1994

An Act

SENATE BILL 94-001

BY SENATOR Mutzebaugh;
also REPRESENTATIVES Fleming, Allen, Benavidez, Keller, Kerns, Mattingly, Reeser, Snyder, and Strom.

CONCERNING THE RECODIFICATION OF TITLE 42, COLORADO REVISED STATUTES, AND, IN CONNECTION THEREWITH, AMENDING CERTAIN LAWS PERTAINING TO VEHICLES AND TRAFFIC.

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

SECTION 1. Title 42, Colorado Revised Statutes, 1993 Repl. Vol., is amended, WITH THE RELOCATION OF PROVISIONS, to read:

TITLE 42
VEHICLES AND TRAFFIC

ARTICLE 1
General and Administrative

PART 1
DEFINITIONS AND CITATION

42-1-101. Short title. Articles 1 to 4 of this title shall be known and may be cited as the "Uniform Motor Vehicle Law".

42-1-102. Definitions. As used in articles 1 to 4 of this title, unless the context otherwise requires:

(1) "Acceleration lane" means a speed-change lane, including tapered areas, for the purpose of enabling a vehicle entering a roadway to increase its speed to a rate at which it can more safely merge with through traffic.

(2) "Administrator" means the property tax administrator.

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

(3) "Alley" means a street or highway intended to provide access to the rear or side of lots or buildings in urban areas and not intended for the purpose of through vehicular traffic.

~~(3.5) "All-terrain recreational vehicle" means any self-propelled vehicle which is designed to travel on wheels in contact with the ground, which is designed primarily for use off the public highways, and which is generally and commonly used to transport persons for recreational purposes.~~

~~(3.7)~~ (4) "Apportioned registration" means registration of a vehicle pursuant to a reciprocal agreement under which the fees paid for registration of such vehicle are ultimately divided among the several jurisdictions in which the vehicle travels, based upon the number of miles traveled by the vehicle in each jurisdiction or upon some other agreed criterion.

~~(4)~~ (5) "Authorized agent" means the officer of a county or city and county designated by law to issue annual registrations of vehicles and to collect any registration or license fee imposed thereon by law.

~~(5)~~ (6) "Authorized emergency vehicle" means such vehicles of the fire department, police vehicles, ambulances, and other special-purpose vehicles as are publicly owned and operated by or for a governmental agency to protect and preserve life and property in accordance with state laws regulating emergency vehicles; said term also means such privately owned vehicles as are designated by the state motor vehicle licensing agency, necessary to the preservation of life and property, to be equipped and to operate as emergency vehicles in the manner prescribed by state law.

~~(5.3)~~ (7) "Authorized service vehicle" means such highway or traffic maintenance vehicles as are publicly owned and operated on a highway by or for a governmental agency the function of which requires the use of service vehicle warning lights as prescribed by state law and such other vehicles having a public service function, including, but not limited to, public utility vehicles and tow trucks, as determined by the department of transportation under ~~section 42-4-212.5 (5)~~ SECTION 42-4-214 (5). Some vehicles may be designated as both an authorized emergency vehicle and an authorized service vehicle.

~~(5.5)~~ (8) "Automobile" means any motor vehicle.

~~(5.7)~~ (9) "Base jurisdiction" means the state, province, or other jurisdiction which receives, apportions, and remits to other jurisdictions moneys paid for registration of a vehicle pursuant to a reciprocal agreement governing registration of vehicles.

~~(6)~~ (10) "Bicycle" means every vehicle propelled solely by human power applied to pedals upon which any person may ride having two tandem wheels or two parallel wheels and one forward wheel, all of which are more than fourteen inches in diameter.

~~(7)~~ (11) "Business district" means the territory contiguous to and including a highway when within any six hundred feet along such highway there are buildings in use for business or industrial purposes, including but not limited to motels, banks, office buildings, railroad stations, and public buildings which occupy at least three hundred feet of frontage on one side or three hundred feet collectively on both sides of the highway.

~~(8)~~ (12) "Calendar year" means the twelve calendar months beginning January 1 and ending December 31 of any year.

~~(9)~~ (13) "Camper coach" means an item of mounted equipment, weighing more than five hundred pounds, which when temporarily or permanently mounted on a motor vehicle adapts such vehicle for use as temporary living or sleeping accommodations.

~~(10)~~ (14) "Camper trailer" means a wheeled vehicle having an overall length of less than twenty-six feet, without motive power, which is designed to be drawn by a motor vehicle over the public highways and which is generally and commonly used for temporary living or sleeping accommodations.

~~(11)~~ (15) "Chauffeur" means every person who is employed for the principal purpose of operating a motor vehicle and every person who drives a motor vehicle while in use as a public or common carrier of persons or property.

~~(12)~~ (16) "Classified personal property" means any personal property which has been classified for the purpose of imposing thereon a graduated annual specific ownership tax.

~~(12.5)~~ (17) "Commercial carrier" means any owner of a motor vehicle, truck, truck tractor, trailer, or semitrailer used in the business of transporting persons or property over the public highways for profit, hire, or otherwise in any business or commercial enterprise.

~~(13)~~ (18) "Controlled-access highway" means every highway, street, or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street, or roadway.

~~(14)~~ (19) "Convicted" and "conviction" include conviction in any court of record ~~any justice of the peace court if the judgment of such justice court was rendered before the second~~

~~Tuesday in January, 1965,~~ or any municipal court or acceptance of a penalty assessment notice and payment of the prescribed penalty in accordance with the provisions of ~~section 42-4-1501~~ SECTION 42-4-1701.

~~(15)~~ (20) "Court" means any municipal court, ~~justice of the peace court when the context indicates the term may properly include such court as it existed prior to the second Tuesday in January, 1965,~~ county court, district court, or any court having jurisdiction over offenses against traffic regulations and laws.

~~(16)~~ (21) "Crosswalk" means that portion of a roadway ordinarily included within the prolongation or connection of the lateral lines of sidewalks at intersections or any portion of a roadway distinctly indicated for pedestrian crossing by lines or other marking on the surface.

~~(17)~~ (22) "Dealer" means every person engaged in the business of buying, selling, or exchanging vehicles of a type required to be registered under articles 1 to 4 of this title and who has an established place of business for such purpose in this state.

~~(18)~~ (23) "Deceleration lane" means a speed-change lane, including tapered areas, for the purpose of enabling a vehicle that is to make an exit TO turn from a roadway to slow to the safe speed on the ramp ahead after it has left the mainstream of faster-moving traffic.

~~(19)~~ (24) "Department" means the department of revenue of this state acting directly or through its duly authorized officers and agents.

~~(20)~~ (25) "Divided highway" means a highway with separated roadways usually for traffic moving in opposite directions, such separation being indicated by depressed dividing strips, raised curbings, traffic islands, or other physical barriers so constructed as to impede vehicular traffic or otherwise indicated by standard pavement markings or other official traffic control devices as prescribed in the state traffic control manual.

~~(21)~~ (26) "Drive-away TRANSPORTER" or "tow-away transporter" means every person engaged in the transporting of vehicles which are sold or to be sold and not owned by such transporter, by the drive-away or tow-away methods, where such vehicles are driven, towed, or transported singly, or by saddlemount, towbar, or fullmount methods, or by any lawful combination thereof.

~~(22)~~ (27) "Driver" means every person, including a minor driver under the age of eighteen years and a provisional driver under the age of twenty-one years, who drives or is in actual

physical control of a vehicle.

~~(22.5)~~ (28) "Effective date of registration period certificate" means the month in which a fleet owner must register all fleet vehicles.

~~(23)~~ (29) "Empty weight" means the weight of any motor vehicle or trailer or any combination thereof, including the operating body and accessories, as determined by weighing on a scale approved by the department.

~~(24)~~ (30) "Essential parts" means all integral parts and body parts, the removal, alteration, or substitution of which will tend to conceal the identity or substantially alter the appearance of the vehicle.

~~(25)~~ (31) "Established place of business" means the place actually occupied either continuously or at regular periods by a dealer or manufacturer where ~~his~~ SUCH DEALER'S OR MANUFACTURER'S books and records are kept and a large share of his OR HER business transacted.

~~(26)~~ (32) "Explosives and hazardous materials" means any substance so defined by the code of federal regulations, title 49, chapter 1, parts 173.50 through 173.389.

~~(27)~~ (33) "Farm tractor" means every motor vehicle designed and used primarily as a farm implement for drawing plows and mowing machines and other implements of husbandry.

~~(28)~~ (34) "Flammable liquid" means any liquid which has a flash point of seventy degrees Fahrenheit or less, as determined by a Tagliabue or equivalent closed-cup test device.

~~(28.3)~~ (35) "Fleet owner" means any resident who owns ten or more motor vehicles and who receives from the department a registration period certificate in accordance with article 3 of this title.

~~(28.4)~~ (36) "Fleet vehicle" means any motor vehicle owned by a fleet owner.

~~(29)~~ (37) "Foreign vehicle" means every motor vehicle, trailer, or semitrailer which is brought into this state otherwise than in the ordinary course of business by or through a manufacturer or dealer and which has not been registered in this state.

~~(29.5)~~ (38) "Fullmount" means a vehicle which is mounted completely on the frame of the first vehicle or last vehicle in a saddlemount combination.

~~(30)~~ (39) "Garage" means any public building or place of business for the storage or repair of automobiles.

~~(31)~~ (40) "Graduated annual specific ownership tax" means an annual tax imposed in lieu of an ad valorem tax upon the personal property required to be classified by the general assembly pursuant to the provisions of section 6 of article X of the state constitution.

~~(32)~~ (41) "Gross dollar volume" means the total contracted cost of work performed or put in place in a given county by the owner or operator of mobile machinery.

(42) "HIGH OCCUPANCY VEHICLE LANE" MEANS A LANE DESIGNATED PURSUANT TO THE PROVISIONS OF SECTION 42-4-1012 (1).

~~(33)~~ (43) "Highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel or the entire width of every way declared to be a public highway by any law of this state.

~~(34)~~ (44) "Implement of husbandry" means every vehicle which is designed for agricultural purposes. It also includes equipment used solely for the application of liquid, gaseous, and dry fertilizers. Transportation of fertilizer, in or on the equipment used for its application, shall be deemed a part of application if it is incidental to such application. It also includes hay balers, hay stacking equipment, combines, tillage and harvesting equipment, and other heavy movable farm equipment primarily used on farms and not on the highways. Trailers specially designed to move such equipment on highways shall, for the purposes of ~~part 4~~ PART 5 of article 4 of this title, be considered as component parts of such implements of husbandry.

~~(35)~~ (45) "Intersection" means the area embraced within the prolongation of the lateral curb lines or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict. Where a highway includes two roadways thirty feet or more apart, every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways thirty feet or more apart, every crossing of two roadways of such highways shall be regarded as a separate intersection. The junction of an alley with a street or highway does not constitute an intersection.

~~(36)~~ (46) "Lane" means the portion of a roadway for the movement of a single line of vehicles.

~~(37)~~ (47) "Laned highway" means a highway the roadway of which is divided into two or more clearly marked lanes for vehicular traffic.

~~(38)~~ (48) "Local authorities" means every county, municipal, and other local board or body having authority to adopt local police regulations under the constitution and laws of this state.

~~(39)~~ (49) "Manufacturer" means any person, firm, association, corporation, or trust, whether resident or nonresident, who manufactures or assembles new and unused motor vehicles of a type required to be registered under articles 1 to 4 of this title.

~~(39.5)~~ (50) "Manufacturer's suggested retail price" means the retail price of such motor vehicle suggested by the manufacturer plus the retail price suggested by the manufacturer for each accessory or item of optional equipment physically attached to such vehicle prior to the sale to the retail purchaser.

~~(40)~~ (51) "Markings" means all lines, patterns, words, colors, or other devices, except signs, set into the surface of, applied upon, or attached to the pavement or curbing or to objects within or adjacent to the roadway, conforming to the state traffic control manual and officially placed for the purpose of regulating, warning, or guiding traffic.

~~(41)~~ (52) "Metal tires" means all tires the surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material.

~~(42)~~ (53) "Minor driver's license" means the license issued to a person who is at least sixteen years of age but who has not yet attained the age of eighteen years.

~~(43)~~ (54) "Mobile machinery" or "self-propelled construction equipment" means those vehicles, self-propelled or otherwise, which are not designed primarily for the transportation of persons or cargo over the public highways, and those motor vehicles which may have originally been designed for the transportation of persons or cargo over the public highways, and those motor vehicles which may have originally been designed for the transportation of persons or cargo but which have been redesigned or modified by the mounting thereon of special equipment or machinery, and which may be only incidentally operated or moved over the public highways. This definition includes but is not limited to wheeled vehicles commonly used in the construction, maintenance, and repair of roadways, the drilling of wells, and the digging of ditches.

~~(44)~~ (55) "Motorcycle" means every motor vehicle designed to travel on not more than three wheels in contact with the ground, except any such vehicle as may be included within the term "farm tractor" and except a motorized bicycle as defined in paragraph (b) of ~~subsection (47)~~ SUBSECTION (59) of this section.

~~(45)~~ (56) "Motor-driven cycle" means every motorcycle, including every motorscooter, with a motor which produces not to exceed six-brake horsepower and every bicycle with motor attached, but not trail bikes, ~~minibike~~ MINIBIKES, go-carts, golf carts, and similar vehicles which are not designed for or approved by the department for use on the public roads or highways and not motorized bicycles as defined in paragraph (b) of ~~subsection (47)~~ SUBSECTION (59) of this section.

~~(45.5)~~ (57) "Motor home" means a vehicle designed to provide temporary living quarters and which is built into, as an integral part of or a permanent attachment to, a motor vehicle chassis or van.

~~(46)~~ (58) "Motor vehicle" means any self-propelled vehicle which is designed primarily for travel on the public highways and which is generally and commonly used to transport persons and property over the public highways, but the term does not include motorized bicycles as defined in paragraph (b) of ~~subsection (47)~~ SUBSECTION (59) of this section, WHEELCHAIRS AS DEFINED BY SUBSECTION (113) OF THIS SECTION, or vehicles moved solely by human power. For the purposes of the offenses described in ~~sections 42-4-1201 to 42-4-1203~~ SECTIONS 42-2-128, 42-4-1301, AND 42-4-1401 for farm tractors operated on streets and highways, "motor vehicle" includes a farm tractor which is not otherwise classified as a motor vehicle.

~~(47) (a)~~ (59) (a) "Motorscooter" and "motorbicycle" mean every motor vehicle designed to travel on not more than three wheels in contact with the ground, except any such vehicle as may be included within the term "farm tractor" as defined in this section and any motorized bicycle as defined in paragraph (b) of this ~~subsection (47)~~ SUBSECTION (59), which motor vehicle is powered by an engine of not to exceed six-brake horsepower.

(b) "Motorized bicycle" means a vehicle having two or three wheels, a cylinder capacity not exceeding 50 C.C., and an automatic transmission which produces a maximum design speed of not more than thirty miles per hour on a flat surface.

~~(48)~~ (60) "Mounted equipment" means any item of tangible personal property weighing more than five hundred pounds which is rigidly mounted on or attached to a vehicle subsequent to its manufacture and which, when so mounted on or attached to a vehicle, becomes an integral part thereof essential to the operation of such vehicle in carrying out and accomplishing the

purpose for which such vehicle is being used.

~~(49)~~ (61) "Noncommercial or recreational vehicle" means a truck operated singly or in combination with a trailer or utility trailer when the truck does not exceed six thousand five hundred pounds or a motor home, which truck or motor home is used exclusively for pleasure, enjoyment, other recreational purposes, or family transportation of the owner, lessee, or occupant and is not used to transport cargo or passengers for profit, hire, or otherwise in any business or commercial enterprise.

~~(50)~~ (62) "Nonresident" means every person who is not a resident of this state.

(63) "OFF-HIGHWAY VEHICLE" SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION 33-14.5-101 (3), C.R.S.

~~(51)~~ (64) "Official traffic control devices" means all signs, signals, markings, and devices, not inconsistent with this title, placed or displayed by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

~~(52)~~ (65) "Official traffic control signal" means any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed.

~~(53)~~ (66) "Owner" means a person who holds the legal title of a vehicle; or, if a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or if a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of articles 1 to 4 of this title. The term also includes parties otherwise having lawful use or control or the right to use or control a vehicle for a period of thirty days or more.

~~(53.5)~~ (67) "Park" or "parking" means the standing of a vehicle, whether occupied or not, other than very briefly for the purpose of and while actually engaged in loading or unloading property or passengers.

~~(54)~~ (68) "Pedestrian" means any person afoot OR ANY PERSON USING A WHEELCHAIR.

~~(55)~~ (69) "Person" means every natural person, firm, copartnership, association, or corporation.

~~(56)~~ (70) "Pneumatic tires" means all tires inflated with compressed air.

~~(57)~~ (71) "Pole", "pipe trailer", or "dolly" means every vehicle of the trailer type having one or more axles not more than forty-eight inches apart and two or more wheels used in connection with a motor vehicle solely for the purpose of transporting poles or pipes and connected with the towing vehicle both by chain, rope, or cable and by the load without any part of the weight of said dolly resting upon the towing vehicle. All the registration provisions of articles 1 to 4 of this title shall apply to every pole, pipe trailer, or dolly.

~~(58)~~ (72) "Police officer" means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

~~(59)~~ (73) "Private road" or "driveway" means every road or driveway not open to the use of the public for purposes of vehicular travel.

~~(60)~~ (74) "Provisional driver's license" means the license issued to a person who is at least eighteen years of age but who has not yet attained the age of twenty-one years.

~~(61)~~ (75) "Railroad sign or signal" means any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

~~(61.5)~~ (76) "Reciprocal agreement" or "reciprocity" means an agreement among two or more states, provinces, or other jurisdictions for coordinated, shared, or mutual enforcement or administration of laws relating to the registration, operation, or taxation of vehicles and other personal property in interstate commerce. The term includes without limitation the "international registration plan" and any successor agreement providing for the apportionment, among participating jurisdictions, of vehicle registration fees or taxes.

~~(62)~~ (77) "Reconstructed vehicle" means any vehicle which has been assembled or constructed largely by means of essential parts, new or used, derived from other vehicles or makes of vehicles of various names, models, and types or which, if originally otherwise constructed, has been materially altered by the removal of essential parts or by the addition or substitution of essential parts, new or used, derived from other vehicles or makes of vehicles.

~~(62.5)~~ (78) "Registration period" or "registration year" means any consecutive twelve-month period.

~~(62.6)~~ (79) "Registration period certificate" means the document issued by the department to a fleet owner, upon application of a fleet owner, ~~and~~ which states the month in which

registration is required for all motor vehicles owned by the fleet owner.

~~(63)~~ (80) "Residence district" means the territory contiguous to and including a highway not comprising a business district when the frontage on such highway for a distance of three hundred feet or more is mainly occupied by dwellings or by dwellings and buildings in use for business.

~~(64)~~ (81) "Resident" means any person who owns or operates any business in this state or any person who has resided within this state continuously for a period of ninety days or has obtained gainful employment within this state, whichever shall occur first.

~~(65)~~ (82) "Right-of-way" means the right of one vehicle operator or pedestrian to proceed in a lawful manner in preference to another vehicle operator or pedestrian approaching under such circumstances of direction, speed, and proximity as to give rise to danger of collision unless one grants precedence to the other.

~~(65.5)~~ (83) "Road" means any highway.

~~(66)~~ (84) "Road tractor" means every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon independently or any part of the weight of a vehicle or load so drawn.

~~(67)~~ (85) "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the sidewalk, berm, or shoulder even though such sidewalk, berm, or shoulder is used by persons riding bicycles or other human-powered vehicles and exclusive of that portion of a highway designated for exclusive use as a bicycle path or reserved for the exclusive use of bicycles, human-powered vehicles, or pedestrians. In the event that a highway includes two or more separate roadways, "roadway" refers to any such roadway separately but not to all such roadways collectively.

~~(67.5)~~ (86) "Saddlemount combination" means a combination of vehicles in which a truck or truck tractor tows one or more additional trucks or truck tractors and in which each such towed truck or truck tractor is connected by a saddle to the frame or fifth wheel of the vehicle immediately in front of such truck or truck tractor. For the purposes of this ~~subsection (67.5)~~ SUBSECTION (86), "saddle" means a mechanism which connects the front axle of a towed vehicle to the frame or fifth wheel of a vehicle immediately in front of such towed vehicle and which functions like a fifth wheel kingpin connection. A saddlemount combination may include one fullmount.

~~(68)~~ (87) "Safety zone" means the area or space officially

set aside within a highway for the exclusive use of pedestrians and which is so plainly marked or indicated by proper signs as to be plainly visible at all times while set apart as a safety zone.

~~(69)~~ (88) "School bus" means every motor vehicle which is owned by a public or governmental agency and operated for the transportation of children to or from school or which is privately owned and operated for compensation, but it does not include informal or intermittent arrangements, such as sharing of actual gasoline expense or participation in a car pool, for the transportation of children to or from school.

~~(70)~~ (89) "Semitrailer" means any wheeled vehicle, without motive power, which is designed to be used in conjunction with a truck tractor so that some part of its own weight and that of its cargo load rests upon or is carried by such truck tractor and which is generally and commonly used to carry and transport property over the public highways.

~~(71)~~ (90) "Sidewalk" means that portion of a street between the curb lines or the lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians.

~~(71.5)~~ (91) "Snowplow" means any vehicle originally designed for highway snow and ice removal or control or subsequently adapted for such purposes which is operated by or for the state of Colorado or any political subdivision thereof.

~~(72)~~ (92) "Solid rubber tires" means every tire made of rubber other than a pneumatic tire.

~~(73)~~ (93) "Specially constructed vehicle" means any vehicle which has not been originally constructed under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles.

~~(73.5)~~ (94) "Stand" or "standing" means the halting of a vehicle, whether occupied or not, other than momentarily for the purpose of and while actually engaged in receiving or discharging passengers.

~~(74)~~ (95) "State" means a state, territory, organized or unorganized, or district of the United States.

~~(74.5)~~ (96) "State motor vehicle licensing agency" means the motor vehicle division of the department of revenue.

~~(75)~~ (97) "State traffic control manual" means the most recent edition of the "Manual on Uniform Traffic Control Devices for Streets and Highways", including any supplement thereto, as adopted by the transportation commission.

~~(76)~~ (98) "Steam and electric trains" includes:

(a) "Railroad", which means a carrier of persons or property upon cars, other than street cars, operated upon stationary rails;

(b) "Railroad train", which means a steam engine, electric, or other motor, with or without cars coupled thereto, operated upon rails, except streetcars;

(c) "Streetcar", which means a car other than a railroad train for transporting persons or property upon rails principally within a municipality.

~~(76.3)~~ (99) "Stinger-steered" means a semitrailer combination configuration wherein the fifth wheel is located on a drop frame located behind and below the rearmost axle of the power unit.

~~(76.5)~~ (100) "Stop" or "stopping" means, when prohibited, any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.

~~(77)~~ (101) "Stop line" or "limit line" means a line which indicates where drivers shall stop when directed by an official traffic control device or a police officer.

~~(78)~~ (102) "Supervisor" means the chief of the motor vehicle division of this state.

~~(79)~~ (103) "Through highway" means every highway or portion thereof on which vehicular traffic is given preferential right-of-way and at the entrances to which other vehicular traffic from intersecting highways is required by law to yield the right-of-way to vehicles on such through highway in obedience to a stop sign, yield sign, or other official traffic control device when such signs or devices are erected as provided by law.

~~(80)~~ (104) "Traffic" means pedestrians, ridden or herded animals, and vehicles, streetcars, and other conveyances either singly or together while using any highway for the purposes of travel.

~~(81)~~ (105) "Trailer" means any wheeled vehicle, without motive power and having an empty weight of more than two thousand pounds, which is designed to be drawn by a motor vehicle and to carry its cargo load wholly upon its own structure and which is generally and commonly used to carry and transport property over the public highways.

~~(82) (a)~~ (106) (a) "Trailer coach" means any wheeled vehicle having an overall width not exceeding eight feet and an overall length, excluding towing gear and bumpers, of not less than twenty-six feet and not more than forty feet, without motive power, which is designed and generally and commonly used for occupancy by persons for residential purposes, in temporary locations, and which may occasionally be drawn over the public highways by a motor vehicle and is licensed as a vehicle.

(b) "Manufactured home" means any preconstructed building unit or combination of preconstructed building units, without motive power, where such unit or units are manufactured in a factory or at a location other than the residential site of the completed home, which is designed and commonly used for occupancy by persons for residential purposes, in either temporary or permanent locations, and which unit or units are not licensed as a vehicle.

~~(c) Repealed, L. 75, p. 1473, § 30, effective July 18, 1975.~~

~~(83)~~ (107) "Transporter" means every person engaged in the business of delivering vehicles of a type required to be registered under articles 1 to 4 of this title from a manufacturing, assembling, or distributing plant to dealers or sales agents of a manufacturer.

~~(84)~~ (108) "Truck" means any motor vehicle equipped with a body designed to carry property and which is generally and commonly used to carry and transport property over the public highways.

~~(85)~~ (109) "Truck tractor" means any motor vehicle which is generally and commonly designed and used to draw a semitrailer and its cargo load over the public highways.

~~(86)~~ (110) "Used vehicle" means every motor vehicle which has been sold, bargained for, exchanged, or given away, or has had the title transferred from the person who first acquired it from the manufacturer or importer, and has been so used as to have become what is commonly known as "secondhand" within the ordinary meaning thereof.

~~(87)~~ (111) "Utility trailer" means any wheeled vehicle weighing two thousand pounds or less, without motive power, which is designed to be drawn by a motor vehicle and which is generally and commonly used to carry and transport personal effects, articles of household furniture, loads of trash and rubbish, or not to exceed two horses over the public highways.

~~(88)~~ (112) "Vehicle" means any device which is capable of

moving itself, or of being moved, from place to place upon wheels or endless tracks. "Vehicle" includes any bicycle, but such term does not include ANY WHEELCHAIR AS DEFINED BY SUBSECTION (113) OF THIS SECTION, OR ANY OFF-HIGHWAY VEHICLE, SNOWMOBILE, any farm tractor, or any implement of husbandry designed primarily or exclusively for use and used in agricultural operations or any device moved by muscular power or moved exclusively over stationary rails or tracks or designed to move primarily through the air.

(113) "WHEELCHAIR" MEANS A MOTORIZED OR NONMOTORIZED WHEELED DEVICE DESIGNED FOR USE BY A PERSON WITH A PHYSICAL DISABILITY.

PART 2
ADMINISTRATION

42-1-201. Administration - supervisor. The executive director of the department is empowered to administer and enforce the provisions of articles 1 to 4 of this title. There shall be a supervisor who shall be employed under section 13 of article XII of the state constitution.

42-1-202. Have charge of all divisions. The supervisor shall have charge of all divisions as provided in articles 1 to 4 of this title to carry out the purposes of said articles.

42-1-203. Executive director to cooperate with others - local compliance required. (1) The executive director of the department shall coordinate motor vehicle enforcement throughout the state by cooperating with other officials connected with traffic enforcement, as may appear to ~~him~~ THE EXECUTIVE DIRECTOR as advantageous. ~~He~~ THE EXECUTIVE DIRECTOR shall bring to the attention of proper officials information and statistics in connection with enforcement and shall urge the desirability and necessity of uniformity. It is ~~his~~ THE EXECUTIVE DIRECTOR'S duty to cooperate and confer with officials of other states charged with like duties, and ~~he~~ THE EXECUTIVE DIRECTOR is authorized to attend conferences called among said officials, and ~~his~~ THE EXECUTIVE DIRECTOR'S necessary traveling expenses in attending said meetings shall be paid as are other traveling expenses of said department.

(2) In the coordination of motor vehicle law enforcement reporting throughout the state, the executive director, upon the failure of any local jurisdiction to take the necessary steps to achieve uniformity, may order such local jurisdiction to come into conformity with state coordination plans, including all information and statistics relating thereto.

42-1-204. Uniform rules and regulations. The executive director of the department has the power to make uniform rules and

regulations not inconsistent with articles 1 to 4 of this title and to enforce the same.

42-1-205. Record of official acts - seal. The executive director of the department shall keep a record of all ~~his~~ THE EXECUTIVE DIRECTOR'S official acts and shall preserve a copy of all decisions, rules, and orders made by ~~him~~ THE EXECUTIVE DIRECTOR, and ~~he~~ THE EXECUTIVE DIRECTOR shall adopt an official seal for the department. Copies of any act, rule, order, or decision made by ~~him~~ THE EXECUTIVE DIRECTOR or of any paper or papers filed in ~~his~~ THE EXECUTIVE DIRECTOR'S office may be authenticated by ~~him~~ THE EXECUTIVE DIRECTOR or ~~his~~ THE EXECUTIVE DIRECTOR'S deputy under said seal at a cost ~~of~~ not exceeding one dollar for each authentication and when so authenticated shall be evidence equally with and in like manner as the originals and may be received by the courts of this state as evidence of the contents.

42-1-206. Records open to inspection - furnishing of copies. (1) Except as provided in part 2 of article 72 of title 24, C.R.S., all records made public records by any provision of this title and kept in the office of the department shall be open to inspection by the public during business hours under such reasonable rules and regulations relating thereto as the executive director of the department may prescribe.

(2) Upon written application and the payment of a fee of two dollars and twenty cents per copy, or search therefor, for each copy requested, the department shall furnish to any person a photostatic copy of any specified record or accident report specifically made a public record by any provision of this title and ~~will~~ SHALL, for the additional fee of fifty cents per certification, if requested, certify the same. Any information required to be kept confidential by section 24-72-204 (3.5) (a), C.R.S., shall be rendered illegible by the department on any copy furnished pursuant to this section. All fees collected under the provisions of this subsection (2) shall be used to defray the expenses of providing such copies; except that ten cents of each fee collected by the department shall be credited to the special purpose account established under ~~section 42-1-210.1~~ SECTION 42-1-211 and used as provided in said section.

42-1-207. No supplies for private purposes - penalty. No officer or employee at any time shall use for private or pleasure purposes any of the equipment or supplies furnished for the discharge of ~~his~~ SUCH OFFICER OR EMPLOYEE'S duties. The use of such equipment for private or personal use is declared to be a misdemeanor, and, upon conviction thereof, the violator shall be punished by a fine of not more than three hundred dollars, or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment and by dismissal from office.

42-1-208. Information on accidents - published. The department shall receive accident reports required to be made by law and shall tabulate and analyze such reports and publish annually, or at more frequent intervals, statistical information based thereon as to the number, cause, and location of highway accidents.

42-1-209. Copies of law published. The executive director of the department shall make available to vehicle owners and the general public copies or digests of the provisions of articles 1 to 4 of this title to the extent necessary to the enforcement of said articles. Such copies or digests of the law, and any other materials circulated in quantity outside the executive branch, including those materials specified in section 42-1-208 and ~~section 42-4-1411~~ SECTION 42-4-1611, shall be issued in accordance with the provisions of section 24-1-136, C.R.S.

42-1-210. County clerk and recorders and manager of revenue as agents. The county clerk and recorder in each county in the state of Colorado, and in the city and county of Denver the manager of revenue, is hereby designated as the authorized agent of the department for the administration of the provisions of ~~article 3 and article 6~~ ARTICLES 3 AND 6 of this title relating to registrations of motor vehicles in such county; and for the enforcement of the provisions of ~~section 42-6-137~~ SECTION 42-6-139 relating to the registering and titling of motor vehicles in such county; and for the enforcement of the provisions of section 38-29-120, C.R.S., relating to the titling of manufactured homes; but any such authorized agent in a county has the power to appoint and employ such motor vehicle registration and license clerks as are actually necessary in the issuance of motor vehicle licenses and shall retain for the purpose of defraying such expenses, including mailing, a sum equal to one dollar per paid motor vehicle registration and registration requiring a metallic plate, plates, or validation tab or sticker as provided in ~~section 42-3-112~~ SECTION 42-3-113. This fee of one dollar shall apply to every registration of a motor vehicle which is designed primarily to be operated or drawn on any highway of this state, except such vehicles as are specifically exempted from payment of any registration fee by the provisions of article 3 of this title, and shall be in addition to the annual registration fee prescribed by law for such vehicle. Such fee of one dollar, when collected by the department, shall be credited to the same fund as registration fees collected by the department. The county clerk and recorders and the manager of revenue in the city and county of Denver so designated as the authorized agents of the department, as provided in this section, shall serve as such authorized agents under the provisions of this part 2 without additional remuneration or fees, except as otherwise provided in articles 1 to 6 of this title.

42-1-211. [Formerly 42-1-210.1] Distributive data processing system. (1) The department is hereby authorized to

develop and manage a statewide distributive data processing system. This system is to provide the necessary data processing equipment and software to:

(a) Aid the authorized agents of the department in processing motor vehicle registration and title documents; and

(b) Establish, operate, and maintain a telecommunications network which provides access from the offices of county clerk and recorders to the master list of registered electors maintained pursuant to sections 1-2-301 and 1-2-302, C.R.S. The department of state shall provide such computer equipment as is necessary to establish, operate, and maintain such service.

(2) There is hereby created a special purpose account in the highway users tax fund for the purpose of providing funds for the operation of the statewide distributive data processing system, including operations performed under article 6 of this title. Moneys received from the fees imposed by section 38-29-138 (1), (2), and (5), C.R.S., and ~~sections 42-3-106 (24) and 42-6-135 (1), (2), and (5)~~ SECTIONS 42-3-107 (21) AND 42-6-137 (1), (2), AND (5) shall be credited to the special purpose account in accordance with the provisions of section 38-29-139, C.R.S., and ~~sections 42-3-106 (24) and 42-6-136~~ SECTIONS 42-3-107 (21) AND 42-6-138. Any interest earned on moneys credited to the special purpose account shall be credited to and used for the same purpose as other moneys in said account. The general assembly shall appropriate annually the moneys in the special purpose account for the purposes of this subsection (2).

(3) The department is hereby authorized to transfer moneys not otherwise expended from funds appropriated to the department for the fiscal year commencing July 1, 1983, to the special purpose account. Any moneys transferred shall be remitted back to the department after sufficient moneys have accrued in the special purpose account. The sum transferred shall not exceed the amount authorized to be appropriated from such special purpose account for the fiscal year commencing July 1, 1983.

(4) (a) There is hereby created the distributive data processing advisory committee comprised of six authorized agents, who shall be appointed by the executive director of the department. The committee shall approve plans for the development and operation of the distributive data processing system.

~~(b) (Deleted by amendment, L. 92, p. 958, 14, effective March 19, 1992.)~~

~~(c)~~ (b) There is hereby created a subcommittee of the authorized agents' advisory committee for the purpose of facilitating the consolidated data processing system created pursuant to ~~section 42-1-210.2~~ SECTION 42-1-212. The members of

the subcommittee shall be appointed in accordance with the memorandum of understanding entered into pursuant to ~~paragraph (c) of subsection (2) of section 42-1-210.2~~ SECTION 42-1-212 (2) (c).

(5) The department and the authorized agents' advisory committee shall develop procedures and provide a formula for the reimbursement of expenditures made by any county which has a data processing system for the registration and titling of motor vehicles. Such reimbursement shall not commence until July 1, 1984, and shall not exceed an amount which would be required to establish and maintain such system as if it were a component of the distributive data processing system established pursuant to this section.

(6) After July 1, 1983, all counties, except those operating data processing systems for motor vehicle registration and titling on such date or having a data processing system on such date which will be operational for such registration and titling purposes by January 1, 1984, shall utilize the data processing system established pursuant to this section.

(7) On or before January 1, 1986, the department shall submit a report to the general assembly on the implementation of this section. Such report shall include a report on the credits to and expenditures from the special purpose account.

42-1-212. [Formerly 42-1-210.2] Consolidated data processing system - voter registration. (1) The general assembly hereby finds and declares that there is a need for coordination between the department of revenue and the department of state regarding the consolidated use of data processing systems utilized for voter and motor vehicle registration. The general assembly finds that consolidating such systems will result in significant savings to the state and will foster improved service and efficiency. Toward that end, there shall be created a consolidated data processing system for the purpose of operating voter registration on the distributive data processing system managed by the department of revenue pursuant to ~~section 42-1-210.1~~ SECTION 42-1-211.

(2) (a) The department of revenue shall establish, operate, and maintain such computer services within the distributive data processing system as are necessary to maintain a telecommunications network which provides access from the offices of county clerk and recorders to the master list of registered electors maintained in the manner prescribed by sections 1-2-301 and 1-2-302, C.R.S. The provision of such service shall be delivered in accordance with the standards set forth in the memorandum of understanding entered into pursuant to the provisions of paragraph (c) of this subsection (2).

(b) The department of revenue shall exercise such control

and use of the computer equipment acquired by the department of state pursuant to section 1-2-301 (3), C.R.S., as is necessary to establish, operate, and maintain the consolidated data processing system.

(c) No later than June 30, 1993, the department of revenue, the department of state, and the joint budget committee shall execute a memorandum of understanding for the purpose of ensuring the orderly implementation of the county pilot program by August 1, 1994, and ensuring full implementation of the consolidated data processing system by November 1, 1995. The memorandum shall establish the agreement of the parties with regard to:

(I) The scope of the county pilot program to be implemented by August 1, 1994;

(II) The specific service to be provided by the department of revenue to ensure that the telecommunications network which provides access from the offices of the county clerk and recorders to the master list of registered electors is maintained in the manner prescribed by sections 1-2-301 and 1-2-302, C.R.S.;

(III) The method of calculating and verifying the direct and indirect cost of utilizing personnel of the department of revenue on behalf of the department of state to perform functions necessitated by the implementation of the consolidated data processing system;

(IV) The method of reimbursement to the department of revenue for the cost of such personnel from the department of state cash fund created by section 24-21-104 (3) (b), C.R.S.;

(V) The appointment of members to the subcommittee of the authorized agents' advisory committee created by ~~paragraph (c) of subsection (4) of section 42-1-210.1~~ SECTION 42-1-211 (4) (b) and the functions to be carried out by such subcommittee; and

(VI) Such additional information as is necessary and appropriate to ensure the implementation of this section.

(d) Effective August 1, 1994, a county pilot program for the consolidated data processing system shall be implemented.

(e) Effective November 1, 1995, computer services necessary to maintain the telecommunications network which provides access from the county clerk and recorders to the master list of registered electors shall be operational.

42-1-213. [Formerly 42-1-211] Commission of county clerk and recorders and manager of revenue. County clerk and recorders, and the manager of revenue in the city and county of Denver, are authorized to retain fifty cents out of the moneys collected by

them on each specific ownership tax, which said fifty cents shall be the only fee allowed county clerk and recorders, and the manager of revenue in the city and county of Denver, for collecting specific ownership taxes and issuing receipts therefor. In counties of the fifth class the sums so retained by the county clerk and recorder shall be used in defraying the necessary expenses in connection with the collection and administration of specific ownership taxes as directed by articles 1 to 4 of this title, but the manager of revenue in the city and county of Denver and the county clerk and recorders in all other counties above the fifth class shall deposit in the general fund of said city and county, or of said county, all such sums so retained under this section, and the necessary costs of said collection and administration shall be paid by regular warrant of said city and county, or county, upon voucher duly submitted and approved.

42-1-214. [Formerly 42-1-212] Duties of county clerk and recorders. Every county clerk and recorder or other person designated as an authorized agent of the department for the administration of the provisions of articles 1 to 4 (except ~~part~~ 4 PART 3 of article 2) of this title, on or before the fifteenth day of each calendar month, shall transmit to the department all fees and moneys collected by such agent under the provisions of said articles during the preceding calendar month, except such sums as are by said articles specifically authorized to be retained by said county clerk and recorder, together with a complete report of all vehicles registered and all licenses issued in said county during said previous month, such reports to be made on blank report sheets to be furnished free by the department. The county clerk and recorders or other authorized agents shall deposit weekly all moneys received in the administration of any motor vehicle license law with the county treasurers of their respective counties and take a receipt therefor, said moneys to be kept in a separate fund by said county treasurers, and the county clerk and recorders or other authorized agents shall not be held liable for the safekeeping of such funds after so depositing them. Said county treasurers shall accept all moneys tendered to them by the county clerk and recorders or authorized agents for deposit as provided in this section. On or before the fifteenth day of each calendar month, the county clerk and ~~recorder~~ RECORDERS or other authorized agents of the department shall send, together with ~~his~~ THEIR monthly report to the department, a warrant drawn on the county treasurer of ~~his~~ THEIR county, payable to the department on demand, covering the amount of such funds that may have been deposited with the county treasurer the previous month, and the county treasurer shall pay such warrant on demand and presentation of same by the legal holders thereof.

42-1-215. [Formerly 42-1-213] Oaths. The executive director of the department, the deputy director of the department, the supervisor, and the authorized agents of the department are

empowered to administer oaths or affirmations as provided in articles 1 to 4 of this title.

42-1-216. [Formerly 42-1-214] Destruction of obsolete records. The department is empowered to destroy or otherwise dispose of all obsolete motor and other vehicle records, number plates, and badges after the same have been in its possession for twelve calendar months; but all records of accidents must be preserved by the department for a period of six years.

42-1-217. [Formerly 42-1-215] Disposition of fines and surcharges. (1) All judges, clerks of a court of record, or other officers imposing or receiving fines, penalties, or forfeitures, except those moneys received pursuant to ~~sections 42-4-315 (3), 42-4-319, and 42-4-1501 (4) (a)~~ SECTIONS 42-4-313 (3), 42-4-413, AND 42-4-1701 (5) (a), collected pursuant to or as a result of a conviction of any persons for a violation of any of the provisions of articles 1 to 4 (except ~~part 4~~ PART 3 of article 2) of this title, shall transmit, within ten days from the date of receipt of any such fine, penalty, or forfeiture, all such moneys so collected in the following manner:

(a) The aggregate amount of such fines, penalties, or forfeitures, except for a violation of ~~section 42-4-1202 or 42-4-236~~ SECTION 42-4-1301 OR 42-4-237, shall be transmitted to the state treasurer and credited to the highway users tax fund.

(b) Fifty percent of any fine, penalty, or forfeiture for a violation of ~~section 42-4-1202~~ SECTION 42-4-1301 occurring within the corporate limits of a city or town shall be transmitted to the treasurer or chief financial officer of said city or town, and the remaining fifty percent shall be transmitted to the state treasurer and credited to the highway users tax fund.

(c) Any other provision of law notwithstanding, all moneys collected pursuant to ~~section 42-4-1202 (5)~~ SECTION 42-4-1301 (10) shall be transmitted to the state treasurer to be credited to the account of the alcohol and drug driving safety program fund.

(d) Fifty percent of any fine, penalty, or forfeiture for a violation of ~~section 42-4-1202~~ SECTION 42-4-1301 occurring outside the corporate limits of a city or town shall be transmitted to the treasurer of the county in which the city or town is located, and the remaining fifty percent shall be transmitted to the state treasurer and credited to the highway users tax fund.

(e) Any fine, penalty, or forfeiture collected for a violation of ~~section 42-4-236~~ SECTION 42-4-237 shall be transmitted to the treasurer of the local jurisdiction in which the violation occurred; except that, if the citing officer was an officer of the Colorado state patrol, the fine, penalty, or

forfeiture shall be transmitted to the state treasurer and credited to the highway users tax fund.

(2) Except for the first fifty cents of any penalty for a traffic infraction which shall be retained by the department and used for administrative purposes, moneys collected by the department pursuant to the provisions of ~~section 42-4-1501 (4) (a)~~ SECTION 42-4-1701 (5) (a) shall be transmitted to the state treasurer, who shall credit the same to the highway users tax fund; except that moneys collected pursuant to said section for a violation of ~~section 42-4-236~~ SECTION 42-4-237 shall only be transmitted to the state treasurer if the citing officer was an officer of the Colorado state patrol and in all other cases shall be transmitted to the treasurer of the local jurisdiction in which the violation occurred.

(3) Failure, refusal, or neglect on the part of any judicial or other officer or employee to comply with the provisions of this section shall constitute misconduct in office and shall be grounds for removal therefrom.

(4) All moneys 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 42-4-1501~~ SECTION 42-4-1701, shall be transmitted to the court administrator of the judicial district in which the offense or infraction was committed for credit to the victims and witnesses assistance and law enforcement fund established in that judicial district.

~~**42-1-216. Officers may seize automobiles. (Repealed)**~~

~~Repealed, L. 76, p. 812, § 49, effective July 1, 1976.~~

42-1-218. [Formerly 42-1-217] Revocations and suspensions of licenses published. The department, as often as practicable, but at least once a month, shall either publish or post upon public bulletin boards in each of its offices a record of suspensions and revocations of drivers' licenses and shall furnish copies of such records to the police departments and sheriffs' offices throughout the state.

42-1-219. [Formerly 42-1-218] Appropriations for administration of title. The general assembly shall make appropriations for the expenses of administration of this title.

ARTICLE 2
Drivers' Licenses

PART 1
DRIVERS' LICENSES

42-2-101. Licenses for drivers required. (1) Except as otherwise provided in ~~part 5~~ PART 4 of this article for commercial drivers, no person shall drive any motor vehicle upon a highway in this state unless such person has been issued a currently valid driver's, minor driver's, or provisional driver's license or an instruction permit by the department under this article.

(2) No person shall drive any motor vehicle upon a highway in this state if such person's driver's, minor driver's, or provisional driver's license has been expired for one year or less and such person has not been issued another such license by the department or by another state or country subsequent to such expiration.

(3) No person shall drive any motor vehicle upon a highway in this state unless such person has in his OR HER immediate possession a current driver's, minor driver's, or provisional driver's license or an instruction permit issued by the department under this article.

(4) No person who has been issued a currently valid driver's, minor driver's, or provisional driver's license or an instruction permit shall drive a type or general class of motor vehicle upon a highway in this state for which such person has not been issued the correct type or general class of license or permit.

(5) No person who has been issued a currently valid driver's, minor driver's, or provisional driver's license or an instruction permit shall operate a motor vehicle upon a highway in this state without having such license or permit in such person's immediate possession.

(6) A charge of a violation of subsection (2) of this section shall be dismissed by the court if the defendant elects not to pay the penalty assessment and, at or before the defendant's scheduled court appearance, exhibits to the court a currently valid driver's, minor driver's, or provisional driver's license.

(7) A charge of a violation of subsection (5) of this section shall be dismissed by the court if the defendant elects not to pay the penalty assessment and, at or before the defendant's scheduled court appearance, exhibits to the court a currently valid license or permit issued to such person or an officially issued duplicate thereof if the original is lost, stolen, or destroyed.

(8) The conduct of a driver of a motor vehicle which would otherwise constitute a violation of this section is justifiable and not unlawful when:

(a) It is necessary as an emergency measure to avoid an imminent public or private injury which is about to occur by reason of a situation occasioned or developed through no conduct of said driver and which is of sufficient gravity that, according to ordinary standards of intelligence and morality, the desirability and urgency of avoiding the injury clearly outweigh the desirability of avoiding the injury sought to be prevented by this section; or

(b) The applicable conditions for exemption, as set forth in section 42-2-102, exist.

(9) The issue of justification or exemption is an affirmative defense. As used in this subsection (9), "affirmative defense" means that, unless the state's evidence raises the issue involving the particular defense, the defendant, to raise the issue, shall present some credible evidence on that issue. If the issue involved in an affirmative defense is raised, then the liability of the defendant must be established beyond a reasonable doubt as to that issue as well as all other elements of the traffic infraction.

(10) Any person who violates any provision of subsection (1) or (4) of this section is guilty of a class 2 misdemeanor traffic offense. Any person who violates any provision of subsection (2), (3), or (5) of this section commits a class B traffic infraction.

(11) Notwithstanding any law to the contrary, a second or subsequent conviction under subsection (1) or (4) of this section, when a person receiving such conviction has not subsequently obtained a valid Colorado driver's license or the correct type or general class of license, shall result in the assessment by the department of six points against the driving privilege of the person receiving such second or subsequent conviction.

42-2-102. Persons exempt from license. (1) The following persons need not obtain a Colorado driver's license:

(a) Any person who operates a federally-owned military motor vehicle while serving in the armed forces of the United States;

(b) Any person who temporarily drives or operates any road machine, farm tractor, or other implement of husbandry on a highway;

(c) Any nonresident who is at least sixteen years of age and who has in his OR HER immediate possession a valid driver's license issued to ~~him~~ SUCH NONRESIDENT by his OR HER state or country of residence. A nonresident who is at least sixteen years of age and whose state or country of residence does not require

the licensing of drivers may operate a motor vehicle as a driver for not more than ninety days in any calendar year, if said nonresident is the owner of the vehicle driven and if the motor vehicle so operated is duly registered in ~~his~~ SUCH NONRESIDENT'S state or country of residence and ~~he~~ SUCH NONRESIDENT has in his OR HER immediate possession a registration card evidencing such ownership and registration in his OR HER own state or country.

(d) A nonresident on active duty in the armed forces of the United States if that person has in his OR HER possession a valid driver's license issued by ~~his~~ SUCH NONRESIDENT'S state of domicile or, if returning from duty outside the United States, has a valid driver's license in his OR HER possession issued by the armed forces of the United States in foreign countries, but such armed forces license shall be valid only for a period of forty-five days after the licensee has returned to the United States;

(e) The spouse of a member of the armed forces of the United States who is accompanying such member on military or naval assignment to this state, who has a valid driver's license issued by another state, and whose right to drive has not been suspended or revoked in this state;

(f) Any nonresident who is temporarily residing in Colorado for the principal purpose of furthering ~~his~~ SUCH NONRESIDENT'S education, is at least sixteen years of age, has a valid driver's license from his OR HER state of residence, and is considered a nonresident for tuition purposes by the educational institution at which ~~he~~ SUCH NONRESIDENT is furthering his OR HER education.

(2) Any person who has in his OR HER possession a valid driver's license issued by ~~his~~ SUCH PERSON'S previous state of residence shall be exempt, for thirty days after becoming a resident of the state of Colorado, from obtaining a license, as provided in section 42-2-101.

42-2-103. [Formerly 42-2-102.5] Motorized bicycles - driver's license required for operators. An operator of a motorized bicycle shall possess a valid driver's license, minor driver's license, or provisional driver's license. No motorized bicycle shall be operated on any interstate system as described in section 43-2-101 (2), C.R.S., except where a bicycle may be operated on such interstate system, on any limited-access road of the state highway system as described in section 43-2-101 (1), C.R.S., or on any sidewalk, unless such operation is specifically designated. Motorized bicycles may be operated upon roadways, except as provided in this section, and in bicycle lanes included within such roadways.

42-2-104. [Formerly 42-2-103] Licenses issued - denied. (1) Except as otherwise provided in this article, the department

may license the following persons in the manner prescribed in this article:

(a) Any person twenty-one years of age or older, as a driver;

(b) Any person eighteen years of age or older who has not reached his OR HER twenty-first birthday, as a provisional driver;

(c) Any person sixteen years of age or older who has not reached his OR HER eighteenth birthday, as a minor driver.

(2) No person shall be licensed by the department to operate any motor vehicle in this state:

(a) While any license issued to ~~him~~ SUCH PERSON has been suspended;

(b) Whose license has been revoked until the expiration of twelve months after such revocation;

(c) Who has been adjudged or determined by a court of competent jurisdiction to be an habitual drunkard or addicted to the use of a controlled substance, as defined in section 12-22-303 (7), C.R.S.;

(d) Who has been adjudged or determined by a court of competent jurisdiction to be afflicted with or suffering from any mental disability or disease and who has not at the time of application been restored to competency in the manner prescribed by law.

(3) The department shall not issue any license to:

(a) Any person required by this article to take an examination until such person has successfully passed the examination;

(b) Any person required under the provisions of any motor vehicle financial safety or responsibility law to deposit or furnish proof of financial responsibility until such person has deposited or furnished such proof;

(c) Any person whose license is subject to suspension or revocation or who does not have a license but would be subject to suspension or revocation pursuant to ~~section 42-2-122, 42-2-122.1, or 42-2-123~~ SECTION 42-2-125, 42-2-126, OR 42-2-127;

(d) Any person not submitting proof of age or proof of identity, or both, as required by the department;

(e) Any person whose presence in the United States is in

violation of federal immigration laws.

(f) Any person who, while under the age of sixteen, was convicted of any offense which would have made the person subject to having ~~his~~ driving ~~privilege~~ PRIVILEGES revoked under ~~section 42-2-122~~ SECTION 42-2-125 if such person had possessed a driver's license. Any person denied a driver's license pursuant to this paragraph (f) may be granted a license six months prior to his OR HER seventeenth birthday, if ~~he~~ SUCH PERSON has only one such conviction, and on his OR HER seventeenth birthday, if ~~he~~ SUCH PERSON has more than one such conviction.

(4) Before the department may issue any type of driver's license, including a temporary driver's license pursuant to ~~section 42-2-105 (2)~~ SECTION 42-2-106 (2), to any person under the age of eighteen years, such person shall have applied for, been issued, and possessed an appropriate instruction permit for at least ninety days.

42-2-105. [Formerly 42-2-104] Special restrictions on certain drivers. (1) No person under the age of eighteen years shall drive any motor vehicle used to transport explosives or inflammable material or as a school bus for the transportation of pupils to or from school; nor shall any person under the age of eighteen years drive a motor vehicle used as a commercial, private, or common carrier of persons or property unless ~~he~~ SUCH PERSON has experience in operating motor vehicles and has been examined on ~~his~~ SUCH PERSON'S qualifications in operating such vehicles. The examination shall include safety regulations of commodity hauling, and the driver shall be licensed as a driver or provisional driver.

(2) Notwithstanding the provisions of subsection (1) of this section, no person under the age of twenty-one years shall drive a commercial motor vehicle as defined in ~~section 42-2-502 (2)~~ SECTION 42-2-402 (4) except as provided in ~~section 42-2-504 (4)~~ SECTION 42-2-404 (4).

42-2-106. [Formerly 42-2-105] Instruction permits and temporary licenses. (1) (a) Any minor of the age of fifteen years, within six months prior to ~~his~~ SUCH MINOR'S sixteenth birthday, or any person who, except for ~~his~~ SUCH PERSON'S lack of instruction in operating a motor vehicle, a motorcycle, or a motor-driven cycle, would otherwise be qualified to obtain a license under this article may apply for a temporary instruction permit, in accordance with ~~sections 42-2-106 and 42-2-107~~ SECTIONS 42-2-107 AND 42-2-108. The department shall issue such permit entitling the applicant, while having such permit in ~~his~~ SUCH APPLICANT'S immediate possession, to drive a motor vehicle, a motorcycle, or a motor-driven cycle upon the highways for a period of six months when accompanied by a licensed driver, twenty-one years of age or over, who is actually occupying the seat beside

the driver or, in the case of a motorcycle or a motor-driven cycle, under the immediate supervision of a licensed driver, twenty-one years of age or over, authorized under this article to drive a motorcycle or a motor-driven cycle. Any such instruction permit may be extended for an additional period of sixty days.

(b) Any minor of the age of fifteen years, within nine months prior to ~~his~~ SUCH PERSON'S sixteenth birthday, who is enrolled in a driver education course approved by the department of education may apply for a minor's instruction permit, pursuant to the provisions of ~~sections 42-2-106 and 42-2-107~~ SECTIONS 42-2-107 AND 42-2-108. Upon the presentation of a written or printed statement signed by the parent or guardian and the instructor of the driver education course that such minor is enrolled in an approved driver education course, the department shall issue such permit entitling the applicant, while having such permit in ~~his~~ SUCH APPLICANT'S immediate possession, to drive any motor vehicle, excluding a motorcycle or motor-driven cycle, under the supervision of the parent or guardian who cosigned the application for the minor's instruction permit, providing such parent or guardian holds a valid driver's license. Such permit shall also entitle the applicant to drive any motor vehicle, including a motorcycle or motor-driven cycle, which is marked so as to indicate that it is a motor vehicle used for instruction and which is properly equipped for such instruction upon the highways when accompanied by or under the supervision of an approved driver education instructor who holds a valid driver's license. Driver education instructors giving instruction in motorcycle safety must have a valid motorcycle driver's license and must have successfully completed an instruction program in motorcycle safety approved by the department. Such permit shall expire twenty days after the applicant's sixteenth birthday.

(c) Any person of the age of sixteen years or more who, except for ~~his~~ SUCH APPLICANT'S lack of instruction in operating a motorcycle or motor-driven cycle, would otherwise be qualified to obtain a driver's license under this article to drive a motorcycle or motor-driven cycle may apply for a temporary instruction permit, pursuant to ~~sections 42-2-106 and 42-2-107~~ SECTIONS 42-2-107 AND 42-2-108. The department shall issue such permit entitling the applicant, while having such permit in ~~his~~ SUCH APPLICANT'S immediate possession, to drive a motorcycle or motor-driven cycle upon the highways for a period of six months while under the immediate supervision of a licensed driver, twenty-one years of age or over, authorized under this article to drive a motorcycle or motor-driven cycle.

(2) The department, in its discretion, may issue a temporary driver's license to an applicant for a minor driver's, provisional driver's, or driver's license which will permit ~~him~~ SUCH APPLICANT to operate a motor vehicle while the department completes its investigation and determination of all facts

relative to such applicant's right to receive a minor driver's, provisional driver's, or driver's license. Such temporary license is valid for only ninety days, unless extended by the department, and must be in ~~his~~ SUCH APPLICANT'S immediate possession while operating a motor vehicle. It shall be invalid when the permanent license has been issued or has been refused for good cause.

42-2-107. [Formerly 42-2-106] Application for license or instruction permit. (1) Every application for an instruction permit or for a driver's, minor driver's, or provisional driver's license shall be made upon forms furnished by the department. Every application shall be accompanied by the required fee. The fee for an application for any instruction permit shall be ten dollars. Every applicant shall submit, with ~~his~~ THE application, proof of age or proof of identity, or both, as the department may require.

(2) Every application shall state the full name, date of birth, sex, and residence address of the applicant; briefly describe the applicant; be signed by the applicant with ~~his~~ SUCH APPLICANT'S usual signature; have affixed thereon the applicant's fingerprint; and state whether the licensee has ~~heretofore~~ EVER been licensed as a minor driver, provisional driver, or driver and, if so, when and by what state or country and whether any such license has ever been denied, suspended, or revoked, the reasons therefor, and the date thereof. These statements shall be verified by the applicant's signature thereon.

~~(3) Repealed, L. 79, p. 1523, § 10, effective July 1, 1979.~~

~~(4)~~ (3) On or after July 1, 1974, an application for a driver's, minor driver's, or provisional driver's license and the license issued as a result of said application may, at the applicant's option, contain an identification number which shall be the applicant's social security number.

~~(5)~~ (4) The department shall provide on the front side of each driver's license or provisional driver's license a space for indicating when the licensee has made an anatomical gift pursuant to part 1 of article 34 of title 12, C.R.S. The department shall also provide on the reverse side of such license a card as provided in section 12-34-105 (5) (a), C.R.S.

42-2-108. [Formerly 42-2-107] Application of minors. (1) The application of any person under the age of eighteen years for an instruction permit or minor driver's license shall be accompanied by an affidavit of liability signed and verified by the father or the mother of the applicant, or, in the event neither parent is living, by the person or guardian having proof of legal custody of such minor, or by the spouse of the applicant

providing the spouse is eighteen years of age or older, or, in the event there is no such person, guardian, or spouse, by any other responsible adult who is willing to assume the obligation imposed under this article upon an adult signing the affidavit of liability for a minor. When any such applicant has been made a ward of any court in the state for any reason and has been placed in a foster home, the foster parents or parent may sign the affidavit of liability for such minor. When any minor to whom an instruction permit or minor driver's license has been issued is required to appear before the department for a hearing pursuant to any provision of this article, such minor shall be accompanied by the person who signed the affidavit of liability for such minor. If such person is unable to attend the hearing, ~~he~~ SUCH PERSON shall submit to the department a verified signed statement certifying under oath that ~~he~~ SUCH PERSON is aware of the purpose of the hearing but cannot attend.

(2) Any negligence or willful misconduct of a minor under the age of eighteen years who drives a motor vehicle upon a highway is imputed to the person who signed the affidavit of liability which accompanied the application of such minor for a permit or license. Such person is jointly and severally liable with such minor for any damages caused by such negligence or willful misconduct, except as otherwise provided in subsection (3) of this section.

(3) In the event this state requires a minor to deposit, or there is deposited upon ~~his~~ SUCH MINOR'S behalf, proof of financial responsibility with respect to the operation of a motor vehicle owned by ~~him~~ SUCH MINOR or, if ~~he~~ SUCH MINOR is not the owner of a motor vehicle, with respect to the operating of any motor vehicle, in form and in amounts as required under the motor vehicle financial responsibility laws of this state, then the department may accept the application of such minor when accompanied by an affidavit of liability signed by one parent or the guardian of such minor. While such proof is maintained, such parent or guardian is not subject to the liability imposed under subsection (2) of this section.

(4) Within twenty days after a minor reaches the age of eighteen years, ~~he~~ SUCH MINOR shall surrender to the department ~~his~~ THE minor driver's license and apply for a provisional driver's license.

~~(5) Repealed, L. 79, p. 1523, § 10, effective July 1, 1979.~~

42-2-109. [Formerly 42-2-108] Release from liability. (1) Any person who has signed the affidavit of liability which accompanied the application of a minor for a minor driver's license or permit may thereafter file with the department a

verified written request that the license of said minor be cancelled. Upon receipt of such request, the department shall cancel the license of said minor, and the person who signed the affidavit of liability for such minor shall be relieved from all liability imposed by ~~section 42-2-107 (2)~~ SECTION 42-2-108 (2).

(2) When such minor reaches the age of eighteen years, the person who signed the minor's affidavit of liability is relieved of all liability imposed by ~~section 42-2-107 (2)~~ SECTION 42-2-108 (2).

42-2-110. [Formerly 42-2-109] Revocation upon death of signer for minor. (1) The department, upon receipt of satisfactory evidence of the death of the person who signed the affidavit of liability which accompanied the application for a license of such minor, shall cancel such license and shall not issue a new license until such time as a new application is made pursuant to the provisions of this article.

(2) In the event of the death of the signer, the licensee shall notify the department and secure the necessary new signer.

42-2-111. [Formerly 42-2-110] Examination of applicants and drivers - when required. (1) (a) The department shall examine every applicant for a driver's, minor driver's, or provisional driver's license. The executive director of the department, in ~~his~~ THE DIRECTOR'S discretion, may conduct the examination in any county convenient for the applicant. The examination shall include a test of the applicant's eyesight, his OR HER ability to read and understand highway signs which regulate, warn, and direct traffic, and his OR HER knowledge of the traffic laws of this state, an actual demonstration of ~~his~~ THE APPLICANT'S ability to exercise ordinary and reasonable care and control in the operation of a motor vehicle, and such further physical and mental examination as the department finds necessary to determine the applicant's fitness to operate a motor vehicle safely upon the highways.

(b) The department, in issuing the drivers' licenses for certain types or general classes of vehicles, may waive any examination required by paragraph (a) of this subsection (1) for applicants and may certify certain employers, governmental agencies, or other appropriate organizations to train and examine all applicants for such certain types or general classes of licenses, if such training and examination is equal to the training and examination of the department.

~~(1.5)~~ (2) Applicants for renewal of drivers' licenses who have not, during the period of the expiring license, incurred more than two moving violations of the traffic laws totaling not more than seven points under the penalty schedule of ~~section 42-2-123~~ SECTION 42-2-127, need not be reexamined for such renewal other

than tests of eyesight or such other examinations as the applicant's physical limitations indicate to be desirable.

~~(2)~~ (3) If the department has evidence which indicates that a licensed driver, minor driver, or provisional driver is incompetent or otherwise not qualified to be licensed, it may, upon written notice of at least ten days to the licensee, require ~~him~~ SUCH DRIVER to submit to an examination. Upon the conclusion of such examination, the department shall take such action as it deems appropriate and may deny, cancel, suspend, or revoke the license of such person or permit ~~him~~ THAT PERSON to retain such license subject to the restrictions under ~~section 42-2-114~~ SECTION 42-2-116. Refusal or failure of the licensee to submit to such examination shall be grounds for suspension or revocation of ~~his~~ SUCH PERSON'S license. Such decision of the department shall be reviewed by a court of record upon appeal to that court by the party aggrieved.

~~(3)~~ (4) The department shall prepare and print rules, requirements, and regulations for the mandatory use of license examiners, and the same shall be strictly adhered to in the examination of all drivers.

42-2-112. [Formerly 42-2-110.5] Medical advice - use by department - physician immunity. (1) In order to determine whether any licensed driver or any applicant for a driver's license is physically or mentally able to operate a motor vehicle safely upon the highways of this state, the department is authorized, pursuant to this section and upon the adoption of rules concerning medical criteria for driver licensing, to seek and receive a written medical opinion from any physician or optometrist licensed in this state. Such written medical opinion may also be used by the department in regard to the renewal, suspension, revocation, or cancellation of drivers' licenses pursuant to this article. No written medical opinion shall be sought pursuant to this section unless the department has reason to believe that the driver or applicant is physically or mentally unable to operate a motor vehicle safely upon the highways of this state.

(2) In addition to the written medical opinion sought and received pursuant to subsection (1) of this section, the department may consider a written medical opinion received from the personal physician or optometrist of an individual driver or applicant. Any written medical opinion requested by the applicant or driver from ~~his~~ A personal physician or optometrist shall be provided to the department at the expense of the applicant or driver. Any written medical opinion required by the department shall also be at the expense of the applicant or driver.

(3) No civil or criminal action shall be brought against any physician or optometrist licensed to practice in this state

for providing a written medical or optometric opinion pursuant to subsection (1) or (2) of this section if such physician or optometrist acts in good faith and without malice.

(4) A written medical opinion received by the department which relates to an individual applicant or driver is for the confidential use of the department in making decisions on the individual's qualifications as a driver, and the written medical opinion shall not be divulged to any person, except to the applicant or driver, or used in evidence in any trial or proceeding except in matters concerning the individual's qualifications to receive or retain a driver's license.

(5) Written medical opinions received by the department pursuant to this section, in addition to other sources of information, may be used by the department in the adoption of administrative rules concerning medical criteria for driver licensing.

42-2-113. [Formerly 42-2-111] License examiners appointed. The department may appoint license examiners for the motor vehicle division in any county in this state to conduct local examinations for all types of drivers' licenses. Such officers of the motor vehicle division shall conduct the examination as prescribed by law for all drivers in said county and collect the fees as provided in ~~section 42-2-112~~ SECTION 42-2-114 and remit the same to the department, which shall deposit the same in the state treasury to the credit of the highway users tax fund.

42-2-114. [Formerly 42-2-112] License issued - fees. (1) The department, upon payment of the required fee, shall issue to every applicant qualifying therefor a driver's, minor driver's, or provisional driver's license, as applied for, which license shall bear thereon the photograph of the licensee, which shall be taken and processed with equipment leased or owned by the department; a distinguishing number assigned to the licensee; the full name, date of birth, and residence address and a brief description of the licensee; the type or general class of vehicles the licensee may drive; any restrictions applicable to the licensee; the expiration date of the license; the official seal of the department; a reference to the previous license issued to the licensee; the usual signature of the licensee; and, at the licensee's option, an identification number which shall be the licensee's social security number.

(2) (a) Except as provided in ~~subsection (2.5)~~ SUBSECTION (3) of this section, the fee for the issuance of a driver's or provisional driver's license shall be fifteen dollars, which license shall expire on the birthday of the applicant in the fifth year after the issuance thereof or when the applicant reaches age twenty-one, whichever occurs first; except that, in the case of a provisional driver's or driver's license issued by the office

of the county clerk and recorder in each county, the office of the county clerk and recorder shall retain the sum of three dollars, and twelve dollars shall be forwarded to the department for transmission to the state treasurer, who shall credit the same to the highway users tax fund, and the general assembly shall make appropriations therefrom for the expenses of the administration of ~~parts 1 to 3~~ PARTS 1 AND 2 of this article; except that eight dollars and fifty cents of each fee shall be allocated pursuant to section 43-4-205 (6) (b), C.R.S.

(b) There shall be a surcharge of one dollar added for issuance of a driver's or provisional driver's license for which a motorcycle endorsement is requested which shall be credited to the motorcycle operator safety training fund created in ~~section 42-4-1704~~ SECTION 43-5-504, C.R.S.

~~(2.5)~~ (3) Driver's licenses required by the "Commercial Motor Vehicle Safety Act of 1986", public law 99-570, shall expire on the birthday of the applicant in the fourth year after the issuance thereof.

~~(3) (a)~~ (4) (a) Except as provided in ~~subsection (3.5)~~ SUBSECTION (5) of this section, the fee for the issuance of a minor driver's license shall be fifteen dollars, which license shall expire twenty days after the eighteenth birthday of the licensee. In the case of the issuance of any minor driver's license, by the office of the county clerk and recorder, the fee therefor shall be apportioned in the same manner as for the issuance of a driver's license PURSUANT TO PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION.

(b) ~~There shall be a~~ A surcharge of one dollar SHALL BE added for issuance of a minor driver's license for which a motorcycle endorsement is requested which shall be credited to the motorcycle operator safety training fund created in ~~section 42-4-1704~~ SECTION 43-5-504, C.R.S.

~~(3.5)~~ (5) The fee for the issuance of a minor driver's license to any person who obtained an instruction permit and paid the fee required by ~~section 42-2-106 (1)~~ SECTION 42-2-107 (1) shall be ten dollars.

~~(4)~~ (6) Every minor driver's license issued and every provisional driver's license issued shall graphically emphasize the age group of the licensee on the face of such license, as prescribed by the department. On each minor driver's license and on each provisional driver's license issued under this section, the license shall show a photograph of the licensee's profile. On each driver's license, the photograph shall show the full face of the licensee.

~~(5)~~ (7) Any other provision of law to the contrary

notwithstanding, no liability or other sanctions shall be imparted to any person who relies upon the date of birth or identification as set out on any license issued pursuant to this article if such date of birth or identification should be later proved incorrect or fraudulently entered upon said license.

~~(6)~~ (8) Any person holding any type of license to operate a motor vehicle issued by this state may request the department to imprint upon such license the emergency symbol defined in section 25-20-102 (3), C.R.S. The department, upon such request, shall imprint the emergency symbol upon the license.

42-2-115. [Formerly 42-2-113] License, permit, or identification card to be exhibited on demand. (1) No person who has been issued a driver's, minor driver's, or provisional driver's license or an instruction permit or an identification card as defined in ~~section 42-2-401 (2)~~ SECTION 42-2-301 (2), who operates a motor vehicle in this state, and who has such license, permit, or identification card in such person's immediate possession shall refuse to remove such license, permit, or identification card from any billfold, purse, cover, or other container and to hand the same to any peace officer who has requested such person to do so if such peace officer reasonably suspects that such person is committing, has committed, or is about to commit a violation of article 2, 3, 4, 5, 6, 7, or 8 of this title.

(2) Any person who violates any provision of this section commits a class 2 misdemeanor traffic offense.

42-2-116. [Formerly 42-2-114] Restricted license. (1) The department, upon issuing a driver's, provisional driver's, or minor driver's license or an instruction permit, has authority, whenever good cause appears, to impose restrictions, limitations, or conditions which are suitable to the licensee's driving ability with respect to the type of special mechanical control device required on a motor vehicle which the licensee may operate or which limit the right of the licensee to drive a motor vehicle except when such licensee is required to drive to and from ~~his~~ THE LICENSEE'S place of employment or to perform duties within the course of employment or to impose such other restrictions applicable to the licensee as the department may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.

(2) The department either may issue a special restricted license or must set forth such restrictions, limitations, or conditions upon the usual license form issued to the applicant.

(3) The department, upon receiving satisfactory evidence of any violation of the restrictions, limitations, or conditions of such license, may cancel or suspend such restricted license,

but the licensee shall be entitled to a hearing as upon a suspension or revocation under this article.

(4) No person shall operate a motor vehicle upon a highway or elsewhere within this state in any manner in violation of the restrictions, limitations, or conditions imposed in a special restricted license, in a driver's, provisional driver's, or minor driver's license, or in an instruction permit issued to such person by the department or by another state or country.

(5) The department is authorized after examination to issue a restricted license to a mentally ill or developmentally disabled person, containing such restrictions as may be imposed upon said person by a court pursuant to part 3 or part 4 of article 14 of title 15 or section 27-10-109 (4) or 27-10-125, C.R.S.

(6) Any person who violates any provision of this section commits a class B traffic infraction.

42-2-117. [Formerly 42-2-115] Duplicate permits and licenses. In the event that an instruction permit or a driver's license issued under the provisions of this article is lost, stolen, or destroyed, the person to whom the same was issued, upon request and the payment of a fee of five dollars for the first duplicate and ten dollars for any subsequent duplicate to the department, may obtain a duplicate or substitute therefor upon furnishing satisfactory proof to the department that such permit or license had been lost, stolen, or destroyed and that the applicant is qualified to have such a license.

42-2-118. [Formerly 42-2-116] Renewal of license. (1) (a) Every license issued under ~~section 42-2-112~~ SECTION 42-2-114 shall be renewable within ninety days prior to its expiration, upon application in person, payment of the required fee, passing of an eye test, passing of such other examinations as the applicant's physical limitations or driver's record indicates to be desirable, and payment of any penalty assessment, fine, cost, or forfeiture as prescribed by subsection (3) of this section.

(b) (I) Any license referred to in ~~section 42-2-112~~ SECTION 42-2-114 which at the time of its expiration is held by a resident of this state who is temporarily outside of this state or is prevented by disability from complying with paragraph (a) of this subsection (1) may be extended for a period of one year if the licensee applies to the department for an extension of the expiration date prior to the date the license expires and pays a fee of three dollars. This extension will become null and void ninety days after the licensee renews his OR HER residency in the state or otherwise becomes able to comply with the provisions of paragraph (a) of this subsection (1). No more than one extension shall be granted under the provisions of this paragraph (b);

except that, when a resident of this state is temporarily residing in a foreign country, no more than two extensions shall be granted.

(II) ~~There shall be a~~ A surcharge of one dollar SHALL BE added to any extension sought for a license for which a motorcycle endorsement is requested which shall be credited to the motorcycle operator safety training fund created in ~~section 42-4-1704~~ SECTION 43-5-504, C.R.S.

(2) Every license referred to in this section which is at the time of its expiration, as provided in subsection (1) of this section, held by a member of the armed forces of the United States, then serving on active duty outside of this state, shall not expire as provided in subsection (1) of this section, but such expiration date shall be extended for a period of three years or until ninety days after such licensee returns to this state, whichever occurs first.

(3) (a) Prior to the renewal of a permanent driver's license, the department shall determine if the applicant has any outstanding judgments or warrants entered or issued against ~~him~~ THE APPLICANT as set forth in ~~section 42-4-1505.5 (7)~~ SECTION 42-4-1709 (7).

(b) If there are no outstanding judgments or warrants entered or issued against the applicant and if all other conditions for renewal pursuant to articles 1 to 4 of this title are met, the department shall renew the applicant's driver's license.

(c) If the department determines that the applicant is subject to the requirements of ~~section 42-4-1505.5 (7)~~ SECTION 42-4-1709 (7), the license shall not be renewed until such applicant has complied with said section. Any person who pays any outstanding judgments or who has any warrants entered pursuant to ~~section 42-4-1505.5 (7)~~ SECTION 42-4-1709 (7) shall pay to the court a thirty-dollar administrative processing cost for each such judgment or warrant in addition to all other penalties, costs, or forfeitures. The court shall remit fifty percent of the administrative processing fee to the department of revenue, and the other fifty percent of that fee is to be retained by the issuing court.

