SENATE COMMITTEE OF REFERENCE REPORT

	February 27, 2020
	Chair of Committee Date
	Committee on <u>Transportation & Energy</u> .
	After consideration on the merits, the Committee recommends the following:
	<u>SB20-070</u> be amended as follows, and as so amended, be referred to the Committee on <u>Finance</u> with favorable recommendation:
1	Amend printed bill, page 3, strike lines 12 through 27 and substitute:
2	"SECTION 2. In Colorado Revised Statutes, 42-1-217, amend
3	(1) introductory portion, (2), and (4)(a); and add (1.5) and (5) as follows:
4	42-1-217. Disposition of fines and surcharges. (1) All judges,
5	clerks of a court of record, or other officers imposing or receiving fines,
6	penalties, or forfeitures, except those moneys MONEY received pursuant
7	to sections 42-4-313 (3), 42-4-413, 42-4-1409, 42-4-1701 (4)(a)(I),
8	(4)(a)(IV), $(4)(a)(V)$, OR $(5)(a)$, 42-8-105, and 42-8-106, collected
9	pursuant to or as a result of a conviction of any persons for a violation of
10	articles 1 to 4 (except part 3 of article 2) of this title TITLE 42, shall
11	transmit, within ten days after the date of receipt of any such fine, penalty,
12	or forfeiture, all such moneys MONEY so collected in the following
13	manner:
14	(1.5) WHEN MONEY IS COLLECTED PURSUANT TO SECTION
15	42-4-1701 (4)(a)(I), (4)(a)(IV), OR (4)(a)(V):
16	(a) A PERSON WHO COLLECTS THE FINE, PENALTY, OR FORFEITURE
17 18	THAT IS THIRTY DOLLARS OR LESS SHALL TRANSMIT FIFTY PERCENT OF THE
19	MONEY COLLECTED TO THE CHIEF FINANCIAL OFFICER OF THE COUNTY IN WHICH THE VIOLATION OCCURRED AND DISTRIBUTE THE REMAINDER
20	PURSUANT TO SUBSECTION (1) OF THIS SECTION;
21	(b) A PERSON WHO COLLECTS THE FINE, PENALTY, OR FORFEITURE
22	THAT IS MORE THAN THIRTY DOLLARS BUT LESS THAN ONE HUNDRED
23	DOLLARS SHALL TRANSMIT TWENTY PERCENT OF THE MONEY COLLECTED
24	TO THE CHIEF FINANCIAL OFFICER OF THE COUNTY IN WHICH THE

VIOLATION OCCURRED AND DISTRIBUTE THE REMAINDER PURSUANT TO SUBSECTION (1) OF THIS SECTION; AND

- (c) A PERSON WHO COLLECTS THE FINE, PENALTY, OR FORFEITURE THAT IS OVER ONE HUNDRED DOLLARS SHALL DISTRIBUTE THE MONEY PURSUANT TO SUBSECTION (1) OF THIS SECTION.
- (2) (a) Except for the first fifty cents of any penalty for a traffic infraction, which shall be retained by the department and used SHALL RETAIN AND USE for administrative purposes, moneys THE DEPARTMENT SHALL TRANSMIT THE MONEY collected by the department pursuant to section 42-4-1701 (5)(a) shall be transmitted to the state treasurer, who shall credit the same to the highway users tax fund for allocation and expenditure as specified in section 43-4-205 (5.5)(a); C.R.S.; except that:
- (I) moneys MONEY collected pursuant to section 42-4-1701 (5)(a) for a violation of section 42-4-237 shall be allocated pursuant to paragraph (e) of subsection (1) SUBSECTION (1)(e) of this section; AND
- (II) If the penalty is specified in Section 42-4-1701 (4)(a)(I), (4)(a)(IV), or (4)(a)(V) and the amount collected is less than one hundred dollars, the department shall transmit the money collected pursuant to Section 42-4-1701 (5)(a) as follows:
- (A) FOR AN OFFENSE FOR WHICH THE PENALTY IS THIRTY DOLLARS OR LESS, FIFTY PERCENT OF THE MONEY COLLECTED TO THE CHIEF FINANCIAL OFFICER OF THE COUNTY IN WHICH THE VIOLATION OCCURRED AND THE REMAINING FIFTY PERCENT OF THE MONEY TO THE STATE TREASURER; AND
- (B) FOR AN OFFENSE FOR WHICH THE PENALTY IS MORE THAN THIRTY DOLLARS BUT LESS THAN ONE HUNDRED DOLLARS, TWENTY PERCENT OF THE MONEY COLLECTED TO THE CHIEF FINANCIAL OFFICER OF THE COUNTY IN WHICH THE VIOLATION OCCURRED AND THE REMAINING EIGHTY PERCENT OF THE MONEY TO THE STATE TREASURER.
- (b) The STATE TREASURER SHALL CREDIT ANY MONEY TRANSFERRED TO THE STATE TREASURER PURSUANT TO THIS SUBSECTION (2) TO THE HIGHWAY USERS TAX FUND FOR ALLOCATION AND EXPENDITURE AS SPECIFIED IN SECTION 43-4-205 (5.5)(a); EXCEPT THAT MONEY COLLECTED PURSUANT TO SECTION 42-4-1701 (5)(a) FOR A VIOLATION OF SECTION 42-4-237 SHALL BE ALLOCATED PURSUANT TO SUBSECTION (1)(e) OF THIS SECTION.
- (4) (a) All moneys MONEY collected by the department as surcharges on penalty assessments issued for violations of a class A or a class B traffic infraction or a class 1 or a class 2 misdemeanor traffic offense, pursuant to section 42-4-1701, shall be transmitted to the court administrator of the judicial district in which the offense or infraction was

