

CHAPTER 91

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 93-1012

BY REPRESENTATIVES Faatz, Allen, Armstrong, Fleming, Foster, Kerns, Kreutz, Lyle, Martin, Pierson, Shoemaker, and Tanner;
also SENATORS Cassidy and Ruddick.

AN ACT**CONCERNING THE RECLASSIFICATION OF CERTAIN TRAFFIC OFFENSES AS TRAFFIC INFRACTIONS.**

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

SECTION 1. 43-6-204 (2), Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

43-6-204. 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 ~~misdemeanor traffic offense~~ CLASS B TRAFFIC INFRACTION and shall be assessed a penalty of twenty-five dollars in accordance with the procedure set forth in section ~~43-6-105 (2)~~ 42-4-1501 (3) (a) (V).

SECTION 2. 43-6-105 (2), Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

43-6-105. Enforcement. (2) Any enforcement official shall have the authority to issue penalty assessments for the misdemeanor traffic offenses specified in section 43-6-204 (1) ~~and (2)~~ and section 43-6-305 (2). At any time that a person is cited for a violation of any of the offenses specified, the person in charge of or operating the motor vehicle involved shall be given a notice in the form of a penalty assessment notice. Such notice shall be tendered by the enforcement official and shall contain the name and address of such person, the license number of the motor vehicle involved, if any, the number of such person's driver's license, the nature of the violation, the amount of the penalty prescribed for such violation, the date of the notice, a place for such person to execute a signed acknowledgment of his receipt of the penalty assessment notice, a place for such person to execute a signed

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

acknowledgment of guilt for the cited violation, and such other information as may be required by law to constitute such notice as a summons and complaint to appear in court should the prescribed penalty not be paid within twenty days. Every cited person shall execute the signed acknowledgment of his receipt of the penalty assessment notice. The acknowledgment of guilt shall be executed at the time the cited person pays the prescribed penalty. The person cited shall pay the specified penalty at the office of the department of revenue, either in person or by postmarking such payment within twenty days after the citation. The motor vehicle division of the department of revenue shall accept late payment of any penalty assessment up to twenty days after such payment becomes due. If the person cited does not pay the prescribed penalty within twenty days of the notice, the penalty assessment notice shall constitute a summons and complaint to appear in the county court of the county in which the penalty assessment was issued at a time and place specified by the notice, unless payment for such penalty assessment has been accepted by the motor vehicle division of the department of revenue as evidenced by receipt.

SECTION 3. 42-4-1501 (3) (a), Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

42-4-1501. Traffic offenses and infractions classified - penalties - penalty and surcharge schedule. (3) (a) (V) ANY PERSON CONVICTED OF VIOLATING SECTION 43-6-204 (2), C.R.S., SHALL BE FINED TWENTY-FIVE DOLLARS, WHETHER THE VIOLATOR ACKNOWLEDGES GUILT PURSUANT TO THE PROCEDURE SET FORTH IN PARAGRAPH (a) OF SUBSECTION (4) OF THIS SECTION OR IS FOUND GUILTY BY A COURT OF COMPETENT JURISDICTION.

SECTION 4. 42-3-122 (2) (c), Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

42-3-122. Violation of registration provisions - penalty. (2) (c) Any person who violates paragraph (f) of subsection (1) of this section commits a ~~class 1 misdemeanor or traffic offense~~ CLASS B TRAFFIC INFRACTION. In addition to the penalties prescribed for a violation of paragraph (f) of subsection (1) of this section, the department shall cancel the registration of any noncommercial or recreational vehicle which has been used to transport cargo or passengers for profit or hire or in any business or commercial enterprise.

SECTION 5. 42-3-114 (1) (a), Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

42-3-114. Expiration - temporary, new, and old plates - reflectorized plates. (1) (a) Every vehicle registration under this article shall expire on the last day of the month at the end of each twelve-month registration period and shall be renewed, upon application by the owner, the payment of the fees required by law, and in accordance with section 42-3-111 (2.5), not later than thirty days after the date of expiration. No license plates other than those of the registration period to which they pertain shall be displayed on a motor vehicle operated on the highways of Colorado. Any person who violates any provision of this paragraph (a), commits a ~~class 2 misdemeanor or traffic offense~~ CLASS B TRAFFIC INFRACTION.

