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0567 Transportation Legislation Review Committee



**Report to the
Colorado General Assembly**

**Transportation Legislation
Review Committee**

*The Colorado Legislative Council
Research Publication No. 567
December 2007*

Transportation Legislation Review Committee

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December 2007

To Members of the Sixty-sixth General Assembly:

Submitted herewith is the final report of the Transportation Legislation Review Committee. This committee was created pursuant to Section 43-2-145, C.R.S. The purpose of the committee is to give guidance and direction to the state Department of Transportation in the development of the state transportation system, and to provide legislative overview of and input into such development.

At its meeting on November 15, 2007, the Legislative Council reviewed the report of this committee. A motion to forward this report and the bills therein for consideration in the 2008 session was approved.

Respectfully Submitted,

/s/Senator Peter Groff
Chairman

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This report is also available on line at:

http://www.state.co.us/gov_dir/leg_dir/lcsstaff/2007/07interim.htm

Executive Summary

Committee Charge

Pursuant to Section 43-2-145, C.R.S., the Transportation Legislation Review Committee (TLRC) is authorized to give guidance and direction to the Colorado Department of Transportation (CDOT) in the development of the state transportation system and to provide legislative oversight of such development. The committee is directed to review CDOT operations, including planning and construction of highway projects. The committee is also authorized to:

- give guidance and direction to the Colorado Department of Revenue (DOR) in the licensing of drivers and registration and titling of motor vehicles;
- review the operations of public highway authorities and regional transportation authorities responsible for the development of regional transportation systems;
- provide guidance to the Regional Transportation District (RTD) and review its budget, farebox recovery ratio, and the privatization of bus service; and
- review transportation, traffic, and motor vehicle legislation.

Committee Activities

The TLRC held four meetings and toured the I-70 mountain corridor during the 2007 interim. The committee heard presentations from the DOR, the Colorado State Patrol, the RTD, the Denver Regional Council of Governments (DRCOG), and the Roaring Fork Transportation Authority. The Office of the Governor presented information on energy policy, and representatives of the Governor's Transportation Finance and Implementation Panel briefed the committee on the panel's work. Additionally, the TLRC reviewed the state's taxicab and motor carrier industries and considered railroad crossing safety issues.

Traffic safety and regulation. The committee heard testimony from the Colorado State Patrol relating to the problem of traffic-related crash injuries and fatalities on Colorado roadways. The state patrol testified that increasing fines for these traffic violations will save lives and reduce injuries on the state's highways. Prior to recommending an increase in traffic fines, the state patrol examined traffic fine levels for eight common hazardous moving violations in selected Colorado cities of medium size. A comparison of fine levels in these cities revealed average fine levels of more than double the state's average traffic fine levels for the same infractions. As a result of the state patrol's testimony, the TLRC recommended the introduction of Bill F during the 2008 legislative session, which increases traffic fines.

Concerns regarding the safety of workers in highway construction zones garnered the committee's support for a second bill addressing traffic safety. Bill E would mandate the designation of construction zones, increase fines for traffic infractions within the zones, and authorize the use of photo radar within the zones.

High occupancy toll lane enforcement. State law requires high occupancy toll (HOT) lane toll evasion cases to be considered by the courts in the municipality or county where the violation occurred. Photo enforcement of toll violations on the I-25 HOT lane occurs within Adams County and are administered by the Adams County court system. As a result, the violations have generated an unanticipated backlog of toll evasion cases in the Adams County court system. CDOT recommended to the TLRC the adoption of an administrative settlement process for all toll evasion cases under the jurisdiction of the Colorado Tolling Enterprise. The recommended process is similar to that currently used by public highway authorities in Colorado. Under the process, toll evasion cases are considered by a hearing officer, rather than in county or municipal courts. As a result of CDOT's testimony, the TLRC recommends Bill A for introduction during the 2008 legislative session, which authorizes the administrative settlement process.

Outdoor advertising along Colorado highways. State law prohibits the erection of business identification and informational signs known as tourist-oriented directional signs (TODS) along *rural* four-lane divided highways in the state. A CDOT representative noted that businesses located near these rural highways, and motorists traveling rural highways would benefit from the advertising and information that the signs provide. Thus, CDOT proposed to the TLRC that Colorado law be amended to permit the erection of the signs along rural freeways and expressways. The TLRC adopted this CDOT recommendation as Bill C.

The Colorado Outdoor Advertising Act currently allows signs along state highways that do not meet the requirements of the act to continue to be maintained by the sign's owner in the same location at which they were originally built if the signs were erected prior to January 1, 1971. A CDOT representative testified that elimination of the reference to January 1, 1971, would allow *all* nonconforming signs to be maintained in their current location if the sign's owners have valid CDOT permits. The department representative noted that the removal of signs is costly to businesses that rely on the signs for advertising, as well as to CDOT, which must pay the owner the value of the sign if it is removed. The TLRC adopted Bill D, which allows the department to avoid removing signs that they must remove under current law.

Colorado Transportation Commission membership. State law requires the governor, in appointing members of the Colorado Transportation Commission, to consider appointing one or more individuals with expertise in aviation. The TLRC heard testimony that it is the role of the Colorado Aeronautical Board to provide expertise regarding aviation matters to the commission. Recognizing that the statutory requirement is no longer necessary, the TLRC recommends Bill B, which repeals this requirement, for introduction during the 2008 legislative session.

Heavy-duty diesel emissions testing. The state regulates diesel smoke emissions through its diesel inspection and maintenance program. State law requires that heavy-duty diesel vehicles (over 14,000 pounds gross vehicle weight rating) must have certification of emissions control for diesel smoke opacity compliance when the vehicle reaches its fourth model year. The Colorado Motor Carriers Association testified that advances in diesel engine technology have made heavy-duty diesel engines dramatically cleaner in recent decades. According to the association, emissions testing of the newer heavy-duty diesels is no longer productive.

At its October 11, 2007, meeting, the TLRC recommended a bill to repeal the requirement for emissions testing of newer heavy-duty diesel vehicles for introduction during the 2008 legislative session. However, at the request of the bill's sponsor, the chair withdrew the bill from consideration at the November 15, 2007, Legislative Council Committee meeting. No motion was made to approve the bill for the 2008 legislative session.

Railroad crossing safety. The Colorado Public Utilities Commission (PUC) provided information to the TLRC on railroad crossing safety issues. Primarily, the commission discussed the Highway Crossing Protection Fund, which provides monies for railroad crossing signals. The commission noted that the fund, created in 1965, has not received General Fund appropriations since 1992. The PUC proposed legislation to credit insurance premium tax proceeds to the protection fund. The TLRC did not adopt the proposed legislation as an interim bill.

Transportation finance and planning. The committee heard a presentation from the Governor's Transportation Finance and Implementation Panel. Similar to other states, Colorado is seeking new revenue sources for transportation finance. To address the issue, the panel has conducted a transportation forum of public and private participants, and has hosted regional meetings across the state to assess local, regional, and state transportation needs. The panel is evaluating user fees, such as motor fuel taxes, registration fees, and tolling; and general taxes, such as income taxes, severance taxes, and sales taxes as potential funding solutions.

Ports of entry. The TLRC heard testimony on potentially transferring the Ports of Entry Section from the DOR to the Colorado State Patrol. The state patrol in the Department of Public Safety, in conjunction with the DOR, provided historical information regarding the operation of the ports. The evolving role of the Ports of Entry Section, which has been housed in the DOR since the 1980s, was considered. The TLRC discussed the enforcement and safety inspection functions of the ports. The potential move of the ports to the state patrol was considered as a means of streamlining port operations and eliminating any duplication of services among state agencies.

I-70 mountain corridor tour. Committee members participated in a two-day tour of the I-70 mountain corridor including:

- tours of the Eisenhower and Hanging Lake tunnels;
- a meeting with the I-70 Coalition, which represents public and private entities interested in the redevelopment of mountainous portions of I-70;
- a visit to areas of Garfield County where roads and highways have been heavily impacted by energy development activities; and
- discussion of the state's newly enacted truck "chain-up" laws, and CDOT rock fall mitigation techniques.

Committee Recommendations

As a result of committee discussion and deliberation, the committee recommends seven bills for consideration in the 2008 legislative session.

Bill A — Administrative Toll Enforcement Process for High Occupancy Toll Lanes. Bill A makes available to the Colorado Tolling Enterprise (CTE) an administrative settlement process for toll enforcement. Under the administrative settlement process, a hearing officer, rather than a county or municipal court, considers toll evasion cases. Hearing officer decisions may be appealed to the county court in the county in which the violation occurred.

Bill B — Repeal the Requirement to Consider Aviation Experience in Transportation Commission Appointments. Bill B repeals the requirement that the governor consider appointing persons to the state Transportation Commission with knowledge or experience in aviation.

Bill C — Tourist-Oriented Directional Signs Along Rural Highways. Bill C authorizes the state Department of Transportation to issue permits and adopt rules for the erection, administration, and maintenance of tourist-oriented directional signs on rural freeways and expressways.

Bill D — Elimination of the Provisions of the "Outdoor Advertising Act" Relating to Dates Prior to Which Nonconforming Advertising Devices Must have Been Erected. State law allows signs along state highways that do not conform with the state Outdoor Advertising Act to continue to be maintained by their owners in the same location at which they were erected, if the signs were erected prior to January 1, 1971. Bill D changes the definition of a nonconforming sign in state law to eliminate the link to the date January 1, 1971, thus increasing the flexibility of the state Department of Transportation regarding the removal of nonconforming signs. The bill will allow all nonconforming signs, not just those nonconforming signs erected prior to 1971, to be maintained in their current location if the signs have a valid state Department of Transportation permit.

Bill E — Prevention of Dangerous Conditions on Roadways. Bill E requires the state Department of Transportation and local governments to designate a roadway as a maintenance, repair, or construction zone when such activities are occurring on the roadway, or up to four hours before the activities occur. The bill doubles fines for certain traffic infractions that occur within the zones. The bill also authorizes the Colorado State Patrol and local governments to use photo radar to detect speeding violations within the zones as long as maintenance, repair, or construction work is occurring within the zone. The bill requires the state Department of Transportation to reimburse the state patrol for the cost of using photo radar.

Further, Bill E requires motorists who are approaching or passing construction vehicles that are moving less than 20 miles per hour to yield the right-of-way to these vehicles and exhibit due care and caution. Finally, the bill requires a driver to move over when approached by an emergency tow vehicle with emergency lights flashing.

Bill F — Fines Imposed for Violations Involving Motor Vehicles. Bill F increases fines imposed for certain traffic violations. The bill:

- raises the minimum fine for a class 2 traffic misdemeanor from \$10 to \$150;
- increases the minimum fine for a class 1 traffic misdemeanor from \$100 to \$300;
- raises the fine for 47 specific traffic infractions;
- reduces from 100 percent to 50 percent the portion of seat belt violation fines that are retained by local jurisdictions for violations occurring on state and federal highways if a peace officer employed by the local jurisdiction issues the citation. The remaining amount of the fine revenue is credited to the Highway Users Tax Fund (HUTF);
- doubles the minimum fine for driving under the influence (DUI), driving while ability impaired (DWAI), underage drinking and driving, and habitual user driving;
- changes the percentage of the fine for DUI, DWAI, and underage drinking and driving offenses that is transmitted to the HUTF from 50 percent to 75 percent if the violation occurred on a state or federal highway; and
- doubles the minimum fine for vehicular eluding of a police officer. Vehicular eluding is a class 5 felony. Vehicular eluding that results in bodily injury is a class 4 felony. Vehicular eluding that results in death is a class 3 felony. Bill F doubles the fine levels for these offenses to \$2,000, \$4,000, and \$6,000, respectively.

Bill G — Emissions Testing for a Heavy-Duty Diesel Vehicle from Model Year 2007 or Newer. Bill G eliminates the requirement for emissions testing of newer heavy-duty diesels, exempting model year 2007 or newer heavy-duty diesel vehicles from the testing program. The bill also repeals the current four-year exemption for heavy-duty diesel vehicles, effective December 31, 2011. Bill G was recommended for introduction during the 2008 legislative session by the TLRC. However, at the November 15, 2007, meeting of the Legislative Council, at the request of the bill's sponsor, the TLRC's chair withdrew the bill from consideration. Thus, no motion was made during the Legislative Council meeting to approve the bill for the 2008 legislative session.