(d) Beginning January 1, 1986, the executive director shall ascertain whether the administrative fee established in paragraph (c) of this subsection (3) adequately compensates the department for administration of this subsection (3) and shall report to the general assembly not later than December 1 of each year concerning any suggested changes in such fee.

(e) The department of revenue shall coordinate the design

and implementation of the necessary delinquency notification forms, satisfaction forms, and time requirements for utilization of such forms by the courts.

42-2-119. [Formerly 42-2-117] Notices - change of address or name. (1) Whenever any person, after applying for or receiving a driver's license or motor registration number, moves from the address named in such application or in the license or registration issued to ~~him~~ SUCH PERSON or when the name of the licensee is changed by marriage or otherwise, such person shall within ten days thereafter notify the department in writing of ~~his~~ SUCH PERSON'S old and new address, or of such former and new name, and the number of any license or registration held by ~~him~~ SUCH PERSON.

(2) All notices and orders required to be given to any licensee or registered owner under the provisions of the motor vehicle laws shall be in writing; and, if mailed, postpaid by first-class mail, to him or her at the last-known address shown by the records in the motor vehicle division. Such mailing shall be sufficient notice in accord with the motor vehicle laws. Any notice or order of the department mailed first-class under the provisions of this title creates a presumption for administrative purposes that such notice or order was received if the department maintains a copy of the notice or order and maintains a certification that the notice or order was deposited in the United States mail by an employee of the department. Evidence of a copy of the notice mailed to the last-known address of the licensee as shown by the records of the department and a certification of mailing by a department employee, or evidence of delivery of notice in person to the last-known address of the licensee as shown by the records of the department, or evidence of personal service upon the licensee or upon any attorney appearing on the licensee's behalf of the order of denial, cancellation, suspension, or revocation of the license by the executive director of the department, or by the executive director's duly authorized representative, is prima facie proof that the licensee received personal notice of said denial, cancellation, suspension, or revocation.

(3) Any person who violates subsection (1) of this section commits a class B traffic infraction.

42-2-120. [Formerly 42-2-117.5] Methods of service. (1) Any notice or order required to be served under the provisions of the motor vehicle laws may be served in any manner reasonably designed to notify the person to be served of the material provisions of such notice or order. A person has been served with a notice or order when such person has knowledge of the material provisions of such notice or order, regardless of the manner in which such knowledge was acquired. Any irregularity in the form or manner of service or documentation of the proof of

service or the means by which knowledge of the material provisions of a notice or order is acquired shall not affect the validity of such notice or order.

(2) For purposes of notices or orders relating to driving restraints only, "material provisions" means those provisions which identify the affected person, and those provisions which state that a restraint against the person's license or privilege to drive in this state has been, or will be, entered on the records of the department, or those provisions which advise the person that he or she has a right to request a hearing regarding the imposition of a restraint against such person's license or privilege to drive.

(3) The department shall develop proof of service forms which may be used to document proof of service under this subsection (3). Such forms shall include but need not be limited to the following:

(a) The name and date of birth of the person served;

(b) The date and time of service;

(c) The identification number of the notice or order served, if any, or, in the event the notice or order is not available, a description of the information relayed to the person served;

(d) The name, title, signature, and employing agency of the person making service;

(e) The signature of the person served; and

(f) The right index fingerprint of the person served.

(4) In addition to service by mail or any other means, service of notices or orders may be personally made by any employee of the department, any peace officer, any municipal, county, or state prosecutor, or any municipal, county or district court judge, magistrate, or judicial officer. If service is personally made under this subsection (4), proof of such service of any notice or order may be made by sending a written notification of service in any form to the department. Such notification shall be an official record of the department under ~~section 42-2-118~~ SECTION 42-2-121. It shall not be necessary that the written notification is on a form supplied by the department, but the department may refuse to accept as an official record a written notification which does not provide substantially the same information as specified in subsection (3) of this section.

(5) Peace officers and employees of the department shall serve notices and orders relating to driving restraints upon the

affected person anytime the affected person is contacted by a peace officer or employee of the department, when such peace officer or employee believes that the affected person may not have been previously personally served with any notice or order affecting such person's license or privilege to drive a motor vehicle in this state.

42-2-121. [Formerly 42-2-118] Records to be kept by the department - admission of records in court. (1) The department shall file every completed application for a license received by it and shall maintain suitable indexes containing in alphabetical order:

(a) All applications denied and on each thereof note the reasons for such denial;

(b) All applications granted; and

(c) The name of every licensee whose license has been suspended or revoked by the department and after each such name note the reasons for such action in each case.

(2) (a) The department shall also file all accident reports, abstracts of court records of convictions received by it under the laws of this state, departmental actions, suspensions, restrictions, revocations, denials, cancellations, reinstatements, and other permanent records and, in connection therewith, maintain a driver's history by making suitable notations in order that an individual record of each licensee showing the convictions of such licensee, the departmental actions, and the traffic accidents in which ~~he~~ THE LICENSEE has been involved, except those accidents not resulting in ~~his~~ A conviction and those traffic violations which occur outside of the boundaries of this state, shall be readily ascertainable and available for the consideration of the department upon any application for renewal of license and at other suitable times.

(b) The department shall also keep a separate file of all abstracts of court records of dismissals of charges of violations of ~~section 42-4-1202 (1) or (1.5)~~ SECTION 42-4-1301 (1) OR (2) and all abstracts of records in cases where the original charges were for violations of ~~section 42-4-1202 (1) or (1.5)~~ SECTION 42-4-1301 (1) OR (2) and the convictions were for non-alcohol- or non-drug-related traffic offenses. This file shall be made available only to criminal justice agencies, as defined in section 24-72-302 (3), C.R.S.

(c) (I) The following records and documents filed with, maintained by, or prepared by the department are official records and documents of the state of Colorado:

(A) Accident reports;

(B) Abstracts of court records of convictions received by the department under the laws of the state of Colorado;

(C) Records of and documents relating to departmental actions pertaining to the driving privileges of any person concerning licensing, restrictions, probationary conditions, suspensions, revocations, denials, cancellations, or reinstatements of such driving privileges;

(D) Records of and documents relating to the status of any person's privilege to drive a vehicle in the state of Colorado on a specific date or dates;

(E) Drivers' histories;

(F) Records of and documents relating to the identification of persons, including, but not limited to, photographs, fingerprints, handwriting, physical features, physical characteristics, dates of birth, and addresses;

(G) Records of and documents relating to the ownership, registration, transfer, and licensing of vehicles;

(H) All other records and documents required by law or rule and regulation to be kept by the department;

(I) Written summaries and data compilations, if prepared by the department from records and documents filed with, maintained by, or prepared by the department, as defined in sub-subparagraphs (A) to (H) of this subparagraph (I);

(J) Written guidelines, procedures, policies, and rules and regulations of the department.

(II) In any trial or hearing, all official records and documents of the state of Colorado, as defined in subparagraph (I) of this paragraph (c), shall be admissible in all municipal, county, and district courts within the state of Colorado without further foundation, shall be statutory exceptions to rule 802 of the Colorado rules of evidence, and shall constitute prima facie proof of the information contained therein, if such record or document is accompanied by a certificate stating that the executive director of the department or the executive director's appointee has custody of such record or document and is accompanied by and attached to a cover page which:

(A) Specifies the number of pages, exclusive of such cover page, which constitutes the record or document being submitted; and

(B) Bears the signature of the executive director of the department or the executive director's appointee attesting to the

genuineness of such record or document; and

(C) Bears the official seal of the department or a stamped or printed facsimile of such seal.

(III) For purposes of subparagraph (II) of this paragraph (c), "official records and documents" shall include any mechanically or electronically reproduced copy, photograph, or printout of any record or document or any portion of any record or document filed with, maintained by, or prepared by the department pursuant to this paragraph (c).

(IV) For purposes of subparagraph (II) of this paragraph (c), a record or document shall not be required to include every page of a record or document filed with, maintained by, or prepared by the department pursuant to this paragraph (c) to be an official record or document, if such official record or document includes all of those portions of such record or document relevant to the trial or hearing for which it is prepared. There shall be a presumption that such official record or document contains all that is relevant to such trial or hearing.

(d) Notwithstanding the provisions of paragraph (a) of this subsection (2), the department shall not maintain records of convictions of traffic offenses defined in this title for which no points are assessed pursuant to ~~section 42-2-123 (5)~~ SECTION 42-2-127 (5) other than convictions pursuant to ~~sections 42-2-126, 42-2-130, 42-2-206, and 42-7-422~~ SECTIONS 42-2-134, 42-2-138, 42-2-206, AND 42-7-422.

(3) The department seal required under subsection (2) of this section and under section 42-1-205 may also consist of a rubber stamp producing a facsimile of the seal stamped upon the document.

42-2-122. [Formerly 42-2-119] Department may cancel license. (1) The department has the authority to cancel, deny, or deny the ~~reissue~~ REISSUANCE of any driver's, minor driver's, or provisional driver's license upon determining that the licensee was not entitled to the issuance thereof for any of the following reasons:

(a) Failure to give the required or correct information in ~~his~~ AN application, or commission of any fraud in making such application;

(b) Inability to operate a motor vehicle because of physical or mental incompetence;

(c) Permission of an unlawful or fraudulent use or conviction of misuse of license, titles, permits, or license plates;

(d) That such license would have been subject to denial under the provisions of ~~section 42-2-103~~ SECTION 42-2-104.

(2) The department has the authority to cancel any driver's, MINOR DRIVER'S, OR PROVISIONAL DRIVER'S license if, subsequent to the issuance of such license, the department has authentic information that a condition developed or an act was committed which places such licensee in one of the categories for which cancellation is authorized.

(3) Upon such cancellation, the licensee must surrender the license so cancelled to the department, and thereafter such licensee shall be entitled to a hearing by the department if such license is returned and if such request is made within thirty days from the date of such cancellation. Such hearing, if requested, shall be held no later than thirty days from the date of such cancellation. Notification of such cancellation shall be given as provided in ~~section 42-2-117~~ SECTION 42-2-119.

(4) Upon the holding of a hearing as provided in subsection (3) of this section, the license shall be returned if the licensee is able to prove that cancellation should not have been made. When the original cancellation is sustained by the department, such licensee may apply and receive a new license whenever ~~he~~ THE LICENSEE can show that the reason for the original cancellation no longer applies. The licensee may also appeal the decision of the department after the hearing to the district court as provided in ~~section 42-2-127~~ SECTION 42-2-135.

42-2-123. [Formerly 42-2-120] Suspending privileges of nonresidents and reporting convictions. (1) The privilege of driving a motor vehicle on the highways of this state given to a nonresident is subject to suspension or revocation by the department in like manner and for like cause as a driver's license may be suspended or revoked.

(2) The department is further authorized, upon receiving a record of the conviction in this state of a nonresident driver of a motor vehicle of any offense under the motor vehicle laws of this state, to forward a certified copy of such record to the motor vehicle administrator in the state wherein the person so convicted is a resident.

42-2-124. [Formerly 42-2-121] When court to report convictions. (1) (a) Except as otherwise provided, whenever any person is convicted of any offense for which this article makes mandatory the revocation of the driver's, minor driver's, or provisional driver's license of such person by the department, the court in which such conviction is had shall require the offender to immediately surrender such driver's, minor driver's, or provisional driver's license or any instruction permit to the court at the time of conviction, and the court shall, not later

than ten days after such conviction, forward the license to the department, together with a record of such conviction on the form prescribed by the department. Any person who does not immediately surrender such person's license or permit to the court commits a class 2 misdemeanor traffic offense, unless such person swears or affirms under oath administered by the court and subject to the penalties of perjury, that the license or permit has been lost, destroyed, or is not in said person's immediate possession. Any person who swears or affirms that the license or permit is not in the immediate possession of said person shall surrender said license or permit to the court within five days of the sworn or affirmed statement, and if not surrendered within such time, said person ~~shall be guilty of~~ COMMITS a class 2 misdemeanor traffic offense.

(b) Whenever the driver's history of any person shows that ~~he~~ SUCH DRIVER is required to maintain financial responsibility for the future and ~~he~~ is unable to show to the court that ~~he~~ THE DRIVER is maintaining the required financial responsibility for the future, the court shall require the immediate surrender to it of the driver's, minor driver's, provisional driver's, or temporary driver's license or any instruction permit held by such person, and the court, within forty-eight hours after receiving the license, shall forward the license to the department with the form prescribed by the department.

(2) Every court having jurisdiction over offenses committed under this article or any other law of this state regulating the operation of motor vehicles on highways and every military authority having jurisdiction over offenses substantially the same as those set forth in ~~section 42-2-123 (5)~~ SECTION 42-2-127 (5) which occur on a federal military installation in this state shall forward to the department a record of the conviction of any person in said court or by said authority for a violation of any said laws not later than ten days after the day of sentencing for such conviction and may recommend the suspension or retention of the driver's, minor driver's, provisional driver's, or temporary driver's license or any instruction permit of the person so convicted.

(3) Except as otherwise provided, the term "convicted" or "conviction" means a sentence imposed following a plea of guilty or nolo contendere or a verdict of guilty by the court or a jury, excluding all stays of sentence. The payment of a penalty assessment under the provisions of ~~section 42-4-1501~~ SECTION 42-4-1701 shall also be considered a conviction if the summons states clearly the points to be assessed for that offense. Whenever suspension or revocation of a license is authorized or required for conviction of any offense under state law, a final finding of guilty of a violation of a municipal ordinance governing a substantially equivalent offense in a city, town, or city and county shall, for purposes of such suspension or

revocation, be deemed and treated as a conviction of the corresponding offense under state law. The department has the authority to suspend a driver's, minor driver's, or provisional driver's license pending any final determination of a conviction on appeal.

(4) For the purposes of ~~section 42-2-122 (1) (n)~~ SECTION 42-2-125 (1) (m), an adjudication of delinquency under title 19, C.R.S., for the acts described in such ~~paragraph (n)~~ PARAGRAPH (m) shall be considered to be a conviction for purposes of this section. However, an expungement of an adjudication of delinquency shall not result in a recision of the revocation of the driving privilege unless said expungement is a result of a reversal of the adjudication on appeal.

42-2-125. [Formerly 42-2-122] Mandatory revocation of license and permit. (1) The department shall ~~forthwith~~ IMMEDIATELY revoke the license or permit of any driver, minor driver, or provisional driver upon receiving a record showing that such driver has:

(a) Been convicted of vehicular homicide or vehicular assault as described in sections 18-3-106 and 18-3-205, C.R.S., or of criminally negligent homicide as described in section 18-3-105, C.R.S., while driving a motor vehicle;

(b) Been convicted of driving a motor vehicle while under the influence of a controlled substance, as defined in section 12-22-303 (7), C.R.S., or while an habitual user of such a controlled substance;

(c) Been convicted of any felony in the commission of which a motor vehicle was used;

(d) Been convicted of failing to stop and render aid as required by ~~sections 42-4-1401 and 42-4-1402~~ SECTIONS 42-4-1601 AND 42-4-1602 in the event of a motor vehicle accident resulting in the death or injury of another;

(e) Been convicted of perjury in the first or second degree or the making of a false affidavit or statement under oath to the department under any law relating to the ownership or operation of a motor vehicle;

(f) Been three times convicted of reckless driving of a motor vehicle for acts committed within a period of two years;

(g) Been twice convicted of any offense provided for in ~~section 42-4-1202 (1) or (1.5)~~ SECTION 42-4-1301 (1) OR (2) for acts committed within a period of five years; except that, in the case of a minor driver, said revocation shall occur after the first conviction;

(h) Been determined to be mentally incompetent by a court of competent jurisdiction and for whom a court has entered, pursuant to part 3 or part 4 of article 14 of title 15, C.R.S., or section 27-10-109 (4) or 27-10-125, C.R.S., an order specifically finding that the mental incompetency is of such a degree that the person is incapable of safely operating a motor vehicle;

(i) Been convicted of any offense provided for in ~~section 42-4-1202 (1) or (1.5)~~ SECTION 42-4-1301 (1) OR (2) and has two previous convictions of any of such offenses. The license of any driver shall be revoked for an indefinite period and shall only be reissued upon proof to the department that said driver has completed a level II alcohol and drug education and treatment program certified by the division of alcohol and drug abuse pursuant to ~~section 42-4-1202 (5)~~ SECTION 42-4-1301 (10) and that said driver has demonstrated ~~his~~ knowledge of the laws and driving ability through the regular motor vehicle testing process. In no event shall such license be reissued in less than two years.

~~(j) Repealed, L. 77, p. 1865, 5, effective June 1, 1977.~~

~~(k)~~ (j) Been required to maintain proof of financial responsibility for the future as provided by ~~section 42-4-1214~~ SECTION 42-4-1410 or article 7 of this title and who, at the time of a violation of any provision of this title, was not maintaining such proof;

~~(l)~~ (k) Been convicted of any felony offense provided for in ~~section 18-18-404, C.R.S.; section 18-18-405, C.R.S.; or section 18-18-406, C.R.S.~~ SECTION 18-18-404, 18-18-405, OR 18-18-406, C.R.S., or any attempt, conspiracy, or solicitation to commit any said offense. For purposes of this ~~paragraph (l)~~ PARAGRAPH (k), a person has been convicted when such person has been found guilty by a court or a jury, entered a plea of guilty or nolo contendere, or received a deferred sentence for an offense.

~~(m)~~ (l) Been found to have knowingly and willfully left the scene of an accident involving a commercial motor vehicle driven by the person;

~~(n)~~ (m) Been convicted of violating section 12-46-112 (1) (c) or (1) (d), C.R.S., or section 12-47-128 (1) (b) or (1) (c), C.R.S., or any counterpart municipal charter or ordinance offense to such sections.

~~(1.5)~~ (2) The period of revocation based on ~~paragraphs (b), (c), and (l)~~ PARAGRAPHS (b), (c), AND (k) of subsection (1) of this section shall be one year; except that any violation involving a commercial motor vehicle transporting hazardous materials as defined under ~~section 42-2-502 (5)~~ SECTION 42-2-402

(7) shall result in a revocation period of three years.

~~(2)~~ (3) Upon revoking the license of any person as required by this section, the department shall immediately notify the licensee as provided in ~~section 42-2-117 (2)~~ SECTION 42-2-119 (2). Where a minor driver's or provisional driver's license is revoked under ~~subsection (1) (n)~~ PARAGRAPH (m) OF SUBSECTION (1) of this section, such revocation shall not run concurrently with any previous or subsequent suspension, revocation, cancellation, or denial which is provided for by law.

~~(3)~~ (4) Upon receipt of the notice of revocation, the licensee or ~~his~~ THE LICENSEE'S attorney may request a hearing in writing, if the licensee has returned said license to the department in accordance with the provisions of ~~section 42-2-125~~ SECTION 42-2-133. The department, upon notice to the licensee, shall hold a hearing at the district office of the department closest to the residence of the licensee not less than thirty days after receiving such license and request through a hearing commissioner appointed by the executive director of the department, which hearing shall be conducted in accordance with the provisions of section 24-4-105, C.R.S. After such hearing, the licensee may appeal the decision of the department to the district court as provided in ~~section 42-2-127~~ SECTION 42-2-135. Should a driver who has had his OR HER license revoked under this section be subsequently acquitted of such charge by a court of record, the department shall ~~forthwith~~ IMMEDIATELY, in any event not later than ten days after the receipt of such notice of acquittal, reinstate said license to the driver affected.

~~(4)~~ (5) Except where more than one revocation occurs as a result of the same episode of driving, license revocations made pursuant to this section shall not run concurrently with any previous or subsequent revocation or denial in lieu of revocation which is provided for by law. Any revocation unused pursuant to this section shall not preclude other actions which the department is required to take pursuant to the provisions of this title, and unless otherwise provided by law, this ~~subsection (4)~~ SUBSECTION (5) shall not prohibit revocations from being served concurrently with any suspension or denial in lieu of suspension of driving privileges.

~~(5) (a)~~ (6) (a) Any person under seventeen years of age who has ~~his~~ A minor driver's license revoked pursuant to ~~subsection (1) (n)~~ PARAGRAPH (m) OF SUBSECTION (1) of this section shall be subject to a revocation period which shall continue for the period of time described hereafter:

(I) After one conviction, twenty-four hours of public service if ordered by the court, or three months;

(II) After a second conviction, six months;

(III) After any third or subsequent conviction, one year.

(b) Any person seventeen years of age or older who has ~~his~~ A minor driver's license revoked pursuant to ~~subsection (1) (n)~~ PARAGRAPH (m) OF SUBSECTION (1) of this section shall be subject to a revocation period which shall continue for the period of time described hereafter:

(I) After one conviction, twenty-four hours of public service if ordered by the court, or three months;

(II) After a second conviction, six months;

(III) After any third or subsequent conviction, one year.

(c) Any person who has ~~his~~ A provisional driver's license revoked pursuant to ~~subsection (1) (n)~~ PARAGRAPH (m) OF SUBSECTION (1) of this section shall be subject to a revocation period which shall continue for the period of time described hereafter:

(I) After one conviction, twenty-four hours of public service if ordered by the court, or three months;

(II) After a second conviction, six months;

(III) After any third or subsequent conviction, one year.

42-2-126. [Formerly 42-2-122.1] Revocation of license based on administrative determination. (1) The purposes of this section are:

(a) To provide safety for all persons using the highways of this state by quickly revoking the driver's license of any person who has shown himself OR HERSELF to be a safety hazard by driving with an excessive amount of alcohol in his OR HER body and any person who has refused to submit to an analysis as required by ~~section 42-4-1202 (3)~~ SECTION 42-4-1301 (7);

(b) To guard against the potential for any erroneous deprivation of the driving privilege by providing an opportunity for a full hearing;

(c) Following the revocation period, to prevent the relicensing of any person until the department is satisfied that ~~his~~ SUCH PERSON'S alcohol problem is under control and that ~~he~~ SUCH PERSON no longer constitutes a safety hazard to other highway users.

~~(1.5) (a)~~ (2) (a) The department shall revoke the license of any person upon its determination that the person:

(I) Drove a vehicle in this state when the amount of

alcohol, as shown by analysis of the person's blood or breath, in such person's blood was 0.10 or more grams of alcohol per hundred milliliters of blood or 0.10 or more grams of alcohol per two hundred ten liters of breath at the time of driving or within two hours after driving. If the preponderance of the evidence establishes that such person consumed alcohol between the time that the person stopped driving and the time of testing, the preponderance of the evidence must also establish that the minimum 0.10 blood or breath alcohol content was reached as a result of alcohol consumed before the person stopped driving; or

(II) Refused to take or to complete, or to cooperate in the completing of, any test or tests of ~~his~~ THE PERSON'S blood, breath, saliva, or urine as required by ~~section 42-4-1202 (3)~~ SECTION 42-4-1301 (7) or section 18-3-106 (4) or 18-3-205 (4), C.R.S.; or

(III) Drove a commercial motor vehicle in this state when the amount of alcohol, as shown by analysis of such person's blood or breath, in such person's blood was 0.04 or more grams of alcohol per hundred milliliters of blood or 0.04 grams of alcohol per two hundred ten liters of breath at the time of driving or any time thereafter.

(b) The department shall make a determination of these facts on the basis of the documents and affidavit of a law enforcement officer as specified in ~~subsection (2)~~ SUBSECTION (3) of this section, and this determination shall be final unless a hearing is requested and held as provided in ~~subsection (7)~~ SUBSECTION (8) of this section.

(c) The determination of these facts by the department is independent of the determination of the same or similar facts in the adjudication of any criminal charges arising out of the same occurrence. The disposition of those criminal charges shall not affect any revocation under this section.

(d) For purposes of this section, "license" includes driving privilege.

~~(2) (a)~~ (3) (a) Whenever a law enforcement officer has probable cause to believe that a person has violated ~~section 42-4-1202 (1.5)~~ SECTION 42-4-1301 (2) or whenever a person refuses to take or to complete, or to cooperate with the completing of any test or tests of ~~his~~ SUCH PERSON'S blood, breath, saliva, or urine as required by ~~section 42-4-1202 (3)~~ SECTION 42-4-1301 (7), the law enforcement officer having such probable cause or requesting such test or tests shall forward to the department an affidavit containing information relevant to legal issues and facts which must be considered by the department to legally determine if a person's driving privilege should be revoked as provided in ~~subsection (1.5)~~ SUBSECTION (2) of this section. The executive

director of the department shall specify to law enforcement agencies the form of the affidavit, the types of information needed in the affidavit, and any additional documents or copies of documents needed by the department to make its determination in addition to the affidavit. The affidavit shall be dated, signed, and sworn to by the law enforcement officer under penalty of perjury, but need not be notarized or sworn to before any other person.

(b) A law enforcement officer who has probable cause to believe that a person was driving a commercial motor vehicle with a blood alcohol concentration of 0.04 or more shall forward to the department a verified report of all information relevant to the enforcement action, including information which adequately identifies the person, a statement of the officer's probable cause for belief that the person committed such violation, a report of the results of any tests which were conducted, and a copy of the citation and complaint, if any, filed with the court.

~~(3) (a)~~ (4) (a) Upon receipt of the affidavit of the law enforcement officer and the relevant documents required by ~~subsection (2)~~ SUBSECTION (3) of this section, the department shall make the determination described in ~~subsection (1.5)~~ SUBSECTION (2) of this section. The determination shall be based upon the information contained in the affidavit and the relevant documents. If the department determines that the person is subject to license revocation, the department shall issue a notice of revocation if such notice has not already been served upon the person by the enforcement officer as required in ~~subsection (4)~~ SUBSECTION (5) of this section.

(b) The notice of revocation which is sent by the department shall be mailed in accordance with the provisions of ~~section 42-2-117 (2)~~ SECTION 42-2-119 (2) to the person at the last-known address shown on the department's records, if any, and to any address provided in the law enforcement officer's affidavit if that address differs from the address of record. The notice shall be deemed received three days after mailing.

(c) The notice of revocation shall clearly specify the reason and statutory grounds for the revocation, the effective date of the revocation, the right of the person to request a hearing, the procedure for requesting a hearing, and the date by which that request for a hearing must be made.

(d) If the department determines that the person is not subject to license revocation, the department shall notify the person of its determination and shall rescind any order of revocation served upon the person by the enforcement officer.

~~(4) (a)~~ (5) (a) Whenever a law enforcement officer requests a person to take any test or tests as required by ~~section~~

~~42-4-1202 (3)~~ SECTION 42-4-1301 (7) and such person refuses to take or to complete or to cooperate in the completing of such test or tests or whenever such test results are available to the law enforcement officer and such tests show an alcohol concentration of 0.10 or more grams of alcohol per one hundred milliliters of blood as shown by analysis of such person's blood or 0.10 or more grams of alcohol per two hundred ten liters of breath as shown by analysis of such person's breath and when the person who is tested or who refuses to take or to complete or to cooperate in the completing of any test or tests is still available to the law enforcement officer, the officer, acting on behalf of the department, shall serve the notice of revocation personally on such person.

(b) When the law enforcement officer serves the notice of revocation, the officer shall take possession of any driver's license issued by this state or any other state which is held by the person. When the officer takes possession of a valid driver's license issued by this state or any other state, the officer, acting on behalf of the department, shall issue a temporary permit which is valid for seven days after its date of issuance.

(c) A copy of the completed notice of revocation form, a copy of any completed temporary permit form, and any driver's, minor driver's, provisional driver's, or temporary driver's license or any instruction permit taken into possession under this section shall be forwarded to the department by the officer along with the affidavit and documents required in ~~subsections (1.5) and (2)~~ SUBSECTIONS (2) AND (3) of this section.

(d) The department shall provide forms for notice of revocation and for temporary permits to law enforcement agencies. The department shall establish a format for the affidavits required by this section and shall give notice of such format to all law enforcement agencies which submit affidavits to the department. Such law enforcement agencies shall follow the format determined by the department.

(e) A temporary permit may not be issued to any person who is already driving with a temporary permit issued pursuant to paragraph (b) of this ~~subsection (4)~~ SUBSECTION (5).

~~(5) (a)~~ (6) (a) The license revocation shall become effective seven days after the subject person has received the notice of revocation as provided in ~~subsection (4)~~ SUBSECTION (5) of this section or is deemed to have received the notice of revocation by mail as provided in ~~subsection (3)~~ SUBSECTION (4) of this section. If a written request for a hearing is received by the department within that same seven-day period, the effective date of the revocation shall be stayed until a final order is issued following the hearing; except that any delay in the hearing which is caused or requested by the subject person or counsel

representing that person shall not result in a stay of the revocation during the period of delay.

(b) (I) The period of license revocation under ~~subsection (1.5) (a) (I)~~ SUBPARAGRAPH (I) OF PARAGRAPH (a) OF SUBSECTION (2) of this section for a first violation shall be three months.

(II) The period of license revocation under ~~subsection (1.5) (a) (I)~~ SUBPARAGRAPH (I) OF PARAGRAPH (a) OF SUBSECTION (2) of this section for a second or subsequent revocation shall be one year.

(III) The period of license revocation under ~~subsection (1.5) (a) (II)~~ SUBPARAGRAPH (II) OF PARAGRAPH (a) OF SUBSECTION (2) of this section or for a first violation under ~~subsection (1.5) (a) (III)~~ SUBPARAGRAPH (III) OF PARAGRAPH (a) OF SUBSECTION (2) of this section shall be one year.

(IV) The period of license revocation under ~~subsection (1.5) (a) (II)~~ SUBPARAGRAPH (II) or ~~subsection (1.5) (a) (III)~~ SUBPARAGRAPH (III) OF PARAGRAPH (a) OF SUBSECTION (2) of this section involving a commercial motor vehicle that was transporting hazardous materials as defined in ~~section 42-2-502 (5)~~ SECTION 42-2-402 (7) shall be no less than three years.

(V) A second or subsequent revocation under ~~subsection (1.5) (a) (II)~~ SUBPARAGRAPH (II) or ~~subsection (1.5) (a) (III)~~ SUBPARAGRAPH (III) OF PARAGRAPH (a) OF SUBSECTION (2) of this section involving a commercial motor vehicle shall result in a cancellation or denial as provided for under ~~section 42-2-505 (3)~~ SECTION 42-2-405 (3).

(c) (I) Where a license is revoked under ~~subsection (1.5) (a) (I)~~ SUBPARAGRAPH (I) or ~~subsection (1.5) (a) (III)~~ SUBPARAGRAPH (III) OF PARAGRAPH (a) OF SUBSECTION (2) of this section and the person is also convicted on criminal charges arising out of the same occurrence for a violation of ~~section 42-4-1202 (1) (a) or (1.5)~~ SECTION 42-4-1301 (1) (a) OR (2), both the revocation under this section and any suspension, revocation, cancellation, or denial which results from such conviction shall be imposed, but the periods shall run concurrently, and the total period of revocation, suspension, cancellation, or denial shall not exceed the longer of the two periods.

(II) Where a license is revoked under ~~subsection (1.5) (a) (II)~~ SUBPARAGRAPH (II) OF PARAGRAPH (a) OF SUBSECTION (2) of this section and the person is also convicted on criminal charges arising out of the same occurrence for a violation of ~~section 42-4-1202 (1) or (1.5)~~ SECTION 42-4-1301 (1) (a) OR (2), any suspension, revocation, cancellation, or denial which results from such conviction and is imposed shall run consecutively with the revocation under this section.

~~(6) (a)~~ (7) (a) The periods of revocation specified by ~~subsection (5)~~ SUBSECTION (6) of this section are intended to be minimum periods of revocation for the described conduct. No license shall be restored under any circumstances, and no probationary license shall be issued during the revocation period; except that a person whose privilege to drive a commercial motor vehicle has been revoked because such person drove a commercial motor vehicle when such person's blood alcohol content was 0.04 or greater, but less than 0.10, grams of alcohol per hundred milliliters of blood or per two hundred ten liters of breath may apply for a probationary license of another class or type for the period during which ~~his~~ THE privilege to drive a commercial motor vehicle is revoked, as long as there is no other statutory reason to deny such person such a license.

(b) Upon the expiration of the period of revocation under this section, if the person's license is still suspended or revoked on other grounds, the person may seek a probationary license as authorized by ~~section 42-2-123 (13)~~ SECTION 42-2-127 (14) subject to the requirements of paragraph (c) of this ~~subsection (6)~~ SUBSECTION (7).

(c) Following a license revocation, the department shall not issue a new license or otherwise restore the driving privilege unless it is satisfied, after an investigation of the character, habits, and driving ability of the person, that it will be safe to grant the privilege of driving a motor vehicle on the highways.

~~(7) (a)~~ (8) (a) Any person who has received a notice of revocation may make a written request for a review of the department's determination at a hearing. The request may be made on a form available at each office of the department. If the person's driver's license has not been previously surrendered, it must be surrendered at the time the request for a hearing is made.

(b) The request for a hearing must be made in writing within seven days after the day the person received the notice of revocation as provided in ~~subsection (4)~~ SUBSECTION (5) of this section or is deemed to have received the notice by mail as provided in ~~subsection (3)~~ SUBSECTION (4) of this section. If written request for a hearing is not received within the seven-day period, the right to a hearing is waived, and the determination of the department which is based upon the documents and affidavit required by ~~subsections (1.5) and (2)~~ SUBSECTIONS (2) AND (3) of this section becomes final.

(c) If a written request for a hearing is made after expiration of the seven-day period and if it is accompanied by the applicant's verified statement explaining the failure to make a timely request for a hearing, the department shall receive and consider the request. If the department finds that the person was unable to make a timely request due to lack of actual notice of

the revocation or due to factors of physical incapacity such as hospitalization or incarceration, the department shall waive the period of limitation, reopen the matter, and grant the hearing request. In such a case, a stay of the revocation pending issuance of the final order following the hearing shall not be granted.

(d) At the time the request for a hearing is made, if it appears from the record that the person is the holder of a valid driver's, minor driver's, or provisional driver's license or any instruction permit issued by this state or temporary permit issued pursuant to ~~subsection (4)~~ SUBSECTION (5) of this section and that the license has been surrendered as required pursuant to ~~subsection (4)~~ SUBSECTION (5) of this section, the department shall issue a temporary permit which will be valid until the scheduled date for the hearing. If necessary, the department may later issue an additional temporary permit or permits in order to stay the effective date of the revocation until the final order is issued following the hearing, as required by ~~subsection (5)~~ SUBSECTION (6) of this section.

(e) (I) The hearing shall be scheduled to be held as quickly as practicable but not more than sixty days after the day that the request for a hearing is received by the department; except that, if a hearing is rescheduled because of the unavailability of a law enforcement officer or the hearing officer in accordance with subparagraph (III) or (IV) of this paragraph (e), the hearing may be rescheduled more than sixty days after the day that the request for the hearing is received by the department, and the department shall continue any temporary driving privileges held by the respondent until the date that such hearing is rescheduled. The department shall provide a written notice of the time and place of the hearing to the party requesting the hearing in the manner provided in ~~section 42-2-117 (2)~~ SECTION 42-2-119 (2) at least ten days prior to the scheduled or rescheduled hearing, unless the parties agree to waive this requirement. Notwithstanding the provisions of ~~section 42-2-117~~ SECTION 42-2-119, the last-known address of the respondent for purposes of notice for any hearing pursuant to this section shall be the address stated on the hearing request form.

(II) The law enforcement officer who submits the documents and affidavit required by ~~subsection (2)~~ SUBSECTION (3) of this section need not be present at the hearing unless the presiding hearing officer requires that the law enforcement officer be present and the hearing officer issues a written notice for the law enforcement officer's appearance or unless the respondent or attorney for the respondent determines that the law enforcement officer should be present and serves a timely subpoena upon such officer at least five days before the day of the hearing. If the respondent notifies the department in writing at the time that the hearing is requested that the respondent desires the law

enforcement officer's presence at the hearing, the department shall issue a written notice for the officer to appear at the hearing.

(III) If the officer, after receiving a notice or subpoena to appear from either the department or the respondent, has a conflict with any original or rescheduled hearing date set by the department, the officer or the officer's supervisor may contact the department and reschedule the hearing to a time when the officer will be available. If the law enforcement officer cannot appear at any original or rescheduled hearing because of medical reasons, a law enforcement emergency, another court or administrative hearing, or any other legitimate just cause as determined by the department and the officer or the officer's supervisor gives notice of such officer's inability to appear to the department prior to the dismissal of the revocation proceeding, the department shall reschedule the hearing following consultation with the officer or the officer's supervisor at the earliest possible time when the officer and the hearing officer will be available.

(IV) If a hearing officer cannot appear at any original or rescheduled hearing because of medical reasons, a law enforcement emergency, another court or administrative hearing, or any other legitimate just cause, such hearing officer or the department may reschedule the hearing at the earliest possible time when the law enforcement officer and the hearing officer will be available.

(V) At the time that a respondent requests a hearing, written notice shall be given to the respondent advising such respondent of the right to subpoena the law enforcement officer for the hearing, that such subpoena must be served upon the officer at least five days before the day of the hearing, and of the respondent's right, at the time that the respondent requests the hearing, to notify the department in writing that the respondent desires the officer's presence at the hearing, and that, upon such notification, the department shall issue a written notice for the officer to appear at the hearing. The written notice shall also state that, if the law enforcement officer does not appear at the hearing, documents and an affidavit prepared and submitted by the law enforcement officer will be used at the hearing. The written notice shall further state that the affidavit and documents submitted by the law enforcement officer may be reviewed by the respondent prior to the hearing.

(f) If a hearing is held pursuant to this ~~subsection (7)~~ SUBSECTION (8), the department shall review the matter and make a final determination on the basis of the documents and affidavit submitted to the department pursuant to ~~subsections (1.5) and (2)~~ SUBSECTIONS (2) AND (3) of this section. Except as provided in paragraph (e) of this ~~subsection (7)~~ SUBSECTION (8), the law enforcement officer who submitted the affidavit required by

~~subsection (2)~~ SUBSECTION (3) of this section need not be present at the hearing. The department shall consider all other relevant evidence at the hearing, including the testimony of law enforcement officers and the reports of such officers which are submitted to the department. The reports of law enforcement officers shall not be required to be made under oath, but such reports shall identify the officers making the reports. The department may consider evidence contained in affidavits from persons other than the respondent, so long as such affidavits include the affiant's home or work address and phone number and are dated, signed, and sworn to by the affiant under penalty of perjury. The affidavit need not be notarized or sworn to before any other person. The respondent must present evidence in person.

~~(8) (a)~~ (9) (a) The hearing shall be held in the district office nearest to where the violation occurred, unless the parties agree to a different location. The person requesting the hearing may be referred to as the respondent.

(b) The presiding hearing officer shall be the executive director of the department or an authorized representative designated by the executive director. The presiding hearing officer shall have authority to administer oaths and affirmations; to consider the affidavit of the law enforcement officer filing such affidavit as specified in ~~subsection (2)~~ SUBSECTION (3) of this section; to consider other law enforcement officers' reports which are submitted to the department, which reports need not be under oath but shall identify the officers making the reports; to examine and consider documents and copies of documents containing relevant evidence; to consider other affidavits which are dated, signed, and sworn to by the affiant under penalty of perjury, which affidavits need not be notarized or sworn to before any other person but shall contain the affiant's home or work address and phone number; to take judicial notice as defined by rule 201 of article II of the Colorado rules of evidence, subject to the provisions of section 24-4-105 (8), C.R.S., which shall include judicial notice of general, technical, or scientific facts within the hearing officer's knowledge, judicial notice of appropriate and reliable scientific and medical information contained in studies, articles, books, and treatises, and judicial notice of charts prepared by the department of health pertaining to the maximum blood or breath alcohol levels that people can obtain through the consumption of alcohol when such charts are based upon the maximum absorption levels possible of determined amounts of alcohol consumed in relationship to the weight and gender of the person consuming such alcohol; to compel witnesses to testify or produce books, records, or other evidence; to examine witnesses and take testimony; to receive and consider any relevant evidence necessary to properly perform the hearing officer's duties as required by this section; to issue subpoenas duces tecum to produce books, documents, records, or other evidence; to issue subpoenas for the attendance of witnesses; to take depositions,

or cause depositions or interrogatories to be taken; to regulate the course and conduct of the hearing; and to make a final ruling on the issues.

(c) (I) Where a license is revoked under ~~subsection (1.5) (a) (I)~~ SUBPARAGRAPH (I) OF PARAGRAPH (a) OF SUBSECTION (2) of this section, the sole issue at the hearing shall be whether by a preponderance of the evidence the person drove a vehicle in this state when the amount of alcohol, as shown by analysis of the person's blood or breath, in such person's blood was 0.10 or more grams of alcohol per hundred milliliters of blood or 0.10 or more grams of alcohol per two hundred ten liters of breath at the time of driving or within two hours after driving. If the preponderance of the evidence establishes that such person consumed alcohol between the time that the person stopped driving and the time that testing occurred, the preponderance of the evidence must also establish that the minimum 0.10 blood or breath alcohol content required in ~~subsection (1.5) (a) (I)~~ SUBPARAGRAPH (I) OF PARAGRAPH (a) OF SUBSECTION (2) of this section was reached as a result of alcohol consumed before the person stopped driving; or where a license is revoked under ~~subsection (1.5) (a) (II)~~ SUBPARAGRAPH (II) OF PARAGRAPH (a) OF SUBSECTION (2) of this section whether the person refused to take or to complete or to cooperate in the completing of any test or tests of ~~his~~ THE PERSON'S blood, breath, saliva, or urine as required by ~~section 42-4-1202 (3)~~ SECTION 42-4-1301 (7). If the presiding hearing officer finds the affirmative of the issue, the revocation order shall be sustained. If the presiding hearing officer finds the negative of the issue, the revocation order shall be rescinded.

~~(II) (Deleted by amendment, L. 93, p. 31, § 1, effective March 18, 1993.)~~

~~(III)~~ (II) When the determination of the issue pursuant to this paragraph (c) is based upon an analysis of the respondent's blood or breath and evidence is offered by the respondent to show a disparity between the results of the analysis done on behalf of the law enforcement agency and the results of an analysis done on behalf of the respondent, and when a preponderance of the evidence establishes that the blood analysis conducted on behalf of the law enforcement agency was properly conducted by a qualified person associated with a laboratory certified by the department of health using properly working testing devices or when a preponderance of the evidence establishes that the law enforcement breath test was administered using a properly working breath testing device certified by the department of health, which device was properly operated by a qualified operator, there shall be a presumption favoring the accuracy of the analysis done on behalf of the law enforcement agency if such analysis showed the amount of alcohol in the respondent's blood or breath to be 0.12 or more grams of alcohol per hundred milliliters of blood or 0.12 or more grams of

alcohol per two hundred ten liters of breath. If the respondent offers evidence of blood or breath analysis, the respondent shall be required to state under oath the number of analyses done in addition to the one offered as evidence and the names of the laboratories that performed the analyses and the results of all analyses.

~~(IV)~~ (III) Where a license is revoked under ~~subsection (1.5) (a) (III)~~ SUBPARAGRAPH (III) OF PARAGRAPH (a) OF SUBSECTION (2) of this section, the sole issue at the hearing shall be whether by a preponderance of the evidence the person drove a commercial motor vehicle in this state when the amount of alcohol, as shown by analysis of the person's blood or breath, in such person's blood was 0.04 or more grams of alcohol per hundred milliliters of blood or 0.04 or more grams of alcohol per two hundred ten liters of breath at the time of driving or anytime thereafter if the preponderance of the evidence establishes that such person did not consume any alcohol between the time of driving and the time of testing. If the presiding hearing officer finds the affirmative of the issue, the revocation order shall be sustained. If the presiding hearing officer finds the negative of the issue, the revocation order shall be rescinded.

~~(V)~~ (IV) Under no circumstances shall the presiding hearing officer consider any issue not specified in this paragraph (c).

(d) The hearing shall be recorded. The decision of the presiding hearing officer shall be rendered in writing, and a copy will be provided to the person who requested the hearing.

(e) If the person who requested the hearing fails to appear without just cause, the right to a hearing shall be waived, and the determination of the department which is based upon the documents and affidavit required in ~~subsections (1.5) and (2)~~ SUBSECTIONS (2) AND (3) of this section shall become final.

~~(9) (a)~~ (10) (a) Within thirty days of the issuance of the final determination of the department under this section, a person aggrieved by the determination shall have the right to file a petition for judicial review in the district court in the county of the person's residence.

(b) The review shall be on the record without taking additional testimony. If the court finds that the department exceeded its constitutional or statutory authority, made an erroneous interpretation of the law, acted in an arbitrary and capricious manner, or made a determination which is unsupported by the evidence in the record, the court may reverse the department's determination.

(c) The filing of a petition for judicial review shall not result in an automatic stay of the revocation order. The court

may grant a stay of the order only upon motion and hearing and upon a finding that there is a reasonable probability that the petitioner will prevail upon the merits and that the petitioner will suffer irreparable harm if the order is not stayed.

~~(10)~~ (11) The "State Administrative Procedure Act", article 4 of title 24, C.R.S., shall apply to this section to the extent it is consistent with ~~subsections (7), (8), and (9)~~ SUBSECTIONS (8), (9), AND (10) of this section relating to administrative hearings and judicial review.

42-2-127. [Formerly 42-2-123] Authority to suspend license - to deny license - type of conviction - points. (1) (a) The department has the authority to suspend the license of any driver who, in accordance with the schedule of points set forth in this section, has been convicted of traffic violations resulting in the accumulation of twelve points within any twelve consecutive months or eighteen points within any twenty-four consecutive months, or, in the case of a provisional driver, who has accumulated nine points within any twelve consecutive months, or twelve points within any twenty-four consecutive months, or fourteen points within the time period for which the license was issued, or, in the case of a minor driver, who has accumulated more than five points within any twelve consecutive months or more than six points within the time period for which the license was issued; except that the accumulation of points causing the subjection to suspension of the license of a chauffeur who, in the course of ~~his~~ employment, has as ~~his~~ A principal ~~duties~~ DUTY the operation of a motor vehicle shall be sixteen points in one year, twenty-four points in two years, or twenty-eight points in four years, if all such points are accumulated while said chauffeur is in the course of ~~his~~ employment. Any provision of this section to the contrary notwithstanding, the license of a chauffeur who is convicted of a violation of ~~section 42-4-1202 (1) or (1.5)~~ SECTION 42-4-1301 (1) OR (2) or leaving the scene of an accident shall be suspended in the same manner as if the offense occurred outside the course of employment. Whenever a minor driver receives a summons for a traffic violation, ~~his~~ THE MINOR'S parent or legal guardian or, if the minor is without parents or guardian, the person who signed ~~his~~ THE MINOR DRIVER'S application for a license shall ~~forthwith~~ IMMEDIATELY be notified by the court from which such summons was issued.

(b) If any applicant for a license to operate a motor vehicle has illegally operated a motor vehicle in this state prior to the issuance of a valid driver's, provisional driver's, or minor driver's license or instruction permit or in violation of the terms of any instruction permit within thirty-six months prior to said application, the department has the authority to deny the issuance of said license for not more than twelve months if the violation did not occur prior to July 1, 1974.

(c) For the purpose of this section, any points accumulated by a minor under a temporary instruction permit shall apply to the minor driver's or provisional driver's license subsequently issued to or applied for by such minor.

(d) Except as otherwise provided in ~~subsection (8.5)~~ SUBSECTION (9) of this section, no suspension or denial shall be made until a hearing has been held in accordance with the provisions of this section. This section shall not be construed to prevent the issuance of a restricted license pursuant to ~~section 42-2-114~~ SECTION 42-2-116.

(2) (a) The time periods provided in subsection (1) of this section for the accumulation of points shall be based on the date of violation, but points shall not be assessed until after conviction for any such traffic violation.

(b) The accumulation of points within the time periods provided in subsection (1) of this section shall not be affected by the issuance or renewal of any driver's, minor driver's, or provisional driver's license issued under the provisions of this article or the anniversary date thereof.

(3) Nothing in subsections (1) and (2) of this section shall affect or prevent any proceedings to suspend any license under the provisions of law existing prior to July 1, 1974.

(4) Statutory provisions for cancellation and mandatory revocation of drivers' licenses shall take precedence over this section.

(5) Point system schedule:

Type of conviction	**Points**
(a) Leaving scene of accident	12
(b) (I) Driving while under the influence or with an excessive alcoholic content pursuant to ~~section 42-4-1202 (1) (a) or (1.5)~~ SECTION 42-4-1301 (1) (a) OR (2)	12
(II) Driving while under the influence of any controlled substance pursuant to ~~section 42-4-1202 (1) (c)~~ SECTION 42-4-1301 (1) (c)	12
(III) Driving while ability is impaired pursuant to ~~section 42-4-1202 (1) (b)~~ SECTION 42-4-1301 (1) (b)	8

~~(IV) Repealed, L. 89, p. 1622, § 11, effective May 5, 1989.~~

(c) Speed contests 12

(d) Reckless driving 8

(e) Careless driving 4

(f) Speeding:

(I) One to four miles per hour over the reasonable and prudent speed or over the maximum lawful speed limit of fifty-five miles per hour or over the maximum lawful speed limit of sixty-five miles per hour 1

(II) Five to nine miles per hour over the reasonable and prudent speed or over the maximum lawful speed limit of fifty-five miles per hour or over the maximum lawful speed limit of sixty-five miles per hour 3

(III) Ten to nineteen miles per hour over the reasonable and prudent speed or over the maximum lawful speed limit of fifty-five miles per hour or over the maximum lawful speed limit of sixty-five miles per hour 4

(IV) Twenty or more miles per hour over the reasonable and prudent speed or over the maximum lawful speed limit of fifty-five miles per hour or over the maximum lawful speed limit of sixty-five miles per hour 6

(V) Failure to reduce speed below an otherwise lawful speed when a special hazard exists 3

(g) Failure to stop for school signals 6

(h) Driving on wrong side of road 4

(i) Improper passing 4

(j) Failure to stop for school bus 6

(k) Following too closely 4

(l) Failure to observe traffic sign or signal 4

(m) Failure to yield to emergency vehicle 4

(n) Failure to yield right-of-way, except as provided in ~~paragraphs (z) to (cc)~~ PARAGRAPHS (y) TO (bb) of this subsection (5) 3

(o) Improper turn 3

(p) Driving in wrong lane or direction on one-way

street 3

(q) Driving through safety zone 3

(r) Conviction of violations not listed in this subsection (5) while driving a moving vehicle, which are violations of a state law or municipal ordinance other than violations classified as class B traffic infractions under ~~section 42-4-1501~~ SECTION 42-4-1701 or having an equivalent classification under any municipal ordinance 3

(s) Failure to signal or improper signal 2

(t) Improper backing 2

(u) Failure to dim or turn on lights 2

(v) Operating an unsafe vehicle 2

~~(w) Repealed, L. 82, p. 588, § 1, effective February 19, 1982.~~

~~(x)~~ (w) Eluding or attempting to elude a police officer 12

~~(y)~~ (x) Alteration of suspension system 3

~~(z)~~ (y) Failure to yield right-of-way to pedestrian . 4

~~(aa)~~ (z) Failure to yield right-of-way to pedestrian at walk signal 4

~~(bb)~~ (aa) Failure to yield right-of-way to pedestrian upon emerging from alley, driveway, or building in a commercial or residential area 4

~~(cc)~~ (bb) Failure to yield right-of-way to person with a disability pursuant to ~~section 42-4-709~~ SECTION 42-4-808 . 6

~~(dd)~~ (cc) Failure to exercise due care for pedestrian pursuant to ~~section 42-4-707~~ SECTION 42-4-807 4

~~(ee)~~ (dd) A second or subsequent violation of section 42-2-101 (1) and (4) 6

~~(ff)~~ (ee) Failure to maintain or show proof of insurance pursuant to ~~section 42-4-1213~~ SECTION 42-4-1409 4

(6) (a) "Convicted" and "conviction", as used in this section, include conviction in any court of record or municipal court, or by the Southern Ute Indian tribal court, or by any

military authority for offenses substantially the same as those set forth in subsection (5) of this section which occur on a military installation in this state and also include the acceptance and payment of a penalty assessment under the provisions of ~~section 42-4-1501~~ SECTION 42-4-1701 or under the similar provisions of any town or city ordinance and the entry of a judgment or default judgment for a traffic infraction under the provisions of ~~section 42-4-1501 or 42-4-1505.7~~ SECTION 42-4-1701 OR 42-4-1710 or under the similar provisions of any municipal ordinance.

(b) For the purposes of this article, a plea of no contest accepted by the court or the forfeiture of any bail or collateral deposited to secure a defendant's appearance in court or the failure to appear in court by a defendant charged with a violation of ~~section 42-4-1202 (1) (a), (1) (c), or (1.5)~~ SECTION 42-4-1301 (1) (a), (1) (c), OR (2) who has been issued a summons and notice to appear pursuant to ~~section 42-4-1505~~ SECTION 42-4-1707 as evidenced by records forwarded to the department in accordance with the provisions of ~~section 42-2-121~~ SECTION 42-2-124 shall be considered as a conviction.

(c) ~~(I)~~ The provisions of paragraph (r) of subsection (5) of this section shall not be applicable to violations of the requirements of ~~sections 42-2-113, 42-3-122, and 42-4-1210~~ SECTIONS 42-2-115, 42-3-133, AND 42-4-314.

~~(II) Repealed, L. 84, p. 1080, § 1, effective July 1, 1984.~~

~~(c.1) Repealed, L. 84, p. 1080, § 1, effective July 1, 1984.~~

(7) Upon the accumulation by a licensee of half as many points as are required for suspension, the department may send such licensee a warning letter in accordance with ~~section 42-2-117 (2)~~ SECTION 42-2-119 (2) or order a preliminary hearing, but the failure of the department to send such warning letter or hold such preliminary hearing shall not be grounds for invalidating the licensee's subsequent suspension as a result of accumulating additional points as long as the suspension is carried out under the provisions of this section. Should a preliminary hearing be ordered by the department and should the licensee fail to attend or show good cause for failure to attend, the department may suspend such license in the same way as if ~~he~~ THE LICENSEE had accumulated sufficient points for suspension and had failed to attend such suspension hearing.

(8) Except as otherwise provided in ~~subsection (8.5)~~ SUBSECTION (9) of this section, whenever the department's records show that a licensee has accumulated a sufficient number of points

to be subject to license suspension, the department shall notify such licensee that a hearing will be held not less than twenty days after the date of such notice to determine whether ~~his~~ THE LICENSEE'S driver's license should be suspended. Such notification shall be given to the licensee in writing by regular mail, addressed to the address of the licensee as shown by the records of the department.

~~(8.5) (a)~~ (9) (a) Whenever the department receives notice that a person has pled guilty to, or been found guilty by a court or a jury of, a violation of ~~section 42-4-1202 (1) (a), (1) (c), or (1.5)~~ SECTION 42-4-1301 (1) (a), (1) (c), OR (2) and receives the license surrendered by such person to the court pursuant to ~~section 42-2-123.3~~ SECTION 42-2-129, the department shall ~~forthwith~~ IMMEDIATELY suspend the license of such person for a period of not less than one year.

(b) Upon suspending the license of any person as required by this ~~subsection (8.5)~~ SUBSECTION (9), the department shall immediately notify the licensee as provided in ~~section 42-2-117 (2)~~ SECTION 42-2-119 (2).

(c) Upon receipt of the notice of suspension, the licensee or ~~his~~ THE LICENSEE'S attorney may request a hearing in writing. The department, upon notice to the licensee as provided in ~~section 42-2-117 (2)~~ SECTION 42-2-119 (2), shall hold a hearing at the district office of the department closest to the residence of the licensee not less than thirty days after receiving such request through a hearing commissioner appointed by the executive director of the department, which hearing shall be conducted in accordance with the provisions of section 24-4-105, C.R.S. After such hearing, the licensee may appeal the decision of the department to the district court as provided in ~~section 42-2-127~~ SECTION 42-2-135. Should a driver who has had ~~his~~ A license suspended under this ~~subsection (8.5)~~ SUBSECTION (9) be subsequently acquitted of such charge by a court of record, the department shall ~~forthwith~~ IMMEDIATELY, in any event not later than ten days after the receipt of such notice of acquittal, reinstate said license to the driver affected.

~~(9)~~ (10) Suspension hearings when ordered by the department shall be held at the district office of the department closest to the residence of the licensee. A hearing delay shall be granted by the department only if the licensee presents the department with good cause for such delay. Good cause shall include absence from the state or county of residence, personal illness, or any other circumstance which, in the department's discretion, constitutes sufficient reason for delay. In the event that a suspension hearing is delayed, the department shall set a new date for such hearing no later than sixty days after the date of the original hearing.

~~(10)~~ (11) Upon such hearing, the department or its authorized agent may administer oaths, issue subpoenas for the attendance of witnesses and the production of books and papers, apply to the district court for the enforcement thereof by contempt proceedings, and require a reexamination of the licensee.

~~(11)~~ (12) If at the hearing held pursuant to subsection (8) of this section it appears that the record of the driver sustains suspension as provided in this section, the department shall immediately suspend such driver's license, and such license shall then be surrendered to the department. If at such hearing it appears that the record of the driver does not sustain suspension, the department shall not suspend such license and shall adjust ~~his~~ THE accumulated-point total accordingly. In the event that the driver's license is suspended, the department may issue a probationary license for a period not to exceed the period of suspension, which license may contain such restrictions as the department deems reasonable and necessary and which may thereafter be subject to cancellation as a result of any violation of the restrictions imposed therein. The department may also order any driver whose license is suspended to take a complete driving reexamination. After such hearing, the licensee may appeal the decision to the district court as provided in ~~section 42-2-127~~ SECTION 42-2-135.

~~(12)~~ (13) If the driver fails to appear at such hearing after proper notification as provided in subsections (7) and (8) of this section and a delay or continuance has not been requested and granted as provided in ~~subsection (9)~~ SUBSECTION (10) of this section, the department shall immediately suspend the license of such driver, but such suspension or revocation shall not be effective until twenty days after notification of such action has been given to the licensee as provided in ~~section 42-2-117 (2)~~ SECTION 42-2-119 (2). The notification of suspension or revocation shall recite therein that the licensee may apply for a hearing at any time within twenty days after the date of notification of the order of suspension or revocation, and the licensee shall be advised that, if a hearing is applied for, the effective date of the order will be extended until after the hearing is held. Such hearing shall be held within sixty days after application is made, and, at said hearing, it shall be determined whether the order of suspension or revocation shall be entered in the same manner as if the licensee had originally appeared after first notice.

~~(13) (a)~~ (14) (a) If there is no other statutory reason for denial of a probationary license, any individual who has had ~~his~~ A license suspended by the department because of, at least in part, a conviction of an offense specified in paragraph (b) of subsection (5) of this section may be entitled to a probationary license pursuant to ~~subsection (11)~~ SUBSECTION (12) of this section for the purpose of driving for reasons of employment,

education, health, or alcohol and drug education or treatment; but such individual, if ordered by the court which convicted ~~him~~ THE INDIVIDUAL, must be enrolled in a program of alcohol and drug traffic driving education or treatment certified by the division of alcohol and drug abuse in the department of human services. Such a probationary license shall contain any other restrictions as the department deems reasonable and necessary, shall be subject to cancellation for violation of any such restrictions, including absences from alcohol and drug education or treatment sessions or failure to complete alcohol and drug education or treatment programs, and shall be issued for the entire period of suspension. No individual issued a probationary license in accordance with this ~~subsection (13)~~ SUBSECTION (14) shall be issued a second such probationary license within a five-year period.

(b) The department may refuse to issue a probationary license if the department finds that the driving record of the individual is such that ~~he~~ THE INDIVIDUAL has sufficient points, in addition to those resulting from the conviction referred to in this ~~subsection (13)~~ SUBSECTION (14), to require the suspension or revocation of a license to drive on the highways of this state, or if the department finds from the record after a hearing conducted in accordance with ~~subsection (11)~~ SUBSECTION (12) of this section that aggravating circumstances exist to indicate the individual is unsafe for driving for any purpose. In refusing to issue a probationary license, the department shall make specific findings of fact to support such refusal.

(c) No district attorney shall enter into, nor shall any judge approve, a plea bargaining agreement entered into solely for the purpose of permitting the defendant to qualify for a probationary license under this ~~subsection (13)~~ SUBSECTION (14).

42-2-128. [Formerly 42-4-1201] Vehicular homicide - revocation of license. The department shall revoke the driver's license of any person convicted of vehicular homicide, including the driver's license of any juvenile who has been adjudicated a delinquent upon conduct which would establish the crime of vehicular homicide if committed by an adult.

42-2-129. [Formerly 42-2-123.3] Mandatory surrender of license or permit for driving under the influence or with excessive alcoholic content. Upon a plea of guilty or nolo contendere, or a verdict of guilty by the court or a jury, to a violation of ~~section 42-4-1202 (1) (a), (1) (c), or (1.5)~~ SECTION 42-4-1301 (1) (a), (1) (c), OR (2), the court shall require the offender to immediately surrender ~~his~~ THE OFFENDER'S driver's, minor driver's, provisional driver's, or temporary driver's license or ~~his~~ instruction permit to the court. The court shall forward to the department a notice of plea or verdict, on the form prescribed by the department, together with the offender's license or permit, not later than ten days after the surrender of the

license or permit. Any person who does not immediately surrender ~~his~~ SUCH license or permit to the court, except for good cause shown, commits a class 2 misdemeanor traffic offense.

42-2-130. [Formerly 42-2-123.6] Mandatory surrender of license or permit for drug convictions. Immediately upon a plea of guilty or nolo contendere or a verdict of guilty by the court or a jury, to an offense for which revocation of a license or permit is mandatory pursuant to ~~section 42-2-122 (1) (l)~~ SECTION 42-2-125 (1) (k), the court shall require the offender to immediately surrender ~~his~~ THE OFFENDER'S driver's, minor driver's, provisional driver's, or temporary driver's license or instruction permit to the court. The court shall forward to the department a notice of plea or verdict on the form prescribed by the department, together with the offender's license or permit, not later than ten days after the surrender of the license or permit. Any person who does not immediately surrender such person's license or permit to the court commits a class 2 misdemeanor traffic offense, unless such person swears or affirms under oath administered by the court and subject to the penalties of perjury, that the license or permit has been lost, destroyed, or is not in said person's immediate possession. Any person who swears or affirms that the license or permit is not in the immediate possession of said person shall surrender said license or permit to the court within five days of the sworn or affirmed statement, and, if not surrendered within such time, said person ~~shall be guilty of~~ COMMITS a class 2 misdemeanor traffic offense.

42-2-131. [Formerly 42-2-123.7] Mandatory surrender of license or permit for nondriving alcohol convictions. Immediately upon a plea of guilty or nolo contendere or a verdict of guilty by the court or a jury to an offense for which revocation of a license or permit is mandatory pursuant to ~~section 42-2-122 (1) (n)~~ SECTION 42-2-125 (1) (m), the court shall require the offender to immediately surrender ~~his~~ THE OFFENDER'S driver's, minor driver's, provisional driver's, or temporary driver's license or instruction permit to the court. The court shall forward to the department a notice of plea or verdict on the form prescribed by the department, together with the offender's license or permit, not later than ten days after the surrender of the license or permit. Any person who does not immediately surrender such person's license or permit to the court commits a class 2 misdemeanor traffic offense, unless such person swears or affirms under oath administered by the court and subject to the penalties of perjury, that the license or permit has been lost, destroyed, or is not in said person's immediate possession. Any person who swears or affirms that the license or permit is not in the immediate possession of said person shall surrender said license or permit to the court within five days of the sworn or affirmed statement, and, if not surrendered within such time, said person ~~shall be guilty of~~ COMMITS a class 2 misdemeanor traffic offense.

42-2-132. [Formerly 42-2-124] Period of suspension or revocation. (1) The department shall not suspend a driver's, minor driver's, or provisional driver's license to drive a motor vehicle on the public highways for a period of more than one year, except as permitted under ~~sections 42-2-123 (8.5) and 42-2-130~~ SECTIONS 42-2-127 (9) AND 42-2-138 and except for noncompliance with the provisions of ~~subsection (3)~~ SUBSECTION (4) of this section or section 42-7-406, or both.

(2) (a) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked is not entitled to apply for a probationary license, and, except as provided in paragraph (b) of this subsection (2) and in ~~sections 42-2-122, 42-2-122.1, 42-2-130, 42-2-205, and 42-7-406~~ SECTIONS 42-2-125, 42-2-126, 42-2-138, 42-2-205, AND 42-7-406, such person is not entitled to make application for a new license until the expiration of one year from the date on which the revoked license was surrendered to and received by the department; then such person may make application for a new license as provided by law. Following the period of revocation set forth in this subsection (2), the department shall not issue a new license unless and until it is satisfied that such person has demonstrated ~~his~~ knowledge of the laws and driving ability through the appropriate motor vehicle testing process and that such person whose license was revoked pursuant to ~~section 42-2-122~~ SECTION 42-2-125 for an alcohol- or drug-related driving offense has completed not less than a level II alcohol and drug education and treatment program certified by the division of alcohol and drug abuse pursuant to ~~section 42-4-1202 (5)~~ SECTION 42-4-1301 (10). In the case of a minor driver or a provisional driver whose license has been revoked as a result of one conviction for any offense provided for in ~~section 42-4-1202 (1) or (1.5)~~ SECTION 42-4-1301 (1) OR (2), the minor driver or provisional driver, unless otherwise required after an evaluation made by an alcohol and drug evaluation specialist certified by the division of alcohol and drug abuse, must complete a level I alcohol and drug education program certified by the division of alcohol and drug abuse pursuant to ~~section 42-4-1202 (5)~~ SECTION 42-4-1301 (10). The department shall take into consideration any probationary terms imposed on such person by any court in determining whether any revocation shall be continued.

(b) Any person whose license or privilege to drive a motor vehicle on the public highways is revoked pursuant to ~~section 42-2-122 (1) (l)~~ SECTION 42-2-125 (1) (k) for conviction of a drug offense shall have ~~his~~ SUCH PERSON'S driver's license revoked for a period of one year for each such conviction; except that the period of revocation shall be three months if such person has not previously been convicted of a drug offense which is grounds for driver's license or privilege revocation pursuant to ~~section 42-2-122 (1) (l)~~ SECTION 42-2-125 (1) (k). Any revocation of a person's driver's license for conviction of a drug offense

pursuant to ~~section 42-2-122 (1) (l)~~ SECTION 42-2-125 (1) (k) shall begin upon conviction. Each subsequent conviction for such a drug offense occurring while a person's driver's license is already revoked for such a drug offense shall extend the period of revocation for an additional year.

~~(2.5)~~ (3) Any person making false application for a new license before the expiration of the period of suspension or revocation commits a class 2 misdemeanor traffic offense. The department shall notify the district attorney's office in the county where such violation occurred, in writing, of all violations of this section.

~~(3) (a)~~ (4) (a) Any person whose license or other privilege to operate a motor vehicle in this state has been suspended, cancelled, or revoked, pursuant to either this article or article 4 or 7 of this title, shall pay a restoration fee of forty dollars to the executive director of the department prior to the issuance to such person of a new license or the restoration of such license or privilege.

(b) All restoration fees collected pursuant to this ~~subsection (3)~~ SUBSECTION (4) from persons whose licenses or driving privileges were revoked pursuant to ~~section 42-2-122.1~~ SECTION 42-2-126 shall be transmitted to the state treasurer, who shall credit the same to the driver's license administrative revocation account in the highway users tax fund, which account is hereby created. The moneys in the account shall be subject to annual appropriation by the general assembly for the direct and indirect costs incurred by the department of revenue in the administration of ~~section 42-2-122.1~~ SECTION 42-2-126. At the end of each fiscal year, any unexpended and unencumbered moneys remaining in the account shall be transferred out of the account and credited to the highway users tax fund.

42-2-133. [Formerly 42-2-125] Surrender and return of license. The department, upon suspending or revoking a license, shall require that such license be surrendered to and be retained by the department; except that, at the end of the period of suspension, such license so surrendered shall be returned to the licensee upon written application.

42-2-134. [Formerly 42-2-126] Foreign license invalid during suspension. No resident or nonresident whose driver's license or right or privilege to operate a motor vehicle in this state has been suspended or revoked as provided in this article shall operate a motor vehicle in this state under a license, permit, or registration certificate issued by any other jurisdiction or otherwise during such suspension or after such revocation until a new license is obtained when and as permitted under this article.

42-2-135. [Formerly 42-2-127] Right to appeal. (1) Every person finally denied a license or whose license has been finally cancelled, suspended, or revoked by or under the authority of the department may, within thirty days thereafter, obtain judicial review in accordance with section 24-4-106, C.R.S.; except that the venue for such judicial review shall be in the county of residence of the person seeking judicial review.

(2) The district attorney of the judicial district in which review is applied for pursuant to this section, upon request of the attorney general, shall represent the department.

42-2-136. [Formerly 42-2-128] Unlawful possession or use of license. (1) No person shall have in such person's possession a lawfully issued driver's, minor driver's, or provisional driver's license or instruction permit, knowing that such license or permit has been falsely altered by means of erasure, obliteration, deletion, insertion of new matter, transposition of matter, or any other means so that such license or permit in its thus altered form falsely appears or purports to be in all respects an authentic and lawfully issued license or permit.

(2) No person shall have in such person's possession a paper, document, or other instrument which falsely appears or purports to be in all respects a lawfully issued and authentic driver's, minor driver's, or provisional driver's license or instruction permit, knowing that such instrument was falsely made and was not lawfully issued.

(3) No person shall display or represent as being ~~his~~ SUCH PERSON'S own any driver's, minor driver's, or provisional driver's license or any instruction permit which was lawfully issued to another person.

(4) No person shall fail or refuse to surrender to the department upon its lawful demand any driver's, minor driver's, or provisional driver's license or any instruction or temporary permit issued to such person which has been suspended, revoked, or cancelled by the department. The department shall notify the district attorney's office in the county where such violation occurred, in writing, of all violations of this subsection (4).

(5) No person shall permit any unlawful use of a driver's license issued to ~~him~~ SUCH PERSON.

(6) Any person who violates any provision of this section commits a class 2 misdemeanor traffic offense.

42-2-137. [Formerly 42-2-129] False affidavit - penalty. Any person who makes any false affidavit or knowingly swears or affirms falsely to any matter or thing required by the terms of this part 1 to be sworn to or affirmed commits a class 2

misdemeanor traffic offense. The department shall notify the district attorney's office in the county where such violations occurred, in writing, of all violations of this section.

42-2-138. [Formerly 42-2-130] Driving under restraint - penalty. (1) (a) Any person who drives a motor vehicle or ~~all-terrain recreational~~ OFF-HIGHWAY vehicle upon any highway of this state with knowledge that such person's license or privilege to drive, either as a resident or a nonresident, is under restraint for any reason other than conviction of an alcohol-related driving offense pursuant to ~~section 42-4-1202 (1) or (1.5)~~ SECTION 42-4-1301 (1) OR (2) is guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment in the county jail for not less than five days nor more than six months, and, in the discretion of the court, a fine of not less than fifty dollars nor more than five hundred dollars may be imposed. The minimum sentence imposed by this paragraph (a) shall be mandatory, and the court shall not grant probation or a suspended sentence, in whole or in part, or reduce or suspend the fine under this paragraph (a); but, in a case where the defendant is convicted although ~~he~~ THE DEFENDANT established that he OR SHE had to drive the motor vehicle in violation of this paragraph (a) because of an emergency, the mandatory jail sentence or the fine, if any, shall not apply, and the court may impose a sentence of imprisonment in the county jail for a period of not more than six months and a fine of not more than five hundred dollars. Such minimum sentence need not be five consecutive days but may be served during any thirty-day period.

(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 the penalty prescribed in said paragraph (a) of this subsection (1), the defendant shall not be eligible to be issued a driver's, minor driver's, or provisional driver's license or extended any driving privilege in this state for a period of three years after such second or subsequent conviction.

~~(c) and (d) Repealed, L. 83, p. 1579, § 2, effective July 1, 1983.~~

~~(e)~~ (c) This subsection (1) shall apply only to violations committed on or after July 1, 1974.

~~(f) (I)~~ (d) (I) Any person who drives a motor vehicle or ~~all-terrain recreational~~ OFF-HIGHWAY vehicle upon any highway of this state with knowledge that such person's license or privilege to drive, either as a resident or nonresident, is restrained under ~~section 42-2-122.1 (1.5) (a)~~ SECTION 42-2-126 (2) (a) or is restrained solely or partially because of a conviction of a driving offense pursuant to ~~section 42-4-1202 (1) or (1.5)~~ SECTION

42-4-1301 (1) OR (2) is guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment in the county jail for not less than thirty days nor more than one year and, in the discretion of the court, by a fine of not less than five hundred dollars nor more than one thousand dollars. Upon a second or subsequent conviction, such person shall be punished by imprisonment in the county jail for not less than ninety days nor more than two years and, in the discretion of the court, by a fine of not less than five hundred dollars nor more than three thousand dollars. The minimum county jail sentence imposed by this subparagraph (I) shall be mandatory, and the court shall not grant probation or a suspended sentence thereof; but, in a case where the defendant is convicted although ~~he~~ THE DEFENDANT established that he OR SHE had to drive the motor vehicle in violation of this subparagraph (I) because of an emergency, the mandatory jail sentence, if any, shall not apply, and, for a first conviction, the court may impose a sentence of imprisonment in the county jail for a period of not more than one year and, in the discretion of the court, a fine of not more than one thousand dollars, and, for a second or subsequent conviction, the court may impose a sentence of imprisonment in the county jail for a period of not more than two years and, in the discretion of the court, a fine of not more than three thousand dollars.

(II) In any trial for a violation of subparagraph (I) of this ~~paragraph (f)~~ PARAGRAPH (d), a duly authenticated copy of the record of the defendant's former convictions and judgments for an alcohol-related driving offense pursuant to ~~section 42-4-1202 (1) or (1.5)~~ SECTION 42-4-1301 (1) OR (2) from any court of record or a certified copy of the record of any denial or revocation of the defendant's driving privilege under ~~section 42-2-122.1 (1.5) (a)~~ SECTION 42-2-126 (2) (a) from the department shall be prima facie evidence of such convictions, judgments, denials, or revocations and may be used in evidence against such defendant. Identification photographs and fingerprints that are part of the record of such former convictions, judgments, denials, or revocations and such defendant's incarceration after sentencing for any of such former convictions, judgments, denials, or revocations shall be prima facie evidence of the identity of such defendant and may be used in evidence against ~~him~~ THE DEFENDANT.

~~(g)~~ (e) Upon a second or subsequent conviction under subparagraph (I) of ~~paragraph (f)~~ PARAGRAPH (d) of this subsection (1) within five years after the first conviction thereunder, in addition to the penalty prescribed in said subparagraph (I), the defendant shall not be eligible to be issued a driver's, minor driver's, or provisional driver's license or extended any driving privilege in this state for a period of four years after such second or subsequent conviction.

(2) In any prosecution for a violation of this section, the fact of the restraint may be established by certification that a

notice was mailed by first-class mail pursuant to ~~section 42-2-117 (2)~~ SECTION 42-2-119 (2), to the last-known address of the defendant, or by the delivery of such notice to the last-known address of the defendant, or by personal service of such notice upon the defendant.

(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 suspended or revoked. If it appears that said offense was committed while the license or operating privilege of such person was revoked or suspended, 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.

