

## DEPARTMENT OF REVENUE

### Division of Motor Vehicles – ~~Title and Registration~~ Vehicle Services Section

#### 1 CCR 204-10

#### Rule 16. GROUP SPECIAL LICENSE PLATES

**Basis:** The statutory bases for this rule are 42-1-102(41.5), 42-1-204, 42-3-207, 42-3-208 and 42-3-301, C.R.S.

**Purpose:** The purpose of this rule is to establish criteria for the application, responsibilities, and processes for group special license plates.

##### 1.0 Definitions

- 1.1 “Approval Notification” means written notification by the Executive Director of the Department of Revenue to a Nonprofit confirming that the Nonprofit has complied with the statutory and regulatory requirements necessary to seek legislative action to authorize a new group special license plate.
- 1.2 “Certificate” for the purpose of this rule means a Department approved-letter, voucher, or other document issued by a Nonprofit to a person as evidence that the person is qualified to receive a group special license plate. A Certificate may be in electronic or digital format instead of paper, if approved by the Department.
- 1.3 “Group Special License Plate Created through Rule” means the Air Force Commemorative, Columbine, Firefighters, Greyhound Lovers, Pioneer, and Raptor Education Foundation license plates.
- 1.4 “Group Special License Plate Created through Statute” means a group special license plate created on or after January 1, 2001 through its authorizing legislation.
- 1.5 “Nonprofit” means an entity that is a **section** 501(c)(3) corporation under the Internal Revenue Code or an entity holding charitable nonprofit status with the Colorado Secretary of State.
- 1.6 “Pre-Certification Qualifier” means a condition(s) that must be met in order to qualify for issuance of a group special license plate by the Department.
- 1.7 “Registered” for the purpose of this rule means a vehicle with an unexpired registration as provided in sections 42-3-102 and 42-3-114, C.R.S., that is currently issued the group special license plate, unless the context otherwise requires.
- 1.8 “Retire” or “Retirement” means the discontinuation of the production of the group special license plate.
- 1.9 “Secure and Verifiable Identification” means an identification document listed on form DR 2841 Secure and Verifiable ID.

##### 2.0 Application for Approval to Seek Creation of Group Special License Plates

- 2.1 Any Nonprofit may apply for an Approval Notification authorizing the Nonprofit to seek legislation to create a group special license plate.

- 2.2 A Nonprofit that has satisfied all statutory and regulatory requirements for proposing the creation of a group special license plate ~~may submit~~ **must apply using** an application supplied by the Department to the ~~Title and Registration Vehicle Services~~ Section, Division of Motor Vehicles. Incomplete applications will not be accepted or retained.
- a. Applications must be signed by the Nonprofit's designated representative. In addition to the signed application, the Nonprofit must submit:
1. Petition sheets with the names, addresses of residence, date signed, and signatures of at least three thousand (3,000) Colorado registered vehicle owners who have committed to purchase the proposed group special license plate. Petition sheets must be submitted in either paper, electronic, or digital format, as required by the Department. Petitions are not transferable between applications for different group special license plates. Petition signatures are valid for two years from the date signed prior to being submitted with the application to the Department. Petition sheets are valid for two consecutive legislative sessions from the date submitted with the application to the Department. **At the sole discretion of the Department, a nonprofit may be granted additional time that petitions are valid.**
    - A. With prior approval of the Department, a Nonprofit may use electronic or digital methods to obtain commitments to purchase the group special license plate. **A Nonprofit requesting electronic or digital methods must submit a their plan on how these ~~electronic or digital~~ methods will be used to obtain commitments, to including, but not be limited to:; how the methods would show that commitments ~~will be validated that they~~ meet the requirements of Colorado Revised Statutes and this Rule;; how the methodsy will ~~be retained protected from invalid access to~~ personal identifying information;; and include samples or actual electronic or digital methods sites (i.e., websites, emails etc.). Electronic or digital signatures obtained prior to the Department's approval are invalid and will not be counted toward the 3,000-signature requirement.**
    - B. Electronic or digital methods may include, but are not limited to, web petitions, or electronic mail.
  2. Proof of Nonprofit status by submitting a current letter from the Internal Revenue Service confirming **section 501(c)(3)** status or a document from the Colorado Secretary of State confirming the Nonprofit is holding charitable nonprofit status.
  3. A sample Certificate (paper, electronic, or digital) with a written description of security features (serialization, watermarks, holograms, etc.) incorporated into the Certificate. The Nonprofit must provide a sample Certificate to the Department for approval before the Nonprofit can issue Certificates to qualified individuals. A Nonprofit may not issue a Certificate prior to the effective date of the enabling legislation. An individual's name on a Certificate must be identical to that listed on the individual's Secure and Verifiable Identification. Certificates are not transferable and are valid for issuance and registration of one set (single if a motorcycle) of group special license plates. The Department will destroy the Certificate upon issuing the group special license plate. The Certificate must contain an area in which the Nonprofit may place a Department system generated serial number/PIN.