committed and credited fifty percent to the victims and witnesses assistance and law enforcement fund established in that judicial district and fifty percent to the crime victim compensation fund established in that judicial district. The Department shall report to the court administrator of each judicial district the number of offenses and infractions committed for which a surcharge was collected and credited to the district's victims and witnesses assistance and law enforcement fund.

(5) A COUNTY THAT RECEIVES FUNDS PURSUANT TO THIS SECTION SHALL USE THOSE FUNDS FOR TRAFFIC SAFETY IMPROVEMENTS, TRAFFIC ENFORCEMENT, PROSECUTION OF TRAFFIC VIOLATIONS, OR ANY OTHER USE CONSISTENT WITH SECTION 18 OF ARTICLE X OF THE STATE CONSTITUTION.

SECTION 3. In Colorado Revised Statutes, 42-2-101, **amend** (10) as follows:

42-2-101. Licenses for drivers required. (10) Any person who violates any provision of subsection (1) or (4) of this section is guilty of a class 2 misdemeanor traffic offense CLASS A TRAFFIC INFRACTION. Any person who violates any provision of subsection (2), (3), or (5) of this section commits a class B traffic infraction.

SECTION 4. In Colorado Revised Statutes, 42-2-138, **amend** (1)(a) and (3); **repeal** (1)(b); and **add** (1)(a.5) as follows:

- **42-2-138. Driving under restraint penalty.** (1) (a) Except as provided in subsection (1.5) of this section, any person who drives a motor vehicle or off-highway vehicle upon any highway of this state with knowledge that the person's license or privilege to drive, either as a resident or a nonresident, is under restraint for any reason other than conviction of DUI, DUI per se, DWAI, or UDD is, EXCEPT AS PROVIDED IN SUBSECTION (1)(a.5) OF THIS SECTION, guilty of a misdemeanor. A court may sentence a person convicted of this misdemeanor to imprisonment in the county jail for a period of not more than six months and may impose a fine of not more than five hundred dollars CLASS A TRAFFIC INFRACTION.
- (a.5) A SECOND OR SUBSEQUENT CONVICTION FOR A VIOLATION OF SUBSECTION (1)(a) OF THIS SECTION WITHIN FIVE YEARS OF A PRIOR CONVICTION IS A CLASS 2 MISDEMEANOR TRAFFIC OFFENSE.
- (b) Upon a second or subsequent conviction under paragraph (a) of this subsection (1) within five years after the first conviction thereunder, in addition to any penalty imposed pursuant to said paragraph (a) of this subsection (1), except as may be permitted by section 42-2-132.5, the defendant shall not be eligible to be issued a driver's or minor driver's license or extended any driving privilege in this state for

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a period of three years after such second or subsequent conviction.

(3) The department, upon receiving a record of conviction or accident report of any person for an offense committed while operating a motor vehicle, shall immediately examine its files to determine if the license or operating privilege of such person has been restrained. If it appears that said offense was committed while the license or operating privilege of such person was restrained for a reason other than an outstanding judgment, except as permitted by section 42-2-132.5, the department shall not issue a new license or grant any driving privileges for an additional period of one year after the date such person would otherwise have been entitled to apply for a new license or for reinstatement of a suspended license and shall notify the district attorney in the county where such violation occurred and request prosecution of such person under subsection (1) of this section. IF IT APPEARS THAT SAID OFFENSE WAS COMMITTED WHILE THE LICENSE OR OPERATING PRIVILEGE OF SUCH PERSON WAS RESTRAINED SOLELY OR PARTIALLY BECAUSE OF A CONVICTION OF DUI, DUI PER SE, DWAI, OR UDD, AS DESCRIBED IN SUBSECTION (1)(d) OF THIS SECTION, OR IS RESTRAINED IN ANOTHER STATE SOLELY OR PARTIALLY BECAUSE OF AN IMPAIRED DRIVING OFFENSE, THE DEPARTMENT SHALL NOT ISSUE A NEW LICENSE OR GRANT ANY DRIVING PRIVILEGES FOR AN ADDITIONAL PERIOD OF ONE YEAR AFTER THE DATE SUCH PERSON WOULD OTHERWISE HAVE BEEN ENTITLED TO APPLY FOR A NEW LICENSE OR FOR REINSTATEMENT OF A SUSPENDED LICENSE.

