

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

DRAFT

LLS NO. 17-0306.02 Duane Gall x4335

SENATE BILL

SENATE SPONSORSHIP

Baumgardner and Todd,

HOUSE SPONSORSHIP

Jackson,

Senate Committees

House Committees

A BILL FOR AN ACT

101 CONCERNING THE CONTINUATION UNDER THE SUNSET LAW OF THE
102 MOTORCYCLE OPERATOR SAFETY TRAINING PROGRAM BY THE
103 DIRECTOR OF THE OFFICE OF TRANSPORTATION SAFETY IN THE
104 DEPARTMENT OF TRANSPORTATION, AND, IN CONNECTION
105 THEREWITH, TRANSFERRING THE OPERATION OF THE PROGRAM
106 TO THE CHIEF OF THE STATE PATROL BEGINNING IN 2018.

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>.)

Sunset Process - Senate Transportation Committee. Sections

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.

7, 8, and 9 of the bill continue the motorcycle operator safety training program for 3 years, until 2020. Sections 1 to 4 transfer the program from the office of transportation safety in the department of transportation to the office of the chief of the state patrol in the department of public safety, effective January 1, 2018. Sections 5 and 6 make conforming amendments.

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

2 **SECTION 1.** In Colorado Revised Statutes, 43-5-501, amend
3 (1.5), (4), and (6) as follows:

4 **43-5-501. Definitions.** As used in this part 5, unless the context
5 otherwise requires:

6 (1.5) ~~"Director" means the director of the office~~ "CHIEF" MEANS
7 THE CHIEF OF THE STATE PATROL, CREATED IN SECTION 24-33.5-201.

8 (4) "Office" means the office of ~~transportation safety~~ THE CHIEF
9 OF THE STATE PATROL in the department of ~~transportation~~ PUBLIC SAFETY.

10 (6) "Program coordinator" means a person designated by the
11 ~~director~~ CHIEF to ensure compliance with program rules, program
12 operation, and motorcycle safety coordination.

13 **SECTION 2.** In Colorado Revised Statutes, 43-5-502, amend
14 (1)(c) as follows:

15 **43-5-502. Motorcycle operator safety training program - rules.**

16 (1) (c) The ~~director~~ CHIEF shall designate a program coordinator to
17 implement and administer the program. The program coordinator may
18 certify instructor training specialists who meet the applicable standards.
19 The department of ~~transportation~~ PUBLIC SAFETY shall establish standards
20 for recertification training and monitoring of MOST instructors.

21 **SECTION 3.** In Colorado Revised Statutes, ~~add~~ 43-5-502.5 as
22 follows:

1 **43-5-502.5. Transfer of functions - transitional provisions -**
2 **repeal.** (1) THE CHIEF AND THE OFFICE OF THE CHIEF, RESPECTIVELY,
3 SHALL, ON AND AFTER JANUARY 1, 2018, EXECUTE, ADMINISTER,
4 PERFORM, AND ENFORCE THE RIGHTS, POWERS, DUTIES, FUNCTIONS, AND
5 OBLIGATIONS VESTED PRIOR TO JANUARY 1, 2018, IN THE DIRECTOR AND
6 THE OFFICE OF TRANSPORTATION SAFETY WITHIN THE DEPARTMENT OF
7 TRANSPORTATION CONCERNING THE PROGRAM.

8 (2) ALL RULES AND ORDERS OF THE DEPARTMENT OF
9 TRANSPORTATION OR THE DIRECTOR OF THE OFFICE OF TRANSPORTATION
10 SAFETY ADOPTED PRIOR TO JANUARY 1, 2018, IN CONNECTION WITH THE
11 POWERS, DUTIES, AND FUNCTIONS TRANSFERRED TO THE CHIEF, CONTINUE
12 TO BE EFFECTIVE UNTIL REVISED, AMENDED, REPEALED, OR NULLIFIED
13 PURSUANT TO LAW. ON AND AFTER JANUARY 1, 2018, THE CHIEF OR THE
14 OFFICE OF THE CHIEF, WHICHEVER IS APPROPRIATE, SHALL ADOPT RULES
15 NECESSARY FOR THE ADMINISTRATION OF THE PROGRAM.

16 (3) NO SUIT, ACTION, OR OTHER JUDICIAL OR ADMINISTRATIVE
17 PROCEEDING LAWFULLY COMMENCED BEFORE JANUARY 1, 2018, OR THAT
18 COULD HAVE BEEN COMMENCED BEFORE THAT DATE, BY OR AGAINST THE
19 DEPARTMENT OF TRANSPORTATION OR THE DIRECTOR OF THE OFFICE OF
20 TRANSPORTATION SAFETY ABATES BY REASON OF THE TRANSFER OF
21 DUTIES AND FUNCTIONS FROM THEM TO THE CHIEF.

22 (4) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2023.

