

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 26-0434.02 Ken Fowler x2372

SENATE BILL 26-035

SENATE SPONSORSHIP

Roberts,

HOUSE SPONSORSHIP

(None),

Senate Committees

Transportation & Energy
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING AN INCREASE OF TRAFFIC VIOLATION PENALTIES, AND, IN**
102 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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://leg.colorado.gov>.)

The bill increases the penalties for illegally overtaking a vehicle on the left in a no-passing zone and clarifies that no-passing zones are indicated by a solid yellow line or line pavement markings. The bill requires the Colorado department of transportation to prioritize installing signage on roadways with increased incidents of illegal overtaking on the left.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.*

The bill increases the penalties for multiple speeding violations within a one-year, 2-year, or 5-year period. The bill requires that drivers who have multiple speeding violations within a one-year, 2-year, or 5-year period receive a summons and complaint upon committing their violation instead of a penalty assessment notice.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) Colorado has experienced a concerning rise in deadly traffic
5 collisions in recent years, including multiple head-on and other fatal
6 crashes on rural highways and across the state that have claimed
7 numerous lives;

8 (b) Official data from the Colorado department of transportation
9 and Colorado state patrol indicate that speeding remains a leading factor
10 in traffic fatalities, contributing to hundreds of deaths annually and
11 representing a substantial proportion of all motor vehicle fatalities in the
12 state;

13 (c) Aggressive driving behaviors, such as illegally overtaking a
14 vehicle on the left in no-passing zones, and repeated excessive speeding
15 violations significantly increase the risk of serious injury and death on
16 Colorado roadways and undermine efforts to protect all road users;

17 (d) There is demonstrated need to clarify existing statutory
18 definitions of no-passing zones, including that they are indicated by solid
19 yellow line or line pavement markings, and to strengthen enforcement and
20 penalties to deter these dangerous behaviors; and

21 (e) Prioritizing the installation of appropriate warning and
22 regulatory signage on roadways with elevated incident rates of illegal
23 passing and other hazardous driving behaviors, as well as ensuring that

1 drivers with multiple repeated violations face more stringent procedural
2 and penalty consequences, will enhance public safety and help reduce
3 preventable traffic crashes and fatalities throughout Colorado.

4 **SECTION 2.** In Colorado Revised Statutes, 42-2-127, **amend**
5 (5)(i) as follows:

6 **42-2-127. Authority to suspend license - to deny license - type**
7 **of conviction - points.**

8 (5) Point system schedule:

9 Type of conviction	Points
10 (i) Improper passing	4 8

11 **SECTION 3.** In Colorado Revised Statutes, 42-4-1005, **amend**
12 (3) and (5); and **add** (3.5) as follows:

13 **42-4-1005. Limitations on overtaking on the left.**

14 (3) The department of transportation and local authorities are
15 authorized to determine those portions of any highway under their
16 respective jurisdictions where overtaking and passing or driving on the
17 left side of the roadway would be especially hazardous and may, by
18 appropriate signs or THE BEGINNING AND END OF SOLID YELLOW LINE
19 PAVEMENT OR LINE PAVEMENT markings on the roadway, indicate the
20 beginning and end of ~~such~~ THE zones. Where ~~such~~ signs or SOLID YELLOW
21 LINE OR LINE PAVEMENT markings are in place to define a no-passing zone
22 and ~~such~~ THE signs or markings are clearly visible to an ordinarily
23 observant person, ~~no~~ A driver shall NOT drive on the left side of the
24 roadway within ~~such~~ THE no-passing zone or on the left side of any
25 pavement striping designed to mark ~~such~~ THE no-passing zone throughout
26 its length.

27 (3.5) WITHIN EXISTING RESOURCES, THE DEPARTMENT OF

1 TRANSPORTATION SHALL PRIORITIZE INSTALLING SIGNAGE ON ROADWAYS
2 WITH INCREASED CRASHES RESULTING FROM INCIDENTS OF ILLEGAL
3 OVERTAKING ON THE LEFT IN NO-PASSING ZONES. INCREASED CRASHES
4 RESULTING FROM INCIDENTS OF ILLEGAL OVERTAKING ON THE LEFT ARE
5 MEASURED AS AN INCREASE OF CRASHES RESULTING FROM INCIDENTS OF
6 ILLEGAL OVERTAKING ON THE LEFT IN NO-PASSING ZONES OVER THE
7 PREVIOUS YEAR'S NUMBER OF CRASHES AS REPORTED BY THE STATEWIDE
8 CRASH DATA LISTING MAINTAINED BY THE DEPARTMENT OF
9 TRANSPORTATION, AS REQUIRED BY 23 U.S.C. SEC. 148 AND 23 U.S.C.
10 SEC. 405.

11 (5) ~~Any~~ A person who violates any provision of this section
12 commits a class A traffic infraction. THE PENALTY IMPOSED PURSUANT TO
13 SECTION 42-4-1701 (4)(a)(I)(K) FOR A VIOLATION OF THIS SECTION IS
14 MANDATORY, AND THE COURT SHALL NOT SUSPEND ANY PORTION OF THE
15 PENALTY.