Committee Charge

The Transportation Legislation Review Committee (TLRC) is comprised of the 20 members of the House Transportation and Energy Committee and the Senate Transportation Committee. The TLRC is granted statutory oversight responsibilities for certain activities of the Colorado Department of Transportation, rural transportation authorities, public highway authorities, and the Regional Transportation District. In addition, the TLRC monitors the activities of the Colorado Department of Revenue (DOR) relating to the regulation of motor vehicles and driver control, the impact of Colorado's transportation system on air quality, and the effect of traffic law enforcement on transportation in the state.

Colorado Department of Transportation. Section 43-2-145 (1), C.R.S., requires the TLRC to give guidance and direction to the Colorado Department of Transportation (CDOT) in the development of the state transportation system, to provide legislative oversight of and input into such development, and to make recommendations concerning the financing of the state transportation system. The TLRC may review any phase of CDOT operations, including the planning and construction of highway projects. The TLRC may also review such projects upon completion to determine whether a project was completed in the most cost-effective and efficient manner. The committee may require CDOT to conduct long-term planning efforts for the state transportation system and may require financial and performance audits to be conducted. The TLRC is required to study annual recommendations of the executive director of CDOT regarding the acquisition of any abandoned railroad rights-of-way in the state. The TLRC may recommend legislation to the General Assembly and to the governor resulting from these oversight responsibilities. CDOT is required to cooperate with the TLRC in carrying out its duties.

Colorado Department of Revenue. Under House Bill 07-1018, the oversight responsibilities of the TLRC were expanded to include certain activities of the DOR, including driver licensing and registration and titling of motor vehicles. The bill also expanded the TLRC's purview to include oversight of any state department or agency that administers laws related to traffic regulation or penalties imposed for violation of traffic laws (Section 43-2-145 (1) (a), C.R.S.).

Regional transportation authorities. The TLRC is granted the authority to review the operations of regional transportation authorities in Colorado, including the planning and construction of regional transportation systems (Section 43-2-145 (1.9), C.R.S.). The TLRC may review the authorities' projects to ensure completion in the most cost-effective and efficient manner. The TLRC is authorized to require long-range planning by regional transportation authorities, and may also require financial and performance audits of these entities.

Public highway authorities. The TLRC is authorized to review the operations of public highway authorities in the state, including the planning and construction of public highway projects by these authorities (Section 43-2-145 (1.5), C.R.S.). The TLRC may review public highway authority projects upon completion to ensure that they were constructed in the most cost-effective and efficient manner. The TLRC may also require public highway authorities to develop long-range plans, and may require financial or performance audits of these entities.

Regional Transportation District. The Regional Transportation District (RTD) is authorized to contract up to 58 percent of its transportation services to private businesses through competitive bidding. RTD must ensure that these companies meet certain standards relating to

experience, safety records, and financial responsibility. The TLRC is required to monitor RTD's implementation of this statutory requirement and recommend any necessary changes to the General Assembly (Section 32-9-119.5 (8) (a), C.R.S.). RTD is also required to ensure that at least 30 percent of its operating costs are funded by farebox revenues, and must prepare its annual budget based on this percentage (Section 32-9-119.7 (3), C.R.S.). In this regard, RTD is required to submit to the TLRC any information, data, testimony, or audits that the committee may request.

Committee Activities

During the 2007 interim, the Transportation Legislation Review Committee (TLRC) held four meetings, toured the I-70 mountain corridor, and met with representatives of 20 organizations interested in the development and operation of the state's transportation system. Major topics addressed by the committee this interim are summarized below.

Regional and Statewide Transportation Issues

Governor's Transportation Finance and Implementation Panel presentation. The three co-chairs of the Governor's Transportation Finance and Implementation Panel presented information to the committee on the panel's activities since its inception in March 2007. The panel, charged with addressing transportation finance issues, convened with a transportation forum and held multiple regional meetings to assess local, regional, and state-wide transportation needs. The Governor's executive order charges the committee to make transportation financing recommendations to the Governor by November 2007. Recommendations may include user fees such as motor fuel taxes and registration fees, and general taxes, such as income, severance, and sales taxes, or a combination of the two.

Transportation Commission appointees. The state Transportation Commission is an 11-member commission appointed by the governor, and confirmed by the Senate. The members of the commission are appointed to represent specific commissioner districts and serve four-year terms. The commission provides direction to the Colorado Department of Transportation (CDOT) in the management and development of the state's transportation infrastructure. Current law requires that the governor, in making appointments to the commission, consider appointing one or more individuals with knowledge or experience in aviation. The TLRC heard testimony that the commission relies on the Colorado Aeronautical Board for expertise in aviation matters and that the availability of the board to advise the commission negates the need for requiring consideration of an appointee who possesses expertise in aviation matters.

Committee recommendation. The committee recommends Bill B, which repeals the requirement that the governor consider appointing persons to the commission with expertise in aviation.

Mass transit. The committee heard presentations relating to mass transit from the Regional Transportation District (RTD) and the Roaring Fork Transportation Authority (RFTA). The RTD, which encompasses all or parts of eight Denver Metro-area counties and has a current budget of roughly \$530 million, presented information on two of the district's major projects: the Transportation Expansion Project (T-REX) and FasTracks. T-REX, completed in November 2006, was a joint effort by CDOT and the RTD to expand light rail service to the Southeast Corridor. Among other improvements, the T-REX project widened I-25 and I-225, added a light rail line, and rebuilt several bridges and interchanges.

The district's other major project, FasTracks, will add 122 miles of light rail and commuter rail to the district's transit service over a 12-year period. At an estimated cost of \$6 billion, the project will also add 18 miles of bus rapid transit, 31 new park-n-rides, and will redevelop Denver's Union Station as the district's new headquarters. The RTD discussed its use of public-private partnerships to provide funding and management strategies for the project.



The RFTA was the first authority created under the Rural Transportation Authority Act (now the Regional Transportation Authority Act). RFTA's presentation to the committee included information on how the authority is "greening" its fleet by adding hybrid and clean diesel vehicles to its inventory.

State motor vehicle emissions program. The Colorado Department of Revenue (DOR) provided information to the committee on its emissions remote sensing program. The program, known as Rapid Screen, measures vehicle emissions with remote sensing devices and provides an alternative to the standard emissions testing program which requires motorists to visit emissions testing facilities. The DOR's presentation provided information regarding administration of the emissions program and departmental methods for the assurance of accurate emissions measurements.

Heavy-duty diesel vehicle testing. The State of Colorado regulates diesel smoke emissions through its diesel inspection and maintenance program. This program measures the opacity (density) of a diesel vehicle's smoke emissions. Current Colorado law requires that heavy-duty diesel vehicles (over 14,000 pounds gross vehicle weight rating) must have certification of emissions control for diesel smoke opacity compliance when the vehicle reaches its fourth model year.

A representative of the Colorado Motor Carriers Association (CMCA) testified that advances in diesel engine technology have made heavy-duty diesel engines dramatically cleaner in recent decades. The representative noted that 2007 model year and newer heavy-duty trucks are engineered to produce 1/60th of the particulate emissions of model year 1988 heavy-duty trucks. According to the CMCA, the requirement for emissions testing of newer heavy-duty diesels is now wasteful and no longer needed for these newer vehicles. Further, the representative pointed out that the exemption of newer heavy-duty diesels from the testing requirement would create an incentive for the purchase of new cleaner vehicles, and accordingly, retirement of the older, dirtier diesel vehicles.

Committee recommendation. The CMCA recommended that the TLRC consider legislation to repeal the requirement for emissions testing of newer heavy-duty diesels. At its October 11, 2007, meeting the committee adopted a motion to recommend a bill to exempt model year 2007 or newer heavy-duty diesel vehicles from the emissions testing program and eliminate the four-year exemption for heavy-duty diesel vehicles effective December 31, 2011. However, at the November 15, 2007, meeting of the Legislative Council, at the request of the bill's sponsor, the TLRC's chair withdrew the bill from consideration. Thus, no motion was made during the Legislative Council meeting to approve the bill for the 2008 legislative session.

High occupancy toll (HOT) lane toll evasion. High Occupancy Toll (HOT) lanes allow single-occupant vehicles to use dedicated high occupancy vehicle (HOV) lanes if the driver pays a toll. The only HOT lanes that currently exist in Colorado are the HOT lanes on I-25 in Denver. CDOT and the Colorado Tolling Enterprise (CTE) currently contract with the E-470 Public Highway Authority to collect tolls on the I-25 HOT lanes through E-470's "EXpress Toll" transponders. These transponders allow solo drivers to establish an account that is billed for their use of the HOT lane. When there is a toll violation in the HOT lanes, drivers are fined by EXpress Toll. The driver has the option of paying the ticket, or he or she may contact EXpress Toll to dispute the ticket. EXpress Toll typically eliminates the fine if the driver agrees to pay the toll. If the driver decides against paying the toll he or she may pursue their case in the court system. Current Colorado law provides that CTE toll evasion cases be considered by the courts in the municipality or county

where the violation occurred. Thus, I-25 toll evasion cases are considered by the Adams County court system.

A CDOT representative noted that the opening of the I-25 HOT lanes has generated a large number of toll evasion cases that must be addressed by the Adams County court system. The representative said that an average of 350,000 vehicles per month use the HOT lanes, resulting in approximately 1,600 toll violations per month. If 20 percent of these violations are contested, then approximately 20 to 30 toll violation cases per day must be addressed by the Adams County court system, clogging the court dockets.

In order to alleviate the toll evasion case backlog, the Adams County courts approached CDOT and requested the department's support for the adoption of an administrative settlement process for toll evasion cases similar to one used by public highway authorities in Colorado. The administrative settlement process for public highway authorities was enacted by the General Assembly in 2005. Making the administrative settlement process available to the CTE is supported by CDOT, the Adams County courts, and the Colorado Judicial Branch. Current Colorado law allows the CTE to adopt rules regarding the enforcement of toll collection and to set the level of fines for toll evasion up to \$100.

Committee recommendation. The committee recommends Bill A, which makes an administrative toll enforcement process available to the CTE for its toll evasion cases, that is, the cases could be considered by a hearing officer, rather than in county or municipal courts. The decision of the hearing officer may be appealed to the county court in the county in which the violation occurred.

I-70 mountain corridor tour. The committee toured the "mountain" corridor of Interstate Highway 70 (I-70) and considered regional transportation planning and development issues in the corridor. The tour included visits to the Dumont Port of Entry, the Eisenhower-Johnson and Hanging Lake tunnels, and to highways and roads in areas of Garfield County impacted by increased energy development. The committee also met with representatives of the I-70 Coalition, a group of public and private parties interested in the development of the mountain corridor, to discuss ways that the corridor might be redeveloped to address congestion. The committee concluded its tour with presentations from CDOT on rockfall mitigation methods and a briefing on the state's recently adopted commercial truck chain-up law.

Transportation Safety

Roadway construction zone safety. The TLRC heard testimony relating to the safety of workers in Colorado highway construction zones. As a result of this testimony the committee recommended legislation to increase the safety of such workers through more aggressive enforcement of traffic laws within the zones.

Committee recommendation. The committee recommends Bill E, which requires CDOT and local governments to designate a roadway as a maintenance, repair, or construction zone when such activities are occurring on a roadway. The bill doubles fines for certain traffic infractions that occur within the zones. The bill also authorizes the Colorado State Patrol and local governments to use photo radar to detect speeding violations within the zones as long as maintenance, repair, or construction work is occurring within the zone. CDOT is required to reimburse the state patrol for the cost of using photo radar.

In addition, the bill requires motorists who are approaching or passing construction vehicles that are moving less than 20 miles per hour to yield the right-of-way to these vehicles and exhibit due care and caution. Finally, the bill requires a driver to move over when approached by an emergency tow vehicle with emergency lights flashing.

Railroad crossing safety. The Colorado Public Utilities Commission (PUC) provided information to the committee regarding railroad crossing safety issues. Primarily, the PUC discussed the Highway Crossing Protection Fund, which provides monies for railroad crossing signals. The fund, created in 1965, is financed through General Fund appropriations and has not received any money since 1992. The PUC proposed legislation to credit insurance premium tax proceeds to the fund.