SECTION 5. In Colorado Revised Statutes, **amend** 42-2-203 as follows:

42-2-203. Authority to revoke license of habitual offender.

- (1) The department shall immediately revoke the license of any person whose record brings such person within the definition of an habitual offender in section 42-2-202. The procedure specified in section 42-2-125 (3) and (4) shall be employed for the revocation.
- (2) SUBSECTION (1) OF THIS SECTION DOES NOT APPLY TO A PERSON WHO IS AN HABITUAL OFFENDER SOLELY BECAUSE THE PERSON HAS THREE OR MORE CONVICTIONS WITHIN A PERIOD OF SEVEN YEARS FOR VIOLATING SECTION 42-2-138 (1)(a), DRIVING A MOTOR VEHICLE UPON A HIGHWAY WHILE SUCH PERSON'S LICENSE OR PRIVILEGE TO DRIVE IS UNDER RESTRAINT FOR ANY REASON OTHER THAN AN OUTSTANDING JUDGMENT OR CONVICTION OF DUI, DUI PER SE, DWAI, OR UDD.

SECTION 6. In Colorado Revised Statutes, 42-2-205, **add** (2) as follows:

42-2-205. Prohibition. (2) SUBSECTION (1) OF THIS SECTION DOES NOT APPLY TO A PERSON WHO IS AN HABITUAL OFFENDER SOLELY BECAUSE

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THE PERSON HAS THREE OR MORE CONVICTIONS WITHIN A PERIOD OF SEVEN YEARS FOR VIOLATING SECTION 42-2-138 (1)(a), DRIVING A MOTOR VEHICLE UPON A HIGHWAY WHILE SUCH PERSON'S LICENSE OR PRIVILEGE TO DRIVE IS UNDER RESTRAINT FOR ANY REASON OTHER THAN AN OUTSTANDING JUDGMENT OR CONVICTION OF DUI, DUI PER SE, DWAI, OR UDD.

SECTION 7. In Colorado Revised Statutes, 42-4-1409, **amend** (4)(a) and (4)(b) as follows:

42-4-1409. Compulsory insurance - penalty - legislative intent. (4) (a) Any person who violates the provisions of subsection (1), (2), or (3) of this section commits a CLASS A TRAFFIC INFRACTION; EXCEPT THAT A SECOND OR SUBSEQUENT VIOLATION WITHIN A PERIOD OF FIVE YEARS FOLLOWING A PRIOR CONVICTION PURSUANT TO THIS SECTION IS A class 1 misdemeanor traffic offense. The minimum fine imposed by section 42-4-1701 (3)(a)(II)(A) shall be mandatory, and the defendant shall be punished by a minimum mandatory fine of not less than UPON A FIRST CONVICTION PURSUANT TO THIS SECTION, THE COURT SHALL IMPOSE A FINE OF five hundred dollars; EXCEPT THAT the court may suspend up to one half of the fine upon a showing that appropriate insurance as required pursuant to section 10-4-619 or 10-4-624 C.R.S., has been obtained. Nothing in this paragraph (a) shall be construed to prevent the court from imposing a fine greater than the minimum mandatory fine. ADDITIONALLY, THE COURT MAY SUSPEND THE FINE, OR A PORTION OF THE FINE, IF THE DEFENDANT IS INDIGENT AND THE COURT FINDS THAT THERE IS NO REASONABLE LIKELIHOOD THAT THE DEFENDANT WILL BE ABLE TO PAY THE FINE WITHIN ONE HUNDRED EIGHTY DAYS.

(b) Upon a second or subsequent conviction under PURSUANT TO this section, within a period of five years following a prior conviction under PURSUANT TO this section, in addition to any imprisonment imposed pursuant to section 42-4-1701 (3)(a)(II)(A), the defendant shall be punished by COURT SHALL IMPOSE a minimum mandatory fine of not less than one thousand dollars. and the court shall not suspend such minimum fine. The court or the court collections' investigator may establish a payment schedule for a person convicted of the provisions of subsection (1), (2), or (3) of this section, and the provisions of section 16-11-101.6 C.R.S., shall apply. The court may suspend up to one half of the fine upon a showing that appropriate insurance as required pursuant to section 10-4-619 or 10-4-624 C.R.S., has been obtained. ADDITIONALLY, THE COURT MAY SUSPEND THE FINE, OR A PORTION OF THE FINE, IF THE DEFENDANT IS INDIGENT AND THE COURT FINDS THAT THERE IS NO REASONABLE LIKELIHOOD THAT THE DEFENDANT WILL BE ABLE TO PAY

THE FINE WITHIN ONE HUNDRED EIGHTY DAYS.

