (b)~~ SECTION 42-3-306 (5) (b), (5) (c), OR

1 (12) (b), an additional registration fee of ten dollars shall be assessed.

2 (c) The department shall adopt rules that allow a vehicle owner or
3 a vehicle owner's agent to apply for apportioned registration for a vehicle
4 that is used in interstate commerce and that qualifies for the registration
5 fees provided in ~~section 42-3-305 (5)~~ SECTION 42-3-306 (5). In
6 establishing the amount of such apportioned registration, such rules shall
7 take into account the length of time such item may be operated in
8 Colorado or the number of miles such item may be driven in Colorado.
9 The apportioned registration, if based upon the length of time such item
10 may be operated in Colorado, shall be valid for a period of between two
11 and eleven months. Such rules shall also allow for extensions of
12 apportioned registration periods. During such rule-making, the
13 department shall confer with its authorized agents regarding enhanced
14 communications with the authorized agents and the coordination of
15 enforcement efforts.

16 (11) The additional fees collected pursuant to ~~section 42-3-305 (2)~~
17 ~~(b) (H)~~ SECTION 42-3-306 (2) (b) (II) and subsection (9) of this section
18 and paragraphs (a) and (b) of subsection (10) of this section shall be
19 transmitted to the state treasurer, who shall credit the same to the highway
20 users tax fund to be allocated pursuant to section 43-4-205 (6) (b), C.R.S.

21 (14) (a) The owner or operator of mobile machinery or
22 self-propelled construction equipment having an empty weight not in
23 excess of sixteen thousand pounds that the owner or operator desires to
24 operate over the public highways of this state shall register such vehicle
25 under ~~section 42-3-305 (5) (a)~~ SECTION 42-3-306 (5) (a).

26 (b) The owner or operator of mobile machinery or self-propelled
27 construction equipment with an empty weight exceeding sixteen thousand

1 pounds that such owner or operator desires to operate over the public
2 highways of this state shall register such vehicle under ~~section 42-3-305~~
3 ~~(5)(b)~~ SECTION 42-3-306 (5) (b).

4 (17) (a) At the time of registration of such vehicle, the owner of
5 a truck subject to registration under ~~section 42-3-305 (5)~~ SECTION
6 42-3-306 (5) having a weight in excess of four thousand five hundred
7 pounds, but not in excess of ten thousand pounds, including mounted
8 equipment other than that of a recreational type, shall present to the
9 authorized agent a copy of the manufacturer's statement or certificate of
10 origin that specifies the shipping weight of such vehicle, or if such
11 documentation is not available, a certified scale ticket showing the weight
12 of such vehicle.

13 **SECTION 13.** 42-3-306 (1), Colorado Revised Statutes, is
14 amended to read:

15 **42-3-306. Registration fees - passenger and passenger-mile**
16 **taxes - fee schedule.** (1) This section shall apply in any fiscal year ~~in~~
17 ~~which the legislative council does not certify to the executive director of~~
18 ~~the department that, based on the annual March revenue forecast from the~~
19 ~~legislative council, there will be sufficient excess state revenue to fund~~
20 ~~the fee reductions enacted by House Bill 00-1227, enacted at the second~~
21 ~~regular session of the sixty-second general assembly~~ BEGINNING ON OR
22 AFTER JULY 1, 2010.

23 **SECTION 14.** 42-3-307 (1), Colorado Revised Statutes, is
24 amended to read:

25 **42-3-307. Enforcement powers of department.** (1) The
26 department may administer and enforce sections 42-3-304 ~~42-3-305~~, and
27 42-3-306, including the right to inspect and audit the books, records, and

1 documents of an owner or operator of a vehicle operated upon the public
2 highways who is required to pay any registration fee or tax imposed, and
3 the executive director of the department may promulgate such reasonable
4 rules as the director deems necessary or suitable for such administration
5 and enforcement.

