

CHAPTER 99

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 04-1197

BY REPRESENTATIVE(S) Weddig, Borodkin, Briggs, Cerbo, Crane, Garcia, Hodge, Lee, Madden, McGihon, Merrifield, Paccione, Pommer, Ragsdale, Sinclair, Spence, Vigil, Williams S., Boyd, Butcher, Carroll, Coleman, Frangas, McFadyen, Romanoff, and Schultheis;
also SENATOR(S) Evans, Takis, Andrews, Arnold, Entz, Groff, Grossman, Hanna, Isgar, May R., Phillips, Teck, Tupa, Veiga, and Windels.

AN ACT

CONCERNING THE USE OF DEVICES ON MOTOR VEHICLES THAT INTERFERE WITH THE ORDERLY REGULATION OF TRAFFIC.

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

SECTION 1. 42-3-123 (2) and (3), Colorado Revised Statutes, are amended to read:

42-3-123. Number plates to be attached. (2) (a) Every number plate shall at all times be securely fastened to the vehicle to which it is assigned, so as to prevent the plate from swinging, and shall be horizontal at a height not less than twelve inches from the ground, measuring from the bottom of such plate, in a place and position to be clearly visible, and shall be maintained free from foreign materials and in a condition to be clearly legible.

(b) A PERSON SHALL NOT OPERATE A MOTOR VEHICLE WITH AN AFFIXED DEVICE OR A SUBSTANCE THAT CAUSES ALL OR A PORTION OF A LICENSE PLATE TO BE UNREADABLE BY A SYSTEM USED TO AUTOMATICALLY IDENTIFY A MOTOR VEHICLE. SUCH A DEVICE INCLUDES, WITHOUT LIMITATION, A COVER THAT DISTORTS ANGULAR VISIBILITY; ALTERS THE COLOR OF THE PLATE; OR IS SMOKED, TINTED, SCRATCHED, OR DIRTY SO AS TO IMPAIR THE LEGIBILITY OF THE LICENSE PLATE.

(3) (a) ~~Any~~ A person who violates any provision of this section commits a class B traffic infraction.

(b) A PERSON WHO VIOLATES PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION COMMITS A CLASS A TRAFFIC INFRACTION AND SHALL BE PUNISHED BY A FINE OF ONE

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

HUNDRED DOLLARS.

SECTION 2. 42-4-607, Colorado Revised Statutes, is amended to read:

42-4-607. Interference with official devices. (1) No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down, remove, or interfere with the effective operation of any official traffic control device or any railroad sign or signal or any inscription, shield, or insignia thereon or any other part thereof. Any person who violates any provision of this section commits a class B traffic infraction.

(2) USING AN ELECTRONIC DEVICE, WITHOUT LAWFUL AUTHORITY, THAT CAUSES A TRAFFIC LIGHT TO CHANGE SHALL CONSTITUTE INTERFERENCE WITH A TRAFFIC CONTROL DEVICE FOR THE PURPOSES OF THIS SECTION.

SECTION 3. Effective date - applicability. (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution (August 4, 2004, if adjournment sine die is on May 5, 2004); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) The provisions of this act shall apply to offenses committed on or after the applicable effective date of this act.

Approved: April 7, 2004