(4) For purposes of this section, the following definitions shall apply:

(a) "Knowledge" means actual knowledge of any restraint from whatever source or knowledge of circumstances sufficient to cause a reasonable person to be aware that such person's license or privilege to drive was under restraint. "Knowledge" does not mean knowledge of a particular restraint or knowledge of the duration of restraint.

(b) "Restraint" or "restrained" means any denial, revocation, or suspension of a person's license or privilege to drive a motor vehicle in this state, or any combination of denials, revocations, or suspensions.

42-2-139. [Formerly 42-2-131] Permitting unauthorized minor to drive. (1) No parent or guardian shall cause or knowingly permit his OR HER child or ward under the age of eighteen years to drive a motor vehicle upon any highway when such minor has not been issued a currently valid minor driver's or provisional driver's license or instruction permit or shall cause or knowingly permit such child or ward to drive a motor vehicle upon any highway in violation of the conditions, limitations, or restrictions contained in a license or permit which has been issued to such child or ward.

(2) Any person who violates any provision of this section commits a class B traffic infraction.

42-2-140. [Formerly 42-2-132] Permitting unauthorized person to drive. (1) No person shall authorize or knowingly permit a motor vehicle owned by ~~him~~ SUCH PERSON or under ~~his~~ SUCH

PERSON'S hire or control to be driven upon any highway by any person who has not been issued a currently valid driver's, minor driver's, or provisional driver's license or an instruction permit or shall cause or knowingly permit such person to drive a motor vehicle upon any highway in violation of the conditions, limitations, or restrictions contained in a license or permit which has been issued to such other person.

(2) Any person who violates any provision of this section commits a class B traffic infraction.

42-2-141. [Formerly 42-2-133] Renting or loaning a motor vehicle to another. (1) No person shall rent or loan a motor vehicle to any other person unless the latter person is then duly licensed under this article or, in the case of a nonresident, duly licensed under the laws of the state or country of ~~his~~ THAT PERSON'S residence except a nonresident whose home state or country does not require that an operator be licensed.

(2) No person shall rent a motor vehicle to another until ~~he~~ THAT PERSON has inspected the driver's license of the person to whom the vehicle is to be rented and compared and verified the signature thereon with the signature of such person written in his OR HER presence.

(3) Every person renting a motor vehicle to another shall keep a record of the registration number of the motor vehicle so rented, the name and address of the person to whom the vehicle is rented, the number of the license of said latter person, and the date and place when and where said license was issued. Such record shall be open to inspection by any police officer or officer or employee of the department.

42-2-142. [Formerly 42-2-134] Violation - penalty. Any person who violates any provision of this part 1 for which no other penalty is provided in this part 1 commits a class B traffic infraction and shall be punished as provided in ~~section 42-4-1501 (2) (a)~~ SECTION 42-4-1701 (3) (a).

42-2-143. [Formerly 42-2-135] Legislative declaration. The general assembly declares that the provisions of this article as enacted in Senate Bill No. 318 by the forty-ninth general assembly in its first regular session shall not supersede, unless in direct conflict, and shall be harmonized with, the provisions of any other act enacted in the same session which also amends, in any way, this article.

PART 2
HABITUAL OFFENDERS

42-2-201. Legislative declaration concerning habitual offenders of motor vehicle laws. (1) It is declared to be the

policy of this state:

(a) To provide maximum safety for all persons who travel or otherwise use the public highways of this state;

(b) To deny the privilege of operating motor vehicles on such highways to persons who by their conduct and record have demonstrated their indifference to the safety and welfare of others and their disrespect for the laws of this state, the orders of its courts, and the statutorily required acts of its administrative agencies; and

(c) To discourage repetition of criminal acts by individuals against the peace and dignity of this state and its political subdivisions and to impose increased and added deprivation of the privilege to operate motor vehicles upon habitual offenders who have been convicted repeatedly of violations of the traffic laws.

42-2-202. Habitual offenders - frequency and type of violations. (1) An habitual offender is any person, resident or nonresident, who has accumulated convictions for separate and distinct offenses described in subsection (2) of this section committed during a seven-year period or committed during a five-year period for separate and distinct offenses described in subsection (3) of this section; except that, where more than one included offense is committed within a one-day period, such multiple offenses shall be treated for the purposes of this part 2 as one offense. The record as maintained in the office of the department shall be considered prima facie evidence of the said convictions.

(2) (a) An habitual offender is ~~one~~ A PERSON having three or more convictions of any of the following separate and distinct offenses arising out of separate acts committed within a period of seven years:

(I) Driving a motor vehicle in violation of any provision of ~~section 42-4-1202 (1) or (1.5)~~ SECTION 42-4-1301 (1) OR (2);

(II) Driving a motor vehicle in a reckless manner, in violation of ~~section 42-4-1203~~ SECTION 42-4-1401;

(III) Driving a motor vehicle upon a highway while ~~his~~ SUCH PERSON'S license or privilege to drive a motor vehicle has been denied, suspended, or revoked, in violation of ~~section 42-2-130~~ SECTION 42-2-138;

(IV) Knowingly making any false affidavit or swearing or affirming falsely to any matter or thing required by the motor vehicle laws or as to information required in the administration of such laws;

(V) Vehicular assault or vehicular homicide, or manslaughter or criminally negligent homicide which results from the operation of a motor vehicle, or aggravated motor vehicle theft, as such offenses are described in title 18, C.R.S.;

(VI) Conviction of the driver of a motor vehicle involved in any accident involving death or personal injuries for failure to perform the duties required of ~~him~~ SUCH PERSON under ~~section 42-4-1401~~ SECTION 42-4-1601;

(b) The offenses included in subparagraphs (I), (II), (III), and (V) of paragraph (a) of this subsection (2) shall be deemed to include convictions under any federal law, any law of another state, or any ordinance of a municipality that substantially conforms to the statutory provisions of this state regulating the operation of motor vehicles. For purposes of this paragraph (b), the term "municipality" means any home rule or statutory city or town, a territorial charter city, or a city and county.

(3) A person is also an habitual offender if ~~he~~ SUCH PERSON has ten or more convictions of separate and distinct offenses arising out of separate acts committed within a period of five years involving moving violations which provide for an assessment of four or more points each or eighteen or more convictions of separate and distinct offenses arising out of separate acts committed within a period of five years involving moving violations which provide for an assessment of three or less points each in the operation of a motor vehicle, which convictions are required to be reported to the department and result in the assessment of points under ~~section 42-2-123~~ SECTION 42-2-127, including any violations specified in subsection (2) of this section.

(4) For the purpose of this section, the term "conviction" has the meaning specified in ~~section 42-2-123 (6)~~ SECTION 42-2-127 (6) and includes entry of judgment for commission of a traffic infraction as set forth in ~~section 42-4-1501~~ SECTION 42-4-1701.

42-2-203. Authority to revoke license of habitual offender. The department has the authority to revoke the license of any person whose record brings ~~him~~ SUCH PERSON within the definition of an habitual offender in section 42-2-202; except that the hearing procedure, as specified in ~~section 42-2-123 (7) to (12)~~ SECTION 42-2-127 (7) TO (13), shall be employed prior to any such revocation.

42-2-204. Appeals. An appeal may be taken from any action entered under the provisions of this part 2 as provided in ~~section 42-2-127~~ SECTION 42-2-135.

42-2-205. Prohibition. (1) No license to operate motor

vehicles in this state shall be issued to an habitual offender, nor shall an habitual offender operate a motor vehicle in this state:

(a) For a period of five years from the date of the order of the department finding such person to be an habitual offender; and

(b) Until such time as financial responsibility requirements are met.

42-2-206. Driving after revocation prohibited. (1) It is unlawful for any person to operate any motor vehicle in this state while the revocation of the department prohibiting the operation remains in effect. Any person found to be ~~a~~ AN habitual offender, who is thereafter convicted of operating a motor vehicle in this state while the revocation of the department prohibiting such operation is in effect, ~~is guilty of~~ COMMITS a class 6 felony and shall be punished as provided in section 18-1-105, C.R.S.

(2) For the purpose of enforcing this section in any case in which the accused is charged with driving a motor vehicle while ~~his~~ SUCH PERSON'S license, permit, or privilege to drive is revoked or is charged with driving without a license, the court, before hearing such charges, shall require the district attorney to determine whether such person has been determined to be an habitual offender and by reason of such determination is barred from operating a motor vehicle on the highways of this state. If the district attorney determines that the accused has been so held, ~~he~~ THE DISTRICT ATTORNEY shall cause the appropriate criminal charges to be lodged against the accused.

42-2-207. No existing law modified. Nothing in this part 2 shall be construed as amending, modifying, or repealing any existing law of this state or any existing ordinance of any political subdivision relating to the operation of motor vehicles or the providing of penalties for the violation thereof; nor shall ~~they~~ ANYTHING IN THIS PART 2 be construed as precluding the exercise of the regulatory powers of any division, agency, department, or political subdivision of this state having the statutory authority to regulate such operation or licensing.

42-2-208. Computation of number of convictions. With respect to persons charged as habitual offenders, in computing the number of convictions, all convictions must result from offenses occurring on or after July 1, 1973.

~~PART 3~~
~~MEDICAL ADVISORY BOARD~~

~~**42-2-301 and 42-2-302. (Repealed)**~~

PART ~~4~~ 3
IDENTIFICATION CARDS

42-2-301. [Formerly 42-2-401] Definitions. As used in this ~~part 4~~ PART 3, unless the context otherwise requires:

(1) "Department" means the department of revenue.

(2) "Identification card" means the identification card issued under this article.

(3) "Registrant" means a person who acquires an identification card under the provisions of this ~~part 4~~ PART 3.

42-2-302. [Formerly 42-2-402] Department may issue - limitations. (1) Any person, which for purposes of this ~~part 4~~ PART 3 means a resident of this state, may be issued an identification card by the department certified by the registrant and attested by the department as to true name, date of birth, current address, social security number, if any, and any other identifying data the department may require. Every application for an identification card shall be signed and verified by the applicant before a person authorized to administer oaths or by an employee of the department.

(2) The department shall issue an identification card only upon the furnishing of a birth certificate or other documentary evidence of identity which the department may require.

42-2-303. [Formerly 42-2-403] Contents of identification card. (1) The identification card shall be the same size as a driver's license issued pursuant to ~~parts 1 to 3~~ PARTS 1 AND 2 of this article. The card shall adequately describe the registrant, bear ~~his~~ THE REGISTRANT'S picture, and bear the following: "State of Colorado", "Identification Card No. ....", and "This is not a driver's license." On each identification card issued to an individual under twenty-one years of age, the card shall show a photograph of the ~~card holder's~~ REGISTRANT'S profile. On all other identification cards, the photograph shall show the full face of the individual.

(2) Any person applying for an identification card pursuant to this ~~part 4~~ PART 3 may request the department to imprint upon such identification card an emergency symbol. An emergency symbol means the caduceus inscribed within a six-barred cross used by the American medical association to denote emergency information. The department, upon such request, shall imprint the emergency symbol

upon the identification card.

42-2-304. [Formerly 42-2-404] Validity of identification card. (1) Except as provided in subsection (2) of this section, an identification card issued pursuant to this ~~part 4~~ PART 3 shall not expire unless the true name, current address, or social security number, if any, of the individual changes; however, the department may purge its records of such cards five years after issuance, if the registrant:

(a) Ceases to be a resident of this state;

~~(b) Repealed, L. 89, p. 1556, § 4, effective April 6, 1989.~~

~~(c)~~ (b) Voluntarily surrenders ~~his~~ THE REGISTRANT'S identification card to the department;

~~(d)~~ (c) Is convicted of any violation of this ~~part 4~~ PART 3, in which instance the department may revoke the identification card in accordance with the provisions of article 4 of title 24, C.R.S.

(2) An identification card issued to a person less than eighteen years of age shall expire on the registrant's eighteenth birthday. An identification card issued to a person at least eighteen years of age but less than twenty-one years of age shall expire on the registrant's twenty-first birthday.

42-2-305. [Formerly 42-2-405] Duplicates. If an identification card is lost, destroyed, or mutilated or a new name is acquired, the registrant may obtain a duplicate upon furnishing satisfactory proof of such fact to the department. Any registrant who loses an identification card and who, after obtaining a duplicate, finds the original card shall immediately surrender the original card to the department. The same documentary evidence shall be furnished for a duplicate as for an original identification card.

42-2-306. [Formerly 42-2-406] Fees - disposition. (1) The department shall charge and collect a fee of three dollars and fifty cents at the time of application for an identification card or three dollars and fifty cents for a duplicate card; except that, for applicants sixty years of age ~~and over~~ OR OLDER, there shall be no fee.

(2) All fees collected under this section shall be remitted monthly to the ~~treasury department which~~ STATE TREASURER WHO shall deposit the funds in the state general fund pursuant to the provisions of article 36 of title 24, C.R.S.

42-2-307. [Formerly 42-2-407] Change of address. Any registrant who acquires an address different from the address shown on the identification card issued to ~~him~~ THE REGISTRANT shall within ten days thereafter notify the department in writing of ~~his~~ THE REGISTRANT'S old and new addresses. The department may thereupon take any action deemed necessary to insure that the identification card reflects the proper address of the registrant.

42-2-308. [Formerly 42-2-408] No liability on public entity. No public entity shall be liable for any loss or injury directly or indirectly resulting from false or inaccurate information contained in identification cards provided for in this ~~part 4~~ PART 3.

42-2-309. [Formerly 42-2-409] Unlawful acts. (1) It is unlawful for any person:

(a) To display, cause or permit to be displayed, or have in ~~his~~ THAT PERSON'S possession any surrendered, fictitious, fraudulently altered, or fraudulently obtained identification card;

(b) To lend ~~his~~ THAT PERSON'S identification card to any other person or knowingly permit the use thereof by another;

(c) To display or represent any identification card not issued to ~~him as being his card~~ THAT PERSON AS BEING THAT PERSON'S CARD;

(d) To permit any unlawful use of an identification card issued to ~~him~~ THAT PERSON;

(e) To do any act forbidden or fail to perform any act required by this ~~part 4~~ PART 3, which would not include use of such card after the expiration date;

(f) To photograph, photostat, duplicate, or in any way reproduce any identification card or facsimile thereof in such a manner that it could be mistaken for a valid license, or to display or have in ~~his~~ THAT PERSON'S possession any such photograph, photostat, duplicate, reproduction, or facsimile unless authorized by law.

42-2-310. [Formerly 42-2-410] Violation. Any person who violates any of the provisions of this ~~part 4 is guilty of~~ PART 3 COMMITS a class 3 misdemeanor, as provided in section 18-1-106, C.R.S.

PART ~~5~~ 4
COMMERCIAL DRIVERS' LICENSES

42-2-401. [Formerly 42-2-501] Short title. This ~~part 5~~ PART

4 shall be known and may be cited as the "Commercial Driver's License Act".

42-2-402. [Formerly 42-2-502] Definitions. As used in this ~~part 5~~ PART 4, unless the context otherwise requires:

(1) "Commercial driver's license" means a license issued to an individual in accordance with the requirements of the federal "Commercial Motor Vehicle Safety Act of 1986", 49 App. U.S.C. ~~section~~ SEC. 2701 et seq., and any rules or regulations promulgated thereunder, that authorizes such individual to drive a commercial motor vehicle.

~~(1.5)~~ (2) "Commercial driver's license testing unit" or "testing unit" means a business, association, or governmental entity licensed by the department under the provisions of ~~section 42-2-507~~ SECTION 42-2-407 to administer the performance of commercial driver's license driving tests.

~~(1.7)~~ (3) "Commercial driver's license driving tester" or "driving tester" means an individual licensed by the department under the provisions of ~~section 42-2-507~~ SECTION 42-2-407 to perform commercial driver's license driving tests.

~~(2) (a)~~ (4) (a) "Commercial motor vehicle" means a motor vehicle designed or used to transport passengers or property, if the vehicle:

(I) Has a gross vehicle weight rating of 26,001 or more pounds or such lesser rating determined by federal regulation; or

(II) Is designed to transport sixteen or more passengers, including the driver; or

(III) Is transporting hazardous materials and is required to be placarded in accordance with 49 C.F.R. part 172, sub-part F.

(b) "Commercial motor vehicle" does not include:

(I) Recreational vehicles;

(II) Military vehicles that are driven by military personnel;

(III) Any farm vehicles:

(A) Controlled and operated by a farmer;

(B) Used to transport agriculture products, farm machinery, or farm supplies to or from a farm;

(C) Not used in the operations of a common or contract motor carrier; or

(D) Used within one hundred fifty miles of the person's farm;

(IV) Firefighting equipment.

~~(3)~~ (5) "Department" means the department of revenue.

~~(4)~~ (6) "Gross vehicle weight rating" or "GVWR" means the value specified by the manufacturer as the maximum loaded weight of a single or a combination (articulated) vehicle, or registered gross weight, whichever is greater. The GVWR of a combination (articulated) vehicle, commonly referred to as the "gross combination weight rating" or "GCWR" is the GVWR of the power unit plus the GVWR of any towed unit.

~~(5)~~ (7) "Hazardous materials" means materials as defined under section 103 of the federal "Hazardous Materials Transportation Act of 1987", 49 App. U.S.C. ~~section~~ SEC. 1801, as may be amended from time to time.

~~(6)~~ (8) "Out-of-service order" means a twenty-four-hour prohibition against driving a commercial motor vehicle.

42-2-403. [Formerly 42-2-503] Department authority - rules and regulations - federal requirements. (1) The department shall develop, adopt, and administer a procedure for licensing drivers of commercial motor vehicles in accordance with the federal "Commercial Motor Vehicle Safety Act of 1986" and any rules or regulations promulgated thereunder.

(2) (a) The department shall promulgate such rules and regulations as are necessary for the implementation of this ~~part 5~~ PART 4. Such rules and regulations shall govern all aspects of licensing commercial drivers, including, but not limited to, testing procedures, license issuance procedures, out-of-service regulations, denial procedures, including suspensions, revocations, cancellations and denials, records maintenance, reporting requirements, and cooperation with the commercial driver's license information system.

(b) The department, with the advice of the commissioner of education, shall develop testing and license issuance procedures for school bus drivers who are employed by any Colorado school district.

(3) Nothing in this ~~part 5~~ PART 4 shall be construed to prevent the state of Colorado from complying with federal requirements in order to qualify for funds under the federal "Commercial Motor Vehicle Safety Act of 1986".

42-2-404. [Formerly 42-2-504] License for drivers - limitations. (1) Except as provided in subsection (4) of this section, no person shall operate a commercial motor vehicle upon the highways in this state on or after April 1, 1992, unless such person has attained the age of twenty-one years and has been issued and is in immediate possession of a commercial driver's license.

(2) No person who drives a commercial motor vehicle may have more than one driver's license.

(3) In addition to any applicable federal penalty concerning commercial motor vehicle operators, any person who violates subsection (1) or (2) of this section, or any rule or regulation promulgated by the department pursuant to this ~~part 5~~ PART 4, is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars nor more than one thousand dollars, or by imprisonment in the county jail for not more than one year, or BY both such fine and imprisonment.

(4) The provisions of this ~~part 5~~ PART 4 shall not apply to any person who is at least eighteen years of age but less than twenty-one years of age and who operates a commercial motor vehicle upon the highways of this state solely in intrastate operations. Pursuant to the provisions of section 42-2-101 (4), no such person of such age shall operate any commercial motor vehicle upon the highways of this state unless such person has been issued and is in immediate possession of a provisional driver's license of the correct type of general class for the type or general class of motor vehicle which is issued.

42-2-405. [Formerly 42-2-505] Driver's license disciplinary actions - cancellations - denials. (1) A person who holds a commercial driver's license or who drives a commercial motor vehicle, as defined under this ~~part 5~~ PART 4, shall be subject, in addition to this ~~part 5~~ PART 4, to disciplinary actions, penalties, and the general provisions under ~~sections 42-2-122 to 42-2-130~~ SECTIONS 42-2-125 TO 42-2-138.

(2) In addition to applicable penalties imposed under the sections listed in subsection (1) of this section, a person who drives, operates, or is in physical control of a commercial motor vehicle while having any alcohol in his OR HER system, or who refuses to submit to a test to determine the alcoholic content of the driver's blood or breath while driving a commercial motor vehicle, shall be placed out of service as defined in ~~section 42-2-502 (6)~~ SECTION 42-2-402 (8).

(3) A commercial driver's license shall be cancelled and such driver shall be denied from driving a commercial motor vehicle in this state for life or, if a driver of a commercial

motor vehicle does not have a commercial driver's license, such person shall be denied from ever obtaining a commercial driver's license and from driving a commercial motor vehicle in this state for life, unless such cancellation or denial is otherwise reduced to a period of not less than ten years by the secretary of the United States department of transportation:

(a) If such driver is convicted of the commission of a felony involving the manufacturing, distributing, or dispensing of a controlled substance, as defined under section 102 (6) of the federal "Controlled Substance Act", as may be amended from time to time, and the commission of such felony involved the use of a commercial motor vehicle; or

(b) If such driver commits two or more violations, or any combination arising from two incidents, of:

(I) Driving a commercial motor vehicle while under the influence of alcohol or a controlled substance;

(II) Driving a commercial motor vehicle in this state when the amount of alcohol, as shown by analysis of such person's blood or breath, in such person's blood was 0.04 or more grams of alcohol per hundred milliliters of blood or 0.04 grams of alcohol per two hundred ten liters of breath at the time of driving, or any time thereafter;

(III) Knowingly and willfully leaving the scene of an accident involving a commercial motor vehicle driven by the person;

(IV) Using a commercial motor vehicle in the commission of any felony, except felonies described in paragraph (a) of this subsection (3);

(V) Refusing to submit to a test to determine the driver's alcohol concentration while driving a commercial motor vehicle.

(4) A commercial driver whose privilege to drive a commercial motor vehicle has been cancelled or denied pursuant to this section may, following any applicable revocation period, apply for another type or class of driver's license in accordance with ~~section 42-2-103~~ SECTION 42-2-104, as long as there is no other statutory reason to deny such person such a license.

42-2-406. [Formerly 42-2-506] Fees. (1) The fee for the issuance of a commercial driver's license shall be twenty-five dollars. Such license shall expire on the birthday of the applicant in the fourth year after the issuance thereof. When issuing a commercial driver's license, the office of the county clerk and recorder shall collect and retain the sum of three dollars, and twenty-two dollars shall be forwarded to the

department for transmission to the state treasurer, who shall credit the same to the highway users tax fund. The general assembly shall make annual appropriations therefrom for the expenses of the administration of ~~parts 1 to 3~~ PARTS 1 AND 2 of this article and this ~~part 5~~ PART 4; except that eight dollars and fifty cents of each commercial driver's license fee shall be allocated pursuant to section 43-4-205 (6) (b), C.R.S.

~~(1.5)~~ (2) Notwithstanding any other provision of law, the fee for issuance of a provisional driver's license which authorizes operation of a commercial motor vehicle upon the highways of this state shall be twenty-five dollars. When issuing such a provisional driver's license, the office of the county clerk and recorder shall collect and retain the sum of three dollars, and twenty-two dollars shall be forwarded to the department for transmission to the state treasurer, who shall credit the same to the highway users tax fund. The general assembly shall make annual appropriations therefrom for the expenses of the administration of ~~parts 1 to 3~~ PARTS 1 AND 2 of this article and this ~~part 5~~ PART 4; except that eight dollars and fifty cents of each such provisional driver's license fee shall be allocated pursuant to section 43-4-205 (6) (b), C.R.S.

~~(2)~~ (3) The fee for the administration by commercial driver's license testing units of the driving test for licensing commercial drivers shall not exceed the sum of one hundred dollars; except that the fee for the administration of such driving test to any employee or volunteer of a nonprofit organization which provides specialized transportation services for the elderly and for persons with disabilities, to any individual employed by a school district, or to any individual employed by a board of cooperative services shall not exceed forty dollars. The fee for the administration of driving tests by the department shall be one hundred dollars; except that the fee for the administration of such driving test to any employee or volunteer of a nonprofit organization which provides specialized transportation services for the elderly and for persons with disabilities, to any individual employed by a school district, or to any individual employed by a board of cooperative services shall not exceed forty dollars. The department may provide by regulation for reduced fees for applicants who are retested after failing all or any part of the driving test. All fees collected by the department for the administration of driving tests shall be forwarded to the state treasurer, who shall credit the same to the highway users tax fund. The general assembly shall make annual appropriations therefrom for the expenses of the administration of ~~parts 1 to 3~~ PARTS 1 AND 2 of this article and this ~~part 5~~ PART 4.

~~(3)~~ (4) The annual license fee for a commercial driver's license testing unit shall be three hundred dollars for the initial license issuance and one hundred dollars for each

succeeding annual license renewal. The department may provide by regulation for reduced license fees for testing units operated by nonprofit organizations which provide specialized transportation services for the elderly and for persons with disabilities, by school districts, or by boards of cooperative services. The provisions of this ~~subsection (3)~~ SUBSECTION (4) shall not apply to any public transportation system.

~~(4)~~ (5) The annual license fee for a commercial driver's license driving tester shall be one hundred dollars for the initial license issuance and fifty dollars for each succeeding annual license renewal. The department may provide by regulation for reduced license fees for employees or volunteers of nonprofit organizations which provide specialized transportation services for the elderly and for persons with disabilities, for individuals employed by school districts, or for individuals employed by boards of cooperative services. The provisions of this ~~subsection (4)~~ SUBSECTION (5) shall not apply to any public transportation system.

~~(5)~~ (6) All fees collected by the department for the issuance of testing unit licenses and driving test licenses pursuant to the provisions of ~~subsections (3) and (4)~~ SUBSECTIONS (4) AND (5) of this section shall be forwarded to the state treasurer, who shall credit the same to the highway users tax fund. The general assembly shall make annual appropriations therefrom for the expenses of the administration of ~~parts 1 to 3~~ PARTS 1 AND 2 of this article and this ~~part 5~~ PART 4.

42-2-407. [Formerly 42-2-507] Licensing of testing units and driving testers - hearings - regulations. (1) Commercial driver's license driving tests may be performed only by employees of the department or by commercial driver's license driving testers employed by commercial driver's license testing units.

(2) The department is hereby authorized to issue, deny, suspend, or revoke licenses for the operation of commercial driver's license testing units. The department shall furnish all necessary instructions and forms to such testing units.

(3) The department is hereby authorized to issue, deny, suspend, or revoke licenses for commercial driver's license driving testers. The department shall furnish all necessary instructions and forms to such driving testers.

(4) The department shall supervise the activities of testing units and driving testers. The department shall provide for the inspection of testing units. Testing units shall be open for business at reasonable hours to allow inspection of the operations of such testing units.

(5) Testing units shall keep ~~such~~ records as ~~are~~ required

by the department and shall make such records available to the department for inspection.

(6) The department shall require the surrender of the license of any commercial driver's license testing unit or commercial driver's license driving tester upon the suspension or revocation of such license.

(7) Any person aggrieved by the denial of issuance, denial of renewal, suspension, or revocation of a testing unit license or driving tester license shall be entitled to a hearing. Hearings held under this subsection (7) shall be conducted by a hearing officer before the department. Such hearing shall be held within thirty days after a written request for a hearing is received by the department. Such hearing shall be held before a hearing officer of the department and shall be held at the district office of the department which is nearest to the residence of the licensee, unless the hearing officer and the licensee agree that such hearing may be held at some other district office. Such hearing officer may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books, records, and papers at such hearing. The aggrieved person shall not perform any act under the license pending the outcome of such hearing.

(8) The department shall adopt regulations for the administration and operation of commercial driver's license testing units and the conduct of commercial driver's license driving testers.

42-2-408. [Formerly 42-2-508] Unlawful acts - penalty. (1) It is unlawful for any person other than an employee of the department to perform commercial driver's license driving tests, to act as a commercial driver's license testing unit, or to act as a commercial driver's license driving tester unless such person has been duly licensed by the department under the provisions of ~~section 42-2-507~~ SECTION 42-2-407.

(2) Any person who violates the provisions of this section ~~commits~~ IS GUILTY OF a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars nor more than one thousand dollars, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.

ARTICLE 3
Registration and Taxation

42-3-101. Legislative declaration. (1) The general assembly declares that its purpose in enacting this article and amendments thereto is to implement by law the purpose and intent of section 6 of article X of the state constitution, as adopted

in the general election held on November 8, 1966, and amended in the general election held November 2, 1976, wherein it is provided, among other things, that "The general assembly shall enact laws classifying motor vehicles and also wheeled trailers, semitrailers, trailer coaches, and mobile and self-propelled construction equipment, prescribing methods of determining the taxable value of such property, and requiring payment of a graduated annual specific ownership tax thereon, which tax shall be in lieu of all ad valorem taxes upon such property;".

(2) It further declares that it intends to classify in this article the personal property so specified, to prescribe methods by which the taxable value of such classified property shall be determined, to require payment of a graduated annual specific ownership tax upon each item of such classified personal property, and to provide for the administration and collection of such tax and for the apportionment and distribution of the revenue derived therefrom.

~~(3) Repealed, L. 75, p. 1473, § 30, effective July 18, 1975.~~

42-3-102. [Formerly 42-3-101.1] Periodic registration. The department may establish by rule a periodic vehicle registration program whereby certain vehicles shall be registered at twelve-month intervals commencing January 1, 1978. The registration of such vehicles shall expire on the last day of the month of each twelve-month registration period.

42-3-103. [Formerly 42-3-102] Registration required - exemptions. (1) Every owner of a motor vehicle, trailer, semitrailer, or vehicle, except a bicycle or other human-powered vehicle, which is primarily designed to be operated or drawn upon any highway of this state or any owner of a trailer coach or of mobile machinery whether or not it is operated on the highways, except such vehicles as are specifically exempted by ~~section 42-3-103~~ SECTION 42-3-104, shall, within forty-five days after the purchase of any of the vehicles described in this subsection (1), apply to the department and shall obtain registration therefor, except when an owner is permitted to operate a vehicle under the special provisions of this article relating to lienholders, manufacturers, dealers, nonresidents, and fleet owners. Any person who violates any provision of this subsection (1) commits a class B traffic infraction.

(2) An owner of a foreign vehicle operated within this state for the transportation of persons or property for compensation or for the transportation of merchandise shall register such vehicle and pay the same fees and tax therefor as are required in subsection (1) of this section with reference to like vehicles. This provision shall not be construed so as to

require registration or reregistration in this state of any motor vehicle, including trucks and buses, trailers, semitrailers, or trailer coaches, where such vehicle, truck, bus, trailer, semitrailer, or trailer coach is used in interstate commerce, but registration or reregistration shall be required in accordance with or to the extent that reciprocity exists between the state of Colorado and any foreign country or another state, a territory, or a possession of the United States.

(3) Every nonresident, including any foreign corporation, carrying on business within this state and owning and operating in such business any motor vehicle, trailer, semitrailer, or trailer coach within this state shall be required to register each such vehicle and pay the same fees and tax therefor as are required with reference to like vehicles owned by residents of this state. This provision shall not be construed so as to require registration or reregistration in this state of any motor vehicle, including trucks and buses, trailers, or trailer coaches, where such vehicle is used in interstate commerce, but registration or reregistration shall be required in accordance with or to the extent that reciprocity exists between the state of Colorado and any foreign country or another state, a territory, or a possession of the United States.

(4) (a) When any owner or operator or any occupant of a vehicle, as specified in subsection (1) of this section, which is or has been duly registered for the current year in another state or country of which such owner, operator, or occupant has been a resident becomes a resident of this state, as defined in section 42-1-102, the said owner shall, irrespective of such previous registration, immediately apply to the department and obtain registration for such vehicle in this state. Any person who violates any provision of this paragraph (a) commits a class B traffic infraction.

(b) The provisions of this title relative to the registration of motor vehicles and the display of number plates shall not apply to motor vehicles having registrations and displaying plates issued by the armed forces of the United States in foreign countries for vehicles owned by military or naval personnel, but said exemption shall be valid only for a period of forty-five days after the owner thereof has returned to the United States.

(5) The provisions of this title relative to the registration of motor vehicles and the display of number plates or of other identification shall not apply to manufactured homes.

~~(6) Repealed, L. 80, p. 752, § 6, effective July 1, 1987.~~

42-3-104. [Formerly 42-3-103] Exemptions - specific

ownership tax - registration. (1) Only those items of classified personal property which are owned by the United States government or any agency or instrumentality thereof or by the state of Colorado or any political subdivision thereof shall be exempt from payment of the annual specific ownership tax imposed in this article.

(2) Any item of classified personal property which is leased by the state of Colorado or any political subdivision thereof may be exempted by the department from payment of the annual specific ownership tax imposed in this article if the agreement under which such item is leased is first submitted to the department and approved by it, but such item shall remain exempt only if used and operated in strict conformance with the terms of such approved agreement.

(3) Registration shall not be required under this section for the following: Vehicles owned by the United States government or by any agency thereof; fire-fighting vehicles; police ambulances and patrol wagons; farm tractors and implements of husbandry designed primarily or exclusively for use and used in agricultural operations; mobile machinery and self-propelled construction equipment used solely on property owned or leased by the owner of such machinery and equipment and not operated on the public highways of the state, when such owner lists all of such machinery or equipment for assessment and taxation under the provisions of part 1 of article 5 of title 39, C.R.S., on ~~his~~ THE OWNER'S personal property schedule filed with the assessor in the county in which ~~it~~ SUCH MACHINERY OR EQUIPMENT is located; mobile machinery and self-propelled construction equipment not operated on the highways of this state owned by a public utility and taxed under the provisions of article 4 of title 39, C.R.S.

(4) In the case of motor vehicles owned and operated by the state of Colorado or any agency or institution thereof or by a town, city, county, or city and county and at the request of the appropriate authority, such vehicle may be assigned, in lieu of the distinct registration number specified in this article, a special registration number indicating that such vehicle is owned and operated by the state of Colorado or any agency or institution thereof or by a town, city, county, or city and county, but only one such special registration number shall be assigned to any one such vehicle. Any application for the special registration provided in this section that is made by the state of Colorado or any agency or institution thereof shall be made to the department only. Any application for the special registration provided in this section that is made by any town, city, county, or city and county shall be made only to the authorized agent in the county wherein the applicant local government entity is located, and any such special registration shall be obtained directly from such authorized agent. Special registrations obtained under the provisions of this subsection (4) shall be renewed annually

pursuant to the requirements prescribed by the department.

(5) One Class B motor vehicle weighing less than sixty-five hundred pounds or one Class C motor vehicle weighing less than sixty-five hundred pounds owned by a person who is a veteran who has established ~~his~~ rights to benefits under the provisions of Public Law 663, 79th Congress, as amended, and Public Law 187, 82nd Congress, as amended, or that ~~he~~ THE PERSON is a veteran of the armed forces of the United States who incurred ~~his~~ A disability prior to May 7, 1975, and who is receiving compensation from the veterans administration or any branch of the armed forces of the United States for a fifty percent or more, service-connected, permanent disability, or for loss or permanent loss of use of one or both feet or one or both hands, or for loss of sight in both eyes, or for permanent impairment of vision in both eyes to such a degree as to constitute virtual blindness shall be exempt from the imposition of the annual specific ownership tax imposed by this article. Only one such Class B or Class C motor vehicle per veteran shall be exempted.

(6) One Class B motor vehicle weighing less than sixty-five hundred pounds or one Class C motor vehicle weighing less than sixty-five hundred pounds owned by any natural person who, while serving in the armed forces of the United States, was incarcerated by an enemy of the United States during a period of armed conflict with the United States and who is authorized to use the special license plate for former prisoners of war provided in ~~section 42-3-112.5~~ SECTION 42-3-118 shall be exempt from the imposition of the annual specific ownership tax imposed by this article. Only one such Class B or Class C motor vehicle per former prisoner of war shall be exempted.

(7) Those items of classified personal property which are owned or leased by an individual or organization that are exempt from payment of Colorado ad valorem taxes shall be exempt from imposition of the annual specific ownership tax imposed by this article.

42-3-105. [Formerly 42-3-104] Application for registration - tax. (1) (a) Application for the registration of a vehicle required to be registered under this article shall be made by the owner or ~~his agent thereof~~ THE OWNER'S AGENT, and if applicable, simultaneously with the application for certificate of title, as required by this section. The application for registration, which shall be in writing and signed by the owner of such vehicle or ~~his~~ THE OWNER'S duly authorized agent, shall include: The name of the applicant; the name and correct address of the owner determined pursuant to ~~section 42-6-137~~ SECTION 42-6-139, designating the county, school district, and city or town within the limits of which the owner resides; a description of the motor vehicle in such form as shall be required by the department; the purpose for which the vehicle is used; the notice described in ~~subsection~~

~~(1.5)~~ SUBSECTION (2) of this section; and such other pertinent information as may be required by the department.

(b) The department shall by regulation require those vehicle-related entities specified by regulation to verify information concerning any vehicle through the physical inspection of such vehicle. The information required to be verified by such a physical inspection shall include, but shall not be limited to, the vehicle identification number or numbers, the make of vehicle, the vehicle model, the type of vehicle, the year of manufacture of such vehicle, the type of fuel used by such vehicle, the odometer reading of such vehicle, and such other information as may be required by the department. For the purposes of this paragraph (b), "vehicle-related entity" means any county clerk and recorder or designated employee of such county clerk and recorder, any Colorado law enforcement officer, any licensed Colorado dealer, any licensed inspection and readjustment station, or any licensed diesel inspection station.

~~(1.5) (a)~~ (2) Upon applying for a registration card, the owner of a motor vehicle shall receive a written notice that shall be printed on the application for registration, in type that is larger than the other information contained on the application for registration. Such notice shall state that motor vehicle insurance coverage is compulsory in Colorado, that noncompliance is a misdemeanor traffic offense, that the minimum penalty for such offense is a one-hundred-dollar fine, and that the maximum penalty for such offense is one year's imprisonment and a one-thousand-dollar fine, and that such owner shall be required as a condition of obtaining a registration card to sign the affirmation clause that appears on such card. The clause shall state, "I swear or affirm in accordance with section 24-12-102, C.R.S., under penalty of perjury that I now have in effect a complying policy of motor vehicle insurance pursuant to the "Colorado Auto Accident Reparations Act", part 7 of article 4 of title 10, C.R.S., or a certificate of self-insurance to cover the vehicle for which this registration is issued, and I understand that such insurance must be renewed so that coverage is continuous.
Signature _____, Date _____."

~~(b) and (c) (Deleted by amendment, L. 91, p. 1387, § 1, effective April 17, 1991.)~~

~~(2)~~ (3) The owner of such vehicle or ~~his~~ THE OWNER'S agent shall, upon filing the application for registration, pay such fees as are prescribed by ~~section 42-3-123~~ SECTION 42-3-134, together with the annual specific ownership tax on the motor vehicle, trailer, semitrailer, or trailer coach for which the license is to be issued.

42-3-106. [Formerly 42-3-105] Classification - taxable value - imposition of tax. (1) For the purpose of imposing graduated annual specific ownership taxes, the personal property specified in section 6 of article X of the state constitution, more particularly defined in section 42-1-102, is classified as follows:

(a) Every motor vehicle, truck, truck tractor, trailer, and semitrailer used in the business of transporting persons or property over any public highway in this state as an interstate commercial carrier, whether or not such business is engaged in by contract, for which an application is made for apportioned registration, regardless of base jurisdiction, shall be Class A personal property.

(b) Every truck, truck tractor, trailer, and semitrailer used for the purpose of transporting property over any public highway in this state and not included in Class A shall be Class B personal property.

(c) Every motor vehicle not included in Class A or Class B shall be Class C personal property.

(d) Every utility trailer, camper trailer, and trailer coach shall be Class D personal property.

~~(e) Repealed, L. 77, p. 1749, § 22, effective January 1, 1978.~~

~~(f)~~ (e) Every item of mobile machinery and self-propelled construction equipment required to be registered under the provisions of this article shall be Class F personal property.

(2) It is unlawful for any owner of any vehicle to permanently attach to such vehicle any mounted equipment, as defined in ~~section 42-1-102 (48)~~ SECTION 42-1-102 (60), unless, within twenty days after such attachment, ~~he~~ THE OWNER makes application for registration of such mounted equipment to the authorized agent in the county where the equipment is required by law to be registered. Such application shall be made on forms prescribed by the department and shall describe the equipment to be mounted, including serial number, make, model, year of manufacture, weight, and cost.

(3) The taxable value of every item of classified personal property shall be the value determined for the year of its manufacture or the year for which it is designated by the manufacturer thereof as a current model, and such determined taxable value shall remain unchanged during the life of the item. Regardless of the date of acquisition by an owner, the year of manufacture or the year for which designated by the manufacturer

as a current model shall be considered as the first year of service. The maximum rate of specific ownership taxation shall apply to the taxable value in the first year of service, and annual downward graduations from such maximum rate shall apply to such taxable value for the number of later years of service specified for each class of personal property.

(4) An annual specific ownership tax is imposed upon each taxable item of classified personal property, which tax shall be annually computed in accordance with the schedules applicable to each class of personal property as set forth in ~~section 42-3-106~~ SECTION 42-3-107 and which tax shall be in lieu of all annual ad valorem taxes otherwise payable upon such items of property.

(5) The annual specific ownership tax imposed by this section shall become effective January 1, 1970, shall apply to every item of classified personal property registered on and after said date, and shall constitute the full tax payable on such item for the registration period in which registered.

(6) Manufactured homes shall not be classified for purposes of imposing specific ownership taxes but shall be subject to the imposition of ad valorem taxes in the manner provided in part 2 of article 5 of title 39, C.R.S.

42-3-107. [Formerly 42-3-106] Taxable value of classes of property - rate of tax - when and where payable - department duties - apportionment of tax collections. (1) (a) The taxable value of every item of Class A or Class B personal property shall be seventy-five percent of the manufacturer's suggested retail price, said price not to include any applicable federal excise tax, transportation or shipping costs, or preparation and delivery costs.

(b) Every licensed motor vehicle dealer in the state of Colorado shall furnish on the application for title the manufacturer's suggested retail price on each new motor vehicle sold and delivered in the state of Colorado.

(c) If any motor vehicle purchased outside of the state of Colorado is being registered for the first time in the state of Colorado and the manufacturer's suggested retail price is not available, the agent of the department shall establish the taxable value of such vehicle through the use of a compilation of values furnished by the department.

(d) The computation of taxable values as set forth in this subsection (1) shall become effective on any motor vehicle sold on or after September 1, 1981, and shall not apply to any motor vehicle sold or registered prior to that date.

(2) The annual specific ownership tax payable on every item

of Class A personal property shall be computed in accordance with the following schedule:

Year of service	Rate of tax
First year	2.10% of taxable value
Second year	1.50% of taxable value
Third year	1.20% of taxable value
Fourth year	.90% of taxable value
Fifth, sixth, seventh, eighth, and ninth years	.45% of taxable value or ten dollars, whichever is greater
Tenth and each later year	Ten dollars

(3) The owner of any Class A personal property shall file a list thereof with the department, describing each item owned, reciting the year of manufacture or model designation thereof, and stating the original sale price of any mounted equipment mounted on or attached to such item subsequent to its manufacture or first retail sale. As soon thereafter as practicable, the department shall compute the annual specific ownership tax payable on each item shown on such list and shall send to the owner a statement showing the aggregate amount of specific ownership tax payable by ~~him~~ SUCH OWNER.

(4) In computing the amount of annual specific ownership tax payable on any item of Class A or Class B personal property, the department may take into account the length of time such item may be operated in intrastate or interstate commerce within the state of Colorado, giving due consideration to any reciprocal agreements relative to general property taxation of such item as may exist between Colorado and other states and also to the number of miles traveled by such item in each state.

(5) The annual specific ownership tax on Class A personal property shall become due and payable to the department 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 and payment of the fees required by law, no later than thirty days after the date of expiration.

~~(6) Repealed, L. 89, pp. 1600, 1601, § § 23, 26, effective January 1, 1990.~~

~~(7)~~ (6) The aggregate amount of specific ownership taxes to be collected by the department on Class A personal property during any registration period shall be apportioned to each county and city and county of the state in the proportion that the mileage of the state highway system located within the boundaries of each county or city and county bears to the total mileage of

the state highway system.

~~(8)~~ (7) The department shall transmit all annual specific ownership taxes collected on items of Class A personal property to the state treasurer and shall advise ~~him~~ THE TREASURER semiannually, on the last days of March and September of each year, of the amounts apportioned to each county and city and county from collections made during the preceding six-month periods ending on the last days of June and December, and ~~he~~ shall thereupon pay over such amounts to the respective treasurers of the counties and cities and counties entitled thereto.

~~(9) and (10) Repealed, L. 81, p. 1967, § 6, effective May 29, 1981.~~

~~(11)~~ (8) The annual specific ownership tax payable on every item of Class B personal property shall be computed in accordance with the following schedule:

Year of service	**Rate of tax**
First year	2.10% of taxable value
Second year	1.50% of taxable value
Third year	1.20% of taxable value
Fourth year	.90% of taxable value
Fifth, sixth, seventh, eighth, and ninth years	.45% of taxable value or ten dollars, whichever is greater
Tenth and each later year	Three dollars

~~(12) (a)~~ (9) (a) The taxable value of every item of Class C or Class D personal property shall be eighty-five percent of the manufacturer's suggested retail price, said price not to include any applicable federal excise tax, transportation or shipping costs, or preparation and delivery costs.

(b) Every licensed motor vehicle dealer in the state of Colorado shall furnish on the application for title the manufacturer's suggested retail price of each new motor vehicle sold and delivered in the state of Colorado.

(c) If any motor vehicle purchased outside of the state of Colorado is being registered for the first time in the state of Colorado and the manufacturer's suggested retail price is not available, the agent of the department shall establish the taxable value of such vehicle through the use of a compilation of values furnished by the department.

(d) The computation of taxable values as set forth in this ~~subsection (12)~~ SUBSECTION (9) shall become effective on any motor

vehicle sold on or after September 1, 1981, and shall not apply to any motor vehicle sold or registered prior to that date.

~~(13)~~ (10) The annual specific ownership tax payable on every item of Class C personal property shall be computed in accordance with the following schedule:

Year of service	Rate of tax
First year	2.10% of taxable value
Second year	1.50% of taxable value
Third year	1.20% of taxable value
Fourth year	.90% of taxable value
Fifth, sixth, seventh, eighth, and ninth years	.45% of taxable value
Tenth and each later year	Three dollars

~~(13.5) (a)~~ (11) (a) In lieu of payment of the annual specific ownership tax in the manner specified in ~~subsections (11) and (13)~~ SUBSECTIONS (8) AND (10) of this section, any person, firm, corporation, or other business entity who owns vehicles which are based in Colorado for rental purposes and whose primary business is the rental of such vehicles for periods of less than forty-five days, including renewals, to another person, firm, corporation, or business entity may elect to pay specific ownership tax as prescribed in this ~~subsection (13.5)~~ SUBSECTION (11).

(b) Authorization for payment of specific ownership tax pursuant to the provisions of this ~~subsection (13.5)~~ SUBSECTION (11) must be obtained from the authorized agent in the county in which the principal place of business of the owner of such rental vehicles in Colorado is located. An owner who wishes to obtain such authorization shall make application to said authorized agent. Such authorization shall be applicable to all rental vehicles of the owner which satisfy the requirements set forth in this section.

(c) Upon receiving authorization as provided in paragraph (b) of this ~~subsection (13.5)~~ SUBSECTION (11), the owner shall collect from the user of a rental vehicle the specific ownership tax in an amount equivalent to two percent of the amount of the rental payment, or portion thereof, which is subject to the imposition of sales tax pursuant to the provisions of part 1 of article 26 of title 39, C.R.S. Such specific ownership tax shall be collected on all vehicles owned by the owner which are based in Colorado for rental purposes and which are rented from a place of business in Colorado. No later than the twentieth day of each month, the owner shall submit a report, using forms which shall be furnished by the department, to the authorized agent in the county where the principal place of business of such owner is located in Colorado, together with the remittance for all specific

ownership taxes collected for the preceding month. A copy of said report shall be submitted simultaneously by the owner to the department. The department may also require, by rule and regulation, the owner to submit a copy of ~~his~~ THE OWNER'S monthly sales tax collection form to the authorized agent at the same time of the submittal of ~~his~~ THE OWNER'S monthly report and remittance of specific ownership tax pursuant to the provisions of this paragraph (c).

(d) Failure to submit the report or to remit the specific ownership tax collected for the preceding month by the last day of each month shall be grounds for the termination of the right of an owner to pay specific ownership tax in the manner specified in this ~~subsection (13.5)~~ SUBSECTION (11). If any owner is found to have failed to remit specific ownership tax received pursuant to the provisions of this ~~subsection (13.5)~~ SUBSECTION (11), the authorized agent may proceed to collect such delinquent taxes in the manner authorized in ~~subsection (23)~~ SUBSECTION (20) of this section.

(e) Any person, firm, corporation, or other business entity which owns vehicles and whose primary business is the rental of such vehicles as specified in paragraph (a) of this ~~subsection (13.5)~~ SUBSECTION (11) shall be exempt from payment of the specific ownership tax at the time of registration if such tax is collected and remitted pursuant to the provisions of this ~~subsection (13.5)~~ SUBSECTION (11); however, such owner shall be required to pay a fee of one dollar per rental vehicle registered at the time of registration. Such fee shall be in addition to any other registration fees and shall be distributed pursuant to the provisions of ~~subsection (24)~~ SUBSECTION (21) of this section.

(f) Every person, firm, corporation, or other business entity which owns vehicles and whose primary business is the rental of such vehicles as specified in paragraph (a) of this ~~subsection (13.5)~~ SUBSECTION (11) shall register and pay all applicable taxes and fees for all vehicles rented from a place of business located in Colorado. If the owner of such vehicles fails to register or to pay such taxes and fees, ~~he~~ THE OWNER shall, upon conviction, be punished by a fine in an amount equal to two percent of the annual gross dollar volume of the primary business of such person, firm, corporation, or other business entity which is attributable to the rental of vehicles from a place of business in Colorado.

~~(13.7) (a)~~ (12) (a) In lieu of payment of the annual specific ownership tax in the manner specified in ~~subsections (11) and (13)~~ SUBSECTIONS (8) AND (10) of this section, any person, firm, corporation, or other business entity who owns vehicles which are based in a state other than Colorado for rental purposes and whose primary business is the rental of such vehicles for periods of less than forty-five days, including renewals, to

another person, firm, corporation, or business entity shall pay specific ownership tax as prescribed in this ~~subsection (13.7)~~ SUBSECTION (12).

(b) The owner shall collect from the user of a rental vehicle the specific ownership tax in an amount equivalent to two percent of the amount of the rental payment, or portion thereof, which is subject to the imposition of sales tax pursuant to the provisions of part 1 of article 26 of title 39, C.R.S. Such specific ownership tax shall be collected on all vehicles based in a state other than Colorado for rental purposes which are owned by the owner and which are rented from a place of business in Colorado. No later than the twentieth day of each month, the owner shall submit a report, using forms which shall be furnished by the department, to the authorized agent in the county where the principal place of business of such owner is located in Colorado, together with the remittance for all specific ownership taxes collected for the preceding month. A copy of said report shall be submitted simultaneously by the owner to the department. The department may also require, by rule and regulation, the owner to submit a copy of ~~his~~ THE OWNER'S monthly sales tax collection form to the authorized agent at the same time of the submittal of ~~his~~ THE OWNER'S monthly report and remittance of specific ownership tax pursuant to the provisions of this paragraph (b).

(c) If any owner is found to have failed to remit specific ownership tax received pursuant to the provisions of this ~~subsection (13.7)~~ SUBSECTION (12), the authorized agent may proceed to collect such delinquent taxes in the manner authorized in ~~subsection (23)~~ SUBSECTION (20) of this section.

(d) Every person, firm, corporation, or other business entity which owns vehicles and whose primary business is the rental of such vehicles as specified in paragraph (a) of this ~~subsection (13.7)~~ SUBSECTION (12) shall pay all applicable taxes for all vehicles based in a state other than Colorado and rented from a place of business located in Colorado. If the owner of such vehicles fails to pay such taxes, ~~he~~ THE OWNER shall, upon conviction, be punished by a fine in an amount equal to two percent of the annual gross dollar volume of the primary business of such person, firm, corporation, or other business entity which is attributable to the rental of vehicles from a place of business in Colorado.

~~(14) Repealed, L. 81, p. 1967, § 6, effective May 29, 1981.~~

~~(15)~~ (13) The annual specific ownership tax payable on every item of Class D personal property shall be computed in accordance with the following schedule:

Year of service	Rate of tax
First year	2.10% of taxable value
Second year	1.50% of taxable value
Third year	1.20% of taxable value
Fourth year	.90% of taxable value
Fifth, sixth, seventh, eighth, and ninth years	.45% of taxable value
Tenth and each later year	.45% of taxable value or three dollars, whichever is greater

~~(16) and (17) Repealed, L. 77, p. 1749, § 22, effective January 1, 1978.~~

~~(18)~~ (14) The department shall designate suitable compilations of the manufacturer's suggested retail price of all items of Class A, Class B, Class C, and Class D personal property and shall provide each authorized agent with copies thereof. Such compilation shall be uniformly used to compute the annual specific ownership tax payable on any item of such classified personal property purchased outside the state of Colorado and being registered for the first time in the state of Colorado. The department shall further provide continuing supplements of such compilation to each authorized agent in order that ~~he~~ THE AGENT may have available current information relative to the manufacturer's suggested retail price of newly manufactured items.

~~(19) (a)~~ (15) (a) The property tax administrator shall compile and have printed a comprehensive schedule of all vehicles defined and designated as Class F personal property, wherein all such vehicles shall be listed according to make, model, year of manufacture, capacity, weight, and any other terms which will serve to describe such vehicles.

(b) The taxable value of Class F personal property shall be determined by the property tax administrator and shall be either:

(I) The factory list price thereof and, in case any equipment has been mounted on or attached to such vehicle subsequent to its manufacture, the factory list price plus seventy-five percent of the original price of such mounted equipment, exclusive of any state and local sales taxes; or

(II) When the factory list price of such vehicle is not available, then seventy-five percent of its original retail delivered price, exclusive of any state and local taxes, and, in case any equipment has been mounted on or attached to such vehicle subsequent to its first retail sale, then seventy-five percent of such original retail delivered price plus seventy-five percent of

the original retail delivered price of such mounted equipment, exclusive of any state and local sales taxes; or

(III) When neither the factory list price of such vehicle nor the original retail delivered price of either the vehicle or any equipment subsequently mounted thereon is ascertainable, then such value as the property tax administrator shall establish based on the best information available to ~~him~~ THE PROPERTY TAX ADMINISTRATOR.

(c) By whichever of the above three methods determined, the taxable value of each item of Class F personal property shall be listed opposite its description in the schedule required by this ~~subsection (19)~~ SUBSECTION (15) to be compiled by the property tax administrator.

(d) The annual specific ownership tax payable on each item of Class F personal property shall be computed in accordance with the following schedule:

Year of service	**Rate of tax**
First year	2.10% of taxable value
Second year	1.50% of taxable value
Third year	1.25% of taxable value
Fourth year	1.00% of taxable value
Fifth year	.75% of taxable value
Sixth and each later year	.50% of taxable value, but not less than five dollars

(e) The county clerk and recorder shall include the value of all equipment which has been mounted on or attached to Class F personal property in the calculation of the annual specific ownership tax. The registrations for such personal property and equipment shall be made available to the county assessor.

~~(19.5) (a)~~ (16) (a) In lieu of payment of the annual specific ownership tax in the manner provided in ~~subsection (19)~~ SUBSECTION (15) of this section, the owner of any mobile machinery or self-propelled construction equipment who is an equipment dealer regularly engaged in the sale, rental, or both sale and rental of mobile machinery or self-propelled construction equipment and who rents or leases such equipment to another individual or corporation in which the owner does not have any interest whatsoever for one or more periods of at least thirty days in any calendar year may elect to pay specific ownership tax as prescribed in this ~~subsection (19.5)~~ SUBSECTION (16).

(b) Authorization for payment of specific ownership tax under the provisions of this ~~subsection (19.5)~~ SUBSECTION (16) must be obtained from the authorized agent in the county in which the owner's principal place of business is located. The owner

shall also apply for an identifying decal for each item of equipment to be rented or leased. Such identifying decal shall be affixed to the item of equipment at the time it is rented or leased. The owner shall keep records of each decal issued and a description of the item of equipment to which it is affixed. The fee for each identifying decal shall be five dollars, and payment shall be made at the time of application to the authorized agent. Decals will expire at the end of each calendar year, and application for new decals shall be made for each calendar year or portion thereof. The owner shall be required to remove any identifying decal upon the sale or change of ownership of such item of equipment. The fee of five dollars for each identifying decal as required by this section shall be distributed as follows: Two dollars shall be retained by the authorized agent issuing such decal; and three dollars shall be available upon appropriation by the general assembly to fund the administration and enforcement of this section.

(c) Upon receiving authorization as prescribed in paragraph (b) of this ~~subsection (19.5)~~ SUBSECTION (16), the owner shall collect from the user the specific ownership tax in the amount equivalent to two percent of the amount of the rental or lease payment. No later than the twentieth day of each month, the owner shall submit a report, using forms which shall be furnished by the department, to the authorized agent in the county in which the equipment is used, together with the remittance for all taxes collected for the preceding month. A copy of each report will be submitted simultaneously by the owner to the department.

(d) Such reports shall be made monthly to the department and to the authorized agent in the county where the equipment is located with a user, even if no specific ownership taxes were collected by the owner in the previous month. Failure to make such reports in a period of sixty days shall be grounds for the termination of such owner's right to pay the specific ownership taxes on ~~his~~ THE OWNER'S Class F personal property in the manner provided under this ~~subsection (19.5)~~ SUBSECTION (16), and, if said owner is found to have failed to remit specific ownership taxes received from a renter or lessee during such sixty-day period, the authorized agent may proceed to collect such delinquent taxes in the manner authorized in ~~subsection (23)~~ SUBSECTION (20) of this section.

(e) The owner of any item of mobile machinery or self-propelled construction equipment which is required to be registered for highway use under ~~section 42-3-123 (19)~~ SECTION 42-3-134 (22) shall be exempt from payment of the specific ownership tax at the time of registration if such tax is collected and remitted under this ~~subsection (19.5)~~ SUBSECTION (16).

~~(20) (a)~~ (17) (a) The annual specific ownership tax provided in ~~subsection (19)~~ SUBSECTION (15) of this section for

Class F personal property registered in Colorado shall be determined and collected by the authorized agent in the county in which the owner of such Class F personal property resides.

(b) The owner of any Class F personal property shall, within forty-five days after the purchase of any new or used Class F personal property, make application for registration with the local county clerk and recorder or, in the city and county of Denver, the manager of revenue.

(c) The property tax administrator shall furnish each authorized agent with a printed copy of the schedule of taxable values of Class F personal property compiled as provided in ~~subsection (19)~~ SUBSECTION (15) of this section, and such schedule shall be uniformly used, without exception, by every authorized agent in computing the amount of annual specific ownership tax payable on any Class F personal property. The property tax administrator shall also furnish continuing supplements of such schedule to each authorized agent in order that ~~he~~ THE AGENT may have available current information relative to the taxable value of newly manufactured Class F personal property.

~~(21)~~ (18) The annual specific ownership tax on each item of Class B, Class C, Class D, and Class F personal property shall become due and payable to the authorized agent in the county wherein such item is to be registered, shall be paid at the time of registration of such item, and if not paid within thirty days after the date a registration expires, shall become delinquent.

~~(22)~~ (19) It is the duty of each authorized agent to collect the registration fee on every item of classified personal property located in ~~his~~ THE AGENT'S county at the time of registration and to collect the specific ownership taxes payable on each such item registered, except those items classified as Class A upon which the specific ownership tax is collected by the department and except those items classified as Class F when such tax is collected under ~~subsection (19.5)~~ SUBSECTION (16) of this section, at the time of registration. The failure of any authorized agent to collect the registration fee and specific ownership tax on any item of classified personal property shall not release the owner thereof from liability for the registration of such vehicle.

~~(23)~~ (20) Each authorized agent shall advise the owner of any item of Class F personal property upon which the annual specific ownership tax is due, by notice mailed to such owner indicating the amount of tax due. If payment is not made, the authorized agent shall report such fact to the county treasurer, who shall thereupon proceed to collect the amount of delinquent tax by distraint, seizure, and sale of the item upon which the tax is payable, in the same manner as is provided in section 39-10-113, C.R.S., for the collection of ad valorem taxes on

personal property.

~~(24)~~ (21) Each authorized agent shall retain, out of the amount of annual specific ownership tax collected on each item of classified personal property, the sum of fifty cents, which sum shall constitute remuneration for the collection of such tax. The sums so retained shall be transmitted to the county treasurer and credited by him OR HER in the manner provided by law. In addition, each authorized agent shall retain, out of the amount of annual specific ownership tax collected on each item of classified personal property, the sum of fifty cents, which sum shall be transmitted to the state treasurer, who shall credit the same to the special purpose account established under ~~section 42-1-210.1~~ SECTION 42-1-211.

~~(25)~~ (22) Each authorized agent shall transmit to the county treasurer, at least once each week, all specific ownership taxes collected on items of classified personal property, reporting the aggregate amount collected on each separate class.

~~(26) (a)~~ (23) (a) During the month of January of each year, the treasurer of each county shall calculate the percentages which the dollar amount of ad valorem taxes levied in ~~his~~ THE TREASURER'S county during the preceding calendar year for county purposes and for the purposes of each political and governmental subdivision located within the boundaries of ~~his~~ THE TREASURER'S county were of the aggregate dollar amount of ad valorem taxes levied in ~~his~~ SUCH county during the preceding calendar year for said purposes. The percentages so calculated shall be used for the apportionment between the county itself and each political and governmental subdivision located within its boundaries of the aggregate amount of specific ownership tax revenue to be paid over to ~~him~~ THE TREASURER during the current calendar year.

(b) On the tenth day of each month, the aggregate amount of specific ownership taxes on Class A, B, C, D, and F personal property received or collected by the county treasurer during the preceding calendar month shall be apportioned between the county and each political and governmental subdivision located within the boundaries of the county according to the percentages calculated in the manner prescribed in paragraph (a) of this ~~subsection (26)~~ SUBSECTION (23), and the respective amounts so determined shall be credited or paid over to the county and each such subdivision.

(c) The fee for the collection of specific ownership taxes having been charged when collected by the authorized agent, the treasurer shall make no further charge against the amount of specific ownership taxes credited or paid over to any political or governmental subdivision located in ~~his~~ THE TREASURER'S county.

(d) An insolvent taxing district, as defined in section 32-1-1402 (2), C.R.S., which has increased its mill levy for the

purpose of paying for maturing bonds of the district, interest on bonds of the district, or prior deficiencies of the district shall not be entitled to receive any larger proportion of the specific ownership taxes collected in the county in which such district is located as the result of such increase in the district's mill levy. For the purpose of apportioning specific ownership tax revenues in a county, dollar amounts resulting from the levying of ad valorem taxes by any insolvent taxing district located in the county for the purpose of paying for maturing bonds of the district, interest on bonds of the district, or prior deficiencies of the district shall be excluded from the calculation of the percentages required by the provisions of paragraph (a) of this ~~subsection (26)~~ SUBSECTION (23).

~~(27) (a)~~ (24) (a) A credit shall be allowed for taxes paid on any item of Class A, Class B, Class C, Class D, or Class F personal property if the owner disposes of the vehicle during the registration period. Such credit may apply to payments of taxes on any subsequent application by such owner for registration of an item of Class A, Class B, Class C, Class D, or Class F personal property made during the said registration period or may be assigned by such owner to the transferee of the property for which taxes were paid; except that, when the transferee is a dealer in new or used vehicles, such transferee shall account to the owner for any assignment of the credit. The credit shall be prorated based on the number of months remaining in the registration period after the transfer and disposal of the vehicle. The calculation for the credit shall be determined by using the period beginning with the first day of the month following the date of transfer through the last day of the month for the period for which the vehicle was registered. Specific ownership tax credit will be allowed only if the total ownership tax credit due exceeds ten dollars.

(b) This ~~subsection (27)~~ SUBSECTION (24) shall take effect January 1, 1982.

42-3-108. [Formerly 42-3-107] Determination of year model - tax lists. ~~(1)~~ All vehicles of the current year model as designated by the manufacturer thereof shall, for the payment of the specific ownership tax thereon, be considered in the first year of service regardless of the date of purchase, and those charged with the collection of annual specific ownership taxes on vehicles subject to specific ownership taxation shall use the year that the model was manufactured or constructed as the basis of computation of said annual specific ownership tax.

~~(2) Repealed, L. 81, p. 1967, § 6, effective May 29, 1981.~~

42-3-109. [Formerly 42-3-108] Tax for registration period. There shall be paid upon any vehicle subject to registration under

this article which is purchased during any registration period the prescribed fee for a twelve-month registration. In no event shall the specific ownership tax collected on any classified personal property be less than one dollar and fifty cents.

42-3-110. [Formerly 42-3-109] Tax year - disposition. (1) The provisions relative to the collection of the annual specific ownership tax shall first become effective upon the date when state registration licenses are issued for the operation of a motor vehicle, trailer, semitrailer, or trailer coach upon the highways of the state. Such tax shall attach and apply to such personal property for the registration period within which it is levied and collected.

(2) Payment of an annual specific ownership tax on a trailer coach to the county clerk and recorder of any county of this state in which the situs of the trailer coach is established at the time of registration, or to the manager of revenue of the city and county of Denver if the situs is in Denver at the time of registration, for all of a registration period shall constitute the entire tax payable on such vehicle.

42-3-111. [Formerly 42-3-110] Failure to pay tax - penalty. If a vehicle subject to taxation under this article is not registered at the time required by law and the specific ownership tax paid thereon, a penalty of ten percent of the amount of tax or ten dollars, whichever is greater, may be collected at the time the registration is completed and the specific ownership tax paid.

42-3-112. [Formerly 42-3-111] Records of application and registration. (1) The department shall file each application received and, when satisfied as to the genuineness and regularity thereof and that the applicant is entitled thereto, shall register the vehicle therein described and the owner thereof in suitable books or on index cards as follows:

(a) Under a distinct registration number, assigned to the vehicle and to the owner thereof, referred to in this article as the "registration number". Each registration number assigned to a vehicle and to the owner thereof shall be designated "urban" if the owner resides within the limits of a city or incorporated town. Each registration number assigned to a vehicle and to the owner thereof shall be designated "rural" if the owner resides outside the limits of a city or incorporated town. The county clerk and recorder of each county shall certify to the department as soon as possible after the end of the calendar year, but not later than May 1 of the year following the year for which said vehicles are registered, the total number of vehicles classified as "urban" and the total number of vehicles classified as "rural".

(b) Alphabetically under the name of the owner;

(c) Numerically and alphabetically under the identification number and name of the vehicle.

(2) The department, upon registering a vehicle, shall issue to the owner a registration card which shall contain upon the face thereof the date issued, the registration number assigned to the owner and to the vehicle, the name and address of the owner, a notice, in type which is larger than the other information contained on the registration card, that motor vehicle insurance coverage is compulsory in Colorado, that noncompliance is a misdemeanor traffic offense, that the minimum penalty for such offense is a one-hundred-dollar fine and that the maximum penalty for such offense is one year's imprisonment and a one-thousand-dollar fine, and that such owner shall be required upon receipt of the registration card to sign the affirmation clause on such card which states "I swear or affirm under penalty of perjury that I now have in effect a complying policy of motor vehicle insurance pursuant to the "Colorado Auto Accident Reparations Act", part 7 of article 4 of title 10, C.R.S., or a certificate of self-insurance to cover the vehicle for which this registration is issued, and I understand that such insurance must be renewed so that coverage is continuous. Signature _____, Date _____.", a description of the registered vehicle, including the identification number thereof, and, with reference to every new vehicle sold in this state after January 1, 1932, the date of sale by the manufacturer or dealer to the person first operating such vehicle, and such other statement of facts as may be determined by the department.

~~(2.5) (a)~~ (3) Any notice for renewal of registration shall include a notice, in type which is larger than the other information contained in the notice, which specifies that motor vehicle insurance coverage is compulsory in Colorado, that noncompliance is a misdemeanor traffic offense, that the minimum penalty for such offense is a one-hundred-dollar fine and that the maximum penalty for such offense is one year's imprisonment and a one-thousand-dollar fine, and that such owner shall be required as a condition of obtaining a renewed registration card and upon receipt of the registration card to sign the affirmation clause on such card which states "I swear or affirm under penalty of perjury that I now have in effect a complying policy of motor vehicle insurance pursuant to the "Colorado Auto Accident Reparations Act", part 7 of article 4 of title 10, C.R.S., or a certificate of self-insurance to cover the vehicle for which this registration is issued, and I understand that such insurance must be renewed so that coverage is continuous. Signature _____, Date _____."

~~(b) and (c) (Deleted by amendment, L. 91, p. 1388, § 2, effective April 17, 1991.)~~

~~(2.6)~~ (4) On and after January 1, 1991, the department shall notify all registered owners of the provisions and requirements of ~~subsections (2) and (2.5)~~ SUBSECTIONS (2) AND (3) of this section.

~~(2.7)~~ (5) The authorized agent shall have the authority, upon direction by the county, to refund any or all of the moneys collected between January 1, 1991, and April 17, 1991, for the failure to sign the affirmation clause on the registration application pursuant to ~~section 42-3-104 (1.5) (c)~~ SECTION 42-3-105 (2) or the failure to sign the affirmation clause on the notice for renewal of registration pursuant to ~~section 42-3-111 (2.5) (c)~~ SECTION 42-3-112 (3) over and above the actual costs the county has incurred in reprocessing such registration documents.

~~(3)~~ (6) The registration card shall contain upon the reverse side a form for endorsement of notice to the department upon transfer of the vehicle.

~~(4)~~ (7) The owner, upon receiving the registration card, shall sign the usual signature or name of such owner with pen and ink in the space provided upon the face of such card.

~~(5)~~ (8) The registration card issued for a vehicle required to be registered under this article shall, at all times while the vehicle is being operated upon a highway within this state, be in the possession of the driver thereof or carried in the vehicle and subject to inspection by any peace officer.

~~(6)~~ (9) Whenever any person, after applying for and receiving a license, moves from the address named in such application or on the license issued to ~~him~~ THE PERSON or when the name of the licensee is changed by marriage or otherwise, such person shall, within ten days thereafter, notify the department in writing of ~~his~~ THE PERSON'S old and new address or of such former and new name and of the number of any license then held by ~~him~~ SUCH PERSON.

~~(7) (a)~~ (10) (a) Any person who in ~~his~~ AN application for registration shows that ~~he~~ SUCH PERSON is the holder of a valid renewable amateur radio, standard radio, FM, or television license issued by the federal communications commission shall, upon payment of the additional registration fee prescribed in ~~section 42-3-123 (6)~~ SECTION 42-3-134 (7), be entitled to have passenger cars, station wagons, or trucks having an empty weight of five thousand pounds or less registered under the call sign letters assigned to such station by said commission and shall be furnished license plates bearing such call sign letters in lieu of the distinct registration number specified in subsection (1) of this section.

(b) No holder of an amateur radio license shall be entitled

to purchase more than one set of such special license plates for any registration period, and no holder of a standard radio, FM, or television license shall be entitled to purchase more than ten sets of such special license plates for any registration period.

(c) Any such special registration and the license plates furnished therewith shall be valid until the end of the registration period and may be renewed for the same term as any other renewal of registration upon application and payment of the prescribed registration fee so long as the holder of such radio or television license is licensed by the federal communications commission.

~~(8)~~ (11) Upon the application of the owner of a passenger car, motor truck, or trailer classified as Class B or Class C personal property, as defined in ~~section 42-3-105~~ SECTION 42-3-106, or the duly authorized agent of such owner showing that such owner is a member of congress from the state of Colorado, the department is authorized to assign to such owner, in addition to or in lieu of the distinct registration number specified in ~~subsection (1) (a)~~ PARAGRAPH (a) OF SUBSECTION (1) of this section, registration plates which shall contain a number together with appropriate words or letters indicating that such owner is a member of the congress of the United States, and a separate number series shall be used to further identify such license plates. Said license plates shall not be issued by the counties but shall be issued directly by the department.

42-3-113. [Formerly 42-3-112] Number plates furnished - style. (1) (a) The department shall also furnish to every owner whose vehicle is registered one number plate for a motorcycle, trailer, or semitrailer, any other vehicle drawn by a motor vehicle, or any item of mobile machinery or self-propelled construction equipment and two number plates, or, at the discretion of the executive director of the department, one number plate for every other vehicle, except as otherwise provided in this article. The department has the authority to require the return to the department of all number plates upon termination of the lawful use thereof by the owner.

(b) The department may furnish the number plates required in this section for one or more registration periods. If the number plates are issued for multiyear use, the department may issue a validating tab or sticker to indicate the year of registration of the vehicle.

(c) All actions taken in carrying out the provisions of paragraphs (a) and (b) of this subsection (1) are subject to the prior approval of the executive director of the department of administration.

(2) Every number plate shall have displayed upon it the

registration number assigned to the vehicle and to the owner thereof, the year number for which it is issued, the month in which it expires, and any other appropriate symbol, word, or words designated by the department. The department may adopt rules and regulations for the issuance of permanent number plates which do not display the year number for which it is issued or the month in which it expires. Such plate and the required letters and numerals thereon, except the year number for which issued, shall be of sufficient size to be plainly readable from a distance of one hundred feet during daylight.

(3) The department shall issue for every passenger motor vehicle, rented without a driver, the same type of number plates as the type of plates issued for private passenger vehicles.

~~(4) Repealed, L. 77, p. 1749, § 22, effective January 1, 1978.~~

~~(5)~~ (4) The department shall issue, for every noncommercial or recreational vehicle registered as such pursuant to this article, numbered plates or other insignia of a color or design different from any other Colorado plates, to be determined by the department, in order that such numbered plates or other insignia may be plainly recognized at a distance of at least one hundred feet during daylight.

42-3-114. [Formerly 42-3-112.1] Issuance of personalized plates authorized. (1) The department is authorized to issue personalized license plates for motor vehicles in accordance with the provisions of this section for the year 1977 and thereafter.

(2) "Personalized license plates", as used in this section, means license plates that have displayed upon them the registration number assigned to the motor vehicle for which such registration number was issued in a combination of letters or numbers, or both, requested by the owner of the vehicle, subject to the limitations of this section.

~~(2.5) (a)~~ (3) (a) "Personalized license plates", as used in this section, includes special license plates which bear the words "street rod" and which may be issued only to a street rod vehicle.

(b) "Street rod vehicle", as used in this section, means a vehicle manufactured in 1948 or earlier with a body design which has been modified for safe road use, including, but not limited to, modifications to the drive train, suspension, and brake systems, modifications to the body through the use of materials such as steel or fiberglass, and any other safety or comfort features.

~~(3)~~ (4) The personalized license plates shall be the same color and design as regular motor vehicle license plates, shall consist of numbers or letters, or any combination thereof, not exceeding seven positions and not less than two positions, and shall not conflict with existing passenger, commercial, trailer, motorcycle, or other special license plates series; except that personalized license plates bearing the words "street rod" shall be of a design determined by the executive director of the department, which design shall be different from those used by the state for regular motor vehicle license plates.