SECTION 6. 42-4-402 (6), Colorado Revised Statutes, 1984 Repl. Vol., as

amended, is amended to read:

42-4-402. Width of vehicles. (6) Any person who violates any provision of this section commits a ~~class 2 misdemeanor traffic offense~~ CLASS B TRAFFIC INFRACTION.

SECTION 7. 42-4-403, Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

42-4-403. Projecting loads on passenger vehicles. No passenger-type vehicle, except a bicycle, shall be operated on any highway with any load carried thereon extending beyond the line of the fenders on the left side of such vehicle nor extending more than six inches beyond the line of the fenders on the right side thereof. Any person who violates any provision of this section commits a ~~class 2 misdemeanor traffic offense~~ CLASS B TRAFFIC INFRACTION.

SECTION 8. 42-4-404 (7), Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

42-4-404. Height and length of vehicles. (7) Any person who violates any provision of this section commits a ~~class 2 misdemeanor traffic offense~~ CLASS B TRAFFIC INFRACTION.

SECTION 9. 42-4-404.5, Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

42-4-404.5. Longer vehicle combinations. (5) ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION COMMITS A CLASS B INFRACTION.

SECTION 10. 42-4-405 (4), Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

42-4-405. Trailers and towed vehicles. (4) Any person who violates any provision of this section commits a ~~class 2 misdemeanor traffic offense~~ CLASS B TRAFFIC INFRACTION.

SECTION 11. 42-4-410 (8), Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

42-4-410. Who may restrict right to use highways. (8) Any person who violates any provision of this section commits a ~~class 2 misdemeanor traffic offense~~ CLASS B TRAFFIC INFRACTION.

SECTION 12. 42-4-411 (3), Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

42-4-411. Liability for damage to highway. (3) Any person who violates any provision of this section commits a ~~class 2 misdemeanor traffic offense~~ CLASS A TRAFFIC INFRACTION.

SECTION 13. 42-4-508, Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

42-4-508. Interference with official devices. No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down, remove, or interfere with the effective operation of any official traffic control device or any railroad sign or signal or any inscription, shield, or insignia thereon or any other part thereof. Any person who violates any provision of this section commits a ~~class 2 misdemeanor traffic offense~~ CLASS B TRAFFIC INFRACTION.

SECTION 14. 42-4-605, Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

42-4-605. Operation on approach of emergency vehicles. Upon the immediate approach of an authorized emergency vehicle making use of audible or visual signals meeting the requirements of section 42-4-212 or 42-4-219, the driver of every other vehicle shall yield the right-of-way and where possible shall immediately clear the farthest left-hand lane lawfully available to through traffic and shall drive to a position parallel to, and as close as possible to, the right-hand edge or curb of a roadway clear of any intersection and shall stop and remain in that position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. Any person who violates any provision of this section commits a ~~class 2 misdemeanor traffic offense~~ CLASS A TRAFFIC INFRACTION.

SECTION 15. 42-4-608 (6), Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

42-4-608. Certain vehicles must stop at railroad grade crossings. (6) Any person who violates any provision of this section commits a ~~class 2 misdemeanor traffic offense~~ CLASS A TRAFFIC INFRACTION.

SECTION 16. 42-4-709 (1), Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

42-4-709. Drivers and pedestrians to yield to handicapped person. (1) Any pedestrian or any driver of a vehicle who approaches a person who has an obviously apparent handicap of blindness, deafness, or mobility impairment shall immediately come to a full stop and take such precautions before proceeding as are necessary to avoid an accident or injury to said person. A handicap shall be deemed to be obviously apparent if, by way of example and without limitation, the person is using a cane or crutches, is assisted by a guide dog, service dog, or hearing dog, is being assisted by another person, is in a wheelchair, or is walking with an obvious physical impairment. Any person who violates any provision of this section commits a ~~class 2 misdemeanor traffic offense~~ CLASS A TRAFFIC INFRACTION.