No committee recommendation. There were no committee recommendations for legislation related to these discussions.

Transportation Industry Regulation

Taxicab regulation. The committee held a half-day session reviewing the state's taxicab industry. Representatives from the PUC, the City and County of Denver, the Denver Metro Convention and Visitors Bureau, the Denver International Airport (DIA), the Colorado Cross-Disability Coalition, the Taxicab, Limousine, and Paratransit Association, and taxicab drivers at-large presented perspectives on the state's taxicab industry to the committee. Discussions included ensuring that "at risk" clients, such as the elderly or individuals with disabilities, receive quality taxicab service at fair prices. The TLRC also received information regarding the link between an efficient public transportation system and tourism.

Motor carrier regulation - ports of entry. The Colorado State Patrol presented information to the committee regarding the potential transfer of the DOR's Port of Entry Division to the state patrol. The state patrol, in conjunction with the DOR, provided historical information on the functions and role of the Port of Entry Division. The evolving role of the Ports of Entry Section, which has been housed in the DOR since the 1980s, was considered. The TLRC discussed the enforcement and safety inspection functions of the ports. The potential move of the ports to the state patrol was considered as a means of streamlining port operations and eliminating any duplication of services among state agencies.

Driver Regulation

Driver licensing and motor vehicle registration. The DOR presented information to the committee on: driver licensing and the issuance of state identification cards; new driver's license offices and staffing; the federal Real ID Act; the Colorado State Titling and Registration System



(CSTARS); special license plates; and the state's emissions program. The DOR discussed departmental efforts to make the license issuance process more user friendly, including the development of an identity investigative procedure for individuals lacking the required identifying documents, such as the elderly or the homeless. The department also discussed Senate Bill 07-241, which increased driver's license fees, and allowed the DOR to open three new driver's license offices and hire 53 new employees with the additional revenue. In addition, the DOR discussed its readiness to comply with the requirements of the federal Real ID Act. The federal act requires states to meet national driver's license and identification card issuance standards before May 2008.

The DOR also discussed the Colorado State Titling and Registration System (CSTARS). According to the DOR, the CSTARS software has been plagued with problems since the inception of the program in 2002. The department stated that many of the software's defects have been corrected by the contractor and that the department is currently assessing whether to continue with the CSTARS program or to replace the titling and registration software. Finally, the DOR presented information on the state's special license plates. The special license plate presentation focused on the department's procedures for issuing, manufacturing, and maintaining inventory for the plates.

Increasing traffic fines. The Colorado State Patrol presented data to the committee on the impact increased traffic fines have on overall traffic safety. According to the state patrol, increased fines deter individuals from engaging in dangerous and criminal driving behavior. In presenting to the committee, the state patrol emphasized that one of its primary objectives is to significantly reduce the number of fatal crashes on Colorado roadways and that one means of addressing the highway fatality problem is through increasing fines for hazardous traffic violations. The state patrol believes that increasing traffic fines for these violations will reduce the frequency of the violations, thus saving lives and reducing injuries on the state's highways.

Prior to making its recommendation to the TLRC that state traffic fine levels in Colorado be increased, the state patrol considered municipal fine structures in selected Colorado cities of medium size. The state patrol examined traffic fine levels for eight common hazardous moving violations in Fort Collins, Arvada, Lakewood, and Colorado Springs. A comparison of fine levels in these cities revealed an average fine of approximately \$80 for the moving violations, relative to the state's average traffic fine levels of \$33.75 for the same infractions. The state patrol noted that since the City of Colorado Springs enacted significant increases in fine levels in 2003, traffic crashes in the city have fallen 35.2 percent.

The state patrol also considered fine levels in four states that have the lowest fatality rates in the nation — Massachusetts, Connecticut, Vermont, and Minnesota. In these states, the CSP found that average fine levels are approximately \$120, relative to Colorado's average fine level is \$33.75.

Committee recommendation. As a result of testimony from the state patrol, the TLRC recommends Bill F, which increases traffic violation fines.

Highway Advertising

Tourist-oriented directional signs. Tourist-oriented directional signs (TODS) are business identification and directional information signs located on non-interstate highways in Colorado. Federal law and Colorado law permit the location of the signs only on *rural*,

non-interstate highways, that is, the signs may not be erected on interstates, or in urban areas. Colorado law goes further in prohibiting the erection of the signs on "freeways or expressways," regardless of whether these freeways or expressways are urban or rural.

A CDOT representative noted that the terms "freeway" and "expressway" are typically four-lane divided highways, and that there are freeways and expressways that exist in rural areas. The representative noted that businesses along these rural highways and motorists traveling the highways would benefit from the advertising and information that the signs provide. Thus, CDOT proposed to the TLRC that Colorado law be amended to permit the erection of TODS along rural freeways and expressways.

Committee recommendation. The committee recommends Bill C, which authorizes CDOT to issue permits and adopt rules for the erection, administration, and maintenance of TODS on rural freeways and expressways.

Non-conforming advertising devices. CDOT promulgates rules and issues permits for the erection and maintenance of signs along Colorado highways. CDOT is authorized to remove advertising devices that do not conform with departmental rules or with the Colorado Outdoor Advertising Act. However, if the department removes a sign it must pay the sign's owner just compensation.

Current Colorado law allows nonconforming signs to continue to be maintained by their owner in the same location at which they were erected if the signs were erected prior to January 1, 1971. CDOT recommended legislation to the TLRC which would increase the flexibility of the department regarding the removal of nonconforming signs by eliminating from statute the reference to January 1, 1971. A representative of CDOT noted that the removal of signs is costly to both sign owners, and the department which must pay the owner the value of the sign if it is removed. The bill will allow the department to avoid removing signs that they must remove under current law.

Committee recommendation. As a result of the CDOT recommendation, the TLRC adopted a motion to approve Bill D for introduction during the 2008 legislative session. Bill D would strike from Colorado law the reference to January 1, 1971, in the Outdoor Advertising Act. By changing the definition of a nonconforming sign to eliminate the link to January 1, 1971, the bill will allow all nonconforming signs to be maintained in their current location if the owner obtains a CDOT permit.

Summary of Recommendations

As a result of the committee's activities, seven bills were recommended to the Legislative Council for introduction during the 2008 legislative session. One bill was withdrawn from consideration at the request of the committee chair and bill sponsor. The following six bills are recommended to the General Assembly.

Bill A — Authorization for the Colorado Tolling Enterprise to Use an Administrative Toll Enforcement Process Similar to the Administrative Toll Enforcement Process Used by Public Highway Authorities

Bill A makes available to the Colorado Tolling Enterprise (CTE) an administrative settlement process for toll enforcement that is currently used by public highway authorities in Colorado. Under the administrative settlement process, toll evasion cases may be considered by a hearing officer, rather than in county or municipal courts. Decisions of the hearing officer may be appealed to the county court in the county in which the violation occurred.

Bill B — Repeal of the Requirement that the Governor Consider Appointing to the Transportation Commission One or More Individuals with Knowledge or Experience in Aviation

Bill B repeals the requirement that the governor consider appointing persons to the Colorado Transportation Commission with knowledge or experience in aviation.

Bill C — Tourist-oriented Directional Signs Along Rural Highways

Bill C authorizes the Colorado Department of Transportation to issue permits and adopt rules for the erection, administration, and maintenance of tourist-oriented directional signs on rural freeways and expressways.

Bill D — Elimination of the Provisions of the "Outdoor Advertising Act" Relating to Dates Prior to which Nonconforming Advertising Devices Must Have Been Erected

Current Colorado law allows signs along Colorado highways that do not conform with the Colorado Outdoor Advertising Act to continue to be maintained by their owners in the same location at which they were erected if the signs were erected prior to January 1, 1971. Bill D changes the definition of a nonconforming sign in Colorado law to eliminate the link to the date January 1, 1971. The bill will allow nonconforming signs to be maintained in their current location if the signs have a valid CDOT permit.

Bill E — Prevention of Dangerous Conditions on Highways

Bill E requires CDOT and local governments to designate a roadway as a maintenance, repair, or construction zone when such activities are occurring on the roadway, or up to four hours before the activities occur. The bill doubles fines for certain traffic infractions that occur within the zones. The bill would also authorize the Colorado State Patrol and local governments to use photo radar to detect speeding violations within the zones as long as maintenance, repair, or construction work is occurring within the zone. The bill requires CDOT to reimburse the state patrol for the cost of using photo radar.

Further, Bill E requires motorists who are approaching or passing construction vehicles that are moving less than 20 miles per hour to yield the right-of-way to these vehicles and exhibit due care and caution. Finally, the bill requires a driver to move over when approached by an emergency tow vehicle with emergency lights flashing.

Bill F — Fines Imposed for Violations Involving Motor Vehicles

Bill F increases fines imposed for certain traffic violations. The bill:

- raises the minimum fine for a class 2 traffic misdemeanor from \$10 to \$150;
- increases the minimum fine for a class 1 traffic misdemeanor from \$100 to \$300;
- raises the fine for 47 specific traffic infractions;
- reduces from 100 percent to 50 percent the portion of seat belt violation fines that are retained by local jurisdictions for violations occurring on state and federal highways if a peace officer employed by the local jurisdiction issues the citation. The remaining amount of the fine revenue is credited to the Highway Users Tax Fund (HUTF);
- doubles the minimum fine for driving under the influence (DUI), driving while ability impaired (DWAI), underage drinking and driving, and habitual user driving;
- changes the percentage of the fine for DUI, DWAI, and underage drinking and driving offenses that is transmitted to the HUTF from 50 percent to 75 percent if the violation occurred on a state or federal highway; and
- doubles the minimum fine for vehicular eluding of a police officer. Vehicular eluding is a class 5 felony. Vehicular eluding that results in bodily injury is a class 4 felony. Vehicular eluding that results in death is a class 3 felony. Bill F doubles the fine levels for these offenses to \$2,000, \$4,000, and \$6,000, respectively.

Resource Materials

Meeting summaries are prepared for each meeting of the committee and contain all handouts provided to the committee. The summaries of meetings and attachments are available at the Division of Archives, 1313 Sherman Street, Denver (303-866-2055). The listing below contains the dates of committee meetings and the topics discussed at those meetings. Meeting summaries are also available on our website at:

http://www.state.co.us/gov_dir/leg_dir/lcsstaff/2007/07interim.htm

Meeting Date and Topics Discussed

June 18, 2007

- ◆ Department of Revenue (DOR) overview
- ◆ North American Free Trade Association Mexican Carrier Demonstration Project
- ◆ Decentralizing the state transportation system

June 19, 2007

- ◆ Denver Regional Council of Governments on Denver metropolitan regional transportation issues
- ◆ Governor's Energy Office presentation
- ◆ Overview of the taxicab industry

September 20, 2007

- ◆ Bill recommendations by the state Department of Transportation, the Colorado Motor Carriers Association, and the Colorado State Patrol
- ◆ Roaring Fork Transportation Authority overview
- ◆ Update on the activities of the Governor's Transportation Finance and Implementation Panel
- ◆ Discussion on transferring the Ports of Entry from the DOR to the Colorado State Patrol
- ◆ Consideration of legislation

October 11, 2007

- ◆ Department of Agriculture presentation on transportation and the state's agribusiness
- ◆ Regional Transportation District annual presentation
- ◆ Colorado Contractors Association on construction costs and state road conditions
- ◆ Ports-to-Plains Corridor presentation on the trade corridor
- ◆ Committee action on proposed TLRC legislation

Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

BILL A

LLS NO. 08-0256.01 Jason Gelender

SENATE BILL

SENATE SPONSORSHIP

Williams, Spence, and Takis

HOUSE SPONSORSHIP

Marostica, Gibbs, Primavera, Rice, and Vaad

Senate Committees

House Committees

A BILL FOR AN ACT

101 CONCERNING AUTHORIZATION FOR THE COLORADO TOLLING
102 ENTERPRISE TO USE AN ADMINISTRATIVE TOLL ENFORCEMENT
103 PROCESS SIMILAR TO THE ADMINISTRATIVE TOLL ENFORCEMENT
104 PROCESS USED BY PUBLIC HIGHWAY AUTHORITIES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Transportation Legislation Review Committee. Authorizes the Colorado tolling enterprise to enforce tolls through an administrative toll enforcement process that is similar to the administrative toll enforcement process used by public highway authorities.

