

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

April 26, 2018  
Date

Committee on Transportation & Energy.

After consideration on the merits, the Committee recommends the following:

HB18-1406 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill page 4, after line 16, insert:  
2 "SECTION 3. In Colorado Revised Statutes, 42-4-1710, amend  
3 (4)(a)(I)(A); and add (4)(c) as follows:  
4 **42-4-1710. Failure to pay penalty for traffic infractions -  
5 failure of parent or guardian to sign penalty assessment notice -  
6 procedures.** (4) (a) (I) (A) If judgment is entered against a violator, the  
7 violator shall be assessed an appropriate penalty and surcharge thereon,  
8 a docket fee of sixteen dollars, ~~and~~ other applicable costs authorized by  
9 section 13-16-122 (1), ~~C.R.S.~~, AND AN ADMINISTRATIVE PROCESSING FEE  
10 OF THIRTY DOLLARS. THE COURT ENTERING THE JUDGMENT SHALL RETAIN  
11 FIFTY PERCENT OF THE ADMINISTRATIVE PROCESSING FEE AND SHALL  
12 TRANSMIT THE OTHER FIFTY PERCENT TO THE STATE TREASURER, WHO  
13 SHALL CREDIT THAT MONEY TO THE HIGHWAY USERS TAX FUND. If the  
14 violator had been cited by a penalty assessment notice, the penalty shall  
15 be assessed pursuant to section 42-4-1701 (4)(a). If a penalty assessment  
16 notice is prohibited by section 42-4-1701 (5)(c), the penalty shall be  
17 assessed pursuant to section 42-4-1701 (3)(a).  
18 (c) (I) AFTER JUDGMENT IS ENTERED, THE COURT SHALL SEND  
19 WRITTEN NOTICE OF THE JUDGMENT TO THE VIOLATOR. THIS NOTICE SHALL  
20 INCLUDE A DESCRIPTION OF ALL PENALTIES, SURCHARGES, COSTS, AND  
21 FEES OWED PURSUANT TO SUBSECTION (4)(a)(I)(A) OF THIS SECTION.  
22 (II) IF PAYMENT OF THE AMOUNTS DESCRIBED IN SUBSECTION  
23 (4)(a)(I)(A) OF THIS SECTION IS NOT RECEIVED BY THE COURT WITHIN  
24 FORTY-FIVE DAYS AFTER ISSUANCE OF THE NOTICE DESCRIBED IN

1 SUBSECTION (4)(c)(I) OF THIS SECTION, THE VIOLATOR SHALL BE ASSESSED  
2 AN OUTSTANDING JUDGMENT FEE IN THE SAME AMOUNT AS THE  
3 RESTORATION FEE DESCRIBED IN SECTION 42-2-132 (4)(a)(I). PAYMENTS  
4 MADE BY THE VIOLATOR MUST FIRST BE APPLIED TO THE AMOUNTS  
5 DESCRIBED IN SUBSECTION (4)(a)(I)(A) OF THIS SECTION, SUCH THAT THE  
6 OUTSTANDING JUDGMENT FEE IS LAST TO BE PAID. ONCE PAID, THE COURT  
7 SHALL TRANSMIT THE OUTSTANDING JUDGMENT FEE TO THE TREASURER,  
8 WHO SHALL CREDIT THE OUTSTANDING JUDGMENT FEE IN THE SAME  
9 MANNER AS THE RESTORATION FEE DESCRIBED IN SECTION 42-2-132  
10 (4)(b).

11 (III) IF PAYMENT OF THE AMOUNTS DESCRIBED IN SUBSECTION  
12 (4)(a)(I)(A) OF THIS SECTION IS RECEIVED WITHIN FORTY-FIVE DAYS AFTER  
13 ISSUANCE OF THE NOTICE DESCRIBED IN SUBSECTION (4)(c)(I) OF THIS  
14 SECTION, THE COURT SHALL PROVIDE THE VIOLATOR WITH CONFIRMATION  
15 IN WRITING THAT ALL AMOUNTS OWED HAVE BEEN PAID."

16 Renumber succeeding sections accordingly.

17 Page 8, strike lines 5 through 7 and substitute:

18 **"SECTION 7. Act subject to petition - effective date.** This act  
19 takes effect at 12:01 a.m. on the day following the expiration of the  
20 ninety-day period after final adjournment of the general assembly (August  
21 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a  
22 referendum petition is filed pursuant to section 1 (3) of article V of the  
23 state constitution against this act or an item, section, or part of this act  
24 within such period, then the act, item, section, or part will not take effect  
25 unless approved by the people at the general election to be held in  
26 November 2018 and, in such case, will take effect on the date of the  
27 official declaration of the vote thereon by the governor."

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