~~(4)~~ (5) Any person who is the registered owner of a motor vehicle registered with the department or who makes application for the personalized license registration of a motor vehicle or renewal personalized license registration of a motor vehicle, upon payment of the fee prescribed in ~~subsection (6)~~ SUBSECTION (7) of this section, may apply to the department for personalized license plates, in the manner prescribed in this section, which plates shall be affixed to the motor vehicle for which registration is sought in lieu of the regular license plates. Personalized license plates shall be issued for the annual registration period subsequent to the year in which the application is made.

~~(5)~~ (6) An applicant for issuance of personalized license plates or renewal of such plates in subsequent years shall make an application therefor in such form and by such date as the department may require, indicating thereon the combination of letters or numbers, or both, requested as a registration number. There shall be no duplication of registration numbers, and the department may refuse to issue any combination of letters or numbers, or both, which may carry connotations offensive to good taste and decency or which would be misleading or a duplication of the regular license plates provided for in this article.

~~(6) (a)~~ (7) (a) A fee of thirty-five dollars shall be charged in addition to the registration fee normally due upon the vehicle for the issuance of the same number of personalized license plates for a vehicle as are specified in ~~section 42-3-112~~ SECTION 42-3-113 for the issuance of number plates. Upon ~~reissue~~ REISSUANCE of the same personalized license plates in subsequent years, the additional fee shall be twenty-five dollars. Such fee shall be due upon the original issue or any ~~reissue~~ REISSUANCE of personalized license plates other than a renewal of registration under paragraph (b) of this ~~subsection (6)~~ SUBSECTION (7).

(b) The department may provide for renewals of personalized license plates whereby such plates are retained by the applicant in years subsequent to original issuance upon the payment, in addition to the normal registration fee, of an annual renewal fee of twenty-five dollars for which the department shall provide a distinctive tag or insignia to be affixed to such plates to signify that such vehicle has been properly registered for the

year for which such license plate was renewed.

(c) Whenever any person who has been issued personalized license plates applies to the department for the transfer of such plates to a subsequently acquired motor vehicle, a transfer fee of twelve dollars shall be charged in addition to all other appropriate fees.

(d) Any person who has been issued personalized license plates shall apply for the renewal or transfer thereof according to ~~subsection (5)~~ SUBSECTION (6) of this section or shall lose ~~his~~ THE priority right to the use of the letters or numbers, or combination thereof, displayed on the personalized license plates.

~~(7)~~ (8) Vehicles registered under this section shall be subject to all other provisions of this article except those relating to the type of number license plates under ~~section 42-3-112~~ SECTION 42-3-113.

~~(8)~~ (9) All applications for special registration of motor vehicles shall be made directly to the department, and all matters pertaining thereto shall be administered by such department. All fees received from special registrations shall be placed by the department in the same fund as its other registration fees; except that two dollars of each such special registration fee shall be remitted to the county general fund.

~~(9)~~ (10) The executive director of the department may prepare any special forms and issue any rules and regulations necessary to carry out the provisions of this section.

42-3-115. [Formerly 42-3-112.2] Issuance of optional plates authorized. (1) The department is authorized to issue optional license plates for either a passenger car or a truck not over ten thousand pounds empty weight.

(2) The optional license plates shall have a background consisting of a graphic design representing the state flag of Colorado and shall consist of numbers or letters or any combination thereof approved by rules and regulations of the department. If the plates are issued for multiyear use, the department may issue a validating tab or sticker to indicate the year of registration of the vehicle.

(3) Vehicles registered under this section shall be subject to all other provisions of this article except those relating to the type of number license plates under ~~section 42-3-112~~ SECTION 42-3-113.

(4) The amount of the taxes and fees for such license plates shall be the same as the amount of the taxes and fees specified for regular motor vehicle plates plus an additional

annual fee of twenty-five dollars. Such additional fee shall be transmitted to the state treasurer, who shall credit the same to the highway users tax fund.

(5) All applications for special license plates provided by this section shall be made directly to the department.

(6) The executive director of the department may prepare any special forms and issue any rules and regulations necessary to carry out the provisions of this section.

~~(7) Repealed, L. 92, p. 1888, § 2, effective July 1, 1992.~~

42-3-116. [Formerly 42-3-112.3] Special plates - recipients of purple heart. (1) The department is directed to issue one set of special license plates for either a passenger car or a truck which does not exceed six thousand five hundred pounds empty weight owned by any recipient of the purple heart in accordance with the provisions of this section for the year 1988 and for each year thereafter.

(2) The special license plates shall be of a design determined by the executive director of the department, but they shall be designed so as to indicate that an owner of a motor vehicle is a recipient of the purple heart. Such design shall be different from the design used by the state for regular motor vehicle registration.

(3) Any natural person who has been awarded a purple heart for wounds received in combat at the hands of an enemy of the United States shall be authorized to use the special license plates provided for by this section.

(4) Vehicles registered pursuant to the provisions of this section shall be subject to all other provisions of this article except those relating to the type of number license plates contained in ~~section 42-3-112~~ SECTION 42-3-113.

(5) The amount of taxes and fees for such special license plates shall be the same as the amount of the taxes and fees specified for regular motor vehicle registration plus an additional one-time issuance or replacement fee of ten dollars. Such additional fee shall be transmitted to the state treasurer, who shall credit the same to the highway users tax fund.

(6) All applications for special license plates provided for in this section shall be made directly to the department and shall include such information as the department may require. At the time of making such application, the applicant shall submit to the department a letter of verification from the appropriate branch of the armed forces of the United States that the applicant

has been awarded a purple heart.

(7) The executive director of the department may prepare any special forms and issue such rules and regulations as may be necessary to carry out the provisions of this section.

42-3-117. [Formerly 42-3-112.4] Special plates - members of the Colorado national guard. (1) The department is directed to issue one set of special license plates for either a passenger car or a truck which does not exceed six thousand five hundred pounds empty weight owned by any active member of the Colorado national guard, as defined in section 28-3-101 (5), C.R.S., in accordance with the provisions of this section for the year 1988 and for each year thereafter.

(2) The special license plates shall have a white background with blue lettering and shall be of a design determined by the executive director of the department, but they shall be designed so as to indicate that an owner of a motor vehicle is a member of the Colorado national guard. Such design shall be different from the design used by the state for regular motor vehicle registration.

(3) Any natural person who is an active member of the Colorado national guard shall be authorized to use the special license plates provided for by this section.

(4) Vehicles registered pursuant to the provisions of this section shall be subject to all other provisions of this article except those relating to the type of number license plates contained in ~~section 42-3-112~~ SECTION 42-3-113.

(5) The amount of taxes and fees for such special license plates shall be the same as the amount of taxes and fees specified for regular motor vehicle registration plus an additional one-time fee of ten dollars. Such additional fee shall be transmitted to the state treasurer, who shall credit the same to the highway users tax fund.

(6) All applications for special license plates provided for in this section shall be made directly to the department upon expiration of any current vehicle registration and shall include such information as the department may require. At the time of making such application, the applicant shall submit to the department a proof of eligibility form prepared by the department of military affairs. If the owner of a vehicle registered pursuant to the provisions of this section ceases to be an active member of the Colorado national guard, such person shall return the special license plates to the department upon expiration of the registration.

(7) The executive director of the department may prepare

any special forms and issue such rules and regulations as may be necessary to carry out the provisions of this section.

42-3-118. [Formerly 42-3-112.5] Special plates - former prisoners of war. (1) (a) The department is directed to issue one set of special license plates for either a passenger car or a truck not over six thousand five hundred pounds empty weight owned by a former prisoner of war in accordance with the provisions of this section for the year 1984 and thereafter.

(b) Any natural person eligible under subsection (3) of this section for the special license plate provided by this section may apply for additional special license plates upon the payment of any fees or taxes required by this article. The weight limitation imposed by paragraph (a) of this subsection (1) notwithstanding, any natural person eligible under subsection (3) of this section for the special license plate provided by this section may apply for a special license plate for a motor home, as defined in ~~section 42-1-102 (45.5)~~ SECTION 42-1-102 (57), upon the payment of any fees or taxes required by this article.

(2) The special license plates shall be the same color as regular motor vehicle license plates but shall be designed so as to indicate that the owner of the motor vehicle is a former prisoner of war.

(3) (a) Any natural person who, while serving in the armed forces of the United States, was incarcerated by an enemy of the United States during a period of conflict with the United States shall be authorized to use the special license plate for former prisoners of war provided by this section.

(b) If a deceased former prisoner of war was authorized under the provisions of this section to use the special license plate provided for former prisoners of war, the surviving spouse of such former prisoner of war shall be authorized to apply to the department to retain any set or sets of such special plates which such former prisoner of war had obtained. Such surviving spouse shall be eligible to use one set of such special plates without the payment of any fee under the provisions of subsection (5) of this section in the same manner as a former prisoner of war.

(4) Vehicles registered under this section shall be subject to all other provisions of this article except those relating to the type of number license plates under ~~section 42-3-112~~ SECTION 42-3-113.

(5) Except as provided in paragraph (b) of subsection (1) of this section, no fee shall be charged for the license plates provided by this section.

(6) All applications for special license plates provided

by this section shall be made directly to the department.

(7) The executive director of the department may prepare any special forms and issue any rules and regulations necessary to carry out the provisions of this section.

(8) The department shall notify eligible former prisoners of war whose names are known and whose automobiles are registered with the department as of May 25, 1983, of the availability of the special license plates provided by this section.

42-3-119. [Formerly 42-3-112.6] Special plates - disabled veterans - veterans of armed forces of the United States. (1) Any veteran of the armed forces of the United States who is otherwise eligible to obtain license plates bearing the inscription "D.V." under the provisions of ~~section 42-3-123 (3) (a)~~ SECTION 42-3-134 (3) (a), but whose disability was incurred on or after May 7, 1975, may obtain such license plates from the department upon the payment of any fees or taxes required by this article.

(2) (a) The department is directed to issue one set of special license plates for either a passenger car or a truck which does not exceed six thousand five hundred pounds empty weight owned by any honorably discharged veteran of the armed forces of the United States in accordance with the provisions of this section for the year 1993 and for each year thereafter.

(b) The special license plates shall be such color and design as determined by the executive director of the department but shall include an indication that an owner of the motor vehicle is a veteran of the armed forces of the United States.

(c) Any natural person who has received an honorable discharge from any branch of the armed services of the United States shall be authorized to use the special license plates provided for by this section.

(d) Vehicles registered pursuant to the provisions of this section shall be subject to all other provisions of this article except those relating to the type of number license plates contained in ~~section 42-3-112~~ SECTION 42-3-113.

(e) The amount of taxes and fees for such special license plates shall be the same as the amount of taxes and fees specified for regular motor vehicle registration plus an additional one-time fee of ten dollars. Such additional fee shall be transmitted to the state treasurer, who shall credit the same to the highway users tax fund; except that one dollar of each additional fee collected shall be retained by the authorized agent and one dollar and fifteen cents of each additional fee shall be credited to the special purpose account established under ~~section 42-1-210.1, C.R.S.~~ SECTION 42-1-211.

(f) All applications for special license plates provided for in this section may be made upon expiration of any current vehicle registration and shall include such information as the department may require. At the time of making such application, the applicant shall submit proof of honorable discharge from an armed forces branch of the United States.

(g) The executive director of the department may prepare any special forms and issue such rules and regulations as may be necessary to carry out the provisions of this section.

42-3-120. [Formerly 42-3-112.7] Special plates - survivors of the attack on Pearl Harbor. (1) The department is directed to issue one set of special license plates for either a passenger car or a truck not over six thousand five hundred pounds empty weight owned by a survivor of the attack on Pearl Harbor in accordance with the provisions of this section for the year 1987 and thereafter.

(2) The special license plates shall be the same color as regular motor vehicle license plates but shall be designed so as to indicate that the owner of the motor vehicle is a survivor of the attack on Pearl Harbor.

(3) Any natural person shall be authorized to use the special license plates provided by this section if ~~he~~ SUCH PERSON:

(a) Was a member of the United States armed forces on December 7, 1941;

(b) Was on station on December 7, 1941, during the hours of 7:55 a.m. to 9:45 a.m. Hawaii time at Pearl Harbor, the island of Oahu, or offshore at a distance not to exceed three miles therefrom;

(c) Received an honorable discharge from the United States armed forces; and

(d) Holds a current membership in a national organization of survivors of the attack on Pearl Harbor.

(4) Vehicles registered under this section shall be subject to all other provisions of this article except those relating to the type of number license plates under ~~section 42-3-112~~ SECTION 42-3-113.

(5) The amount of the taxes and fees for such license plates shall be the same as the amount of the taxes and fees specified for regular motor vehicle plates plus an additional fee not to exceed twelve dollars.

(6) All applications for special license plates provided

by this section shall be made directly to the department.

(7) The executive director of the department may prepare any special forms and issue any rules and regulations necessary to carry out the provisions of this section.

42-3-121. [Formerly 42-4-1109 (1), (2), and (2.5)] Parking privileges for persons with disabilities. (1) As used in this section, "person with a disability" means a person so severely impaired that such person is unable to move from place to place without the aid of a mechanical device or who has a physical impairment verified, in writing, by the director of the division of rehabilitation or a physician licensed to practice medicine in this state that such impairment limits substantially the person's ability to move from place to place. Before such a verification can be made, said director or physician shall certify to the division that the standards established by the director of the division of rehabilitation for such a determination have been met.

(2) (a) A person with a disability may apply to the motor vehicle division of the department for:

(I) Distinguishing license plates to be supplied at the same cost as standard plates and to be displayed on a motor vehicle owned by such person as provided in ~~section 42-3-113~~ SECTION 42-3-123. Any plates issued by the motor vehicle division pursuant to this section shall be renewed once each year in a manner to be determined by the division. THE ISSUANCE OF A SPECIAL LICENSE PLATE TO A PERSON WITH A DISABILITY PURSUANT TO THE PROVISIONS OF THIS SUBPARAGRAPH (I) SHALL NOT PRECLUDE SUCH PERSON FROM OBTAINING AN IDENTIFYING PLACARD PURSUANT TO THE PROVISIONS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH (a). The verification requirements of subsection (1) of this section shall be met once every three years.

(II) An identifying placard to be prominently displayed on a motor vehicle used to transport such person. Any placard issued by the motor vehicle division pursuant to this section shall be renewed every three years in a manner to be determined by the division. The verification requirements of subsection (1) of this section shall be met each time the placard is renewed.

(b) Such license plate or placard shall be issued to such person upon presentation to the motor vehicle division of a written statement, verified by a physician licensed to practice medicine in this state, that such person is a person with a disability. The application for a distinguishing license plate shall be sent to the motor vehicle division each year.

(c) Such license plate or placard may be revoked by the motor vehicle division upon receipt of a sworn statement from a peace officer that the person with a disability has improperly

used the privilege defined in ~~subsection (3) of this section~~ SECTION 42-4-1208 (2).

(d) The department shall establish a fee for the placards issued pursuant to paragraph (b) of this subsection (2). The fee established by the department shall not exceed the actual costs of issuing the placards, and the moneys collected by the department shall be transmitted to the state treasurer, who shall credit such moneys to the highway users tax fund.

~~(2.5)~~ (3) The department shall issue temporary distinguishing license permits and a temporary identifying placard to any person who is temporarily a person with a disability upon presentation to the motor vehicle division of a written statement, verified by a physician licensed to practice medicine in this state, that such person temporarily meets the definition of a person with a disability. Such permits and placard shall be valid for a period of ninety days from the date of issuance and may continually be renewed for additional ninety-day periods during the term of such disability upon resubmission of such written and verified statements. The provisions of this section including provisions regarding the privileges granted to persons with disabilities, revocation of license plates or placards, and display of license plates and placards shall apply in the case of temporary license permits and temporary placards issued under this ~~subsection (2.5). However, the provision in paragraph (b) of subsection (2) of this section that application for distinguishing plates shall be sent by September 15 of each year shall not apply~~ SUBSECTION (3).

42-3-122. [Formerly 42-3-112.8] Special plates - rules and regulations. The executive director of the department may promulgate rules and regulations to issue special license plates. The amount of the taxes and fees for such special plates shall be determined by the executive director pursuant to rules and regulations, and such taxes and fees shall be in an amount to offset the costs of the department for issuing the special plates.

~~**42-3-112.9. Authorization for issuance of special plates. (Repealed)**~~

~~Repealed, effective January 1, 1989.~~

42-3-123. [Formerly 42-3-113] Number plates to be attached. (1) Number plates assigned to a self-propelled vehicle other than a motorcycle shall be attached thereto, one in the front and the other in the rear. The number plate assigned to a motorcycle, trailer, or semitrailer, any other vehicle drawn by a motor vehicle, or any item of mobile machinery or self-propelled construction equipment shall be attached to the rear thereof. Number plates shall be so displayed during the current registration year, except as otherwise provided in this article.

(2) Every number plate shall at all times be securely fastened to the vehicle to which it is assigned, so as to prevent the plate from swinging, and shall be horizontal at a height not less than twelve inches from the ground, measuring from the bottom of such plate, in a place and position to be clearly visible, and shall be maintained free from foreign materials and in a condition to be clearly legible.

(3) Any person who violates any provision of this section commits a class B traffic infraction.

42-3-124. [Formerly 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)~~ SECTION 42-3-112 (3), 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 B traffic infraction.

(b) Upon application of an owner of a passenger car showing that such owner is a member of the general assembly of the state of Colorado, the department is authorized to assign to such owner, in lieu of the distinct registration number specified in ~~section 42-3-111 (1) (a)~~ SECTION 42-3-112 (1) (a), registration plates which shall contain a number together with appropriate words or letters indicating that such owner is a member of the general assembly of the state of Colorado and a separate number series based on senatorial and representative districts which shall be used to further identify such license plates.

(2) An owner who has made proper application for renewal of registration of a vehicle but who has not received the number plates or plate for the ensuing registration period is entitled to operate or permit the operation of such vehicle upon the highways, upon displaying thereon the number plates or plate issued for the preceding registration period, for such time to be prescribed by the department as it may find necessary for issuance of such new plates.

(3) (a) The department is authorized to issue individual temporary registration number plates, tags, or certificates good for a period not to exceed forty-five days upon the filing of an application by any owner or ~~his~~ THE OWNER'S agent, dealer, salesman, or chauffeur and the payment of a registration fee of two dollars, one dollar and sixty cents thereof to be retained by the county clerk and recorder issuing the plates, tags, or certificates and the remainder to be remitted monthly to the

department to be transmitted to the state treasurer for credit to the highway users tax fund. It is unlawful for any person to make use of such number plate, tag, or certificate after the expiration of the period for which the same was issued. Any person who violates any provision of this paragraph (a) commits a class B traffic infraction.

(b) The department is further authorized to issue to licensed motor vehicle dealers temporary registration number plates, tags, or certificates in blocks of twenty-five upon payment of a fee of twelve dollars and fifty cents for each block of twenty-five, fifty percent thereof to be retained by the county clerk and recorder and the remainder to be remitted monthly to the department to be transmitted to the state treasurer for credit to the highway users tax fund.

(4) All or part of the face of the license plates furnished pursuant to this section shall be coated with a reflective material commencing January 1, 1971.

42-3-125. [Formerly 42-3-114.5] Access to records of license plate holders. (1) (a) Any person seeking to determine the identity of an owner of a motor vehicle registered in this state by use of a license plate shall state on a form provided by the department:

(I) ~~His~~ THE PERSON'S full name and address;

(II) ~~His~~ THE PERSON'S driver's license number, or if none, ~~his~~ THE PERSON'S social security number; and

(III) The license plate number or personalized license plate requested.

(b) The department is authorized to charge a two-dollar fee to those persons seeking to identify an owner of a motor vehicle registered in this state to cover the expenses involved in the administration of this section. Upon payment of the fee, the department shall furnish a copy of the form to the person requesting the information. The department shall maintain a record of all forms.

(2) The provisions of subsection (1) of this section shall not apply to the following individuals:

(a) A peace officer as defined in section 18-1-901 (3) (l), C.R.S., when the peace officer is seeking to ascertain the identity of the owner of a motor vehicle; and

(b) An employee of a corporation whose course of business is to gather information concerning the automotive industry and which holds a contract with the department of revenue.

(3) No information required to be confidential by the provisions of section 24-72-204 (3.5) (a), C.R.S., shall be disclosed by the department unless authorized by such section.

42-3-126. [Formerly 42-3-115] Registration upon transfer. (1) Whenever the owner of a vehicle registered under the provisions of this article transfers or assigns ~~his~~ THE OWNER'S title or interest thereto, the registration of such vehicle shall expire, and such owner shall remove the number plates. The owner, upon application for registration in ~~his~~ SUCH OWNER'S name during the same registration period of another motor vehicle, may receive credit upon the fees due for such new registration for such portion of the fees paid for the cancelled registration as the department may determine to be proper and proportionate to the unexpired part of the original term of registration. A fee of one dollar shall be paid in all cases as a transfer fee.

(2) The transferee, before operating or permitting the operation of such vehicle upon a highway, shall apply for and obtain the registration thereof as upon an original registration, except as provided in this article.

(3) In the event of a transfer by operation of law of the title or interest of an owner in and to a vehicle, as upon inheritance, devise, or bequest, order in bankruptcy of insolvency, execution, sale, repossession upon default in performing the terms of a lease or executory sales contract, chattel mortgage, secured transaction, or otherwise, the registration thereof shall expire, and the vehicle shall not be operated upon the highways until and unless the person entitled thereto applies for and obtains the registration thereof; except that an administrator, executor, trustee, or other representative of the owner, or a sheriff or other officer, or any person repossessing the vehicle under the terms of a conditional sale contract, lease, chattel mortgage, secured transaction, or other security agreement, or the assignee or legal representative of any such person may operate or cause to be operated any vehicle upon the highways for the necessary distance from the place of repossession or place where formerly kept by the owner to a garage, warehouse, or other place of keeping or storage, either upon displaying upon such vehicle the number plates issued to the former owner or without number plates attached thereto but under a written permit first obtained from the department or the local police authorities having jurisdiction over such highways and upon displaying in plain sight upon such vehicle a placard bearing the name and address of the person authorizing and directing such movement, plainly readable from a distance of one hundred feet during daylight.

(4) The owner of a motor vehicle who has made a bona fide sale or transfer of ~~his~~ SUCH OWNER'S title or interest and who has delivered possession of such vehicle and the certificate of title

thereto properly endorsed to the purchaser or transferee shall not be liable for any damages thereafter resulting from negligent operation of such vehicle by another.

42-3-127. [Formerly 42-3-116] Manufacturers or dealers. (1) A manufacturer, drive-away or tow-away transporter of, or dealer in, motor vehicles, trailers, or semitrailers operating any such vehicle upon any highway, in lieu of registering each vehicle, may obtain from the department, upon application therefor upon the proper official form and payment of the fees required by law, and attach to each such vehicle one number plate, as required in this article for different classes of vehicles, which plate shall bear a distinctive number, the name of this state, which may be abbreviated, and the year for which issued, together with a distinguishing word or symbol indicating that such plate was issued to a manufacturer, drive-away or tow-away transporter, or dealer. Any such plates so issued may, during the registration period for which issued, be transferred from one such vehicle to another when owned and operated by or with the authority of such manufacturer or representative of such manufacturer or operated by such drive-away or tow-away transporter or dealer.

(2) No manufacturer of or dealer in motor vehicles, trailers, or semitrailers shall cause or permit any such vehicle owned by such person to be operated or moved upon a public highway without there being displayed upon such vehicle a number plate, except as otherwise authorized in this article.

(3) Any manufacturer of motor vehicles, trailers, or semitrailers may operate or move, or cause to be operated or moved, upon the highways any such vehicle from the factory where manufactured to a railway depot, vessel, or place of shipment or delivery, without registering the same and without a number plate attached thereto, under a written permit first obtained from the local police authorities having jurisdiction over such highways and upon displaying in plain sight upon each such vehicle a placard bearing the name and address of the manufacturer authorizing or directing such movement, plainly readable from a distance of one hundred feet during daylight.

(4) (a) Any dealer in motor vehicles, trailers, or semitrailers or any person, partnership, or corporation or holder of a valid state garage license doing work for such dealer involving the repairing, painting, upholstering, polishing, or the performing of similar types of work may operate, move, or transport any vehicle owned by such dealer on the streets and highways of this state without registering such vehicle and without a numbered plate attached thereto if there is displayed thereon a depot tag issued by the department. Such tag shall be purchased by any such dealer, person, partnership, or corporation from the department for a fee of five dollars. Such tags shall only be used for moving authorized vehicles for purposes of

testing, repairs, or transporting them from the point of delivery to the dealer's place of business and for similar legitimate business purposes; but nothing in this section shall be construed to allow the use of any such tag for any private purposes.

~~(b) Repealed, L. 87, p. 1529, § 74, effective July 1, 1987.~~

~~(c)~~ (b) The executive director of the department shall promulgate rules and regulations for the use of depot tags and dealer plates, and any violation of such rules and regulations shall subject the violator to a suspension or revocation of ~~his~~ THE VIOLATOR'S depot tag and dealer plates after a hearing pursuant to article 4 of title 24, C.R.S.

(5) Every manufacturer or dealer, upon transferring a motor vehicle, trailer, or semitrailer, whether by sale, lease, or otherwise, to any person other than a manufacturer or dealer shall immediately give written notice of such transfer to the department upon the official form provided by the department. Every such notice shall contain the date of such transfer, the names and addresses of the transferor and transferee, and such description of the vehicle as may be called for in such official form.

42-3-128. [Formerly 42-3-117] Nonresidents. (1) A nonresident owner, except as otherwise provided in this section, owning any foreign vehicle which has been duly registered for the current registration period in the state, country, or other place of which the owner is a resident and which at all times when operated in this state has displayed upon it the number plate or plates issued for such vehicle in the place of residence of such owner may operate or permit the operation of such vehicle within this state without registering such vehicle or paying any fees to this state.

(2) An owner or operator of a foreign vehicle operated within this state for the transportation of persons or property for compensation or for the transportation of merchandise shall register such vehicle and pay the same fees therefor as required with reference to like vehicles owned by residents of this state, but the registration or reregistration in this state of any motor vehicle, truck, truck tractor, bus, trailer, or semitrailer, or any combination thereof, shall be required of vehicles registered in a foreign state or country but only in accordance with a registration reciprocity which exists between the state of Colorado and the foreign state, country, territory, or possession.

42-3-129. [Formerly 42-3-118] Substitute number plates issued. In the event that any number plate issued under this article is lost or mutilated or becomes illegible, the person who is entitled thereto shall make immediate application and obtain

a substitute therefor upon furnishing information of such fact satisfactory to the department and upon payment of the required fees.

42-3-130. [Formerly 42-3-119] Registration suspended upon theft - recovery. If the owner of any registered vehicle files an affidavit with the department alleging the theft of the vehicle, the department shall immediately suspend the registration of such vehicle and shall not transfer the registration of or reregister such vehicle until such time as it is notified that the owner has recovered such vehicle. The notice given by the owner under this section shall be effective only during the current registration year in which given, but, if during such year such vehicle is not recovered, a new affidavit may be filed with like effect during the ensuing year. Every owner who has filed an affidavit of theft shall immediately notify the department of the recovery of such vehicle.

42-3-131. [Formerly 42-3-120] No application for registration granted - when. (1) The department shall not grant an application for the registration of a vehicle in any of the following events:

(a) When the applicant for registration is not entitled thereto under the provisions of this article;

(b) When the applicant has neglected or refused to furnish the department with the information required on the appropriate official form or reasonable additional information required by the department;

(c) When the registration fees required by law have not been paid;

(d) When a certification of emissions control is required pursuant to ~~part 6 of article 7 of title 25, C.R.S.,~~ PART 4 OF ARTICLE 4 OF THIS TITLE, and such certification has not been obtained.

42-3-132. [Formerly 42-3-121] Department may rescind and cancel registration. (1) The department shall rescind and cancel the registration of any vehicle which the department determines is unsafe or unfit to be operated or is not equipped as required by law.

(2) The department shall rescind and cancel the registration of a vehicle whenever the person to whom registration number plates therefor have been issued makes or permits any unlawful use of the same.

42-3-133. [Formerly 42-3-122] Violation of registration provisions - penalty. (1) It is unlawful for any person to commit

any of the following acts:

(a) To operate, or for the owner thereof knowingly to permit the operation of, upon a highway any vehicle subject to registration under this article or to possess or to have in custody or control any trailer coach whether operated on the highway or not, except trailer coaches owned by a licensed dealer or licensed manufacturer while being held for sale or resale on such dealer's or manufacturer's sales lot or while operated on the streets or highways with dealer plates or depot tags in accordance with laws applicable to such use for motor vehicle dealers and manufacturers, which is not registered or which does not have attached thereto and displayed thereon the number plate or plates assigned thereto by the department for the current registration year;

(b) To display or cause or permit to be displayed or to have in possession any certificate of title or registration number plate knowing the same to be fictitious or to have been cancelled, revoked, suspended, or altered;

(c) To lend to or knowingly permit the use by one not entitled thereto any certificate of title, registration card, or registration number plate issued to the person so lending or permitting the use thereof;

(d) To fail or refuse to surrender to the department, upon demand, any certificate of title, registration card, or registration number plate which has been suspended, cancelled, or revoked as provided in this article;

(e) To use a false or fictitious name or address in any application for the registration of any vehicle or for any renewal or duplicate thereof or knowingly to make a false statement or knowingly to conceal a material fact or otherwise commit a fraud in any such application;

(f) To use or permit the use of any noncommercial or recreational vehicle to transport cargo or passengers for profit or hire or in any business or commercial enterprise.

(2) (a) Any person who violates paragraph (a) or (c) of subsection (1) of this section commits a class B traffic infraction.

(b) Any person who violates paragraph (b), (d), or (e) of subsection (1) of this section commits a class 2 misdemeanor traffic offense.

(c) Any person who violates paragraph (f) of subsection (1) of this section commits a 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.

~~**42-3-122.5. Electric-powered motor vehicles - exemption. (Repealed)**~~

~~Repealed, effective July 1, 1987.~~

42-3-134. [Formerly 42-3-123] Registration fees - passenger and passenger-mile taxes. (1) For the purposes of this section, "declared gross vehicle weight" means the maximum combined weight of the vehicle and its cargo when operated on the public highways of this state. Such weight shall be declared by the vehicle owner at the time the vehicle is registered. Accurate records shall be kept of all miles operated by each vehicle over the public highways of this state by the owner of each vehicle.

(2) With respect to passenger-carrying motor vehicles, the weight used in computing annual registration fees shall be that weight published by the manufacturer in approved manuals, and, in case of a dispute over the weight of any such vehicle, the actual weight determined by weighing such vehicle on a certified scale, as provided in section 35-14-122 (6), C.R.S., shall be conclusive. With respect to all other vehicles, the weight used in computing annual registration fees shall be the empty weight thereof, determined by weighing such vehicle on a certified scale, or, in the case of registration fees imposed pursuant to ~~paragraphs (b) and (b.3)~~ PARAGRAPHS (b) AND (c) of subsection (13) of this section, the declared gross vehicle weight of the vehicle declared by the owner of the vehicle at the time of registration.

(3) No fee shall be payable for the annual registration of a vehicle when:

(a) The owner of such vehicle is a veteran who in ~~his~~ AN application for registration shows that ~~he~~ THE OWNER has established ~~his~~ SUCH OWNER'S rights to benefits under the provisions of Public Law 663, 79th Congress, as amended, and Public Law 187, 82nd Congress, as amended, or is a veteran of the armed forces of the United States who incurred his OR HER disability prior to May 7, 1975, and who is, at the date of such application, receiving compensation from the veterans administration or any branch of the armed forces of the United States for a fifty percent or more, service-connected, permanent disability, or for loss or permanent loss of use of one or both feet or one or both hands, or for the loss of sight in both eyes, or for permanent impairment of vision in both eyes to such degree as to constitute virtual blindness. The exemption provided in this paragraph (a) shall be applicable to the original vehicle qualifying for the same and to any vehicle subsequently purchased

and owned by the same veteran but shall not apply to more than one vehicle at a time. License plates for the vehicles qualifying for the exemption granted in this paragraph (a) shall be issued only by the department and shall bear the inscription "D.V.", and a separate number series shall be used for such license plates. Additional license plates bearing such inscription may be issued by the department to any person eligible under this paragraph (a) upon the payment of any fees or taxes required by this article. Such license plate may also be issued to any person eligible under this paragraph (a) for a motor home, as defined in ~~section 42-1-102 (45.5)~~ SECTION 42-1-102 (57), upon the payment of any fees or taxes required by this article.

(b) The application for registration shows that the owner of such vehicle is a foreign government or a consul or other official representative of a foreign government duly recognized by the department of state of the United States government. License plates for the vehicles qualifying for the exemption granted in this paragraph (b) shall be issued only by the department and shall bear such inscription as may be required to indicate their status.

(c) The owner of such vehicle is the state or any political or governmental subdivision thereof; but any such vehicle which is leased, either by the state or any political or governmental subdivision thereof, shall be exempt from payment of an annual registration fee only if the agreement under which it is leased has been first submitted to the department and approved by it, and such vehicle shall remain exempt from payment of an annual registration fee only so long as it is used and operated in strict conformity with such approved agreement.

(d) The owner of such vehicle is a former prisoner of war being issued special plates pursuant to ~~section 42-3-112.5~~ SECTION 42-3-118 or is the surviving spouse of a former prisoner of war retaining the special plates which were issued to such former prisoner of war pursuant to ~~section 42-3-112.5~~ SECTION 42-3-118.

(4) Fees for the annual registration of passenger-carrying motor vehicles shall be as follows:

(a) Motorcycles, motorscooters, and motorbicycles, three dollars;

(b) (I) Passenger cars, station wagons, taxicabs, ambulances, motor homes, and hearses:

(A) Weighing two thousand pounds or less, six dollars;

(B) Weighing forty-five hundred pounds or less, six dollars plus twenty cents per one hundred pounds, or fraction thereof, of weight over two thousand pounds;

(C) Weighing more than forty-five hundred pounds, twelve dollars and fifty cents plus sixty cents per one hundred pounds, or fraction thereof, of weight over forty-five hundred pounds; except that, for motor homes weighing more than sixty-five hundred pounds, such fees shall be twenty-four dollars and fifty cents plus thirty cents per one hundred pounds, or fraction thereof, of weight over sixty-five hundred pounds.

(II) In addition to the registration fees imposed by subparagraph (I) of this paragraph (b), an additional registration fee shall be imposed on the motor vehicles described in the introductory portion ~~of~~ TO this paragraph (b), which additional registration fee shall be based on the age of the motor vehicle, as follows:

(A) For motor vehicles less than seven years old, twelve dollars;

(B) For motor vehicles seven years old but less than ten years old, ten dollars;

(C) For motor vehicles ten years old or older, seven dollars.

(III) In the event that a regional transportation plan is implemented within the regional transportation district, residents of the E-470 highway authority area shall be exempted from the first ten dollars of any motor vehicle registration fee increase in such plan.

(c) Passenger buses:

(I) All such vehicles used for the transportation of passengers for compensation having a seating capacity of fourteen or less passengers, twenty-five dollars plus one dollar and seventy cents for each seat capacity; and all such vehicles having a seating capacity of more than fourteen passengers, twenty-five dollars plus one dollar and twenty-five cents for each seat capacity in excess of fourteen;

(II) All such vehicles owned by a private owner and used for the transportation of school pupils having a juvenile seating capacity (meaning fourteen lineal inches of seat space) of twenty-five or less, fifteen dollars; and for all such vehicles having a juvenile seating capacity of more than twenty-five, fifteen dollars plus fifty cents for each juvenile seat capacity in excess of twenty-five.

~~(4.1)~~ (5) At the time of registration, the owner of each motorcycle or motorscooter shall pay a surcharge of two dollars which shall be credited to the motorcycle operator safety training fund created in ~~section 42-4-1704~~ SECTION 43-5-504, C.R.S.

~~(4.5) Repealed, L. 79, p. 1501, § 29, effective January 1, 1980.~~

~~(5)~~ (6) Fees for the annual registration of the following vehicles shall be:

(a) Trailer coaches, three dollars;

(b) Trailers, utility trailers, and camper trailers having an empty weight of two thousand pounds or less, three dollars;

(c) Trailers, utility trailers, and camper trailers having an empty weight exceeding two thousand pounds, seven dollars and fifty cents;

(d) Semitrailers, seven dollars and fifty cents.

~~(6)~~ (7) An additional fee of two dollars shall be collected for each vehicle annually registered which is furnished amateur radio call plates, and an additional fee of five dollars for each vehicle annually registered which is furnished standard radio, FM, and television call plates issued pursuant to the provisions of ~~section 42-3-111 (7)~~ SECTION 42-3-112 (10).

~~(7)~~ (8) In lieu of registering each vehicle separately, a dealer in motorcycles, motorscooters, or motorbicycles shall pay to the department an annual registration fee of twenty-five dollars for the first license plate issued pursuant to the provisions of ~~section 42-3-116 (1)~~ SECTION 42-3-127 (1), a fee of seven dollars and fifty cents for each additional license plate so issued up to and including five such plates, and a fee of ten dollars for each license plate so issued in excess of five.

~~(8)~~ (9) In lieu of registering each vehicle separately:

(a) Every dealer in and of motor vehicles, trailers, and semitrailers, except dealers in motorcycles, motorscooters, and motorbicycles, shall pay to the department an annual fee of thirty dollars for the first license plate issued pursuant to the provisions of ~~section 42-3-116 (1)~~ SECTION 42-3-127 (1), and a fee of seven dollars and fifty cents for each additional license plate so issued up to and including five, and a fee of ten dollars for each license plate so issued in excess of five; and

(b) Every manufacturer of motor vehicles shall pay to the department an annual fee of thirty dollars for the first license plate issued pursuant to the provisions of ~~section 42-3-116 (1)~~ SECTION 42-3-127 (1), and a fee of seven dollars and fifty cents for each additional license plate so issued up to and including five, and a fee of ten dollars for each additional license plate issued.

~~(9) (a)~~ (10) (a) Every drive-away or tow-away transporter shall apply to the department for the issuance of license plates which may be transferred from one vehicle or combination to another vehicle or combination for delivery without further registration. The annual fee payable for the issuance of such plates shall be thirty dollars for the first set and ten dollars for each additional set. No transporter shall permit such license plates to be used upon any vehicle which is not in transit, or upon any work or service vehicle, including a service vehicle utilized regularly to haul vehicles, or by any other person.

(b) Each such transporter shall keep a written record of all vehicles transported, including the description thereof and the names and addresses of the consignors and consignees, and a copy of such record shall be carried in every driven vehicle; except that, when a number of vehicles are being transported in convoy, such copy, listing all the vehicles in the convoy, may be carried in only the lead vehicle in the convoy.

(c) The provisions of this ~~subsection (9)~~ SUBSECTION (10) shall not apply to a nonresident engaged in interstate or foreign commerce if such nonresident is in compliance with the in-transit laws of the state of his OR HER residence and if such state grants reciprocal exemption to Colorado residents. The department may enter into reciprocal agreements with another state or states containing such reciprocal exemptions or may issue written declarations as to the existence of any such reciprocal agreements.

~~(10) (a)~~ (11) (a) The provisions of ~~subsections (7), (8) (a), and (9)~~ SUBSECTIONS (8), (9) (a), AND (10) of this section shall not apply to any motor vehicle, trailer, or semitrailer operated by a dealer or transporter for such dealer's or transporter's private use.

(b) The provisions of ~~subsection (8) (b)~~ PARAGRAPH (b) OF SUBSECTION (9) of this section shall only apply to a motor vehicle if owned and operated by a manufacturer, a representative of a manufacturer, or a person so authorized by the manufacturer. Any motor vehicle bearing manufacturer plates shall be of a make and model of the current or a future year and shall have been manufactured by or for the manufacturer to which such plates were issued.

~~(11) (a)~~ (12) (a) The annual registration fee for trucks and truck tractors owned by a farmer or rancher, which vehicles are operated over the public highways and whose only commercial uses are transporting to market or place of storage raw agricultural products actually produced or livestock actually raised by such farmer or rancher or transporting commodities and livestock purchased by such farmer or rancher for ~~his own~~ PERSONAL use and used in ~~his~~ SUCH PERSON'S farming or ranching operations,

shall be as follows:

(I) Each such vehicle having an empty weight of five thousand pounds or less, an amount computed to the nearest pound of the empty weight of such vehicle, according to the following schedule:

Empty Weight (Pounds)		Range	Registration Fee
2,000	and	under	$ 6.20
2,001	but not more than	2,100	6.40
2,101	but not more than	2,200	6.60
2,201	but not more than	2,300	6.80
2,301	but not more than	2,400	7.00
2,401	but not more than	2,500	7.20
2,501	but not more than	2,600	7.40
2,601	but not more than	2,700	7.60
2,701	but not more than	2,800	7.80
2,801	but not more than	2,900	8.00
2,901	but not more than	3,000	8.20
3,001	but not more than	3,100	8.40
3,101	but not more than	3,200	8.60
3,201	but not more than	3,300	8.80
3,301	but not more than	3,400	9.00
3,401	but not more than	3,500	9.20
3,501	but not more than	3,600	9.40
3,601	but not more than	3,700	9.60
3,701	but not more than	3,800	9.80
3,801	but not more than	3,900	10.00
3,901	but not more than	4,000	10.20
4,001	but not more than	4,100	10.40
4,101	but not more than	4,200	10.60
4,201	but not more than	4,300	10.80
4,301	but not more than	4,400	11.00
4,401	but not more than	4,500	11.20
4,501	but not more than	4,600	13.10
4,601	but not more than	4,700	13.70
4,701	but not more than	4,800	14.30
4,801	but not more than	4,900	14.90
4,901	but not more than	5,000	15.50

(II) Each such vehicle having an empty weight of ten thousand pounds or less but more than five thousand pounds, fifteen dollars and fifty cents plus forty-five cents per one hundred pounds, or fraction thereof, of empty weight over five thousand pounds;

(III) Each such vehicle having an empty weight of more than ten thousand pounds but not more than sixteen thousand pounds, thirty-eight dollars plus one dollar and twenty cents per one hundred pounds, or fraction thereof, of empty weight exceeding ten

thousand pounds;

(IV) Each such vehicle having an empty weight of more than sixteen thousand pounds, one hundred ten dollars, plus one dollar and fifty cents per one hundred pounds, or fraction thereof, of empty weight exceeding sixteen thousand pounds.

(b) Nothing in this ~~subsection (11)~~ SUBSECTION (12) shall be construed to prevent a farmer or rancher from occasionally exchanging transportation with another farmer or rancher, but only if the sole consideration involved is the exchange of personal services or the use of equipment.

(c) Any person making application for registration under this ~~subsection (11)~~ SUBSECTION (12) shall certify to the licensing authority on forms prescribed and furnished by the department that the use of the vehicle for which the registration application is made will be in conformity with the requirements of paragraph (a) of this ~~subsection (11)~~ SUBSECTION (12).

(d) No vehicle carrying mounted equipment other than a camper or other purely recreational equipment shall be registered under this ~~subsection (11)~~ SUBSECTION (12), and any vehicle registered under this ~~subsection (11)~~ SUBSECTION (12) shall be subject to reregistration under the proper classification upon any mounted equipment designed for commercial use other than agricultural being placed upon such vehicle.

~~(e) Farm trucks hauling other than raw agricultural products, except as provided in paragraph (a) of this subsection (11), shall, in addition to registration under this subsection (11), be subject to the provisions of subsection (14) of this section.~~

~~(f)~~ (e) In addition to the registration fees imposed by paragraph (a) of this ~~subsection (11)~~ SUBSECTION (12), an additional registration fee shall be imposed on the vehicles described in said paragraph (a) OF THIS SUBSECTION (12), which additional registration fee shall be based on the age of the motor vehicle, as follows:

(I) For farm trucks less than seven years old, twelve dollars;

(II) For farm trucks seven years old but less than ten years old, ten dollars;

(III) For farm trucks ten years old or older, seven dollars.

~~(12) Repealed, L. 89, pp. 1600, 1601, §§ 23, 26, effective~~

~~January 1, 1990.~~

(13) The annual registration fee for those trucks and truck tractors operated over the public highways of this state, except trucks which are registered under the provisions of ~~subsections (11) and (22)~~ SUBSECTIONS (12) AND (25) of this section, shall be as follows:

(a) For each such vehicle having an empty weight of up to and including sixteen thousand pounds, such registration fee shall be based upon the empty weight of such vehicle, computed to the nearest pound, according to the following schedule:

Empty Weight (Pounds)		Range	Registration Fee
2,000	and	under	$ 7.60
2,001	but not more than	2,100	7.80
2,101	but not more than	2,200	8.00
2,201	but not more than	2,300	8.20
2,301	but not more than	2,400	8.40
2,401	but not more than	2,500	8.60
2,501	but not more than	2,600	8.80
2,601	but not more than	2,700	9.00
2,701	but not more than	2,800	9.20
2,801	but not more than	2,900	9.40
2,901	but not more than	3,000	9.60
3,001	but not more than	3,100	10.20
3,101	but not more than	3,200	10.40
3,201	but not more than	3,300	10.60
3,301	but not more than	3,400	10.80
3,401	but not more than	3,500	11.00
3,501	but not more than	3,600	16.10
3,601	but not more than	3,700	16.70
3,701	but not more than	3,800	17.30
3,801	but not more than	3,900	17.90
3,901	but not more than	4,000	18.50
4,001	but not more than	4,100	19.10
4,101	but not more than	4,200	19.70
4,201	but not more than	4,300	20.30
4,301	but not more than	4,400	20.90
4,401	but not more than	4,500	21.50
4,501	but not more than	4,600	35.00
4,601	but not more than	4,700	37.00
4,701	but not more than	4,800	39.00
4,801	but not more than	4,900	41.00
4,901	but not more than	5,000	43.00
5,001	but not more than	5,100	45.00
5,101	but not more than	5,200	47.00
5,201	but not more than	5,300	49.00
5,301	but not more than	5,400	51.00
5,401	but not more than	5,500	53.00

5,501	but not more than	5,600	55.00
5,601	but not more than	5,700	57.00
5,701	but not more than	5,800	59.00
5,801	but not more than	5,900	61.00
5,901	but not more than	6,000	63.00
6,001	but not more than	6,100	65.00
6,101	but not more than	6,200	67.00
6,201	but not more than	6,300	69.00
6,301	but not more than	6,400	71.00
6,401	but not more than	6,500	73.00
6,501	but not more than	6,600	75.00
6,601	but not more than	6,700	77.00
6,701	but not more than	6,800	79.00
6,801	but not more than	6,900	81.00
6,901	but not more than	7,000	83.00
7,001	but not more than	7,100	85.00
7,101	but not more than	7,200	87.00
7,201	but not more than	7,300	89.00
7,301	but not more than	7,400	91.00
7,401	but not more than	7,500	93.00
7,501	but not more than	7,600	95.00
7,601	but not more than	7,700	97.00
7,701	but not more than	7,800	99.00
7,801	but not more than	7,900	101.00
7,901	but not more than	8,000	103.00
8,001	but not more than	8,100	105.00
8,101	but not more than	8,200	107.00
8,201	but not more than	8,300	109.00
8,301	but not more than	8,400	111.00
8,401	but not more than	8,500	113.00
8,501	but not more than	8,600	115.00
8,601	but not more than	8,700	117.00
8,701	but not more than	8,800	119.00
8,801	but not more than	8,900	121.00
8,901	but not more than	9,000	123.00
9,001	but not more than	9,100	125.00
9,101	but not more than	9,200	127.00
9,201	but not more than	9,300	129.00
9,301	but not more than	9,400	131.00
9,401	but not more than	9,500	133.00
9,501	but not more than	9,600	135.00
9,601	but not more than	9,700	137.00
9,701	but not more than	9,800	139.00
9,801	but not more than	9,900	141.00
9,901	but not more than	10,000	143.00
10,001	but not more than	10,100	144.50
10,101	but not more than	10,200	146.00
10,201	but not more than	10,300	147.50
10,301	but not more than	10,400	149.00
10,401	but not more than	10,500	150.50
10,501	but not more than	10,600	152.00
10,601	but not more than	10,700	153.50

10,701	but not more than	10,800	155.00
10,801	but not more than	10,900	156.50
10,901	but not more than	11,000	158.00
11,001	but not more than	11,100	159.50
11,101	but not more than	11,200	161.00
11,201	but not more than	11,300	162.50
11,301	but not more than	11,400	164.00
11,401	but not more than	11,500	165.50
11,501	but not more than	11,600	167.00
11,601	but not more than	11,700	168.50
11,701	but not more than	11,800	170.00
11,801	but not more than	11,900	171.50
11,901	but not more than	12,000	173.00
12,001	but not more than	12,100	174.50
12,101	but not more than	12,200	176.00
12,201	but not more than	12,300	177.50
12,301	but not more than	12,400	179.00
12,401	but not more than	12,500	180.50
12,501	but not more than	12,600	182.00
12,601	but not more than	12,700	183.50
12,701	but not more than	12,800	185.00
12,801	but not more than	12,900	186.50
12,901	but not more than	13,000	188.00
13,001	but not more than	13,100	189.50
13,101	but not more than	13,200	191.00
13,201	but not more than	13,300	192.50
13,301	but not more than	13,400	194.00
13,401	but not more than	13,500	195.50
13,501	but not more than	13,600	197.00
13,601	but not more than	13,700	198.50
13,701	but not more than	13,800	200.00
13,801	but not more than	13,900	201.50
13,901	but not more than	14,000	203.00
14,001	but not more than	14,100	204.50
14,101	but not more than	14,200	206.00
14,201	but not more than	14,300	207.50
14,301	but not more than	14,400	209.00
14,401	but not more than	14,500	210.50
14,501	but not more than	14,600	212.00
14,601	but not more than	14,700	213.50
14,701	but not more than	14,800	215.00
14,801	but not more than	14,900	216.50
14,901	but not more than	15,000	218.00
15,001	but not more than	15,100	219.50
15,101	but not more than	15,200	221.00
15,201	but not more than	15,300	222.50
15,301	but not more than	15,400	224.00
15,401	but not more than	15,500	225.50
15,501	but not more than	15,600	227.00
15,601	but not more than	15,700	228.50
15,701	but not more than	15,800	230.00
15,801	but not more than	15,900	231.50

15,901	but not more than	16,000	233.00

(b) (I) Except as provided in ~~paragraph (b.3)~~ PARAGRAPH (c) of this subsection (13), for each such vehicle registered under this subsection (13) having an empty weight exceeding sixteen thousand pounds, such registration fee shall be based upon the declared gross vehicle weight of the vehicle registered and the number of miles operated by the vehicle over the public highways of this state each year, according to the following schedule:

Declared Gross Vehicle Weight (Pounds)	Registration Fee for Number of Miles Operated by Vehicle During Year: Less than 10,000 Per Year	10,000 to 30,000 Per Year	Over 30,000 Per Year
16,001 but not more than 20,000	$ 180	$ 370	$1,050
20,001 but not more than 24,000	200	380	1,100
24,001 but not more than 30,000	250	410	1,200
30,001 but not more than 36,000	300	440	1,250
36,001 but not more than 42,000	350	470	1,350
42,001 but not more than 48,000	400	590	1,400
48,001 but not more than 54,000	420	640	1,500
54,001 but not more than 60,000	430	660	1,525
60,001 but not more than 66,000	440	720	1,650
66,001 but not more than 74,000	450	740	1,700
Over 74,000	460	810	1,800

(II) Effective January 1, 1991, the fee category provided for in subparagraph (I) of this paragraph (b) for vehicles operated less than ten thousand miles per year shall be divided into two categories, one for vehicles operated less than two thousand five hundred miles per year and one category for vehicles operated at least two thousand five hundred miles but less than ten thousand miles per year. The department shall establish registration fees for each such weight and miles-operated category of vehicles so that, to the extent practicable, the revenue raised by assessments from each such weight and miles-operated category will be approximately equal to the revenue which the department estimates was raised by the assessment of gross ton-mile taxes and registration fees on all vehicles in such weight and miles-operated category of vehicles in calendar year 1988. The registration fees established pursuant to this subparagraph (II) shall also be adjusted by the department pursuant to ~~paragraphs (f), (g), and (h)~~ PARAGRAPHS (h) TO (j) of this subsection (13).

~~(b.3)~~ (c) For each such vehicle registered under this subsection (13) having an empty weight exceeding sixteen thousand pounds which is used in interstate commerce and for which an application is made for apportioned registration, regardless of

base jurisdiction, such registration fee shall be determined according to the following schedule:

Declared Gross Vehicle Weight (Pounds)	Registration Fee
16,001 but not more than 20,000	$ 1,050
20,001 but not more than 24,000	1,100
24,001 but not more than 30,000	1,200
30,001 but not more than 36,000	1,250
36,001 but not more than 42,000	1,350
42,001 but not more than 48,000	1,400
48,001 but not more than 54,000	1,500
54,001 but not more than 60,000	1,525
60,001 but not more than 66,000	1,650
66,001 but not more than 74,000	1,700
Over 74,000	1,800

~~(b.5)~~ (d) For each such vehicle registered under this subsection (13) which is exempt from the registration fees assessed by the provisions of ~~paragraphs (b) and (b.3)~~ PARAGRAPHS (b) AND (c) of this subsection (13) under the provisions of paragraph (d), (f), (g), or (h) of ~~subsection (15)~~ SUBSECTION (18) of this section and which weighs more than sixteen thousand pounds, two hundred thirty-three dollars plus one dollar and fifty cents for each one hundred pounds, or fraction thereof, in excess of sixteen thousand pounds.

~~(c)~~ (e) Each such vehicle registered under this subsection (13) having an empty weight not in excess of sixteen thousand pounds but which is operated in combination with a trailer or semitrailer, which is commonly referred to as a tractor-trailer, shall be assessed according to the provisions of ~~paragraph (b) or (b.3)~~ PARAGRAPH (b) OR (c) of this subsection (13).

~~(d)~~ (f) In addition to the registration fees imposed by paragraph (a) of this subsection (13) and by ~~subsection (22)~~ SUBSECTION (25) of this section, for motor vehicles described in said paragraph (a) OF THIS SUBSECTION (13) and in said ~~subsection (22)~~ SUBSECTION (25), an additional registration fee ~~which additional registration fee~~ shall be imposed and based on the age of the vehicle, as follows:

(I) For light trucks and recreational vehicles less than seven years old, twelve dollars;

(II) For light trucks and recreational vehicles seven years old but less than ten years old, ten dollars;

(III) For light trucks and recreational vehicles ten years old or older, seven dollars.

~~(e)~~ (g) Effective January 1, 1990, in addition to the registration fees imposed by ~~paragraphs (b), (b.3), and (b.5)~~ PARAGRAPHS (b) TO (d) OF this subsection (13), and by ~~subsection (19) (a) (IV)~~ SUBPARAGRAPH (IV) OF PARAGRAPH (a) OF SUBSECTION (22) of this section, an additional registration fee of ten dollars.

~~(f)~~ (h) Effective January 1, 1990, the fees provided for in ~~paragraphs (b), (b.3), (b.5), and (c)~~ PARAGRAPHS (b) TO (e) of this subsection (13) and in ~~subsections (13.2) and (19) (a) (IV)~~ SUBSECTIONS (15) AND (22) (a) (IV) of this section shall be proportionately adjusted by the department to increase the fees in an amount that will generate funds equal to the amount of revenue that the department estimates would have been earned by an additional two-cent excise tax imposed in accordance with section 39-27-202 (1) (c), C.R.S. The purpose of this increase is to raise revenue sufficient to approximate the difference between an excise tax of eighteen cents per gallon and an excise tax of twenty cents per gallon on special fuels.

~~(g)~~ (i) Effective January 1, 1991, the adjusted fees provided for in ~~paragraph (f)~~ PARAGRAPH (h) of this subsection (13) shall be proportionately adjusted by the department to increase the fees in an amount that will generate funds equal to the amount of revenue that the department estimates would have been earned by an additional two-cent excise tax imposed in accordance with section 39-27-202 (1) (c), C.R.S. The purpose of this increase is to raise revenue sufficient to approximate the difference between an excise tax of eighteen cents per gallon and an excise tax of twenty-two cents per gallon on special fuels.

~~(h)~~ (j) Effective January 1, 1992, the adjusted fees provided for in ~~paragraph (g)~~ PARAGRAPH (i) of this subsection (13) shall be proportionately adjusted by the department to decrease the fees in an amount that will equal the amount of revenue that the department estimates would have been earned by a one-and-one-half cent increase in the excise tax imposed in accordance with section 39-27-202 (1) (c), C.R.S. The purpose of this decrease is to assure that revenues raised by the fees approximate the difference between an excise tax of twenty and one-half cents per gallon and an excise tax of twenty-two cents per gallon on special fuels.

~~(i)~~ (k) On the September 1 preceding the dates provided for in ~~paragraphs (f), (g), and (h)~~ PARAGRAPHS (h) TO (j) of this subsection (13), the department shall certify the schedule containing the new fees to the governor and to the president of the senate and the speaker of the house of representatives.

~~(13.1)~~ (14) In lieu of the payment of registration fees specified in ~~subsections (5) and (13)~~ SUBSECTIONS (6) AND (13) of this section, the owner of a truck, truck tractor, trailer, or

semitrailer operating in interstate commerce may apply to the department for a special unladen weight registration. Such registration shall be valid for a period of thirty days from issuance and shall give authority to operate the vehicle only when empty. The fee for registration of a truck or truck tractor shall be five dollars. The fee for registration of a trailer or semitrailer shall be three dollars. The moneys from such fees shall be transmitted to the state treasurer, who shall credit the same to the highway users tax fund.

~~(13.2)~~ (15) In lieu of the payment of registration fees specified in ~~subsections (5) and (13)~~ SUBSECTIONS (6) AND (13) of this section, the owner of a truck or truck tractor operating in interstate commerce shall apply to the department for a special laden weight registration. Such registration shall be valid for seventy-two hours after issuance and shall give authority to operate the vehicle when loaded. The moneys collected by the department from such fees shall be transmitted to the state treasurer, who shall credit the same to the highway users tax fund. The fee for such special registration of a truck or a truck tractor shall be based on the actual gross vehicle weight of the vehicle and its cargo, computed to the nearest pound, according to the following schedule:

Declared Gross Vehicle Weight (Pounds)	**Registration Fee**
10,001 but not more than 30,000	$ 60
30,001 but not more than 60,000	70
Over 60,000	80

~~(13.3)~~ (16) The additional fees collected pursuant to subparagraph (II) of paragraph (b) of subsection (4), ~~paragraph (f) of subsection (11), and paragraphs (d) and (e)~~ PARAGRAPH (e) OF SUBSECTION (12), AND PARAGRAPHS (f) AND (g) of subsection (13) of this section shall be transmitted to the state treasurer, who shall credit the same to the highway users tax fund to be allocated pursuant to section 43-4-205 (6) (b), C.R.S.

~~(13.5) (a)~~ (17) (a) The owner or operator of any motor vehicle which is exempt from the registration fees assessed by the provisions of ~~paragraphs (b) and (b.3)~~ PARAGRAPHS (b) AND (c) of subsection (13) of this section under the provisions of paragraph (b) or (c) of ~~subsection (15)~~ SUBSECTION (18) of this section may apply to the department for a temporary commercial registration permit for such motor vehicle. Such temporary commercial registration permit shall authorize the operation of such motor vehicle in commerce; ~~under the following restrictions:~~

~~(I)~~ EXCEPT THAT any such motor vehicle which is exempt from such registration fees under the provisions of paragraph (b) or

(c) of ~~subsection (15)~~ SUBSECTION (18) of this section may be operated solely in agricultural harvest operations within Colorado.

(b) A temporary commercial registration permit issued pursuant to the provisions of this ~~subsection (13.5)~~ SUBSECTION (17) shall be valid for a period not to exceed sixty days. A maximum of two such temporary commercial registration permits may be issued for any motor vehicle in any twelve-month period. The fee for issuance of a temporary commercial registration permit for a motor vehicle shall be based upon the configuration and number of axles of such motor vehicle according to the following schedule:

Configuration	**Registration permit**
Single unit (two axles)	$ 80.00
Single unit (three or more axles)	120.00
Combination unit (any number of axles)	200.00

(c) The moneys collected by the department from the fees for temporary commercial registration permits shall be transmitted to the state treasurer, who shall credit the same to the highway users tax fund.

(d) The provisions of this ~~subsection (13.5)~~ SUBSECTION (17) shall not be interpreted to affect the authority of a dealer in motor vehicles to use a dealer plate obtained under the provisions of ~~section 42-3-116~~ SECTION 42-3-127 to demonstrate a truck or truck tractor by allowing a prospective buyer to operate such truck or truck tractor when loaded.

~~(14) Repealed, L. 89, pp. 1600, 1601, § § 23, 26, effective January 1, 1990.~~

~~(15)~~ (18) The registration fees assessed by the provisions of ~~paragraphs (b) and (b.3)~~ PARAGRAPHS (b) AND (c) of subsection (13) of this section shall not apply:

(a) To any motor vehicle operated by a manufacturer, dealer, or transporter pursuant to the provisions of ~~subsections (8) and (9)~~ SUBSECTIONS (9) AND (10) of this section;

(b) To any farm truck or truck tractor registered under the provisions of ~~subsection (11)~~ SUBSECTION (12) of this section;

(c) To any farm tractor or to any farm tractor and trailer or wagon combination;

(d) To any vehicle specially constructed for towing, wrecking, and repairing which is not otherwise used for

transporting cargo;

(e) To any vehicle owned by the state or any political or governmental subdivision thereof;

(f) To any operator-owned vehicle transporting racehorses, operator-owned, to and from the stud or to and from any racing meet in the state of Colorado;

(g) To any veterinary mobile truck unit;

(h) To any mobile mixing concrete truck or trash compacting truck or to trucks designated by the executive director of the department as special use trucks;

(i) To any noncommercial or recreational vehicle registered under ~~subsection (22)~~ SUBSECTION (25) of this section.

~~(16)~~ (19) Any truck, truck tractor, trailer, or semitrailer, or any combination thereof, operating over the public highways of this state and rendering service pursuant to a temporary certificate of public convenience and necessity issued by the public utilities commission shall pay for the issuance of such temporary certificate, and for any renewal thereof, a fee of ten dollars.

~~(17)~~ (20) The owner or operator of any truck, truck tractor, trailer, or semitrailer, or any combination thereof, which vehicles are registered in another state and which owner or operator desires to make an occasional trip into this state, shall obtain a permit from the public utilities commission as provided in sections 40-10-104 and 40-11-103, C.R.S., but the requirement of this ~~subsection (17)~~ SUBSECTION (20) shall not apply to the vehicles of any public utility which are temporarily in this state to assist in the construction, installation, or restoral of utility facilities used in serving the public.

~~(18) (a)~~ (21) (a) In addition to the annual registration fees prescribed in this section for vehicles with a seating capacity of more than fourteen and operated for the transportation of passengers for compensation, there is assessed and shall be paid by the owner or operator of every such vehicle operated over the public highways of this state a passenger-mile tax equal to one mill for each passenger transported for a distance of one mile. The tax assessed by this ~~subsection (18)~~ SUBSECTION (21) shall not apply to passenger service rendered within the boundaries of a city, city and county, or incorporated town by a company engaged in the mass transportation of persons by buses or trolley coaches.

(b) Any passenger bus operating over the public highways of this state and rendering service pursuant to a temporary

certificate of public convenience and necessity issued by the public utilities commission shall pay for the issuance of such temporary certificate, and for any renewal thereof, a fee of ten dollars, which fee shall be in lieu of the tax assessed by the provisions of this ~~subsection (18)~~ SUBSECTION (21).

(c) The owner or operator of any passenger bus, which is registered in another state and which owner or operator desires to make an occasional trip into this state, need not obtain a permit from the public utilities commission as provided in sections 40-10-104 and 40-11-103, C.R.S., but may instead apply to the department for the issuance of a trip permit and shall pay to the department for the issuance of such trip permit a fee of twenty-five dollars or the amount of passenger-mile tax becoming due and payable under the provisions of paragraph (a) of this ~~subsection (18)~~ SUBSECTION (21) by reason of such trip, whichever amount is greater.

~~(19) (a) (I)~~ (22) (a) (I) The owner or operator of any mobile machinery and self-propelled construction equipment having an empty weight not in excess of sixteen thousand pounds which ~~he~~ THE OWNER OR OPERATOR desires to operate over the public highways of this state shall register such vehicle under the provisions of paragraph (a) of subsection (13) of this section.

(II) The owner or operator of any mobile machinery and self-propelled construction equipment with an empty weight exceeding sixteen thousand pounds which ~~he~~ SUCH OWNER OR OPERATOR desires to operate over the public highways of this state shall register such vehicle under the provisions of paragraph (b) of subsection (13) of this section.

(III) In lieu of registration under the provisions of subparagraph (I) or subparagraph (II) of this paragraph (a), the owner or operator of any mobile machinery and self-propelled construction equipment which ~~he~~ SUCH OWNER OR OPERATOR desires to operate over the public highways of this state may elect to pay an annual fee to the department computed at the rate of two dollars and fifty cents per ton of vehicle weight for operation not to exceed a distance of two thousand five hundred miles in any registration period.

(IV) In lieu of registration under the provisions of subparagraph (I) or ~~subparagraph~~ (II) of this paragraph (a), any public utility, as defined by section 40-1-103, C.R.S., owning or operating a utility truck having an empty weight in excess of ten thousand pounds which it desires to operate over the public highways of this state may elect to pay an annual registration fee for such a vehicle to the department computed at the rate of ten dollars per ton of vehicle weight.

(b) The owner of any mobile machinery, except that

mentioned in ~~sections 42-1-102 (34) and 42-3-103 (3)~~ SECTIONS 42-1-102 (44) AND 42-3-104 (3), and self-propelled construction equipment which is not registered for operation on the highway shall pay a fee of one dollar and fifty cents, which fee shall not be subject to any quarterly reduction.

~~(20)~~ (23) Nothing in this section shall be construed to prevent a farmer or rancher from occasionally exchanging transportation with another farmer or rancher when the sole consideration involved is the exchange of personal services and the use of vehicles.

~~(21) (a)~~ (24) (a) The owner of any truck subject to registration under subsection (13) of this section and having a weight in excess of four thousand five hundred pounds, but not in excess of ten thousand pounds, including mounted equipment other than that of a recreational type, shall present to the county clerk and recorder at the time of registration of such vehicle A COPY OF THE MANUFACTURER'S STATEMENT OR CERTIFICATE OF ORIGIN WHICH SPECIFIES THE SHIPPING WEIGHT OF SUCH VEHICLE, OR IF SUCH DOCUMENTATION IS NOT AVAILABLE, a certified scale ticket showing the weight of such vehicle.

(b) The department shall furnish appropriate identification, by means of tags or otherwise, to indicate that a vehicle registered under this section is not subject to clearance by a port of entry weigh station.

~~(22)~~ (25) The annual registration fee for a noncommercial or recreational vehicle, except a motor home, operated on the public highways of this state with an empty weight of four thousand five hundred pounds or less shall be computed according to the schedule provided in subsection (13) of this section, and, for a noncommercial or recreational vehicle exceeding four thousand five hundred pounds, the fee shall be twenty-four dollars and fifty cents plus sixty cents for each one hundred pounds in excess of four thousand five hundred pounds.

~~(23) (a)~~ (26) (a) Effective July 1, 1986, in addition to any other fee imposed by this section, there shall be collected, at the time of registration, a fee of fifty cents on every item of class A, B, or C personal property required to be registered pursuant to this article. Such fee shall be transmitted to the state treasurer, who shall credit the same to a special account within the highway users tax fund, to be known as the AIR account, and such moneys shall be used, subject to appropriation by the general assembly, to cover the direct costs of the motor vehicle emissions activities of the department of health in the presently defined nonattainment area, and to pay for the costs of the commission in performing its duties under sections 25-7-106.1, 25-7-106.3, and 25-7-106.5, C.R.S., and for the costs of the state auditor in performing the study required by section 25-7-134,

C.R.S. In the program areas within counties affected by this article, the county clerk and recorder shall impose and retain an additional fee of up to seventy cents on every such registration to cover reasonable costs of administration of the emissions compliance aspect of vehicle registration. The department of health is hereby authorized to accept and expend grants, gifts, and moneys from any source for the purpose of implementing its duties and functions under this section or sections 25-7-106.1, 25-7-106.3, and 25-7-106.5, C.R.S.

(b) Effective July 1, 1987, in addition to any other fee imposed by this section, there shall be collected at the time of registration of any motor vehicle in the program area subject to inspection and not exempt from registration a fee of one dollar and fifty cents. Such fee shall be transmitted to the state treasurer, who shall credit the same to the ~~air~~ AIR account within the highway users tax fund, and such moneys shall be expended only to cover the costs of administration and enforcement of the automobile inspection and readjustment program by the department of revenue and the department of health, upon appropriation by the general assembly. For such purposes, the revenues attributable to one dollar of such fee shall be available for appropriation to the department of revenue, and the revenues attributable to the remaining fifty cents of such fee shall be available for appropriation to the department of health.

(c) In addition to the alternative fuels financial incentive subaccount created pursuant to section 25-7-106.9 (1) (e) (II), C.R.S., there shall be established two separate ~~subaccount~~ SUBACCOUNTS within the AIR account, one for the revenues available for appropriation to the department of health pursuant to paragraphs (a) and (b) of this ~~subsection (23)~~ SUBSECTION (26) and one for the revenues available for appropriation to the department of revenue pursuant to paragraph (b) of this ~~subsection (23)~~ SUBSECTION (26) and ~~section 42-4-308~~ SECTION 42-4-305. Any moneys remaining unexpended and unencumbered in either subaccount at the end of any fiscal year shall be appropriated by the general assembly for other purposes, subject to any limitations imposed by section 18 of article X of the state constitution.

~~(24) (a)~~ (27) Effective July 1, 1986, in addition to any other fee imposed by this section, there shall be collected, at the time of registration, a fee of ten dollars on every light and heavy duty diesel-powered motor vehicle in the program area registered pursuant to this article in the state of Colorado; except that, in the program area in Weld county designated in ~~section 42-4-307 (18)~~ SECTION 42-4-304 (20), said fee shall not be collected until January 1, 1988. Such fee shall be transmitted to the state treasurer, who shall credit the same to the AIR account in the highway users tax fund, and such moneys shall be used, subject to appropriation by the general assembly, to cover

the costs of the diesel-powered motor vehicle emissions control activities of the departments of health and revenue.

~~(b) (Deleted by amendment, L. 92, p. 1885, § 2, effective June 1, 1992.)~~

~~(25)~~ (28) In order to promote an effective emergency medical network and thus the maintenance and supervision of the highways throughout the state, effective January 1, 1990, in addition to any other fees imposed by this section, there shall be assessed an additional fee of one dollar at the time of registration of any motor vehicle. Such fee shall be transmitted to the state treasurer who shall credit the same to the emergency medical services account created by section 25-3.5-603, C.R.S., within the highway users tax fund.

~~(26)~~ (29) Effective January 1, 1993, in addition to any other fees imposed by this section, there shall be collected, at the time of sale of the motor vehicle, a fee of two dollars on every new motor vehicle with an air conditioner sold in the state of Colorado. For the purposes of this ~~subsection (26)~~ SUBSECTION (29), a "motor vehicle air conditioner" means any air conditioner designed for installation in a motor vehicle which uses as a refrigerant any class I or class II ozone depleting compound as defined pursuant to section 25-7-103 (18.5), C.R.S. Such fees shall be remitted on a quarterly basis by the motor vehicle dealer to the executive director of the department of revenue, and shall be accompanied by forms provided by the department of revenue. The executive director of the department of revenue shall transmit said fees to the state treasurer, who shall credit such moneys to the ozone protection fund created in section 25-7-135, C.R.S.

42-3-135. [Formerly 42-3-124] Enforcement powers of department. (1) The department is authorized to administer and enforce the provisions of ~~section 42-3-123~~ SECTION 42-3-134, including the right to inspect and audit the books, records, and documents of any owner or operator of a vehicle operated upon the public highways who is required to pay any registration fee or tax imposed, and the executive director of the department has authority to prescribe such reasonable rules and regulations as ~~he~~ THE DIRECTOR deems necessary or suitable for such administration and enforcement.

(2) The powers granted in this section shall be separate, apart, and distinct from any powers or duties conferred prior to January 1, 1955, upon the public utilities commission with respect to the issuance of certificates of public convenience and necessity, contract carrier permits, and the regulation and supervision of motor carriers.

42-3-136. [Formerly 42-3-125] Taxpayer statements - payment

of tax - estimates - penalties - deposits - delinquency proceedings. (1) (a) ~~Except as provided in paragraph (c) of this subsection (1),~~ Every owner or operator of a motor vehicle operated over any public highway of this state and required to pay the passenger-mile tax imposed by the provisions of ~~section 42-3-123~~ SECTION 42-3-134 shall, on or before the twenty-fifth day of each month, file with the department, on forms prescribed by said department and the public utilities commission, a statement, subject to the penalties for perjury in the second degree, showing the name and address of the owner of the motor vehicles so operated, total miles traveled, and total number of passengers carried in this state during the preceding month and such other information as required by the department and the commission and shall compute and pay such tax; except that the executive director of the department may, in ~~his~~ THE DIRECTOR'S discretion, authorize the filing of statements and the payment of tax computed thereon for periods in excess of one month but not to exceed a period of twelve months.

(b) If payment of the tax so computed is not made on or before the due date, there shall be added a penalty of three percent a month until such time as the full amount has been paid; but the executive director of the department may waive all or any portion of the penalty upon good cause shown.

~~(c) Repealed, L. 86, p. 1128, § 3, effective July 1, 1989.~~

~~(d) Repealed, L. 89, pp. 1600, 1601, § § 23, 26, effective January 1, 1990.~~

(2) If the owner or operator of a motor vehicle, required to file a statement as provided in subsection (1) of this section, fails, neglects, or refuses to file said statement and to pay the tax due, the department may, upon such information as may be available to it, estimate the amount of tax due for the period for which no statement was filed, add thereto a penalty of ten percent plus one-half of one percent per month from the date when due, not to exceed eighteen percent in the aggregate, and mail said estimate to the last known address of such owner or operator. The amount so estimated, together with the penalty, shall become fixed, due, and payable ten days after the date of mailing, unless such owner or operator, within the said ten days, files a true and correct statement of the tax due for the period and pays the same.

(3) (a) If any owner or operator of a vehicle knowingly makes and files with the department a false or fraudulent statement with intent to evade payment of any passenger-mile tax due, the department shall, as soon as it discovers the false or fraudulent nature of such statement, make an investigation and determine the correct amount of tax due, add thereto a penalty of one hundred percent, and proceed to collect the total amount by

distraint and sale as provided in section 39-21-114, C.R.S. If any such owner or operator disputes the amount asserted to be due and payable, ~~he~~ THAT OWNER OR OPERATOR shall be entitled to a hearing before the executive director of the department, and the decision of the executive director shall be subject to judicial review in the manner provided by law.

(b) Any person who willfully fails or refuses to make the report required by this section, or who makes a false or fraudulent return, or who willfully fails to pay any tax owing by ~~him~~ SUCH PERSON, shall be punished as provided by section 39-21-118, C.R.S.