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.

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

2 **SECTION 1.** 43-4-811 (2), (3) (c), (3) (d), (4), (6) (a), (6) (b), and
3 (6) (c), Colorado Revised Statutes, are amended, and the said 43-4-811
4 is further amended BY THE ADDITION OF A NEW SUBSECTION, to
5 read:

6 **43-4-811. Traffic laws - toll collection - rules.** (2) The
7 enterprise may adopt, by resolution of the board, ~~regulations~~ RULES
8 pertaining to the enforcement of toll collection and providing a civil
9 penalty for toll evasion. The civil penalty established by the enterprise
10 for any toll evasion shall be not less than ten dollars nor more than one
11 hundred dollars in addition to any costs imposed by a court. The
12 enterprise may use state of the art technology, including, but not limited
13 to, automatic vehicle identification photography, to aid in the collection
14 of tolls and enforcement of toll violations. THE USE OF STATE OF THE ART
15 TECHNOLOGY TO AID IN ENFORCEMENT OF TOLL VIOLATIONS SHALL BE
16 GOVERNED SOLELY BY THIS SECTION.

17 (3) (c) If a civil penalty assessment notice is issued, ~~such~~ THE
18 notice shall be tendered by a peace officer as described in section
19 16-2.5-101, C.R.S., and shall contain the name and address of the person
20 operating the motor vehicle involved, the license number of the motor
21 vehicle, ~~such~~ THE person's driver's license number, the nature of the
22 violation, the amount of the penalty prescribed for the violation, the date
23 of the notice, a place for ~~such~~ THE person to execute a signed
24 acknowledgment of ~~such~~ THE person's receipt of the civil penalty
25 assessment notice, a place for ~~such~~ THE person to execute a signed
26 acknowledgment of liability for the cited violation, and such other

1 information as may be required by law to constitute the notice as a
2 complaint to appear ~~in court should~~ FOR ADJUDICATION OF A TOLL
3 EVASION PURSUANT TO THIS SECTION IF the prescribed TOLL, FEE, AND
4 CIVIL penalty ARE not ~~be~~ paid within twenty days. Every cited person
5 shall execute the signed acknowledgment of the person's receipt of the
6 civil penalty assessment notice.

7 (d) The acknowledgment of liability shall be executed at the time
8 the cited person pays the prescribed penalty. The person cited shall pay
9 the TOLL, FEE, AND civil penalty authorized by the enterprise at the office
10 of the enterprise either in person or by postmarking such payment within
11 twenty days of the notice. If the person cited does not pay the prescribed
12 TOLL, FEE, AND CIVIL penalty within twenty days of the notice, the civil
13 penalty assessment notice shall constitute a complaint to appear ~~in court~~
14 FOR ADJUDICATION OF A TOLL EVASION PURSUANT TO THIS SECTION, and
15 the person cited shall, within the time specified in the civil penalty
16 assessment notice, file an answer to this complaint ~~with the county court~~
17 ~~for the county in which the civil penalty assessment was issued~~ IN THE
18 MANNER SPECIFIED IN THE NOTICE.

19 (4) (a) The respective courts of the municipalities, counties, ~~the~~
20 ~~city and county of Denver, and the city and county of Broomfield~~ AND
21 CITIES AND COUNTIES have jurisdiction to try all cases arising under
22 municipal ordinances and state laws governing the use of a toll highway
23 and arising under the toll evasion civil penalty ~~regulations~~ RULES enacted
24 by the enterprise. Venue for such cases shall be in the municipality,
25 county, or city and county where the alleged violation of municipal
26 ordinance, state law, or ~~regulation~~ RULE of the enterprise occurred.

27 (b) AT THE REQUEST OF THE JUDICIAL DEPARTMENT, THE
28 ENTERPRISE SHALL CONSIDER ESTABLISHING AN ADMINISTRATIVE TOLL

1 ENFORCEMENT PROCESS AND MAY, BY RESOLUTION, ADOPT RULES
2 CREATING SUCH A PROCESS. THE RULES PERTAINING TO THE
3 ADMINISTRATIVE ENFORCEMENT OF TOLL EVASION SHALL REQUIRE NOTICE
4 TO THE PERSON CITED FOR TOLL EVASION AND PROVIDE TO THE PERSON AN
5 OPPORTUNITY TO APPEAR AT AN OPEN HEARING CONDUCTED BY AN
6 IMPARTIAL HEARING OFFICER AND A RIGHT TO APPEAL THE FINAL
7 ADMINISTRATIVE DETERMINATION OF TOLL EVASION TO THE COUNTY
8 COURT FOR THE COUNTY IN WHICH THE VIOLATION OCCURRED.

9 (c) IF THE ENTERPRISE ESTABLISHES AN ADMINISTRATIVE TOLL
10 ENFORCEMENT PROCESS, NO COURT OF A MUNICIPALITY, COUNTY, OR CITY
11 AND COUNTY SHALL HAVE JURISDICTION TO HEAR TOLL EVASION CASES
12 ARISING ON A TOLL HIGHWAY OPERATED BY THE ENTERPRISE.

13 (d) A TOLL EVASION CASE MAY BE ADJUDICATED BY AN IMPARTIAL
14 HEARING OFFICER IN AN ADMINISTRATIVE HEARING CONDUCTED PURSUANT
15 TO THIS SECTION AND THE RULES PROMULGATED BY THE ENTERPRISE. THE
16 HEARING OFFICER MAY BE AN ADMINISTRATIVE LAW JUDGE EMPLOYED BY
17 THE STATE OR AN INDEPENDENT CONTRACTOR OF THE ENTERPRISE. THE
18 CONTRACT FOR AN INDEPENDENT CONTRACTOR SHALL GRANT TO THE
19 HEARING OFFICER THE SAME DEGREE OF INDEPENDENCE GRANTED TO AN
20 ADMINISTRATIVE LAW JUDGE EMPLOYED BY THE STATE. THE ENTERPRISE
21 MAY ENTER INTO CONTRACTS PURSUANT TO SECTION 29-1-203, C.R.S.,
22 FOR JOINT ADJUDICATION OF TOLL EVASION CASES PURSUANT TO THIS
23 SECTION.

24 (e) THE ENTERPRISE MAY FILE A CERTIFIED COPY OF AN ORDER
25 IMPOSING A TOLL, FEE, AND CIVIL PENALTY THAT IS ENTERED BY THE
26 HEARING OFFICER IN AN ADJUDICATION OF A TOLL EVASION WITH THE
27 CLERK OF THE COUNTY COURT IN THE COUNTY IN WHICH THE VIOLATION
28 OCCURRED AT ANY TIME AFTER THE ORDER IS ENTERED. THE CLERK SHALL

1 RECORD THE ORDER IN THE JUDGMENT BOOK OF THE COURT AND ENTER IT
2 IN THE JUDGMENT DOCKET. THE ORDER SHALL THENCEFORTH HAVE THE
3 EFFECT OF A JUDGMENT OF THE COUNTY COURT, AND EXECUTION MAY
4 ISSUE ON THE ORDER OUT OF THE COURT AS IN OTHER CASES.

5 (f) AN ADMINISTRATIVE ADJUDICATION OF A TOLLEVASION BY THE
6 ENTERPRISE IS SUBJECT TO JUDICIAL REVIEW. THE ADMINISTRATIVE
7 ADJUDICATION MAY BE APPEALED AS TO MATTERS OF LAW AND FACT TO
8 THE COUNTY COURT FOR THE COUNTY IN WHICH THE VIOLATION
9 OCCURRED. THE APPEAL SHALL BE A REVIEW OF THE RECORD OF THE
10 ADMINISTRATIVE ADJUDICATION AND NOT A DE NOVO HEARING.

11 (g) NOTWITHSTANDING THE SPECIFIC REMEDIES PROVIDED BY THIS
12 SECTION, THE ENTERPRISE SHALL HAVE EVERY REMEDY AVAILABLE UNDER
13 THE LAW TO ENFORCE UNPAID TOLLS AND FEES AS DEBTS OWED TO THE
14 ENTERPRISE.

15 (6) (a) In addition to the penalty assessment procedure provided
16 for in subsection (3) of this section, where an instance of toll evasion is
17 evidenced by automatic vehicle identification photography or other
18 technology not involving a peace officer, a civil penalty assessment notice
19 may be issued and sent by first-class mail, or by any mail delivery service
20 offered by an entity other than the United States postal service that is
21 equivalent to or superior to first-class mail with respect to delivery speed,
22 reliability, and price, by the enterprise to the registered owner of the
23 motor vehicle involved. ~~Such~~ THE notice shall contain the name and
24 address of the registered owner of the vehicle involved, the license
25 number of the vehicle involved, the date of the notice, the time and
26 location of the violation, the amount of the penalty prescribed for the
27 violation, a place for such person to execute a signed acknowledgment of
28 liability for the cited violation, and such other information as may be

1 required by law to constitute the notice as a complaint to appear ~~in court~~
2 FOR ADJUDICATION OF A TOLL EVASION CIVIL PENALTY ASSESSMENT. THE
3 REGISTERED OWNER OF THE VEHICLE INVOLVED IN A TOLL EVASION SHALL
4 BE LIABLE FOR THE TOLL, FEE, AND CIVIL PENALTY IMPOSED BY THE
5 ENTERPRISE, EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (a.5) OF
6 THIS SUBSECTION (6).

7 (b) ~~Should~~ IF the prescribed penalty IS not ~~be~~ paid within twenty
8 days of the notice, in order to ensure that adequate notice has been given,
9 the enterprise shall send a second penalty assessment notice by certified
10 mail, return receipt requested, or by any mail delivery service offered by
11 an entity other than the United States postal service that is equivalent to
12 or superior to certified mail, return receipt requested, with respect to
13 receipt verification and delivery speed, reliability, and price, containing
14 the same information as set forth in paragraph (a) of this subsection (6).
15 ~~Such~~ THE notice shall specify that the ~~alleged violator~~ REGISTERED
16 OWNER OF THE VEHICLE may pay the same penalty assessment at any time
17 prior to the scheduled hearing. IF THE REGISTERED OWNER OF THE
18 VEHICLE DOES NOT PAY THE PRESCRIBED TOLL, FEE, AND CIVIL PENALTY
19 WITHIN TWENTY DAYS OF THE NOTICE, THE CIVIL PENALTY ASSESSMENT
20 NOTICE SHALL CONSTITUTE A COMPLAINT TO APPEAR FOR ADJUDICATION
21 OF A TOLL EVASION IN COURT OR IN AN ADMINISTRATIVE TOLL
22 ENFORCEMENT PROCEEDING, AND THE REGISTERED OWNER OF THE
23 VEHICLE SHALL, WITHIN THE TIME SPECIFIED IN THE CIVIL PENALTY
24 ASSESSMENT NOTICE, FILE AN ANSWER TO THE COMPLAINT IN THE MANNER
25 SPECIFIED IN THE NOTICE. IF THE REGISTERED OWNER OF THE VEHICLE
26 FAILS TO PAY IN FULL THE OUTSTANDING TOLL, FEE, AND CIVIL PENALTY
27 SET FORTH IN THE NOTICE OR TO APPEAR AND ANSWER THE NOTICE AS
28 SPECIFIED IN THE NOTICE, THE REGISTERED OWNER OF THE VEHICLE SHALL

1 BE DEEMED TO HAVE ADMITTED LIABILITY AND TO HAVE WAIVED THE
2 RIGHT TO A HEARING, AND A FINAL ORDER OF LIABILITY IN DEFAULT
3 AGAINST THE REGISTERED OWNER OF THE VEHICLE MAY BE ENTERED.