16 **SECTION 4.** In Colorado Revised Statutes, 42-4-1101, **add** (13)
17 and (14) as follows:

18 **42-4-1101. Speed limits - penalties.**

19 (13) THE DEPARTMENT SHALL ASSESS THE FOLLOWING PENALTY
20 FOR DRIVING IN EXCESS OF THE REASONABLE AND PRUDENT SPEED OR
21 DRIVING IN EXCESS OF THE MAXIMUM LAWFUL SPEED OF SEVENTY-FIVE
22 MILES PER HOUR:

23 (a) FOR A SECOND VIOLATION IN A TWELVE-MONTH PERIOD: TWO
24 POINTS IN ADDITION TO THE NUMBER OF POINTS DESCRIBED IN SECTION
25 42-2-127 (5)(f) FOR THE VIOLATION;

26 (b) FOR A THIRD OR SUBSEQUENT VIOLATION IN A
27 TWENTY-FOUR-MONTH PERIOD: FOUR POINTS IN ADDITION TO THE NUMBER

1 OF POINTS DESCRIBED IN SECTION 42-2-127 (5)(f) FOR THE VIOLATION;
2 AND

3 (c) FOR A FIFTH OR SUBSEQUENT VIOLATION IN A FIVE-YEAR
4 PERIOD: EIGHT POINTS IN ADDITION TO THE NUMBER OF POINTS DESCRIBED
5 IN SECTION 42-2-127 (5)(f) FOR THE VIOLATION.

6 (14) THE DEPARTMENT SHALL ASSESS FOUR POINTS IN ADDITION TO
7 THE NUMBER OF POINTS DESCRIBED IN SECTION 42-2-127 (5)(f) FOR
8 DRIVING ONE HUNDRED MILES PER HOUR OR GREATER.

9 **SECTION 5.** In Colorado Revised Statutes, 42-4-1701, **amend**
10 (5)(c)(I) introductory portion, and (5)(c)(I)(D); and **add** (5)(c)(I)(E) as
11 follows:

12 **42-4-1701. Traffic offenses and infractions classified -**
13 **penalties - penalty and surcharge schedule - repeal.**

14 (5) (c) (I) The penalty and surcharge schedules of subsection (4)
15 of this section and the penalty assessment notice provisions of ~~paragraphs~~
16 ~~(a) and (b) of this subsection (5) shall~~ SUBSECTIONS (5)(a) AND (5)(b) OF
17 THIS SECTION DO NOT apply to violations constituting misdemeanors, petty
18 offenses, or misdemeanor traffic offenses not specified in ~~said~~ subsection
19 (4) of this section, nor ~~shall~~ DO they apply to the violations constituting
20 misdemeanors, petty offenses, misdemeanor traffic offenses, or traffic
21 infractions specified in ~~said~~ subsection (4) of this section when it appears
22 that:

23 (D) The defendant has, in the course of the same transaction,
24 violated one of the provisions of this title specified in the penalty and
25 surcharge schedules in subsection (4) of this section and has also violated
26 one or more provisions of this title not so specified, and the peace officer
27 charges such defendant with two or more violations, any one of which is

1 not specified in the penalty and surcharge schedules in subsection (4) of
2 this section; OR

3 (E) THE DEFENDANT IS SUBJECT TO THE PENALTIES SET FORTH IN
4 SECTION 42-4-1101 (13) FOR DRIVING IN EXCESS OF THE REASONABLE AND
5 PRUDENT SPEED OR DRIVING IN EXCESS OF THE MAXIMUM LAWFUL SPEED
6 OF SEVENTY-FIVE MILES PER HOUR MORE THAN ONCE IN A TWELVE-MONTH
7 PERIOD, MORE THAN TWICE IN A TWENTY-FOUR-MONTH PERIOD, OR MORE
8 THAN FOUR TIMES IN A FIVE-YEAR PERIOD.

9 **SECTION 6. In Colorado Revised Statutes, 42-20-305, amend**
10 **(2) as follows:**

11 **42-20-305. Deviation from authorized route - penalty.**

12 **(2) Any person who transports hazardous materials by motor**
13 **vehicle in a manner inconsistent with the provisions of subsection (1) of**
14 **this section commits a misdemeanor traffic offense and shall be assessed**
15 **a penalty of ~~two hundred fifty~~ FIVE HUNDRED dollars for each separate**
16 **violation in accordance with the procedure set forth in section 42-20-105**
17 **(2). A person who commits a second or subsequent violation within a**
18 **twelve-month period of transporting hazardous materials by motor**
19 **vehicle in a manner inconsistent with the provisions of subsection (1) of**
20 **this section commits a misdemeanor traffic offense and shall be issued a**
21 **summons and complaint in accordance with the provisions of section**
22 **42-4-1707 (1), and, upon conviction thereof, shall be punished by a fine**
23 **of not less than ~~two hundred fifty~~ FIVE HUNDRED dollars nor more than**
24 **five hundred ONE THOUSAND dollars.**

25 **SECTION 7. Appropriation. (1) For the 2026-27 state fiscal**
26 **year, \$30,943 is appropriated to the department of revenue. This**
27 **appropriation is from the Colorado DRIVES vehicle services account in**

1 the highway users tax fund created in section 42-1-211 (2), C.R.S. To
2 implement this act, the department may use this appropriation as follows:

3 (a) \$22,880 for DRIVES maintenance and support;

4 (b) \$2,009 for use by the division of motor vehicles for personal
5 services related to driver services;

6 (c) \$2,706 for use by the executive director's office for personal
7 services related to administration and support; and

8 (d) \$3,348 for payments to OIT.

9 **SECTION 8. Act subject to petition - effective date -**
10 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
11 the expiration of the ninety-day period after final adjournment of the
12 general assembly (August 12, 2026, if adjournment sine die is on May 13,
13 2026); except that, if a referendum petition is filed pursuant to section 1
14 (3) of article V of the state constitution against this act or an item, section,
15 or part of this act within such period, then the act, item, section, or part
16 will not take effect unless approved by the people at the general election
17 to be held in November 2026 and, in such case, will take effect on the
18 date of the official declaration of the vote thereon by the governor.

19 (2) This act applies to traffic infractions committed on or after the
20 applicable effective date of this act.