~~(4) Repealed, L. 87, p. 492, § 43, effective July 1, 1987.~~

~~(5)~~ (4) All passenger-mile taxes and penalties determined to be due from any owner or operator of a motor vehicle and not paid on the date when the same are due and payable shall become and remain a prior and perpetual lien upon all the personal property of such owner or operator until such time as the full amount of the tax determined and found to be due, together with all penalties, has been paid. Nothing in this section shall be construed to abrogate or diminish the rights of bona fide purchasers, lienors, or pledgees for value and without notice.

42-3-137. [Formerly 42-3-126] Permit to be secured - records kept - penalties. (1) Every owner or operator of a motor vehicle operated over any public highway of this state who is required to pay the passenger-mile tax imposed by the provisions of ~~section 42-3-123~~ SECTION 42-3-134 shall apply to the department and secure a passenger-mile tax permit and shall keep and maintain true and correct records of the operations of such motor vehicles, including the number of miles operated and the number of passengers carried, in such form and manner as to reflect the actual activity of all such motor vehicles and as may be prescribed by the department and the public utilities commission, and shall preserve all such records for a period of four years. The passenger-mile tax permit shall remain effective until the owner thereof advises the department of a change in ownership or a discontinuance of business or until ~~he~~ SUCH OWNER has failed to file tax reports and pay the passenger-mile tax, if any is due, for four successive tax periods.

(2) For failure to apply for and secure a permit, the executive director of the department may impose a penalty in an amount equal to twenty-five percent of any tax found to be due and payable or twenty-five dollars, whichever is greater.

(3) Failure or refusal of an owner or operator to keep and maintain such records shall, upon certification by the department to the public utilities commission, be cause for suspension or

revocation of a certificate of public convenience and necessity or a contract carrier permit, as the case may be.

(4) (a) If an examination of the financial responsibility of an owner or operator of a motor vehicle subject to the payment of the passenger-mile tax indicates that a financial guarantee in the form of cash, a certified check, a bank money order, a bond, or a negotiable certificate of deposit issued by a commercial bank doing business in this state and acceptable to the executive director is necessary to guarantee payment of the tax, the owner or operator may be required to deposit such guarantee with the department in an amount no greater than twice the amount of tax estimated by the executive director to become due and payable each tax period. If the deposit is in cash or a negotiable certificate of deposit, it shall be subject to forfeiture upon failure of the owner or operator to comply with the provisions of ~~sections 42-3-123 to 42-3-126~~ SECTIONS 42-3-134 TO 42-3-136, THIS SECTION, and articles 10 and 11 of title 40, C.R.S., or the rules and regulations of the department or the public utilities commission; if it is a surety bond, it shall be conditioned upon the insured's faithful compliance with said provisions or said rules and regulations.

(b) Failure or refusal of an owner or operator to provide or to continue in effect the guarantee when required in paragraph (a) of this subsection (4) shall, upon certification by the department to the public utilities commission, be cause for denial, suspension, or revocation of a certificate of public convenience and necessity or a contract carrier permit, as the case may be.

(c) All cash, certified checks, bank money orders, negotiable certificates of deposit, and surety bonds deposited in compliance with the provisions of this section shall be delivered into the custody of the state treasurer and held by ~~him~~ THE STATE TREASURER subject to further order of the department. In the event that an owner or operator ceases operations, voluntarily or otherwise, said deposit, or any balance thereof, shall be returned to ~~him~~ THE OWNER OR OPERATOR after all taxes, penalties, fees, and charges owing by ~~him~~ SUCH OWNER OR OPERATOR pursuant to this article have been paid.

(5) ~~(a)~~ Any deficiency assessed pursuant to an error in keeping records required by subsection (1) of this section, contained on a previously filed statement under ~~section 42-3-125~~ SECTION 42-3-136, which was due to negligence or disregard of the law shall have added thereto:

~~(I)~~ (a) A penalty of twenty-five percent of the deficiency assessed; and

~~(II)~~ (b) Penalty interest of one-half of one percent per

month on the deficiency assessed, which shall be in addition to the interest due under section 39-21-109, C.R.S.

~~(b) Repealed, L. 88, p. 1377, § 1, effective January 1, 1991.~~

~~**42-3-127. Highway construction vehicles exempt from tax. (Repealed)**~~

~~Repealed, effective June 6, 1993.~~

42-3-138. [Formerly 42-3-128] Special registration of collectors' items. (1) The department is authorized to specially register and issue a special registration plate for motor vehicles valued principally because of their early date of manufacture, design, or historical interest or as collectors' items.

(2) The registration plates issued under this section shall be of a design determined by the executive director of the department, which shall be different from that used by the state for regular motor vehicle registration.

(3) (a) The executive director of the department may register such vehicles and issue such plates for a period not exceeding five years; but all such registrations and plates shall expire on the same date regardless of the date of issue.

(b) Upon the expiration of the five-year period ending with the year 1959, and each five years thereafter, the registration plate originally issued for each vehicle shall remain with said vehicle. The executive director of the department shall issue a tab to be securely fastened to said registration plate showing the five years for which said motor vehicle is registered.

(c) Application for renewal of a registration must be made within thirty days prior to the expiration date of said registration. If said application for renewal, together with the fees, is not received by the executive director prior to the expiration date, the executive director shall, on said expiration date, notify the registered owner, at the address shown by the department's records, by regular mail, to reregister said vehicle or surrender the registration plate within ten days from the expiration date of said registration. If the notice is not complied with, the executive director shall take such action as may be necessary to secure the return of said registration plate.

(4) The fee for issuing such registration and special registration plate or tab shall be five dollars for each five-year period or fractional part thereof. In addition to said five-dollar registration fee, the executive director of the department shall collect the one dollar and fifty cent annual

specific ownership fee provided by law for each year of registration. This fee shall be collected for the number of years remaining at the time of registration and issuance or renewal of said registration.

(5) Motor vehicles having such special registration plates may be used on the streets and highways for driving such vehicle to and from assemblies, conventions, or other meetings where such vehicles and their ownership are the primary interest. Vehicles so registered may also be used or driven on special occasions, for demonstrations and parades, and on occasions when their operation on the streets and highways will not constitute a traffic hazard. They may also be used for traveling to and from and while on local, state, or national tours held primarily for the exhibition and enjoyment of such vehicles by their owners.

(6) Upon the sale or transfer of a motor vehicle bearing a special registration plate, the plate shall remain with the vehicle and be transferred to the new owner. The new owner shall title such motor vehicle as provided by law, and notice of the transfer of ownership shall be given to the department.

(7) All applications for special registration of motor vehicles shall be made direct to the department of revenue, motor vehicle division, as well as all matters pertaining thereto which are administered by it. All fees received from special registrations shall be placed by the department in the same fund as are its other registration fees. No part of this fee shall be payable to the counties.

(8) The executive director may prepare any special forms and issue any rules and regulations necessary to carry out the provisions of this section.

(9) When application is made to the executive director for a title to a vehicle described in subsection (1) of this section, the executive director shall accept the original motor or serial number on such vehicle and shall not require or issue a special identification number for such vehicle.

~~(10) Repealed, L. 85, p. 1368, § 45, effective June 28, 1985.~~

42-3-139. [Formerly 42-3-129] Additional registration fees - apportionment of fees. (1) Every owner of a motor vehicle, trailer, or semitrailer which is primarily designed to be operated or drawn upon any highway of this state, except such vehicles as are specifically exempted from payment of any registration fee by the provisions of this article, shall, within the registration period prescribed by law or within ten days after the date of purchase of any such vehicle, pay to the authorized agent in the

county wherein such vehicle is to be registered or to the department, as the case may be, an annual registration fee of one dollar and fifty cents, which annual fee shall be in addition to the annual registration fee prescribed by law for such vehicle.

(2) The additional registration fee provided for in this section shall not be transmitted to the department, but the aggregate amount of all such fees paid over by the authorized agent to the county treasurer shall be retained by the treasurer and allocated by ~~him~~ THE TREASURER to the county and to the cities and incorporated towns located within the boundaries of the county on the basis of the record of rural and urban registrations kept by the authorized agent to indicate the place of residence of each vehicle owner paying registration fees.

(3) The owner of any vehicle specified in subsection (1) of this section who is required to pay an annual registration fee for such vehicle to the department shall also pay the additional annual registration fee provided for in this section to the department, and the department shall transmit such additional fee to the proper county treasurer, as indicated by the place of residence of such owner, and such county treasurer shall allocate such fee in the manner prescribed in subsection (2) of this section.

(4) Two dollars and fifty cents of each annual vehicle registration fee prescribed in ~~section 42-3-123~~ SECTION 42-3-134, exclusive of the annual registration fees prescribed in said section for motorcycles, motorscooters, motorbicycles, trailer coaches, mobile machinery and self-propelled construction equipment, and trailers having an empty weight of two thousand pounds or less and exclusive of any registration fee paid for a fractional part of a year, shall not be transmitted to the department but shall be paid over by the authorized agent, as collected, to the county treasurer, who shall credit the same to an account entitled "apportioned vehicle registration fees". On the tenth day of each month, the county treasurer shall apportion the balance in such account existing on the last day of the preceding month between the county and the cities and incorporated towns located within the boundaries of the county on the basis of the record of rural and urban registrations kept by the authorized agent to indicate the place of residence of each vehicle owner.

(5) All amounts allocated to the county shall be credited to the county road and bridge fund, and all amounts allocated to a city or incorporated town shall be credited to an appropriate fund and expended by such city or incorporated town only for the construction and maintenance of highways, roads, and streets located within its boundaries.

42-3-140. [Formerly 18-8-503.5] Perjury on a motor vehicle

registration application. (1) A person commits perjury on a motor vehicle registration application if ~~he~~ SUCH PERSON knowingly makes a materially false statement on a motor vehicle registration application, other than those prohibited by sections 18-8-502 and 18-8-503, C.R.S., which ~~he~~ SUCH PERSON does not believe to be true, under an oath required or authorized by law.

(2) Perjury on a motor vehicle REGISTRATION application is a class 1 petty offense.

42-3-141. [Formerly 42-3-130] Payment by bad check - recovery of plates. (1) If the registration of a vehicle required to be registered under this article is procured or perfected by the owner, or by some person or agent in the owner's behalf, and the registration fee and specific ownership tax therefor are paid by check, money order, draft, bill of exchange, or other negotiable instrument which is dishonored and not paid by the person upon whom drawn for any reason, the said registration shall be revoked as soon as the dishonored or unpaid instrument is returned to the county clerk and recorder or manager of revenue. Upon the return of such check, money order, draft, bill of exchange, or other negotiable instrument to the county clerk and recorder or the manager of revenue, evidencing nonpayment or dishonor of same, the county clerk and recorder or manager of revenue shall notify the owner in writing, at the address appearing on ~~his~~ THE PERSON'S ownership tax receipt, by registered or certified mail, of the revoked registration resulting from such nonpayment or dishonor. The notice shall request the return to the county clerk and recorder or the manager of revenue of the tax receipt, license fee receipt, and registration number plates issued under such revoked registration within ten days from the date of mailing of the notice.

(2) If the owner fails to return the tax receipt, license fee receipt, and registration number plates to the county clerk and recorder or manager of revenue within ten days from the date of mailing of said notice, the county clerk and recorder or manager of revenue shall ~~forthwith~~ IMMEDIATELY repossess such tax receipt, license fee receipt, and registration number plates as may have been issued under such revoked registration, and the sheriff of any county or the manager of safety in the city and county of Denver, upon request of any county clerk and recorder or manager of revenue, shall take such action as may be necessary to sequester or recover possession of such receipts and registration number plates within his OR HER jurisdiction which may have been issued under such revoked registration. All receipts and registration number plates repossessed under this section shall be returned to the issuing county clerk and recorder or manager of revenue for cancellation and revocation. Any owner attaching and using registration number plates acquired under a revoked registration shall be subject to the penalties provided in ~~section 42-3-122~~ SECTION 42-3-133.

(3) The county clerk and recorder or manager of revenue upon accounting for repossessed plates shall receive a refund of any sum paid over to the county treasurer or to the department, as prescribed by ~~section 42-3-123~~ SECTION 42-3-134, in each case where an owner or ~~his~~ THE OWNER'S agent has issued a check, money order, draft, bill of exchange, or other negotiable instrument which has been dishonored and not paid by the person upon whom drawn; and, likewise, the county treasurer and the department making such refund shall further effect appropriate refunds and deductions as may be necessary to adjust and balance the books and records of the county treasurer and the department after making the initial refund to the county clerk and recorder or manager of revenue.

42-3-142. [Formerly 42-3-131] Violation - penalty. Any person who violates any provision of this article for which no other penalty is provided in this article commits a class B traffic infraction and shall be punished as provided in ~~section 42-4-1501 (2) (a)~~ SECTION 42-4-1701 (3) (a).

~~**42-3-132. Additional registration fees - apportionment of fees. (Repealed)**~~

~~Repealed, effective July 19, 1979.~~

~~**42-3-133. Reports to county assessor. (Repealed)**~~

~~Repealed, effective January 1, 1978.~~

42-3-143. [Formerly 42-3-134] Fleet owners. (1) The department may issue to a fleet owner, upon application of the fleet owner, a registration period certificate. Such registration period certificate shall be presented to the appropriate county clerk and recorder or TO the manager of revenue in the city and county of Denver no later than the tenth day of the month in which registration of any motor vehicle is required by this article. When so presented, the twelve-month period stated in the registration period certificate shall govern the date on which registration is required for all motor vehicles owned by the fleet owner.

(2) (a) Vehicles registered by a fleet owner after the issuance of a registration period certificate shall be subject to the provisions of ~~section 42-3-108~~ SECTION 42-3-109.

(b) The annual registration fees prescribed in ~~section 42-3-123~~ SECTION 42-3-134 for fleet vehicles shall be reduced by twenty-five percent at the end of each successive quarter of the registration period which has elapsed prior to making application for the balance of the registration period.

(3) The fees and taxes for vehicles registered prior to the

effective date of the registration period certificate shall be apportioned in the manner as prescribed in subsection (2) of this section.

(4) The provisions of this section shall not apply to vehicles registered under reciprocal agreements between the state of Colorado and any foreign country or another state or territory or a possession of the United States.

42-3-144. [Formerly 42-4-107.5] Motorized bicycle registration - fee. Every motorized bicycle sold in this state shall have an identification number stamped on its frame which shall be recorded upon registration. Motorized bicycles shall be registered with the department, and such registration shall be evidenced by a decal which is securely affixed to the motorized bicycle frame in a conspicuous place. Registration shall be valid for a period of three years, and the fee for such registration shall be five dollars. Retail sellers of motorized bicycles shall retain one dollar from each such fee, and four dollars of each such fee shall be forwarded monthly to the department for deposit in the state treasury to the credit of the highway users tax fund. The general assembly shall make appropriations from the highway users tax fund for the expenses of the administration of this section. The department shall promulgate regulations providing that retail sellers of motorized bicycles may be agents of the department for such registration.

ARTICLE 4
Regulation of Vehicles and Traffic

PART 1
TRAFFIC REGULATION - GENERALLY

42-4-101. Short title. ~~Part 1 of article 2 and article 4~~ PARTS 1 TO 3 AND 5 TO 19 OF THIS ARTICLE, PART 1 OF ARTICLE 2 of this title, AND PART 5 OF ARTICLE 5 OF TITLE 43, C.R.S., shall be known and may be cited as the "Uniform Safety Code of 1935".

42-4-102. Legislative declaration. The general assembly recognizes the many conflicts which presently exist between the state's traffic laws and many of the municipal traffic codes, which conflicts lead to uncertainty in the movement of traffic on the state's highways and streets. These conflicts are compounded by the fact that today's Americans are extremely mobile and that while this state enjoys a large influx of traffic from many areas, there is some lack of uniformity existing between the "rules of the road" of this state and those of other states of the nation. The general assembly, therefore, declares it the purpose of this article to alleviate these conflicts and lack of uniformity by conforming, as nearly as possible, certain of the traffic laws of this state with the recommendations of the national committee of uniform traffic laws and ordinances as set forth in the

committee's "Uniform Vehicle Code".

42-4-103. Scope and effect of article - exceptions to provisions. (1) This article constitutes the uniform traffic code throughout the state and in all political subdivisions and municipalities therein, and a suitable digest thereof shall be made available as authorized in section 42-1-209.

(2) The provisions of this article relating to the operation of vehicles and the movement of pedestrians refer exclusively to the use of streets and highways except:

(a) Where a different place is specifically referred to in a given section;

(b) For provisions of ~~sections 42-4-1201 to 42-4-1204 and 42-4-1512 and part 14~~ SECTIONS 42-2-128, 42-4-1301 TO 42-4-1303, 42-4-1401, 42-4-1402, AND 42-4-1413, AND PART 16 of this article which shall apply upon streets and highways and elsewhere throughout the state.

42-4-104. [Formerly 42-4-501] Adoption of traffic control manual. The department of transportation shall adopt a manual and specifications for a uniform system of traffic control devices consistent with the provisions of this article for use upon highways within this state. Such uniform system shall correlate with and insofar as possible conform to the system set forth in the most recent edition of the "Manual on Uniform Traffic Control Devices for Streets and Highways" and other related standards issued or endorsed by the federal highway administrator. For compliance with this section, the said department shall either publish and distribute a state manual and specifications approved by the transportation commission or shall, by the issuance of a traffic control manual supplement approved by the transportation commission, adopt the said national manual and other related standards subject to such exceptions, additions, and adaptations as are necessary for lawful and uniform application in this state. Said state manual or supplement shall be made available to all municipal and county road authorities and to other concerned agencies in the state.

42-4-105. [Formerly 42-4-503 (1)] Local traffic control devices. Local authorities in their respective jurisdictions shall place and maintain such traffic control devices upon highways under their jurisdiction as they may deem necessary to indicate and to carry out the provisions of this article or local traffic ordinances or to regulate, warn, or guide traffic, subject in the case of state highways to the provisions of ~~sections 42-4-108~~ SECTIONS 42-4-110 AND 43-2-135 (1) (g), C.R.S. All such traffic control devices shall conform to the state manual and specifications for statewide uniformity as provided in ~~section 42-4-501~~ SECTION 42-4-104.

42-4-106. [Formerly 42-4-410] Who may restrict right to use highways. (1) Local authorities with respect to highways under their jurisdiction may by ordinance or resolution prohibit the operation of vehicles upon any such highway or impose restrictions as to the weight of vehicles to be operated upon any such highway, for a total period of not to exceed ninety days in any one calendar year, whenever any said highway by reason of deterioration, rain, snow, or other climatic conditions will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weights thereof reduced.

(2) The local authority enacting any such ordinance or resolution shall erect or cause to be erected and maintained signs designating the permissible weights.

(3) Local authorities, with respect to highways under their jurisdiction, may also, by ordinance or resolution, prohibit the operation of trucks or ~~other~~ commercial vehicles on designated highways or may impose limitations as to the weight thereof, which prohibitions and limitations shall be designated by appropriate signs placed on such highways.

(4) The department of transportation shall likewise have authority as granted in this section to local authorities to determine by resolution and to impose restrictions as to the weight of vehicles operated upon any highway under the jurisdiction of said department, and such restrictions shall be effective when signs giving notice thereof are erected upon the highways or portion of any highway affected by such resolution.

(5) The department of transportation shall also have authority to close any portion of a state highway to public travel or to prohibit the use thereof unless motor vehicles using the same are equipped with tire chains, four-wheel drive with adequate tires for the existing conditions, or snow tires having a tread of sufficient abrasive or skid-resistant design or composition and depth to provide adequate traction under existing driving conditions during storms or when other dangerous driving conditions exist or during construction or maintenance operations whenever the department considers such closing or restriction of use necessary for the protection and safety of the public. Such prohibition or restriction of use shall be effective when signs giving notice thereof are erected upon such portion of said highway, and it shall be unlawful to proceed in violation of such notice. The Colorado state patrol shall cooperate with the department of transportation in the enforcement of any such closing or restriction of use. "Tire chains", as used in this subsection (5), means metal chains which consist of two circular metal loops, one on each side of the tire, connected by not less than nine evenly spaced chains across the tire tread and any other traction devices differing from such metal chains in construction, material, or design but capable of providing traction equal to or

exceeding that of such metal chains under similar conditions.

(6) (a) The department of transportation and local authorities, within their respective jurisdictions, may, for the purpose of road construction and maintenance, temporarily close to through traffic or to all vehicular traffic any highway or portion thereof for a period not to exceed a specified number of workdays for project completion and shall, in conjunction with any such road closure, establish appropriate detours or provide for an alternative routing of the traffic affected when, in the opinion of said department or concerned local authorities, as evidenced by resolution or ordinance, such temporary closing of the highway or portion thereof and such rerouting of traffic is necessary for traffic safety and for the protection of work crews and road equipment. Such temporary closing of the highway or portion thereof and the routing of traffic along other roads shall not become effective until official traffic control devices are erected giving notice of the restrictions, and, when such devices are in place, no driver shall disobey the instructions or directions thereof.

(b) Local authorities, within their respective jurisdictions, may provide for the temporary closing to vehicular traffic of any portion of a highway during a specified period of the day for the purpose of celebrations, parades, and special local events or civic functions when in the opinion of said authorities such temporary closing is necessary for the safety and protection of persons who are to use that portion of the highway during the temporary closing.

(c) The department of transportation, local municipal authorities, and local county authorities shall enter into agreements with one another for the establishment, signing, and marking of appropriate detours and alternative routes which jointly affect state and local road systems and which are necessary to carry out the provisions of paragraphs (a) and (b) of this subsection (6). Any temporary closing of a street which is a state highway and any rerouting of state highway traffic shall have the approval of the department of transportation before such closing and rerouting becomes effective.

(7) (a) The transportation commission may also by resolution and within the reasonable exercise of the police power of the state adopt rules and regulations concerning the operation of any motor vehicle in any tunnel which is a part of the state highway system.

(b) In promulgating such rules and regulations, the transportation commission shall consider the regulations of the public utilities commission and the United States department of transportation relating to the transportation of dangerous articles and may prohibit or regulate the operation of any motor

vehicle which transports any article, deemed to be dangerous, in any tunnel which is a part of the state highway system.

(8) Any person who violates any provision of this section commits a class B traffic infraction.

~~**42-4-104. Required obedience to traffic laws.** It is unlawful and, unless otherwise declared in this article with respect to particular offenses, a misdemeanor for any person to do any act forbidden or fail to perform any act required in this article.~~

42-4-107. [Formerly 42-4-105] Obedience to police officers. No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer invested by law with authority to direct, control, or regulate traffic. Any person who violates any provision of this section commits a class 2 misdemeanor traffic offense.

42-4-108. [Formerly 42-4-106] Public officers to obey provisions - exceptions for emergency vehicles. (1) The provisions of this article applicable to the drivers of vehicles upon the highways shall apply to the drivers of all vehicles owned or operated by the United States, this state, or any county, city, town, district, or other political subdivision of the state, subject to such specific exceptions as are set forth in this article with reference to authorized emergency vehicles.

(2) The driver of an authorized emergency vehicle, when responding to an emergency call, or when in pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions stated in this article. The driver of an authorized emergency vehicle may:

(a) Park or stand, irrespective of the provisions of this title;

(b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

(c) Exceed the lawful speeds set forth in ~~section 42-4-1001 (2)~~ SECTION 42-4-1101 (2) or exceed the maximum lawful speed limits set forth in ~~section 42-4-1001 (7)~~ SECTION 42-4-1101 (8) so long as said driver does not endanger life or property;

(d) Disregard regulations governing directions of movement or turning in specified directions.

(3) The exemptions granted in paragraphs (b) to (d) of subsection (2) of this section to an authorized emergency vehicle shall apply only when such vehicle is making use of audible and

visual signals meeting the requirements of ~~section 42-4-212~~ SECTION 42-4-213, and the exemption granted in paragraph (a) of subsection (2) of this section shall apply only when such vehicle is making use of visual signals meeting the requirements of ~~section 42-4-212~~ SECTION 42-4-213 unless using such visual signals would cause an obstruction to the normal flow of traffic; except that an authorized emergency vehicle being operated as a police vehicle while in actual pursuit of a suspected violator of any provision of this title need not display or make use of audible and visual signals so long as such pursuit is being made to obtain verification of or evidence of the guilt of the suspected violator. Nothing in this section shall be construed to require an emergency vehicle to make use of audible signals when such vehicle is not moving, whether or not the vehicle is occupied.

(4) The provisions of this section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of ~~his~~ SUCH DRIVER'S reckless disregard for the safety of others.

(5) The state motor vehicle licensing agency shall designate any particular vehicle as an authorized emergency vehicle upon a finding that the designation of that vehicle is necessary to the preservation of life or property or to the execution of emergency governmental functions. Such designation shall be in writing, and the written designation shall be carried in the vehicle at all times, but failure to carry the written designation shall not affect the status of the vehicle as an authorized emergency vehicle.

42-4-109. [Formerly 42-4-107] Motorized bicycles, animals, skis, skates, and toy vehicles on highways. (1) Every person riding a motorized bicycle upon a roadway where motorized bicycle travel is permitted shall be granted all of the rights and shall be subject to all of the duties and penalties applicable to the driver of a vehicle as set forth in this article, except those provisions of this article which, by their very nature, can have no application. Said riders shall also comply with special rules set forth in this section and in ~~section 42-4-218 (1) (b) and (1) (c)~~ SECTION 42-4-220 (1) (b) AND (1) (c) and, when using streets and highways within incorporated cities and towns, shall be subject to local ordinances regulating the operation of motorized bicycles as provided in ~~section 42-4-109~~ SECTION 42-4-111. Whenever the word "vehicle" is used in any of the driving rules set forth in this article that are applicable to motorized bicycle riders, such term shall include motorized bicycles.

(2) A person riding a motorized bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.

(3) No motorized bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

(4) No person riding upon any motorized bicycle, coaster, roller skates, sled, or toy vehicle shall attach the same or himself OR HERSELF to any vehicle upon a roadway.

(5) Every person operating a motorized bicycle upon a roadway shall ride as close to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(6) Persons riding motorized bicycles upon a roadway shall not ride more than two abreast except on lanes or parts of roadways set aside for the exclusive use of bicycles.

~~(7) Repealed, L. 88, p. 1387, § 14, effective July 1, 1988.~~

~~(8)~~ (7) For the sake of uniformity and bicycle and motorized bicycle safety throughout the state, the department in cooperation with the department of transportation shall prepare and make available to all local jurisdictions for distribution to bicycle and motorized bicycle riders therein a digest of state regulations explaining and illustrating the rules of the road, equipment requirements, and traffic control devices that are applicable to such riders and their bicycles or motorized bicycles. Local authorities may supplement this digest with a leaflet describing any additional regulations of a local nature that are applicable within their respective jurisdictions.

~~(9)~~ (8) Persons riding or leading animals on or along any highway shall ride or lead such animals on the left side of said highway, facing approaching traffic. This shall not apply to persons driving herds of animals along highways.

~~(10)~~ (9) No person shall use the highways for traveling on skis, toboggans, coasting sleds, skates, or similar devices. It is unlawful for any person to use any roadway of this state as a sled or ski course for the purpose of coasting on sleds, skis, or similar devices. It is also unlawful for any person upon roller skates or riding in or by means of any coaster, toy vehicle, or similar device to go upon any roadway except while crossing a highway in a crosswalk, and when so crossing such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians. This ~~subsection (10)~~ SUBSECTION (9) does not apply to any public way which is set aside by proper authority as a play street and which is adequately roped off or otherwise marked for such purpose.

~~(10.5) Repealed, L. 89, p. 1369, § 4, effective April 1, 1990.~~

~~(11)~~ (10) Every person riding or leading an animal or driving any animal-drawn conveyance upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this article, except those provisions of this article which by their very nature can have no application.

~~(12)~~ (11) Where suitable bike paths, horseback trails, or other trails have been established on the right-of-way or parallel to and within one-fourth mile of the right-of-way of heavily traveled streets and highways, the department of transportation may, subject to the provisions of section 43-2-135, C.R.S., by resolution or order entered in its minutes, and local authorities may, where suitable bike paths, horseback trails, or other trails have been established on the right-of-way or parallel to it within four hundred fifty feet of the right-of-way of heavily traveled streets, by ordinance, determine and designate, upon the basis of an engineering and traffic investigation, those heavily traveled streets and highways upon which shall be prohibited any bicycle, animal rider, animal-drawn conveyance, or other class or kind of nonmotorized traffic which is found to be incompatible with the normal and safe movement of traffic, and, upon such a determination, the department of transportation or local authority shall erect appropriate official signs giving notice thereof; except that with respect to controlled access highways the provisions of ~~section 42-4-910 (3)~~ SECTION 42-4-1010 (3) shall apply. When such official signs are so erected, no person shall violate any of the instructions contained thereon.

~~(12.5) Repealed, L. 91, p. 1406, § 9, effective July 1, 1991.~~

~~(13)~~ (12) The parent of any child or guardian of any ward shall not authorize or knowingly permit any child or ward to violate any provision of this section.

~~(14)~~ (13) Any person who violates any provision of this section commits a class B traffic infraction.

42-4-110. [Formerly 42-4-108] Provisions uniform throughout state. (1) The provisions of this article shall be applicable and uniform throughout this state and in all political subdivisions and municipalities therein. Cities and counties and incorporated cities and towns shall regulate and enforce all traffic and parking restrictions on streets which are state highways as provided in section 43-2-135 (1) (g), C.R.S., and all local authorities may enact and enforce traffic regulations on other roads and streets within their respective jurisdictions. All such

regulations shall be subject to the following conditions and limitations:

(a) All local authorities may enact, adopt, or enforce traffic regulations which cover the same subject matter as the various sections of this article and such additional regulations as are included in ~~section 42-4-109~~ SECTION 42-4-111, except as otherwise stated in paragraphs (c) to (e) of this subsection (1).

(b) All local authorities may, in the manner prescribed in article 16 of title 31, C.R.S., adopt by reference all or any part of a model municipal traffic code which embodies the rules of the road and vehicle requirements set forth in this article and such additional regulations as are provided for in ~~section 42-4-109~~ SECTION 42-4-111; except that, in the case of state highways, any such additional regulations shall have the approval of the department of transportation.

(c) No local authority shall adopt, enact, or enforce on any street which is a state highway any ordinance, rule, or resolution which alters or changes the meaning of any of the "rules of the road" or is otherwise in conflict with the provisions of this article. For the purpose of this section, the "rules of the road" shall be construed to mean any of the regulations on the operation of vehicles set forth in this article which drivers throughout the state are required to obey without the benefit or necessity of official traffic control devices as declared in ~~section 42-4-504 (2)~~ SECTION 42-4-603 (2).

(d) In no event shall local authorities have the power to enact by ordinance regulations governing the driving of vehicles by persons under the influence of alcohol or of a controlled substance, as defined in section 12-22-303 (7), C.R.S., or under the influence of any other drug to a degree which renders any such person incapable of safely operating a vehicle, or whose ability to operate a vehicle is impaired by the consumption of alcohol or by the use of a controlled substance, as defined in section 12-22-303 (7), C.R.S., or any other drug, the registration of vehicles and the licensing of drivers, the duties and obligations of persons involved in traffic accidents, and vehicle equipment requirements in conflict with the provisions of this article; but said local authorities within their respective jurisdictions shall enforce the state laws pertaining to these subjects, and in every charge of violation the complaint shall specify the section of state law under which the charge is made and the state court having jurisdiction.

(e) Pursuant to section 43-2-135 (1) (g), C.R.S., no regulation of a local authority shall apply to or become effective for any streets which are state highways, including any part of the national system of interstate and defense highways, until such regulation has been presented to and approved in writing by the

department of transportation; except that such regulations shall become effective on such streets sixty days after receipt for review by the department of transportation if not disapproved in writing by said department during that sixty-day period.

(2) The municipal courts have jurisdiction over violations of traffic regulations enacted or adopted by municipalities. However, the provisions of ~~sections 42-4-1501, 42-4-1504, and 42-4-1505~~ SECTIONS 42-4-1701, 42-4-1705, AND 42-4-1707 shall not be applicable to municipalities.

(3) No person convicted of or pleading guilty to a violation of a municipal traffic ordinance shall be charged or tried in a state court for the same or a similar offense.

(4) (a) Any municipality, city, county, or city and county located within the program area of the AIR program area as defined in ~~section 42-4-307~~ SECTION 42-4-304 may adopt ordinances or resolutions pertaining to the enforcement of the emissions control inspection requirements set forth in ~~section 42-4-312~~ SECTION 42-4-310.

(b) An officer coming upon an unattended vehicle in the program area which is in apparent violation of an ordinance or resolution adopted as authorized in paragraph (a) of this subsection (4) may place upon such vehicle a penalty assessment notice indicating the offense and directing the owner or operator of such vehicle to remit the penalty assessment as set forth in such ordinance to the local jurisdiction in whose name the penalty assessment notice was issued.

(c) The aggregate amount of fines, penalties, or forfeitures collected pursuant to ordinances or resolutions adopted as authorized in paragraph (a) of this subsection (4) shall be retained by the local jurisdiction in whose name such penalty notice was issued.

(5) The general assembly declares that the adjudication of class A and class B traffic infractions through the county court magistrate system was not intended to create a conflict between the provisions of this article and municipal ordinances covering the same subject matter as this article nor was it intended to require or prohibit the decriminalization of municipal ordinances covering the same subject matter as this article. Municipalities may continue to enforce violations of such ordinances through municipal court even though similar state offenses are enforced through the magistrate system established under this article.

42-4-111. [Formerly 42-4-109] Powers of local authorities. (1) The provisions of this article shall not be deemed to prevent local authorities, with respect to streets and highways under their jurisdiction and within the reasonable exercise of the

police power, except those streets and highways which are parts of the state highway system which are subject to the provisions of section 43-2-135, C.R.S., from:

(a) Regulating or prohibiting the stopping, standing, or parking of vehicles, consistent with the provisions of this article;

(b) Establishing parking meter zones where it is determined upon the basis of an engineering and traffic investigation that the installation and operation of parking meters is necessary to aid in the regulation and control of the parking of vehicles during the hours and on the days specified on parking meter signs;

(c) Regulating traffic by means of police officers or official traffic control devices, consistent with the provisions of this article;

(d) Regulating or prohibiting processions or assemblages on the highways, consistent with the provisions of this article;

(e) Designating particular highways or roadways for use by traffic moving in one direction, consistent with the provisions of this article;

(f) Designating any highway as a through highway or designating any intersection as a stop or yield intersection, consistent with the provisions of this article;

(g) Designating truck routes and restricting the use of highways, consistent with the provisions of this article;

(h) Regulating the operation of bicycles and requiring the registration and licensing of same, including the requirement of a registration fee, consistent with the provisions of this article;

(i) Altering or establishing speed limits, consistent with the provisions of this article;

(j) Establishing speed limits for vehicles in public parks, consistent with the provisions of this article;

(k) Determining and designating streets, parts of streets, or specific lanes thereon upon which vehicular traffic shall proceed in one direction during one period and the opposite direction during another period of the day, consistent with the provisions of this article;

(l) Regulating or prohibiting the turning of vehicles, consistent with the provisions of this article;

(m) Designating no-passing zones, consistent with the provisions of this article;

(n) Prohibiting or regulating the use of controlled-access roadways by nonmotorized traffic or other kinds of traffic, consistent with the provisions of this article;

(o) Establishing minimum speed limits, consistent with the provisions of this article;

(p) Designating hazardous railroad crossings, consistent with the provisions of this article;

(q) Designating and regulating traffic on play streets, consistent with the provisions of this article;

(r) Prohibiting or restricting pedestrian crossing, consistent with the provisions of this article;

(s) Regulating the movement of traffic at school crossings by official traffic control devices or by duly authorized school crossing guards, consistent with the provisions of this article;

(t) Regulating persons propelling push carts;

(u) Regulating persons upon skates, coasters, sleds, or similar devices, consistent with the provisions of this article;

(v) Adopting such temporary or experimental regulations as may be necessary to cover emergencies or special conditions;

(w) Adopting such other traffic regulations as are provided for by this article;

(x) Closing a street or portion thereof temporarily and establishing appropriate detours or an alternative routing for the traffic affected, consistent with the provisions of this article;

(y) Regulating the local movement of traffic or the use of local streets where such is not provided for in this article;

(z) Regulating the operation of motorized bicycles, consistent with the provisions of this article; except that local authorities shall be prohibited from establishing any requirements for the registration and licensing of motorized bicycles.

(2) No ordinance or regulation enacted under paragraph (a), (b), (e), (f), (g), (i), (j), (k), (l), (m), (n), (o), (p), (q), (r), (v), (x), or (y) of subsection (1) of this section shall be effective until official signs or other traffic control devices conforming to standards as required by ~~section 42-4-503~~ SECTION 42-4-602 and giving notice of such local traffic regulations are

placed upon or at the entrances to the highway or part thereof affected as may be most appropriate.

(3) (a) A board of county commissioners may by resolution authorize the use of designated portions of unimproved county roads within the unincorporated portion of the county for motor vehicles participating in timed endurance events and for such purposes shall make such regulations relating to the use of such roads and the operation of vehicles as are consistent with public safety in the conduct of such event and with the cooperation of county law enforcement officials.

(b) Such resolution by a board of county commissioners and regulations based thereon shall designate the specific route which may be used in such event, the time limitations imposed upon such use, any necessary restrictions in the use of such route by persons not participating in such event, special regulations concerning the operation of vehicles while participating in such event in which case any provisions of this article to the contrary shall not apply to such event, and such requirements concerning the sponsorship of any such event as may be reasonably necessary to assure adequate responsibility therefor.

42-4-112. [Formerly 42-4-110] Noninterference with the rights of owners of realty. Subject to the exception provided in section 42-4-103 (2), nothing in this article shall be construed to prevent the owner of real property used by the public for purposes of vehicular travel by permission of the owner and not as matter of right from prohibiting such use, or from requiring other or different or additional conditions than those specified in this article, or from otherwise regulating such use as may seem best to such owner.

42-4-113. [Formerly 42-4-111] Appropriations for administration of article. The general assembly shall make appropriations from the highway users tax fund for the expenses of the administration of this article.

42-4-114. Removal of traffic hazards. (1) The department of transportation and local authorities, within their respective jurisdictions, may by written notice sent by certified mail require the owner of real property abutting on the right-of-way of any highway, sidewalk, or other public way to trim or remove, at the expense of said property owner, any tree limb or any shrub, vine, hedge, or other plant which projects beyond the property line of such owner onto or over the public right-of-way and thereby obstructs the view of traffic, obscures any traffic control device, or otherwise constitutes a hazard to drivers or pedestrians.

(2) It is the duty of the property owner to remove any dead, overhanging boughs of trees located on the premises of such

property owner that endanger life or property on the public right-of-way.

(3) In the event that any property owner fails or neglects to trim or remove any such tree limb or any such shrub, vine, hedge, or other plant within ten days after receipt of written notice from said department or concerned local authority to do so, said department or local authority may do or cause to be done the necessary work incident thereto, and said property owner shall reimburse the state or local authority for the cost of the work performed.

~~**42-4-115. Regulation of driveways. (Repealed)**~~

~~Repealed, effective June 21, 1979.~~

PART 2
EQUIPMENT

42-4-201. Obstruction of view or driving mechanism - hazardous situation. (1) No person shall drive a vehicle when it is so loaded or when there are in the front seat such number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

(2) No person shall knowingly drive a vehicle while any passenger therein is riding in any manner which endangers the safety of such passenger or others.

(3) No person shall drive any motor vehicle equipped with any television viewer, screen, or other means of visually receiving a television broadcast which is located in the motor vehicle at any point forward of the back of the driver's seat or which is visible to the driver while operating the motor vehicle. The provisions of this subsection (3) shall not be interpreted to prohibit the usage of any computer, data terminal, or other similar device in a motor vehicle.

(4) No vehicle shall be operated upon any highway unless the driver's vision through any required glass equipment is normal and unobstructed.

(5) No passenger in a vehicle shall ride in such position as to create a hazard for ~~himself~~ SUCH PASSENGER or others, or to interfere with the driver's view ahead or to the sides, or to interfere with the driver's control over the driving mechanism of the vehicle; nor shall the driver of a vehicle permit any passenger therein to ride in such manner.

(6) No person shall hang on or otherwise attach himself OR HERSELF to the outside, top, hood, or fenders of any vehicle, or

to any other portion thereof, other than the specific enclosed portion of such vehicle intended for passengers or while in a sitting position in the cargo area of a vehicle if such area is fully or partially enclosed on all four sides, while the same is in motion; nor shall the operator knowingly permit any person to hang on or otherwise attach himself OR HERSELF to the outside, top, hood, or fenders of any vehicle, or any other portion thereof, other than the specific enclosed portion of such vehicle intended for passengers or while in a sitting position in the cargo area of a vehicle if such area is fully or partially enclosed on all four sides, while the same is in motion. This subsection (6) shall not apply to parades, caravans, or exhibitions which are officially authorized or otherwise permitted by law.

(7) The provisions of subsection (6) of this section shall not apply to a vehicle owned by the United States government or any agency or instrumentality thereof, or to a vehicle owned by the state of Colorado or any of its political subdivisions, or to a privately owned vehicle when operating in a governmental capacity under contract with or permit from any governmental subdivision or under permit issued by the public utilities commission of the state of Colorado, when in the performance of their duties persons are required to stand or sit on the exterior of the vehicle and said vehicle is equipped with adequate handrails and safeguards.

(8) Any person who violates any provision of this section commits a class A traffic infraction.

42-4-202. Unsafe vehicles - penalty - identification plates. (1) It is unlawful for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in ~~sections 42-4-202 to 42-4-228~~ THIS SECTION AND SECTIONS 42-4-204 TO 42-4-231 and part 3 of this article, or which is equipped in any manner in violation of said sections and part 3 or for any person to do any act forbidden or fail to perform any act required under said sections and part 3.

(2) The provisions of ~~sections 42-4-202 to 42-4-228~~ THIS SECTION AND SECTIONS 42-4-204 TO 42-4-231 and part 3 of this article with respect to equipment on vehicles shall not apply to implements of husbandry or farm tractors, except as made applicable in said sections and part 3.

(3) Nothing in this article shall be construed to prohibit the use of additional parts and accessories on any vehicle, consistent with the provisions of this article.

(4) (a) Upon its approval, the department shall issue an identification plate for each vehicle, motor vehicle, trailer, or item of mobile machinery, or self-propelled construction equipment, or similar implement of equipment, used in any type of construction business which shall, when said plate is affixed, exempt any such item of equipment, machinery, trailer, or vehicle from all or part of ~~sections 42-4-202 to 42-4-228~~ THIS SECTION AND SECTIONS 42-4-204 TO 42-4-231 and part 3 of this article.

(b) The department is authorized to promulgate written rules and regulations governing the application for, issuance of, and supervision, administration, and revocation of such identification plates and exemption authority and to prescribe the terms and conditions under which said plates may be issued for each item as set forth in paragraph (a) of this subsection (4), and the department, in so doing, shall consider the safety of users of the public streets and highways and the type, nature, and use of such items set forth in paragraph (a) of this subsection (4) for which exemption is sought.

(c) Each exempt item may be moved on the roads, streets, and highways during daylight hours and at such time as vision is not less than five hundred feet. No cargo or supplies shall be hauled upon such exempt item except cargo and supplies used in normal operation of any such item.

(d) The identification plate shall be of a size and type designated and approved by the department. A fee of one dollar shall be charged and collected by the department for the issuance of each such identification plate. All such fees so collected shall be paid to the state treasurer who shall credit the same to the highway users tax fund.

(e) Each such identification plate shall be issued for a calendar year. Application for such identification plates shall be made by the owner, and such plates shall be issued to the owner of each such item described in paragraph (a) of this subsection (4). Whenever the owner transfers, sells, or assigns ~~his~~ THE OWNER'S interest therein, the exemption of such item shall expire and the owner shall remove the identification plate therefrom and forward the same to the department.

(f) An owner shall report a lost or damaged identification plate to the department, and, upon application to and approval by the department, the department shall issue a replacement plate upon payment to it of a fee of fifty cents.

(5) Any person who violates any provision of this section commits a class A traffic infraction.

42-4-203. [Formerly 42-4-306.1] Unsafe vehicles - spot inspections. (1) Uniformed police officers, at any time upon

reasonable cause, may require the driver of a vehicle to stop and submit such vehicle and its equipment to an inspection and such test with reference thereto as may be appropriate. The fact that a vehicle is an older model vehicle shall not alone constitute reasonable cause. In the event such vehicle is found to be in an unsafe condition or the required equipment is not present or is not in proper repair and adjustment, the officer may give a written notice and issue a summons to the driver. Said notice shall require that such vehicle be placed in safe condition and properly equipped or that its equipment be placed in proper repair and adjustment, the particulars of which shall be specified on said notice.

(2) In the event any such vehicle is, in the reasonable judgment of such police officer, in such condition that further operation would be hazardous, the officer may require, in addition to the instructions set forth in subsection (1) of this section, that the vehicle be moved at the operator's expense and not operated under its own power or that it be driven to the nearest garage or other place of safety.

(3) Every owner or driver upon receiving the notice and summons issued pursuant to subsection (1) of this section or mailed pursuant to paragraph (b) of subsection (4) of this section shall comply therewith and shall secure a certification upon such notice by a law enforcement officer that such vehicle is in safe condition and its equipment has been placed in proper repair and adjustment and otherwise made to conform to the requirements of this article. Said certification shall be returned to the owner or driver for presentation in court as provided for in subsection (4) of this section.

(4) (a) (I) Except as provided for in subparagraph (II) or subparagraph (III) of this paragraph (a), any owner receiving written notice and a summons pursuant to this section is guilty of a misdemeanor traffic offense and, upon conviction thereof, shall be punished by a fine of one hundred dollars, payable within thirty days after conviction.

(II) If the owner repairs the unsafe condition or installs or adjusts the required equipment within thirty days after issuance of the notice and summons and presents the certification required in subsection (3) of this section to the court of competent jurisdiction, ~~he~~ THE OWNER shall be punished by a fine of five dollars.

(III) If the owner submits to the court of competent jurisdiction within thirty days after the issuance of the summons proof that ~~he~~ THE OWNER has disposed of the vehicle for junk parts or immobilized the vehicle and ~~he~~ also submits to the court the registration and license plates for the vehicle, ~~he~~ THE OWNER shall be punished by a fine of five dollars. If the owner wishes

to relicense the vehicle in the future, ~~he~~ THE OWNER must obtain the certification required in subsection (3) of this section.

(b) (I) Except as provided for in subparagraph (II) of this paragraph (b), any nonowner driver receiving written notice and a summons pursuant to this section is guilty of a misdemeanor traffic offense and, upon conviction thereof, shall be punished by a fine of one hundred dollars, payable within thirty days after conviction.

(II) If the driver submits to the court of competent jurisdiction within thirty days after the issuance of the summons proof that ~~he~~ THE DRIVER was not the owner of the car at the time the summons was issued and that ~~he~~ THE DRIVER mailed, within five days of issuance thereof, a copy of the notice and summons by certified mail to the owner of the vehicle at the address on the registration, ~~he~~ THE DRIVER shall be punished by a fine of five dollars.

(c) Upon a showing of good cause that the required repairs or adjustments cannot be made within thirty days after issuance of the notice and summons, the court of competent jurisdiction may extend the period of time for installation or adjustment of required equipment as may appear justified.

(d) The owner may, in lieu of appearance, submit to the court of competent jurisdiction, within thirty days after the issuance of the notice and summons, the certification specified in subsection (3) of this section and the fine of five dollars.

42-4-204. [Formerly 42-4-203] When lighted lamps are required. (1) Every vehicle upon a highway within this state, between sunset and sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of one thousand feet ahead, shall display lighted lamps and illuminating devices as required by this article for different classes of vehicles, subject to exceptions with respect to parked vehicles.

(2) Whenever requirement is declared by this article as to distance from which certain lamps and devices shall render objects visible or within which such lamps or devices shall be visible, said provisions shall apply during the times stated in subsection (1) of this section in respect to a vehicle without load when upon a straight, level, unlighted highway under normal atmospheric conditions, unless a different time or condition is expressly stated.

(3) Whenever requirement is declared by this article as to the mounted height of lamps or devices, it shall mean from the center of such lamp or device to the level ground upon which the

vehicle stands when such vehicle is without a load.

(4) Any person who violates any provision of this section commits a class A traffic infraction.

42-4-205. [Formerly 42-4-204] Head lamps on motor vehicles. (1) Every motor vehicle other than a motorcycle or motor-driven cycle shall be equipped with at least two head lamps with at least one on each side of the front of the motor vehicle, which head lamps shall comply with the requirements and limitations set forth in ~~sections 42-4-202 to 42-4-228~~ SECTIONS 42-4-202 AND 42-4-204 TO 42-4-231 and part 3 of this article where applicable thereto.

(2) Every motorcycle and every motor-driven cycle shall be equipped with at least one and not more than two head lamps which shall comply with the requirements and limitations of ~~sections 42-4-202 to 42-4-228~~ SECTIONS 42-4-202 AND 42-4-204 TO 42-4-231 and part 3 of this article where applicable thereto.

(3) Every head lamp upon every motor vehicle, including every motorcycle and motor-driven cycle, shall be located at a height measured from the center of the head lamp of not more than fifty-four inches nor less than twenty-four inches, to be measured as set forth in ~~section 42-4-203 (3)~~ SECTION 42-4-204 (3).

(4) Any person who violates any provision of this section commits a class B traffic infraction.

42-4-206. [Formerly 42-4-205] Tail lamps and reflectors. (1) Every motor vehicle, trailer, semitrailer, and pole trailer and any other vehicle which is being drawn at the end of a train of vehicles shall be equipped with at least one tail lamp mounted on the rear, which, when lighted as required in ~~section 42-4-203~~ SECTION 42-4-204, shall emit a red light plainly visible from a distance of five hundred feet to the rear; but, in the case of a train of vehicles, only the tail lamp on the rear-most vehicle need actually be seen from the distance specified. Furthermore, every such vehicle ~~other than a truck tractor,~~ registered in this state and manufactured or assembled after January 1, 1958, shall be equipped with at least two tail lamps mounted on the rear, on the same level and as widely spaced laterally as practicable, which, when lighted as required in ~~section 42-4-203~~ SECTION 42-4-204, shall comply with the provisions of this section.

(2) Every tail lamp upon every vehicle shall be located at a height of not more than seventy-two inches nor less than twenty inches, TO BE MEASURED AS SET FORTH IN SECTION 42-4-204 (3).

(3) Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of fifty feet to the rear. Any tail lamp or tail lamps,

together with any separate lamp for illuminating the rear registration plate, shall be so wired as to be lighted whenever the head lamps or auxiliary driving lamps are lighted.

(4) Every motor vehicle operated on and after January 1, 1958, upon a highway in the state of Colorado ~~other than a truck tractor,~~ shall carry on the rear, either as part of a tail lamp or separately, one red reflector meeting the requirements of this section; except that vehicles of the type mentioned in ~~section 42-4-206~~ SECTION 42-4-207 shall be equipped with reflectors as required in those sections applicable thereto.

(5) Every new motor vehicle sold and operated on and after January 1, 1958, upon a highway ~~other than a truck tractor,~~ shall carry on the rear, whether as a part of the tail lamps or separately, two red reflectors; except that every motorcycle and every motor-driven cycle shall carry at least one reflector meeting the requirements of this section, and vehicles of the type mentioned in ~~section 42-4-206~~ SECTION 42-4-207 shall be equipped with reflectors as required in those sections applicable thereto.

(6) Every ~~such~~ reflector shall be mounted on the vehicle at a height OF not less than twenty inches nor more than sixty inches, measured as set forth in ~~section 42-4-203 (3)~~ SECTION 42-4-204 (3) and shall be of such size and characteristics and so mounted as to be visible at night from all distances within three hundred fifty feet to one hundred feet from such vehicle when directly in front of lawful upper beams and head lamps; except that visibility from a greater distance is required by law of reflectors on certain types of vehicles.

(7) Any person who violates any provision of this section commits a class B traffic infraction.

42-4-207. [Formerly 42-4-206] Clearance and identification. (1) Every vehicle designed or used for the transportation of property or for the transportation of persons ~~except buses operated entirely within municipalities, when their interiors are illuminated,~~ shall display lighted lamps at the times mentioned in ~~section 42-4-203~~ SECTION 42-4-204 when and as required in this section. ~~except that such lamps may be, but are not required to be, lighted when any such vehicle is upon a highway which is sufficiently illuminated by street lamps to render any person or vehicle visible at a distance of five hundred feet.~~

(2) **Clearance lamps:** (a) Every motor vehicle or motor-drawn vehicle having a width at any part in excess of eighty inches shall be equipped with four clearance lamps located as follows:

(I) Two on the front and one at each side, displaying an amber light visible from a distance of five hundred feet to the

front of the vehicle;

(II) Two on the rear and one at each side, displaying a red light visible only to the rear and visible from a distance of five hundred feet to the rear of the vehicle, which said rear clearance lamps shall be in addition to the rear red lamp required in ~~section 42-4-205~~ SECTION 42-4-206.

(b) All clearance lamps required shall be placed on the extreme sides and located on the highest stationary support; except that, when three or more identification lamps are mounted on the rear of a vehicle on the vertical center line and at the extreme height of the vehicle, rear clearance lamps may be mounted at optional height.

(c) Any trailer, when operated in conjunction with a vehicle which is properly equipped with front clearance lamps as provided in this section, may be, but is not required to be, equipped with front clearance lamps if the towing vehicle is of equal or greater width than the towed vehicle.

(d) All clearance lamps required in this section shall be of a type approved by the department.

(3) **Side marker lamps:** (a) Every motor vehicle or motor-drawn vehicle or combination of such vehicles which exceeds thirty feet in overall length shall be equipped with four side marker lamps located as follows:

(I) One on each side near the front displaying an amber light visible from a distance of five hundred feet to the side of the vehicle on which it is located;

(II) One on each side near the rear displaying a red light visible from a distance of five hundred feet to the side of the vehicle on which it is located; but the rear marker light shall not be so placed as to be visible from the front of the vehicle.

(b) Each side marker lamp required shall be located not less than fifteen inches above the level on which the vehicle stands.

(c) If the clearance lamps required by this section are of such a design as to display lights visible from a distance of five hundred feet at right angles to the sides of the vehicles, they shall be deemed to meet the requirements as to marker lamps in this subsection (3).

(d) All marker lamps required in this section shall be of a type approved by the department.

(4) **Clearance reflectors:** (a) Every motor vehicle having

a width at any part in excess of eighty inches shall be equipped with clearance reflectors located as follows:

(I) Two red reflectors on the rear and one at each side, located not more than one inch from the extreme outside edges of the vehicle;

(II) All such reflectors ~~to~~ SHALL be located not more than sixty inches nor less than fifteen inches above the level on which the vehicle stands.

(b) One or both of the required rear red reflectors may be incorporated within the tail lamp or tail lamps if any such tail lamps meet the location limits specified for reflectors.

(c) All such clearance reflectors shall be of a type approved by the department.

(5) **Side marker reflectors:** (a) Every motor vehicle or motor-drawn vehicle or combination of vehicles which exceeds thirty feet in overall length shall be equipped with four side marker reflectors located as follows:

(I) One amber reflector on each side near the front;

(II) One red reflector on each side near the rear.

(b) Each side marker reflector shall be located not more than sixty inches nor less than fifteen inches above the level on which the vehicle stands.

(c) All such side marker reflectors shall be of a type approved by the department.

(6) Any person who violates any provision of this section commits a class B traffic infraction.

(7) Nothing in this section shall be construed to supersede any federal motor vehicle safety standard established pursuant to the "National Traffic and Motor Vehicle Safety Act of 1966", public law 89-563, as amended.

42-4-208. [Formerly 42-4-207] Stop lamps and turn signals. (1) Every motor vehicle or motor-drawn vehicle shall be equipped with a stop light in good working order at all times and shall meet the requirements of ~~section 42-4-213 (1)~~ SECTION 42-4-215 (1).

(2) No person shall sell or offer for sale or operate on the highways any motor vehicle registered in this state and manufactured or assembled after January 1, 1958, unless it is equipped with at least two stop lamps meeting the requirements of

~~section 42-4-213 (1)~~ SECTION 42-4-215 (1); except that a motorcycle OR motor-driven cycle ~~or truck tractor~~ manufactured or assembled after said date shall be equipped with at least one stop lamp meeting the requirements of ~~section 42-4-213 (1)~~ SECTION 42-4-215 (1).

(3) No person shall sell or offer for sale or operate on the ~~highway~~ HIGHWAYS any motor vehicle, trailer, or semitrailer registered in this state and manufactured or assembled after January 1, 1958, and no person shall operate any motor vehicle, trailer, or semitrailer on the highways when the distance from the center of the top of the steering post to the left outside limit of the body, cab, or load of such motor vehicle exceeds twenty-four inches, unless it is equipped with electrical turn signals meeting the requirements of ~~section 42-4-213 (2)~~ SECTION 42-4-215 (2). This subsection (3) shall not apply to any motorcycle or motor-driven cycle. ~~nor to any trailer or semitrailer where the said turn signals on the towing vehicle are clearly visible to the extent required of such turn signals by section 42-4-213 (2).~~

(4) Any person who violates any provision of this section commits a class B traffic infraction.

42-4-209. [Formerly 42-4-208] Lamp or flag on projecting load. Whenever the load upon any vehicle extends to the rear four feet or more beyond the bed or body of such vehicle, there shall be displayed at the extreme rear end of the load, at the time specified in ~~section 42-4-203~~ SECTION 42-4-204, a red light or lantern plainly visible from a distance of at least five hundred feet to the sides and rear. The red light or lantern required under this section shall be in addition to the red rear light required upon every vehicle. At any other time, there shall be displayed at the extreme rear end of such load a red flag or cloth not less than twelve inches square and so hung that the entire area is visible to the driver of a vehicle approaching from the rear. Any person who violates any provision of this section commits a class A traffic infraction.

42-4-210. [Formerly 42-4-209] Lamps on parked vehicles. (1) Whenever a vehicle is lawfully parked upon a highway during the hours between sunset and sunrise and in the event there is sufficient light to reveal any person or object within a distance of one thousand feet upon such highway, no lights need be displayed upon such parked vehicle.

(2) Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during the hours between sunset and sunrise and there is not sufficient light to reveal any person or object within a distance of one thousand feet upon such highway, such vehicle so parked or stopped shall be equipped with one or more operating lamps meeting

the following requirements: At least one lamp shall display a white or amber light visible from a distance of five hundred feet to the front of the vehicle, and the same lamp or at least one other lamp shall display a red light visible from a distance of five hundred feet to the rear of the vehicle, and the location of said lamp or lamps shall always be such that at least one lamp or combination of lamps meeting the requirements of this section is installed as near as practicable to the side of the vehicle which is ~~closest~~ CLOSER to passing traffic. ~~The foregoing provisions~~ THIS SUBSECTION (2) shall not apply to a motor-driven cycle.

(3) Any lighted head lamps upon a parked vehicle shall be depressed or dimmed.

(4) Any person who violates any provision of this section commits a class B traffic infraction.

42-4-211. [Formerly 42-4-210] Lamps on farm equipment and other vehicles and equipment. (1) Every farm tractor and every self-propelled farm equipment unit or implement of husbandry not equipped with an electric lighting system shall, at all times mentioned in ~~section 42-4-203~~ SECTION 42-4-204, be equipped with at least one lamp displaying a white light visible from a distance of not less than five hundred feet to the front of such vehicle and shall also be equipped with at least one lamp displaying a red light visible from a distance of not less than five hundred feet to the rear of such vehicle.

(2) Every self-propelled unit of farm equipment not equipped with an electric lighting system shall, at all times mentioned in ~~section 42-4-203~~ SECTION 42-4-204, in addition to the lamps required in subsection (1) of this section, be equipped with two red reflectors visible from all distances within six hundred feet to one hundred feet to the rear when directly in front of lawful upper beams of head lamps.

(3) Every combination of farm tractor and towed unit of farm equipment or implement of husbandry not equipped with an electric lighting system shall, at all times mentioned in ~~section 42-4-203~~ SECTION 42-4-204, be equipped with the following lamps:

(a) At least one lamp mounted to indicate as nearly as practicable to the extreme left projection of said combination and displaying a white light visible from a distance of not less than five hundred feet to the front of said combination;

(b) Two lamps each displaying a red light visible when lighted from a distance of not less than five hundred feet to the rear of said combination or, as an alternative, at least one lamp displaying a red light visible from a distance of not less than five hundred feet to the rear thereof and two red reflectors visible from all distances within six hundred feet to one hundred

feet to the rear thereof when illuminated by the upper beams of head lamps.

(4) Every farm tractor and every self-propelled unit of farm equipment or implement of husbandry equipped with an electric lighting system shall, at all times mentioned in ~~section 42-4-203~~ SECTION 42-4-204, be equipped with two single-beam head lamps meeting the requirements of ~~section 42-4-214 or 42-4-216~~ SECTION 42-4-216 OR 42-4-218, respectively, or, as an alternative, ~~section 42-4-218 (2)~~ SECTION 42-4-220 (2) and at least one red lamp visible from a distance of not less than five hundred feet to the rear; but every such self-propelled unit of farm equipment other than a farm tractor shall have two such red lamps or, as an alternative, one such red lamp and two red reflectors visible from all distances within six hundred feet to one hundred feet when directly in front of lawful upper beams of head lamps.

(5) (a) Every combination of farm tractor and towed farm equipment or towed implement of husbandry equipped with an electric lighting system shall, at all times mentioned in ~~section 42-4-203~~ SECTION 42-4-204, be equipped with lamps as follows:

(I) The farm tractor element of every such combination shall be equipped as required in subsection (4) of this section.

(II) The towed unit of farm equipment or implement of husbandry element of such combination shall be equipped with two red lamps visible from a distance of not less than five hundred feet to the rear or, as an alternative, two red reflectors visible from all distances within six hundred feet to the rear when directly in front of lawful upper beams of head lamps.

(b) Said combinations shall also be equipped with a lamp displaying a white or amber light, or any shade of color between white and amber, visible from a distance of not less than five hundred feet to the front and a lamp displaying a red light visible when lighted from a distance of not less than five hundred feet to the rear.

(6) The lamps and reflectors required in this section shall be so positioned as to show from front and rear as nearly as practicable the extreme projection of the vehicle carrying them on the side of the roadway used in passing such vehicle. If a farm tractor or a unit of farm equipment, whether self-propelled or towed, is equipped with two or more lamps or reflectors visible from the front or two or more lamps or reflectors visible from the rear, such lamps or reflectors shall be so positioned that the extreme projections, both to the right and to the left of said vehicle, shall be indicated as nearly as practicable.

(7) Every vehicle, including animal-drawn vehicles and vehicles referred to in section 42-4-202 (2), not specifically

required by the provisions of this article to be equipped with lamps or other lighting devices shall at all times specified in ~~section 42-4-203~~ SECTION 42-4-204 be equipped with at least one lamp displaying a white light visible from a distance of not less than five hundred feet to the front of said vehicle and shall also be equipped with two lamps displaying red lights visible from a distance of not less than five hundred feet to the rear of said vehicle or, as an alternative, one lamp displaying a red light visible from a distance of not less than five hundred feet to the rear and two red reflectors visible for distances of one hundred feet to six hundred feet to the rear when illuminated by the upper beams of head lamps.

(8) Any person who violates any provision of this section commits a class B traffic infraction.

42-4-212. [Formerly 42-4-211] Spot lamps and auxiliary lamps. (1) Any motor vehicle may be equipped with not more than two spot lamps, and every lighted spot lamp shall be so aimed and used upon approaching another vehicle that no part of the high-intensity portion of the beam will be directed to the left of the prolongation of the extreme left side of the vehicle nor more than one hundred feet ahead of the vehicle.

(2) Any motor vehicle may be equipped with not more than two fog lamps mounted on the front at a height OF not less than twelve inches nor more than thirty inches above the level surface upon which the vehicle stands and so aimed that, when the vehicle is not loaded, none of the high-intensity portion of the light to the left of the center of the vehicle shall at a distance of twenty-five feet ahead project higher than a level of four inches below the level of the center of the lamp from which it comes. Lighted fog lamps meeting the requirements of this subsection (2) may be used with lower head-lamp beams as specified in ~~section 42-4-214 (1) (b)~~ SECTION 42-4-216 (1) (b).

(3) Any motor vehicle may be equipped with not more than two auxiliary passing lamps mounted on the front at a height OF not less than twenty inches nor more than forty-two inches above the level surface upon which the vehicle stands. The provisions of ~~section 42-4-214~~ SECTION 42-4-216 shall apply to any combination of head lamps and auxiliary passing lamps.

(4) Any motor vehicle may be equipped with not more than two auxiliary driving lamps mounted on the front at a height OF not less than sixteen inches nor more than forty-two inches above the level surface upon which the vehicle stands. The provisions of ~~section 42-4-214~~ SECTION 42-4-216 shall apply to any combination of head lamps and auxiliary driving lamps.

(5) Any person who violates any provision of this section commits a class B traffic infraction.

42-4-213. [Formerly 42-4-212] Audible and visual signals on emergency vehicles. (1) Except as otherwise provided in this section or in ~~section 42-4-219~~ SECTION 42-4-222 in the case of volunteer fire vehicles and volunteer ambulances, every authorized emergency vehicle shall, in addition to any other equipment and distinctive markings required by this article, be equipped as a minimum with a siren and a horn. Such devices shall be capable of emitting a sound audible under normal conditions from a distance of not less than five hundred feet.

(2) Every authorized emergency vehicle, except those used as undercover vehicles by governmental agencies, shall, in addition to any other equipment and distinctive markings required by this article, be equipped with at least one signal lamp mounted as high as practicable, which shall be capable of displaying a flashing, oscillating, or rotating red light to the front and to the rear having sufficient intensity to be visible at five hundred feet in normal sunlight. In addition to the required red light, flashing, oscillating, or rotating signal lights may be used which emit blue, white, or blue in combination with white.

(3) A police vehicle, when used as an authorized emergency vehicle, may but need not be equipped with the red lights specified in this section.

~~(3.5)~~ (4) Any authorized emergency vehicle, including those authorized by ~~section 42-4-219~~ SECTION 42-4-222, may be equipped with green flashing lights, mounted at sufficient height and having sufficient intensity to be visible at five hundred feet in all directions in normal daylight. Such lights may only be used at the single designated command post at any emergency location or incident and only when such command post is stationary. The single command post shall be designated by the on-scene incident commander in accordance with local or state government emergency plans. Any other use of a green light by a vehicle shall constitute a violation of this section.

~~(4)~~ (5) The use of either the audible or the visual signal equipment described in this section shall impose upon drivers of other vehicles the obligation to yield right-of-way and stop as prescribed in ~~section 42-4-605~~ SECTION 42-4-705.

~~(5)~~ (6) Any person who violates any provision of this section commits a class A traffic infraction.

42-4-214. [Formerly 42-4-212.5] Visual signals on service vehicles. (1) Except as otherwise provided in this section, on or after January 1, 1978, every authorized service vehicle shall, in addition to any other equipment required by this article, be equipped with one or more warning lamps mounted as high as practicable, which shall be capable of displaying in all directions one or more flashing, oscillating, or rotating yellow

lights. Every authorized service vehicle snowplow operated by a general purpose government may also be equipped with and use no more than two flashing, oscillating, or rotating blue lights as warning lamps. Lighted directional signs used by police and highway departments to direct traffic need not be visible except to the front and rear. Such lights shall have sufficient intensity to be visible at five hundred feet in normal sunlight.

(2) The warning lamps authorized in subsection (1) of this section shall be activated by the operator of an authorized service vehicle only when the vehicle is operating upon the roadway so as to create a hazard to other traffic. The use of such lamps shall not relieve the operator from ~~his~~ THE duty of using due care for the safety of others or from the obligation of using any other safety equipment or protective devices that are required by this article. Service vehicles authorized to operate also as emergency vehicles shall also be equipped to comply with signal requirements for emergency vehicles.

(3) Whenever an authorized service vehicle is performing its service function and is displaying lights as authorized in subsection (1) of this section, drivers of all other vehicles shall exercise more than ordinary care and caution in approaching, overtaking, or passing such service vehicle and, in the case of highway and traffic maintenance equipment engaged in work upon the highway, shall comply with the instructions of ~~section 42-4-614~~ SECTION 42-4-712.

(4) On or after January 1, 1978, only authorized service vehicles shall be equipped with the warning lights authorized in subsection (1) of this section.

(5) On or before October 1, 1977, the department of transportation shall determine by rule and regulation which types of vehicles render an essential public service when operating on or along a roadway and warrant designation as authorized service vehicles under specified conditions.

(6) Any person who violates any provision of this section commits a class B traffic infraction.

42-4-215. [Formerly 42-4-213] Signal lamps and devices - additional lighting equipment. (1) Any motor vehicle may be equipped, and when required under this article shall be equipped, with a stop lamp or lamps on the rear of the vehicle which shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than one hundred feet to the rear in normal sunlight, and which shall be actuated upon application of the service (foot) brake, and which may but need not be incorporated with one or more other rear lamps. Such stop lamp or lamps may also be automatically actuated by a mechanical device when the vehicle is reducing speed or stopping.

If two or more stop lamps are installed on any motor vehicle, any device actuating such lamps shall be so designed and installed that all stop lamps are actuated by such device.

(2) Any motor vehicle may be equipped, and when required under this article shall be equipped, with lamps showing to the front and rear for the purpose of indicating an intention to turn either to the right or to the left. Such lamps showing to the front shall be located on the same level and as widely spaced laterally as practicable and when in use shall display a white or amber light, or any shade of color between white and amber, visible from a distance of not less than one hundred feet to the front in normal sunlight, and the lamps showing to the rear shall be located at the same level and as widely spaced laterally as practicable and when in use shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than one hundred feet to the rear in normal sunlight. When actuated, such lamps shall indicate the intended direction of turning by flashing the light showing to the front and rear on the side toward which the turn is made.

(3) No stop lamp or signal lamp shall project a glaring or dazzling light.

(4) Any motor vehicle may be equipped with not more than two side cowl or fender lamps which shall emit an amber or white light without glare.

(5) Any motor vehicle may be equipped with not more than one runningboard courtesy lamp on each side thereof, which shall emit a white or amber light without glare.

(6) Any motor vehicle may be equipped with not more than two back-up lamps either separately or in combination with other lamps, but no such back-up lamp shall be lighted when the motor vehicle is in forward motion.

(7) Any vehicle may be equipped with lamps which may be used for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking, or passing and, when so equipped and when the said vehicle is not in motion or is being operated at a speed of twenty-five miles per hour or less and at no other time, may display such warning in addition to any other warning signals required by this article. The lamps used to display such warning to the front shall be mounted at the same level and as widely spaced laterally as practicable and shall display simultaneously flashing white or amber lights, or any shade of color between white and amber. The lamps used to display such warning to the rear shall be mounted at the same level and as widely spaced laterally as practicable and shall show simultaneously flashing amber or red lights, or any shade of color

between amber and red. These warning lights shall be visible from a distance of not less than five hundred feet under normal atmospheric conditions at night.

(8) Any ~~commercial~~ vehicle eighty inches or more in overall width may be equipped with not more than three identification lamps showing to the front which shall emit an amber light without glare and not more than three identification lamps showing to the rear which shall emit a red light without glare. Such lamps shall be ~~placed in a row and may be~~ mounted ~~either~~ horizontally. ~~or vertically.~~

(9) Any person who violates any provision of this section commits a class B traffic infraction.

42-4-216. [Formerly 42-4-214] Multiple-beam road lights. (1) Except as provided in this article, the head lamps or the auxiliary driving lamp or the auxiliary passing lamp or combination thereof on motor vehicles, other than motorcycles or motor-driven cycles, shall be so arranged that the driver may select at will between distributions of light projected to different elevations, and such lamps may, in addition, be so arranged that such selection can be made automatically, subject to the following limitations:

(a) There shall be an uppermost distribution of light or composite beam so aimed and of such intensity as to reveal persons and vehicles at a distance of at least three hundred fifty feet ahead for all conditions of loading.

(b) There shall be a lowermost distribution of light or composite beam so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least one hundred feet ahead; and on a straight level road under any condition of loading, none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

(2) Every new motor vehicle, other than a motorcycle or motor-driven cycle, registered in this state after July 1, 1955, which has multiple-beam road-lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the head lamps is in use and shall not otherwise be lighted. Said indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped.

(3) Any person who violates any provision of this section commits a class B traffic infraction.

42-4-217. [Formerly 42-4-215] Use of multiple-beam lights. (1) Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in ~~section~~

~~42-4-203~~ SECTION 42-4-204, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

(a) Whenever a driver of a vehicle approaches an oncoming vehicle within five hundred feet, such driver shall use a distribution of light or composite beam so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light or composite beam specified in ~~section 42-4-214 (1) (b)~~ SECTION 42-4-216 (1) (b) shall be deemed to avoid glare at all times, regardless of road contour and loading.

(b) Whenever the driver of a vehicle follows another vehicle within two hundred feet to the rear, except when engaged in the act of overtaking and passing, such driver shall use a distribution of light permissible under this title other than the uppermost distribution of light specified in ~~section 42-4-214 (1) (a)~~ SECTION 42-4-216 (1) (a).

(2) Any person who violates any provision of this section commits a class A traffic infraction.

42-4-218. [Formerly 42-4-216] Single-beam road-lighting equipment. (1) Head lamps arranged to provide a single distribution of light not supplemented by auxiliary driving lamps shall be permitted on motor vehicles manufactured and sold prior to July 15, 1936, in lieu of multiple-beam road-lighting equipment specified in ~~section 42-4-214~~ SECTION 42-4-216 if the single distribution of light complies with the following requirements and limitations:

(a) The head lamps shall be so aimed that when the vehicle is not loaded none of the high-intensity portion of the light shall, at a distance of twenty-five feet ahead, project higher than a level of five inches below the level of the center of the lamp from which it comes and in no case higher than forty-two inches above the level on which the vehicle stands at a distance of seventy-five feet ahead.

(b) The intensity shall be sufficient to reveal persons and vehicles at a distance of at least two hundred feet.

(2) Any person who violates any provision of this section commits a class B traffic infraction.

42-4-219. [Formerly 42-4-217] Number of lamps permitted. Whenever a motor vehicle equipped with head lamps as required in this article is also equipped with any auxiliary lamps or a spot lamp or any other lamp on the front thereof projecting a beam of

an intensity greater than three hundred candlepower, not more than a total of four of any such lamps on the front of a vehicle shall be lighted at any one time when upon a highway. Any person who violates any provision of this section commits a class B traffic infraction.

42-4-220. [Formerly 42-4-218] Motorized bicycles - motor-driven cycles - lighting equipment - department control - use and operation. (1) (a) Every motorized bicycle when in use at the times specified in ~~section 42-4-203~~ SECTION 42-4-204 shall be equipped with a lamp on the front, which shall emit a white light visible from a distance of at least five hundred feet to the front and with a red reflector on the rear, of a type approved by the department, which shall be visible from all distances from fifty feet to three hundred feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred feet to the rear may be used in addition to the red reflector.

(b) No person shall operate a motorized bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred feet; except that a motorized bicycle shall not be equipped with nor shall any person use upon a motorized bicycle a siren or whistle.