SECTION 17. 42-4-908 (4), Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

42-4-908. Following too closely. (4) Any person who violates any provision of subsection (1) of this section commits a class 2 misdemeanor traffic offense, and any person who violates any provision of subsection (2) or (3) of this section commits a class A traffic infraction.

SECTION 18. 42-4-911 (3), Colorado Revised Statutes, 1984 Repl. Vol., as

amended, is amended to read:

42-4-911. Use of runaway vehicle ramps. (3) Any person who violates any provision of this section commits a ~~class 2 misdemeanor traffic offense~~ CLASS A TRAFFIC INFRACTION.

SECTION 19. 42-4-1210 (3), Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

42-4-1210. Automobile air pollution control systems - tampering - operation of vehicle - penalty. (3) Any person who violates any provision of this section commits a ~~class 2 misdemeanor traffic offense~~ CLASS A TRAFFIC INFRACTION. The department shall not assess any points under section 42-2-123 for a conviction pursuant to this section.

SECTION 20. 42-4-219 (1) and (2) (d), Colorado Revised Statutes, 1984 Repl. Vol., as amended, are amended to read:

42-4-219. Volunteer firemen - volunteer ambulance attendants - special lights and alarm systems. (1) All members of volunteer fire departments regularly attached to the fire departments organized within incorporated towns and cities and fire protection districts may have their private automobiles identified by red lights installed, two in number, in the front portion of said automobiles so that they can be readily seen by the public. Such lights may have a red glass lens with the word "Fire" across the face, and said word "Fire" shall be cast into the glass; or said automobiles may be equipped with a signal lamp or a combination of signal lamps capable of displaying flashing, oscillating, or rotating red or white lights, or a combination thereof, visible to the front and rear at five hundred feet in normal sunlight. Such signal lamp or combination of signal lamps may be mounted on the top of the automobile. Said automobiles may be equipped with audible signal systems such as sirens, whistles, or bells. Said lights, together with any signal systems authorized by this subsection (1), may be used only when a member of any such department is responding to or attending a fire alarm or other emergency. Neither such lights nor such signals shall be used for any other purpose than those set forth in this subsection (1). If used for any other purpose, such use shall constitute a violation of this subsection (1), and the violator commits a ~~class 3 misdemeanor and shall be punished as provided in section 18-1-106, C.R.S.~~ CLASS B TRAFFIC INFRACTION.

(2) (d) The lights and signals shall not be used for any other purpose than the one set forth in this subsection (2). If used for any other purpose, the violator is ~~guilty of a class 3 misdemeanor and, upon conviction thereof, shall be punished as provided in section 18-1-106, C.R.S.~~ COMMITS A CLASS B TRAFFIC INFRACTION.

SECTION 21. 42-4-1109 (4) and (5), Colorado Revised Statutes, 1984 Repl. Vol., as amended, are amended to read:

42-4-1109. Parking privileges for the handicapped. (4) Any person who is not a handicapped person and who exercises the privilege defined in subsection (3) of this section or who violates the provisions of subsection (3.7) of this section is ~~guilty of a class 2 petty offense and, upon conviction thereof, shall be punished by a fine of fifty dollars~~ COMMITS A CLASS B TRAFFIC INFRACTION. ~~The penalty assessment~~

~~procedure of section 16-2-201, C.R.S., is available for the payment of the fine imposed by this section.~~

(5) Any person who is not a handicapped person and who uses a license plate or placard issued to a handicapped person pursuant to subsection (2) of this section in order to receive the benefits or privileges available to a handicapped person under this section ~~is guilty of a class 2 petty offense and, upon conviction thereof, shall be punished by a fine of up to fifty dollars~~ COMMITS A CLASS B TRAFFIC INFRACTION.