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SECTION 8. In Colorado Revised Statutes, 42-4-1701, **amend** (3)(a)(I), (4)(a)(I), (4)(a)(IV)(A), and (4)(a)(V) as follows:

42-4-1701. Traffic offenses and infractions classified - penalties - penalty and surcharge schedule - repeal. (3) (a) (I) Except as provided in subsections (4) and (5) of this section or the section creating the infraction, traffic infractions are divided into two classes which shall be THAT ARE subject to the following penalties which THAT are authorized upon entry of judgment against the defendant:

10	Class	Minimum	Maximum
11		Penalty	Penalty
12	A	\$15 penalty	\$100 \$200 penalty
13	В	\$15 penalty	\$100 \$200 penalty

(4) (a) (I) Except as provided in subsection (5)(c) of this section, every person who is convicted of, who admits liability for, or against whom a judgment is entered for a violation of this title 42 to which subsection (5)(a) or (5)(b) of this section applies shall be fined or penalized and have a surcharge levied in accordance with sections 24-4.1-119(1)(f) and 24-4.2-104(1)(b)(I), in accordance with the penalty and surcharge schedule set forth in subsections (4)(a)(I)(A) to (4)(a)(I)(P)of this section; or, if no penalty or surcharge is specified in the schedule, the penalty for class A and class B traffic infractions is fifteen THIRTY dollars, and the surcharge is four EIGHT dollars. These penalties and surcharges apply whether the defendant acknowledges the defendant's guilt or liability in accordance with the procedure set forth by subsection (5)(a) of this section, 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 are as follows:

30	Section Violated	Penalty	Surcharge
31	(A) Drivers' license	violations:	
32	42-2-101 (1) or (4)	\$ 35.00 45.50	\$ 10.00 14.00
33	42-2-101 (2), (3), or (5)	15.00 30.00	6.00 10.00
34	42-2-103	15.00 30.00	6.00 10.00
35	42-2-105	70.00 91.00	10.00 14.00
36	42-2-105.5 (4)	65.00 8 4.50	10.00 14.00
37	42-2-106	70.00 91.00	10.00 14.00
38	42-2-116 (6)(a)	30.00 39.00	6.00 10.00
39	42-2-119	15.00 30.00	6.00 10.00
40	42-2-134	35.00 45.50	10.00 14.00
41	42-2-136	35.00 45.50	10.00 14.00

1	42-2-139	35.00 45.50	10.00 14.00
2	42-2-139	35.00 45.50 35.00 45.50	10.00 14.00 10.00 14.00
3	42-2-141	35.00 45.50 35.00 45.50	10.00 14.00
4		and taxation violations:	10.00 14.00
5	42-3-103	\$ 50.00 65.00	\$ 16.00 20.00
6	42-3-113	15.00 30.00	6.00 10.00
7	42-3-202	15.00 30.00	6.00 10.00
8	42-3-116	50.00 65.00	16.00 20.00
9	42-3-121 (1)(a)	75.00 97.50	24.00 30.00
10	42-3-121 (1)(c)	35.00 45.50	10.00 14.00
11	42-3-121 (1)(f), (1)(g),		
12	and (1)(h)	75.00 97.50	24.00 30.00
13	42-3-304 to 42-3-306	50.00 65.00	16.00 20.00
14	(C) Traffic regul	lation generally:	
15	42-4-1412	\$ 15.00 30.00	\$ 6.00 10.00
16	42-4-109 (13)(a)	15.00 30.00	6.00 10.00
17	42-4-109 (13)(b)	100.00	15.00 19.00
18	42-4-1211	30.00 39.00	6.00 10.00
19	42-4-1405	15.00 30.00	6.00 10.00
20	(D) Equipment v	violations:	
21	42-4-201	\$ 35.00 45.50	\$ 10.00 14.00
22	42-4-202	35.00 45.50	10.00 14.00
23	42-4-204	15.00 30.00	6.00 10.00
24	42-4-205	15.00 30.00	6.00 10.00
25	42-4-206	15.00 30.00	6.00 10.00
26	42-4-207	15.00 30.00	6.00 10.00
27	42-4-208	15.00 30.00	6.00 10.00
28	42-4-209	15.00 30.00	6.00 10.00
29	42-4-210	15.00 30.00	6.00 10.00
30	42-4-211	15.00 30.00	6.00 10.00
31	42-4-212	15.00 30.00	6.00 10.00
32	42-4-213	15.00 30.00	6.00 10.00
33	42-4-214	15.00 30.00	6.00 10.00
34	42-4-215	15.00 30.00	6.00 10.00
35	42-4-216	15.00 30.00	6.00 10.00
36	42-4-217	15.00 30.00	6.00 10.00
37	42-4-218	15.00 30.00	6.00 10.00
38	42-4-219	15.00 30.00	6.00 10.00
39	42-4-220	15.00 30.00	6.00 10.00
40	42-4-221	15.00 30.00	6.00 10.00
41	42-4-222 (1)	15.00 30.00	6.00 10.00

