

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0284.01 Christopher McMichael x4775

HOUSE BILL 24-1064

HOUSE SPONSORSHIP

Wilson,

SENATE SPONSORSHIP

(None),

House Committees
Finance

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE CREATION OF THE GADSDEN FLAG "DON'T TREAD
102 ON ME" LICENSE PLATE.

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 Gadsden flag "Don't Tread on Me" license plate. In addition to the normal fees for a license plate, a person must pay 2 additional one-time fees of \$25 for the issuance of the plate. One of these fees is credited to the highway users tax fund and the other is credited to the Colorado DRIVES vehicle services account. Furthermore, an additional one-time fee of \$25 will be collected and credited to the

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

state charter school debt reserve fund in order to receive the Gadsden flag license plate.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) The Gadsden flag was designed in 1775 by Christopher
5 Gadsden, a delegate to the Continental Congress from South Carolina and
6 a brigadier general in the Continental Army;

7 (b) The rattlesnake at the center of the Gadsden flag was a symbol
8 of unity for the original 13 colonies at the start of the Revolutionary War.
9 The rattlesnake is native to the Americas, so it also served as a symbol of
10 a unique American identity.

11 (c) Since the late eighteenth century, the Gadsden flag has been
12 associated with ideas of individualism and liberty and is flown as a
13 warning against absolute governmental authority;

14 (d) Twelve states currently have a special license plate
15 commemorating the Gadsden flag; and

16 (e) On August 29, 2023, Governor Jared Polis posted on social
17 media that "the Gadsden flag is a proud symbol of the American
18 revolution and a[n] iconic warning to ... any government not to violate
19 the liberties of Americans".

20 (2) The general assembly further declares that a special license
21 plate depicting the Gadsden flag "Don't Tread on Me" symbol will
22 preserve American history and commend American unity, individualism,
23 and courage.

24 **SECTION 2.** In Colorado Revised Statutes, **add** 42-3-270 as
25 follows:

1 **42-3-270. Special plates - Gadsden flag "Don't Tread on Me".**

2 (1) BEGINNING ON JANUARY 1, 2025, OR WHEN THE DEPARTMENT IS ABLE
3 TO ISSUE THE PLATES, THE DEPARTMENT SHALL ISSUE SPECIAL LICENSE
4 PLATES TO QUALIFIED APPLICANTS IN ACCORDANCE WITH THIS SECTION
5 FOR MOTORCYCLES, PASSENGER CARS, TRUCKS, OR NONCOMMERCIAL OR
6 RECREATIONAL MOTOR VEHICLES THAT DO NOT EXCEED SIXTEEN
7 THOUSAND POUNDS EMPTY WEIGHT.

8 (2) (a) THERE IS ESTABLISHED THE GADSDEN FLAG "DON'T TREAD
9 ON ME" LICENSE PLATE.

10 (b) THE DEPARTMENT SHALL DESIGN THE PLATE ESTABLISHED
11 PURSUANT TO THIS SECTION IN COOPERATION AND CONSULTATION WITH
12 INTERESTED PERSONS TO FEATURE THE GADSDEN FLAG WITH THE
13 STATEMENT "DON'T TREAD ON ME".

14 (3) THE AMOUNT OF THE TAXES AND FEES FOR SPECIAL LICENSE
15 PLATES ISSUED PURSUANT TO THIS SECTION IS THE SAME AS THE AMOUNT
16 OF THE TAXES AND FEES FOR REGULAR MOTOR VEHICLE LICENSE PLATES;
17 EXCEPT THAT THE DEPARTMENT SHALL COLLECT THE FOLLOWING
18 ADDITIONAL FEES:

19 (a) A ONE-TIME FEE OF TWENTY-FIVE DOLLARS FOR THE ISSUANCE
20 OR REPLACEMENT OF THE GADSDEN FLAG "DON'T TREAD ON ME" LICENSE
21 PLATE. THE DEPARTMENT SHALL TRANSMIT THE ONE-TIME FEE OF
22 TWENTY-FIVE DOLLARS TO THE STATE TREASURER, WHO SHALL CREDIT
23 THE FEE TO THE HIGHWAY USERS TAX FUND CREATED IN SECTION
24 43-4-201.

25 (b) A ONE-TIME SPECIAL LICENSE PLATE ISSUANCE FEE AS
26 SPECIFIED IN SECTION 42-3-312; AND

27 (c) A ONE-TIME FEE OF TWENTY-FIVE DOLLARS FOR THE ISSUANCE

1 OR REPLACEMENT OF THE GADSDEN FLAG "DON'T TREAD ON ME" LICENSE
2 PLATE. THE DEPARTMENT SHALL TRANSMIT THE ONE-TIME FEE OF
3 TWENTY-FIVE DOLLARS TO THE STATE TREASURER, WHO SHALL CREDIT
4 THE FEE TO THE STATE CHARTER SCHOOL DEBT RESERVE FUND CREATED
5 IN SECTION 22-30.5-407.