(c) Every motorized bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

(2) The head lamp or head lamps upon every motor-driven cycle may be of the single-beam or multiple-beam type but in either event shall comply with the requirements and limitations as follows:

(a) Every said head lamp or head lamps on a motor-driven cycle shall be of sufficient intensity to reveal a person or a vehicle at a distance of not less than one hundred feet when the motor-driven cycle is operated at any speed less than twenty-five miles per hour, and at a distance of not less than two hundred feet when the motor-driven cycle is operated at a speed of twenty-five miles or more per hour, and at a distance of not less than three hundred feet when the motor-driven cycle is operated at a speed of thirty-five or more miles per hour.

(b) In the event the motor-driven cycle is equipped with a multiple-beam head lamp or head lamps, the upper beam shall meet the minimum requirements set forth in paragraph (a) of this subsection (2) and shall not exceed the limitations set forth in ~~section 42-4-214 (1) (a)~~ SECTION 42-4-216 (1) (a), and the lowermost beam shall meet the requirements applicable to a lowermost distribution of light as set forth in ~~section 42-4-214 (1) (b)~~ SECTION 42-4-216 (1) (b).

(c) In the event the motor-driven cycle is equipped with a single-beam lamp, said lamp shall be so aimed that when the vehicle is loaded none of the high-intensity portion of light, at a distance of twenty-five feet ahead, shall project higher than the level of the center of the lamp from which it comes.

(3) (a) Any lighted lamp or illuminating device upon a motor vehicle, other than head lamps, spot lamps, auxiliary lamps, flashing turn signals, emergency vehicle warning lamps, and school bus warning lamps, which projects a beam of light of an intensity greater than three hundred candlepower shall be so directed that no part of the high-intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five feet from the vehicle.

(b) No person shall equip, drive, or move any vehicle or equipment upon any highway with any lamp or device thereon capable of displaying a red or blue light visible from directly in front of the center thereof. This section shall not apply to any vehicle upon which such lights visible from the front are expressly authorized or required by this article.

~~(c) Repealed, L. 77, p. 1898, § 11, effective July 1, 1977.~~

~~(d)~~ (c) This subsection (3) shall not be construed to prohibit the use on any vehicle of simultaneously flashing hazard warning lights as provided by ~~section 42-4-213 (7)~~ SECTION 42-4-215 (7).

~~(4) and (5) Repealed, L. 76, p. 812, § 49, effective July 1, 1976.~~

~~(6)~~ (4) No person shall have for sale, sell, or offer for sale, for use upon or as a part of the equipment of a motor vehicle, trailer, or semitrailer or for use upon any such vehicle, any head lamp, auxiliary or fog lamp, rear lamp, signal lamp, or reflector, which reflector is required under this article, or parts of any of the foregoing which tend to change the original design or performance thereof, unless of a type which has been approved by the department.

~~(7)~~ (5) No person shall have for sale, sell, or offer for sale, for use upon or as a part of the equipment of a motor vehicle, trailer, or semitrailer, any lamp or device mentioned in this section which has been approved by the department unless such lamp or device bears thereon the trademark or name under which it is approved so as to be legible when installed.

~~(8)~~ (6) No person shall use upon any motor vehicle, trailer, or semitrailer any lamps mentioned in this section unless

said lamps are mounted, adjusted, and aimed in accordance with instructions of the department.

~~(9)~~ (7) The department is authorized to approve or disapprove lighting standards and specifications for the approval of such lighting devices and their installation, adjustment, and aiming and their adjustment when in use on motor vehicles.

~~(10)~~ (8) The department is required to approve or disapprove any lighting device, of a type on which approval is specifically required in this article, within a reasonable time after such device has been submitted.

~~(11)~~ (9) The department is authorized to provide the procedure which shall be followed when any device is submitted for approval.

~~(12)~~ (10) The department upon approving any such lamp or device shall issue to the applicant a certificate of approval, together with any instructions determined by the department to be reasonably necessary.

~~(13)~~ (11) The department shall provide lists of all lamps and devices by name and type which have been approved by it.

~~(14)~~ (12) When the department has reason to believe that an approved device as being sold commercially does not comply with the requirements of this article, the executive director of the department or ~~his~~ THE DIRECTOR'S designated representatives may, after giving thirty days' previous notice to the person holding the certificate of approval for such device in the state, conduct a hearing upon the question of compliance of said approved device. After said hearing, said executive director shall determine whether said approved device meets the requirements of this article. If said device does not meet the requirements of this article, ~~he~~ THE DIRECTOR shall give notice to the person holding the certificate of approval for such device in this state.

~~(15)~~ (13) If, at the expiration of ninety days after such notice, the person holding the certificate of approval for such device has failed to establish to the satisfaction of the executive director of the department that said approved device as thereafter to be sold meets the requirements of this article, said executive director shall suspend or revoke the approval issued therefor and may require that all said devices sold since the notification following the hearing be replaced with devices that do comply with the requirements of this article, until or unless such device, at the sole expense of the applicant, shall be resubmitted to and retested by an authorized testing agency and is found to meet the requirements of this article. The department may, at the time of the retest, purchase in the open market and submit to the testing agency one or more sets of such approved

devices, and, if such device upon such retest fails to meet the requirements of this article, the department may refuse to renew the certificate of approval of such device.

~~(16)~~ (14) Any person who violates any provision of this section commits a class B traffic infraction.

42-4-221. [Formerly 42-4-218.5] Bicycle equipment. (1) No other provision of this part 2 and no provision of part 3 of this article shall apply to bicycles or to equipment for use on bicycles except those provisions in this article made specifically applicable to bicyclists, bicycles, or their equipment.

(2) Every bicycle in use at the times described in ~~section 42-4-203~~ SECTION 42-4-204 shall be equipped with a lamp on the front emitting a white light visible from a distance of at least five hundred feet to the front.

(3) Every bicycle shall be equipped with a red reflector of a type approved by the department, which shall be visible for six hundred feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle.

(4) Every bicycle when in use at the times described in ~~section 42-4-203~~ SECTION 42-4-204 shall be equipped with reflective material of sufficient size and reflectivity to be visible from both sides for six hundred feet when directly in front of lawful lower beams of head lamps on a motor vehicle or, in lieu of such reflective material, with a lighted lamp visible from both sides from a distance of at least five hundred feet.

(5) A bicycle or its rider may be equipped with lights or reflectors in addition to those required by subsections (2) to (4) of this section.

(6) A bicycle shall not be equipped with, nor shall any person use upon a bicycle, any siren or whistle.

(7) Every bicycle shall be equipped with a brake or brakes which will enable its rider to stop the bicycle within twenty-five feet from a speed of ten miles per hour on dry, level, clean pavement.

(8) A person engaged in the business of selling bicycles at retail shall not sell any bicycle unless the bicycle has an identifying number permanently stamped or cast on its frame.

(9) Any person who violates any provision of this section commits a class B traffic infraction.

42-4-222. [Formerly 42-4-219] Volunteer firefighters - 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 B traffic infraction.

(2) (a) All members of a volunteer ambulance service regularly attached to a volunteer ambulance service within an area which the ambulance service would be reasonably expected to serve may have their private automobiles identified by:

(I) Two red lights installed in the front portion of said automobiles so that they can be readily seen by the public, ~~the~~ WHICH lights shall have red glass lenses; or

(II) A red light temporarily or permanently mounted on the top of the automobile.

(b) The automobiles may be equipped with audible signal systems such as sirens, whistles, or bells.

(c) The lights, together with any signal systems authorized by this subsection (2), may be used only when a member of an ambulance service is responding to an emergency requiring ~~his~~ THE MEMBER'S services.

(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 commits a class B traffic infraction.

42-4-223. [Formerly 42-4-220] Brakes. (1) Brake equipment required:

(a) Every motor vehicle, other than a motorcycle, when

operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.

(b) Every motorcycle, motorized bicycle, and bicycle with motor attached, when operated upon a highway, shall be equipped with at least one brake, which may be operated by hand or foot.

(c) Every trailer or semitrailer of a gross weight of three thousand pounds or more, when operated upon a highway, shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle and so designed as to be applied by the driver of the towing motor vehicle from the cab, and said brakes shall be so designed and connected that in case of an accidental breakaway of the towed vehicle the brakes shall be automatically ~~applied, except for trailers~~ APPLIED. THE PROVISIONS OF THIS PARAGRAPH (c) SHALL NOT BE APPLICABLE TO ANY TRAILER WHICH DOES NOT MEET THE DEFINITION OF "COMMERCIAL VEHICLE" AS THAT TERM IS DEFINED IN SECTION 42-4-235 (1) (a) AND WHICH IS owned by ~~farmers~~ A FARMER when transporting agricultural products produced on the owner's farm or supplies back to the farm of the owner of the trailer, tank trailers not exceeding ten thousand pounds gross weight used solely for transporting liquid fertilizer or gaseous fertilizer under pressure, or distributor trailers not exceeding ten thousand pounds gross weight used solely for transporting and distributing dry fertilizer when hauled by a truck capable of stopping within the distance specified in subsection (2) of this section.

(d) Every motor vehicle, trailer, or semitrailer constructed or sold in this state or operated upon the highways shall be equipped with service brakes upon all wheels of every such vehicle; except that:

(I) Any trailer or semitrailer of less than three thousand pounds gross weight, or any horse trailer of a capacity of two horses or less, or ~~trailers~~ ANY TRAILER WHICH DOES NOT MEET THE DEFINITION OF "COMMERCIAL VEHICLE" AS THAT TERM IS DEFINED IN SECTION 42-4-235 (1) (a) AND WHICH IS owned by ~~farmers~~ A FARMER when transporting agricultural products produced on the owner's farm or supplies back to the farm of the owner of the trailer, or tank trailers not exceeding ten thousand pounds gross weight used solely for transporting liquid fertilizer or gaseous fertilizer under pressure, or distributor trailers not exceeding ten thousand pounds gross weight used solely for transporting and distributing dry fertilizer when hauled by a truck capable of stopping with loaded trailer attached in the distance specified by subsection

(2) of this section need not be equipped with brakes, and any two-wheel motor vehicle need have brakes on only one wheel.

(II) Any truck or truck tractor, manufactured before July 25, 1980, and having three or more axles, need not have brakes on the wheels of the front or tandem steering axles if the brakes on the other wheels meet the performance requirements of subsection (2) of this section.

(III) Every trailer or semitrailer of three thousand pounds or more gross weight must have brakes on all wheels.

(e) Provisions of this subsection (1) shall not apply to manufactured homes.

(2) Performance ability of brakes:

(a) The service brakes upon any motor vehicle or combination of vehicles shall be adequate to stop such vehicle when traveling twenty miles per hour within a distance of forty feet when upon dry asphalt or concrete pavement surface free from loose material where the grade does not exceed one percent.

(b) Under the conditions stated in paragraph (a) of this subsection (2), the hand brakes shall be adequate to stop such vehicle within a distance of fifty-five feet, and said hand brake shall be adequate to hold such vehicle stationary on any grade upon which operated.

(c) Under the conditions stated in paragraph (a) of this subsection (2), the service brakes upon a motor vehicle equipped with two-wheel brakes only, when permitted under this section, shall be adequate to stop the vehicle within a distance of fifty-five feet.

(d) All braking distances specified in this section shall apply to all vehicles mentioned, whether such vehicles are not loaded or are loaded to the maximum capacity permitted under this title.

(e) All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as possible with respect to the wheels on opposite sides of the vehicle.

(3) Any person who violates any provision of this section commits a class A traffic infraction.

42-4-224. [Formerly 42-4-221] Horns or warning devices. (1) Every motor vehicle, when operated upon a highway, shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet, but no horn or other warning device shall

emit an unreasonably loud or harsh sound, except as provided in ~~section 42-4-212 (1)~~ SECTION 42-4-213 (1) in the case of authorized emergency vehicles. The driver of a motor vehicle, when reasonably necessary to insure safe operation, shall give audible warning with ~~his~~ THE horn but shall not otherwise use such horn when upon a highway.

(2) No vehicle shall be equipped with nor shall any person use upon a vehicle any audible device except as otherwise permitted in this section. It is permissible but not required that any vehicle be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as a warning signal unless the alarm device is a required part of the vehicle. Nothing in this section is meant to preclude the use of audible warning devices which are activated when the vehicle is backing. Any authorized emergency vehicle may be equipped with an audible signal device under ~~section 42-4-212 (1)~~ SECTION 42-4-213 (1), but such device shall not be used except when such vehicle is operated in response to an emergency call or in the actual pursuit of a suspected violator of the law or for other special purposes, including, but not limited to, funerals, parades, and the escorting of dignitaries.

(3) No bicycle or motorized bicycle shall be equipped with nor shall any person use upon a bicycle or motorized bicycle any siren or whistle.

(4) Snowplows and other snow-removal equipment shall display flashing yellow lights meeting the requirements of ~~section 42-4-212.5~~ SECTION 42-4-214 as a warning to drivers when such equipment is in service on the highway.

~~(4.5) (a)~~ (5) (a) When any snowplow or other snow-removal equipment displaying flashing yellow lights is engaged in snow and ice removal or control, ~~all other vehicles shall exercise caution and care in approaching or passing said snowplow or equipment, and in no case shall any vehicle behind a snowplow or equipment displaying flashing yellow lights and engaged in snow or ice removal or control follow it at a distance less than is reasonable and prudent, except when passing.~~ DRIVERS OF ALL OTHER VEHICLES SHALL EXERCISE MORE THAN ORDINARY CARE AND CAUTION IN APPROACHING, OVERTAKING, OR PASSING SUCH SNOWPLOW.

(b) The driver of a snowplow, while engaged in the removal or control of snow and ice on any highway open to traffic and while displaying the required flashing yellow warning lights as provided by ~~section 42-4-212.5~~ SECTION 42-4-214, shall not be charged with any violation of the provisions of this article relating to parking or standing, turning, backing, or yielding the right-of-way. These exemptions shall not relieve the driver of a snowplow from the duty to drive with due regard for the safety of all persons, nor shall these exemptions protect the driver of

a snowplow from the consequences of a reckless or careless disregard for the safety of others.

~~(5)~~ (6) Any person who violates any provision of this section commits a class B traffic infraction.

42-4-225. [Formerly 42-4-222] Mufflers - prevention of noise. (1) Every motor vehicle subject to registration and operated on a highway shall at all times be equipped with an adequate muffler in constant operation and properly maintained to prevent any excessive or unusual noise, and no such muffler or exhaust system shall be equipped with a cut-off, bypass, or similar device. No person shall modify the exhaust system of a motor vehicle in a manner which will amplify or increase the noise emitted by the motor of such vehicle above that emitted by the muffler originally installed on the vehicle, and such original muffler shall comply with all of the requirements of this section.

(2) A muffler is a device consisting of a series of chamber or baffle plates or other mechanical design for the purpose of receiving exhaust gas from an internal combustion engine and effective in reducing noise.

(3) Any person who violates any provision of this section commits a class B traffic infraction.

42-4-226. [Formerly 42-4-223] Mirrors - exterior placements. (1) Every motor vehicle shall be equipped with a mirror or mirrors so located and so constructed as to reflect to the driver a free and unobstructed view of the highway for a distance of at least two hundred feet to the rear of such vehicle.

(2) Whenever any motor vehicle is not equipped with a rear window and rear side windows or has a rear window and rear side windows composed of, covered by, or treated with any material or component which, when viewed from the position of the driver, obstructs the rear view of the driver or makes such window or windows nontransparent, or whenever any motor vehicle is towing another vehicle or trailer or carrying any load or cargo or object which obstructs the rear view of the driver, such vehicle shall be equipped with an exterior mirror on each side so located with respect to the position of the driver as to comply with the visual requirement of subsection (1) of this section.

(3) Any person who violates any provision of this section commits a class B traffic infraction.

42-4-227. [Formerly 42-4-224] Windows unobstructed - certain materials prohibited - windshield wiper requirements. (1) (a) Except as provided in this paragraph (a), no person shall operate any motor vehicle registered in Colorado on which any window, except the windshield, is composed of, covered by, or

treated with any material or component which presents an opaque, nontransparent, or metallic or mirrored appearance in such a way that it allows less than twenty-seven percent light transmittance. The windshield shall allow seventy percent light transmittance. The provisions of this paragraph (a) shall not apply to the windows to the rear of the driver, including the rear window, on any motor vehicle; however, if such windows allow less than twenty-seven percent light transmittance, then the front side windows and the windshield on such vehicles shall allow seventy percent light transmittance.

(b) Notwithstanding any provision of paragraph (a) of this subsection (1), nontransparent material may be applied, installed, or affixed to the topmost portion of the windshield subject to the following:

(I) The bottom edge of the material extends no more than four inches measured from the top of the windshield down;

(II) The material is not red or amber in color, nor does it affect perception of primary colors or otherwise distort vision or contain lettering that distorts or obstructs vision;

(III) The material does not reflect sunlight or headlight glare into the eyes of occupants of oncoming or preceding vehicles to any greater extent than the windshield without the material.

(c) Nothing in this subsection (1) shall be construed to prevent the use of any window which is composed of, covered by, or treated with any material or component in a manner approved by federal statute or regulation if such window was included as a component part of a vehicle at the time of the vehicle manufacture, or the replacement of any such window by such covering which meets such guidelines.

(d) No material shall be used on any window in the motor vehicle that presents a metallic or mirrored appearance.

(e) Nothing in this subsection (1) shall be construed to deny or prevent the use of certificates or other papers which do not obstruct the view of the driver and which may be required by law to be displayed.

(2) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow, or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.

(3) (a) Except as provided in paragraph (b) of this subsection (3), on or after January 1, 1989, any person who violates any provision of this section shall be punished by a fine of fifty dollars.

(b) On or after April 6, 1988, any person who installs, covers, or treats a windshield or window so that the windshield or window does not meet the requirements of paragraph (a) of subsection (1) of this section shall be punished by a fine of not less than five hundred dollars nor more than five thousand dollars.

(4) This section shall apply to all motor vehicles.

42-4-228. [Formerly 42-4-225] Restrictions on tire equipment. (1) Every solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery.

(2) No person shall operate or move on any highway any motor vehicle, trailer, or semitrailer having any metal tire in contact with the roadway, and it is unlawful to operate upon the highways of this state any motor vehicle, trailer, or semitrailer equipped with solid rubber tires.

(3) No tire on a vehicle moved on a highway shall have on its periphery any block, stud, flange, cleat, or spike or any other protuberances of any material other than rubber which projects beyond the tread on the traction surface of the tire; except that, on single-tired passenger vehicles and on other single-tired vehicles with rated capacities up to and including three-fourths ton, it shall be permissible to use tires containing studs or other protuberances which do not project more than one-sixteenth of an inch beyond the tread of the traction surface of the tire; and except that it shall be permissible to use farm machinery with tires having protuberances which will not injure the highway; and except also that it shall be permissible to use tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid.

(4) The department of transportation and local authorities in their respective jurisdictions, in their discretion, may issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this article.

~~(5) (a) No person shall alter the traction surface of passenger car pneumatic tires by regrooving.~~

~~(b) No person shall knowingly operate on any highway any passenger car on which the traction surface of any pneumatic tire thereof has been regrooved. No person shall sell or exchange or offer for sale or exchange such a tire.~~

~~(c) Repealed, L. 75, p. 1547, § 120, effective January 1, 1976.~~

~~(d) The provisions of this subsection (5) shall not apply to regrooved commercial vehicle tires which are designed and constructed in such a manner that any regrooving is an acceptable or safe practice.~~

~~(6) (a)~~ (5) (a) No person shall drive or move a motor vehicle on any highway unless such vehicle is equipped with tires in safe operating condition in accordance with this ~~subsection (6)~~ SUBSECTION (5) and any supplemental rules and regulations promulgated by the executive director of the department.

(b) The executive director of the department shall promulgate such rules as ~~he~~ THE EXECUTIVE DIRECTOR deems necessary setting forth requirements of safe operating conditions for tires. These rules shall be utilized by law enforcement officers for visual inspection of tires and shall include methods for simple gauge measurement of tire tread depth.

(c) A tire shall be considered unsafe if it has:

(I) Any bump, bulge, or knot affecting the tire structure;

(II) A break which exposes a tire body cord or is repaired with a boot or patch;

(III) A tread depth of less than two thirty-seconds of an inch measured in any two tread grooves at three locations equally spaced around the circumference of the tire, or, on those tires with tread wear indicators, a tire shall be considered unsafe if it is worn to the point that the tread wear indicators contact the road in any two-tread grooves at three locations equally spaced around the circumference of the tire; except that this subparagraph (III) shall not apply to ~~truck tires with ten or more cord plies which are mounted on dual wheels~~ TIRES ON A COMMERCIAL VEHICLE AS SUCH TERM IS DEFINED IN SECTION 42-4-235 (1) (a); or

(IV) Such other conditions as may be reasonably demonstrated to render it unsafe.

~~(7)~~ (6) No passenger car tire shall be used on any motor vehicle which is driven or moved on any highway if such tire was designed or manufactured for nonhighway use.

~~(8) No person shall destroy, alter, or deface any marking on a new or useable tire which indicates whether the tire has been manufactured for highway or nonhighway use.~~

~~(9)~~ (7) No person shall sell any motor vehicle for highway

use unless the vehicle is equipped with tires that are in compliance with ~~subsections (6) and (7)~~ SUBSECTIONS (5) AND (6) of this section and any rules of safe operating condition promulgated by the department.

~~(10) (a)~~ (8) (a) Any person who violates any provision of ~~subsection (1), (2), (3), (6), or (7)~~ SUBSECTION (1), (2), (3), (5), OR (6) of this section commits a class A traffic infraction.

(b) Any person who violates any provision of ~~subsection (5), (8), or (9)~~ SUBSECTION (7) of this section commits a class 2 misdemeanor traffic offense.

42-4-229. [Formerly 42-4-226] Safety glazing material in motor vehicles. (1) No person shall sell any new motor vehicle, nor shall any new motor vehicle be registered, unless such vehicle is equipped with safety glazing material of a type approved by the department for any required front windshield and wherever glazing material is used in doors and windows of said motor vehicle. This section shall apply to all passenger-type motor vehicles, including passenger buses and school buses, but, in respect to camper coaches and trucks, including truck tractors, the requirements as to safety glazing material shall apply only to all glazing material used in required front windshields and that used in doors and windows in the drivers' compartments and such other compartments as are lawfully occupied by passengers in said vehicles.

(2) The term "safety glazing materials" means such glazing materials as will reduce substantially, in comparison with ordinary sheet glass or plate glass, the likelihood of injury to persons by objects from exterior sources or by these safety glazing materials when they may be cracked or broken.

(3) The department shall compile and publish a list of types of glazing material by name approved by it as meeting the requirements of this section, and the department shall not, after January 1, 1958, register any motor vehicle which is subject to the provisions of this section unless it is equipped with an approved type of safety glazing material, and the department shall suspend the registration of any motor vehicle subject to this section which is found to be not so equipped until it is made to conform to the requirements of this section.

(4) No person shall operate a motor vehicle on any highway within this state unless such vehicle is equipped with a front windshield of an approved type as provided in this section, except as provided in ~~section 42-4-231 (1)~~ SECTION 42-4-232 (1) and except for motor vehicles registered as collectors' items under ~~section 42-3-128~~ SECTION 42-3-138.

(5) Any person who violates any provision of this section

commits a class B traffic infraction.

42-4-230. [Formerly 42-4-227] Emergency lighting equipment - who must carry. (1) No motor vehicle carrying a truck license and weighing six thousand pounds or more ~~no service car used as a wrecker,~~ and no passenger bus shall be operated over the highways of this state at any time without carrying in an accessible place inside or on the outside of the vehicle three bidirectional emergency reflective triangles of a type approved by the department, but the use of such equipment is not required in municipalities where there are street lights within not more than one hundred feet.

(2) Whenever a motor vehicle referred to in subsection (1) of this section is stopped upon the traveled portion of a highway or the shoulder of a highway for any cause other than necessary traffic stops, the driver of the stopped motor vehicle shall immediately activate the vehicular hazard warning signal flashers and continue the flashing until the driver places the bidirectional emergency reflective triangles as directed in subsection (3) of this section.

(3) Except as provided in subsection (2) of this section, whenever a motor vehicle referred to in subsection (1) of this section is stopped upon the traveled portion of a highway or the shoulder of a highway for any cause other than necessary traffic stops, the driver shall, as soon as possible, but in any event within ten minutes, place the BIDIRECTIONAL emergency ~~bireflective~~ REFLECTIVE triangles in the following manner:

(a) One at the traffic side of the stopped vehicle, within ten feet of the front or rear of the vehicle;

(b) One at a distance of approximately one hundred feet from the stopped vehicle in the center of the traffic lane or shoulder occupied by the vehicle and in the direction toward traffic approaching in that lane; and

(c) One at a distance of approximately one hundred feet from the stopped vehicle in the opposite direction from those placed in accordance with paragraphs (a) and (b) of this subsection (3) in the center of the traffic lane or shoulder occupied by the vehicle; or

(d) If the vehicle is stopped within five hundred feet of a curve, crest of a hill, or other obstruction to view, the driver shall place the emergency equipment required by this subsection (3) in the direction of the obstruction to view at a distance of one hundred feet to five hundred feet from the stopped vehicle so as to afford ample warning to other users of the highway; or

(e) If the vehicle is stopped upon the traveled portion or

the shoulder of a divided or one-way highway, the driver shall place the emergency equipment required by this subsection (3), one at a distance of two hundred feet and one at a distance of one hundred feet in a direction toward approaching traffic in the center of the lane or shoulder occupied by the vehicle, and one at the traffic side of the vehicle within ten feet of the rear of the vehicle.

~~(4) Repealed, L. 90, p. 1808, § 6, effective April 20, 1990.~~

~~(5)~~ (4) No motor vehicle operating as a wrecking car at the scene of an accident shall move or attempt to move any wrecked vehicle without first complying with those sections of the law concerning emergency lighting.

~~(6)~~ (5) Any person who violates any provision of this section commits a class B traffic infraction.

~~**42-4-228. Vehicles transporting explosives or hazardous materials.**~~
~~Repealed, L. 92, p. 1340, § 8, effective May 29, 1992.~~

42-4-231. [Formerly 42-4-229] Parking lights. When lighted lamps are required by ~~section 42-4-203~~ SECTION 42-4-204, no vehicle shall be driven upon a highway with the parking lights lighted except when the lights are being used as signal lamps and except when the head lamps are lighted at the same time. Parking lights are those lights permitted by ~~section 42-4-213~~ SECTION 42-4-215 and any other lights mounted on the front of the vehicle, designed to be displayed primarily when the vehicle is parked. Any person who violates any provision of this section commits a class B traffic infraction.

~~**42-4-230. Control systems required.** The manufacturer of new gasoline-propelled automobiles and trucks of a model year later than 1965 shall, prior to the sale of such vehicles in the state, certify in writing to the department that such vehicles are equipped with such air pollution control systems as are required by state and federal law.~~

42-4-232. [Formerly 42-4-231] Minimum safety standards for motorcycles and motor-driven cycles. (1) No person shall operate any motorcycle or motor-driven cycle on any public highway in this state unless such person and any passenger thereon is wearing goggles or eyeglasses with lenses made of safety glass or plastic.

~~(2) Repealed, L. 77, p. 1899, § 2, effective May 20, 1977.~~

~~(3)~~ (2) The department shall adopt standards and specifications for the design of goggles and eyeglasses.

~~(4)~~ (3) Any motorcycle carrying a passenger, other than in a sidecar or enclosed cab, shall be equipped with footrests for such passengers.

~~(5)~~ (4) Any person who violates any provision of this section commits a class A traffic infraction.

42-4-233. [Formerly 42-4-232] Alteration of suspension system. (1) No person shall operate a motor vehicle of a type required to be registered under the laws of this state upon a public highway with either the rear or front suspension system altered or changed from the manufacturer's original design except in accordance with specifications permitting such alteration established by the department. Nothing contained in this section shall prevent the installation of manufactured heavy duty equipment to include shock absorbers and overload springs, nor shall anything contained in this section prevent a person from operating a motor vehicle on a public highway with normal wear of the suspension system if normal wear shall not affect the control of the vehicle.

(2) This section shall not apply to motor vehicles designed or modified primarily for off-highway racing purposes, and such motor vehicles may be lawfully towed on the highways of this state.

(3) Any person who violates any provision of this section commits a class 2 misdemeanor traffic offense.

42-4-234. [Formerly 42-4-233] Slow-moving vehicles - display of emblem. (1) All machinery, equipment, and vehicles, except bicycles and other human-powered vehicles, designed to operate or normally operated at a speed of less than twenty-five miles per hour on a public highway shall display a triangular slow-moving vehicle emblem on the rear. Bicycles and other human-powered vehicles shall be permitted but not required to display the emblem specified in this subsection (1).

(2) The executive director of the department shall adopt standards and specifications for such emblem, position of the mounting thereof, and requirements for certification of conformance with the standards and specifications adopted by the American society of agricultural engineers concerning such emblems. The requirements of such emblem shall be in addition to any lighting device required by law.

(3) The use of the emblem required under this section shall be restricted to the use specified in subsection (1) of this section, and its use on any other type of vehicle or stationary object shall be prohibited.

(4) Any person who violates any provision of this section

commits a class B traffic infraction.

42-4-235. [Formerly 42-4-234] Minimum standards for commercial vehicles. (1) As used in this section, unless the context otherwise requires:

(a) "Commercial vehicle" means any self-propelled or towed vehicle bearing an apportioned plate or having a manufacturer's ~~recommended~~ gross vehicle weight RATING OR GROSS COMBINATION RATING of ten thousand one pounds or more, which vehicle is used in commerce on the public highways of this state or is ~~used~~ DESIGNED to transport sixteen or more passengers, including the driver.

(b) "Department" means the department of public safety.

(c) "Motor carrier" means every person, lessee, receiver, or trustee appointed by any court whatsoever owning, controlling, operating, or managing any commercial vehicle as defined in paragraph (a) of this subsection (1).

(2) No person shall operate a commercial vehicle, as defined in subsection (1) of this section, on any public highway of this state unless such vehicle is in compliance with the rules and regulations adopted by the department pursuant to ~~subsection (3)~~ SUBSECTION (4) of this section.

~~(2.5)~~ (3) Any motor carrier operating a commercial vehicle within Colorado must declare knowledge of the rules and regulations adopted by the department pursuant to ~~subsection (3)~~ SUBSECTION (4) of this section. Such declaration of knowledge shall be in writing on a form provided by the department. Such form must be signed and returned by a motor carrier according to regulations adopted by the department.

~~(3)~~ (4) The department shall adopt rules and regulations for the operation of all commercial vehicles. In adopting such rules and regulations, the department shall use as general guidelines the standards contained in the current rules and regulations of the United States department of transportation relating to safety regulations, qualifications of drivers, driving of motor vehicles, parts and accessories, notification and reporting of accidents, hours of service of drivers, inspection, repair, and maintenance of motor vehicles and employee safety and health standards.

~~(4)~~ (5) Any person who violates a rule or regulation promulgated by the department pursuant to this section or fails to comply with ~~subsection (2.5)~~ SUBSECTION (3) of this section commits a class 2 misdemeanor traffic offense.

42-4-236. [Formerly 42-4-235] Child restraint systems

required - definitions - exemptions. (1) As used in this section, unless the context otherwise requires:

(a) "Child restraint system" means any device which is designed to protect, hold, or restrain a child in a privately owned noncommercial passenger vehicle in such a way as to prevent or minimize injury to the child in the event of a motor vehicle accident and which conforms to all applicable federal motor vehicle safety standards.

(b) "Safety belt" means a lap belt, a shoulder belt, or any other belt or combination of belts installed in a motor vehicle to restrain drivers and passengers, except any such belt which is physically a part of a child restraint system. "Safety belt" includes the anchorages, the buckles, and all other equipment directly related to the operation of safety belts.

(c) "Seating position" means any motor vehicle interior space intended by the motor vehicle manufacturer to provide seating accommodation while the motor vehicle is in motion.

(2) Unless exempted pursuant to ~~subsection (2.5)~~ SUBSECTION (3) of this section, every child, who is under four years of age and weighs under forty pounds, being transported in this state in a privately owned noncommercial passenger vehicle which is driven by a resident of this state, shall be provided with a child restraint system suitable for the child's size and shall be properly fastened into such child restraint system which is in a seating position which is equipped with a safety belt or other means to secure ~~said~~ THE system according to the manufacturer's instructions. It is the responsibility of the driver transporting children, subject to the requirements of this section, to ensure that such children are provided with and that they properly use a child restraint system.

~~(2.5)~~ (3) The requirement of subsection (2) of this section shall not apply to a child who:

(a) Is being transported in a motor vehicle in which all seating positions equipped with safety belts or child restraint systems are occupied; or

(b) Is being transported in a motor vehicle as a result of a medical emergency.

~~(3)~~ (4) The division of highway safety shall implement a program for public information and education concerning the use of child restraint systems and the provisions of this section.

~~(4)~~ (5) No person shall use a safety belt or child restraint system for children UNDER four years of age ~~and under~~ in a motor vehicle unless it conforms to all applicable federal

motor vehicle safety standards.

~~(5)~~ (6) Any violation of this section shall not constitute negligence per se or contributory negligence per se.

~~(6)~~ (7) Any person who violates any provision of this section commits a class B traffic infraction.

~~(7)~~ (8) The fine shall be waived if the driver presents the court with satisfactory evidence of the acquisition, purchase, or rental of an approved child restraint system by the time of the court appearance.

42-4-237. [Formerly 42-4-236] Safety belt systems - mandatory use - exemptions - penalty. (1) As used in this section:

(a) "Motor vehicle" means a self-propelled vehicle intended primarily for use and operation on the public highways, including passenger cars, station wagons, vans, taxicabs, ambulances, motor homes, and pickups. The term does not include motorcycles, motorscooters, motorbicycles, motorized bicycles, passenger buses, school buses, and farm tractors and implements of husbandry designed primarily or exclusively for use in agricultural operations.

(b) "Safety belt system" means a system utilizing a lap belt, a shoulder belt, or any other belt or combination of belts installed in a motor vehicle to restrain drivers and passengers, which system conforms to federal motor vehicle safety standards.

(2) Unless exempted pursuant to subsection (3) of this section, every driver of and every front seat passenger in a motor vehicle equipped with a safety belt system shall wear a fastened safety belt while the motor vehicle is being operated on a street or highway in this state.

(3) The requirement of subsection (2) of this section shall not apply to:

(a) A child required by ~~section 42-4-235~~ SECTION 42-4-236 to be restrained by a child restraint system;

(b) A member of an ambulance team, other than the driver, while involved in patient care;

(c) A peace officer, level I, as defined in section 18-1-901 (3) (l) (I), C.R.S., while performing official duties so long as the performance of said duties is in accordance with rules and regulations applicable to said officer which are at least as restrictive as subsection (2) of this section and which only provide exceptions necessary to protect the officer;

(d) A person with a physically or psychologically disabling condition whose physical or psychological disability prevents appropriate restraint by a safety belt system if such person possesses a written statement by a physician certifying the condition, as well as stating the reason why such restraint is inappropriate;

(e) A person driving or riding in a motor vehicle not equipped with a safety belt system due to the fact that federal law does not require such vehicle to be equipped with a safety belt system;

(f) A rural letter carrier of the United States postal service while performing duties as a rural letter carrier; and

(g) A person operating a motor vehicle WHICH DOES NOT MEET THE DEFINITION OF "COMMERCIAL VEHICLE" AS THAT TERM IS DEFINED IN SECTION 42-4-235 (1) (a) for commercial or residential delivery or pickup service; except that such person shall be required to wear a fastened safety belt during the time period prior to the first delivery or pickup of the day and during the time period following the last delivery or pickup of the day.

(4) Any person who operates a motor vehicle while ~~he~~ SUCH PERSON or any passenger is in violation of the requirement of subsection (2) of this section commits a class B traffic infraction. Penalties collected pursuant to this subsection (4) shall be transmitted to the appropriate authority pursuant to the provisions of ~~section 42-1-215 (1) (e) and (2)~~ SECTION 42-1-216 (1) (e) AND (2).

(5) No driver in a motor vehicle shall be cited for a violation of subsection (2) of this section unless such driver was stopped by a law enforcement officer for an alleged violation of articles 1 to 4 of this title other than a violation of this section.

(6) Testimony at a trial for a violation charged pursuant to subsection (4) of this section may include:

(a) Testimony by a law enforcement officer that ~~he~~ THE OFFICER observed the person charged operating a motor vehicle while said operator or any passenger was in violation of the requirement of subsection (2) of this section; or

(b) Evidence that the driver removed the safety belts or knowingly drove a vehicle from which the safety belts had been removed.

(7) Evidence of failure to comply with the requirement of subsection (2) of this section shall be admissible to mitigate damages with respect to any person who was involved in a motor

vehicle accident and who seeks in any subsequent litigation to recover damages for injuries resulting from the accident. Such mitigation shall be limited to awards for pain and suffering and shall not be used for limiting recovery of economic loss and medical payments.

(8) The office of transportation safety in the department of transportation shall continue its program for public information and education concerning the benefits of wearing safety belts and shall include within such program the requirements and penalty of this section.

~~(9) Repealed, L. 89, p. 1604, § 1, effective April 23, 1989.~~

~~**42-4-240. Regulations for school buses - penalty.** (1) The state board of education, by and with the advice of the commissioner of education, shall adopt and enforce regulations not inconsistent with the provisions of sections 42-4-238 and 42-4-239 to govern the operation of school buses. Every person who operates any school bus or who is responsible for, or in control of, the operation of any school bus shall be subject to such regulations.~~

~~(2) On and after the effective date of this act, any contract entered into by any school district for the operation of school buses shall contain a provision which states that failure of any person who operates any school bus pursuant to such contract to comply with any regulation adopted pursuant to subsection (1) of this section shall constitute a breach of contract, and such contract shall be cancelled after notice and hearing by the appropriate officers of such school district.~~

~~(3) Any person who violates section 42-4-238 (1) (a) is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than five dollars nor more than one hundred dollars, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.~~

PART 3
EMISSIONS INSPECTION

~~**42-4-301. Official safety inspection stations. (Repealed)**~~

~~Repealed, effective July 1, 1984.~~

~~**42-4-302. Periodic inspections required. (Repealed)**~~

~~Repealed, effective July 1, 1984.~~

~~**42-4-303. Operation of official inspection station - fees.**~~

~~(Repealed)~~

~~Repealed, effective July 1, 1984.~~

~~**42-4-304. Improper representation of official station. (Repealed)**~~

~~Repealed, effective July 1, 1984.~~

~~**42-4-305. False certificates - penalties. (Repealed)**~~

~~Repealed, effective July 1, 1984.~~

~~**42-4-306. Spot inspections by Colorado state patrol. (Repealed)**~~

~~Repealed, effective July 1, 1983.~~

42-4-301. [Formerly 42-4-306.5] Legislative declarations - enactment of enhanced emissions program not waiver of state right to challenge authority to require specific loaded mode transient dynamometer technology in automobile emissions testing. (1) The general assembly hereby finds and declares that ~~sections 42-4-306.5 to 42-4-316~~ SECTIONS 42-4-301 TO 42-4-316 are enacted pursuant to, and that the program created by said sections is designed to meet, the requirements of the federal "Clean Air Act", as amended by the federal "Clean Air Act Amendments of 1990", 42 U.S.C. sec. 7401 et seq., as the same is in effect on November 15, 1990.

(2) (a) The general assembly further finds and declares that:

(I) The provisions of ~~sections 42-4-306.5 to 42-4-316~~ SECTIONS 42-4-301 TO 42-4-316 related to the enhanced emissions program are enacted to comply with administrative requirements of rules and regulations of the federal environmental protection agency;

(II) Insofar as such rules and regulations require the use of loaded mode transient dynamometer technology utilizing a system commonly known as the IM 240 in motor vehicle emissions testing, the general assembly finds that reliable scientific data questions the effectiveness of such technology to measure motor vehicle emissions at the high altitude of the Denver metropolitan area;

(III) Less costly automobile emission testing systems may be available which are as effective or more effective at a lower cost to consumers than the loaded mode transient dynamometer test required by the federal environmental protection agency.

(b) (I) The general assembly, therefore, declares that the

enactment of ~~sections 42-4-306.5 to 42-4-316~~ SECTIONS 42-4-301 TO 42-4-316 in no way forecloses or limits the rights of the general assembly or any other appropriate entity of the state of Colorado to retain legal counsel as provided by law to request the federal environmental protection agency to consider alternative automobile emission inspection technology which may relieve Colorado of the requirements of the federal rules and regulations or change such rules and regulations to require a different technology in automobile emissions testing at a substantial savings in cost to consumers and jobs for Coloradans employed in the testing of motor vehicles for emissions compliance.

(II) If the federal agency refuses to alter its policies related to this issue, the general assembly hereby declares that it or any other appropriate entity of the state of Colorado does not waive the right to bring appropriate legal action in a court of competent jurisdiction to determine the validity of the federal environmental protection agency's authority to require the use of the loaded mode transient dynamometer test for automobile emissions inspection commonly known as the IM 240 when such requirement may be in excess of the federal agency's authority under the federal "Clean Air Act Amendments of 1990".

42-4-302. [Formerly 42-4-306.6] Commencement of basic emissions program - authority of commission. Notwithstanding the provisions of ~~sections 42-4-306.5 to 42-4-316~~ SECTIONS 42-4-301 TO 42-4-316, if the commission is unable to implement the basic emissions program by January 1, 1994, the commission by rule and regulation shall establish the date for the commencement of said program as soon as practicable after January 1, 1994, and the provisions of ~~sections 42-4-306.5 to 42-4-316~~ SECTIONS 42-4-301 TO 42-4-316 applicable to the basic emissions program shall be effective on and after the date determined by the commission by rule and regulation. Until such date, emission inspection activity in El Paso, Larimer, and Weld counties shall comply with the requirements applicable to inspection and readjustment stations in ~~sections 42-4-306.5 to 42-4-316~~ SECTIONS 42-4-301 TO 42-4-316, and El Paso, Larimer, and Weld counties shall be deemed to continue to be included in the inspection and readjustment program until implementation of the basic emissions program by the commission pursuant to this section.

42-4-303. [Formerly 42-4-306.7] Sunrise review of registration of repair facilities - repeal. (1) The general assembly recognizes that in order to comply with the federal act, effective January 1, 1994, various provisions of ~~sections 42-4-306.5 to 42-4-316~~ SECTIONS 42-4-301 TO 42-4-316 must contain requirements for the voluntary registration of repair facilities. The general assembly further recognizes that the appropriate statutory procedure for the licensing of new occupations and professions under section 24-34-104.1, C.R.S., requires such proposals to be reviewed by the joint sunrise and sunset review

committee prior to consideration by the general assembly. Therefore, since such registration provisions are not effective until January 1, 1995, such provisions shall be reviewed by the joint sunrise and sunset review committee as provided in this section and section 24-34-104.1, C.R.S.

(2) Notwithstanding the provisions of section 24-34-104.1, C.R.S., the joint sunrise and sunset review committee of the general assembly is directed to request that the department of regulatory agencies, pursuant to the provisions of section 24-34-104.1 (3) and (4), C.R.S., conduct an analysis and evaluation of the registration provisions contained in ~~sections 42-4-306.5 to 42-4-316~~ SECTIONS 42-4-301 TO 42-4-316 as such provisions apply to the enhanced emissions program. Such analysis and evaluation shall be completed within the time limits specified in section 24-34-104.1 (3), C.R.S. The joint sunrise and sunset review committee of the general assembly shall make findings and recommendations with respect to such registration requirements to the second regular session of the fifty-ninth general assembly for consideration, and any action taken by the general assembly acting by bills shall be made effective prior to January 1, 1995.

(3) This section is repealed, effective July 1, 1996.

42-4-304. [Formerly 42-4-307] Definitions relating to automobile inspection and readjustment program - repeal. As used in ~~sections 42-4-306.5 to 42-4-316~~ SECTIONS 42-4-301 TO 42-4-316, unless the context otherwise requires:

(1) "AIR program" or "program" means the automobile inspection and readjustment program until replaced as provided in ~~sections 42-4-306.5 to 42-4-316~~ SECTIONS 42-4-301 TO 42-4-316, the basic emissions program, and the enhanced emissions program established pursuant to ~~sections 42-4-306.5 to 42-4-316~~ SECTIONS 42-4-301 TO 42-4-316.

(2) "Basic emissions program" means the inspection and readjustment program established pursuant to the federal act on January 1, 1994, in the counties of El Paso, Larimer, and Weld, as described in ~~subsection (18)~~ SUBSECTION (20) of this section.

(3) (a) "Certification of emissions control" means one of the following certifications, to be issued to the owner of a motor vehicle which is subject to the automobile inspection and readjustment program to indicate the status of inspection requirement compliance of said vehicle:

(I) "Certification of emissions waiver", indicating that the emissions of other than chlorofluorocarbons from the vehicle do not comply with the applicable emissions standards and criteria after inspection, adjustment, and emissions-related repairs in accordance with ~~section 42-4-312~~ SECTION 42-4-310.

(II) "Certification of emissions compliance", indicating that the emissions from said vehicle comply with applicable emissions and opacity standards and criteria at the time of inspection or after required adjustments or repairs.

(b) (I) On or after October 1, 1989, the certification of emissions control will be issued to the vehicle owner at the time of sale or transfer. The certification of emissions control will be in effect for twenty-four months for 1982 and newer model vehicles as defined in ~~section 42-3-105 (3)~~ SECTION 42-3-106 (3). Except as provided in paragraph (c) of this subsection (3), 1981 and older model vehicles and all vehicles inspected by the fleet-only air inspection stations shall be issued certifications of emissions control valid for twelve months.

(II) Except as provided in paragraph (c) of this subsection (3) and in ~~section 42-4-311~~ SECTION 42-4-309, a biennial inspection schedule shall be established for 1982 and newer model vehicles and an annual schedule shall be established for 1981 and older model vehicles.

(c) Effective September 1, 1991, a certification of emissions control which has been issued for any motor vehicle which is registered as a collector's item under the provisions of ~~section 42-15-102~~ SECTION 42-12-102 and which is of model year 1960 or later shall be valid until such motor vehicle is sold or transferred.

(d) On and after January 1, 1995, the certification of emissions control shall be obtained by the seller and transferred to the new owner at the time of vehicle sale or transfer.

(4) "Commission" means the air quality control commission, created in section 25-7-104, C.R.S.

(5) "Contractor" means any person, partnership, entity, or corporation that is awarded a contract or service agreement by the state of Colorado through a competitive bid process conducted by the division in consultation with the executive director and in accordance with the "Procurement Code", articles 101 to 112 of title 24, C.R.S., and ~~section 42-4-309~~ SECTION 42-4-306, to provide inspection services for vehicles required to be inspected pursuant to ~~section 42-4-312~~ SECTION 42-4-310 within the enhanced program area, as set forth in paragraph (b) of ~~subsection (18)~~ SUBSECTION (20) of this section, and to operate enhanced inspection centers necessary to perform inspections. Any such contractor shall establish new enhanced inspection centers and shall update existing technical centers in the enhanced program area to the same level of inspection technology as enhanced inspection centers.

(6) "Division" means the division of administration in the

department of health.

(7) "Emissions inspector" means:

(a) An individual trained and licensed in accordance with ~~section 42-4-310~~ SECTION 42-4-308 to inspect motor vehicles at an inspection-only facility, fleet inspection station, or motor vehicle dealer test facility subject to the enhanced emissions program set forth in this part 3; or

(b) An individual employed by an enhanced inspection center who is authorized by the contractor to inspect motor vehicles subject to the enhanced emissions program set forth in this part 3 and subject to the direction of said contractor.

(8) "Emissions mechanic" means an individual licensed in accordance with ~~section 42-4-310~~ SECTION 42-4-308 to inspect and adjust motor vehicles subject to the automobile inspection and readjustment program until such program is replaced as provided in ~~sections 42-4-306.5 to 42-4-316~~ SECTIONS 42-4-301 TO 42-4-316 and to the basic emissions program after such replacement.

(9) (a) "Enhanced emissions program" means, effective January 1, 1995, the emissions inspection program established pursuant to the federal requirements set forth in the federal performance standards, 40 C.F.R., part 51, subpart S, in the counties of Adams, Arapahoe, Douglas, and Jefferson and the city and county of Denver, as set forth in paragraphs (b) and (c) of ~~subsection (18)~~ SUBSECTION (20) of this section.

(b) Effective July 1, 1995, "enhanced emissions program" shall include Boulder county.

(10) "Enhanced inspection center" means a strategically located, single- or multi-lane, high-volume, inspection-only facility operated in the enhanced emissions program area by a contractor not affiliated with any other automotive-related service, which meets the requirements of ~~sections 42-4-308 and 42-4-309~~ SECTIONS 42-4-305 AND 42-4-306, which is equipped to enable vehicle exhaust gas and evaporative and chlorofluorocarbon emissions inspections, and which the owner or operator is authorized to operate by the executive director as an inspection-only facility.

(11) "Environmental protection agency" means the federal environmental protection agency.

(12) "Executive director" means the executive director of the department of revenue or the designee of such executive director.

(13) "Federal act" means the federal "Clean Air Act", 42

U.S.C. sec. 7401 et seq., as in effect on November 15, 1990, and any federal regulation promulgated pursuant to said act.

(14) "Federal requirements" means regulations of the environmental protection agency pursuant to the federal act.

(15) "Fleet inspection station" means a facility which meets the requirements of ~~section 42-4-310~~ SECTION 42-4-308, which is equipped to enable appropriate emissions inspections as prescribed by the commission and which the owner or operator is licensed to operate by the executive director as an inspection station for purposes of emissions testing on vehicles pursuant to ~~section 42-4-311~~ SECTION 42-4-309.

(16) "Inspection and readjustment station" means:

(a) (I) A facility which meets the requirements of ~~section 42-4-310~~ SECTION 42-4-308 and which is so equipped as to enable a vehicle exhaust gas emissions inspection and any necessary adjustments to be performed and at which facility the owner or operator is licensed by the executive director to operate an inspection and readjustment station. Said term shall include, unless otherwise stated, a "fleet inspection and readjustment station", so equipped, at which facility the operator is licensed pursuant to ~~section 42-4-311~~ SECTION 42-4-309 to operate an inspection and readjustment station to inspect the fleet of vehicles.

(II) (A) This paragraph (a) shall not apply, effective January 1, 1994, in the counties of El Paso, Larimer, and Weld.

(B) This paragraph (a) shall not apply, effective January 1, 1995, in the counties of Adams, Arapahoe, Douglas, and Jefferson, and the city and county of Denver.

(C) This paragraph (a) is repealed, effective July 1, 1995.

(b) (I) A facility within the basic emissions program area as defined in ~~subsection (18)~~ SUBSECTION (20) of this section which meets the requirements of ~~section 42-4-310~~ SECTION 42-4-308, which is equipped to enable vehicle exhaust, evaporative, and chlorofluorocarbon emissions inspections and any necessary adjustments and repairs to be performed, and which facility the owner or operator is licensed by the executive director to operate as an inspection and readjustment station.

(II) This paragraph (b) is effective January 1, 1994.

~~(16.5) (a)~~ (17) (a) "Inspection-only facility" means a facility operated by an independent owner-operator within the enhanced program area as defined in ~~subsection (18)~~ SUBSECTION (20) of this section which meets the requirements of ~~section~~

~~42-4-310~~ SECTION 42-4-308 and which is equipped to enable vehicle exhaust, evaporative, and chlorofluorocarbon emissions inspections and which facility the operator is licensed to operate by the executive director as an inspection-only facility. Such inspection-only facility shall be authorized to conduct inspections on model year 1980 and older vehicles.

(b) This ~~subsection (16.5)~~ SUBSECTION (17) is effective January 1, 1995.

~~(17)~~ (18) "Motor vehicle", as applicable to the AIR program, includes only a motor vehicle which is operated with four wheels or more on the ground, self-propelled by a spark ignited engine burning gasoline, gasoline blends, gaseous fuel, blends of liquid gasoline and gaseous fuels, alcohol, alcohol blends, or other similar fuels, having a personal property classification of A, B, or C pursuant to ~~section 42-3-105~~ SECTION 42-3-106, and for which registration in this state is required for operation on the public roads and highways or which motor vehicle is owned or operated or both by a nonresident who meets the requirements set forth in ~~section 42-4-312 (1) (b.5)~~ SECTION 42-4-310 (1) (c). "Motor vehicle" does not include vehicles registered pursuant to ~~section 42-3-123 (11) or 42-3-128~~ SECTION 42-3-134 (12) OR 42-3-138 or vehicles registered pursuant to ~~section 42-15-102~~ SECTION 42-12-102 which are of model year 1959 or earlier or which have two-stroke cycle engines manufactured prior to 1980.

~~(17.5) (a)~~ (19) (a) "Motor vehicle dealer test facility" means a stationary or mobile facility which is operated by a state trade association for motor vehicle dealers which is licensed to operate by the executive director as a motor vehicle dealer test facility to conduct emissions inspections.

(b) (I) Inspections conducted pursuant to ~~section 42-4-311 (3)~~ SECTION 42-4-309 (3) by a motor vehicle dealer test facility shall only be conducted on used motor vehicles inventoried or consigned in this state for retail sale by a motor vehicle dealer licensed pursuant to article 6 of title 12, C.R.S., and which is a member of the state trade association operating the motor vehicle dealer test facility.

(II) Inspection procedures used by a motor vehicle dealer test facility pursuant to this paragraph (b) shall include a loaded mode transient dynamometer test cycle in combination with appropriate idle short tests pursuant to rules and regulations of the commission.

~~(18) (a)~~ (20) (a) "Program area" means the counties of Adams, Arapahoe, Boulder, Douglas, El Paso, Jefferson, Larimer, and Weld and the city and county of Denver, excluding the following areas:

(I) That portion of Adams county which is east of Kiowa creek (Range 62 West, Townships 1, 2, and 3 South) between the Adams-Arapahoe county line and the Adams-Weld county line;

(II) That portion of Arapahoe county which is east of Kiowa creek (Range 62 West, Townships 4 and 5 South) between the Arapahoe-Elbert county line and the Arapahoe-Adams county line;

(III) That portion of El Paso county which is east of the following boundary, defined on a south-to-north axis: From the El Paso-Pueblo county line north (upstream) along Chico creek (Ranges 63 and 64 West, Township 17 South) to Hanover road, then east along Hanover road (El Paso county route 422) to Peyton highway, then north along Peyton highway (El Paso county route 463) to Falcon highway, then west on Falcon highway (El Paso county route 405) to Peyton highway, then north on Peyton highway (El Paso county route 405) to Judge Orr road, then west on Judge Orr road (El Paso county route 108) to Elbert road, then north on Elbert road (El Paso county route 91) to the El Paso-Elbert county line;

(IV) That portion of Larimer county which is west of the boundary defined on a north-to-south axis by Range 71 West and that portion which is north of the boundary defined on an east-to-west axis by Township 10 North;

(V) That portion of Weld county which is outside the corporate boundaries of Greeley, Evans, La Salle, and Garden City and, in addition, is outside the following boundary: Beginning at the point of intersection of the west boundary line of section 21, township six north, range sixty-six west and state highway 392, east along state highway 392 to the point of intersection with Weld county road 37; then south along Weld county road 37 to the point of intersection with Weld county road 64; then east along Weld county road 64 to the point of intersection with Weld county road 43; then south along Weld county road 43 to the point of intersection with Weld county road 62; then east along Weld county road 62 to the point of intersection with Weld county road 49; then south along Weld county road 49 to the point of intersection with the south boundary line of section 13, township five north, range sixty-five west; then west along the south boundary line of section 13, township five north, range sixty-five west, section 14, township five north, range sixty-five west, and section 15, township five north, range sixty-five west; then, from the southwest corner of section 15, township five west, range sixty-five west, south along the east boundary line of section 21, township five north, range sixty-five west, and section 28, township five north, range sixty-five west; then west along the south boundary line of section 28, township five north, range sixty-five west; then south along the east boundary line of section 32, township five north, range sixty-five west, and section 5, township four north, range sixty-five west; then west

along the south boundary line of section 5, township four north, range sixty-five west, section 6, township four north, range sixty-five west, and section 1, township four north, range sixty-six west; then north along the west boundary line of section 1, township four north, range sixty-six west, and section 36, township five north, range sixty-six west; then, from the point of intersection of the west boundary line of section 36, township five north, range sixty-six west and Weld county road 52, west along Weld county road 52 to the point of intersection with Weld county road 27; then north along Weld county road 27 to the point of intersection with the south boundary line of section 18, township five north, range sixty-six west; then west along the south boundary line of section 18, township five north, range sixty-six west, section 13, township five north, range sixty-seven west, and section 14, township five north, range sixty-seven west; then north along the west boundary line of section 14, township five north, range sixty-seven west, section 11, township five north, range sixty-seven west, and section 2, township five north, range sixty-seven west; then east along the north boundary line of section 2, township five north, range sixty-seven west, section 1, township five north, range sixty-seven west, section 6, township five north, range sixty-six west, and section 5, township five north, range sixty-six west; then, from the northeast corner of section 5, township five north, range sixty-six west, north along the west boundary line of section 33, township six north, range sixty-six west, section 28, township six north, range sixty-six west, and section 21, township six north, range sixty-six west, to the point of beginning.

(b) Effective January 1, 1994, the basic emissions program area shall consist of the counties of El Paso, Larimer, and Weld as described in paragraph (a) of this ~~subsection (18)~~ SUBSECTION (20).

(c) (I) Effective January 1, 1995, the enhanced emissions program area shall consist of the counties of Adams, Arapahoe, Douglas, and Jefferson and the city and county of Denver as described in paragraph (a) of this ~~subsection (18)~~ SUBSECTION (20).

(II) Effective July 1, 1995, Boulder county shall be incorporated into the enhanced emissions program area.

(III) Only those counties included in the basic emissions program area pursuant to paragraph (b) of this ~~subsection (18)~~ SUBSECTION (20) as described in paragraph (a) of this ~~subsection (18)~~ SUBSECTION (20) which violate national ambient air quality standards for carbon monoxide or ozone as established by the environmental protection agency may, on a case-by-case basis, be incorporated into the enhanced emissions program by final order of the commission.

~~(19)~~ (21) "Registered repair facility or technician" means an automotive repair business which has registered with the division, agrees to have its emissions-related cost effectiveness monitored based on inspection data, and is periodically provided performance statistics for the purpose of improving emissions-related repairs. Specific repair effectiveness information shall subsequently be provided to motorists at the time of inspection failure.

~~(20)~~ (22) "State implementation plan" or "SIP" means the plan required by and described in section 110 (a) of the federal act.

~~(20.5)~~ (23) "Technical center" means any facility operated by the division or its designee to support AIR program activities including but not limited to licensed emissions inspectors or emissions mechanics, motorists, repair technicians, or small business technical assistance.

~~(21)~~ (24) "Verification of emissions test" means a certificate to be attached to a motor vehicle's windshield verifying that the vehicle has been issued a valid certification of emissions control.

42-4-305. [Formerly 42-4-308] Powers and duties of executive director - automobile inspection and readjustment program - basic emissions program - enhanced emissions program. (1) The executive director is authorized to issue, deny, cancel, suspend, or revoke licenses for, and shall furnish instructions to, inspection and readjustment stations, inspection-only facilities, fleet inspection stations, motor vehicle dealer test facilities, and enhanced inspection centers. The executive director shall provide all necessary forms for inspection and readjustment stations, inspection-only facilities, and fleet inspection stations. Motor vehicle dealer test facilities and enhanced inspection centers shall purchase necessary inspection forms from the vendor or vendors identified by the executive director. Said inspection and readjustment stations, inspection-only facilities, fleet inspection stations, motor vehicle dealer test facilities, and enhanced inspection centers shall be responsible for the issuance of certifications of emissions control. The executive director is authorized to furnish forms and instructions and issue or deny licenses to, or cancel, suspend, or revoke licenses of, emissions inspectors and emissions mechanics. The initial biennial fee for an inspection and readjustment station license, an inspection-only facility license, a fleet inspection station license, a motor vehicle dealer test facility license, and an enhanced inspection center authorization shall be thirty-five dollars, and the biennial renewal fee shall be twenty dollars. The initial biennial fee for issuance of an emissions inspector license or an emissions mechanic license shall be fifteen dollars, and the biennial

renewal fee shall be ten dollars. The fee for each transfer of an emissions inspector license or an emissions mechanic license shall be ten dollars. The moneys received from such fees shall be deposited to the credit of the AIR account in the highway users tax fund, and such moneys shall be expended by the department of revenue only for the administration of the inspection and readjustment program upon appropriation by the general assembly.

(2) The executive director shall supervise the activities of licensed inspection and readjustment stations, inspection-only facilities, fleet inspection stations, motor vehicle dealer test facilities, authorized enhanced inspection centers, licensed emissions inspectors, and licensed emissions mechanics and shall cause inspections to be made of such stations, facilities, centers, inspectors, and mechanics and appropriate records for compliance with licensing requirements.

(3) The executive director shall require the surrender of any license issued under ~~section 42-4-310~~ SECTION 42-4-308 upon cancellation, suspension, or revocation action taken for a violation of any of the provisions of ~~sections 42-4-306.5 to 42-4-316~~ SECTIONS 42-4-301 TO 42-4-316 or of any of the regulations promulgated pursuant thereto. In any such actions affecting licenses, the executive director may conduct hearings as a result of which such action is to be taken. Any such hearing may be conducted by a hearing officer appointed at the request of the executive director in accordance with the "State Administrative Procedure Act", article 4 of title 24, C.R.S., which shall govern the conduct of such hearings and action on said licenses, except as provided in ~~section 42-4-314 (4)~~ SECTION 42-4-312 (4).

(4) The executive director shall promulgate rules and regulations consistent with those of the commission for the administration and operation of inspection and readjustment stations, inspection-only facilities, fleet inspection stations, motor vehicle dealer test facilities, and enhanced inspection centers and for the issuance, identification, and use of certifications of emissions control and shall promulgate such rules and regulations as may be necessary to the effectiveness of the automobile inspection and readjustment program.

(5) The executive director shall promulgate rules and regulations which require that each licensed inspection and readjustment station, inspection-only facility, or enhanced inspection center post in a clearly legible fashion in a conspicuous place in such station, facility, or center the fee charged by such station, facility, or center for performing an emissions inspection and, within the basic program area, the fee charged by any such inspection and readjustment station for performing the adjustments and any repairs required for the issuance of a certification of emissions waiver.

(6) (a) The executive director shall promulgate such rules and regulations as may be necessary to implement an ongoing quality assurance program to discover, correct, and prevent fraud, waste, and abuse and to determine whether proper procedures are being followed, whether the emissions test equipment is calibrated as specified, and whether other problems exist which would impede the success of the program.

(b) Overt performance audits shall be conducted as follows:

(I) Every ninety days at each inspection and readjustment station, inspection-only facility, and motor vehicle dealer test facility;

(II) Every ninety days at each fleet inspection station;

(III) Every ninety days for each test lane at each enhanced inspection center.

(c) Covert audits using unmarked motor vehicles shall be conducted as follows:

(I) Once per year at each inspection and readjustment station;

(II) At least twice per year for each test lane at each inspection-only facility and enhanced inspection center to include observation of inspector performance.

(d) Record audits to review the performance of inspection-only facilities, motor vehicle dealer test facilities, and enhanced inspection centers, including compliance with record-keeping and reporting requirements, shall be performed on a monthly basis.

(e) Equipment audits shall be performed to verify quality control and calibration of the required test equipment as follows:

(I) Twice per year at each inspection and readjustment station;

(II) Every ninety days for each test lane at each inspection-only facility, motor vehicle dealer test facility, and enhanced inspection center to be done contemporaneously with the overt performance audit;

(III) Once per year at each fleet inspection station.

(f) The executive director shall transfer quality assurance activity results to the department of health at least quarterly.

(7) The executive director shall implement and enforce the

emissions test requirements as prescribed in ~~section 42-4-312~~ SECTION 42-4-310 by utilizing a registration denial-based enforcement program as required in the federal act including an electronic data transfer of inspection data through the use of a computer modem or similar technology for vehicle registration and program enforcement purposes. All inspection data generated at licensed inspection and readjustment stations, inspection-only facilities, fleet inspection stations, motor vehicle dealer test facilities, and enhanced inspection centers shall be provided to the department of health on a timely basis.

(8) ~~(a)~~ The executive director shall, by regulation, establish a method for the owners of motor vehicles which are exempt pursuant to ~~section 42-4-307 (18)~~ SECTION 42-4-304 (20) from the AIR program to establish their entitlement to such exemption. No additional fee or charge for establishing entitlement to such exemption shall be collected by the department.

~~(b) Repealed, L. 84, p. 1080, § 1, effective July 1, 1984.~~

~~(8.1) Repealed, L. 84, p. 1080, § 1, effective July 1, 1984.~~

(9) The executive director shall be responsible for the issuance of certifications of emissions waiver as prescribed by ~~section 42-4-312~~ SECTION 42-4-310 and shall be responsible for the resolution of all formal public complaints concerning test results or test requirements in the most convenient and cost-effective manner possible.

(10) (a) The executive director and the department of health are authorized to enter into a contract or service agreement with a contractor to provide inspection services at enhanced inspection centers for vehicles within the enhanced program area required to be inspected pursuant to ~~section 42-4-312~~ SECTION 42-4-310. Any such contract or service agreement shall include such terms and conditions as are necessary to ensure that the contractor shall operate enhanced inspection centers in accordance with the requirements of this article and the federal act, shall include provisions establishing liquidated damages and penalties for failure to comply with the terms and conditions of the contract, and shall be in accordance with regulations adopted by the commission and the department of revenue. Any such contract or service agreement shall include provisions specifying that inspection and readjustment stations, inspection-only facilities, fleet inspection stations, and motor vehicle dealer test facilities shall have complete access to electronic data transfer of inspection data through computer services of the contractor at a cost equal to that of enhanced inspection centers.

(b) Upon the approval of the executive director and the department of health, the contractor shall provide inspection services for vehicles within the enhanced program area required to be inspected pursuant to ~~section 42-4-312~~ SECTION 42-4-310.

(11) The executive director shall report to the general assembly annually on the effectiveness of the quality assurance and enforcement measures contained in this section, the overall motorist compliance rates with inspections for registration denial, and the status of state implementation plan compliance pertaining to quality assurance. This annual report shall be submitted to the commission in May of each year for incorporation into appropriate annual and biennial reporting requirements. Reports shall cover the previous calendar year.

42-4-306. [Formerly 42-4-309] Powers and duties of commission - automobile inspection and readjustment program - basic emissions program - enhanced emissions program. (1) The commission shall develop and evaluate motor vehicle inspection and readjustment programs for the enhanced program area and basic program area and may promulgate such regulations as may be necessary to implement and maintain the necessary performance of said programs consistent with the federal act.

(2) The commission shall develop and formulate training and qualification programs for state-employed motor vehicle emissions compliance officers to include annual auditor proficiency evaluations.

(3) (a) (I) (A) The commission shall promulgate rules and regulations for the training, testing, and licensing of emissions inspectors and emissions mechanics and the licensing of inspection and readjustment stations, inspection-only facilities, fleet inspection stations, motor vehicle dealer test facilities, and the authorization of enhanced inspection centers; the standards and specifications for the approval, operation, calibration, and certification of exhaust gas and evaporative emissions measuring instrumentation or test analyzer systems; and the procedures and practices to ensure the proper performance of inspections, adjustments, and required repairs.

(B) Specifications adopted by the commission for exhaust gas measuring instrumentation in the program areas shall conform to the federal act and federal requirements, including electronic data transfer, and may include bar code capabilities.

(C) Upon the adoption of specifications for measuring instruments and test analyzer systems, the division in consultation with the executive director shall let bids pursuant to the "Procurement Code", articles 101 to 112 of title 24, C.R.S., for the procurement of instruments which meet federal requirements and the standards of the federal act. The invitation

for bids for test analyzer systems for the basic program and inspection-only facilities in the enhanced program shall include, but shall not be limited to, the requirements for data collection and electronic transfer of data as established by the commission, service and maintenance requirements for such instruments for the period of the contract, requirements for replacement or loan instruments in the event that the purchased or leased instruments do not function, and the initial purchase or lease price. In no event shall the contract for the purchase of such instruments extend beyond December 31, 2001.

(II) Points of no greater than five percent shall be assigned to those respondents that make the greatest use of Colorado goods, services, and the participation of small business. Licensed inspection and readjustment stations, inspection-only facilities, fleet inspection stations, and motor vehicle dealer test facilities, if applicable, which are required to purchase commission-approved test analyzer systems shall purchase them pursuant to the bid procedure of the department of administration.

(III) Mobile test analyzer systems for motor vehicle dealer test facilities shall comply with commission specifications developed pursuant to subparagraph (I) of this paragraph (a).

(b) (I) For the enhanced emissions program, the commission shall develop system design standards, performance standards, and contractor requirements. Upon the adoption of such criteria, an open competitive request for proposals shall be issued by the division in consultation with the executive director according to established procedures and protocol to establish a contract for the design, construction, equipment, maintenance, and operation of enhanced inspection centers to serve affected motorists. The request for proposals shall include, but shall not be limited to, such criteria as bidders' qualifications and experience in providing emissions inspection services, financial and personnel resources available for start-up, technical or management expertise, and capacity to satisfy such requirements for the life of the contract.

(II) Inspection procedures, equipment calibration and maintenance, and data storage and transfer shall comply with federal requirements and may include bar code capability. The system shall provide reasonable convenience to the public.

(III) Points of no greater than five percent shall be assigned to those respondents who make the greatest use of Colorado goods, services, and participation of small businesses.

(IV) In no event shall the contract for inspection services extend beyond December 31, 2001.

(4) (a) The commission shall develop a program to train and

examine all applicants for an emissions inspector or emissions mechanic license. Training of emissions inspectors who are employed at enhanced inspection centers within the enhanced emissions program area shall be administered by the contractor subject to the commission's oversight. Emissions mechanic training shall be performed by instructors certified in accordance with commission requirements. Training classes shall be funded by tuition charged to the participants unless private or federal funds are available for such training. The qualifications and licensing examination for emissions inspectors, excluding such inspectors at enhanced inspection centers, who shall be authorized by and under the direction of the contractor, shall include a test of the applicant's knowledge of the technical and legal requirements for emissions testing, knowledge of data and emissions testing systems, and an actual demonstration of the applicant's ability to perform emissions inspection procedures.

(b) Emissions inspector and emissions mechanic licenses shall expire two years after issuance. The commission shall establish technical standards for renewing emissions inspector and emissions mechanic licenses to include requirements for retraining on a biennial schedule.

(c) The commission shall establish minimum performance criteria for licensed emissions inspectors and emissions mechanics.

(5) The commission shall perform its duties, as provided in ~~sections 42-4-306.5 to 42-4-316~~ SECTIONS 42-4-301 TO 42-4-316, with the cooperation and aid of the division.

(6) (a) The commission shall develop and adopt, and may from time to time revise, regulations providing inspection procedures for detection of tampering with emissions-related equipment and on-board diagnostic systems and emissions standards for vehicle exhaust and evaporative gases, the detection of chlorofluorocarbons, and smoke opacity, as prescribed in ~~section 18-13-110, C.R.S.~~ SECTION 42-4-412, with which emissions standards vehicles inspected in accordance with ~~section 42-4-312~~ SECTION 42-4-310 would be required to comply prior to issuance of certification of emissions compliance. Such inspection procedures and emissions standards shall be proven cost-effective and air pollution control-effective on the basis of detailed research conducted by the department of health in accordance with section 25-7-130, C.R.S., and shall be designed to assure compliance with the federal act, federal requirements, and the state implementation plan. Emissions standards shall be established for carbon monoxide, exhaust and evaporative hydrocarbons, oxides of nitrogen, and chlorofluorocarbons.

(b) (I) The commission shall adopt regulations which provide standards for motor vehicles and shall adopt by December

1 of each subsequent year standards for motor vehicles of one additional model year.

(II) Standards for carbon monoxide, exhaust and evaporative hydrocarbons, and oxides of nitrogen shall be no more stringent than those established pursuant to the federal act and federal requirements.

(c) The commission shall recommend to the general assembly no later than December 1, 1998, adjustment or repair procedures to be followed for motor vehicles of the model year 1984 or a later model year which do not meet the applicable emissions standards. Notwithstanding the provisions of subsection (7) of this section, such recommended procedures may require the replacement or repair of emissions control components of such motor vehicles.

(d) Test procedures may authorize emissions inspectors or emissions mechanics to refuse testing of a vehicle that would be unsafe to test or that cannot physically be inspected, as specified by the commission; except that refusal to test a vehicle for such reasons shall not excuse or exempt such vehicle from compliance with all applicable requirements of this part 3.

(7) (a) The commission shall by regulation require the owner of a motor vehicle for which a certification of emissions control is required to obtain such certification. Such regulation shall provide:

(I) That a certification of emissions compliance be issued for the vehicle if, at the time of inspection or, after completion of required adjustments or repairs, the exhaust and evaporative gases and visible emissions from said vehicle comply with the applicable emissions standards adopted pursuant to subsection (6) of this section, and that applicable emissions control equipment and diagnostic systems are intact and operable, and, for model year 1995 and later vehicles, compliance with each applicable emissions-related recall campaign, or remedial action, as defined by the federal act, has been demonstrated.

(II) (A) That a certification of emissions waiver be issued for the motor vehicle if, at the time of inspection, the exhaust gas or evaporative emissions from said vehicle do not comply with the applicable emissions standards but said vehicle is adjusted or repaired by a registered repair technician or at a registered repair facility within the enhanced program area, or at a licensed inspection and repair station within the basic program area, whichever is appropriate, to motor vehicle manufacturer specifications and repair procedures as provided by regulation of the commission.

(B) Such specifications shall require that such motor

vehicles be retested for exhaust gas emissions and evaporative emissions, if applicable, after such adjustments or repairs are performed, but, except as provided in ~~section 42-4-312 (1) (c)~~ SECTION 42-4-310 (1) (d), no motor vehicle shall be required to receive additional repairs, maintenance, or adjustments beyond such specifications or repairs following such retest as a condition for issuance of a certification of emissions waiver.

(C) A time extension not to exceed the period of one inspection cycle may be granted in accordance with commission regulation to obtain needed repairs on a vehicle in the case of economic hardship when waiver requirements pursuant to commission regulation have not been met, but such extension may be granted only once per vehicle.

(D) Notwithstanding any provisions of this section, a temporary certificate of emissions control may be issued by state AIR program personnel for vehicles required to be repaired, if such repairs are delayed due to unavailability of needed parts.

(E) The results of the initial test, retests, and final test shall be given to the owner of the motor vehicle.

(F) The issuance of temporary certificates shall be entered into the main computer data base for the AIR program through the use of electronic records.

(G) The commission is authorized to reduce the emissions-related repair expenditure limit established in ~~section 42-4-312 (1) (c) (III)~~ SECTION 42-4-310 (1) (d) (III) for hydrocarbons and oxides of nitrogen if applicable federal requirements are met, and the environmental protection agency has approved a maintenance plan submitted by the state to ensure continued compliance with such federal requirements.

~~(b) Repealed, L. 84, p. 1080, § 1, effective July 1, 1984.~~

~~(c)~~ (b) (I) The commission shall by regulation provide that no vehicle shall be issued a certificate of emissions compliance or waiver if emissions control equipment and diagnostic or malfunction indicator systems, including microprocessor control systems, are not present, intact, and operational, if repairs were not appropriate and did not address the reason for the emissions failure, or if the vehicle emits visible smoke.