6 **SECTION 15.** 42-3-308 (1) (a), Colorado Revised Statutes, is
7 amended to read:

8 **42-3-308. Taxpayer statements - payment of tax - estimates -**
9 **penalties - deposits - delinquency proceedings.** (1) (a) Every owner or
10 operator of a motor vehicle operated on a public highway of this state and
11 required to pay the passenger-mile tax imposed by sections 42-3-304
12 ~~42-3-305~~, and 42-3-306 shall, on or before the twenty-fifth day of each
13 month, file with the department, on forms prescribed by the department
14 and the public utilities commission, a statement, subject to the penalties
15 for perjury in the second degree, showing the name and address of the
16 owner of the motor vehicle, total miles traveled, and total number of
17 passengers carried in this state during the preceding month and such other
18 information as required by the department and the commission and shall
19 compute and pay such tax; except that the executive director of the
20 department may authorize the filing of statements and the payment of tax
21 for periods in excess of one month but not to exceed a period of twelve
22 months.

23 **SECTION 16.** 42-3-309 (1), Colorado Revised Statutes, is
24 amended to read:

25 **42-3-309. Permit to be secured - records kept - penalties.**
26 (1) Every owner or operator of a motor vehicle operated over any public
27 highway of this state who is required to pay the passenger-mile tax

1 imposed by sections 42-3-304 ~~42-3-305~~, and 42-3-306 shall apply to the
2 department and secure a passenger-mile tax permit and shall keep and
3 maintain true and correct records of the operations of such motor
4 vehicles, including the number of miles operated and the number of
5 passengers carried, in such form as to reflect the actual activity of all such
6 motor vehicles and as may be prescribed by the department and the public
7 utilities commission. Such owner or operator shall preserve all such
8 records for a period of four years. The passenger-mile tax permit shall
9 remain effective until the owner advises the department of a change in
10 ownership or a discontinuance of business or until such owner has failed
11 to file tax reports and pay any applicable passenger-mile tax for four
12 successive tax periods.

13 **SECTION 17.** 42-4-304 (18), Colorado Revised Statutes, is
14 amended to read:

15 **42-4-304. Definitions relating to automobile inspection and**
16 **readjustment program.** As used in sections 42-4-301 to 42-4-316,
17 unless the context otherwise requires:

18 (18) "Motor vehicle", as applicable to the AIR program, includes
19 only a motor vehicle that is operated with four wheels or more on the
20 ground, self-propelled by a spark-ignited engine burning gasoline,
21 gasoline blends, gaseous fuel, blends of liquid gasoline and gaseous fuels,
22 alcohol, alcohol blends, or other similar fuels, having a personal property
23 classification of A, B, or C pursuant to section 42-3-106, and for which
24 registration in this state is required for operation on the public roads and
25 highways or which motor vehicle is owned or operated or both by a
26 nonresident who meets the requirements set forth in section 42-4-310 (1)
27 (c). "Motor vehicle" does not include kit vehicles; vehicles registered

1 pursuant to section 42-3-219 ~~42-3-305 (4)~~, or 42-3-306 (4); vehicles
2 registered pursuant to section 42-12-102 that are of model year 1975 or
3 earlier or that have two-stroke cycle engines manufactured prior to 1980;
4 or vehicles registered as street rods pursuant to section 42-3-201.

5 **SECTION 18.** 42-4-401 (5), Colorado Revised Statutes, is
6 amended to read:

7 **42-4-401. Definitions.** As used in this part 4, unless the context
8 otherwise requires:

9 (5) "Diesel powered motor vehicle" or "diesel vehicle" as
10 applicable to opacity inspections, includes only a motor vehicle with four
11 wheels or more on the ground, powered by an internal combustion,
12 compression ignition, diesel fueled engine, and also includes any motor
13 vehicle having a personal property classification of A, B, or C, pursuant
14 to section 42-3-106, as specified on its vehicle registration, and for which
15 registration in this state is required for operation on the public roads and
16 highways. "Diesel vehicle" does not include the following: Vehicles
17 registered pursuant to section 42-3-219 ~~42-3-305 (4)~~, or 42-3-306 (4), or
18 off-the-road diesel powered vehicles or heavy construction equipment.

