

CHAPTER 248

MOTOR VEHICLES AND TRAFFIC REGULATION

SENATE BILL 03-007

BY SENATOR(S) Chlouber, Cairns, Entz, Grossman, and Lamborn;
also REPRESENTATIVE(S) Harvey, Rippy, Schultheis, and Spence.

AN ACT

CONCERNING TOLL EVASION VIOLATIONS COMMITTED IN VEHICLES NOT OWNED BY THE OPERATOR.

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

SECTION 1. 43-4-506.5 (6), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

43-4-506.5. Traffic laws - toll collection. (6) (a.5) IN ADDITION TO ANY OTHER LIABILITY PROVIDED FOR IN THIS SECTION, THE OWNER OF A MOTOR VEHICLE WHO IS ENGAGED IN THE BUSINESS OF LEASING OR RENTING MOTOR VEHICLES IS LIABLE FOR PAYMENT OF A TOLL EVASION VIOLATION CIVIL PENALTY; EXCEPT THAT, AT THE DISCRETION OF SUCH OWNER:

(I) THE OWNER MAY OBTAIN PAYMENT FOR A TOLL EVASION VIOLATION CIVIL PENALTY FROM THE PERSON OR COMPANY WHO LEASED OR RENTED THE VEHICLE AT THE TIME OF THE TOLL EVASION THROUGH A CREDIT OR DEBIT CARD PAYMENT AND FORWARD THE PAYMENT ON TO THE PUBLIC HIGHWAY AUTHORITY; OR

(II) THE OWNER MAY SEEK TO AVOID LIABILITY FOR A TOLL EVASION VIOLATION CIVIL PENALTY IF THE OWNER OF THE LEASED OR RENTED MOTOR VEHICLE CAN FURNISH SUFFICIENT EVIDENCE THAT, AT THE TIME OF THE TOLL EVASION VIOLATION, THE VEHICLE WAS LEASED OR RENTED TO ANOTHER PERSON. TO AVOID LIABILITY FOR PAYMENT, THE OWNER OF THE MOTOR VEHICLE SHALL, WITHIN THIRTY DAYS AFTER RECEIPT OF THE NOTIFICATION OF THE TOLL EVASION VIOLATION, FURNISH TO THE PUBLIC HIGHWAY AUTHORITY AN AFFIDAVIT CONTAINING THE NAME, ADDRESS, AND STATE DRIVER'S LICENSE NUMBER OF THE PERSON OR COMPANY WHO LEASED OR RENTED SUCH VEHICLE. AS A CONDITION TO AVOID LIABILITY FOR PAYMENT OF A TOLL EVASION VIOLATION CIVIL PENALTY, ANY PERSON OR COMPANY WHO LEASES OR RENTS MOTOR VEHICLES TO A PERSON SHALL INCLUDE A NOTICE IN THE LEASING OR

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

RENTAL AGREEMENT STATING THAT, PURSUANT TO THE REQUIREMENTS OF THIS SECTION, THE PERSON RENTING OR LEASING THE VEHICLE IS LIABLE FOR PAYMENT OF A TOLL EVASION VIOLATION CIVIL PENALTY INCURRED ON OR AFTER THE DATE THE PERSON RENTING OR LEASING THE VEHICLE TAKES POSSESSION OF THE MOTOR VEHICLE. THE NOTICE SHALL INFORM THE PERSON RENTING OR LEASING THE VEHICLE THAT THE PERSON'S NAME, ADDRESS, AND STATE DRIVER'S LICENSE NUMBER SHALL BE FURNISHED TO THE PUBLIC HIGHWAY AUTHORITY WHEN A TOLL EVASION VIOLATION CIVIL PENALTY IS INCURRED DURING THE TERM OF THE LEASE OR RENTAL AGREEMENT.

SECTION 2. 43-4-811 (6), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

43-4-811. Traffic laws - toll collection. (6) (a.5) IN ADDITION TO ANY OTHER LIABILITY PROVIDED FOR IN THIS SECTION, THE OWNER OF A MOTOR VEHICLE WHO IS ENGAGED IN THE BUSINESS OF LEASING OR RENTING MOTOR VEHICLES IS LIABLE FOR PAYMENT OF A TOLL EVASION VIOLATION CIVIL PENALTY; EXCEPT THAT, AT THE DISCRETION OF SUCH OWNER:

(I) THE OWNER MAY OBTAIN PAYMENT FOR A TOLL EVASION VIOLATION CIVIL PENALTY FROM THE PERSON OR COMPANY WHO LEASED OR RENTED THE VEHICLE AT THE TIME OF THE TOLL EVASION THROUGH A CREDIT OR DEBIT CARD PAYMENT AND FORWARD THE PAYMENT ON TO THE PUBLIC HIGHWAY AUTHORITY; OR

(II) THE OWNER MAY SEEK TO AVOID LIABILITY FOR A TOLL EVASION VIOLATION CIVIL PENALTY IF THE OWNER OF THE LEASED OR RENTED MOTOR VEHICLE CAN FURNISH SUFFICIENT EVIDENCE THAT, AT THE TIME OF THE TOLL EVASION VIOLATION, THE VEHICLE WAS LEASED OR RENTED TO ANOTHER PERSON. TO AVOID LIABILITY FOR PAYMENT, THE OWNER OF THE MOTOR VEHICLE SHALL, WITHIN THIRTY DAYS AFTER RECEIPT OF THE NOTIFICATION OF THE TOLL EVASION VIOLATION, FURNISH TO THE ENTERPRISE AN AFFIDAVIT CONTAINING THE NAME, ADDRESS, AND STATE DRIVER'S LICENSE NUMBER OF THE PERSON OR COMPANY WHO LEASED OR RENTED SUCH VEHICLE. AS A CONDITION TO AVOID LIABILITY FOR PAYMENT OF A TOLL EVASION VIOLATION CIVIL PENALTY, ANY PERSON OR COMPANY WHO LEASES OR RENTS MOTOR VEHICLES TO A PERSON SHALL INCLUDE A NOTICE IN THE LEASING OR RENTAL AGREEMENT STATING THAT, PURSUANT TO THE REQUIREMENTS OF THIS SECTION, THE PERSON RENTING OR LEASING THE VEHICLE IS LIABLE FOR PAYMENT OF A TOLL EVASION VIOLATION CIVIL PENALTY INCURRED ON OR AFTER THE DATE THE PERSON RENTING OR LEASING THE VEHICLE TAKES POSSESSION OF THE MOTOR VEHICLE. THE NOTICE SHALL INFORM THE PERSON RENTING OR LEASING THE VEHICLE THAT THE PERSON'S NAME, ADDRESS, AND STATE DRIVER'S LICENSE NUMBER SHALL BE FURNISHED TO THE ENTERPRISE WHEN A TOLL EVASION VIOLATION CIVIL PENALTY IS INCURRED DURING THE TERM OF THE LEASE OR RENTAL AGREEMENT.

SECTION 3. Effective date - applicability. This act shall take effect upon passage and shall apply to violations committed on or after said date.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 14, 2003