4 ~~(c) The provisions of paragraph (d) of subsection (3) of this~~
5 ~~section concerning payment of the prescribed penalty, and failure to pay,~~
6 ~~shall apply to penalty assessment notices mailed by the enterprise~~
7 ~~pursuant to this subsection (6).~~

8 (7) A COURT WITH JURISDICTION IN A TOLL EVASION CASE
9 PURSUANT TO PARAGRAPH (a) OF SUBSECTION (4) OF THIS SECTION OR THE
10 ENTERPRISE, IF IT HAS JURISDICTION IN A TOLL EVASION CASE PURSUANT
11 TO PARAGRAPH (b) OF SUBSECTION (4) OF THIS SECTION, MAY REPORT TO
12 THE DEPARTMENT OF REVENUE ANY OUTSTANDING JUDGMENT OR
13 WARRANT OR ANY FAILURE TO PAY THE TOLL, FEE, AND CIVIL PENALTY FOR
14 ANY TOLL EVASION. UPON RECEIPT OF A CERTIFIED REPORT FROM A COURT
15 OR THE ENTERPRISE STATING THAT THE OWNER OF A REGISTERED VEHICLE
16 HAS FAILED TO PAY A TOLL, FEE, AND CIVIL PENALTY RESULTING FROM A
17 FINAL ORDER ENTERED BY THE ENTERPRISE, THE DEPARTMENT SHALL NOT
18 RENEW THE REGISTRATION OF THE VEHICLE UNTIL THE TOLL, FEE, AND
19 CIVIL PENALTY ARE PAID IN FULL. THE ENTERPRISE SHALL CONTRACT
20 WITH AND COMPENSATE A VENDOR APPROVED BY THE DEPARTMENT FOR
21 THE DIRECT COSTS ASSOCIATED WITH THE NONRENEWAL OF A VEHICLE
22 REGISTRATION PURSUANT TO THIS SUBSECTION (7). THE DEPARTMENT HAS
23 NO AUTHORITY TO ASSESS ANY POINTS AGAINST A LICENSE UNDER SECTION
24 42-2-127, C.R.S., UPON ENTRY OF A CONVICTION OR JUDGMENT FOR ANY
25 TOLL EVASION.

26 **SECTION 2. Effective date.** This act shall take effect at 12:01
27 a.m. on the day following the expiration of the ninety-day period after
28 final adjournment of the general assembly that is allowed for submitting

1 a referendum petition pursuant to article V, section 1 (3) of the state
2 constitution, (August 6, 2008, if adjournment sine die is on May 7, 2008);
3 except that, if a referendum petition is filed against this act or an item,
4 section, or part of this act within such period, then the act, item, section,
5 or part, if approved by the people, shall take effect on the date of the
6 official declaration of the vote thereon by proclamation of the governor.

Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

BILL B

LLS NO. 08-0263.01 Jason Gelender

SENATE BILL

SENATE SPONSORSHIP

Takis, Isgar, and Williams

HOUSE SPONSORSHIP

Vaad, Marostica, and McFadyen

Senate Committees

House Committees

A BILL FOR AN ACT

101 CONCERNING THE REPEAL OF THE REQUIREMENT THAT THE
102 GOVERNOR CONSIDER APPOINTING TO THE TRANSPORTATION
103 COMMISSION ONE OR MORE INDIVIDUALS WITH KNOWLEDGE OR
104 EXPERIENCE IN AVIATION.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Transportation Legislation Review Committee. Repeals the requirement that the governor consider appointing to the transportation commission one or more individuals with knowledge or experience in aviation.

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.

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

2 **SECTION 1.** 43-1-106 (4) (c), Colorado Revised Statutes, is
3 amended to read:

4 **43-1-106. Transportation commission - powers and duties.**

5 (4) (c) As the terms of the members of the commission expire, the
6 governor shall consider the appointment to the commission of one or
7 more individuals with knowledge or experience in ~~aviation~~ or mass
8 transportation in order to provide for a commission with expertise in all
9 DIFFERENT modes of transportation and shall consider the appointment to
10 the commission of at least one individual with knowledge or experience
11 in engineering.

12 **SECTION 2. Safety clause.** The general assembly hereby finds,
13 determines, and declares that this act is necessary for the immediate
14 preservation of the public peace, health, and safety.

Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

BILL C

LLS NO. 08-0262.01 John Hershey

HOUSE BILL

HOUSE SPONSORSHIP

Sonnenberg, Gibbs, Levy, McFadyen, McNulty, Rice, and Swalm

SENATE SPONSORSHIP

Williams, and Isgar

House Committees

Senate Committees

A BILL FOR AN ACT

101 CONCERNING TOURIST-ORIENTED DIRECTIONAL SIGNS ALONG RURAL
102 HIGHWAYS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Transportation Legislation Review Committee. Authorizes the department of transportation to issue permits and adopt rules for the erection, administration, and maintenance of tourist-oriented directional signs along freeways and expressways that are not in urbanized areas.

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.

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

2 **SECTION 1.** 43-1-420 (3), Colorado Revised Statutes, is
3 amended to read:

4 **43-1-420. Specific information signs and tourist-oriented**
5 **directional signs authorized.** (3) The department may issue permits and
6 adopt rules for the erection, administration, and maintenance of
7 tourist-oriented directional signs within highway rights-of-way not on the
8 interstate system AND NOT ON freeways or expressways, as such highways
9 are defined in ~~such~~ THE rules, THAT ARE IN URBANIZED AREAS, for the
10 display of information of interest to the traveling public pursuant to the
11 federal authority therefor as set forth in 23 U.S.C. secs. 109 (d), 315, and
12 402 (a) AND 49 CFR 1.48 (b) and in accordance with federal
13 requirements. Any tourist-oriented directional sign erected pursuant to
14 this subsection (3) shall be required to comply with all applicable
15 regulations of the county, city and county, or municipality in which ~~such~~
16 THE sign is located. A county, city and county, or municipality may
17 choose to authorize such signs within its jurisdiction by adoption of a
18 resolution to that effect by the governing body of ~~that~~ THE county, city
19 and county, or municipality, which resolution shall be directed to the
20 executive director of the department or the executive director's designee.
21 Upon receipt of ~~such~~ THE resolution, the department shall authorize
22 further implementation of the tourist-oriented directional sign program
23 within the affected jurisdiction subject to the rules adopted by the
24 department. The department shall not condition eligibility for business
25 signs on the utilization of any other off-premise outdoor advertising
26 devices.

27 **SECTION 2. Effective date.** This act shall take effect at 12:01

1 a.m. on the day following the expiration of the ninety-day period after
2 final adjournment of the general assembly that is allowed for submitting
3 a referendum petition pursuant to article V, section 1 (3) of the state
4 constitution, (August 6, 2008, if adjournment sine die is on May 7, 2008);
5 except that, if a referendum petition is filed against this act or an item,
6 section, or part of this act within such period, then the act, item, section,
7 or part, if approved by the people, shall take effect on the date of the
8 official declaration of the vote thereon by proclamation of the governor.

Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

BILL D

LLS NO. 08-0258.01 John Hershey

HOUSE BILL

HOUSE SPONSORSHIP

Borodkin, Levy, and Rice

SENATE SPONSORSHIP

Hagedorn,

House Committees

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE ELIMINATION OF PROVISIONS OF THE "OUTDOOR
102 ADVERTISING ACT" RELATING TO DATES PRIOR TO WHICH
103 NONCONFORMING ADVERTISING DEVICES MUST HAVE BEEN
104 ERECTED.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Transportation Legislation Review Committee. Eliminates the limitation under which a nonconforming advertising device may be maintained only if it was lawfully erected before January 1, 1971. Allows any nonconforming device to be maintained at the same location at which it was lawfully erected.

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.

Makes conforming amendments.

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

2 **SECTION 1.** 43-1-403 (12), Colorado Revised Statutes, is
3 amended to read:

4 **43-1-403. Definitions.** As used in this part 4, unless the context
5 otherwise requires:

6 (12) "Nonconforming advertising device" means any advertising
7 device ~~which~~ THAT was lawfully erected under state law ~~prior to January~~
8 ~~1, 1971,~~ and has been lawfully maintained in accordance with the
9 provisions of this part 4 or prior state law, except those advertising
10 devices allowed by section 43-1-404 (1).

11 **SECTION 2.** 43-1-413 (1) and (2) (b), Colorado Revised
12 Statutes, are amended to read:

13 **43-1-413. Nonconforming advertising devices.** (1) ~~Any A~~
14 nonconforming advertising device may be continued to be maintained at
15 the same location ~~AT which was occupied by the nonconforming~~
16 advertising device ~~on July 1, 1971~~ WAS LAWFULLY ERECTED.

17 (2) The right to maintain any nonconforming advertising device
18 shall be terminated by:

19 (b) Increase of any dimension of the nonconforming advertising
20 device; ~~over its dimensions on July 1, 1971,~~

21 **SECTION 3. Effective date.** This act shall take effect at 12:01
22 a.m. on the day following the expiration of the ninety-day period after
23 final adjournment of the general assembly that is allowed for submitting
24 a referendum petition pursuant to article V, section 1 (3) of the state
25 constitution, (August 6, 2008, if adjournment sine die is on May 7, 2008);

1 except that, if a referendum petition is filed against this act or an item,
2 section, or part of this act within such period, then the act, item, section,
3 or part, if approved by the people, shall take effect on the date of the
4 official declaration of the vote thereon by proclamation of the governor.

Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

BILL E

LLS NO. 08-0257.01 Jery Payne

HOUSE BILL

HOUSE SPONSORSHIP

McFadyen, Gibbs, Green, Levy, Marostica, McNulty, Merrifield, Rice, Sonnenberg, and Swalm

SENATE SPONSORSHIP

Williams, and Takis

House Committees

Senate Committees

A BILL FOR AN ACT

101 CONCERNING PREVENTION OF DANGEROUS CONDITIONS ON
102 ROADWAYS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Transportation Legislation Review Committee. Requires the department of transportation and a public entity to designate a roadway as a maintenance, repair, or construction zone when such activities are occurring on the roadway. Applies the same standards to public entities for such designation as apply when the department of transportation makes a similar designation. Doubles the fines for certain moving violations within such zones.

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.

Requires the department of public safety to use an automated vehicle identification system upon the request of the department of transportation. Requires the department of transportation to reimburse the department of public safety for complying with the request.

Requires a driver approaching a stationary or slow-moving maintenance, repair, or construction vehicle to yield the right-of-way and exercise due care. Requires a driver to move over when approached by an emergency tow vehicle with emergency lights flashing.

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

2 **SECTION 1. Short title.** This act shall be known and may be
3 cited as the "Charles Mather Highway Safety Act".

4 **SECTION 2.** 42-4-614, Colorado Revised Statutes, is amended
5 to read:

6 **42-4-614. Designation of highway maintenance, repair, or**
7 **construction zones - signs - increase in penalties for speeding**
8 **violations.** (1) (a) If maintenance, repair, or construction activities are
9 occurring or will ~~be occurring~~ OCCUR within four hours on a portion of a
10 state highway, the department of transportation ~~may~~ SHALL designate such
11 portion of the highway as a highway maintenance, repair, or construction
12 zone. Any person who commits certain violations listed in section
13 42-4-1701 (4) in a maintenance, repair, or construction zone that is
14 designated pursuant to this section is subject to the increased penalties
15 and surcharges imposed by section 42-4-1701 (4) (c).

16 (b) IF MAINTENANCE, REPAIR, OR CONSTRUCTION ACTIVITIES ARE
17 OCCURRING OR WILL OCCUR WITHIN FOUR HOURS ON A PORTION OF A
18 ROADWAY THAT IS NOT A STATE HIGHWAY, THE PUBLIC ENTITY
19 CONDUCTING THE ACTIVITIES SHALL DESIGNATE SUCH PORTION OF THE
20 ROADWAY AS A MAINTENANCE, REPAIR, OR CONSTRUCTION ZONE. A
21 PERSON WHO COMMITS CERTAIN VIOLATIONS LISTED IN SECTION 42-4-1701

1 (4) IN A MAINTENANCE, REPAIR, OR CONSTRUCTION ZONE THAT IS
2 DESIGNATED PURSUANT TO THIS SECTION IS SUBJECT TO THE INCREASED
3 PENALTIES AND SURCHARGES IMPOSED BY SECTION 42-4-1701 (4) (c).

4 (2) The department of transportation OR OTHER PUBLIC ENTITY
5 shall designate a maintenance, repair, or construction zone by erecting or
6 placing an appropriate sign in a conspicuous place before the area where
7 the maintenance, repair, or construction activity is taking place or will be
8 taking place within four hours. Such sign shall notify the public that
9 increased penalties for certain traffic violations are in effect in such zone.
10 The department of transportation OR OTHER PUBLIC ENTITY shall erect or
11 place a second sign after such zone indicating that the increased penalties
12 for certain traffic violations are no longer in effect. A maintenance,
13 repair, or construction zone begins at the location of the sign indicating
14 that increased penalties are in effect and ends at the location of the sign
15 indicating that the increased penalties are no longer in effect.

