

**Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 16-0590.02 Jason Gelender x4330

**SENATE BILL 16-123**

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**SENATE SPONSORSHIP**

**Lundberg**, Marble, Baumgardner, Scheffel, Holbert, Newell, Hill, Woods, Cooke, Crowder, Grantham, Lambert

**HOUSE SPONSORSHIP**

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**Senate Committees**  
Transportation

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**A BILL FOR AN ACT**

101      **CONCERNING FREE ACCESS FOR HIGH OCCUPANCY VEHICLES TO HIGH**  
102            **OCCUPANCY VEHICLE AND HIGH OCCUPANCY TOLL LANES ON**  
103            **STATE HIGHWAYS, AND, IN CONNECTION THEREWITH,**  
104            **PROHIBITING THE DEPARTMENT OF TRANSPORTATION AND THE**  
105            **HIGH-PERFORMANCE TRANSPORTATION ENTERPRISE FROM**  
106            **REQUIRING A VEHICLE OWNER TO USE A SWITCHABLE**  
107            **TRANSPONDER OR OTHER DEVICE IN ORDER TO TRAVEL IN A**  
108            **HIGH OCCUPANCY VEHICLE ON SUCH A LANE WITHOUT PAYING**  
109            **A TOLL.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that*

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.*

*applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/bills/summaries>.)*

The bill prohibits the department of transportation or the high-performance transportation enterprise from requiring a vehicle owner to use a switchable transponder or other device in order to travel in a high occupancy vehicle on either a high occupancy vehicle lane or a high occupancy toll lane on a toll-free basis.

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

2           **SECTION 1.** In Colorado Revised Statutes, 42-4-1012, **add** (1)  
3 (e) as follows:

4           **42-4-1012. High occupancy vehicle (HOV) and high occupancy**  
5 **toll (HOT) lanes.** (1) (e) NOTWITHSTANDING THE AUTHORIZATION  
6 GRANTED IN SUBPARAGRAPH (II) OF PARAGRAPH (d) OF THIS SUBSECTION  
7 (1) FOR THE SPECIFICATIONS AND STANDARDS DEVELOPED AND ADOPTED  
8 BY THE DEPARTMENT PURSUANT TO SAID PARAGRAPH (d) TO INCLUDE A  
9 REQUIREMENT THAT A VEHICLE OWNER PURCHASE UP TO ONE DEVICE TO  
10 USE ON ALL TOLL FACILITIES, ON AND AFTER THE EFFECTIVE DATE OF THIS  
11 PARAGRAPH (e), THE DEPARTMENT SHALL NOT REQUIRE A VEHICLE OWNER  
12 TO USE A SWITCHABLE TRANSPONDER OR OTHER DEVICE IN ORDER TO  
13 TRAVEL IN A HIGH OCCUPANCY VEHICLE ON EITHER A HIGH OCCUPANCY  
14 VEHICLE LANE OR A HIGH OCCUPANCY TOLL LANE THAT IS ON A HIGHWAY  
15 UNDER THE JURISDICTION OF THE DEPARTMENT OF TRANSPORTATION ON  
16 A TOLL-FREE BASIS.

17           **SECTION 2.** In Colorado Revised Statutes, 43-4-808, **amend** (2)  
18 (b) as follows:

19           **43-4-808. Toll highways - special provisions - limitations.**  
20 (2) (b) The transportation enterprise may adopt, by resolution of the  
21 transportation enterprise board, rules pertaining to the enforcement of toll

1 collection and providing a civil penalty for toll evasion. The civil penalty  
2 established by the transportation enterprise for any toll evasion shall be  
3 not less than ten dollars nor more than two hundred fifty dollars in  
4 addition to any costs imposed by a court. The transportation enterprise  
5 may use state-of-the-art technology, including, but not limited to,  
6 automatic vehicle identification photography, to aid in the collection of  
7 tolls and enforcement of toll violations; EXCEPT THAT, ON AND AFTER THE  
8 EFFECTIVE DATE OF THIS PARAGRAPH (b), AS AMENDED, THE  
9 TRANSPORTATION ENTERPRISE SHALL NOT REQUIRE A VEHICLE OWNER TO  
10 USE A SWITCHABLE TRANSPONDER OR OTHER DEVICE IN ORDER TO TRAVEL  
11 IN A HIGH OCCUPANCY VEHICLE ON EITHER A HIGH OCCUPANCY VEHICLE  
12 LANE OR A HIGH OCCUPANCY TOLL LANE ON A TOLL-FREE BASIS. The use  
13 of state-of-the-art technology to aid in enforcement of toll violations ~~shall~~  
14 ~~be~~ IS governed solely by this section.

15 **SECTION 3. Act subject to petition - effective date.** This act  
16 takes effect at 12:01 a.m. on the day following the expiration of the  
17 ninety-day period after final adjournment of the general assembly (August  
18 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a  
19 referendum petition is filed pursuant to section 1 (3) of article V of the  
20 state constitution against this act or an item, section, or part of this act  
21 within such period, then the act, item, section, or part will not take effect  
22 unless approved by the people at the general election to be held in  
23 November 2016 and, in such case, will take effect on the date of the  
24 official declaration of the vote thereon by the governor.