

CHAPTER 313

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 07-1229

BY REPRESENTATIVE(S) Gibbs, Levy, Borodkin, Curry, Green, Jahn, Kerr A., King, Liston, Madden, McFadyen, Rice, Romanoff, Soper, Todd, and White;
also SENATOR(S) Fitz-Gerald, Groff, May R., Schwartz, Spence, Tupa, and Williams.

AN ACT

CONCERNING AN ENHANCEMENT OF THE PENALTIES FOR THE OPERATORS OF COMMERCIAL VEHICLES WHO FAIL TO COMPLY WITH INCLEMENT WEATHER RESTRICTIONS.

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

SECTION 1. 42-4-106 (5) (a), Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBPARAGRAPHS to read:

42-4-106. Who may restrict right to use highways. (5) (a) (III) A PERSON WHO VIOLATES SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) WHILE OPERATING A COMMERCIAL VEHICLE SHALL BE SUBJECT TO AN ENHANCED PENALTY AS SET FORTH IN SECTION 42-4-1701 (4) (a) (I) (F).

(IV) A PERSON WHO VIOLATES SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) WHILE OPERATING A COMMERCIAL VEHICLE AND THE VIOLATION CAUSES A CLOSURE IN A TRAVEL LANE SHALL BE SUBJECT TO AN ENHANCED PENALTY AS SET FORTH IN SECTIONS 42-4-1701 (4) (a) (I) (F).

(V) IF A FINE IS ENHANCED UNDER SUBPARAGRAPHS (III) AND (IV) OF THIS PARAGRAPH (a), THE PORTION OF THE FINE THAT EXCEEDS THE FINE IMPOSED UNDER SUBPARAGRAPH (I) FOR AN ENHANCEMENT UNDER SUBPARAGRAPH (III), OR SUBPARAGRAPH (II) FOR AN ENHANCEMENT UNDER SUBPARAGRAPH (IV), THAT IS ALLOCATED TO THE STATE BY SECTIONS 42-1-217 AND 43-4-205, C.R.S., SHALL BE TRANSFERRED TO THE STATE TREASURER, WHO SHALL DEPOSIT IT IN THE HIGHWAY CONSTRUCTION WORKERS' SAFETY ACCOUNT WITHIN THE HIGHWAY USERS TAX FUND CREATED BY SECTION 42-4-1701 (4) (c) (II) (B), TO BE CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT OF TRANSPORTATION FOR WORK ZONE SAFETY EQUIPMENT, SIGNS, AND LAW ENFORCEMENT.

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

(VI) SUBPARAGRAPHS (III) AND (IV) OF THIS PARAGRAPH (a) SHALL NOT APPLY TO A TOW OPERATOR WHO IS TOWING A MOTOR VEHICLE OR TRAVELING TO A SITE FROM WHICH A MOTOR VEHICLE SHALL BE TOWED.

(VII) THE COLORADO DEPARTMENT OF TRANSPORTATION SHALL IDENTIFY AN APPROPRIATE PLACE FOR COMMERCIAL VEHICLES TO APPLY CHAINS, IF NECESSARY, TO COMPLY WITH SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) AND PROVIDE ADEQUATE NOTICE TO COMMERCIAL VEHICLE OPERATORS OF SUCH PLACES.

SECTION 2. 42-4-106 (8), Colorado Revised Statutes, is amended to read:

42-4-106. Who may restrict right to use highways. (8) (a) ~~Any~~ EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (8), A person who violates any provision of this section commits a class B traffic infraction.

(b) A PERSON WHO VIOLATES PARAGRAPH (a) OF SUBSECTION (5) OF THIS SECTION WHILE OPERATING A COMMERCIAL VEHICLE COMMITS A CLASS B TRAFFIC INFRACTION AND SHALL BE PUNISHED AS PROVIDED IN SECTION 42-4-1701 (4) (a) (I) (F); EXCEPT THAT THIS PARAGRAPH (b) SHALL NOT APPLY TO A TOW OPERATOR WHO IS TOWING A MOTOR VEHICLE OR TRAVELING TO A SITE FROM WHICH A MOTOR VEHICLE SHALL BE TOWED.

SECTION 3. 42-4-1701 (4) (a) (I) (F), Colorado Revised Statutes, is amended to read:

42-4-1701. Traffic offenses and infractions classified - penalties - penalty and surcharge schedule. (4) (a) (I) Except as provided in paragraph (c) of subsection (5) of this section, every person who is convicted of, who admits liability for, or against whom a judgment is entered for a violation of any provision of this title to which the provisions of paragraph (a) or (b) of subsection (5) of this section apply shall be fined or penalized, and have a surcharge levied thereon pursuant to section 24-4.2-104 (1) (b) (I), C.R.S., in accordance with the penalty and surcharge schedule set forth in sub-subparagraphs (A) to (P) of this subparagraph (I); or, if no penalty or surcharge is specified in the schedule, the penalty for class A and class B traffic infractions shall be fifteen dollars, and the surcharge shall be two dollars. These penalties and surcharges shall apply whether the defendant acknowledges the defendant's guilt or liability in accordance with the procedure set forth by paragraph (a) of subsection (5) of this section or is found guilty by a court of competent jurisdiction or has judgment entered against the defendant by a county court magistrate. Penalties and surcharges for violating specific sections shall be as follows:

Section Violated	Penalty	Surcharge
(F) Size, weight, and load violations:		
42-4-502	\$ 75.00	\$ 11.70
42-4-503	15.00	2.60
42-4-504	75.00	11.70
42-4-505	75.00	11.70

42-4-506	15.00	2.60
42-4-509	50.00	7.80
42-4-510 (12) (a)	35.00	5.20
42-4-106 (1), (3), (4), (6), or (7)	35.00	5.20
42-4-106 (5) (a) (I)	100.00	15.60
42-4-106 (5) (a) (II)	500.00	78.00
42-4-106 (5) (a) (III)	500.00	78.00
42-4-106 (5) (a) (IV)	1,000.00	156.00
42-4-512	75.00	11.70
42-8-105 (1) to (5)	50.00	7.80
42-8-106	50.00	7.80

SECTION 4. 42-4-214 (5), Colorado Revised Statutes, is amended to read:

42-4-214. Visual signals on service vehicles. (5) ~~On or before October 1, 1977,~~ The department of transportation shall determine by rule ~~and regulation~~ which types of vehicles render an essential public service when operating on or along a roadway and warrant designation as authorized service vehicles under specified conditions, INCLUDING, WITHOUT LIMITATION, VEHICLES THAT SELL OR APPLY CHAINS OR OTHER EQUIPMENT TO MOTOR VEHICLES NECESSARY TO ENABLE COMPLIANCE WITH SECTION 42-4-106.

SECTION 5. Part 1 of article 2 of title 43, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

43-2-150. Roadside chain service - rules. THE DEPARTMENT MAY CONTRACT WITH ONE OR MORE ENTITIES TO PROVIDE ROADSIDE ASSISTANCE, SELLING OR APPLYING CHAINS OR OTHER EQUIPMENT TO COMMERCIAL VEHICLES, NECESSARY TO ENABLE COMPLIANCE WITH SECTION 42-4-106, C.R.S. THE DEPARTMENT MAY AUTHORIZE, BY RULE OR CONTRACT, THE ENTITY TO RECEIVE A REASONABLE FEE FOR SERVICES PROVIDED.

SECTION 6. 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 8, 2007, if adjournment sine die is on May 9, 2007); 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: May 29, 2007