16 (3) Signs used for designating the beginning and end of a
17 maintenance, construction, or repair zone shall conform to department of
18 transportation requirements. The department of transportation OR OTHER
19 PUBLIC ENTITY may display such signs on any fixed, variable, or movable
20 stand. The department of transportation OR OTHER PUBLIC ENTITY may
21 place such a sign on a moving vehicle if required for certain ~~department~~
22 activities, including, but not limited to, highway painting work.

23 **SECTION 3.** 42-4-1701 (4) (c), Colorado Revised Statutes, is
24 amended to read:

25 **42-4-1701. Traffic offenses and infractions classified -**
26 **penalties - penalty and surcharge schedule.** (4) (c) (I) The penalties
27 and surcharges imposed for speeding violations under subsection (4) (a)
28 (I) (L) of this section shall be doubled if a speeding violation occurs

1 within a maintenance, repair, or construction zone that is designated by
2 the department of transportation pursuant to section ~~42-4-614~~ 42-4-614
3 (1) (a).

4 (II) (A) The penalties and surcharges imposed for violations under
5 ~~subsections (4) (a) (I) (C), (4) (a) (I) (G), (4) (a) (I) (H), (4) (a) (I) (I), (4)~~
6 ~~(a) (I) (J), (4) (a) (I) (K), (4) (a) (I) (N), and (4) (a) (I) (O) of this section~~
7 SUB-SUBPARAGRAPHS (C), (G), (H), (I), (J), (K), (N), AND (O) OF
8 SUBPARAGRAPH (I) OF PARAGRAPH (a) OF THIS SUBSECTION (4) shall be
9 doubled if a violation occurs within a maintenance, repair, or construction
10 zone that is designated by the department of transportation pursuant to
11 section ~~42-4-614~~ 42-4-614 (1) (a); except that the fines for violating
12 sections 42-4-314, 42-4-610, 42-4-613, 42-4-706, 42-4-707, 42-4-708,
13 42-4-709, 42-4-710, 42-4-1011, 42-4-1012, 42-4-1404, 42-4-1408, and
14 42-4-1414 shall not be doubled under this subparagraph (II).

15 (B) There is hereby created, within the highway users tax fund,
16 the highway construction workers' safety account.

17 (C) If a fine is doubled under SUBPARAGRAPH (I) OR (II) OF this
18 paragraph (c), one-half of the fine allocated to the state by sections
19 42-1-217 and 43-4-205, C.R.S., shall be transferred to the state treasurer,
20 who shall deposit it in the highway construction workers' safety account
21 within the highway users tax fund to be continuously appropriated to the
22 department of transportation for work zone safety equipment, signs, and
23 law enforcement.

24 (D) This subparagraph (II) is effective July 1, 2006.

25 (III) THE PENALTIES AND SURCHARGES IMPOSED FOR SPEEDING
26 VIOLATIONS UNDER SUB-SUBPARAGRAPH (L) OF SUBPARAGRAPH (I) OF
27 PARAGRAPH (a) OF THIS SUBSECTION (4) SHALL BE DOUBLED IF A SPEEDING
28 VIOLATION OCCURS WITHIN A MAINTENANCE, REPAIR, OR CONSTRUCTION

1 ZONE THAT IS DESIGNATED BY A PUBLIC ENTITY PURSUANT TO SECTION
2 42-4-614 (1) (b).

3 (IV) THE PENALTIES AND SURCHARGES IMPOSED FOR VIOLATIONS
4 UNDER SUB-SUBPARAGRAPHS (C), (G), (H), (I), (J), (K), (N), AND (O) OF
5 SUBPARAGRAPH (I) OF PARAGRAPH (a) OF THIS SUBSECTION (4) SHALL BE
6 DOUBLED IF A VIOLATION OCCURS WITHIN A MAINTENANCE, REPAIR, OR
7 CONSTRUCTION ZONE THAT IS DESIGNATED BY A PUBLIC ENTITY PURSUANT
8 TO SECTION 42-4-614 (1) (b); EXCEPT THAT THE FINES FOR VIOLATING
9 SECTIONS 42-4-314, 42-4-610, 42-4-613, 42-4-706, 42-4-707, 42-4-708,
10 42-4-709, 42-4-710, 42-4-1011, 42-4-1012, 42-4-1404, 42-4-1408, AND
11 42-4-1414 SHALL NOT BE DOUBLED UNDER THIS SUBPARAGRAPH (IV).

12 **SECTION 4.** 42-4-110.5 (1.5) and (2) (g) (I), Colorado Revised
13 Statutes, are amended, and the said 42-4-110.5 is further amended BY
14 THE ADDITION OF A NEW SUBSECTION, to read:

15 **42-4-110.5. Automated vehicle identification systems.**

16 (1.5) Except for the ~~provisions concerning service of process~~
17 AUTHORIZATION contained in ~~subparagraph (I) of paragraph (a) of~~
18 ~~subsection (2)~~ SUBSECTION (1.7) of this section, nothing in this section
19 shall apply to a violation detected by an automated vehicle identification
20 device for driving twenty-five miles per hour or more in excess of the
21 reasonable and prudent speed or twenty-five miles per hour or more in
22 excess of the maximum speed limit of seventy-five miles per hour
23 detected by the use of an automated vehicle identification device.

24 (1.7) (a) UPON REQUEST FROM THE DEPARTMENT OF
25 TRANSPORTATION, THE DEPARTMENT OF PUBLIC SAFETY SHALL UTILIZE AN
26 AUTOMATED VEHICLE IDENTIFICATION SYSTEM TO DETECT SPEEDING
27 VIOLATIONS UNDER PART 11 OF THIS ARTICLE WITHIN A HIGHWAY
28 MAINTENANCE, REPAIR, OR CONSTRUCTION ZONE DESIGNATED PURSUANT

1 TO SECTION 42-4-614 (1) (a), IF THE DEPARTMENT OF PUBLIC SAFETY
2 COMPLIES WITH SUBSECTIONS (2) TO (6) OF THIS SECTION. AN AUTOMATED
3 VEHICLE IDENTIFICATION SYSTEM SHALL NOT BE USED UNDER THIS
4 SUBSECTION (1.7) UNLESS MAINTENANCE, REPAIR, OR CONSTRUCTION IS
5 OCCURRING AT THE TIME THE SYSTEM IS BEING USED.

6 (b) THE DEPARTMENT OF TRANSPORTATION SHALL REIMBURSE THE
7 DEPARTMENT OF PUBLIC SAFETY FOR THE DIRECT AND INDIRECT COSTS OF
8 COMPLYING WITH THIS SUBSECTION (1.7).

9 (2) A municipality may adopt an ordinance authorizing the use of
10 an automated vehicle identification system to detect violations of traffic
11 regulations adopted by the municipality, or the state, a county, a city and
12 county, or a municipality may utilize an automated vehicle identification
13 system to detect traffic violations under state law, subject to the following
14 conditions and limitations:

15 (g) (I) The state, a county, a city and county, or a municipality
16 shall not issue a penalty assessment notice or summons for a violation
17 detected using an automated vehicle identification system unless the
18 violation occurred within a school zone, as defined in section 42-4-615;
19 within a residential neighborhood; WITHIN A MAINTENANCE,
20 CONSTRUCTION, OR REPAIR ZONE DESIGNATED PURSUANT TO SECTION
21 42-4-614; or along a street that borders a municipal park.

22 **SECTION 5.** 42-4-705 (3) (b), Colorado Revised Statutes, is
23 amended, and the said 42-4-705 is further amended BY THE ADDITION
24 OF A NEW SUBSECTION, to read:

25 **42-4-705. Operation of vehicle approached by emergency**
26 **vehicle - operation of vehicle approaching stationary emergency**
27 **vehicle.** (2.5) (a) A DRIVER IN A VEHICLE THAT IS APPROACHING OR
28 PASSING A MAINTENANCE, REPAIR, OR CONSTRUCTION VEHICLE THAT IS

1 MOVING AT LESS THAN TWENTY MILES PER HOUR SHALL EXHIBIT DUE CARE
2 AND CAUTION AND PROCEED AS DESCRIBED IN PARAGRAPHS (b) AND (c) OF
3 THIS SUBSECTION (2.5).

4 (b) ON A HIGHWAY WITH AT LEAST TWO ADJACENT LANES
5 PROCEEDING IN THE SAME DIRECTION ON THE SAME SIDE OF THE HIGHWAY
6 WHERE A STATIONARY OR SLOW-MOVING MAINTENANCE, REPAIR, OR
7 CONSTRUCTION VEHICLE IS LOCATED, THE DRIVER OF AN APPROACHING OR
8 PASSING VEHICLE SHALL PROCEED WITH DUE CARE AND CAUTION AND
9 YIELD THE RIGHT-OF-WAY BY MOVING INTO A LANE AT LEAST ONE MOVING
10 LANE APART FROM THE VEHICLE, UNLESS DIRECTED OTHERWISE BY A
11 PEACE OFFICER OR OTHER AUTHORIZED EMERGENCY PERSONNEL. IF
12 MOVEMENT TO AN ADJACENT MOVING LANE IS NOT POSSIBLE DUE TO
13 WEATHER, ROAD CONDITIONS, OR THE IMMEDIATE PRESENCE OF
14 VEHICULAR OR PEDESTRIAN TRAFFIC, THE DRIVER OF THE APPROACHING
15 VEHICLE SHALL PROCEED IN THE MANNER DESCRIBED IN PARAGRAPH (c)
16 OF THIS SUBSECTION (2.5).

17 (c) ON A HIGHWAY THAT DOES NOT HAVE AT LEAST TWO ADJACENT
18 LANES PROCEEDING IN THE SAME DIRECTION ON THE SAME SIDE OF THE
19 HIGHWAY WHERE A STATIONARY OR SLOW-MOVING MAINTENANCE,
20 REPAIR, OR CONSTRUCTION VEHICLE IS LOCATED, OR IF MOVEMENT BY THE
21 DRIVER OF THE APPROACHING VEHICLE INTO AN ADJACENT MOVING LANE,
22 AS DESCRIBED IN PARAGRAPH (b) OF THIS SUBSECTION (2.5), IS NOT
23 POSSIBLE, THE DRIVER OF AN APPROACHING VEHICLE SHALL REDUCE AND
24 MAINTAIN A SAFE SPEED WITH REGARD TO THE LOCATION OF THE
25 STATIONARY OR SLOW-MOVING MAINTENANCE, REPAIR, OR CONSTRUCTION
26 VEHICLE, WEATHER CONDITIONS, ROAD CONDITIONS, AND VEHICULAR OR
27 PEDESTRIAN TRAFFIC, AND SHALL PROCEED WITH DUE CARE AND CAUTION,
28 OR AS DIRECTED BY A PEACE OFFICER OR OTHER AUTHORIZED EMERGENCY

1 PERSONNEL.

2 (3) (b) Any person who violates subsection (2) OR (2.5) of this
3 section commits careless driving as described in section 42-4-1402.

4 **SECTION 6.** 42-1-102 (6), Colorado Revised Statutes, is
5 amended to read:

6 **42-1-102. Definitions.** As used in articles 1 to 4 of this title,
7 unless the context otherwise requires:

8 (6) "Authorized emergency vehicle" means such vehicles of the
9 fire department, police vehicles, ambulances, and other special-purpose
10 vehicles as are publicly owned and operated by or for a governmental
11 agency to protect and preserve life and property in accordance with state
12 laws regulating emergency vehicles; said term also means ~~such privately~~
13 ~~owned vehicles as are designated by the state motor vehicle licensing~~
14 ~~agency, necessary to the preservation of life and property, to be~~ THE
15 FOLLOWING IF equipped and ~~to operate~~ OPERATED as emergency vehicles
16 in the manner prescribed by state law:

17 (a) PRIVATELY OWNED VEHICLES AS ARE DESIGNATED BY THE
18 STATE MOTOR VEHICLE LICENSING AGENCY NECESSARY TO THE
19 PRESERVATION OF LIFE AND PROPERTY; OR

20 (b) PRIVATELY OWNED TOW TRUCKS APPROVED BY THE PUBLIC
21 UTILITIES COMMISSION TO RESPOND TO VEHICLE EMERGENCIES.