SECTION 22. 42-4-1501 (3) (a) (I.1) (B), (3) (a) (I.1) (D), (3) (a) (I.1) (F), (3) (a) (I.1) (I), (3) (a) (I.1) (M), and (3) (a) (I.1) (N), Colorado Revised Statutes, 1984 Repl. Vol., as amended, are amended to read:

42-4-1501. Traffic offenses and infractions classified - penalties - penalty and surcharge schedule. (3) (a) (I.1) Except as provided in paragraph (c) of subsection (4) 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 (4) 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.1); or, if no penalty or surcharge is specified in the schedule, the penalty for a class A traffic infraction shall be ten dollars, the penalty for a class B traffic infraction shall be five dollars, and the surcharge shall be calculated pursuant to section 24-4.2-104 (1) (b) (I), C.R.S. These penalties and surcharges shall apply whether the defendant acknowledges his guilt or liability in accordance with the procedure set forth by paragraph (a) of subsection (4) of this section or is found guilty by a court of competent jurisdiction or has judgment entered against him by a county court magistrate. Penalties and surcharges for violating specific sections shall be as follows:

Section Violated	Penalty	Surcharge
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(B) Registration and taxation violations:

42-3-102	\$ 40.00	\$ 3.00
42-3-113	10.00	3.00
42-3-116	50.00	3.00
42-3-122 (1)(a)	150.00	56.00
42-3-122 (1)(c)	25.00	3.00
42-3-122 (1)(f)	75.00	3.00
42-3-123	20.00	3.00

(D) Equipment violations:

42-4-201	\$ 35.00	\$ 1.00
42-4-202	40.00	1.00
42-4-203	15.00	3.00
42-4-204	15.00	1.00
42-4-205	15.00	1.00
42-4-206	10.00	1.00

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42-4-207	15.00	1.00
42-4-208	15.00	1.00
42-4-209	15.00	1.00
42-4-210	15.00	1.00
42-4-211	10.00	1.00
42-4-212	15.00	1.00
42-4-212.5	15.00	1.00
42-4-213	15.00	1.00
42-4-214	10.00	1.00
42-4-215	15.00	1.00
42-4-216	10.00	1.00
42-4-217	10.00	1.00
42-4-218	15.00	1.00
42-4-218.5	15.00	1.00
42-4-219 (1) OR (2)	15.00	1.00
42-4-220	15.00	1.00
42-4-221	15.00	1.00
42-4-222	15.00	1.00
42-4-223	10.00	1.00
42-4-224	50.00	1.00
42-4-225 (1), (2), (3), (6), or (7)	15.00	1.00
42-4-226	15.00	1.00
42-4-227	15.00	1.00
42-4-228	50.00	18.00
42-4-229	15.00	1.00
42-4-231	15.00	3.00
42-4-232	100.00	37.00
42-4-233	15.00	3.00
42-4-234	50.00	18.00
42-4-235	50.00	9.00
42-4-236	10.00	1.00
42-4-237	15.00	3.00
42-4-238	35.00	3.00

(F) Size, weight, and load violations:

42-4-402	\$ 75.00	\$ 2.00
42-4-403	20.00	2.00
42-4-404	75.00	2.00
42-4-404.5	75.00	2.00
42-4-405	15.00	1.00
42-4-408	50.00	7.00
42-4-409 (12) (a)	35.00	3.00
42-4-410	20.00	3.00
42-4-411	85.00	2.00

(I) Pedestrian violations:

42-4-701	\$ 20.00	\$ 1.00
42-4-702	20.00	2.00
42-4-703	10.00	1.00

42-4-704	10.00	1.00
42-4-705	10.00	1.00
42-4-706	20.00	3.00
42-4-707	20.00	3.00
42-4-709	35.00	3.00

(M) Parking violations:

42-4-1101	\$ 15.00	\$ 1.00
42-4-1102	15.00	1.00
42-4-1104	10.00	1.00
42-4-1105	10.00	1.00
42-4-1106	10.00	1.00
42-4-1107	15.00	3.00
42-4-1109 (4) OR (5)	50.00	0.00

(N) Other offenses:

42-4-1204	\$ 50.00	\$ 7.00
42-4-1205	15.00	3.00
42-4-1206	15.00	3.00
42-4-1207	40.00	2.00
42-4-1208	40.00	1.00
42-4-1210	35.00	3.00
42-4-1212	15.00	3.00

SECTION 23. Effective date - applicability. This act shall take effect July 1, 1993, and shall apply to traffic infractions committed on or after said date.

SECTION 24. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 7, 1993