(II) The commission shall provide by regulation that no model year 1995 or later vehicle shall be issued a certificate of emissions control unless compliance with each applicable emissions-related recall campaign or remedial action, as defined in the federal act, has been demonstrated.

~~(7.1) Repealed, L. 84, p. 1080, § 1, effective July 1, 1984.~~

(8) The commission may exempt motor vehicles of any make, model, or model year from the periodic inspection requirements of ~~section 42-4-312~~ SECTION 42-4-310.

(9) (a) (I) The commission shall continuously evaluate the entire AIR program to ensure compliance with the state implementation plan and federal law. Such evaluation shall be based on continuing research conducted by the department of health in accordance with section 25-7-130, C.R.S. Such evaluation shall include assessments of the cost-effectiveness and air pollution control-effectiveness of the program. The commission shall submit such evaluation and any recommendations for changes in the program to the general assembly by July 1 of each year, and the general assembly shall annually review such evaluation and recommendations and the program.

(II) The commission shall establish on a case-by-case basis and pursuant to final order any area of a county included in the basic emissions program area pursuant to ~~section 42-4-307 (2)~~ SECTION 42-4-304 (2) which shall be incorporated into the enhanced emissions program because it violates national ambient air quality standards on or after January 1, 1996, as established by the environmental protection agency.

(b) Such evaluation shall include a determination of the number of motor vehicles which fail to meet the applicable emissions standards after the adjustments and repairs required by subsection (7) of this section are made. If the commission finds that a significant number of motor vehicles do not meet the applicable emissions standards after such adjustments or repairs are made, the commission shall develop recommendations designed to improve the air pollution control-effectiveness of the program in a cost-effective manner and shall submit such recommendations to the general assembly as a part of the next evaluation submitted pursuant to paragraph (a) of this subsection (9).

(c) The evaluation to be submitted pursuant to this subsection (9) shall also include an assessment of the methods of controlling or reducing exhaust gas emissions from motor vehicles of the model year 1981 or a later model year which are equipped with microprocessor-based emissions control systems and on-board diagnostic systems. Such evaluation shall include, if necessary for such motor vehicles, the development of more accurate alternative procedures to include the adjustments and repairs specified in subparagraph (II) of paragraph (a) of subsection (7) of this section, and such alternative procedures may require the replacement of inoperative or malfunctioning emissions control components. Such alternative procedures shall be designed to

achieve control of emissions from such motor vehicles which is equivalent to or greater than the control performance level provided by performance standards established pursuant to the federal act.

(d) Such evaluation shall also include an annual assessment of in-use vehicle emissions performance levels by random testing of a representative sample of at least one-tenth of one percent of the vehicles subject to the enhanced emissions program requirements.

(10) The commission shall develop and implement, and shall revise as necessary, inspection procedures to detect tampering, poor maintenance, mis-fueling, and contamination of emissions control systems to include proper operation of on-board diagnostic systems.

(11) (a) The commission, with the cooperation of the department of health, the department of revenue, the contractor, and the owners or operators of the inspection and readjustment stations, inspection-only facilities, and motor vehicle dealer test facilities, shall implement an ongoing project designed to inform the public concerning the operation of the program and the benefits to be derived from such program.

(b) (I) The commission shall, as part of such project and with the cooperation of the department of health, the department of revenue, the contractor, and the owners or operators of the inspection and readjustment stations and inspection-only facilities prepare and cause the distribution of consumer protection information for the benefit of the owners of vehicles required to be inspected pursuant to ~~section 42-4-312~~ SECTION 42-4-310.

(II) This information shall include an explanation of the program, the owner's responsibilities under the program, the procedures to be followed in performing the inspection, the adjustments and repairs required for vehicles to pass inspection, cost expenditure limits pursuant to ~~section 42-4-312 (1) (c)~~ SECTION 42-4-310 (1) (c) for such adjustments or repairs, the availability of diagnostic information to aid repairs, and a listing of registered repair facilities and technicians, and the package may include information on other aspects of the program as the commission determines to be appropriate.

(c) In addition to distribution of such information, the commission shall actively seek the assistance of the electronic and print media in communicating such information to the public and shall utilize such other means and manners of disseminating the information as are likely to effectuate the purpose of the program.

(12) (a) The commission, with the cooperation of the executive director of the department of health, shall conduct or cause to be conducted research concerning the presence of pollutants in the ambient air, which research shall include continuous monitoring of ambient air quality and modeling of sources concerning their impacts on air quality. Such research shall identify pollutants in the ambient air which originate from motor vehicle exhaust gas emissions and shall identify, quantify, and evaluate the ambient air quality benefit derived from the automobile inspection and readjustment program, from the federal new motor vehicle exhaust emissions standards, and from changes in vehicle miles travelled due to economic or other factors. Each such evaluation shall be reported separately to assess the air pollution control-effectiveness and cost-effectiveness of the pollution control strategy.

(b) (I) The commission with the cooperation of the department of health shall cause to be conducted a pilot study of the feasibility and costs of implementing remote sensing emissions detection technology as a potential supplemental maintenance strategy for areas that have attained applicable standards. This pilot study shall be conducted in the metropolitan Greeley, Weld county area with results and recommendations to be made available in January, 1998.

(II) The executive director of the department of health is authorized to enter into an agreement with a contractor in accordance with ~~section 42-4-309.5 (11) (a)~~ SECTION 42-4-307 (10) (a) for the purchase of equipment and any assistance necessary for this study.

(13) The commission shall identify vehicle populations contributing significantly to ambient pollution inventories utilizing mobile source computer models approved by the environmental protection agency. The commission shall develop and implement more stringent or frequent, or both, inspection criteria for those vehicles with such significant pollution contributions.

(14) (a) Consistent with ~~section 42-4-308~~ SECTION 42-4-305, the commission shall promulgate technical rules and regulations governing quality control and audit procedures to be performed by the department of revenue as provided in ~~section 42-4-308~~ SECTION 42-4-305. Such regulations shall address all technical aspects of program oversight and quality assurance to include covert and overt performance audits and state implementation plan compliance.

(b) To ensure compliance with the state implementation plan and federal requirements the commission shall promulgate technical rules and regulations to address motor vehicle fleet and motor vehicle dealer inspection protocol and quality control and audit procedures.

(15) The commission shall provide for additional enforcement of the inspection programs by encouraging the adoption of local ordinances and active participation by local law enforcement personnel, parking control, and code enforcement officers against vehicles suspected to be out of compliance with inspection requirements.

(16) (a) (I) The commission shall promulgate rules and regulations governing the issuance of emissions-related repair waivers consistent with ~~section 42-4-312~~ SECTION 42-4-310.

(II) Within the enhanced program area waivers shall only be issued by authorized state personnel and enhanced inspection center personnel specifically authorized by the executive director.

(b) The issuance of all waivers shall be controlled and accountable to the main computer database for the AIR program by electronic record to ensure that maximum allowable waiver rate limits for both program types, as defined by the federal act, are not exceeded.

(17) For the enhanced emissions program, the commission shall promulgate rules and regulations establishing a network of enhanced inspection centers and inspection-only facilities within the enhanced emissions program area consistent with the following:

(a) (I) Owners, operators, and employees of enhanced inspection centers and independent inspection-only facilities within the enhanced program area are prohibited from engaging in any motor vehicle repair, service, parts sales, or the sale or leasing of motor vehicles and are prohibited from referring vehicle owners to particular providers of motor vehicle repair services; except that minor repair of components damaged by center or facility personnel during inspection at the center or facility, such as the reconnection of hoses, vacuum lines, or other measures pursuant to commission regulation that require no more than five minutes to complete, may be undertaken at no charge to the vehicle owner or operator if authorized.

(II) The operation of a motor vehicle dealer test facility shall not be considered to be engaging in any motor vehicle repair service, parts sales, or the sale or leasing of motor vehicles by a member of the state trade association operating such motor vehicle dealer test facility.

(b) Owners, operators, and employees of enhanced inspection centers shall ensure motorists and other affected parties reasonable convenience. Inspection services shall be available prior to, during, and after normal business hours on weekdays, and at least five hours on a weekend day.

(c) Owners, operators, and employees of enhanced inspection centers shall take appropriate actions, such as opening additional lanes, to avoid exceeding average motorist wait times of greater than fifteen minutes by designing optimized single- or multi-lane high-volume throughput systems.

(d) Owners or operators of enhanced inspection centers may develop, and are encouraged to develop, and implement alternate strategies including but not limited to off-peak pricing to reduce end-of-the-month wait times.

(e) (I) The network of enhanced inspection centers shall be located to provide adequate coverage and convenience. At least eighty percent of the population shall be within an average of five miles of an enhanced inspection center, and at least ninety-five percent of the population shall be within an average of twelve miles of an enhanced inspection center.

(II) Demographic studies shall be performed by the contractor or contractors, compared to that of the state demographer, and used by the commission in establishing center location requirements to ensure that siting reflects density and distribution of census populations.

(III) A separate demographic analysis shall be done for Boulder county and Douglas county. The convenience factors set forth in paragraphs (b), (c), and (d) of this subsection (17) shall be applied separately to Boulder county and Douglas county.

(IV) Local jurisdictions and the department of revenue shall be consulted to optimize demographic analysis.

(f) Within the enhanced emissions program area the commission shall provide for the operation of licensed inspection-only facilities. Applicable facility and inspector licensing, inspection procedures, and criteria shall be pursuant to rule and regulation of the commission and compliance with federal requirements. Inspection-only facilities shall be authorized to provide inspection services for all classes of motor vehicles as defined in ~~section 42-4-307 (17)~~ SECTION 42-4-304 (18) of the model year 1980 and older. Inspection-only owners or operators, or both, shall comply with paragraph (a) of this subsection (17).

(18) For the basic emissions program, inspection stations within the basic emissions program area which are licensed in accordance with ~~section 42-4-310~~ SECTION 42-4-308 may conduct inspections or provide motor vehicle repairs as well as offer emissions inspection services.

(19) The commission shall give at least sixty days' notice to the executive director prior to conducting any rule-making

hearing pursuant to this article, except where the commission finds that an emergency exists under section 24-4-103 (6), C.R.S. The executive director shall participate as a party in any such hearing. Prior to promulgating any rule under this article, the commission shall consider the potential budgetary and personnel impacts any such rule may have on the department of revenue.

(20) (a) The commission shall develop and maintain a small business technical assistance program through the automobile inspection and repair program to provide information and to aid automotive businesses and technicians. As an element of this program, the commission shall develop a voluntary program for the training of registered repair technicians, to be funded by tuition charged to the participants, unless federal or private funds are made available for such training.

(b) For the enhanced emissions program, the commission shall provide for the voluntary registration of repair facilities and repair technicians within the enhanced emissions program area. Emissions-related repair effectiveness shall be monitored and periodically reported to participating facilities and technicians. Technical assistance shall be provided to those repair technicians and repair facilities needing improvement in repair effectiveness. The commission shall require that emissions-related repair effectiveness information regarding registered repair facilities be made available to the public.

(21) (a) The commission shall investigate and develop other supplemental or alternative motor vehicle related emissions reduction strategies, including but not limited to "cash for clunkers", which may complement or enhance the performance of the AIR program. Such strategies must be creditable under the state implementation plan and be proven cost-effective.

(b) A study of a "cash for clunkers" program shall be completed no later than December 1, 1994. The results of such study shall be reported to the general assembly by January 5, 1995, for possible legislative action in the 1995 regular session of the general assembly.

(22) The commission shall develop rules and regulations with respect to emissions inspection procedures and standards of motor vehicles which operate on alternative motor fuels including but not limited to compressed natural gas, liquid petroleum gas, methanol, and ethanol. Such rules and regulations shall be developed for both the basic emissions program and the enhanced emissions program. The commission shall evaluate whether dual fuel motor vehicles should be inspected on both fuels and whether such vehicles shall be charged for one or two inspections.

42-4-307. [Formerly 42-4-309.5] Powers and duties of the department of health - division of administration - automobile

inspection and readjustment program - basic emissions program - enhanced emissions program. (1) The division shall establish and provide for the operation of a system, which may include a telephone answering service, to answer questions concerning the automobile inspection and readjustment programs from emissions inspectors, emissions mechanics, repair technicians, and the public.

(2) The division shall administer the licensing test for emissions inspectors, except for such inspectors at enhanced inspection centers, and emissions mechanics and shall oversee training.

(3) ~~(a)~~ The division shall establish and operate such technical or administrative centers as may be necessary for the proper administration and ongoing support of the automobile inspection and readjustment program, for enhanced inspection centers, for the small business technical assistance program, and for the state smoking vehicle programs provided for in ~~sections 18-13-110, C.R.S., 42-4-319, and 42-4-320~~ SECTIONS 42-4-412 TO 42-4-414, and for affected motorists. The division is authorized to enter into a contract or service agreement in accordance with paragraph (a) of ~~subsection (11)~~ SUBSECTION (10) of this section for this purpose.

~~(b) Repealed, L. 86, p. 1178, § 5, effective July 1, 1987.~~

~~(4) Repealed, L. 85, p. 1368, § 46, effective June 28, 1985.~~

~~(5)~~ (4) The division shall develop and recommend to the commission, as necessary, vehicle emissions inspection procedure requirements to ensure compliance with the state implementation plan and the federal act.

~~(6)~~ (5) The division shall identify and recommend to the commission, as necessary, revisions to vehicle eligibility and the schedule of inspection frequency.

~~(7) (a) (I)~~ (6) (a) (I) The division shall administer, in accordance with federal requirements, the on-road remote sensing program which shall include the measurement of at least five-tenths of one percent of the vehicles required to participate in the enhanced emissions program annually.

(II) Pursuant to commission rule and based on confirmatory tests at an emissions technical center which identify such vehicles as exceeding applicable emissions standards, off-cycle repairs may be required for noncomplying vehicles.

(b) Additional studies of the feasibility and

appropriateness of on-road remote sensing technology as a potential emissions control strategy shall be pursued as available funding permits.

(c) The division is authorized to enter into a contract or service agreement in accordance with paragraph (a) of subsection (11) of this section for the purpose of this ~~subsection (7)~~ SUBSECTION (6).

~~(8)~~ (7) The division shall monitor and periodically report to the commission on the performance of the mobile sources state implementation plan provisions as they pertain to the basic emissions program area and the enhanced emissions program area.

~~(9) (a)~~ (8) (a) The division shall administer the emissions inspector, emissions mechanic, and repair technician qualification and periodic requalification procedures, if applicable, and remedial training provisions in a manner consistent with department of revenue enforcement activities.

(b) The division, in consultation with the executive director, is authorized to bring enforcement actions in accordance with article 7 of title 25, C.R.S., for violations of regulations promulgated pursuant to ~~section 42-4-309~~ SECTION 42-4-306 which would cause violations of the state implementation plan.

~~(10)~~ (9) The division shall maintain inspection data from the AIR program pursuant to the federal act. Data analysis and reporting shall be submitted to the commission by the departments of health and revenue by July 1 of each year for the period of January through December of the previous year. Data analysis, state implementation plan compliance, and program performance reporting shall be submitted to the environmental protection agency by the department of health by July 1 of each year for the period of January through December of the previous year. The division shall develop and maintain the data processing system necessary for the AIR program in compliance with federal reporting requirements.

~~(11) (a)~~ (10) (a) For the enhanced emissions program, the department of health and the executive director are authorized to enter into a contract or service agreement with a contractor to provide inspection services at enhanced inspection centers for vehicles required to be inspected pursuant to ~~section 42-4-312~~ SECTION 42-4-310 within the enhanced program area. Any such contract or service agreement shall include such terms and conditions as are necessary to ensure that such contractor will operate any such enhanced inspection center in compliance with this article and the federal act. Any such contract or service agreement shall also include provisions establishing liquidated damages and penalties for failure to comply with the terms and conditions of the contract and shall be in accordance with

regulations adopted by the commission.

(b) Upon approval by the department of health and the executive director, the contractor shall provide inspection services for vehicles within the enhanced program area required to be inspected pursuant to ~~section 42-4-312~~ SECTION 42-4-310.

~~(12)~~ (11) The department of health shall conduct studies on the development, effectiveness, and cost of evolving technologies in mobile source emission inspection for consideration by March, 1994, and biennially thereafter. Such studies shall be reported to the health, environment, welfare, and institutions committees of the senate and house of representatives and to the transportation committee of the senate and to the transportation and energy committee of the house of representatives. In the event that alternative technologies become available, cost and air quality effectiveness shall be considered prior to adoption by the commission as inspection technology.

42-4-308. [Formerly 42-4-310] Inspection and readjustment stations - inspection-only facilities - fleet inspection stations - motor vehicle dealer test facilities - contractor - emissions inspectors - emissions mechanics - requirements. (1) (a) Applications for an inspection and readjustment station license, an inspection-only facility license, a fleet inspection station license, a motor vehicle dealer test facility license, an emissions inspector license, an enhanced inspection center license, or an emissions mechanic's license shall be made on forms prescribed by the executive director.

(b) No inspection and readjustment station license, inspection-only facility license, fleet inspection station license, motor vehicle dealer test facility license, or enhanced inspection center license shall be issued unless the executive director finds that the facilities of the applicant are of adequate size and properly equipped as provided in subsection (3) of this section, that a licensed inspector or emissions mechanic, whichever is applicable, is or will be available to make such inspection, and that the inspection and readjustment procedures will be properly followed based upon established performance criteria pursuant to ~~section 42-4-309 (4) (c)~~ SECTION 42-4-306 (4) (c).

(2) No inspection or adjustments shall be made pursuant to the automobile inspection and readjustment program nor certification of emissions control issued unless the owner or operator of the inspection and readjustment station, inspection-only facility, fleet inspection station, motor vehicle dealer test facility, or enhanced inspection center at which such inspection is made or such adjustments or repairs are performed as required has been issued, and is then operating under, a valid

inspection and readjustment station license, inspection-only facility license, fleet inspection station license, motor vehicle dealer test facility license, or a contract for an authorized enhanced inspection center and has one or more licensed emissions inspectors or emissions mechanics employed as required, one of whom shall have made the inspection for which said certification has been issued.

(3) No inspection and readjustment station license, inspection-only facility license, fleet inspection station license, motor vehicle dealer test facility license, or contractor's contract shall be issued or executed unless the station or contractor has proper equipment to meet licensing, facility, or contractor approval requirements. Such equipment shall include all test equipment approved by the commission to perform emissions inspections corresponding to the type of licensed or approved facility together with such auxiliary tools, equipment, and testing devices as are required by the commission by rule.

(4) (a) No emissions inspector license or emissions mechanic license shall be issued to any applicant unless said applicant has completed the required training, has demonstrated necessary skills and competence in the inspection of motor vehicles by passing the written certification test developed by the commission and administered by the department of health, and has demonstrated such skill and competence as a prerequisite to initial licensing by the department of revenue.

(b) The department of revenue shall monitor emissions inspector and emissions mechanic activities at inspection and readjustment stations, inspection-only facilities, fleet inspection stations, motor vehicle dealer test facilities, and enhanced inspection centers during periodic performance audits conducted as prescribed by ~~section 42-4-308~~ SECTION 42-4-305.

(c) An emissions inspector or emissions mechanic license may be revoked in accordance with ~~section 42-4-308~~ SECTION 42-4-305 if the licensee is not in compliance with the minimum performance criteria set forth by the commission or the department of revenue.

(d) Licenses shall be valid for two years.

(e) Emissions inspector and emissions mechanic license renewal shall be subject to the requirements set forth by the commission through rule and regulation.

~~(5) (Deleted by amendment, L. 93, p. 1953, § 17, effective July 1, 1993.)~~

42-4-309. [Formerly 42-4-311] Vehicle fleet owners - motor vehicle dealers - authority to conduct inspections - fleet inspection stations - motor vehicle dealer test facilities - contracts with licensed inspection-only entities. (1) (a) Any person in whose name twenty or more motor vehicles, required to be inspected, are registered in this state or to whom said number of vehicles are leased for a period of not less than six continuous months and who operates a motor vehicle repair garage or shop adequately equipped and manned, as required by ~~section 42-4-310~~ SECTION 42-4-308 and the rules and regulations issued pursuant thereto, may be licensed to perform said inspections as a fleet inspection station. Said inspections shall be made by licensed emissions inspectors or emissions mechanics. Such stations shall be subject to all licensing regulations and supervision applicable to inspection and readjustment stations. Fleet inspection stations shall inspect fleet vehicles in accordance with applicable requirements pursuant to rules and regulations promulgated by the commission. No person licensed pursuant to this section may conduct emissions inspections on motor vehicles owned by employees of such person or the general public, but only on those vehicles owned or operated by the person subject to the fleet inspection requirements. Any such motor vehicles are not eligible for a certificate of emissions waiver and shall be inspected annually. The commission shall promulgate such rules as may be necessary to establish non-loaded mode static idle inspection procedures, standards, and criteria under this section.

(b) Each fleet operator licensed or operating within the enhanced program area who is also licensed to operate a fleet inspection station shall assure that a representative sample of one-half of one percent or one vehicle, whichever is greater, of such operator's vehicle fleet is inspected annually at an inspection-only facility or enhanced inspection center. An analysis of the data gathered from any such inspection shall be performed by the department of health and provided to the department of revenue to determine compliance by such fleet with the self-inspection requirements of this section.

(2) (a) As an alternative to subsection (1) of this section, any person having twenty or more vehicles registered in this state that are required to be inspected pursuant to ~~section 42-4-312~~ SECTION 42-4-310 may contract for periodic inspection services with a contractor or an inspection-only facility. Such inspections shall be in compliance with non-fleet vehicle requirements as specified in this part 3 and shall be performed by an authorized or licensed emissions inspector who shall be subject to all requirements and oversight as applicable.

(b) Upon retail sale of any vehicle subject to fleet inspection to a party other than a fleet operator, such vehicle shall be inspected at an authorized enhanced inspection center,

licensed inspection-only facility, or licensed inspection and readjustment station, as applicable. A certificate of emissions compliance shall be required as a condition of the retail sale of any such vehicle.

(3) (a) Any person licensed as a motor vehicle dealer pursuant to article 6 of title 12, C.R.S., in whose name twenty or more motor vehicles are registered or inventoried or consigned for retail sale in this state which are required to be inspected shall comply with the requirements of ~~section 42-4-312~~ SECTION 42-4-310 for the issuance of a certificate of emissions compliance at the time of the retail sale of any such vehicle.

(b) Within the enhanced emissions program, motor vehicle dealers licensed pursuant to article 6 of title 12, C.R.S., may contract for used motor vehicle inspection services by a licensed motor vehicle dealer test facility. Pursuant to regulations of the commission, inspection procedures shall include a loaded mode transient dynamometer test cycle in combination with appropriate idle short tests pursuant to rules and regulations of the commission.

(c) 1981 and older model vehicles held in inventory and offered for retail sale by a used vehicle dealer may be inspected by a licensed inspection-only facility.

(d) Within the basic emissions program, any person licensed as a motor vehicle dealer pursuant to article 6 of title 12, C.R.S., may be licensed to conduct inspections pursuant to subsections (1) and (2) of this section.

(4) Nothing in this section shall preclude a fleet or motor vehicle dealer test facility from participating in the basic or enhanced emissions program pursuant to this part 3 with the requirements of such program being determined by the county of residence or operation.

(5) (a) Motor vehicle dealers selling any vehicle to be registered in the enhanced program area shall comply with the enhanced program requirements.

(b) Motor vehicle dealers selling any vehicle to be registered in the basic program area shall comply with the basic program requirements.

(c) If used motor vehicles for sale have been inspected by a motor vehicle dealer test facility, the motor vehicle dealer shall comply with the standards and requirements established for motor vehicle dealer test facilities.

42-4-310. [Formerly 42-4-312] Periodic emissions control inspection required - repeal. (1) (a) (I) Effective October 1,

1989, no motor vehicle which is required to be registered in the program area shall be sold, registered for the first time, or reregistered unless such vehicle has a valid certification of emissions compliance, emissions waiver, or emissions exemption, or, beginning January 1, 1995, if such vehicle has an emissions exemption or certificate of emissions control and verification of emissions test, certification as required by the appropriate county. The provisions of this paragraph (a) shall not apply to motor vehicle transactions at wholesale between motor vehicle dealers licensed pursuant to article 6 of title 12, C.R.S.

(II) (A) If title to a road-worthy motor vehicle, as defined in ~~section 42-6-102 (10.2)~~ SECTION 42-6-102 (11), for which a certification of emissions compliance or emissions waiver must be obtained pursuant to this paragraph (a) is being transferred to a new owner, the new owner may require at the time of sale that the prior owner provide said certification as required for the county of residence of the new owner.

(B) The new owner shall submit such certification to the department of revenue or an authorized agent thereof with application for registration of the motor vehicle.

(C) If such vehicle is being registered in the program area for the first time, the owner shall obtain any certification required for the county where registration is sought and shall submit such certification to the department of revenue or an authorized agent thereof with such owner's application for the registration of the motor vehicle.

(b) (I) Effective July 1, 1987, those motor vehicles which are owned by the United States government or an agency thereof or by the state of Colorado or any agency or political subdivision thereof which would be registered in the program area shall be inspected once each year, and a valid certification of emissions compliance shall be obtained.

(II) (A) New motor vehicles required under this section to have a certification of emissions control shall be issued a certification of emissions compliance without inspection which shall expire on the anniversary of the day of the issuance of such certification when such vehicle has reached its fourth model year or on the date of the transfer of ownership at any time prior to the fourth model year. Prior to the expiration of such certification such vehicle shall be inspected and a certification of emissions control shall be obtained therefor.

(B) 1982 and newer model motor vehicles required pursuant to this section to have a certification of emissions control shall be inspected at the time of the sale or transfer of any such vehicle and, prior to registration renewal, shall be issued a certification of emissions control which shall be valid for

twenty-four months except as provided under ~~section 42-4-311~~ SECTION 42-4-309.

(C) 1981 and older model motor vehicles required pursuant to this section to have a certification of emissions control shall be inspected at the time of the sale or transfer of any such vehicle and, prior to registration renewal, shall be issued a certification of emissions control which shall be valid for twelve months.

(III) Upon registration or renewal of registration of a motor vehicle required to have a certification of emissions control, the department shall issue a tab identifying the vehicle as requiring certification of emissions control. The tab shall be displayed from the time of registration. The verification of emissions test shall also be displayed on the motor vehicle in a location prescribed by the department of revenue consistent with federal regulations.

~~(b.5) (I)~~ (c) (I) Effective October 1, 1989, those motor vehicles owned by nonresidents who reside in either the basic or enhanced emissions program areas or residents who reside outside the program area who are employed for at least ninety days in a program area or who are attending school in a program area, shall be inspected as required by this section and a valid certification of emissions compliance or emissions waiver shall be obtained as required for the county where said person is employed or attends school. Such nonresidents include, but are not limited to, all military personnel, temporarily assigned employees of business enterprises, and persons engaged in activities at the olympic training center.

(II) Any person owning or operating a business and any post-secondary educational institution located in a program area shall inform all persons employed by such business or attending classes at such institution that they are employed or attending classes in a program area and are required to comply with the provisions of subparagraph (I) of this ~~paragraph (b.5)~~ PARAGRAPH (c).

(III) Vehicles that are registered in a program area that are being operated outside such area but within another program area shall comply with all program requirements of the area where such vehicles are being operated. Vehicles registered in a program area that are being temporarily operated outside of any program area at the time of registration or registration renewal may apply to the department of revenue for a temporary exemption from program requirements. Upon return to the program area, such vehicles must be in compliance with all requirements within fifteen days.

(IV) Nothing in this section shall be deemed to prevent or

shall be interpreted so as to hinder the voluntary inspection of any motor vehicle in the enhanced emissions program. A certificate of emissions control issued under the provisions of the enhanced emissions program shall be acceptable as a demonstration of compliance within the basic program for vehicle registration purposes. In order to provide motorist protection, those vehicles voluntarily inspected and which fail said inspection but which are warrantable under manufacturers' emissions control warranties pursuant to section 207 (A) and (B) of the federal act shall comply with the emissions-related repair requirements of this part 3.

~~(c) (I) (A)~~ (d) (I) (A) Effective July 1, 1989, for businesses which operate five or fewer vehicles and for private passenger motor vehicles only of the model year 1981 or earlier, after any adjustments or repairs required pursuant to ~~section 42-4-309 (7) (a) (II)~~ SECTION 42-4-306 (7) (a) (II), if total expenditures of at least fifty dollars have been made to bring the vehicle into compliance with the applicable emissions standards and the vehicle still does not meet such standards, a certification of emissions adjustment shall be issued for such vehicle. Effective September 1, 1991, no emissions-related repair waivers shall be issued for vehicles which are registered as collectors' items pursuant to the provisions of ~~section 42-15-102~~ SECTION 42-12-102 and which are of model year 1960 or later.

(B) This subparagraph (I) shall not apply, effective January 1, 1994, in the counties of El Paso, Larimer, and Weld.

(C) This subparagraph (I) shall not apply, effective January 1, 1995, in the counties of Adams, Arapahoe, Douglas, and Jefferson, and the city and county of Denver.

(D) This subparagraph (I) is repealed, effective July 1, 1995.

(II) (A) For the basic emissions program, effective January 1, 1994, for businesses which operate nineteen or fewer motor vehicles and for 1981 or older private motor vehicles required to be registered in the basic emissions program area, after any adjustments or repairs required pursuant to ~~section 42-4-309~~ SECTION 42-4-306, if total expenditures of at least seventy-five dollars have been made to bring the vehicle into compliance with applicable emissions standards and the vehicle still does not meet such standards, a certification of emissions waiver shall be issued for such vehicle.

(B) For the basic emissions program, effective January 1, 1994, no emissions-related repair waiver shall be issued for any vehicle which is registered as a collector's item pursuant to the provisions of ~~section 42-15-102~~ SECTION 42-12-102 and which is of the model year 1960 or later.

(III) (A) Effective July 1, 1989, for businesses which operate five or fewer vehicles and for private passenger motor vehicles only of the model year 1982 or later, after any adjustments or repairs required pursuant to ~~section 42-4-309 (7) (a) (II)~~ SECTION 42-4-306 (7) (a) (II), if total expenditures of at least two hundred dollars have been made to bring the vehicle into compliance with the applicable emissions standards and the vehicle still does not meet such standards, a certification of emissions adjustment shall be issued for such vehicle. For vehicles not older than two years or which have not more than twenty-four thousand miles, no emissions-related repair waivers shall be issued due to the provisions of and enforcement of section 207(b) of the federal "Clean Air Act" relating to emissions control systems performance warranty.

(B) This subparagraph (III) shall not apply, effective January 1, 1994, in the counties of El Paso, Larimer, and Weld.

(C) This subparagraph (III) shall not apply, effective January 1, 1995, in the counties of Adams, Arapahoe, Douglas, and Jefferson, and the city and county of Denver.

(D) This subparagraph (III) is repealed, effective July 1, 1995.

(IV) For the basic emissions program, effective January 1, 1994, for businesses which operate nineteen or fewer vehicles and for private motor vehicles only of a model year 1982 or later required to be registered in the basic emissions program area, after any adjustments or repairs required pursuant to ~~section 42-4-309~~ SECTION 42-4-306, if total expenditures of at least two hundred dollars have been made to bring the vehicle into compliance with the applicable emissions standards and the vehicle still does not meet such standards, a certification of emissions waiver shall be issued for such vehicle. For vehicles not older than two years or which have not more than twenty-four thousand miles, or such period of time and mileage as established for warranty protection by amendments to federal regulations, no emissions-related repair waivers shall be issued due to the provisions and enforcement of section 207 (A) and (B) of the federal act relating to emissions control systems components and performance warranties.

(V) (A) For inspections conducted during July 1, 1987, through July 1, 1988, the no-smoke requirement for nondiesel-fueled vehicles and required corrective repairs due to tampering or fuel-switching for vehicles of model years 1975 through 1981 or newer shall not be mandatory, but owners of such vehicles shall be notified of visible emissions of smoke or of equipment deficiency. After July 1, 1988, a certificate of emissions control shall not be issued for vehicles in the program area exhibiting such smoke or such indications of tampering with

emissions control systems except for such vehicles in the program area in Weld county designated in ~~section 42-4-307 (8)~~ SECTION 42-4-304 (8).

(B) This subparagraph (V) shall not apply, effective January 1, 1994, in the counties of El Paso, Larimer, and Weld.

(C) This subparagraph (V) shall not apply, effective January 1, 1995, in the counties of Adams, Arapahoe, Douglas, and Jefferson, and the city and county of Denver.

(D) This subparagraph (V) is repealed, effective July 1, 1995.

(VI) For the enhanced emissions program, effective January 1, 1995, for businesses which operate nineteen or fewer vehicles and for private motor vehicles only of a model year 1968 and later required to be registered in the enhanced emissions program area, after any adjustments or repairs required pursuant to ~~section 42-4-309~~ SECTION 42-4-306, if total expenditures of at least four hundred fifty dollars have been made to bring the vehicle into compliance with applicable emissions standards and the vehicle does not meet such standards, a certification of emissions waiver shall be issued for such vehicle except as prescribed in subparagraph (XII) of this paragraph (c) pertaining to vehicle warranty. The four-hundred-fifty-dollar minimum expenditure shall be adjusted annually by the percentage, if any, by which the consumer price index for all urban consumers (CPIU) for the Denver-Boulder metropolitan statistical area for the preceding year differs from such index for 1989.

(VII) (A) For inspections conducted during July 1, 1988, through December 31, 1988, in the program area in Weld county designated in ~~section 42-4-307 (18)~~ SECTION 42-4-304 (20), the no-smoke requirement for nondiesel-fueled vehicles and required corrective repairs due to tampering or fuel-switching for vehicles of model years 1975 through 1981 or newer shall not be mandatory, but owners of such vehicles shall be notified of visible emissions of smoke or of equipment deficiency. After December 31, 1988, a certificate of emissions control shall not be issued for vehicles in the program area in Weld county designated in ~~section 42-4-307 (18)~~ SECTION 42-4-304 (20) exhibiting such smoke or such indications of tampering with emissions control systems.

(B) This subparagraph (VII) is repealed, effective July 1, 1995.

(VIII) (A) For the enhanced emissions program except as provided in sub-subparagraph (B) of this subparagraph (VIII), effective January 1, 1995, for businesses which operate nineteen or fewer vehicles and for private motor vehicles only of a model year 1967 or earlier required to be registered in the enhanced

emissions program area, after any adjustments or repairs required pursuant to ~~section 42-4-309~~ SECTION 42-4-306, if total expenditures of at least seventy-five dollars have been made to bring the vehicle into compliance with applicable emissions standards and the vehicle still does not meet such standards, a certification of emissions waiver shall be issued for such vehicle. No emissions-related repair waiver shall be issued for vehicles which are registered as collector's items pursuant to the provisions of ~~section 42-15-102~~ SECTION 42-12-102 and which are of a model year 1960 or later.

(B) This subparagraph (VIII) shall apply in Boulder county, effective July 1, 1995.

(IX) (A) For the enhanced emissions program except as provided in sub-subparagraph (B) of this subparagraph (IX) effective January 1, 1995, for vehicles subject to a transient, loaded mode dynamometer inspection procedure under the enhanced program as determined by the commission, a certificate of waiver may be issued by an authorized state representative, if after failing a retest, at which point the minimum repair cost limit of four hundred fifty dollars has not been met, a complete and documented physical and functional diagnosis of the vehicle performed at an emissions technical center indicates that no additional emissions-related repairs would be effective or needed.

(B) This subparagraph (IX) shall apply in Boulder county, effective July 1, 1995.

(X) Subject to the provisions of subparagraph (V) of this paragraph (c), a certificate of emissions control shall not be issued for vehicles in the program area exhibiting smoke or indications of tampering with or poor maintenance of emissions control systems including on-board diagnostic systems.

(XI) As used in this ~~paragraph (c)~~ PARAGRAPH (d), "total expenditures" means those expenditures directly related to adjustment or repair of a motor vehicle to reduce exhaust or evaporative emissions to a level which complies with applicable emissions standards. The term does not include an inspection fee, or any costs of adjustment, repair, or replacement necessitated by the disconnection of, tampering with, or abuse of air pollution control equipment, improper fuel use, or visible smoke.

(XII) No certification of emissions waiver shall be issued for vehicles not older than two years or which have not more than twenty-four thousand miles, or are of such other age and mileage as established for warranty protection under the federal act in accordance with the provisions and enforcement of section 207 (A) and (B) of the federal act relating to emissions control component and systems performance warranties.

(2) (a) The emissions inspection required under this section shall include an analysis of tail pipe and evaporative emissions. After January 1, 1994, such inspection shall include an analysis of emissions control equipment including on-board diagnostic systems, chlorofluorocarbons, and visible smoke emissions for the basic emissions program area and the enhanced emissions program area and emissions testing that meets the performance standards set by federal requirements for the enhanced emissions program area by means of procedures specified by regulation of the commission to determine whether the motor vehicle qualifies for issuance of a certification of emissions compliance. For motor vehicles of the model year 1975 or later, not tested under a transient load on a dynamometer, said inspection shall also include a visual inspection of emissions control equipment pursuant to rules of the commission.

(b) (I) Those motor vehicles required to obtain a certification of emissions adjustment may be adjusted or repaired at an inspection and readjustment station and shall be issued a certification of emissions compliance or of emissions adjustment after the required adjustments or repairs are performed.

(II) This paragraph (b) shall not apply, effective January 1, 1994, in the counties of El Paso, Larimer, and Weld.

(III) This paragraph (b) shall not apply, effective January 1, 1995, in the counties of Adams, Arapahoe, Douglas, and Jefferson, and the city and county of Denver.

(IV) This paragraph (b) is repealed, effective July 1, 1995.

(c) (I) If the exhaust gas and visible emissions from the motor vehicle do not comply with the applicable emissions standards at the time of inspection, the owner of said vehicle may obtain the required adjustments or repairs at any licensed inspection and readjustment station ~~he~~ THE OWNER may choose.

(II) This paragraph (c) shall not apply, effective January 1, 1994, in the counties of El Paso, Larimer, and Weld.

(III) This paragraph (c) shall not apply, effective January 1, 1995, in the counties of Adams, Arapahoe, Douglas, and Jefferson, and the city and county of Denver.

(IV) This paragraph (c) is repealed, effective July 1, 1995.

(d) (I) In the basic emissions program area, effective January 1, 1994, in order to be issued a certificate of emissions waiver, appropriate adjustments and repairs must have been performed at a licensed inspection and readjustment station by a

licensed emissions mechanic.

(II) In the enhanced emissions program area, effective January 1, 1995, in order to be issued a certificate of emissions waiver, appropriate adjustments and repairs must have been performed by a technician at a registered repair facility within the enhanced emissions program area.

(III) Adjustments and repairs performed by a registered repair facility and technician within the enhanced emissions program area shall be sufficient for compliance with the provisions of this paragraph (d) in the basic program area.

(3) (a) Effective July 1, 1993, any home rule city, city, town, or county shall, after holding a public hearing and receiving public comment and upon request by the governing body of such local government to the department of health and the department of revenue and after approval by the general assembly acting by bill pursuant to ~~paragraph (f)~~ PARAGRAPH (e) of this subsection (3), be included in the program area established pursuant to ~~sections 42-4-306.5 to 42-4-316~~ SECTIONS 42-4-301 TO 42-4-316. When such a request is made, said departments and governing body shall agree to a start-up date for the program in such area, and, on or after such date, all motor vehicles, as defined in ~~section 42-4-307 (17)~~ SECTION 42-4-304 (18), which are registered in the area shall be inspected and required to comply with the provisions of ~~sections 42-4-306.5 to 42-4-316~~ SECTIONS 42-4-301 TO 42-4-316 and rules and regulations adopted pursuant thereto as if such area was included in the program area. Except as provided in paragraph (c) of this subsection (3), the department of health and the department of revenue, the executive director, and the commission shall perform all functions and exercise all powers related to the program in areas included in the program pursuant to this subsection (3) that they are otherwise required to perform under ~~sections 42-4-306.5 to 42-4-316~~ SECTIONS 42-4-301 TO 42-4-316.

(b) Effective July 1, 1993, notwithstanding the provisions of ~~section 42-4-307 (18)~~ SECTION 42-4-304 (20), a local government with jurisdiction over an area excluded from the program area pursuant to ~~section 42-4-307 (18)~~ SECTION 42-4-304 (20) may request inclusion in the program area, and the exclusion under ~~section 42-4-307 (18)~~ SECTION 42-4-304 (18) shall not apply to vehicles registered within such area.

(c) Effective July 1, 1993, the inclusion pursuant to paragraph (a) or (b) of this subsection (3) of any home rule city, city, town, or county in the program area shall not be submitted to the United States environmental protection agency as a revision to the state implementation plan or otherwise included in such plan. Any governing body which requests inclusion of an area pursuant to paragraph (a) or (b) of this subsection (3) in the

program area may, after a minimum period of five years, request termination of the program in such area, and the program in such area shall be terminated thirty days after the receipt by the department of revenue of such a request.

(d) Effective January 1, 1994, except for those entities included within the program area pursuant to ~~section 42-4-307 (18)~~ SECTION 42-4-304 (20), for inclusion in the program area, any home rule city, city, town, or county shall have the basic emissions program test requirements and standards implemented as its emissions inspection program.

~~(e) Repealed.~~

~~(f)~~ (e) Unless a home rule city, city, town, or county violates national ambient air quality standards as established by the environmental protection agency, the inclusion pursuant to paragraph (a) or (b) of this subsection (3) of any home rule city, city, town, or county in the program area shall be contingent upon approval by the general assembly acting by bill to include any such home rule city, city, town, or county in the program area.

~~(4) and (5) (Deleted by amendment, L. 93, p. 1957, § 19, effective July 1, 1993.)~~

42-4-311. [Formerly 42-4-313] Operation of inspection and readjustment stations - inspection-only facilities - fleet inspection stations - motor vehicle dealer test facilities - enhanced inspection centers. (1) (a) No inspection and readjustment station license, inspection-only facility license, fleet inspection station license, motor vehicle dealer test facility license, or enhanced inspection center contract may be assigned or transferred or used at any other than the station, facility, or center therein designated, and every such license or authorization for an enhanced inspection center shall be posted in a conspicuous place at the facility designated.

(b) Beginning January 1, 1995, no emissions inspector license or authorization shall be assigned or transferred except to a licensed inspection-only facility, fleet inspection station, or enhanced inspection center.

(c) No emissions inspector or emissions mechanic license or authorization may be assigned or transferred, nor shall the inspection and adjustment be made by such emissions inspector or emissions mechanic except at a licensed inspection and readjustment station, inspection-only facility, fleet inspection station, or motor vehicle dealer test facility or authorized enhanced inspection center.

(2) (a) Licensed inspection and readjustment stations,

inspection-only facilities, fleet inspection stations, and motor vehicle dealer test facilities, and authorized enhanced inspection centers shall issue a certification of emissions control to a motor vehicle only upon forms prescribed by the executive director, and a certification of emissions compliance or, if applicable, emissions waiver shall be issued by the licensed inspection and readjustment station, inspection-only facility, fleet inspection station, or motor vehicle dealer test facility or authorized enhanced inspection center to a motor vehicle only after the licensed or authorized emissions inspector or emissions mechanic performing said inspection at said station determines that:

(I) The exhaust gas and, if applicable, evaporative emissions from the motor vehicle comply with the applicable emissions standards and there is no evidence of emissions system tampering nor visible smoke, in which case a certification of emissions compliance shall be issued;

~~(I.5) (Deleted by amendment, L. 93, p. 1965, § 20, effective July 1, 1993.)~~

(II) The exhaust gas and, if applicable, evaporative emissions from the motor vehicle do not comply with the applicable emissions standards after the adjustments and repairs required in accordance with ~~section 42-4-309~~ SECTION 42-4-306 have been performed and there is no evidence of emissions system tampering or visible smoke, in which case a certification of emissions waiver shall be issued. A certification of emissions waiver shall not be issued by a fleet emissions inspector within the enhanced program area. A certification of emissions waiver shall not be issued for a motor vehicle registered as a collector's item under the provisions of ~~section 42-15-102~~ SECTION 42-12-102.

(3) (a) (I) A verification of emissions test shall be issued to a motor vehicle by a licensed inspection and readjustment station, inspection-only facility, fleet inspection station, or motor vehicle dealer test facility or authorized enhanced inspection center at the time such vehicle is issued a certification of emissions control.

(II) No verification of emissions test shall be issued to or required for any motor vehicle which is registered as a collector's item pursuant to the provisions of ~~section 42-15-102~~ SECTION 42-12-102.

(III) Verification of emissions test forms shall be purchased only by licensed inspection and readjustment stations, inspection-only facilities, fleet inspection stations, or motor vehicle dealer test facilities or authorized enhanced inspection centers from the department or persons authorized by the

department to make such sales, and, effective with the sale of such forms, the department shall receive from the buyer the sum of twenty-five cents per form. No refund or credit shall be allowed for any unused verification of emissions test forms.

(b) The moneys collected by the department from the sale of verification forms shall be transmitted to the state treasurer, who shall credit such moneys to the AIR account, which account is ~~hereby~~ created within the highway users tax fund. Moneys from the AIR account, upon appropriation by the general assembly, shall be expended only to pay the costs of administration and enforcement of the automobile inspection and readjustment program by the department and the department of health.

(4) (a) A licensed inspection and readjustment station shall charge a fee not to exceed nine dollars through December 31, 1994. On and after January 1, 1995, a licensed inspection and readjustment station, inspection-only facility, or motor vehicle dealer test facility shall charge a fee not to exceed fifteen dollars for the inspection of vehicles in the basic emissions program or for the inspection of model year 1981 and older vehicles at said facilities licensed or authorized within the enhanced emissions program; except that for 1982 model and newer vehicles a motor vehicle dealer test facility may charge a fee not to exceed twenty-five dollars. In no case shall any such fee exceed the maximum fee established by and posted by the station or facility pursuant to ~~section 42-4-308 (5)~~ SECTION 42-4-305 (5) for the inspection of any motor vehicle required to be inspected under ~~section 42-4-312~~ SECTION 42-4-310, whether or not the certification of emissions control is issued; except that a licensed inspection and readjustment station, inspection-only facility, or motor vehicle dealer test facility or authorized enhanced inspection center shall charge a fee not to exceed two dollars and fifty cents and not to exceed the maximum fee established and posted by the station or facility, or center pursuant to ~~section 42-4-308~~ SECTION 42-4-305 for the issuance of a replacement verification of emissions test.

(b) A licensed emissions inspection and readjustment station shall charge a fee for performing the adjustments or repairs required for issuance of a certification of emissions waiver not to exceed the maximum charge established in ~~section 42-4-312~~ SECTION 42-4-310 and posted by the station pursuant to ~~section 42-4-308~~ SECTION 42-4-305.

(5) The fee charged in paragraph (a) of subsection (4) or subsection (6) of this section will be charged to all nonresident vehicle owners subject to the inspection requirement of ~~section 42-4-312~~ SECTION 42-4-310 and depending on the county of operation.

(6) The fee charged by an enhanced inspection center for

emissions inspections performed within the enhanced emissions program area shall not be any greater than that determined by the competitive bid process conducted by the division in consultation with the executive director in contractor selection and in no case greater than twenty-five dollars. Such fee shall not exceed the maximum fee required to be posted by the enhanced inspection center pursuant to ~~section 42-4-308~~ SECTION 42-4-305 for the inspection of any motor vehicle required to be inspected under ~~section 42-4-312~~ SECTION 42-4-310.

(7) At least one free reinspection shall be provided for those vehicles initially failed at the inspection and readjustment station, inspection-only facility, or enhanced inspection center which conducted the initial inspection, within ten calendar days of such initial inspection.

42-4-312. [Formerly 42-4-314] Improper representation as emissions inspection and readjustment station - inspection-only facility - fleet inspection station - motor vehicle dealer test facility - enhanced inspection center. (1) No person shall in any manner represent any place as an inspection and readjustment station, inspection-only facility, fleet inspection station, motor vehicle dealer test facility, or enhanced inspection center or shall claim to be a licensed emissions inspector or licensed emissions mechanic unless such station, facility, center, or person has been issued and operates under a valid license issued by the department or contract with the state. If the license or contract is cancelled, suspended, or revoked, all evidence designating the station, facility, or center as a licensed inspection and readjustment station, inspection-only facility, fleet inspection station, or motor vehicle dealer test facility or authorized enhanced inspection center and indicative of licensed status of the station, facility, or center or emissions inspector or emissions mechanic shall be removed within five days after receipt of notice of such action.

(2) (a) The department shall have authority to suspend or revoke the inspection and readjustment station license, inspection-only facility license, fleet inspection license, or motor vehicle dealer test facility license or to seek termination of the contractor's contract and require surrender of said license and unused certification of emissions control forms and verification of emissions test forms held by such licensee or contractor when such station, facility, or center is not equipped as required, when such station, facility, or center is not operating from a location for which the license or contract was issued, when the approved location has been altered so that it will no longer qualify as a licensed station or facility or authorized center, or when inspections, repairs, or adjustments are not being made in accordance with applicable laws and the rules and regulations of the department or commission.

(b) The department shall also have authority to suspend or revoke the license of an emissions inspector or emissions mechanic and require surrender of said license when it determines that said inspector or mechanic is not qualified to perform the inspections, repairs, or adjustments or when inspections, repairs, or adjustments are not being made in accordance with applicable laws and the rules and regulations of the department or the commission.

(3) In addition to any other grounds for revocation or suspension, authority to suspend and revoke inspection and readjustment station licenses, inspection-only facility licenses, fleet inspection station licenses, motor vehicle dealer test facility licenses, or enhanced inspection center contracts, or to seek termination of a contractor's contract or an emissions inspector's or emissions mechanic's license and to require surrender of said licenses and unused certification of inspection forms and records of said station shall also exist upon a showing that:

(a) A vehicle which had been inspected and issued a certification of emissions compliance by said station, facility, or center or by said inspector or mechanic was in such condition that it did not, at the time of such inspection, comply with the law or the rules and regulations for issuance of such a certification; or

(b) An inspection and readjustment station, or emissions mechanic has demonstrated a pattern of issuing certifications of emissions waivers to vehicles which, at the time of issuance of such certifications, did not comply with the law or the rules and regulations for issuance of such certifications.

(4) Upon suspending the license of an inspection and readjustment station, inspection-only facility, fleet inspection station, or motor vehicle dealer test facility or an enhanced inspection center contract or of an emissions inspector or emissions mechanic as authorized in this section, the executive director shall immediately notify the licensee or contractor in writing and, upon request therefor, shall grant the licensee or contractor a hearing within thirty days after receipt of such request, such hearing to be held in the county wherein the licensee or contractor resides, unless the executive director and the licensee or contractor agree that such hearing may be held in some other county. The executive director may request a hearing officer to act in the executive director's behalf. Upon such hearing, the executive director or the hearing officer may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books, records, and papers. Upon such hearing, the order of suspension or revocation may be rescinded, or, for good cause shown, the suspension may be extended for such period of time as the hearing person or body may determine, not exceeding one year, or the revocation order may be

affirmed or reversed. The licensee shall not perform under the license pending the hearing and decision.

(5) Upon the final cancellation or termination of a contractor's contract, the executive director shall invoke the provisions of such contract to continue service until a new contract can be secured with qualified persons as supervised by the department of revenue.

42-4-313. [Formerly 42-4-315] Penalties. (1) (a) No person shall make, issue, or knowingly use any imitation or deceptively similar or counterfeit certification of emissions control form or verification of emissions test forms.

(b) No person shall possess a certification of emissions control or verification of emissions test if such person knows the same is fictitious, or was issued for another motor vehicle, or was issued without an emissions inspection having been made when required.

(c) Any person who violates any provision of this subsection (1) is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars nor more than one thousand dollars, or by imprisonment in the county jail for not more than ninety days, or by both such fine and imprisonment.

(2) (a) No emissions inspector or emissions mechanic shall issue a certification of emissions control or a verification of emissions test for a motor vehicle which does not qualify for the certification or verification issued.

(b) Any emissions inspector or emissions mechanic who issues a certification of emissions control or verification of emissions test in violation of paragraph (a) of this subsection (2) is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail for not more than ninety days, or by both such fine and imprisonment.

(3) (a) No person shall operate a motor vehicle registered or required to be registered in this state or any vehicle otherwise required to display a valid verification of emissions test, nor shall any person allow such a motor vehicle to be parked on public property or on private property available for public use, without such vehicle displaying a valid verification of emissions test. The owner of any motor vehicle which is in violation of this paragraph (a) because it is parked without displaying a valid verification of emissions test shall be responsible for payment of any penalty imposed under this section unless such owner proves that the motor vehicle was in the

possession of another person without the owner's permission at the time of the violation.

(b) ~~(I)~~ Police officers, at any time upon reasonable cause, may require the driver of a vehicle to stop and submit such vehicle to an inspection in order to determine whether such vehicle has a valid verification of emissions test if required by the provisions of ~~sections 42-4-306.5 to 42-4-316~~ SECTIONS 42-4-301 TO 42-4-316. In the event that such vehicle does not display a valid verification of emissions test, the officer shall issue a summons to the driver.

~~(II) Repealed, L. 89, p. 1582, § 10, effective October 1, 1989.~~

(c) ~~(I)~~ 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 payable within thirty days after conviction.

~~(II) Repealed, L. 89, p. 1582, § 10, effective October 1, 1989.~~

(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, payable within thirty days after conviction.

~~(e) Repealed, L. 89, p. 1582, § 10, effective October 1, 1989.~~

~~(f)~~ (e) The owner or driver may, in lieu of appearance, submit to the court of competent jurisdiction, within thirty days after the issuance of the notice and summons, the certification or proof of mailing specified in this subsection (3).

~~(g)~~ (f) Any fine collected pursuant to the provisions of this subsection (3) shall be retained by the jurisdiction in whose name such penalty was assessed.

~~(h)~~ (g) Nothing in this section shall be construed to limit the authority of any municipality, city, county, or city and county to adopt and enforce an ordinance or resolution pertaining to the enforcement of emissions control inspection requirements.

(4) (a) For the enhanced emissions program, a contractor who is awarded a contract to perform emissions inspections within the enhanced emissions program area shall be held accountable to the department of health and the department of revenue. Any such contractor shall be subject to civil penalties in accordance with this section or article 7 of title 25, C.R.S., as appropriate, for

any violation of applicable laws or rules and regulations of the department of revenue or the commission.

(b) (I) Pursuant to the provisions of article 4 of title 24, C.R.S., the executive director may suspend for a period not less than six months the license of any operator or employee operating an inspection-only facility, fleet inspection station, or motor vehicle dealer test facility or may impose an administrative fine pursuant to subparagraph (II) of this paragraph (b), or may both suspend a license and impose a fine, if any such operator or employee, inspection-only facility, fleet inspection station, or motor vehicle dealer test facility engages in any of the following:

(A) Intentionally passing a failing vehicle;

(B) Performing any test by an unlicensed inspector;

(C) Performing a test on falsified test equipment;

(D) Failing a passing vehicle;

(E) Flagrantly misusing control documents; or

(F) Engaging in a pattern of noncompliance with any regulations of the department of revenue or the commission.

(II) The contract for operation of enhanced inspection centers shall specify administrative fines to be imposed for the violations enumerated in subparagraph (I) of this paragraph (b).

(c) Pursuant to the provisions of article 4 of title 24, C.R.S., the executive director shall impose administrative fines in amounts set by the executive director of not less than twenty-five dollars and not more than one thousand dollars against any operator or employee operating an inspection and readjustment station, an inspection-only facility, or a motor vehicle dealer test facility, or any contractor operating an enhanced inspection center, which engages in any of the following:

(I) Test data entry violations;

(II) Test sequence violations;

(III) Emission retest procedural violations;

(IV) Vehicle emissions tag replacement test procedural violations;

(V) Performing any emissions test on noncertified equipment;

(VI) Wait-time and lane availability violations; or

(VII) Physical emissions test examination violations.

42-4-314. [Formerly 42-4-1210] Automobile air pollution control systems - tampering - operation of vehicle - penalty. (1) No person shall knowingly disconnect, deactivate, or otherwise render inoperable any air pollution control system which has been installed by the manufacturer of any automobile of a model year of 1968 or later, except to repair or replace a part or all of the system.

(2) No person shall operate on any highway in this state any automobile described in subsection (1) of this section knowing that any air pollution control system installed on such automobile has been disconnected, deactivated, or otherwise rendered inoperable.

(3) Any person who violates any provision of this section commits a class A traffic infraction. The department shall not assess any points under ~~section 42-2-123~~ SECTION 42-2-127 for a conviction pursuant to this section.

(4) The air quality control commission may adopt rules and regulations pursuant to sections 25-7-109 and 25-7-110, C.R.S., which permit or allow for the alteration, modification, or disconnection of manufacturer-installed air pollution control systems or manufacturer tuning specifications on motor vehicles for the purpose of controlling vehicle emissions. Nothing in this section shall prohibit the alteration or the conversion of a motor vehicle to operate on a gaseous fuel, if the resultant emissions are at levels complying with state and federal standards for that model year of motor vehicle.

(5) Nothing in this section shall be construed to prevent the adjustment or modification of motor vehicles to reduce vehicle emissions pursuant to section 215 of the federal "Clean Air Act", as amended, 42 U.S.C. SEC. 7549.

42-4-315. [Formerly 42-4-315.5] Warranties. No provision of ~~sections 42-4-306.5 to 42-4-316~~ SECTIONS 42-4-301 TO 42-4-316 shall be deemed to prevent, or interpreted so as to hinder, the enforcement of any applicable motor vehicle part or emissions control systems performance warranty.

42-4-316. AIR program - termination. (1) The AIR program established pursuant to ~~sections 42-4-306.5 to 42-4-316~~ SECTIONS 42-4-301 TO 42-4-316 shall terminate on January 1, 2002, and no inspections pursuant to ~~section 42-4-312~~ SECTION 42-4-310 shall be made after December 31, 2001.

(2) The legislative audit committee shall cause to be

conducted a performance audit of the program. Such audit shall be completed not later than January 1, 1998. In conducting the audit, the legislative audit committee shall take into consideration, but shall not be limited to considering, the factors listed in paragraph (b) of subsection (3) of this section. Upon completion of the audit report, the legislative audit committee shall hold a public hearing for the purposes of a review of the report. A copy of the report shall be made available to each member of the general assembly.

(3) (a) Prior to termination, continuation, or reestablishment of the program, a committee of reference in each house of the general assembly shall hold a public hearing, receiving testimony from the public, the executive directors of the departments of revenue and health, the ~~chairman~~ CHAIRPERSON of the air quality control commission, and the air pollution control division of the department of health.

(b) In such hearings, the determination as to whether an ongoing public need for the program has been demonstrated shall take into consideration the following factors, among others:

(I) The demonstrable effect on ambient air quality of the program;

(II) The cost to the public of the program;

(III) The cost-effectiveness of the program relative to other air pollution control programs;

(IV) The need, if any, for further reduction of air pollution caused by mobile sources to attain or maintain compliance with national ambient air quality standards;

(V) The application of the program to assure compliance with legally required warranties covering air pollution control equipment.

~~(4) Repealed, L. 80, p. 774, § 17, effective May 23, 1980.~~

~~**42-4-317. School district plans - reports - implementation. (Repealed)**~~

~~Repealed, effective May 23, 1980.~~

~~**42-4-318. Rules and regulations. (Repealed)**~~

~~Repealed, effective May 23, 1980.~~

42-4-317. [Formerly 42-4-321] Purchase or lease of new motor vehicles by state agencies - clean-burning alternative fuels

- definitions - repeal. (1) For the purposes of this section, unless the context otherwise requires:

(a) "Advisory council" means the motor vehicle advisory council created pursuant to executive order of the governor.

(b) "AIR program area" shall have the same meaning as "program area" under the AIR program as said term is defined in ~~section 42-4-307 (18)~~ SECTION 42-4-304 (20).

(c) "Authorized emergency vehicle" shall have the same meaning as set forth in ~~section 42-1-102 (5)~~ SECTION 42-1-102 (6).

(d) "Clean-burning alternative fuel" shall have the same meaning as "alternative fuel" as set forth in section 25-7-106.8 (1) (a), C.R.S.

(e) "Commission" means the air quality control commission.

(f) "Dual-fueled motor vehicle" means a motor vehicle which is capable of operating on either a clean-burning alternative fuel or a traditional fuel including, but not limited to, gasoline or diesel fuel.

(g) "Heavy-duty vehicle" means any motor vehicle with an empty weight exceeding seven thousand five hundred pounds.

(h) "State agency" means any board, commission, department, division, section, bureau, institution of higher education, or other agency of the executive, legislative, or judicial branch of state government.

(i) (I) "State fleet alternative fuels plan" or "plan" means a plan for the achievement of the following goals:

(A) That ten percent of the total number of new motor vehicles purchased or leased by state agencies during fiscal year 1991-92 for use in operations principally within the AIR program area shall operate on clean-burning alternative fuel;

(B) That twenty percent of the total number of new motor vehicles purchased or leased by state agencies during fiscal year 1992-93 for use in operations principally within the AIR program area shall operate on clean-burning alternative fuel;

(C) That thirty percent of the total number of new motor vehicles purchased or leased by state agencies during fiscal year 1993-94 for use in operations principally within the AIR program area shall operate on clean-burning alternative fuel; and

(D) That no less than forty percent of the total number of new motor vehicles purchased or leased by state agencies during

fiscal year 1994-95 for use in operations principally within the AIR program area shall operate on clean-burning alternative fuel.

(II) For the purposes of the percentage goals contained in subparagraph (I) of this paragraph (i), new motor vehicles which operate on clean-burning alternative fuels shall include, but shall not be limited to, dual-fueled motor vehicles. Authorized emergency vehicles and heavy-duty vehicles shall not be included in calculating the number of new motor vehicles purchased by state agencies.

(2) The motor vehicle advisory council created pursuant to executive order of the governor, together with such other personnel in the executive branch as the governor shall designate, shall develop a state fleet alternative fuels plan. In developing the plan, the advisory council shall consider any input or comments received from the private sector.

(3) The criteria to be considered by the advisory council in developing the plan shall include, but shall not be limited to, the following:

(a) The use for which a state agency operates a motor vehicle;

(b) The necessary engine power of a motor vehicle;

(c) The storage and hauling capacity needed in a motor vehicle; and

(d) The availability of alternative fuels.

(4) The advisory council shall complete the plan no later than December 31, 1990. Upon completion, the advisory council shall deliver the plan to the general assembly and to the governor.

(5) The plan developed by the advisory council shall contain an analysis of the fiscal impact of meeting the plan's percentage goals for alternative fuel motor vehicle purchases and leases during each fiscal year. Such analysis shall include, but shall not be limited to, any projected positive fiscal impacts, such as reduced operating and maintenance costs.

(6) Motor vehicles purchased or leased by state agencies after July 1, 1991, shall comply with the percentage goals contained in the plan.

(7) For the purposes of achieving the percentage goals contained in the plan, the conversion of one existing motor vehicle in the state fleet to operate on a clean-burning alternative fuel shall be deemed to be the equivalent of the

purchase or lease of a new motor vehicle which operates on clean-burning alternative fuel.

(8) On or before January 1, 1994, the commission shall present a report to the general assembly concerning the application of the provisions of this section. Such report shall include, but shall not be limited to, the following:

(a) The commission's evaluation of the effectiveness of the program created by this section in improving air quality;

(b) Suggestions of the commission for legislation to improve the operation of the program; and

(c) The commission's opinions concerning the feasibility of expanding the scope of the program.

(9) This section is repealed, effective July 1, 1995.

PART 4
DIESEL EMISSIONS PROGRAM

42-4-401. [Formerly 25-7-601] Definitions. As used in this ~~part 6~~ PART 4, unless the context otherwise requires:

(1) "Certification of emissions control" means one of the following certifications, issued to the owner of a diesel vehicle which is subject to the diesel inspection program in order to indicate the status of inspection requirement compliance of such vehicle:

(a) "Certification of diesel smoke opacity compliance" is a document which indicates that the smoke emissions from the vehicle comply with applicable smoke opacity limits at the time of inspection or after required adjustments or repairs;

(b) "Certification of diesel smoke opacity waiver" is a document which indicates that the smoke emissions from the vehicle does not comply with the applicable smoke opacity limits after inspection, adjustment, and emissions related repairs.

(2) "Commission" means the air quality control commission.

(3) "Diesel emissions inspection station" means a facility which meets the requirements established by the commission, is licensed by the executive director, and is so equipped as to enable a diesel vehicle emissions-opacity inspection to be performed.

(4) "Diesel emissions inspector" means a person possessing a valid license to perform diesel emissions-opacity inspections in compliance with the requirements of the commission.

(5) "Diesel powered motor vehicle" or "diesel vehicle" as applicable to opacity inspections, includes only a motor vehicle with four wheels or more on the ground, powered by an internal combustion, compression ignition, diesel fueled engine, and also includes any motor vehicle having a personal property classification of A, B, or C, pursuant to ~~section 42-3-105, C.R.S.~~ SECTION 42-3-106, as specified on its vehicle registration, and for which registration in this state is required for operation on the public roads and highways. "Diesel vehicle" does not include the following: Vehicles registered pursuant to ~~section 42-3-123 (11), or 42-3-128, C.R.S.~~ SECTION 42-3-134 (12) OR 42-3-138; off-the-road diesel powered vehicles or heavy construction equipment.

(6) "Executive director" means the executive director of the department of revenue or ~~his~~ THE EXECUTIVE DIRECTOR'S designee.

(7) "Opacity meter" means an optical instrument which is designed to measure the opacity of diesel exhaust gases by measuring the full flow of exhaust gases which pass through the optical unit.

(8) "Program area" means the counties as set forth in ~~section 42-4-307 (18), C.R.S.~~ SECTION 42-4-304 (20).

(9) "Smoke limit" means the maximum amount of allowable smoke opacity level as established by the commission.

42-4-402. [Formerly 25-7-601.5] Administration of inspection program. The division of motor vehicles shall have responsibility for administering the diesel inspection program in accordance with the authority exercised by the executive director under the provisions of this ~~part 6~~ PART 4.

42-4-403. [Formerly 25-7-602] Powers and duties of the commission. (1) The commission shall be responsible for the adoption of rules and regulations which are necessary to implement the diesel inspection program including:

(a) Regulations governing procedures for:

(I) Testing and licensing of diesel emissions inspectors;

(II) Licensure of diesel emission inspection stations;

(III) Standards and specifications for the approval, operation, calibration, and certification of exhaust smoke opacity meters;

(IV) Proper performance of diesel opacity inspections and emissions system control inspections.

(b) Issuance of the following types of certifications of emissions control by licensed diesel emission inspectors:

(I) A certification of diesel smoke opacity compliance if, at the time of inspection, the smoke opacity from a diesel vehicle is in compliance with the applicable smoke opacity limits;

(II) A certification of diesel smoke opacity waiver if, at the time of inspection, the smoke opacity from a diesel vehicle does not comply with the applicable smoke opacity limits but such vehicle is adjusted or repaired to specifications as provided by regulation of the commission;

(III) A temporary certification of diesel smoke opacity compliance for diesel vehicles required to be repaired, if such repairs are delayed due to the unavailability of needed parts. The results of the initial smoke opacity test and final test shall be given to the owner of the diesel vehicle and reported to the department of health.

(2) (a) The commission shall promulgate and from time to time revise regulations on inspection procedures and smoke opacity limits when such procedures and limits have been proven cost-effective and air pollution control-effective on the basis of best available scientific research.

(b) Smoke limits shall not require unreasonable levels of emissions performance for a properly operated and maintained diesel vehicle of a given model year and technology, and such smoke limits shall be no less than twenty percent for five seconds minimum.

(c) The commission may also develop peak smoke opacity limits but such limits shall not be less than fifty percent for less than one second.

(d) Notwithstanding any other provisions of this subsection (2), for inspections conducted between January 1, 1990, and December 31, 1990, the smoke opacity limits shall be forty percent for five seconds minimum, and no diesel vehicle shall fail the smoke opacity inspection for peak limits.

(3) (a) The commission shall annually evaluate the diesel inspection program to determine but not limit the number of diesel vehicles which fail to meet the applicable smoke opacity limits after adjustments and repairs.

(b) If the commission finds that a significant number of diesel vehicles do not meet the applicable smoke opacity limits after adjustments or repairs are made, the commission shall develop recommendations designed to improve the air pollution control-effectiveness of the diesel inspection program in a

cost-effective manner and shall submit such recommendations to the general assembly.

(4) In addition to any other authority granted under this section, the commission shall adopt regulations requiring each licensed diesel emissions inspection station to post, at the station, in a clearly legible manner and in a conspicuous place, the fee which shall be charged for performing a diesel emission-opacity inspection.

(5) The commission may exempt diesel vehicles of any make, model, or model year from the provisions of the diesel inspection program when inspection would be inappropriate for such vehicles. The exemption may include diesel vehicles which are required to be registered and inspected January, 1990.

(6) (a) Notwithstanding any other provisions to the contrary, the commission shall not have authority to adopt emission standards or implement an inspection and maintenance program that would result in emission requirements or an in-use testing or compliance demonstration that would be more stringent than the emission standards and test procedures adopted by the United States environmental protection agency for the corresponding model year and class of vehicle or engine.

(b) The commission shall determine by accepted scientific analysis that any emission standards and in-use test procedures it may adopt shall be designed so that any engine or vehicle which would pass the appropriate federal certification test shall also pass the inspection and maintenance test adopted by the commission for that engine or vehicle.

42-4-404. [Formerly 25-7-602.5] Powers and duties of the executive director of the department of health. (1) (a) The executive director of the department of health, referred to in this section as the "executive director", shall develop a program for the training, testing, and retesting of diesel emissions inspectors, which program may be funded by tuition charged to the participants.

(b) Those persons who successfully complete the testing set forth in paragraph (a) of this subsection (1) shall be recommended to the department of revenue for licensure.

(2) The executive director shall instruct the department of revenue to issue a license as a diesel inspection station to one or more parties with either new or existing diesel emissions inspection facilities. Such instruction shall be based on, among other factors:

(a) Any requirements for licensure set by the commission by rule and regulation pursuant to ~~section 25-7-602~~ SECTION

42-4-403;

(b) The requirements set forth in ~~section 25-7-605~~ SECTION 42-4-407;

(c) The geographical coverage which would result for licensing the station;

(d) The fee the station would charge the owner or operator of the diesel vehicle for a diesel emissions inspection.

(3) (a) The executive director shall continuously evaluate the diesel emissions inspection program. Such evaluation shall be based on continuing research conducted by the department of health and other engineering data and shall include assessments of the cost-effectiveness and air pollution control effectiveness of the program.

(b) The executive director shall submit such evaluation and any recommendations for program changes to the general assembly by December 1 of each year, in order that the general assembly may annually review the diesel emissions inspection program.

(4) The executive director shall implement an ongoing project designed to inform the public concerning the operation of the diesel emissions inspection program and the benefits to be derived from such program. The executive director shall also prepare a handbook which shall explain the diesel emissions inspection program, the owner's or operator's responsibilities under the program, the licensure of stations and inspectors, and any other aspects of the program which the executive director determines would be beneficial to the public. In addition to the distribution of such handbook, the executive director shall actively seek the assistance of the electronic and print media in communicating information to the public on the operation of the inspection program and shall utilize any other means of disseminating such information which may be likely to effectuate the purpose of such program.

(5) The executive director may establish and operate technical or administrative centers, if necessary, for the proper administration of the diesel inspection program or may utilize existing centers established for the AIR program pursuant to ~~section 42-4-309.5, C.R.S.~~ SECTION 42-4-307.

42-4-405. [Formerly 25-7-603] Powers and duties of executive director. (1) The executive director is authorized to issue, deny, cancel, suspend, or revoke licensure for, and shall furnish instructions and all necessary forms to, diesel emissions inspection stations and inspectors. Fees for such licenses shall be established by regulations promulgated by the executive director.

(2) The executive director shall supervise the activities of licensed diesel emissions inspection stations and inspectors and shall cause inspections to be made of such stations and records and such inspectors for compliance with licensure requirements. The accuracy of a licensed station's smoke opacity meters shall be inspected not less than once every sixty days.

(3) The executive director shall require the surrender of any license which has been issued upon the cancellation, suspension, or revocation of the license for a violation of any of the provisions or of any of the regulations of the diesel emissions inspection program established pursuant to this ~~part 6~~ PART 4.

(4) The executive director shall adopt regulations for the administration and operation of diesel emissions inspection stations and for the issuance, identification, and use of certifications of emissions control and shall adopt such rules and regulations as may be necessary to improve the effectiveness of the diesel emissions inspection program.

(5) (a) On and after January 1, 1991, the executive director shall hold hearings annually concerning the maximum inspection fee in order to ascertain whether such fee provides fair compensation for performing diesel emission-opacity inspections and represents an equitable charge to the consumer for such inspection.

(b) The results of the hearings shall be reported to the general assembly no later than December 1 of each year.

42-4-406. [Formerly 25-7-604] Requirement of certification of emissions control for registration - testing for diesel smoke opacity compliance. (1) (a) On or after January 1, 1990, no diesel vehicle in the program area which is registered or required to be registered pursuant to article 3 of title 42, C.R.S., or is principally operated from a terminal, maintenance facility, branch, or division located within the program area shall be sold, registered for the first time, or reregistered unless such vehicle has been issued a certification of emissions control within the past twelve months.

(b) (I) A certification of emissions control shall be issued to any diesel vehicle which has been inspected and tested pursuant to subsection (2) of this section for diesel smoke opacity compliance and was found at such time to be within the smoke opacity limits established by the commission.

(II) Notwithstanding the provisions of subparagraph (I) of this paragraph (b), new diesel vehicles which are being registered for the first time shall be issued a certification of emissions control without testing for diesel smoke opacity compliance. Such

certification shall be valid only for twelve months.

(2) (a) On or after January 1, 1990, all heavy duty diesel vehicles in the program area not subject to the provisions of ~~section 42-4-320, C.R.S.~~ SECTION 42-4-414, with fleets of nine or more, shall be required to be tested for diesel smoke opacity compliance at a licensed diesel inspection station by submitting to loaded mode opacity testing utilizing dynamometers or on-road tests as prescribed by the commission.

(b) On or after January 1, 1990, all light duty (seven thousand five hundred pounds and less, empty weight) diesel vehicles in the program area shall be required to be tested for diesel smoke opacity compliance at a licensed diesel inspection station by submitting to loaded mode opacity testing utilizing dynamometers.

42-4-407. [Formerly 25-7-605] Requirements for a diesel emission-opacity inspection - licensure as diesel emissions inspection station - licensure as emissions inspector. (1) A diesel emission-opacity inspection shall not be performed, nor shall a certification of diesel emissions control be issued unless such inspection was performed at a licensed diesel inspection station or self-certification fleet station as defined in ~~section 42-4-320, C.R.S.,~~ SECTION 42-4-414 by a licensed diesel emissions inspector.

(2) No station shall be licensed as a diesel emissions inspection station unless the executive director finds that:

(a) The facilities of the station are of adequate size and the station is properly equipped. Such equipment shall include:

(I) A smoke opacity meter which may be owned or leased and which has been approved as being in good working order by the executive director and has been registered with the department of health;

(II) Any other equipment or testing devices which are required by rule or regulation of the commission;

(b) The owner or operator of the station has one or more licensed diesel emission inspectors employed or under contract and such inspectors are responsible for all diesel emission-opacity inspections and the issuance of all certifications of emissions control;

(c) Inspection procedures shall be properly conducted and shall include a smoke opacity inspection. For model years 1991 and newer, inspection procedures shall include evaluation of applicable emissions control systems.