1	42-4-223	15.00 30.00	6.00 10.00
2	42-4-224	15.00 30.00	6.00 10.00
3	42-4-225 (1)	15.00 30.00	6.00 10.00
4	42-4-226	15.00 30.00	6.00 10.00
5	42-4-227 (1)	50.00 65.00	16.00 20.00
6	42-4-227 (2)	15.00 30.00	6.00 10.00
7	42-4-228 (1), (2), (3),		
8	(5), or (6)	15.00 30.00	6.00 10.00
9	42-4-229	15.00 30.00	6.00 10.00
10	42-4-230	15.00 30.00	6.00 10.00
11	42-4-231	15.00 30.00	6.00 10.00
12	42-4-232	15.00 30.00	6.00 10.00
13	42-4-233	75.00 97.50	24.00 30.00
14	42-4-234	15.00 30.00	6.00 10.00
15	42-4-235	50.00 65.00	16.00 20.00
16	42-4-236	65.00 8 4.50	16.00 20.00
17	42-4-237	65.00 8 4.50	6.00 10.00
18	42-4-1411	15.00 30.00	6.00 10.00
19	42-4-1412	15.00 30.00	6.00 10.00
20	42-4-1901	35.00 45.50	10.00 14.00
21	(E) Emissions inspec	tions:	
22	42-4-313 (3)(c)	\$ 50.00 65.00	\$ 16.00 20.00
23	42-4-313 (3)(d)	15.00 30.00	6.00 10.00
24	(F) Size, weight, and	load violations:	
25	42-4-502	\$ 75.00 97.50	\$ 24.00 30.00
26	42-4-503	15.00 30.00	6.00 10.00
27	42-4-504	75.00 97.50	24.00 30.00
28	42-4-505	75.00 97.50	24.00 30.00
29	42-4-506	15.00 30.00	6.00 10.00
30	42-4-509	50.00 65.00	16.00 20.00
31	42-4-510 (12)(a)	35.00 45.50	10.00 14.00
32	42-4-106 (1), (3), (4),		
33	(6), or (7)	35.00 45.50	10.00 14.00
34	42-4-106 (4.5)(b)(I)	1,000.00	156.00 162.00
35	42-4-106 (4.5)(b)(II)	1,500.00	156.00 162.00
36	42-4-106 (5)(a)(I)	100.00	32.00 38.00
37	42-4-106 (5)(a)(II)	500.00	156.00 162.00
38	42-4-106 (5)(a)(III)	500.00	78.00 84.00
39	42-4-106 (5)(a)(IV)	1,000.00	156.00 162.00
40	42-4-512	75.00 97.50	24.00 30.00
41	42-8-105 (1) to (5)	50.00 65.00	16.00 20.00

1	42-8-106	50.00 65.00	16.00 20.00
2	(G) Signals, s	igns, and markings violations:	
3	42-4-603	\$ 100.00	\$ 10.00 14.00
4	42-4-604	100.00	10.00 14.00
5	42-4-605	70.00 91.00	10.00 14.00
6	42-4-606	15.00 30.00	6.00 10.00
7	42-4-607 (1)	50.00 65.00	16.00 20.00
8	42-4-607 (2)(a)	100.00	32.00 38.00
9	42-4-608 (1)	70.00 91.00	6.00 10.00
10	42-4-608 (2)	15.00 30.00	6.00 10.00
11	42-4-609	15.00 30.00	6.00 10.00
12	42-4-610	15.00 30.00	6.00 10.00
13	42-4-612	70.00 91.00	10.00 14.00
14	42-4-613	35.00 45.50	10.00 14.00
15	(H) Rights-of	-way violations:	
16	42-4-701	\$ 70.00 91.00	\$ 10.00 14.00
17	42-4-702	70.00 91.00	10.00 14.00
18	42-4-703	70.00 91.00	10.00 14.00
19	42-4-704	70.00 91.00	10.00 14.00
20	42-4-705	70.00 91.00	10.00 14.00
21	42-4-706	70.00 91.00	10.00 14.00
22	42-4-707	70.00 91.00	10.00 14.00
23	42-4-708	70.00 91.00	10.00 14.00
24	42-4-709	70.00 91.00	10.00 14.00
25	42-4-710	70.00 91.00	10.00 14.00
26	42-4-711	100.00	10.00 14.00
27	42-4-712	70.00 91.00	10.00 14.00
28	(I) Pedestriar	ı violations:	
29	42-4-801	\$ 15.00 30.00	\$ 6.00 10.00
30	42-4-802 (1)	30.00 39.00	6.00 10.00
31	42-4-802 (3)	15.00 30.00	6.00 10.00
32	42-4-802 (4)	30.00 39.00	6.00 10.00
33	42-4-802 (5)	30.00 39.00	6.00 10.00
34	42-4-803	15.00 30.00	6.00 10.00
35	42-4-805	15.00 30.00	6.00 10.00
36	42-4-806	70.00 91.00	10.00 14.00
37	42-4-807	70.00 91.00	10.00 14.00
38	42-4-808	70.00 91.00	10.00 14.00
39	(J) Turning a	nd stopping violations:	
40	42-4-901	\$ 70.00 91.00	\$ 10.00 14.00
41	42-4-902	70.00 91.00	10.00 14.00