19 **SECTION 19.** 42-4-1407.5 (3) (a) and (3) (b), Colorado Revised
20 Statutes, are amended to read:

21 **42-4-1407.5. Splash guards - when required.** (3) This section
22 does not apply to:

23 (a) Passenger-carrying motor vehicles registered pursuant to
24 ~~section 42-3-305 (2)~~ SECTION 42-3-306 (2);

25 (b) Trucks and truck tractors registered pursuant to ~~section~~
26 ~~42-3-305 (4) or (5)~~ SECTION 42-3-306 (4) OR (5) having an empty weight
27 of ten thousand pounds or less;

1 **SECTION 20.** 42-7-510 (1), Colorado Revised Statutes, is
2 amended to read:

3 **42-7-510. Insurance or bond required.** (1) Every owner of a
4 truck that is subject to the registration fee imposed pursuant to ~~section~~
5 ~~42-3-305 (5) (b) or (7) or~~ SECTION 42-3-306 (5) (b) or (7) and that is not
6 subject to regulation by the public utilities commission under article 10,
7 11, 13, or 16 of title 40, C.R.S., before operating or permitting the
8 operation of such vehicle upon any public highway in this state shall have
9 in each such vehicle a motor vehicle liability insurance policy or a
10 certificate evidencing such policy issued by an insurance carrier or insurer
11 authorized to do business in Colorado, or a copy of a valid certificate of
12 self-insurance issued pursuant to section 10-4-624, C.R.S., or a surety
13 bond issued by a company authorized to do a surety business in Colorado
14 in the sum of fifty thousand dollars for damages to property of others; the
15 sum of one hundred thousand dollars for damages for or on account of
16 bodily injury or death of one person as a result of any one accident; and,
17 subject to such limit as to one person, the sum of three hundred thousand
18 dollars for or on account of bodily injury to or death of all persons as a
19 result of any one accident.

20 **SECTION 21.** 42-8-105 (1), Colorado Revised Statutes, is
21 amended to read:

22 **42-8-105. Clearance of motor vehicles at port of entry weigh**
23 **stations.** (1) Every owner or operator of a motor vehicle that is subject
24 to payment of registration fees under the provisions of ~~section 42-3-305~~
25 ~~(5) (b) or~~ SECTION 42-3-306 (5) (b) and every owner or operator of a
26 motor vehicle or combination of vehicles having a manufacturer's gross
27 vehicle weight rating or gross combination weight rating of twenty-six

1 thousand one pounds or more shall secure a valid clearance from an
2 office of the department of revenue, from an officer of the Colorado state
3 patrol, or from a port of entry weigh station before operating such vehicle
4 or combination of vehicles or causing such vehicle or combination of
5 vehicles to be operated on the public highways of this state, but an owner
6 or operator shall be deemed to have complied with the provisions of this
7 subsection (1) if the owner or operator secures a valid clearance from the
8 first port of entry weigh station located within five road miles of the route
9 that the owner or operator would normally follow from the point of
10 departure to the point of destination. An owner or operator shall not be
11 required to seek out a port of entry weigh station not located on the route
12 such owner or operator is following if the owner or operator secures a
13 special revocable permit from the department of revenue in accordance
14 with the provisions of subsection (4) of this section. A vehicle with a
15 seating capacity of fourteen or more passengers registered under the
16 provisions of section 42-3-304 (13) ~~42-3-305 (2) (c) (I)~~, or 42-3-306 (2)
17 (c) (I) shall not be required to secure a valid clearance pursuant to this
18 section.

19 **SECTION 22.** 43-4-205 (5.5) (c), Colorado Revised Statutes, is
20 amended to read:

21 **43-4-205. Allocation of fund.** (5.5) The following highway
22 users tax fund revenues shall be allocated and expended in accordance
23 with the formula specified in subsection (5) of this section:

24 (c) Revenues from driver's license fees, motor vehicle title and
25 registration fees, and motorist insurance identification fees that are
26 credited to the fund pursuant to sections 42-2-132 (4) (b), 42-3-304 (18)
27 (d) (I), ~~42-3-305 (6), (7), and (8) (c)~~, and 42-3-306 (6) and (7), C.R.S.;

1 **SECTION 23. Specified effective date.** This act shall take effect
2 July 1, 2010.

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