22 **SECTION 7. Applicability.** This act shall apply to acts
23 committed on or after the effective date of this act.

24 **SECTION 8. Safety clause.** The general assembly hereby finds,
25 determines, and declares that this act is necessary for the immediate
26 preservation of the public peace, health, and safety.

Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

BILL F

LLS NO. 08-0261.01 Jery Payne

HOUSE BILL

HOUSE SPONSORSHIP

McFadyen, and Merrifield

SENATE SPONSORSHIP

Takis,

House Committees

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE FINES IMPOSED FOR VIOLATIONS INVOLVING MOTOR
102 VEHICLES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Transportation Legislation Review Committee. Raises the minimum fine for a class 2 traffic misdemeanor from \$10 to \$150. Increases the minimum fine for a class 1 traffic misdemeanor from \$100 to \$300. Raises the fines for the following motor vehicle traffic infractions:

- Careless driving violation;
- Child restraint violation;

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.

- Clinging to other vehicle from motorcycle violation;
- Coasting violation;
- Commercial restrictions on young driver violation;
- Divided or controlled access highway violation;
- Drive on right side violation;
- Driving through safety zone violation;
- Emerging or entering alley violation;
- Failure of certain vehicles to stop at railroad crossing violation;
- Failure to exercise due care violation;
- Failure to stop or yield at intersection violation;
- Failure to yield for emergency vehicle violation;
- Failure to yield to person with disability violation;
- Failure to yield to right at intersection violation;
- Failure to yield when entering roadway violation;
- Flashing signal violation;
- Following fire vehicle violation;
- Following too closely violation;
- Highway work area violation;
- Improper backing violation;
- Improper motorcycle riding violation;
- Improper overtaking on right violation;
- Improper signaling violation;
- Instruction permit violation;
- Lane violation;
- Left turn violation;
- License condition or restriction violation;
- Minimum speed and impeding traffic violation;
- Minor driver restriction violation;
- Motorcycle lane violation;
- Mountain driving violation;
- Obstruction of traffic in intersection violation;
- One-way roads and rotary traffic island violation;
- Overtaking vehicle on left violation;
- Passing lane violation;
- Passing violation;
- Pedestrian right-of-way violation;
- Railroad signal violation;
- Runaway vehicle ramp violation;
- Seat belt violation;
- Speeding and speed limit violation;
- Starting parked vehicle violation;
- Stopping or abandoning vehicle on highway violation;
- Traffic control signal violation;
- Turning around violation; and

- Turning violation.

Reduces, from 100% to 50%, the portion of seat belt violation fines that are kept by a local jurisdiction for violations occurring on state and federal highways if a peace officer employed by the local jurisdiction writes the citation. Credits the remaining amount of the fine revenue to the highway users tax fund.

Doubles the minimum fine for DUI, DWAI, UDD, and habitual user driving. Changes the percentage of the fine for such offenses that is transmitted to the highway users tax fund from 50% to 75% if the violation occurred on a state or federal highway. Doubles the minimum fines for vehicular eluding.

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

2 **SECTION 1.** 18-9-116.5, Colorado Revised Statutes, is amended
3 to read:

4 **18-9-116.5. Vehicular eluding.** (1) Any person who, while
5 operating a motor vehicle, knowingly eludes or attempts to elude a peace
6 officer also operating a motor vehicle, and who knows or reasonably
7 should know that he or she is being pursued by said peace officer, and
8 who operates his or her vehicle in a reckless manner, commits vehicular
9 eluding.

10 (2) (a) Vehicular eluding is a class 5 felony; except that vehicular
11 eluding ~~which~~ THAT results in bodily injury to another person is a class 4
12 felony and vehicular eluding ~~which~~ THAT results in death to another
13 person is a class 3 felony.

14 (b) NOTWITHSTANDING SECTION 18-1.3-401, THE MINIMUM
15 SENTENCE WITHIN THE PRESUMPTIVE RANGE FOR A VIOLATION OF THIS
16 SECTION SHALL BE INCREASED AS FOLLOWS:

17 (I) FOR A CLASS 5 FELONY, THE MINIMUM FINE SHALL BE TWO
18 THOUSAND DOLLARS;

19 (II) FOR A CLASS 4 FELONY, THE MINIMUM FINE SHALL BE FOUR

1 THOUSAND DOLLARS; AND

2 (III) FOR A CLASS 3 FELONY, THE MINIMUM FINE SHALL BE SIX
3 THOUSAND DOLLARS.

4 **SECTION 2.** The introductory portion to 42-1-217 (1) and
5 42-1-217 (1) (b), (1) (d), (1) (e), and (2), Colorado Revised Statutes, are
6 amended to read:

7 **42-1-217. Disposition of fines and surcharges - repeal.** (1) All
8 judges, clerks of a court of record, or other officers imposing or receiving
9 fines, penalties, or forfeitures, except those moneys received pursuant to
10 sections 42-4-313 (3), 42-4-413, 42-4-1409, 42-4-1701 (5) (a), 42-8-105,
11 and 42-8-106, collected pursuant to or as a result of a conviction of any
12 persons for a violation of ~~any of the provisions of~~ articles 1 to 4 (except
13 part 3 of article 2) of this title, shall transmit, within ten days after the
14 date of receipt of any such fine, penalty, or forfeiture, all such moneys so
15 collected in the following manner:

16 (b) Fifty percent of any fine, penalty, or forfeiture for a violation
17 of section 42-4-1301 occurring within the corporate limits of a city or
18 town shall be transmitted to the treasurer or chief financial officer of said
19 city or town, and the remaining fifty percent shall be transmitted to the
20 state treasurer, credited to the highway users tax fund, and allocated and
21 expended as specified in section 43-4-205 (5.5) (a), C.R.S.; EXCEPT THAT
22 TWENTY-FIVE PERCENT OF ANY FINE, PENALTY, OR FORFEITURE FOR A
23 VIOLATION OF SECTION 42-4-1301 OCCURRING ON A STATE OR FEDERAL
24 HIGHWAY SHALL BE TRANSMITTED TO THE TREASURER OR CHIEF
25 FINANCIAL OFFICER OF SAID CITY OR TOWN, AND THE REMAINING
26 SEVENTY-FIVE PERCENT SHALL BE TRANSMITTED TO THE STATE
27 TREASURER, CREDITED TO THE HIGHWAY USERS TAX FUND, AND
28 ALLOCATED AND EXPENDED AS SPECIFIED IN SECTION 43-4-205 (5.5) (a),

1 C.R.S.

2 (d) Fifty percent of any fine, penalty, or forfeiture for a violation
3 of section 42-4-1301 occurring outside the corporate limits of a city or
4 town shall be transmitted to the treasurer of the county in which the city
5 or town is located, and the remaining fifty percent shall be transmitted to
6 the state treasurer, credited to the highway users tax fund, and allocated
7 and expended as specified in section 43-4-205 (5.5) (a), C.R.S.; EXCEPT
8 THAT TWENTY-FIVE PERCENT OF ANY FINE, PENALTY, OR FORFEITURE FOR
9 A VIOLATION OF SECTION 42-4-1301 OCCURRING ON A STATE OR FEDERAL
10 HIGHWAY SHALL BE TRANSMITTED TO THE TREASURER OF THE COUNTY IN
11 WHICH THE CITY OR TOWN IS LOCATED, AND THE REMAINING
12 SEVENTY-FIVE PERCENT SHALL BE TRANSMITTED TO THE STATE
13 TREASURER, CREDITED TO THE HIGHWAY USERS TAX FUND, AND
14 ALLOCATED AND EXPENDED AS SPECIFIED IN SECTION 43-4-205 (5.5) (a),
15 C.R.S.

16 (e) Any fine, penalty, or forfeiture collected for a violation of
17 section 42-4-237 shall be transmitted to the treasurer of the local
18 jurisdiction in which the violation occurred; except that:

19 (I) If the citing officer was an officer of the Colorado state patrol,
20 the fine, penalty, or forfeiture shall be transmitted to the state treasurer,
21 credited to the highway users tax fund, and allocated and expended as
22 specified in section 43-4-205 (5.5) (a), C.R.S.; OR

23 (II) IF THE VIOLATION OCCURRED ON A STATE OR FEDERAL
24 HIGHWAY, FIFTY PERCENT OF THE FINE, PENALTY, OR FORFEITURE SHALL
25 BE TRANSMITTED TO THE TREASURER OF THE LOCAL JURISDICTION IN
26 WHICH THE VIOLATION OCCURRED AND THE REMAINING FIFTY PERCENT
27 SHALL BE TRANSMITTED TO THE STATE TREASURER, CREDITED TO THE
28 HIGHWAY USERS TAX FUND, AND ALLOCATED AND EXPENDED AS SPECIFIED

1 IN SECTION 43-4-205 (5.5) (a), C.R.S.

2 (2) Except for the first fifty cents of any penalty for a traffic
3 infraction, which shall be retained by the department and used for
4 administrative purposes, moneys collected by the department pursuant to
5 ~~the provisions of section 42-4-1701 (5) (a)~~ shall be transmitted to the state
6 treasurer, who shall credit the same to the highway users tax fund for
7 allocation and expenditure as specified in section 43-4-205 (5.5) (a),
8 C.R.S.; except that moneys collected pursuant to section 42-4-1701 (5) (a)
9 for a violation of section 42-4-237 shall ~~only be transmitted to the state~~
10 ~~treasurer if the citing officer was an officer of the Colorado state patrol~~
11 ~~and in all other cases shall be transmitted to the treasurer of the local~~
12 ~~jurisdiction in which the violation occurred~~ ALLOCATED PURSUANT TO
13 PARAGRAPH (e) OF SUBSECTION (1) OF THIS SECTION.

14 **SECTION 3.** 42-2-105.5 (5) (b) (II), Colorado Revised Statutes,
15 is amended to read:

16 **42-2-105.5. Restrictions on minor drivers under eighteen years**
17 **of age - penalties - legislative declaration.** (5) (b) A violation of
18 subsection (3) of this section is a traffic infraction, and, notwithstanding
19 the provisions of section 42-4-1701 (4) (a) (I) (D), a person convicted of
20 violating subsection (3) of this section shall be punished as follows:

21 (II) By the levying of a fine of not more than ~~fifty~~ SIXTY-FIVE
22 dollars for a first offense, a fine of not more than one hundred THIRTY
23 dollars for a second offense, and a fine of one hundred ~~fifty~~ NINETY-FIVE
24 dollars for a subsequent offense; and

25 **SECTION 4.** 42-4-1301 (7) (a) (I) (B), (7) (a) (II) (B), (7) (a)
26 (IV) (B), (7) (b) (I) (B), (7) (b) (II) (B), and (7) (b) (III) (B), Colorado
27 Revised Statutes, are amended to read:

28 **42-4-1301. Driving under the influence - driving while**

1 **impaired - driving with excessive alcoholic content - definitions -**
2 **penalties. (7) Penalties. (a) (I)** Except as otherwise provided in
3 subparagraphs (II) and (IV) of this paragraph (a), every person who is
4 convicted of DUI, DUI per se, or habitual user shall be punished by:

5 (B) In the court's discretion, a fine of not less than ~~three~~ SIX
6 hundred dollars nor more than one thousand dollars; and

7 (II) Upon conviction of a violation described in sub-subparagraph
8 (A) or (B) of subparagraph (III) of this paragraph (a), an offender shall be
9 punished by:

10 (B) In the court's discretion, a fine of not less than ~~five hundred~~
11 ONE THOUSAND dollars nor more than one thousand five hundred dollars;
12 and

13 (IV) Upon a conviction for DUI, DUI per se, or habitual user,
14 which violation occurred at any time after the date of a previous violation,
15 for which there has been a conviction, for DWAI, an offender shall be
16 punished by:

17 (B) In the court's discretion, a fine of not less than ~~four~~ NINE
18 hundred ~~fifty~~ dollars nor more than one thousand five hundred dollars;
19 and