4. Proof that the Nonprofit has the legal right to use all logos, designs, colors and other intellectual property in the proposed design of the group special license plate.
5. Proof that payment for the design was submitted by check or money order directly to Colorado Correctional Industries. The design fee becomes non-refundable upon the receipt of the Approval Notification from the Department.
6. A list of Pre-Certification Qualifiers required by the Nonprofit. If there are no Pre-Certification Qualifiers, the Nonprofit must provide a written statement that the Nonprofit will not require Pre-Certification Qualifiers for persons to be issued the group special license plate.
  - A. If a monetary donation is required, the Nonprofit must provide a document that demonstrates that the use of those funds meets statutory and regulatory requirements.

2.3 Upon receipt of the Approval Notification, the Nonprofit is solely responsible for obtaining a bill sponsor to propose legislation. The Department will retain the application for two consecutive legislative sessions from the date of the Approval Notification.

- a. If the Nonprofit fails to obtain a bill sponsor within two years of issuance of the Approval Notification, and it desires to continue to seek creation of the group special license plate, the Nonprofit must re-apply, submit a new application, ~~and~~ documents and petition signatures, and meet all statutory and regulatory requirements in effect at that time. Applications, documents, and other materials previously submitted to satisfy the application requirements are not transferable to the new application.

### **3.0 Enacted Group Special License Plates Responsibilities and Processes**

3.1 A group special license plate must be designed within the parameters established by the Department. The Department may deny any design violating such parameters.

- a. A group special license plate design shall not include a logo or other image copyrighted, trademarked, registered, or otherwise commonly associated with a for-profit entity, whether or not the Nonprofit is a division of or otherwise associated with the for-profit entity. Use of symbols not subject to trademark, copyright, or other legal protection may be approved if such use does not violate the parameters established by the Department. The Department shall have final approval authority on all logo designs and placement on the group special license plate.
- b. Design change requests after the design has been approved must be submitted in writing to the Department by the Nonprofit. The Department may require supporting documentation, including, but not limited to, issuance trends, current inventory levels, and costs associated with changes. If the change request is approved, the Nonprofit shall prepay all design costs directly to Colorado Department of Corrections Division of Correctional Industries prior to production of the new design. Design changes are effective upon approval by the Department. If approval is granted while existing inventory is available and the Nonprofit requests that the new plates be issued prior to the sale of such inventory, the Nonprofit shall pay all costs associated with the recall, collection, and destruction of existing inventory. Registered vehicle owners may continue to use their current group special license plate regardless of any subsequent design change, provided such plate will not be replaced if the inventory is destroyed, exhausted, or the Department has determined not to issue additional plates.

- 3.2. Upon completion of the proposed group special license plate design, the Nonprofit will receive one sample of the approved plate design. Sample plates used in the design approval process are the property of the Department. The Nonprofit may request up to five samples for marketing and display purposes upon payment of material fees for each sample plate, as established in section 42-3-301, C.R.S. Sample plates will be produced using the standard passenger size license plate with the standard sample plate numbers assigned by the Department. Requests for non-standard sample plate numbers will not be accepted. The Department must be given at least one business day in advance notice from the Nonprofit of all news releases, interviews, or mass communications that reference the group special license plate.
- 3.3 Group special license plates are produced through a print on demand process, which does not require pre-stocking of inventory. However, the Department may utilize methods other than print on demand if the Department deems it appropriate.
- 3.4 The Department will not distribute thank you notes, requests for contributions, or other materials on behalf of the Nonprofit.
- 3.5 The Nonprofit must continuously maintain its Nonprofit status. A letter from the Internal Revenue Service confirming section 501(c)(3) status or a document from the Colorado Secretary of State's Office confirming that the Nonprofit is holding charitable nonprofit statute status must be submitted to the Department annually on or before June 1<sup>st</sup>.
  - a. If at any time it is determined that an entity no longer has Nonprofit status, the group special license plate will be Retired pursuant to Code of Colorado Regulations 1 CCR 204-10 Rule 20. License Plate Retirement. Upon Retirement, the entity must cease seeking any donation authorized pursuant to its respective authorizing statute, and must cease to associate itself in any way with the group special license plate.
- 3.6 If a Nonprofit has Pre-Certification Qualifiers, it may enter into systems maintained by the Department information for each individual who has been approved for the receipt of a group special license plate and, for each, record the system generated serial number/PIN on the Certificate. If the Nonprofit enters the system generated serial number/PIN on the Certificate, the Department may use the serial number/PIN to authenticate the Certificate.
- 3.7 The Nonprofit must notify the Department in writing if its authority regarding the group special license plate is transferred to a successor Nonprofit, as provided in the group special license plate's respective authorizing statute. The successor Nonprofit must meet all statutory and regulatory requirements.
- 3.8 A Nonprofit may request changes to its Certificate. Requests must be submitted in writing, and any change must be approved by the Department before the Nonprofit can issue the new Certificate. Any changes must meet the requirements of this rule. Upon approval, the Department will work with the Nonprofit to establish an effective date upon which the Non-Profit may begin to issue the new Certificate. After the effective date of the new Certificate, only a new Certificate will be accepted by the Department; provided, however, that the Department will accept an old Certificate if it was issued by the Nonprofit prior to the effective date of the new Certificate.
- 3.9 If a group special license plate's respective authorizing statute provides that the Department "may" stop issuing the group special license plate if the group special license plate has not met the minimum issuance requirement, the Department may Retire the group special license plate or may continue to issue the plate until the existing inventory is exhausted. If the Department elects to Retire the group special license plate, the plate will be Retired pursuant to subsection 3.12 of this rule and Code of Colorado Regulations 1 CCR 204-10 Rule 20. License Plate Retirement.