1	42-4-903	70.00 91.00	10.00 14.00
2	(K) Driving, overtaking, a		
3	42-4-1001	•	\$ 10.00 14.00
4	42-4-1002	100.00	10.00 14.00
5	42-4-1003	100.00	10.00 14.00
6	42-4-1004	100.00	10.00 14.00
7	42-4-1005	100.00	10.00 14.00
8	42-4-1006	70.00 91.00	10.00 14.00
9	42-4-1007	100.00	10.00 14.00
10	42-4-1008	100.00	10.00 14.00
11	42-4-1009	70.00 91.00	10.00 14.00
12	42-4-1010	70.00 91.00	10.00 14.00
13	42-4-1011	200.00	32.00 38.00
14	42-4-1012 (3)(a)	65.00 84.50	(NONE)
15	42-4-1012 (3)(b)	125.00	(NONE)
16	42-4-1013	100.00	(NONE)
17	(L) Speeding violations:		
18	42-4-1101 (1) or (8)(b) (1 to 4 mile	S	
19	per hour over the reasonable and		
20	prudent speed or over the maximun	1	
21	lawful speed limit of 75 miles		
22	per hour)	\$ 30.00 39.00	\$ 6.00 10.00
23	42-4-1101 (1) or (8)(b) (5 to 9 mile	S	
24	per hour over the reasonable and		
25	prudent speed or over the maximun	1	
26	lawful speed limit of 75 miles		
27	per hour)	70.00 91.00	10.00 14.00
28	42-4-1101 (1) or (8)(b) (10 to 19 m	iles	
29	per hour over the reasonable and		
30	prudent speed or over the maximun	1	
31	lawful speed limit of 75 miles		
32	per hour)	135.00	16.00 20.00
33	42-4-1101 (1) or (8)(b) (20 to 24 m	iles	
34	per hour over the reasonable and		
35	prudent speed or over the maximun	1	
36	lawful speed limit of 75 miles		
37	per hour)	200.00	32.00 38.00
38	42-4-1101 (8)(g) (1 to 4 miles per		
39	hour over the maximum lawful		
40	speed limit of 40 miles per hour		
41	driving a low-power scooter)	50.00 65.00	6.00 10.00

