

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

**ENGROSSED**

*This Version Includes All Amendments Adopted  
on Second Reading in the House of Introduction*

LLS NO. 16-0590.02 Jason Gelender x4330

**SENATE BILL 16-123**

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**SENATE SPONSORSHIP**

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**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.**

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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 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.

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.*

SENATE  
Amended 2nd Reading  
March 17, 2016

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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, \_\_\_\_\_  
3 **amend (1) (d) (II)** as follows:

4           **42-4-1012. High occupancy vehicle (HOV) and high occupancy**  
5 **toll (HOT) lanes.** (1) (d) The department shall develop and adopt  
6 functional specifications and standards for an automatic vehicle  
7 identification system for use on high occupancy vehicle lanes, high  
8 occupancy toll lanes, any public highway constructed and operated under  
9 the provisions of part 5 of article 4 of title 43, C.R.S., and any other street  
10 or highway where tolls or charges are imposed for the privilege of  
11 traveling upon such street or highway. The specifications and standards  
12 shall ensure that:

13           (II) ON AND AFTER THE EFFECTIVE DATE OF THIS SUBPARAGRAPH  
14 (II), AS AMENDED, a vehicle owner shall not be required to purchase or  
15 install more than one device to use on all toll facilities A SWITCHABLE  
16 TRANSPONDER OR OTHER DEVICE IN ORDER TO TRAVEL IN A  
17 HIGH-OCCUPANCY VEHICLE ON EITHER A HIGH-OCCUPANCY VEHICLE LANE  
18 OR A HIGH-OCCUPANCY TOLL LANE THAT IS ON A HIGHWAY UNDER THE  
19 JURISDICTION OF THE DEPARTMENT ON A TOLL-FREE BASIS, BUT MAY BE  
20 REQUIRED TO USE ONE SWITCHABLE TRANSPONDER OR OTHER DEVICE IN  
21 ORDER TO ENGAGE IN SUCH TRAVEL. THE DEPARTMENT SHALL REMIT BACK  
22 TO ANY VEHICLE OWNER WHO PURCHASED A SWITCHABLE TRANSPONDER  
23 OR OTHER DEVICE AS REQUIRED BY THE DEPARTMENT BEFORE THE  
24 EFFECTIVE DATE OF THIS SUBPARAGRAPH (II), AS AMENDED, THE FULL  
25 PURCHASE PRICE OF THE TRANSPONDER OR OTHER DEVICE.

26           **SECTION 2.** In Colorado Revised Statutes, 42-4-1012, **add (1)**

1 (e) as follows:

2 **42-4-1012. High occupancy vehicle (HOV) and high occupancy**  
3 **toll (HOT) lanes. (1) (e) AT LEAST TWELVE MONTHS BEFORE REQUIRING**  
4 **THAT ANY VEHICLE CARRY THREE OR MORE INDIVIDUALS TO TRAVEL FOR**  
5 **FREE AS A HIGH-OCCUPANCY VEHICLE IN A HIGH OCCUPANCY VEHICLE**  
6 **LANE OR HIGH OCCUPANCY TOLL LANE OPERATED BY THE DEPARTMENT OF**  
7 **TRANSPORTATION, THE HIGH PERFORMANCE TRANSPORTATION**  
8 **ENTERPRISE, OR A PRIVATE PARTNER OF THE ENTERPRISE, THE**  
9 **TRANSPORTATION COMMISSION SHALL PROVIDE WRITTEN NOTICE TO THE**  
10 **GENERAL ASSEMBLY, AT A TIME WHEN THE GENERAL ASSEMBLY IS IN**  
11 **REGULAR SESSION, OF ITS FORMALLY ADOPTED RESOLUTION EXPRESSING**  
12 **ITS INTENTION TO IMPOSE THE REQUIREMENT BEGINNING ON A SPECIFIED**  
13 **FUTURE DATE.**

14 **SECTION 3.** In Colorado Revised Statutes, 43-4-808, **amend** (2)  
15 (b) as follows:

16 **43-4-808. Toll highways - special provisions - limitations.**  
17 (2) (b) The transportation enterprise may adopt, by resolution of the  
18 transportation enterprise board, rules pertaining to the enforcement of toll  
19 collection and providing a civil penalty for toll evasion. The civil penalty  
20 established by the transportation enterprise for any toll evasion shall be  
21 not less than ten dollars nor more than two hundred fifty dollars in  
22 addition to any costs imposed by a court. The transportation enterprise  
23 may use state-of-the-art technology, including, but not limited to,  
24 automatic vehicle identification photography, to aid in the collection of  
25 tolls and enforcement of toll violations; EXCEPT THAT, ON AND AFTER THE  
26 EFFECTIVE DATE OF THIS PARAGRAPH (b), AS AMENDED, THE  
27 TRANSPORTATION ENTERPRISE SHALL NOT REQUIRE A VEHICLE OWNER TO

1 PURCHASE, BUT MAY REQUIRE A VEHICLE OWNER TO INSTALL AND USE, A  
2 SWITCHABLE TRANSPONDER OR OTHER DEVICE IN ORDER TO TRAVEL IN A  
3 HIGH OCCUPANCY VEHICLE ON EITHER A HIGH OCCUPANCY VEHICLE LANE  
4 OR A HIGH OCCUPANCY TOLL LANE ON A TOLL-FREE BASIS. THE  
5 DEPARTMENT SHALL REMIT BACK TO ANY VEHICLE OWNER WHO  
6 PURCHASED A SWITCHABLE TRANSPONDER OR OTHER DEVICE AS REQUIRED  
7 BY THE DEPARTMENT BEFORE THE EFFECTIVE DATE OF THIS PARAGRAPH  
8 (b), AS AMENDED, THE FULL PURCHASE PRICE OF THE TRANSPONDER OR  
9 OTHER DEVICE. The use of state-of-the-art technology to aid in  
10 enforcement of toll violations shall be IS governed solely by this section.

11 **SECTION 4. Act subject to petition - effective date.** This act  
12 takes effect at 12:01 a.m. on the day following the expiration of the  
13 ninety-day period after final adjournment of the general assembly (August  
14 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a  
15 referendum petition is filed pursuant to section 1 (3) of article V of the  
16 state constitution against this act or an item, section, or part of this act  
17 within such period, then the act, item, section, or part will not take effect  
18 unless approved by the people at the general election to be held in  
19 November 2016 and, in such case, will take effect on the date of the  
20 official declaration of the vote thereon by the governor.