- 3.10 If a group special license plate's respective authorizing statute provides that the Department "shall" retire the plate if the plate has not met its minimum issuance requirement as provided in that statute, then the group special license plate will be Retired pursuant to the group special license plate's respective authorizing statute and Code of Colorado Regulations 1 CCR 204-10 Rule 20. License Plate Retirement.
- 3.11 The Department may audit the Nonprofit associated with a group special license plate. The audit may include, but is not limited to, accounting, financial, tax, and Pre-Certification Qualifiers.
- a. If the Department determines that the Nonprofit has violated its respective authorizing statute, or no longer qualifies as a Nonprofit under this rule, the Department may require additional information or at the Department's discretion may Retire the group special license plate pursuant to Code of Colorado Regulations 1 CCR 204-10 Rule 20. License Plate Retirement.
  - b. If the Department requires additional information, and such information is not provided or does not change the Department's determination that the Nonprofit has violated its respective authorizing statute, or that the Nonprofit no longer qualifies as a Nonprofit under this rule, the Department may Retire the group special license plate pursuant to Code of Colorado Regulations 1 CCR 204-10 Rule 20. License Plate Retirement.
  - c. Upon Retirement, the Nonprofit must cease seeking any donation authorized pursuant to the group special license plate's respective authorizing statute.
- 3.12 If the Department Retires a group special license plate:
- a. The Department will immediately cease producing the group special license plate, and may stop issuing the plate prior to exhausting the plate's inventory.
  - b. The Department will provide written notice of Retirement, via certified mail, to the Nonprofit associated with the group special license plate. This notice will be mailed to the last address provided by the Nonprofit in writing to the Department. This notice shall also act as official notice that the Nonprofit can no longer associate itself with the group special license plate. Upon receipt of the Retirement notice, the Nonprofit must:
    1. Immediately cease collecting donations and issuing Certificates.
    2. Within 72 hours, remove any reference to the Nonprofit's Pre-Certification Qualifier, if applicable, for the group special license plate from the Nonprofit's website, newsprint, or other publicly accessible media.
  - c. A person whose vehicle is Registered with a Retired group special license plate may continue to register with the group special license plate so long as the license plate is not damaged, lost, or stolen. The Department will not replace a Retired group special license plate if the inventory is destroyed, exhausted, or the Department has determined not to issue additional plates.
- 3.13 Nonprofits associated with Group Special License Plates Created through Rule must meet the requirements of this rule except as otherwise provided herein and/or pursuant to a contract between the Nonprofit and the Department that establishes requirements that differ from this rule.

- 3.14 A Nonprofit associated with a Group Special License Plate Created through Statute must meet the requirements of its respective authorizing statute and this rule.
- 3.15 An Approval Notification issued by the Department does not constitute an agreement to create the proposed group special license plate nor support legislation that would create the proposed group special license plate. **The Department will designate a Nonprofit as directed in the enacting legislation.**

#### **4.0 Denial and Retirement Appeals**

- 4.1 If a Nonprofit's application for a group special license plate has been denied, it may request a hearing, in writing, within 60 days after the date of the notice of denial. Written hearing requests shall be submitted to the Department of Revenue Hearings Section.
- 4.2 The hearing shall be held at the Department of Revenue, Hearing Section. The presiding hearing officer shall be an authorized representative designated by the Executive Director. The Department's representative need not be present at the hearing unless the presiding hearing officer requires his or her presence or the Sponsoring Organization requests his or her presence in writing. If the Department's representative is not present at the hearing, the hearing officer has the discretion to consider any written documents and affidavits submitted by the Department.
- 4.3 A group special license plate will be Retired pursuant to Code of Colorado Regulations 1 CCR 204-10 Rule 20. License Plate Retirement.