1	42-4-1101 (8)(g) (5 to 9 miles p	er	
2	hour over the maximum lawful		
3	speed limit of 40 miles per hour		
4	driving a low-power scooter)	75.00 97.50	10.00 14.00
5	42-4-1101 (8)(g) (greater than 9		
6	miles per hour over the maximum		
7	lawful speed limit of 40 miles po		1600000
8	hour driving a low-power scoote	· ·	16.00 20.00
9	42-4-1101 (3)	100.00	10.00 14.00
10	42-4-1103	50.00 65.00	6.00 10.00
11	42-4-1104	30.00 39.00	6.00 10.00
12	(M) Parking violations:		A C 00 10 00
13	42-4-1201	\$ 30.00 39.00	\$ 6.00 10.00
14	42-4-1202	30.00 39.00	6.00 10.00
15	42-4-1204	15.00 30.00	6.00 10.00
16	42-4-1205	15.00 30.00	6.00 10.00
17	42-4-1206	15.00 30.00	6.00 10.00
18	42-4-1207	15.00 30.00	6.00 10.00
19	42-4-1208 (3)(b), (3)(c),		
20	and (3)(d)	150.00	32.00 38.00
21	42-4-1213	150.00	32.00 38.00
22	(N) Other offenses:		
23	42-4-1301 (2)(d)	\$ 100.00	\$ 16.00 20.00
24	42-4-1305	50.00 65.00	16.00 20.00
25	42-4-1305.5 (2)	50.00 65.00	7.80 11.80
26	42-4-1402	150.00	16.00 20.00
27	42-4-1403	30.00 39.00	6.00 10.00
28	42-4-1404	15.00 30.00	6.00 10.00
29	42-4-1406	35.00 45.50	10.00 14.00
30	42-4-1407 (3)(a)	35.00 45.50	10.00 14.00
31	42-4-1407 (3)(b)	100.00	30.00 36.00
32	42-4-1407 (3)(c)	500.00	200.00 206.00
33	42-4-314 (1) and (2)	35.00 45.50	10.00 14.00
34	42-4-314 (6)(a)	100.00	10.00 14.00
35	42-4-1408	15.00 30.00	6.00 10.00
36	42-4-1414 (2)(a)	500.00	156.00 162.00
37	42-4-1414 (2)(b)	1,000.00	312.00 <i>318.00</i>
38	42-4-1414 (2)(c)	5,000.00	1,560.00 1,566.00
39	42-4-1416 (3)	75.00 97.50	4.00 8.00
40	42-20-109 (2)	250.00	66.00 72.00
41	(O) Motorcycle violatio	ons:	