20 (b) (I) Except as otherwise provided in subparagraphs (II) and
21 (III) of this paragraph (b), every person who is convicted of DWAI shall
22 be punished by:

23 (B) In the court's discretion, a fine of not less than ~~one~~ TWO
24 hundred dollars nor more than five hundred dollars; and

25 (II) Upon conviction of a second or subsequent offense of DWAI,
26 an offender shall be punished by:

27 (B) In the court's discretion, a fine of not less than ~~three~~ SIX
28 hundred dollars nor more than one thousand dollars; and

1 (III) Upon conviction for DWAI, which violation occurred at any
2 time after the date of a previous violation, for which there has been a
3 conviction, for DUI, DUI per se, or habitual user, or vehicular homicide
4 pursuant to section 18-3-106 (1) (b) (I), C.R.S., or vehicular assault
5 pursuant to section 18-3-205 (1) (b) (I), C.R.S., or of driving while such
6 person's driver's license was under restraint as described in section
7 42-2-138 (4) (b), an offender shall be punished by:

8 (B) In the court's discretion, a fine of not less than ~~four~~ EIGHT
9 hundred dollars nor more than one thousand two hundred dollars; and

10 **SECTION 5.** 42-4-1701 (3) (a) (II) (A), (4) (a) (I) (A), (4) (a) (I)
11 (C), (4) (a) (I) (D), (4) (a) (I) (G), (4) (a) (I) (H), (4) (a) (I) (I), (4) (a) (I)
12 (J), (4) (a) (I) (K), (4) (a) (I) (L), (4) (a) (I) (M), (4) (a) (I) (N), and (4) (a)
13 (I) (O), Colorado Revised Statutes, are amended to read:

14 **42-4-1701. Traffic offenses and infractions classified -**
15 **penalties - penalty and surcharge schedule.** (3) (a) (II) (A) Except as
16 OTHERWISE provided in SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH
17 (II), subsections (4) and (5) of this section, and in sections 42-4-1301 (7),
18 42-4-1301.2 (2), 42-4-1301.3, and 42-4-1301.4, misdemeanor traffic
19 offenses are divided into two classes ~~which~~ THAT are distinguished from
20 one another by the following penalties ~~which~~ THAT are authorized upon
21 conviction:

22	Class	Minimum	Maximum
23		Sentence	Sentence
24	1	Ten days imprisonment,	One year imprisonment,
25		or \$100 \$300 fine, or both.	or \$1000 fine, or both.
26	2	Ten days imprisonment,	Ninety days imprisonment,
27		or \$10 \$150 fine, or both.	or \$300 fine, or both.

28 (4) (a) (I) Except as provided in paragraph (c) of subsection (5) of

1 this section, every person who is convicted of, who admits liability for,
 2 or against whom a judgment is entered for a violation of any provision of
 3 this title to which the provisions of paragraph (a) or (b) of subsection (5)
 4 of this section apply shall be fined or penalized, and have a surcharge
 5 levied thereon pursuant to sections 24-4.1-119 (1) (f) and 24-4.2-104 (1)
 6 (b) (I), C.R.S., in accordance with the penalty and surcharge schedule set
 7 forth in sub-subparagraphs (A) to (P) of this subparagraph (I); or, if no
 8 penalty or surcharge is specified in the schedule, the penalty for class A
 9 and class B traffic infractions shall be fifteen dollars, and the surcharge
 10 shall be four dollars. These penalties and surcharges shall apply whether
 11 the defendant acknowledges the defendant's guilt or liability in
 12 accordance with the procedure set forth by paragraph (a) of subsection (5)
 13 of this section or is found guilty by a court of competent jurisdiction or
 14 has judgment entered against the defendant by a county court magistrate.
 15 Penalties and surcharges for violating specific sections shall be as
 16 follows:

17	Section Violated	Penalty	Surcharge
18	(A) Drivers' license violations:		
19	42-2-101 (1) or (4)	\$ 35.00	\$ 10.00
20	42-2-101 (2), (3), or (5)	15.00	6.00
21	42-2-103	15.00	6.00
22	42-2-105	35.00 70.00	10.00
23	42-2-105.5 (5) (a) (4)	35.00 65.00	10.00
24	42-2-106	35.00 70.00	10.00
25	42-2-116 (6) (a)	15.00 30.00	6.00
26	42-2-119	15.00	6.00
27	42-2-134	35.00	10.00
28	42-2-136	35.00	10.00

1	42-2-139	35.00	10.00
2	42-2-140	35.00	10.00
3	42-2-141	35.00	10.00
4	(C) Traffic regulation generally:		
5	42-4-1412	\$ 15.00	\$ 6.00
6	42-4-109 (13) (a)	15.00	6.00
7	42-4-109 (13) (b)	100.00	15.00
8	42-4-1211	15.00 30.00	6.00
9	42-4-1405	15.00	6.00
10	(D) Equipment violations:		
11	42-4-201	\$ 35.00	\$ 10.00
12	42-4-202	35.00	10.00
13	42-4-204	15.00	6.00
14	42-4-205	15.00	6.00
15	42-4-206	15.00	6.00
16	42-4-207	15.00	6.00
17	42-4-208	15.00	6.00
18	42-4-209	15.00	6.00
19	42-4-210	15.00	6.00
20	42-4-211	15.00	6.00
21	42-4-212	15.00	6.00
22	42-4-213	15.00	6.00
23	42-4-214	15.00	6.00
24	42-4-215	15.00	6.00
25	42-4-216	15.00	6.00
26	42-4-217	15.00	6.00
27	42-4-218	15.00	6.00
28	42-4-219	15.00	6.00

1	42-4-220	15.00	6.00
2	42-4-221	15.00	6.00
3	42-4-222 (1)	15.00	6.00
4	42-4-223	15.00	6.00
5	42-4-224	15.00	6.00
6	42-4-225 (1)	15.00	6.00
7	42-4-226	15.00	6.00
8	42-4-227 (1)	50.00	16.00
9	42-4-227 (2)	15.00	6.00
10	42-4-228 (1), (2), (3),		
11	(5), or (6)	15.00	6.00
12	42-4-229	15.00	6.00
13	42-4-230	15.00	6.00
14	42-4-231	15.00	6.00
15	42-4-232	15.00	6.00
16	42-4-233	75.00	24.00
17	42-4-234	15.00	6.00
18	42-4-235	50.00	16.00
19	42-4-236	50.00 65.00	16.00
20	42-4-237	15.00 65.00	6.00
21	42-4-1411	15.00	6.00
22	42-4-1412	15.00	6.00
23	42-4-1901	35.00	10.00
24	(G) Signals, signs, and markings violations:		
25	42-4-603	\$ 35.00 100.00	\$ 10.00
26	42-4-604	35.00 100.00	10.00
27	42-4-605	35.00 70.00	10.00
28	42-4-606	15.00	6.00

1	42-4-607 (1)	50.00	16.00
2	42-4-607 (2) (a)	100.00	32.00
3	42-4-608 (1)	15.00 70.00	6.00
4	42-4-608 (2)	15.00	6.00
5	42-4-609	15.00	6.00
6	42-4-610	15.00	6.00
7	42-4-612	35.00 70.00	10.00
8	42-4-613	35.00	10.00
9	(H) Rights-of-way violations:		
10	42-4-701	\$ 35.00 70.00	\$ 10.00
11	42-4-702	35.00 70.00	10.00
12	42-4-703	35.00 70.00	10.00
13	42-4-704	35.00 70.00	10.00
14	42-4-705	50.00 70.00	16.00
15	42-4-706	35.00 70.00	10.00
16	42-4-707	35.00 70.00	10.00
17	42-4-708	35.00	10.00
18	42-4-709	35.00 70.00	10.00
19	42-4-710	35.00 70.00	10.00
20	42-4-711	35.00 100.00	10.00
21	42-4-712	35.00 70.00	10.00
22	(I) Pedestrian violations:		
23	42-4-801	\$ 15.00	\$ 6.00
24	42-4-802 (1)	15.00 30.00	6.00
25	42-4-802 (3)	15.00	6.00
26	42-4-802 (4)	30.00	6.00
27	42-4-802 (5)	30.00	6.00
28	42-4-803	15.00	6.00

1	42-4-805	15.00	6.00
2	42-4-806	35.00 70.00	10.00
3	42-4-807	35.00 70.00	10.00
4	42-4-808	35.00 70.00	10.00
5	(J) Turning and stopping violations:		
6	42-4-901	\$ 35.00 70.00	\$ 10.00
7	42-4-902	35.00 70.00	10.00
8	42-4-903	35.00 70.00	10.00
9	(K) Driving, overtaking, and passing violations:		
10	42-4-1001	\$ 35.00 70.00	\$ 10.00
11	42-4-1002	35.00 100.00	10.00
12	42-4-1003	35.00 100.00	10.00
13	42-4-1004	35.00 100.00	10.00
14	42-4-1005	35.00 100.00	10.00
15	42-4-1006	35.00 70.00	10.00
16	42-4-1007	35.00 100.00	10.00
17	42-4-1008	35.00 100.00	10.00
18	42-4-1009	35.00 70.00	10.00
19	42-4-1010	35.00 70.00	10.00
20	42-4-1011	100.00 200.00	32.00
21	42-4-1012 (3) (a)	65.00	(NONE)
22	42-4-1012 (3) (b)	125.00	(NONE)
23	42-4-1013	100.00	(NONE)
24	(L) Speeding violations:		
25	42-4-1101 (1) or (8) (b) (1 to 4 miles		
26	per hour over the reasonable and		
27	prudent speed or over the maximum		
28	lawful speed limit of 75 miles		

1	per hour)	\$ 15.00 30.00	\$ 6.00
2	42-4-1101 (1) or (8) (b) (5 to 9 miles		
3	per hour over the reasonable and		
4	prudent speed or over the maximum		
5	lawful speed limit of 75 miles		
6	per hour)	35.00 70.00	10.00
7	42-4-1101 (1) or (8) (b) (10 to 19 miles		
8	per hour over the reasonable and		
9	prudent speed or over the maximum		
10	lawful speed limit of 75 miles		
11	per hour)	50.00 135.00	16.00
12	42-4-1101 (1) or (8) (b) (20 to 24 miles		
13	per hour over the reasonable and		
14	prudent speed or over the maximum		
15	lawful speed limit of 75 miles		
16	per hour)	100.00 200.00	32.00
17	42-4-1101 (3)	35.00 100.00	10.00
18	42-4-1103	15.00 50.00	6.00
19	42-4-1104	15.00 30.00	6.00
20	(M) Parking violations:		
21	42-4-1201	\$ 15.00 30.00	\$ 6.00
22	42-4-1202	15.00 30.00	6.00
23	42-4-1204	15.00	6.00
24	42-4-1205	15.00	6.00
25	42-4-1206	15.00	6.00
26	42-4-1207	15.00	6.00
27	42-4-1208 (6) or (9)	100.00	32.00
28	(N) Other offenses:		

1	42-4-1301 (2) (a.5)	\$ 50.00 100.00	\$ 16.00
2	42-4-1305	50.00	16.00
3	42-4-1402	50.00 150.00	16.00
4	42-4-1403	15.00 30.00	6.00
5	42-4-1404	15.00	6.00
6	42-4-1406	35.00	10.00
7	42-4-1407 (3) (a)	35.00	10.00
8	42-4-1407 (3) (b)	100.00	30.00
9	42-4-1407 (3) (c)	500.00	200.00
10	42-4-314	35.00	10.00
11	42-4-1408	15.00	6.00
12	42-4-1414 (2) (a)	500.00	156.00
13	42-4-1414 (2) (b)	1,000.00	312.00
14	42-4-1414 (2) (c)	5,000.00	1,560.00
15	42-20-109 (2)	250.00	66.00
16	(O) Motorcycle violations:		
17	42-4-1502 (1), (2), (3), or (4)	\$ 15.00 30.00	\$ 6.00
18	42-4-1502 (4.5)	100.00	15.00
19	42-4-1503	15.00 30.00	6.00
20	42-4-1504	15.00 30.00	6.00

21 **SECTION 6. Effective date.** This act shall take effect July1,
22 2008.

23 **SECTION 7. Safety clause.** The general assembly hereby finds,
24 determines, and declares that this act is necessary for the immediate
25 preservation of the public peace, health, and safety.