

## CHAPTER 392

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**MOTOR VEHICLES AND TRAFFIC REGULATION**

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## SENATE BILL 09-133

BY SENATOR(S) Spence, Foster, Gibbs, Groff, Hudak, Morse, Penry, Schwartz, Shaffer B., Tochtrop, Williams, Boyd, Newell;  
also REPRESENTATIVE(S) Primavera, Fischer, Labuda, Nikkel, Ryden, Schafer S., Summers, Todd.

**AN ACT**

**CONCERNING INCREASED SURCHARGES FOR TRAFFIC VIOLATIONS THAT APPLY THE MONEYS COLLECTED TO THE COLORADO TRAUMATIC BRAIN INJURY TRUST FUND, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**

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

**SECTION 1.** 30-15-402 (3), Colorado Revised Statutes, is amended to read:

**30-15-402. Violations - penalty - surcharges - victim and witness assistance - traumatic brain injury trust fund.** (3) In addition to the penalties prescribed in subsection (1) of this section, persons convicted of operating a vehicle in excess of the speed limit in violation of an ordinance adopted pursuant to section 30-15-401 (1) (h) are subject to a surcharge of ~~ten~~ **FIFTEEN** dollars that shall be paid to the clerk of the court by the defendant. Each clerk shall transmit the moneys to the state treasurer, who shall credit the same to the Colorado traumatic brain injury trust fund created pursuant to section 26-1-309, C.R.S.

**SECTION 2.** 42-4-1301 (7) (d) (III), Colorado Revised Statutes, is amended to read:

**42-4-1301. Driving under the influence - driving while impaired - driving with excessive alcoholic content - definitions - penalties.** (7) **Penalties.** (d) In addition to the penalties prescribed in this subsection (7):

(III) Persons convicted of DUI, DUI per se, DWAI, habitual user, and UDD are subject to a surcharge of ~~fifteen~~ **TWENTY** dollars to be transmitted to the state treasurer who shall deposit said surcharges in the Colorado traumatic brain injury trust fund created pursuant to section 26-1-309, C.R.S.

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

**SECTION 3.** 42-4-1701 (4) (e), Colorado Revised Statutes, is amended to read:

**42-4-1701. Traffic offenses and infractions classified - penalties - penalty and surcharge schedule.** (4) (e) (I) An additional ~~ten~~ FIFTEEN dollars shall be assessed for speeding violations under sub-subparagraph (L) of subparagraph (I) of paragraph (a) of this subsection (4) in addition to the penalties and surcharge stated in said sub-subparagraph (L). Moneys collected pursuant to this paragraph (e) shall be transmitted to the state treasurer who shall deposit such moneys in the Colorado traumatic brain injury trust fund created pursuant to section 26-1-309, C.R.S., within fourteen days after the end of each quarter, to be used for the purposes set forth in sections 26-1-301 to 26-1-310, C.R.S.

(II) If the surcharge is collected by a county or municipal court, the surcharge shall be ~~twelve~~ SEVENTEEN dollars of which two dollars shall be retained by the county or municipality and the remaining ~~ten~~ FIFTEEN dollars shall be transmitted to the state treasurer and credited to the Colorado traumatic brain injury trust fund created pursuant to section 26-1-309, C.R.S., within fourteen days after the end of each quarter, to be used for the purposes set forth in sections 26-1-301 to 26-1-310, C.R.S.

(III) An additional ~~ten~~ FIFTEEN dollars shall be assessed for a violation of a traffic regulation under sub-subparagraph (C) of subparagraph (I) of paragraph (a) of this subsection (4) for a violation of section 42-4-109 (13) (b), in addition to the penalties stated in SAID sub-subparagraph (C). An additional ~~ten~~ FIFTEEN dollars shall be assessed for a motorcycle violation under sub-subparagraph (O) of subparagraph (I) of paragraph (a) of this subsection (4) for a violation of section 42-4-1502 (4.5), in addition to the penalties stated in SAID sub-subparagraph (O). Moneys collected pursuant to this subparagraph (III) shall be transmitted to the state treasurer, who shall deposit the moneys in the Colorado traumatic brain injury trust fund created pursuant to section 26-1-309, C.R.S., to be used for the purposes set forth in sections 26-1-301 to 26-1-310, C.R.S.

**SECTION 4. Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of any moneys in the Colorado traumatic brain injury trust fund created in section 26-1-309, Colorado Revised Statutes, not otherwise appropriated, to the department of human services, for allocation to services for people with disabilities, division of vocational rehabilitation, for the fiscal year beginning July 1, 2009, the sum of seven hundred thirty thousand five hundred twenty-five dollars (\$730,525) cash funds, or so much thereof as may be necessary, to implement the Colorado traumatic brain injury program, as described in part 3 of article 1 of title 26, Colorado Revised Statutes.

**SECTION 5. Act subject to petition - effective date.** 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 5, 2009, if adjournment sine die is on May 6, 2009); 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.

Approved: June 2, 2009