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42-4-1502 (1), (2), (3),
 1
 2
                                               $ 30.00 39.00
      or (4)
                                                                        $ 6.00 10.00
 3
      42-4-1502 (4.5)
                                               100.00
                                                                         <del>15.00</del> 19.00
 4
      42-4-1503
                                                 <del>30.00</del> 39.00
                                                                          6.00 10.00
 5
      42-4-1504
                                                 <del>30.00</del> 39.00
                                                                          6.00 10.00
 6
              (P) Offenses by persons controlling vehicles:
 7
                                              $ <del>50.00</del> 65.00
      42-4-239 (5)(a)
                                                                        $ <del>6.00</del> 10.00
 8
                                                                          6.00 10.00
      42-4-239 (5)(b)
                                               100.00
 9
      42-4-239 (5.5)
                                               300.00
                                                                          6.00 10.00
10
      42-4-1704
                                                <del>15.00</del> 30.00
                                                                          6.00 10.00
11
```

(IV) (A) Any person convicted of violating section 42-3-114 who has not been convicted of a violation of section 42-3-114 in the twelve months preceding such conviction shall be fined as follows, whether the defendant acknowledges the defendant's guilt pursuant to the procedure set forth in paragraph (a) of subsection (5) SUBSECTION (5)(a) of this section or is found guilty by a court of competent jurisdiction:

Number of days beyond renewal

period that registration has

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19	been expired	Penalty	Surcharge
20	1 - 29	\$ 35.00 45.50	\$ 8.00 12.00
21	30 - 59	50.00 65.00	12.00 16.00
22	60 and over	75.00 97.50	18.00 22.00

(V) Any person convicted of violating section 42-20-204 (2) shall be fined twenty-five dollars THIRTY-TWO DOLLARS AND FIFTY CENTS, whether the violator acknowledges guilt pursuant to the procedure set forth in paragraph (a) of subsection (5) SUBSECTION (5)(a) of this section or is found guilty by a court of competent jurisdiction.

SECTION 9. In Colorado Revised Statutes, 42-4-239, **amend** (5) and (5.5)(a) as follows:

42-4-239. Misuse of a wireless telephone - definitions - penalty - preemption. (5) (a) A person who operates a motor vehicle in violation of subsection (2) of this section commits a class A traffic infraction as defined in section 42-4-1701 (3), and the court or the department of revenue shall assess a fine of fifty dollars IN THE AMOUNT SET FORTH IN SECTION 42-4-1701 (4)(a)(I)(P).

- (b) A second or subsequent violation of subsection (2) of this section is a class A traffic infraction as defined in section 42-4-1701 (3), and the court or the department of revenue shall assess a fine of one hundred dollars IN THE AMOUNT SET FORTH IN SECTION 42-4-1701 (4)(a)(I)(P).
- 41 (5.5) (a) Except as provided in subsections (5.5)(b) and (5.5)(c)

of this section, a person who operates a motor vehicle in violation of subsection (3) of this section commits a class 2 misdemeanor traffic offense, and the court or the department shall assess a fine of three hundred dollars IN THE AMOUNT SET FORTH IN SECTION 42-4-1701 (4)(a)(I)(P).

SECTION 10. In Colorado Revised Statutes, 42-4-313, **amend** (3)(c) and (3)(d) as follows:

- **42-4-313. Penalties.** (3) (c) Any vehicle owner who violates any provision of this section is guilty of a misdemeanor traffic offense and, upon conviction thereof, shall be punished by a fine of fifty dollars AS SET FORTH IN SECTION 42-4-1701 (4)(a)(I)(E), payable within thirty days after conviction.
- (d) Any nonowner driver who violates any provision of this section is guilty of a misdemeanor traffic offense and, upon conviction thereof, shall be punished by a fine of fifteen dollars AS SET FORTH IN SECTION 42-4-1701 (4)(a)(I)(E), payable within thirty days after conviction.

SECTION 11. In Colorado Revised Statutes, 42-4-314, **amend** (3) as follows:

- **42-4-314.** Automobile emissions control systems tampering operation of vehicle. (3) (a) A person who violates subsection (1) or (2) of this section commits a class A traffic infraction and shall be fined thirty-five dollars pursuant to section 42-4-1701 (4)(a)(I)(N). The department shall not assess any points under section 42-2-127 for a conviction pursuant to subsection (1) or (2) of this section.
- (b) A person who violates subsection (6) of this section commits a class A traffic infraction and shall be fined one hundred dollars pursuant to section 42-4-1701 (4)(a)(I)(N). The department shall not assess any points under section 42-2-127 for a conviction pursuant to subsection (6) of this section.

SECTION 12. In Colorado Revised Statutes, 42-4-1305, **amend** (2)(c) as follows:

42-4-1305. Open alcoholic beverage container - motor vehicle - prohibited. (2) (c) A person who violates the provisions of this subsection (2) commits a class A traffic infraction and shall be punished by a fine of fifty dollars and a surcharge of sixteen dollars as provided AS SET FORTH in section 42-4-1701 (4)(a)(I)(N).

SECTION 13. In Colorado Revised Statutes, 42-4-1305.5, **amend** (2)(c) as follows:

42-4-1305.5. Open marijuana container - motor vehicle - prohibited. (2) (c) A person who violates the provisions of this

subsection (2) commits a class A traffic infraction and shall be punished by a fine of fifty dollars and a surcharge of seven dollars and eighty cents as provided in this section and AS SET FORTH IN section 42-4-1701 (4)(a)(I)(N).

SECTION 14. In Colorado Revised Statutes, 42-4-1416, **amend** (3) as follows:

42-4-1416. Failure to present a valid transit pass or coupon fare inspector authorization - definitions. (3) A violation of this section is a class B traffic infraction and is punishable by a fine of seventy-five dollars AS SET FORTH IN SECTION 42-4-1701 (4)(a)(I)(N). Notwithstanding any other provision of law, fines for a violation of subsection (1) of this section shall be retained by the clerk of the court in the city and county of Denver upon receipt by the clerk for a violation occurring within that jurisdiction, or transmitted to the state judicial department if the fine is receipted by the clerk of the court of any other county.

SECTION 15. In Colorado Revised Statutes, 42-20-204, **amend** (2) as follows:

42-20-204. Permit violations - penalties. (2) Any person who has obtained an annual or a single trip hazardous materials transportation permit but fails to have a copy of said permit in the cab of the motor vehicle while transporting hazardous materials in, to, from, or through this state commits a class B traffic infraction and shall be assessed a penalty of twenty-five dollars IN THE AMOUNT SET FORTH IN, AND in accordance with the procedure set forth in, section 42-4-1701 (4)(a)(V); except that, if a peace officer, as described in section 16-2.5-101, C.R.S., or any other enforcement official may determine that the permit can be electronically verified at the time of contact, a copy of the permit need not be in the cab of the motor vehicle.

SECTION 16. In Colorado Revised Statutes, 24-4.2-105, **amend** (1) as follows:

24-4.2-105. Allocation of money from fund - application for grants - disbursements. (1) (a) Thirteen percent of the aggregate amount of the moneys MONEY in the fund, after payment of the expenses specified in section 24-4.2-103 (4), shall be deposited with the state treasurer to the credit of the fund created pursuant to section 24-33.5-506.

(b) The court administrator of the Judicial District shall distribute two dollars of each surcharge deposited into the fund to organizations described in section 13-90-107 (1)(k)(II) that provide victim's advocate services within the Judicial district. The board shall identify organizations eligible to

1 2

- 1 RECEIVE MONEY PURSUANT TO THIS SUBSECTION (1)(b). IF THE BOARD
- 2 IDENTIFIES MORE THAN ONE ELIGIBLE ORGANIZATION, THE COURT
- 3 ADMINISTRATOR SHALL DISTRIBUTE THE MONEY IN AN EQUAL AMOUNT TO
- 4 EACH ELIGIBLE ORGANIZATION.".
- 5 Strike pages 4 through 16.
- 6 Page 17, strike lines 1 through 10.
- 7 Renumber succeeding section accordingly.

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