23 **SECTION 4.** In Colorado Revised Statutes, **amend** 43-5-504 as
24 follows:

25 **43-5-504. Motorcycle operator safety training fund.** (1) The
26 motorcycle operator safety training fund is hereby created in the state
27 treasury. The fund consists of ~~moneys~~ MONEY collected under sections

1 42-2-114 (2)(d), and ~~(4)(b)~~; 42-2-118 (1)(b)(II), and 42-3-304 (4). C.R.S.
2 The ~~moneys~~ MONEY in the fund ~~are~~ IS available immediately, without
3 further appropriation, for allocation by the ~~transportation commission~~
4 CHIEF to the office to be used for the implementation and administration
5 of the program. ~~Moneys~~ MONEY credited to the fund ~~remain~~ REMAINS in
6 the fund at the end of each fiscal year and ~~are~~ IS not transferred to any
7 other fund.

8 (2) The ~~director~~ CHIEF, the program coordinator, or a MOST
9 vendor shall not expend or credit moneys for MOST vendor operating
10 expenses or reimburse motorcycles, helmets, textbooks, and other capital
11 expenses incurred by MOST vendors, excluding the travel costs of mobile
12 training.

13 (3) THE CHIEF OR HIS OR HER DESIGNEE MAY ACCEPT, ON BEHALF
14 OF AND IN THE NAME OF THE STATE, GIFTS, DONATIONS, AND GRANTS FOR
15 ANY PURPOSE CONNECTED WITH THE PROGRAM. ANY PROPERTY SO GIVEN
16 SHALL BE HELD BY THE STATE TREASURER, BUT THE CHIEF OR HIS OR HER
17 DESIGNEE MAY DIRECT THE DISPOSITION OF ANY PROPERTY SO GIVEN FOR
18 ANY PURPOSE CONSISTENT WITH THE TERMS AND CONDITIONS UNDER
19 WHICH THE GIFT WAS MADE.

20 **SECTION 5.** In Colorado Revised Statutes, 43-5-505, **amend**
21 (1)(a) as follows:

22 **43-5-505. Advisory board.** (1) The motorcycle operator safety
23 advisory board is hereby created. The board consists of:

24 (a) The director OF THE COLORADO DEPARTMENT OF
25 TRANSPORTATION or ~~the director's~~ HIS OR HER designee;

26 **SECTION 6.** In Colorado Revised Statutes, **amend** 43-5-506 as
27 follows:

1 **43-5-506. Report.** No later than September 1 of each year, the
2 department of ~~transportation~~ PUBLIC SAFETY shall report to the legislative
3 audit committee and the house and senate transportation committees, or
4 their successor committees. The report must comment on the
5 effectiveness of the program, annual motorcycle accidents or fatalities,
6 availability of training throughout the state, historic and current training
7 costs, and other performance measures.

8 **SECTION 7.** In Colorado Revised Statutes, **amend** 43-5-507 as
9 follows:

10 **43-5-507. Repeal.** This part 5 is repealed, effective September 1,
11 ~~2017~~ 2020. BEFORE ITS REPEAL, THIS PART 5 IS SCHEDULED FOR REVIEW
12 IN ACCORDANCE WITH SECTION 24-34-104.

13 **SECTION 8.** In Colorado Revised Statutes, 24-34-104, **amend**
14 (19)(a) introductory portion; **add** (19)(a)(XII); and **repeal** (13)(a)(IV) as
15 follows:

16 **24-34-104. General assembly review of regulatory agencies**
17 **and functions for repeal, continuation, or reestablishment - legislative**
18 **declaration - repeal.** (13) (a) The following agencies, functions, or both,
19 will repeal on September 1, 2017:

20 (IV) ~~The MOST program created in part 5 of article 5 of title 43,~~
21 ~~C.R.S.;~~

22 (19) (a) The following agencies, functions, or both, ~~will~~ ARE
23 SCHEDULED FOR repeal on September 1, 2020:

24 (XII) THE MOTORCYCLE OPERATOR SAFETY TRAINING PROGRAM
25 CREATED IN PART 5 OF ARTICLE 5 OF TITLE 43.

26 **SECTION 9.** In Colorado Revised Statutes, 24-75-402, **amend**
27 (5)(n) as follows:

1 **24-75-402. Cash funds - limit on uncommitted reserves -**
2 **reduction in amount of fees - exclusions - repeal.** (5) Notwithstanding
3 any provision of this section to the contrary, the following cash funds are
4 excluded from the limitations specified in this section:

5 (n) The motorcycle operator safety training fund created in section
6 43-5-504, ~~C.R.S.~~, until this paragraph (n) SUBSECTION (5)(n) is repealed,
7 effective ~~July 1, 2017~~ SEPTEMBER 1, 2020;

8 **SECTION 10. Effective date.** (1) Except as otherwise provided
9 in subsection (2) of this section, this act takes effect July 1, 2017.

10 (2) Sections 1 to 6 of this act take effect January 1, 2018.

11 **SECTION 11. Safety clause.** The general assembly hereby finds,
12 determines, and declares that this act is necessary for the immediate
13 preservation of the public peace, health, and safety.