6 (4) AN APPLICANT MAY APPLY TO THE DEPARTMENT FOR
7 PERSONALIZED GADSDEN FLAG "DON'T TREAD ON ME" LICENSE PLATES.
8 UPON PAYMENT OF THE ADDITIONAL FEE REQUIRED BY SECTION 42-3-211
9 (6)(a) FOR PERSONALIZED LICENSE PLATES, THE DEPARTMENT MAY ISSUE
10 THE PLATES IF THE APPLICANT COMPLIES WITH SECTION 42-3-211. IF AN
11 APPLICANT HAS EXISTING PERSONALIZED LICENSE PLATES FOR A MOTOR
12 VEHICLE, THE APPLICANT MAY TRANSFER THE COMBINATION OF LETTERS
13 OR NUMBERS TO A NEW SET OF GADSDEN FLAG "DON'T TREAD ON ME"
14 LICENSE PLATES FOR THE VEHICLE UPON PAYING THE FEE REQUIRED BY
15 SECTION 42-3-211 (6)(a) AND UPON TURNING IN THE EXISTING PLATES TO
16 THE DEPARTMENT. A PERSON WHO HAS OBTAINED PERSONALIZED LICENSE
17 PLATES UNDER THIS SUBSECTION (4) MUST PAY THE ANNUAL FEE IMPOSED
18 BY SECTION 42-3-211 (6)(b) TO RENEW THE PERSONALIZED PLATES. THE
19 FEES UNDER THIS SUBSECTION (4) ARE IN ADDITION TO ALL OTHER
20 APPLICABLE TAXES AND FEES.

21 **SECTION 3.** In Colorado Revised Statutes, **amend** 42-3-312 as
22 follows:

23 **42-3-312. Special license plate surcharge.** In addition to any
24 other fee imposed by this article 3, an applicant for a special license plate
25 created by rule in accordance with section 42-3-207, as the section existed
26 when the plate was created, personalized plates issued under section
27 42-3-211, or special license plates issued under sections 42-3-212 to

1 42-3-214, sections 42-3-217 to 42-3-218, sections 42-3-221 to 42-3-234,
2 sections 42-3-237 to 42-3-258, sections 42-3-260 to 42-3-265, ~~42-3-267,~~
3 ~~42-3-268, and section 42-3-269~~ AND SECTIONS 42-3-267 TO 42-3-270
4 shall pay an issuance fee of twenty-five dollars; except that the fee is not
5 imposed on special license plates exempted from additional fees for the
6 issuance of a military special license plate by section 42-3-213 (1)(b)(II).
7 The department shall transfer the money from the fee to the state
8 treasurer, who shall credit it to the Colorado DRIVES vehicle services
9 account created in section 42-1-211 (2).

10 **SECTION 4.** In Colorado Revised Statutes, 22-30.5-407, **amend**
11 (2)(a) introductory portion, (2)(a)(IV), and (2)(a)(V); and **add** (2)(a)(VI)
12 as follows:

13 **22-30.5-407. State charter school debt reserve fund - creation**
14 **- use of fund money - legislative declaration.** (2) (a) There is hereby
15 created in the state treasury the state charter school debt reserve fund. The
16 fund ~~shall consist~~ CONSISTS of the following ~~moneys~~ MONEY:

17 (IV) ~~Moneys~~ MONEY credited to the fund by the state treasurer
18 pursuant to section 22-30.5-408 (2)(c)(II); **and**

19 (V) Interest and income credited to the fund pursuant to ~~paragraph~~
20 ~~(c) of this subsection (2)~~ SUBSECTION (2)(c) OF THIS SECTION; **AND**

21 (VI) MONEY COLLECTED AS FEES ASSOCIATED WITH THE GADSDEN
22 FLAG "DON'T TREAD ON ME" SPECIAL LICENSE PLATE AND CREDITED TO
23 THE FUND PURSUANT TO SECTION 42-3-270 (3)(c).

24 **SECTION 5. Act subject to petition - effective date.** This act
25 takes effect at 12:01 a.m. on the day following the expiration of the
26 ninety-day period after final adjournment of the general assembly; except
27 that, if a referendum petition is filed pursuant to section 1 (3) of article V

1 of the state constitution against this act or an item, section, or part of this
2 act within such period, then the act, item, section, or part will not take
3 effect unless approved by the people at the general election to be held in
4 November 2024 and, in such case, will take effect on the date of the
5 official declaration of the vote thereon by the governor.