

CHAPTER 178

MOTOR VEHICLES AND TRAFFIC REGULATION

SENATE BILL 26-035

BY SENATOR(S) Roberts, Bridges, Carson, Hinrichsen, Kipp, Liston, Pelton R., Snyder, Coleman;
also REPRESENTATIVE(S) Clifford, Duran, McCluskie.**AN ACT****CONCERNING AN INCREASE OF TRAFFIC VIOLATION PENALTIES, AND, IN CONNECTION THEREWITH,
MAKING AN APPROPRIATION.***Be it enacted by the General Assembly of the State of Colorado:***SECTION 1. Legislative declaration.** (1) The general assembly finds and declares that:

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

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

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

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

(e) Prioritizing the installation of appropriate warning and regulatory signage on roadways with elevated incident rates of illegal passing and other hazardous driving

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

behaviors, as well as ensuring that drivers with multiple repeated violations face more stringent procedural and penalty consequences, will enhance public safety and help reduce preventable traffic crashes and fatalities throughout Colorado.

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

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

(5) Point system schedule:

Type of conviction	Points
(i.5) IMPROPER PASSING IN A NO-PASSING ZONE	6

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

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

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

(3.5) WITHIN EXISTING RESOURCES, THE DEPARTMENT OF TRANSPORTATION SHALL PRIORITIZE INSTALLING SIGNAGE ON ROADWAYS WITH INCREASED CRASHES RESULTING FROM INCIDENTS OF ILLEGAL OVERTAKING ON THE LEFT IN NO-PASSING ZONES. INCREASED CRASHES RESULTING FROM INCIDENTS OF ILLEGAL OVERTAKING ON THE LEFT ARE MEASURED AS AN INCREASE OF CRASHES RESULTING FROM INCIDENTS OF ILLEGAL OVERTAKING ON THE LEFT IN NO-PASSING ZONES OVER THE PREVIOUS YEAR'S NUMBER OF CRASHES AS REPORTED BY THE STATEWIDE CRASH DATA LISTING MAINTAINED BY THE DEPARTMENT OF TRANSPORTATION, AS REQUIRED BY 23 U.S.C. SEC. 148 AND 23 U.S.C. SEC. 405.

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

42-4-1101. Speed limits - penalties.

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

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

(b) FOR A THIRD OR SUBSEQUENT VIOLATION IN A TWENTY-FOUR-MONTH PERIOD: FOUR POINTS IN ADDITION TO THE NUMBER OF POINTS DESCRIBED IN SECTION 42-2-127 (5)(f) FOR THE VIOLATION; AND

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

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

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

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

(5) (c) (I) The penalty and surcharge schedules of subsection (4) of this section and the penalty assessment notice provisions of ~~paragraphs (a) and (b) of this subsection (5) shall~~ SUBSECTIONS (5)(a) AND (5)(b) OF THIS SECTION DO NOT APPLY TO VIOLATIONS CONSTITUTING MISDEMEANORS, PETTY OFFENSES, OR MISDEMEANOR TRAFFIC OFFENSES NOT SPECIFIED IN SAID SUBSECTION (4) OF THIS SECTION, NOR ~~shall~~ DO THEY APPLY TO THE VIOLATIONS CONSTITUTING MISDEMEANORS, PETTY OFFENSES, MISDEMEANOR TRAFFIC OFFENSES, OR TRAFFIC INFRACTIONS SPECIFIED IN SAID SUBSECTION (4) OF THIS SECTION WHEN IT APPEARS THAT:

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

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

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

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

(2) Any person who transports hazardous materials by motor vehicle in a manner inconsistent with the provisions of subsection (1) of this section commits a

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

SECTION 7. Appropriation. (1) For the 2026-27 state fiscal year, \$30,943 is appropriated to the department of revenue. This appropriation is from the Colorado DRIVES vehicle services account in the highway users tax fund created in section 42-1-211 (2), C.R.S. To implement this act, the department may use this appropriation as follows:

- (a) \$22,880 for DRIVES maintenance and support;
- (b) \$2,009 for use by the division of motor vehicles for personal services related to driver services;
- (c) \$2,706 for use by the executive director's office for personal services related to administration and support; and
- (d) \$3,348 for payments to OIT.

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

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

Approved: May 27, 2026