(3) Applications for licensure as a diesel inspection station shall be made on forms prescribed by the executive director.

(4) No person shall be licensed as a diesel emissions inspector unless ~~he~~ THE PERSON has demonstrated necessary skills and competence in the performance of diesel inspection by passing a qualification test developed and administered by the executive director of the department of health.

42-4-408. [Formerly 25-7-606] Operation of diesel inspection station. (1) (a) A licensed diesel inspection station shall issue a certification of diesel emissions control to a diesel vehicle only upon forms issued by the executive director.

(b) A certification of diesel emissions control shall be issued by a licensed diesel inspection station to a diesel vehicle only after the licensed diesel emission inspector performing the inspection determines that:

(I) The smoke opacity levels from the diesel vehicle comply with the applicable smoke opacity limits, in which case a certification of diesel emission compliance shall be issued;

(II) The smoke opacity levels from the diesel vehicle do not comply with the applicable smoke opacity limits after adjustment or repair required in accordance to commission rules have been performed, in which case a certification of diesel smoke opacity waiver shall be issued.

(2) Notwithstanding the provisions of subsection (1) of this section, no certification of diesel emissions control may be issued to a diesel vehicle of model year 1991 and newer if there is evidence of diesel emissions control system tampering.

(3) A licensed diesel emissions inspection station shall charge a fee as set by the commission for the inspection of any diesel vehicle pursuant to this section. Such fee shall be intended to encompass all costs related to the inspection, including those costs incurred by the inspection station, the department of revenue, and the department of health. No fee which is charged pursuant to this section shall exceed forty-five dollars. Such fee shall be posted by the inspection station pursuant to regulations set by the commission.

42-4-409. [Formerly 25-7-607] Improper representation of a diesel inspection station. (1) The executive director shall have the authority to suspend or revoke the diesel inspection license and unused certification of diesel emissions control forms held by a licensed inspection station for the following reasons:

(a) The station is not equipped as required;

(b) The station is not operating from a location for which licensure was granted;

(c) The licensed location has been altered so that it no longer qualifies as a diesel inspection station;

(d) Diesel inspections are not being performed with applicable laws, rules, or regulations of the commission or the executive director.

(2) The executive director shall also have authority to suspend or revoke the license of a diesel emissions inspector and require surrender of such license when the executive director determines that the inspector is not qualified to perform the diesel inspection or when inspections do not comply with applicable laws and the rules and regulations of the executive director or commission.

42-4-410. [Formerly 25-7-608] Inclusion in the diesel inspection program. (1) (a) Any home rule city, town, or county shall be included in the diesel inspection program set forth in this ~~part 6~~ PART 4 upon request by the governing body of such local government to the department of revenue and the department of health.

(b) When such a request is made, the departments and governing body shall agree to a start-up date for the diesel inspection program in such areas. Such a date shall be administratively practical and agreed to by the departments.

(c) On or after the dates agreed to pursuant to paragraph (b) of this subsection (1), diesel vehicles which are registered in the area shall be inspected and shall be required to comply with the provisions of this ~~part 6~~ PART 4 and rules and regulations adopted pursuant thereto as if such area was included in the program area.

(2) The executive directors of the departments of revenue and health and the commission shall perform all functions and exercise all phases related to the diesel emissions inspection program that they are otherwise required to perform under this ~~part 6~~ PART 4 in areas included in the program pursuant to this section.

42-4-411. [Formerly 25-7-609] Applicability of this part to heavy duty diesel fleets of nine or more. Diesel-powered motor vehicles subject to the provisions of ~~section 42-4-320, C.R.S.,~~ SECTION 42-4-414 shall not be subject to the diesel emissions inspection program set forth in this ~~part 6~~ PART 4 unless the conditions set forth in ~~section 42-4-320 (3) (c), C.R.S.,~~ SECTION 42-4-414 (3) (c) have been met.

42-4-412. [Formerly 18-13-110] Air pollution violations. (1) (a) A person commits a class 2 petty offense, as specified in section 18-1-107, C.R.S., if ~~he~~ THE PERSON causes or permits the emission into the atmosphere from:

(I) Any motor vehicle, including a motorcycle, powered by gasoline or any fuel except diesel of any visible air pollutant as defined in section 25-7-103 (1), C.R.S.;

(II) Any diesel-powered motor vehicle, of any visible air pollutant, as defined in section 25-7-103 (1), C.R.S., which creates an unreasonable nuisance or danger to the public health, safety, or welfare.

(b) Violations of this section may be determined by visual observations or by test procedures using opacity measurements.

(c) The provisions of paragraph (a) of this subsection (1) shall not apply to emissions caused by cold engine start-up.

(2) (a) The air quality control commission shall determine the minimum emission level of visible air pollutants from diesels which shall be considered to create an unreasonable nuisance or danger to the public health, safety, and welfare. Such minimum emission level shall be based on smoke levels attainable by correctly operated and maintained in-use diesel vehicles, considering altitude and other reasonable factors affecting visible smoke levels. In no case shall such level be less than twenty percent opacity when observed for five seconds or more. On interstate highways, opacity may be observed for ten seconds. Standards for transient conditions with no time limit shall also be established. Not later than December 1, 1979, the division shall develop a training course and qualification test designed to enable peace officers and environmental officers to ascertain violations of such standards without reference to opacity levels and to distinguish between air pollutants as defined in section 25-7-103 (1.5), C.R.S., and steam or water vapor.

(b) (I) The Colorado state patrol of the department of public safety shall offer the training course and qualification test.

(II) Not later than July 1, 1980, all necessary Colorado state patrol officers shall complete the training course and take the qualification test developed by the division of administration of the department of health as related to diesel emissions which create an unreasonable nuisance or danger to the public health, welfare, and safety. The Colorado state patrol shall schedule such training classes and shall report the progress of the training program to the general assembly by February 1, 1980.

(3) (a) This section shall apply only to motor vehicles

intended, designed, and manufactured primarily for use in carrying passengers or cargo on roads, streets, and highways.

(b) Subparagraph (II) of paragraph (a) of subsection (1) of this section shall apply to all areas of the state except the program area as defined in ~~section 42-4-307 (18), C.R.S.~~ SECTION 42-4-304 (20), which program area shall be subject to ~~section 42-4-319, C.R.S.~~ SECTION 42-4-413.

(4) (a) Effective January 1, 1980, the offense of causing air pollution pursuant to this section, upon conviction, is punishable by a fine of twenty-five dollars.

(b) Subsequent offenses involving the same motor vehicle within one year of a conviction under the provisions of paragraph (a) of this subsection (4), upon conviction, shall be punishable by a fine of one hundred dollars.

(c) If the owner of the vehicle described in the complaint assessment notice presents in person to the court an affidavit that the vehicle has been disposed of in such a manner that it will no longer be operated on the highways, together with the registration card and number plates of such vehicle, the fine shall be suspended. Likewise, upon presentation, in person, of an affidavit of the owner that such vehicle has been repaired prior to the date set for appearance upon the charge, which appearance date shall be at least fifteen days after the alleged offense, stating the date, location, and nature of repairs made, together with the name of the person making said repairs, and that the vehicle is not in violation of the provisions of this section when in normal operation, the fine shall be suspended. Likewise, upon presentation, by mail or in person, of an affidavit of the owner that such vehicle is being repaired or will be repaired within thirty days after the alleged offense, the cause shall be continued at least fifteen days. Any such affidavits are subject to the penalties of perjury in the second degree if made in violation of the provisions of section 18-8-503, C.R.S. Any owner who receives a citation under the provisions of this section may continue to use the vehicle for which the offense is alleged, without restriction, until ~~his~~ SUCH OWNER'S conviction.

(d) Any fines collected pursuant to the provisions of this subsection (4) shall be divided in equal amounts and transmitted to the treasurer of the local jurisdiction in whose name the penalty was assessed and to the state treasurer for credit to the general fund.

42-4-413. [Formerly 42-4-319] Visible emissions from diesel-powered motor vehicles unlawful - penalty. (1) (a) Effective January 1, 1987, no owner or operator of a diesel-powered vehicle shall cause or knowingly permit the emission from such vehicle of any visible air contaminants which

exceed the emission level as described in ~~section 18-13-110 (2) (a), C.R.S.,~~ SECTION 42-4-412 (2) (a) within the program area as defined in ~~section 42-4-307 (18)~~ SECTION 42-4-304 (20).

(b) As used in this section:

(I) "Air contaminant" means any fume, odor, smoke, particulate matter, vapor, gas, or combination thereof, except water vapor or steam condensate.

(II) "Emission" means a discharge or release of one or more air contaminants into the atmosphere.

(III) "Opacity" means the degree to which an air contaminant emission obscures the view of a trained observer, expressed in percentage of the obscuration or the percentage to which transmittance of light is reduced by an air contaminant emission.

(IV) "Trained observer" means a person who is certified by the department of health as trained in the determination of opacity.

(2) (a) A police officer or other peace officer who is a trained observer, or an environmental officer employed by a local government and certified by the department of health to determine opacity, at any time upon reasonable cause, may issue a summons personally to the operator of a motor vehicle emitting visible air contaminants in violation of paragraph (a) of subsection (1) of this section.

(b) (I) Any owner or operator of a diesel-powered motor vehicle receiving the summons issued pursuant to paragraph (a) of this subsection (2) or mailed pursuant to subparagraph (II) of paragraph (d) of this subsection (2) shall comply therewith and shall secure a certification of opacity compliance from a state emissions technical center that such vehicle conforms to the requirements of this section. Said certification shall be returned to the owner or operator for presentation in court as provided in paragraph (c) of this subsection (2).

(II) A fee of not more than six dollars and fifty cents shall be charged by emission technical centers for a certification of opacity compliance inspection and the certificate of no-smoke. Such fee shall be transmitted to the state treasurer, who shall credit the same to the AIR account established in ~~section 42-4-313 (3) (b)~~ SECTION 42-4-311 (3) (b).

(c) (I) Any owner who violates any provision of this section is guilty of a misdemeanor traffic offense and, upon conviction thereof, except as provided in subparagraph (II) ~~or subparagraph (III)~~ of this paragraph (c), shall be punished by a

fine of one hundred dollars, payable within thirty days after conviction.

~~(II) Repealed, L. 89, p. 1162, § 10, effective May 26, 1989.~~

~~(III)~~ (II) If the owner submits to the court of competent jurisdiction within thirty days after the issuance of the summons proof that ~~he~~ THE OWNER has disposed of the vehicle for junk parts or immobilized the vehicle and if ~~he~~ THE OWNER also submits to the court within such time the registration and license plates for the vehicle, ~~he~~ THE OWNER shall be punished by a fine of twenty-five dollars. If the owner wishes to relicense the vehicle in the future, ~~he~~ THE OWNER shall obtain the certification required in paragraph (b) of this subsection (2).

(d) (I) Any nonowner operator who violates any provision of this section is guilty of a misdemeanor traffic offense and, upon conviction thereof, except as provided in subparagraph (II) of this paragraph (d), shall be punished by a fine of one hundred dollars, payable within thirty days after conviction.

(II) If the operator submits to the court of competent jurisdiction within thirty days after the issuance of the summons proof that ~~he~~ THE OPERATOR was not the owner of the vehicle at the time the summons was issued and that ~~he~~ THE OPERATOR mailed, within five days after issuance thereof, a copy of the notice and summons by certified mail to the owner of the vehicle at the address on the registration, ~~he~~ THE OPERATOR shall be punished by a fine of twenty-five dollars.

(e) Upon a showing of good cause that compliance with this section cannot be made within thirty days after issuance of the notice and summons, the court of competent jurisdiction may extend the period of time for compliance as may appear justified.

(f) The owner or operator, in lieu of appearance, may submit to the court of competent jurisdiction, within thirty days after the issuance of the notice and summons, the certification or proof of mailing specified in this subsection (2) together with the fine of twenty-five dollars.

(3) Any fine collected pursuant to the provisions of this section shall be transmitted to the treasurer of the local jurisdiction in which the violation occurred.

42-4-414. [Formerly 42-4-320] Heavy duty diesel fleet inspection and maintenance program - penalty. (1) ~~(a)~~ The commission shall develop and implement, effective January 1, 1987, a fleet inspection and maintenance program for diesel-powered motor vehicles of more than seven thousand five hundred pounds

empty weight. Regional transportation district buses, state, county, and municipal vehicles, and private diesel fleets shall participate in the program through self-certification inspection procedures as developed by the commission.

~~(b) (Deleted by amendment, L. 92, p. 1885, § 3, effective June 1, 1992.)~~

(2) The executive director of the department of health shall promulgate rules and regulations requiring owners of diesel-powered motor vehicles, registered in the program area and subject to the provisions of this section, to bring such vehicles into compliance with existing opacity standards set forth in ~~section 18-13-110, C.R.S.~~ SECTION 42-4-412. Such rules and regulations shall be strictly construed, shall require no more than normal and reasonable maintenance practices, and shall not require additional fees or loaded mode testing equipment. Owners of fleets shall test opacity standards on a periodic basis.

(3) (a) Any owner who operates or permits the operation of a motor vehicle which is subject to the provisions of subsection (1) of this section and which does not comply with emissions regulations promulgated pursuant to subsection (2) of this section as required in this subsection (3) is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars nor more than three hundred dollars.

(b) Any owner who violates any rule or regulation of the department of health or the commission establishing standards or procedures for testing or inspections is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than three hundred dollars.

(c) On or after January 1, 1990, in addition to any other penalty set forth in this subsection (3), any owner who is subject to the provisions of this section and who commits an excessive violation of this section twice in a twelve-month period shall be subject to the provisions of ~~part 6 of article 7 of title 25, C.R.S.~~ THIS PART 4. For purposes of this paragraph (c), "excessive violation" shall be that definition recommended by the governor's blue ribbon diesel task force in 1988 and thereafter adopted by the air quality control commission, or, if such task force does not make a recommendation, "excessive violation" shall be that definition adopted by the air quality control commission.

(4) As used in this section, "fleet" means nine or more diesel-powered motor vehicles.

PART ~~4~~ 5
SIZE - WEIGHT - LOAD

42-4-501. [Formerly 42-4-401] Size and weight violations - penalty. Except as provided in ~~section 42-4-408~~ SECTION 42-4-509, it is a traffic infraction for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or vehicles of a size or weight exceeding the limitations stated in ~~sections 42-4-401 to 42-4-411~~ SECTIONS 42-4-502 TO 42-4-512 or otherwise in violation of said sections or ~~section 42-4-1208~~ SECTION 42-4-1407, except as permitted in ~~section 42-4-409~~ SECTION 42-4-510. ~~and~~ The maximum size and weight of vehicles specified in said sections shall be lawful throughout this state, and local authorities shall have no power or authority to alter said limitations, except as express authority may be granted in said sections.

42-4-502. [Formerly 42-4-402] Width of vehicles. (1) The total outside width of any vehicle or the load thereon shall not exceed ~~one hundred two~~ EIGHT FEET SIX inches, except as otherwise provided in this section.

(2) (a) A load of loose hay, including loosely bound, round bales, whether horse drawn or by motor, shall not exceed twelve feet in width.

(b) A vehicle used only as a single unit may transport a load of small rectangular hay bales if such vehicle and load do not exceed ~~one hundred twenty-six~~ TEN FEET SIX inches in width and thirty feet in length.

(3) It ~~shall be~~ IS unlawful for any person to operate a vehicle or a motor vehicle which has attached thereto in any manner any chain, rope, wire, or other equipment which drags, swings, or projects in any manner so as to endanger the person or property of another.

(4) The total outside width of buses and coaches used for the transportation of passengers shall not exceed eight feet six inches.

(5) The total outside width of vehicles as included in this section shall not be construed so as to prohibit the projection beyond such width of clearance lights, rearview mirrors, or other accessories required by federal, state, or city laws or regulations.

(6) Any person who violates any provision of this section commits a class B traffic infraction.

42-4-503. [Formerly 42-4-403] Projecting loads on passenger vehicles. No passenger-type vehicle, except A MOTORCYCLE OR 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 B traffic infraction.

42-4-504. [Formerly 42-4-404] Height and length of vehicles. (1) No vehicle unladen or with load shall exceed a height of thirteen feet; except that vehicles with a height of fourteen feet six inches shall be operated only on highways designated by the department of transportation.

(2) No single motor vehicle shall exceed a length of forty-five feet extreme overall dimension, inclusive of front and rear bumpers. The length of vehicles used for the mass transportation of passengers wholly within the limits of a town, city, or municipality or within a radius of fifteen miles thereof may extend to sixty feet. The length of school buses may extend to forty feet.

(3) Buses used for the transportation of passengers between towns, cities, and municipalities in the state of Colorado may be sixty feet extreme overall length, inclusive of front and rear bumpers but shall not exceed a height of thirteen feet six inches, if such buses are equipped to conform with the load and weight limitations set forth in ~~section 42-4-407~~ SECTION 42-4-508; except that buses with a height of fourteen feet six inches which otherwise conform to the requirements of this subsection (3) shall be operated only on highways designated by the department of transportation.

(4) No combination of vehicles coupled together shall consist of more than four units, and no such combination of vehicles shall exceed a total overall length of seventy feet. Said length limitation shall not apply to truck tractor-semitrailer combinations when the semitrailer is fifty-seven feet four inches or less in length or to truck tractor-semitrailer-trailer combinations when both the semitrailer and the trailer are twenty-eight feet six inches or less in length. Said length limitation shall also not apply to saddlemount combinations, which shall not exceed seventy-five feet in total overall length. Said length limitations shall also not apply to vehicles operated by a public utility when required for emergency repair of public service facilities or properties or when operated under special permit as provided in ~~section 42-4-409~~ SECTION 42-4-510, but, in respect to night transportation, every such vehicle and the load thereon shall be equipped with a sufficient number of clearance lamps on both sides and marker lamps upon the extreme ends of any projecting load to clearly mark the dimensions of such load. Said length limitations shall also not apply to specialized equipment used in combination for transporting automobiles or boats when such specialized equipment is stinger-steered, as defined in ~~section 42-1-102 (76.3)~~ SECTION 42-1-102 (99), and the combination does not exceed seventy-five

feet in length exclusive of safety devices, which safety devices shall not be designed or used for carrying cargo. The limitations provided in this section shall be strictly construed and enforced. Extensions of not more than eighteen inches in length on each end of a vehicle or combination of vehicles used to transport manufactured vehicles shall not be included in measuring the length of such vehicle or combination of vehicles when loaded.

(5) The load upon any vehicle operated alone or the load upon the front vehicle of a combination of vehicles shall not extend beyond the front wheels of such vehicles or vehicle or the front most point of the grill of such vehicle; but a load may project not more than four feet beyond the front most point of the grill assembly of the vehicle engine compartment of such a vehicle at a point above the cab of the driver's compartment so long as that part of any load projecting ahead of the rear of the cab or driver's compartment shall be so loaded as not to obscure the vision of the driver to the front or to either side, except for the provisions of subsection (4) of this section.

(6) The length limitations of vehicles and combinations of vehicles provided for in this section as they apply to vehicles being operated and utilized for the transportation of steel, fabricated beams, trusses, utility poles, pipes, and automobiles shall be determined without regard to the projection of said commodities beyond the extreme front or rear of the vehicle or combination of vehicles; except that the projection of a load to the front shall be governed by the provisions of subsection (5) of this section, and no load shall project to the rear more than ten feet.

(7) Any person who violates any provision of this section commits a class B traffic infraction.

42-4-505. [Formerly 42-4-404.5] Longer vehicle combinations. (1) Notwithstanding any other provision of this article to the contrary, the department of transportation, in the exercise of its discretion, may issue permits for the use of longer vehicle combinations. An annual permit for such use may be issued to each qualified carrier company. The carrier company shall maintain a copy of such annual permit in each vehicle operating as a longer vehicle combination. The fee for the permit shall be two hundred fifty dollars per year.

(2) The permits shall allow operation, over designated highways, of the following vehicle combinations of not more than three cargo units and neither fewer than six axles nor more than nine axles:

(a) A truck tractor, a semitrailer, and two trailers. A semitrailer used with a converter dolly shall be considered a trailer. Semitrailers and trailers shall be of approximately

equal lengths not to exceed twenty-eight feet six inches in length.

(b) A truck tractor, semitrailer, and single trailer. A semitrailer used with a converter dolly shall be considered a trailer. Semitrailers and trailers shall be of approximately equal lengths not to exceed forty-eight feet in length.

(c) A truck tractor, semitrailer, and single trailer, one trailer of which is not more than forty-eight feet long, the other trailer of which is not more than twenty-eight feet six inches long. A semitrailer used with a converter dolly shall be considered a trailer. The shorter trailer shall be operated as the rear trailer.

(d) A truck and single trailer, having an overall length of not more than eighty-five feet, the truck of which is not more than thirty-five feet long and the trailer of which is not more than forty feet long. For the purposes of this paragraph (d), a semitrailer used with a converter dolly shall be considered a trailer.

(3) The long combinations shall be limited to interstate highway 25, interstate highway 76, interstate highway 70 west of its intersection with state highway 13 in Garfield county, interstate highway 70 east of its intersection with U.S. 40 and state highway 26, the circumferential highways designated I-225 and I-270, and state highway 133 in Delta county from mile marker 8.9 to mile marker 9.7. The department of transportation shall promulgate rules and regulations to provide carriers with reasonable ingress to and egress from such designated highway segments.

(4) The department of transportation shall promulgate rules and regulations governing the issuance of the permits, including, but not limited to, selection of carriers, driver qualifications, equipment selection, hours of operation, and safety considerations; except that they shall not include hazardous materials subject to regulation by the provisions of ~~article 6 of title 43, C.R.S.~~ ARTICLE 20 OF THIS TITLE.

(5) Any person who violates any provision of this section commits a class B TRAFFIC infraction.

42-4-506. [Formerly 42-4-405] Trailers and towed vehicles. (1) When one vehicle is towing another, the drawbar or other connection shall be of sufficient strength to pull all weight towed thereby, and said drawbar or other connection shall not exceed fifteen feet from one vehicle to the other, except the connection between any two vehicles transporting poles, pipe, machinery, or other objects of a structural nature which cannot readily be dismembered and except connections between vehicles in

which the combined lengths of the vehicles and the connection does not exceed an overall length of fifty-five feet and the connection is of rigid construction included as part of the structural design of the towed vehicle.

(2) When one vehicle is towing another and the connection consists of a chain, rope, or cable, there shall be displayed upon such connection a white flag or cloth not less than twelve inches square.

(3) Whenever one vehicle is towing another, in addition to the drawbar or other connection, except a fifth wheel connection meeting the requirements of the ~~interstate commerce commission~~ DEPARTMENT OF TRANSPORTATION, safety chains or cables arranged in such a way that it will be impossible for the vehicle being towed to break loose from the vehicle towing in the event the drawbar or other connection were to be broken, loosened, or otherwise damaged shall be used. This subsection (3) shall apply to all motor vehicles, to all trailers, except semitrailers connected by a proper fifth wheel, and to any dolly used to convert a semitrailer to a full trailer.

(4) Any person who violates any provision of this section commits a class B traffic infraction.

42-4-507. [Formerly 42-4-406] Wheel and axle loads. (1) The gross weight upon any wheel of a vehicle shall not exceed the following:

(a) When the wheel is equipped with a solid rubber or cushion tire, eight thousand pounds;

(b) When the wheel is equipped with a pneumatic tire, nine thousand pounds.

(2) The gross weight upon any single axle or tandem axle of a vehicle shall not exceed the following:

(a) When the wheels attached to said axle are equipped with solid rubber or cushion tires, sixteen thousand pounds;

(b) ~~(I)~~ When the wheels attached to a single axle are equipped with pneumatic tires, twenty thousand pounds;

(c) WHEN THE WHEELS ATTACHED TO A TANDEM AXLE ARE EQUIPPED WITH PNEUMATIC TIRES, THIRTY-SIX THOUSAND POUNDS FOR HIGHWAYS ON THE INTERSTATE SYSTEM AND FORTY THOUSAND POUNDS FOR HIGHWAYS NOT ON THE INTERSTATE SYSTEM.

~~(II) (A)~~ (3) (a) Vehicles equipped with a self-compactor and used solely for the transporting of trash are exempted from the provisions of ~~this~~ paragraph (b) OF SUBSECTION (2) OF THIS

SECTION.

~~(B)~~ (b) After January 1, 1987, the provisions of this ~~subparagraph (II)~~ SUBSECTION (3) shall be reviewed at a joint meeting of the senate transportation committee and the house transportation and energy committee in order to determine the effects of such provisions.

~~(c) When the wheels attached to a tandem axle are equipped with pneumatic tires, thirty-six thousand pounds for highways on the interstate system and forty thousand pounds for highways not on the interstate system.~~

~~(3)~~ (4) For the purposes of this section:

(a) A single axle is defined as all wheels, whose centers may be included within two parallel transverse vertical planes not more than forty inches apart, extending across the full width of the vehicle.

(b) A tandem axle is defined as two or more consecutive axles, the centers of which may be included between parallel vertical planes spaced more than forty inches and not more than ninety-six inches apart, extending across the full width of the vehicle.

~~(4) Repealed, L. 88, p. 1392, § 3, effective March 24, 1988.~~

(5) The gross weight upon any one wheel of a steel-tired vehicle shall not exceed five hundred pounds per inch of cross-sectional width of tire.

(6) Any person who drives a vehicle or owns a vehicle in violation of any provision of this section commits a class 2 misdemeanor traffic offense.

42-4-508. [Formerly 42-4-407] Gross weight of vehicles and loads. (1) No vehicle or combination of vehicles shall be moved or operated on any highway or bridge when the gross weight thereof exceeds the limits specified below:

(a) (I) The gross weight upon any one axle of a vehicle shall not exceed the limits prescribed in ~~section 42-4-406~~ SECTION 42-4-507.

(II) Subject to the limitations prescribed in ~~section 42-4-406~~ SECTION 42-4-507, the gross weight of a vehicle having two axles shall not exceed thirty-six thousand pounds.

(III) Subject to the limitations prescribed in ~~section~~

~~42-4-406~~ SECTION 42-4-507, the gross weight of a single vehicle having three or more axles shall not exceed fifty-four thousand pounds.

(b) Subject to the limitations prescribed in ~~section 42-4-406~~ SECTION 42-4-507, the maximum gross weight of any vehicle or combination of vehicles shall not exceed that determined by the formula W equals 1,000 (L plus 40), W = the gross weight in pounds, L = the length in feet between the centers of the first and last axles of such vehicle or combination of vehicles, but in computation of this formula no gross vehicle weight shall exceed eighty-five thousand pounds. For the purposes of this section, where a combination of vehicles is used, no vehicle shall carry a gross weight of less than ten percent of the overall gross weight of the combination of vehicles; except that these limitations shall not apply to specialized trailers of fixed public utilities whose axles may carry less than ten percent of the weight of the combination. The limitations provided in this section shall be strictly construed and enforced.

(c) Notwithstanding any other provisions of this section, except as may be authorized under ~~section 42-4-409~~ SECTION 42-4-510, no vehicle or combination of vehicles shall be moved or operated on any highway or bridge which is part of the national system of interstate and defense highways, also known as the interstate system, when the gross weight of such vehicle or combination of vehicles exceeds the following specified limits:

(I) Subject to the limitations prescribed in ~~section 42-4-406~~ SECTION 42-4-507, the gross weight of a vehicle having two axles shall not exceed thirty-six thousand pounds.

(II) Subject to the limitations prescribed in ~~section 42-4-406~~ SECTION 42-4-507, the gross weight of a single vehicle having three or more axles shall not exceed fifty-four thousand pounds.

(III) (A) Subject to the limitations prescribed in ~~section 42-4-406~~ SECTION 42-4-507, the maximum gross weight of any vehicle or combination of vehicles shall not exceed that determined by the formula W = 500 [(LN/N-1) + 12N + 36].

(B) In using the formula in sub-subparagraph (A) of this subparagraph (III), W equals overall gross weight on any group of two or more consecutive axles to the nearest 500 pounds, L equals distance in feet between first and last axles of such vehicle or combination of vehicles, and N equals number of axles; but in computations of this formula no gross vehicle weight shall exceed eighty thousand pounds, except as may be authorized under ~~section 42-4-409~~ SECTION 42-4-510.

(IV) For the purposes of this subsection (1), where a

combination of vehicles is used, no vehicle shall carry a gross weight of less than ten percent of the overall gross weight of the combination of vehicles; except that this limitation shall not apply to specialized trailers whose specific use is to haul poles and whose axles may carry less than ten percent of the weight of the combination.

(2) The department upon registering any vehicle under the laws of this state, which vehicle is designed and used primarily for the transportation of property or for the transportation of ten or more persons, may acquire such information and may make such investigation or tests as necessary to enable it to determine whether such vehicle may safely be operated upon the highways in compliance with all the provisions of this article. The department shall not register any such vehicle for a permissible gross weight exceeding the limitations set forth in ~~sections 42-4-401 to 42-4-411 and 42-4-1208~~ SECTIONS 42-4-501 TO 42-4-512 AND 42-4-1407. Every such vehicle shall meet the following requirements:

(a) It shall be equipped with brakes as required in ~~section 42-4-220~~ SECTION 42-4-223;

(b) Every motor vehicle to be operated outside of business and residence districts shall have motive power adequate to propel at a reasonable speed such vehicle and any load thereon or to be drawn thereby.

(3) If the federal highway administration or the United States congress prescribes or adopts vehicle size or weight limits greater than those now prescribed by the "Federal-Aid Highway Act of 1956", which limits exceed in full or in part the provisions of ~~section 42-4-404~~ SECTION 42-4-504 or paragraph (b) or (c) of subsection (1) of this section, the transportation commission, upon determining that Colorado highways have been constructed to standards which will accommodate such additional size or weight and that the adoption of said size and weight limitations will not jeopardize any distribution of federal highway funds to the state, may adopt size and weight limits comparable to those prescribed or adopted by the federal highway administration or the United States congress and may authorize said limits to be used by owners or operators of vehicles while said vehicles are using highways within this state; but no vehicle size or weight limit so adopted by the commission shall be less in any respect than those now provided for in ~~section 42-4-404~~ SECTION 42-4-504 or paragraph (b) or (c) of subsection (1) of this section.

(4) Any person who drives a vehicle or owns a vehicle in violation of any provision of this section commits a class 2 misdemeanor traffic offense.

~~(5) Repealed, L. 79, p. 1570, § 4, effective June 30, 1980.~~

42-4-509. [Formerly 42-4-408] Vehicles weighed - excess removed. (1) Any police or peace officer, as defined in section 18-1-901 (3) (l) (IV), C.R.S., having reason to believe that the weight of a vehicle and load is unlawful is authorized to require the driver to stop and submit to a weighing of the same by means of either portable or stationary scales or shall require that such vehicle be driven to the nearest public scales in the event such scales are within five miles.

(2) (a) Except as provided in paragraph (b) of this subsection (2), whenever an officer upon weighing a vehicle and load as provided in subsection (1) of this section determines that the weight is unlawful, such officer shall require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of such vehicle to such limit as permitted under ~~sections 42-4-401 to 42-4-411 and 42-4-1208~~ SECTIONS 42-4-501 TO 42-4-512 AND 42-4-1407. All material so unloaded shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator.

(b) Whenever an officer upon weighing a vehicle and load as provided in subsection (1) of this section determines that the weight is unlawful and the load consists solely of either explosives or hazardous materials as defined in ~~section 42-1-102 (26)~~ SECTION 42-1-102 (32), such officer shall permit the driver of such vehicle to proceed to ~~his~~ THE DRIVER'S destination without requiring ~~him~~ THE DRIVER to unload the excess portion of such load.

(3) Any driver of a vehicle who fails or refuses to stop and submit the vehicle and load to a weighing or who fails or refuses when directed by an officer upon a weighing of the vehicle to stop the vehicle and otherwise comply with the provisions of this section commits a class 2 misdemeanor traffic offense.

42-4-510. [Formerly 42-4-409] Permits for excess size and weight and for manufactured homes. (1) (a) The department of transportation or the Colorado state patrol with respect to highways under its jurisdiction or any local authority with respect to highways under its jurisdiction may, upon application in writing and good cause being shown therefor, issue a single trip, a special, or an annual permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in this article or otherwise not in conformity with the provisions of this article upon any highway under the jurisdiction of the party granting such permit and for the maintenance of which

said party is responsible; except that permits for the movement of any manufactured home shall be issued as provided in subsection (2) of this section.

(b) The application for any permit shall specifically describe the vehicle and load to be operated or moved and the particular highways for which the permit to operate is requested, and whether such permit is for a single trip, a special, or an annual operation, and the time of such movement. All state permits shall be issued in the discretion of the department of transportation, subject to rules and regulations adopted by the transportation commission in accordance with this section and ~~section 42-4-409.1~~ SECTION 42-4-511. All local permits shall be issued in the discretion of the local authority pursuant to ordinances or resolutions adopted in accordance with ~~section 42-4-409.1~~ SECTION 42-4-511. Any ordinances or resolutions of local authorities shall not conflict with this section.

(2) (a) An authentication of paid ad valorem taxes, after notification of such movement to the county treasurer, may serve as a permit for movement of manufactured homes on public streets or highways under the county's jurisdiction. An authentication of paid ad valorem taxes from the county treasurer of the county from which the manufactured home is to be moved, after notification of such movement has been provided to the county assessor of the county to which the manufactured home is to be moved, pursuant to section 39-5-205, C.R.S., may also serve as a permit for the movement of manufactured homes from one adjoining county to an adjoining county on streets and highways under local jurisdiction. The treasurer shall issue along with the authentication of paid ad valorem taxes a transportable manufactured home permit. The treasurer may establish and collect a fee, which shall not exceed ten dollars, for issuing the authentication of paid ad valorem taxes and the transportable manufactured home permit. Such transportable manufactured home permit shall be printed on an eleven inch by six inch fluorescent orange card and shall contain the following information: The name and address of the owner of the mobile home; the name and address of the mover; the transport number of the mover, a description of the mobile home including the make, year, and identification or serial number; the county authentication number; and an expiration date. The expiration date shall be set by the treasurer, but in no event shall the expiration date be more than thirty days after the date of issue of the permit. Such transportable manufactured home permit shall be valid for a single trip only. The transportable manufactured home permit shall be prominently displayed on the rear of the mobile home during transit of the mobile home. Peace officers and local tax and assessment officials may request, and upon demand shall be shown, all moving permits, tax receipts, or certificates required by this subsection (2). Nothing in this section shall require a permit from a county treasurer for the movement of a new manufactured home. For the

purposes of this section, a new manufactured home is one in transit under invoice or manufacturer's statement of origin which has not been previously occupied for residential purposes.

(b) All applications for permits to move manufactured homes over state highways shall comply with the following special provisions:

(I) Each such application shall be for a single trip, a special, or an annual permit. The application shall be accompanied by a certificate or other proof of public liability insurance in amounts of not less than one hundred thousand dollars per person and three hundred thousand dollars per accident for all manufactured homes moved within this state by the permit holder during the effective term of the permit. Each application for a single trip permit shall be accompanied by an authentication of paid ad valorem taxes on the used manufactured home.

(II) Holders of permits shall keep and maintain, for not less than three calendar years, records of all manufactured homes moved in whole or in part within this state, which records shall include the plate number of the towing vehicle; the year, make, serial number, and size of the unit moved, together with date of the move; the place of pickup; and the exact address of the final destination and the county of final destination and the name and address of the landowner of the final destination. These records shall be available upon request within this state for inspection by the state of Colorado or any of its ad valorem taxing governmental subdivisions.

(III) Holders of permits shall obtain an authentication of paid ad valorem taxes through the date of the move from the owner of a used manufactured home or from the county treasurer of the county from which the used manufactured home is being moved. Permit holders shall notify the county treasurer of the county from which the manufactured home is being moved of the new exact address of the final destination and the county of final destination of the manufactured home and the name and address of the landowner of the final destination, and, if within the state, the county treasurer shall forward copies of the used manufactured home tax certificate to the county assessor of the destination county. County treasurers may compute ad valorem manufactured home taxes due based upon the next preceding year's assessment prorated through the date of the move and accept payment of such as payment in full.

(IV) No owner of a manufactured home shall move ~~his~~ THE manufactured home or provide for the movement of ~~his~~ THE manufactured home without being the holder of a paid ad valorem tax certificate and a transportable manufactured home permit thereon, and no person shall assist such an owner in the movement of ~~his~~ SUCH OWNER'S manufactured home, including a manufactured

home dealer. Except as otherwise provided in this paragraph (b), a permit holder who moves any manufactured home within this state shall be liable for all unpaid ad valorem taxes thereon through the date of such move if movement is made prior to payment of the ad valorem taxes due on the manufactured home moved.

(V) In the event of an imminent natural or man-made disaster or emergency, including, but not limited to, rising waters, flood, or fire, the owner, owner's representative or agent, occupant, or tenant of a manufactured home or the mobile home park owner or manager, lienholder, or manufactured home dealer is specifically exempted from the need to obtain a permit pursuant to this section and may move the endangered manufactured home out of the danger area to a temporary or new permanent location and may move such manufactured home back to its original location without a permit or penalty or fee requirement. Upon any such move to a temporary location as a result of a disaster or emergency, the person making the move or ~~his~~ SUCH PERSON'S agent or representative shall notify the county assessor in the county to which the manufactured home has been moved, within twenty days after such move, of the date and circumstances pertaining to the move and the temporary or permanent new location of the manufactured home. If the manufactured home is moved to a new permanent location from a temporary location as a result of a disaster or emergency, a permit for such move shall be issued but no fee shall be assessed.

(3) The department of transportation or the Colorado state patrol or any local authority is authorized to issue or withhold a permit, as provided in this section, and, if such permit is issued, to limit the number of trips, or to establish seasonal or other time limitations within which the vehicles described may be operated on the highways indicated, or otherwise to limit or prescribe conditions of operation of such vehicles, when necessary to protect the safety of highway users, to protect the efficient movement of traffic from unreasonable interference, or to protect the highways from undue damage to the road foundations, surfaces, or structures and may require such undertaking or other security as may be deemed necessary to compensate for any injury to any highway or highway structure.

(4) Every such permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer or authorized agent of any authority granting such permit, and no person shall violate any of the terms or conditions of such special permit.

(5) The department of transportation or the Colorado state patrol shall, unless such action will jeopardize distribution of federal highway funds to the state, upon application in writing, issue a special annual permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles on the

interstate highway system of Colorado at a maximum weight of eighty-five thousand pounds. The special annual permit shall be issued at a charge of twenty-five dollars for each power unit.

(6) No vehicle having a permit under this section shall be remodeled, rebuilt, altered, or changed except in such a way as to conform to those specifications and limitations established in ~~sections 42-4-401 to 42-4-406 and 42-4-1208~~ SECTIONS 42-4-501 TO 42-4-507 AND 42-4-1407.

(7) Any person who has obtained a valid permit for the movement of any oversize vehicle or load may attach to such vehicle or load or to any vehicle accompanying the same not more than three illuminated flashing yellow signals as warning devices.

(8) The department of transportation shall have a procedure to allow those persons who are transporting loads from another state into Colorado and who would require a permit under the provisions of this section to make advance arrangements by telephone or other means of communication for the issuance of a permit if the load otherwise complies with the requirements of this section.

(9) No permit shall be necessary for the operation of authorized emergency vehicles, public transportation vehicles operated by municipalities or other political subdivisions of the state, county road maintenance and county road construction equipment temporarily moved upon the highway, implements of husbandry, and farm tractors temporarily moved upon the highway, including transportation of such tractors or implements by a person dealing therein to ~~his~~ SUCH PERSON'S place of business within the state or to the premises of a purchaser or prospective purchaser within the state; nor shall such vehicles or equipment be subject to the size and weight provisions of this ~~part 4~~ PART 5.

(10) The Colorado state patrol, the personnel in any port of entry weigh station, and local law enforcement officials shall verify the validity of permits issued under this section whenever feasible. Upon determination by any of such officials or by any personnel of a county assessor's or county treasurer's office indicating that a manufactured home has been moved without a valid permit, the district attorney shall investigate and prosecute any alleged violation as authorized by law.

(11) (a) The department of transportation or the Colorado state patrol may charge permit applicants permit fees as follows:

(I) For overlength, overwidth, and overheight permits on loads or vehicles which do not exceed legal weight limits:

(A) Annual permit, two hundred fifty dollars;

(B) Single trip permit, fifteen dollars.

~~(I.1)~~ (II) For overlength, including front or rear overhang, annual fleet permits on loads or vehicles which do not exceed legal weight limits, one thousand five hundred dollars plus fifteen dollars per fleet vehicle. For purposes of this ~~subparagraph (I.1)~~ SUBPARAGRAPH (II), "fleet" means any group of two or more vehicles owned by one person. This ~~subparagraph (I.1)~~ SUBPARAGRAPH (II) shall only apply for public utility vehicles and loads.

~~(II)~~ (III) For overweight permits for vehicles or loads exceeding legal weight limits up to ~~the~~ two hundred thousand pounds:

(A) Annual permit, four hundred dollars;

(B) Single trip permit, fifteen dollars plus five dollars per axle;

(C) Annual fleet permits, one thousand five hundred dollars plus twenty-five dollars per vehicle to be permitted. For purposes of this sub-subparagraph (C), "fleet" means any group of two or more vehicles owned by one person. This sub-subparagraph (C) shall apply only to longer vehicle combinations as defined in ~~section 42-4-404.5~~ SECTION 42-4-505.

~~(III)~~ (IV) Special permits for structural, oversize, or overweight moves requiring extraordinary action or moves involving weight in excess of two hundred thousand pounds, one hundred twenty-five dollars for a permit for a single trip.

(b) Any local authority may impose a fee, in addition to but not to exceed the amounts required in ~~subparagraphs (I) and (II)~~ SUBPARAGRAPHS (I) AND (III) of paragraph (a) of this subsection (11), as provided by the applicable local ordinance or resolution; and, in the case of a permit under ~~subparagraph (III)~~ SUBPARAGRAPH (IV) of paragraph (a) of this subsection (11), the amount of the fee shall not exceed the actual cost of the extraordinary action.

(12) (a) Any person holding a permit issued pursuant to this section or any person operating a vehicle pursuant to such permit who violates any provision of this section, any ordinance or resolution of a local authority, or any standards or rules or regulations promulgated pursuant to this section, except the provisions of subparagraph (IV) of paragraph (b) of subsection (2) of this section, commits a class 2 misdemeanor traffic offense.

(b) Any person who violates the provisions of subparagraph (IV) of paragraph (b) of subsection (2) of this section shall be prosecuted under section 12-51.5-122 (5), C.R.S.

(c) The department of transportation or the Colorado state patrol with regard to any state permit and the local authority with regard to a local permit may, after a hearing under section 24-4-105, C.R.S., revoke, suspend, refuse to renew, or refuse to issue any permit authorized by this section upon a finding that the holder of the permit has violated the provisions of this section, any ordinance or resolution of a local authority, or any standards or rules or regulations promulgated pursuant to this section.

42-4-511. [Formerly 42-4-409.1] Permit standards - state and local. (1) ~~(a)~~ The transportation commission shall adopt such rules and regulations as are necessary for the proper administration and enforcement of ~~section 42-4-409~~ SECTION 42-4-510 with regard to state permits.

~~(b) Repealed, L. 89, p. 1606, § 1, effective April 12, 1989.~~

(2) (a) Any permits which may be required by local authorities shall be issued in accordance with ordinances and resolutions adopted by the respective local authorities after a public hearing at which testimony is received from affected motor vehicle owners and operators. Notice of such public hearing shall be published in a newspaper having general circulation within the local authority's jurisdiction. Such notice shall not be less than eight days prior to the date of hearing. The publication shall not be placed in that portion of the newspaper in which legal notices or classified advertisements appear. Such notice shall state the purpose of the hearing, the time and place of the hearing, and that the general public, including motor vehicle owners and operators to be affected, may attend and make oral or written comments regarding the proposed ordinance or resolution. Notice of any subsequent hearing shall be published in the same manner as for the original hearing.

(b) At least thirty days prior to such public hearing, the local authority shall transmit a copy of the proposed ordinance or resolution to the department of transportation for its comments, and said department shall make such comments in writing to the local authority prior to such public hearing.

42-4-512. [Formerly 42-4-411] Liability for damage to highway. (1) No person shall drive, operate, or move upon or over any highway or highway structure any vehicle, object, or contrivance in such a manner so as to cause damage to said highway or highway structure. When the damage sustained to said highway or highway structure is the result of the operating, driving, or moving of such vehicle, object, or contrivance weighing in excess of the maximum weight authorized by ~~sections 42-4-401 to 42-4-411 and 42-4-1208~~ SECTIONS 42-4-501 TO 42-4-512 AND 42-4-1407, it

shall be no defense to any action, either civil or criminal, brought against such person that the weight of the vehicle was authorized by special permit issued in accordance with ~~sections 42-4-401 to 42-4-411 and 42-4-1208~~ SECTIONS 42-4-501 TO 42-4-512 AND 42-4-1407.

(2) Every person violating the provisions of subsection (1) of this section shall be liable for all damage which said highway or highway structure may sustain as a result thereof. Whenever the driver of such vehicle, object, or contrivance is not the owner thereof but is operating, driving, or moving such vehicle, object, or contrivance with the express or implied consent of the owner thereof, then said owner or driver shall be jointly and severally liable for any such damage. The liability for damage sustained by any such highway or highway structure may be enforced by a civil action by the authorities in control of such highway or highway structure. No satisfaction of such civil liability, however, shall be deemed to be a release or satisfaction of any criminal liability for violation of the provisions of subsection (1) of this section.

(3) Any person who violates any provision of this section commits a class A traffic infraction.

PART ~~5~~ 6
SIGNALS - SIGNS - MARKINGS

42-4-601. [Formerly 42-4-502] Department to sign highways, where. (1) The department of transportation shall place and maintain such traffic control devices, conforming to its manual and specifications, upon state highways as it deems necessary to indicate and to carry out the provisions of this article or to regulate, warn, or guide traffic.

(2) No local authority shall place or maintain any traffic control device upon any highway under the jurisdiction of the department of transportation except by the latter's permission.

42-4-602. [Formerly 42-4-503] Local traffic control devices. ~~(1) Local authorities in their respective jurisdictions shall place and maintain such traffic control devices upon highways under their jurisdiction as they may deem necessary to indicate and to carry out the provisions of this article or local traffic ordinances or to regulate, warn, or guide traffic, subject in the case of state highways to the provisions of sections 42-4-108 and 43-2-135 (1) (g), C.R.S. All such traffic control devices shall conform to the state manual and specifications for statewide uniformity as provided in section 42-4-501.~~

~~(2)~~ (1) No local authority shall erect or maintain any stop sign or traffic control signal at any location so as to require the traffic on any state highway to stop before entering or

crossing any intersecting highway unless approval in writing has first been obtained from the department of transportation.

~~(3)~~ (2) Where practical no local authority shall maintain three traffic control signals located on a roadway so as to be within one minute's driving time (to be determined by the speed limit) from any one of the signals to the other without synchronizing the lights to enhance the flow of traffic and thereby reduce air pollution.

42-4-603. [Formerly 42-4-504] Obedience to official traffic control devices. (1) No driver of a vehicle shall disobey the instructions of any official traffic control device including any official hand signal device placed or displayed in accordance with the provisions of this article unless otherwise directed by a police officer subject to the exceptions in this article granted the driver of an authorized emergency vehicle.

(2) No provision of this article for which official traffic control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic control devices are required, such section shall be effective even though no devices are erected or in place.

(3) Whenever official traffic control devices are placed in position approximately conforming to the requirements of this article, such devices shall be presumed to have been so placed by the official act or direction of lawful authority unless the contrary is established by competent evidence.

(4) Any official traffic control device placed pursuant to the provisions of this article and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this article unless the contrary is established by competent evidence.

(5) Any person who violates any provision of this section commits a class A traffic infraction.

42-4-604. [Formerly 42-4-505] Traffic control signal legend. (1) If traffic is controlled by traffic control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination as declared in the traffic control manual adopted by the department of transportation, only the colors green, yellow, and red shall be used, except for special pedestrian-control signals carrying a word or symbol legend as provided in ~~section 42-4-702~~ SECTION 42-4-802, and said lights, arrows, and combinations thereof shall indicate and apply to drivers of vehicles and pedestrians as

follows:

~~(2)~~ (a) Green indication:

~~(a)~~ (I) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits such turn; but vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection ~~or~~ AND TO PEDESTRIANS LAWFULLY WITHIN an adjacent crosswalk at the time such signal is exhibited.

~~(b)~~ (II) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

~~(c)~~ (III) Unless otherwise directed by a pedestrian-control signal as provided in ~~section 42-4-702~~ SECTION 42-4-802, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

~~(3)~~ (b) Steady yellow indication:

~~(a)~~ (I) Vehicular traffic facing a steady circular yellow or yellow arrow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter.

~~(b)~~ (II) Pedestrians facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a pedestrian-control signal as provided in ~~section 42-4-702~~ SECTION 42-4-802, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown, and no pedestrian shall then start to cross the roadway.

~~(4)~~ (c) Steady red indication:

~~(a)~~ (I) Vehicular traffic facing a steady circular red signal alone shall stop at a clearly marked stop line but, if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until an indication to proceed is shown; except that:

~~(I)~~ (A) Such vehicular traffic, after coming to a stop and yielding the right-of-way to pedestrians lawfully within an

adjacent crosswalk and to other traffic lawfully using the intersection, may make a right turn, unless state or local road authorities within their respective jurisdictions have by ordinance or resolution prohibited any such right turn and have erected an official sign at each intersection where such right turn is prohibited;

~~(II)~~ (B) Such vehicular traffic, when proceeding on a one-way street and after coming to a stop, may make a left turn onto a one-way street upon which traffic is moving to the left of the driver. Such turn shall be made only after yielding the right-of-way to pedestrians and other traffic proceeding as directed. No turn shall be made pursuant to this ~~subparagraph (II)~~ SUB-SUBPARAGRAPH (B) if local authorities have by ordinance prohibited any such left turn and erected a sign giving notice of any such prohibition at each intersection where such left turn is prohibited.

~~(III)~~ (C) To promote uniformity in traffic regulation throughout the state and to protect the public peace, health, and safety, the general assembly declares that no local authority shall have any discretion other than is expressly provided in this ~~paragraph (a)~~ SUBPARAGRAPH (I).

~~(b)~~ (II) Pedestrians facing a steady circular red signal alone shall not enter the roadway, unless otherwise directed by a pedestrian-control signal as provided in ~~section 42-4-702~~ SECTION 42-4-802.

~~(c)~~ (III) Vehicular traffic facing a steady red arrow signal may not enter the intersection to make the movement indicated by such arrow and, unless entering the intersection to make such other movement as is permitted by other indications shown at the same time, shall stop at a clearly marked stop line but, if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until an indication to make the movement indicated by such arrow is shown.

~~(d)~~ (IV) Pedestrians facing a steady red arrow signal shall not enter the roadway, unless otherwise directed by a pedestrian-control signal as provided in ~~section 42-4-702~~ SECTION 42-4-802.

~~(5)~~ (d) Nonintersection signal:

~~(a)~~ In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or pavement marking indicating where the stop shall be made, but in the absence of any

such sign or marking the stop shall be made at the signal.

~~(6)~~ (e) Lane-use-control signals:

~~(a)~~ Whenever lane-use-control signals are placed over the individual lanes of a street or highway, as declared in the traffic control manual adopted by the department of transportation, such signals shall indicate and apply to drivers of vehicles as follows:

(I) Downward-pointing green arrow (steady): A driver facing such signal may drive in any lane over which said green arrow signal is located.

(II) Yellow "X" (steady): A driver facing such signal is warned that the related green arrow movement is being terminated and shall vacate in a safe manner the lane over which said steady yellow signal is located to avoid if possible occupying that lane when the steady red "X" signal is exhibited.

(III) Yellow "X" (flashing): A driver facing such signal may use the lane over which said flashing yellow signal is located for the purpose of making a left turn or a passing maneuver, using proper caution, but for no other purpose.

(IV) Red "X" (steady): A driver facing such signal shall not drive in any lane over which said red signal is exhibited.

~~(7)~~ (2) Any person who violates any provision of this section commits a class A traffic infraction.

42-4-605. [Formerly 42-4-506] Flashing signals. (1) Whenever an illuminated flashing red or yellow signal is used in conjunction with a traffic sign or a traffic signal or as a traffic beacon, it shall require obedience by vehicular traffic as follows:

(a) When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop at a clearly marked stop line but, if none, before entering the crosswalk on the near side of the intersection or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(b) When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed past such signal and through the intersection or other hazardous location only with caution.

(2) This section shall not apply at railroad grade

crossings. Conduct of drivers of vehicles approaching railroad crossings shall be governed by the provisions of ~~sections 42-4-606 to 42-4-609~~ SECTIONS 42-4-706 TO 42-4-708.

(3) Any person who violates any provision of this section commits a class A traffic infraction.

42-4-606. [Formerly 42-4-507] Display of unauthorized signs or devices. (1) No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal, and no person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising. The provisions of this section shall not be deemed to prohibit the use of motorist services information of a general nature on official highway guide signs if such signs do not indicate the brand, trademark, or name of any private business or commercial enterprise offering the service, nor shall this section be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.

(2) Every such prohibited sign, signal, or marking is declared to be a public nuisance, and the authority having jurisdiction over the highway is empowered to remove the same or cause it to be removed without notice.

(3) Any person who violates any provision of this section commits a class A traffic infraction.

(4) The provisions of this section shall not be applicable to informational sites authorized under section 43-1-405, C.R.S.

(5) The provisions of this section shall not be applicable to specific information signs authorized under section 43-1-420, C.R.S.

42-4-607. [Formerly 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 B traffic infraction.

42-4-608. [Formerly 42-4-509] Signals by hand or signal

device. (1) Any stop or turn signal when required as provided by ~~section 42-4-803~~ SECTION 42-4-903 shall be given either by means of the hand and arm as provided by ~~section 42-4-510~~ SECTION 42-4-609 or by signal lamps or signal device of the type approved by the department, except as otherwise provided in subsection (2) of this section.

(2) Any motor vehicle in use on a highway shall be equipped with, and the required signal shall be given by, signal lamps when the distance from the center of the top of the steering post to the left outside limit of the body, cab, or load of such motor vehicle exceeds twenty-four inches or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen feet. The latter measurement shall apply to any single vehicle, also to any combination of vehicles.

(3) Any person who violates any provision of this section commits a class A traffic infraction.

42-4-609. [Formerly 42-4-510] Method of giving hand and arm signals. (1) All signals required to be given by hand and arm shall be given from the left side of the vehicle in the following manner, and such signals shall indicate as follows:

(a) Left-turn, hand and arm extended horizontally;

(b) Right-turn, hand and arm extended upward;

(c) Stop or decrease speed, hand and arm extended downward.

(2) Any person who violates any provision of this section commits a class A traffic infraction.

~~**42-4-611. Vehicles must stop or yield at through highways. (Repealed)**~~

~~Repealed, effective July 1, 1976.~~

42-4-610. [Formerly 42-4-512] Unauthorized insignia. No owner shall display upon any part of ~~his~~ THE OWNER'S vehicle any official designation, sign, or insignia of any public or quasi-public corporation or municipal, state, or national department or governmental subdivision without authority of such agency or any insignia, badge, sign, emblem, or distinctive mark of any organization or society of which ~~he~~ THE OWNER is not a bona fide member or otherwise authorized to display such sign or insignia. Any person who violates any provision of this section commits a class B traffic infraction.

42-4-611. [Formerly 42-4-513] Paraplegic persons or persons with disabilities - distress flag. (1) Any paraplegic person or

person with a disability when in motor vehicle distress is authorized to display by the side of such person's disabled vehicle a white flag of approximately seven and one-half inches in width and thirteen inches in length, with the letter "D" thereon in red color with an irregular one-half inch red border. Said flag shall be of reflective material so as to be readily discernible under darkened conditions, and said reflective material must be submitted to and approved by the department of transportation before the same is used.

(2) Any person desiring to use such display shall make application to the motor vehicle division of the department, and the department may in its discretion issue to such person with a disability upon application a card which sets forth the applicant's name, address, and date of birth, the physical apparatus needed to operate a motor vehicle, if any, and any other pertinent facts which the department deems desirable, and in its discretion the department may issue a permit for the use of and issue to such person a display flag. Each such flag shall be numbered, and in the event of loss or destruction a duplicate may be issued upon the payment of the sum of one dollar by such applicant. The department shall maintain a list of such applicants and persons to whom permits and flags have been issued and furnish a copy thereof to the Colorado state patrol upon request.

(3) Any person who is not a paraplegic person or a person with a disability who uses such flag as a signal or for any other purpose is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than three hundred dollars, or by imprisonment in the county jail for not less than ten days nor more than ninety days, or by both such fine and imprisonment.

42-4-612. [Formerly 42-4-514] When signals are inoperative or malfunctioning. (1) Whenever a driver approaches an intersection and faces a traffic control signal which is inoperative or which remains on steady red or steady yellow during several time cycles, the rules controlling entrance to a through street or highway from a stop street or highway, as provided under ~~section 42-4-603~~ SECTION 42-4-703, shall apply until a police officer assumes control of traffic or until normal operation is resumed. In the event that any traffic control signal at a place other than an intersection should cease to operate or should malfunction as set forth in this section, drivers may proceed through the inoperative or malfunctioning signal only with caution, as if the signal were one of flashing yellow.

(2) Whenever a pedestrian faces a pedestrian-control signal as provided in ~~section 42-4-702~~ SECTION 42-4-802 which is inoperative or which remains on "Don't Walk" or "Wait" during several time cycles, such pedestrian shall not enter the roadway

unless ~~he~~ THE PEDESTRIAN can do so safely and without interfering with any vehicular traffic.

(3) Any person who violates any provision of this section commits a class A traffic infraction.

PART ~~6~~ 7
RIGHTS-OF-WAY

42-4-701. [Formerly 42-4-601] Vehicles approaching or entering intersection.

~~(1) Repealed, L. 76, p. 812, § 49, effective July 1, 1976.~~

~~(2)~~ (1) When two vehicles approach or enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

~~(3)~~ (2) The foregoing rule is modified at through highways and otherwise as stated in ~~sections 42-4-602 to 42-4-604~~ SECTIONS 42-4-702 TO 42-4-704.

~~(4)~~ (3) Any person who violates any provision of this section commits a class A traffic infraction.

42-4-702. [Formerly 42-4-602] Vehicle turning left. The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard. Any person who violates any provision of this section commits a class A traffic infraction.

42-4-703. [Formerly 42-4-603] Entering through highway - stop or yield intersection. (1) The department of transportation and local authorities, within their respective jurisdictions, may erect and maintain stop signs, yield signs, or other official traffic control devices to designate through highways or to designate intersections or other roadway junctions at which vehicular traffic on one or more of the roadways is directed to yield or to stop and yield before entering the intersection or junction. In the case of state highways, such regulations shall be subject to the provisions of section 43-2-135 (1) (g), C.R.S.

(2) Every sign erected pursuant to subsection (1) of this section shall be a standard sign adopted by the department of transportation.

(3) Except when directed to proceed by a police officer,

every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After having stopped, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time when such driver is moving across or within the intersection or junction of roadways.

(4) The driver of a vehicle approaching a yield sign, in obedience to such sign, shall slow to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After slowing or stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection or junction of roadways; except that, if a driver is involved in a collision with a vehicle in the intersection or junction of roadways after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of ~~his~~ THE DRIVER'S failure to yield right-of-way.

(5) Any person who violates any provision of this section commits a class A traffic infraction.

42-4-704. [Formerly 42-4-604] Vehicle entering roadway. The driver of a vehicle about to enter or cross a roadway from any place other than another roadway shall yield the right-of-way to all vehicles approaching on the roadway to be entered or crossed. Any person who violates any provision of this section commits a class A traffic infraction.

42-4-705. [Formerly 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~~ SECTION 42-4-213 OR 42-4-222, 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 A traffic infraction.

42-4-706. [Formerly 42-4-606] Obedience to railroad signal. (1) ~~Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within fifty feet but not less than fifteen feet from the nearest rail of such railroad and shall not proceed until he can do so safely. Such requirements shall apply when:~~ ANY DRIVER OF A MOTOR VEHICLE APPROACHING A RAILROAD CROSSING SIGN SHALL SLOW DOWN TO A SPEED THAT IS REASONABLE AND SAFE FOR THE EXISTING CONDITIONS. IF REQUIRED TO STOP FOR A TRAFFIC CONTROL DEVICE, FLAGPERSON, OR SAFETY BEFORE CROSSING THE RAILROAD GRADE CROSSING, THE DRIVER SHALL STOP AT THE MARKED STOP LINE, IF ANY. IF NO SUCH STOP LINE EXISTS, THE DRIVER SHALL:

(a) ~~A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;~~ STOP NOT LESS THAN FIFTEEN FEET NOR MORE THAN FIFTY FEET FROM THE NEAREST RAIL OF THE RAILROAD GRADE CROSSING AND SHALL NOT PROCEED UNTIL THE RAILROAD GRADE CAN BE CROSSED SAFELY; OR

(b) ~~A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train;~~ IN THE EVENT THE DRIVER WOULD NOT HAVE A REASONABLE VIEW OF APPROACHING TRAINS WHEN STOPPED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1), THE DRIVER SHALL STOP BEFORE PROCEEDING ACROSS THE RAILROAD GRADE CROSSING AT THE POINT NEAREST SUCH CROSSING WHERE THE DRIVER HAS A REASONABLE VIEW OF APPROACHING TRAINS AND SHALL NOT PROCEED UNTIL THE RAILROAD GRADE CAN BE CROSSED SAFELY.

~~(c) A railroad train approaching within approximately fifteen hundred feet of the highway crossing emits a signal audible from such distance, and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard;~~

~~(d) An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.~~

(2) No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed, nor shall any pedestrian pass through, around, over, or under any crossing gate or barrier at a railroad grade crossing while such gate or barrier is closed or is being opened or closed.

(3) Any person who violates any provision of this section commits a class A traffic infraction.

~~**42-4-607. Vehicles stop at certain grade crossings.** The department of transportation is authorized to designate particularly dangerous highway grade crossings of railroads and to erect stop signs thereat. When such stop signs are erected,~~

~~the driver of any vehicle shall stop within fifty feet but not less than fifteen feet from the nearest rail of such grade crossing and shall proceed only upon exercising due care. Any person who violates any provision of this section commits a class A traffic infraction.~~

42-4-707. [Formerly 42-4-608] Certain vehicles must stop at railroad grade crossings. (1) Except as otherwise provided in this section, the driver of any motor vehicle carrying more than six passengers for hire, or of any school bus carrying any schoolchild, or of any vehicle carrying ~~explosives or~~ hazardous materials ~~as a cargo or part of a cargo, or of any vehicle designed to carry flammable liquids, whether empty or loaded, such hazardous materials or flammable liquids to be described in~~ WHICH IS REQUIRED TO BE PLACARDED IN ACCORDANCE WITH regulations issued pursuant to ~~subsection (5.5)~~ SUBSECTION (5) of this section, before crossing at grade any tracks of a railroad, shall stop such vehicle within fifty feet but not less than fifteen feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train and shall not proceed until ~~he~~ THE DRIVER can do so safely. After stopping as required in this section and upon proceeding when it is safe to do so, the driver of any said vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such crossing, and the driver shall not manually shift gears while crossing the tracks.

~~(2) Repealed, L. 76, p. 812, 49, effective July 1, 1976.~~

~~(3)~~ (2) This section shall not apply at street railway grade crossings within a business or residence district.

~~(4)~~ (3) When stopping as required at such railroad crossing, the driver shall keep as far to the right of the roadway as possible and shall not form two lanes of traffic unless the roadway is marked for four or more lanes of traffic.

~~(5)~~ (4) Subsection (1) of this section shall not apply at:

(a) Any railroad grade crossing protected by crossing gates or an alternately flashing light intended to give warning of the approach of a railroad train as provided in ~~section 42-4-606~~ SECTION 42-4-706;

(b) Any railroad grade crossing at which traffic is regulated by a traffic control signal;

(c) Any railroad grade crossing at which traffic is controlled by a police officer or human flagperson;

(d) Any railroad crossing where state or local road

authorities within their respective jurisdictions have determined that trains are not operating during certain periods or seasons of the year and have erected an official sign carrying the legend "exempt", which shall give notice when so posted that such crossing is exempt from the stopping requirement provided for in this section.

~~(5.5)~~ (5) For the purposes of this section, ~~the public utilities commission shall adopt and publicize such instructions and regulations as may be necessary describing what constitutes hazardous materials. On and after January 1, 1988,~~ the definition of hazardous materials shall be the definition contained in the rules and regulations adopted by the chief of the Colorado state patrol pursuant to ~~section 43-6-108, C.R.S.~~ SECTION 42-20-108.

(6) Any person who violates any provision of this section commits a class A traffic infraction.

42-4-708. [Formerly 42-4-609] Moving heavy equipment at railroad grade crossing. (1) No person shall operate or move any crawler-type tractor, steam shovel, derrick, or roller or any equipment or structure having a normal operating speed of ten or less miles per hour or a vertical body or load clearance of less than nine inches above the level surface of a roadway upon or across any tracks at a railroad grade crossing without first complying with this section.

(2) Notice of any such intended crossing shall be given to a superintendent of such railroad and a reasonable time be given to such railroad to provide proper protection at such crossing.

(3) Before making any such crossing, the person operating or moving any such vehicle or equipment shall first stop the same not less than fifteen feet nor more than fifty feet from the nearest rail of such railroad, and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.

(4) No such crossing shall be made when warning is given by automatic signal or crossing gates or a ~~flagman~~ FLAGPERSON or otherwise of the immediate approach of a railroad train or car.

(5) Subsection (3) of this section shall not apply at any railroad crossing where state or local road authorities within their respective jurisdictions have determined that trains are not operating during certain periods or seasons of the year and have erected an official sign carrying the legend "exempt", which shall give notice when so posted that such crossing is exempt from the stopping requirement provided in this section.

(6) Any person who violates any provision of this section

commits a class B traffic infraction.

42-4-709. [Formerly 42-4-609.5] Stop when traffic obstructed. No driver shall enter an intersection or a marked crosswalk or drive onto any railroad grade crossing unless there is sufficient space on the other side of the intersection, crosswalk, or railroad grade crossing to accommodate the vehicle ~~he~~ THE DRIVER is operating without obstructing the passage of other vehicles, pedestrians, or railroad trains, notwithstanding the indication of any traffic control signal to proceed. Any person who violates any provision of this section commits a class A traffic infraction.

42-4-710. [Formerly 42-4-610] Emerging from or entering alley, driveway, or building. (1) The driver of a vehicle emerging from an alley, driveway, building, parking lot, or other place, immediately prior to driving onto a sidewalk or into the sidewalk area extending across any such alleyway, driveway, or entranceway, shall yield the right-of-way to any pedestrian upon or about to enter such sidewalk or sidewalk area extending across such alleyway, driveway, or entranceway, as may be necessary to avoid collision, and when entering the roadway shall comply with the provisions of ~~section 42-4-604~~ SECTION 42-4-704.

(2) The driver of a vehicle entering an alley, driveway, or entranceway shall yield the right-of-way to any pedestrian within or about to enter the sidewalk or sidewalk area extending across such alleyway, driveway, or entranceway.

(3) No person shall drive any vehicle other than a bicycle or any other human-powered vehicle upon a sidewalk or sidewalk area, except upon a permanent or duly authorized temporary driveway.

(4) Any person who violates any provision of this section commits a class A traffic infraction.

42-4-711. [Formerly 42-4-611] Driving on mountain highways. (1) The driver of a motor vehicle traveling through defiles or canyons or on mountain highways shall hold such motor vehicle under control and as near TO the right-hand edge of the highway as reasonably possible and, except when driving entirely to the right of the center of the roadway, shall give audible warning with the horn of such motor vehicle upon approaching any curve where the view is obstructed within a distance of two hundred feet along the highway.

(2) On narrow mountain highways with turnouts having a grade of six percent or more, ascending vehicles shall have the right-of-way over descending vehicles, except where it is more practicable for the ascending vehicle to return to a turnout.

(3) Any person who violates any provision of this section commits a class A traffic infraction.

42-4-712. [Formerly 42-4-614] Driving in highway work area. (1) The driver of a vehicle shall yield the right-of-way to any authorized vehicle or pedestrian engaged in work upon a highway within any highway construction or maintenance work area indicated by official traffic control devices.

(2) The driver of a vehicle shall yield the right-of-way to any authorized service vehicle engaged in work upon a highway whenever such vehicle displays flashing lights meeting the requirements of ~~section 42-4-212.5~~ SECTION 42-4-214.

(3) State and local road authorities, within their respective jurisdictions and in cooperation with law enforcement agencies, may train and appoint adult civilian personnel for special traffic duty as highway flagpersons within any highway maintenance or construction work area. Whenever such duly authorized flagpersons are wearing the badge, insignia, or uniform of their office, are engaged in the performance of their respective duties, and are displaying any official hand signal device of a type and in the manner prescribed in the adopted state traffic control manual or supplement thereto for signalling traffic in such areas to stop or to proceed, no person shall willfully fail or refuse to obey the visible instructions or signals so displayed by such flagpersons. Any alleged willful failure or refusal of a driver to comply with such instructions or signals, including information as to the identity of the driver and the license plate number of the vehicle alleged to have been so driven in violation, shall be reported by the work area supervisor in charge at the location to the district attorney for appropriate penalizing action in a court of competent jurisdiction. Any person who violates any provision of this section commits a class A traffic infraction.

PART ~~7~~ 8
PEDESTRIANS

42-4-801. [Formerly 42-4-701] Pedestrian obedience to traffic control devices and traffic regulations. (1) A pedestrian shall obey the instructions of any official traffic control device specifically applicable to ~~him~~ THE PEDESTRIAN, unless otherwise directed by a police officer.

(2) Pedestrians shall be subject to traffic and pedestrian-control signals as provided in ~~sections 42-4-505 and 42-4-702 (5)~~ SECTIONS 42-4-604 AND 42-4-802 (5).

(3) At all other places, pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this title.

(4) Any person who violates any provision of this section commits a class B traffic infraction.

42-4-802. [Formerly 42-4-702] Pedestrians' right-of-way in crosswalks. (1) When traffic control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

(2) Subsection (1) of this section shall not apply under the conditions stated in ~~section 42-4-703~~ SECTION 42-4-803.

(3) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a moving vehicle which is so close as to constitute an immediate hazard.

(4) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

(5) Whenever special pedestrian-control signals exhibiting "Walk" or "Don't Walk" word or symbol indications are in place, as declared in the traffic control manual adopted by the department of transportation, such signals shall indicate and require as follows:

(a) "Walk" (steady): While the "Walk" indication is steadily illuminated, pedestrians facing such signal may proceed across the roadway in the direction of the signal indication and shall be given the right-of-way by the drivers of all vehicles.

~~(b) Repealed, L. 91, p. 1411, § 4, effective July 1, 1991.~~

~~(c)~~ (b) "Don't Walk" (steady): While the "Don't Walk" indication is steadily illuminated, no pedestrian shall enter the roadway in the direction of the signal indication.

~~(d)~~ (c) "Don't Walk" (flashing): Whenever the "Don't Walk" indication is flashing, no pedestrian shall start to cross the roadway in the direction of such signal indication, but any pedestrian who has partly completed ~~his~~ crossing during the "Walk" indication shall proceed to a sidewalk or to a safety island, and all drivers of vehicles shall yield to any such pedestrian.

~~(e)~~ (d) Whenever a signal system provides for the stopping of all vehicular traffic and the exclusive movement of pedestrians

and "Walk" and "Don't Walk" signal indications control such pedestrian movement, pedestrians may cross in any direction between corners of the intersection offering the shortest route within the boundaries of the intersection while the "Walk" indication is exhibited, if signals and other official devices direct pedestrian movement in such manner consistent with ~~section 42-4-703 (4)~~ SECTION 42-4-803 (4).

(6) Any person who violates any provision of this section commits a class A traffic infraction.

42-4-803. [Formerly 42-4-703] Crossing at other than crosswalks. (1) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

(2) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

(3) Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk.

(4) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic control devices pertaining to such crossing movements.

(5) Any person who violates any provision of this section commits a class B traffic infraction.

42-4-804. [Formerly 42-4-704] Pedestrian to use right half of crosswalk. Pedestrians shall move whenever practicable upon the right half of crosswalks. Any person who violates any provision of this section commits a class B traffic infraction.

42-4-805. [Formerly 42-4-705] Pedestrians walking or traveling in a wheelchair on highways. (1) Pedestrians walking OR TRAVELING IN A WHEELCHAIR along and upon highways where sidewalks are not provided shall walk OR TRAVEL only on a road shoulder as far as practicable from the edge of the roadway. Where neither a sidewalk nor road shoulder is available, any pedestrian walking OR TRAVELING IN A WHEELCHAIR along and upon a highway shall walk as near as practicable to an outside edge of the roadway and, in the case of a two-way roadway, shall walk OR TRAVEL only on the left side of the roadway facing traffic that may approach from the opposite direction; except that any person lawfully soliciting a ride may stand on either side of such

two-way roadway where there is a view of traffic approaching from both directions.

(2) No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any private vehicle. For the purposes of this subsection (2), "roadway" means that portion of the road normally used by moving motor vehicle traffic.

(3) It is unlawful for any person who is under the influence of alcohol or of any controlled substance, as defined in section 12-22-303 (7), C.R.S., or of any stupefying drug to walk or be upon that portion of any highway normally used by moving motor vehicle traffic.

(4) This section applying to pedestrians shall also be applicable to riders of animals.

(5) Any city or town may, by ordinance, regulate the use by pedestrians of streets and highways under its jurisdiction to the extent authorized under ~~subsection (5.5)~~ SUBSECTION (6) of this section and ~~sections 42-4-108 and 42-4-109~~ SECTIONS 42-4-110 AND 42-4-111, but no ordinance regulating such use of streets and highways in a manner differing from this section shall be effective until official signs or devices giving notice thereof have been placed as required by ~~section 42-4-109 (2)~~ SECTION 42-4-111 (2).

~~(5.5)~~ (6) No person shall solicit a ride on any highway included in the interstate system, as defined in section 43-2-101 (2), C.R.S., except at an entrance to or exit from such highway or at places specifically designated by the department of transportation; or, in an emergency affecting a vehicle or its operation, a driver or passenger of a disabled vehicle may solicit a ride on any highway.

~~(6)~~ (7) Pedestrians shall only be picked up where there is adequate road space for vehicles to pull off and not endanger and impede the flow of traffic.

~~(6.5)~~ (8) Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of ~~section 42-4-212~~ SECTION 42-4-213 or of a police vehicle properly and lawfully making use of an audible signal only, every pedestrian shall yield the right-of-way to the authorized emergency vehicle and shall leave the roadway and remain off the same until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. This ~~subsection (6.5)~~ SUBSECTION (8) shall not relieve the driver of an authorized emergency vehicle from the duty to use due care as provided in ~~sections 42-4-106 (4) and 42-4-707~~ SECTIONS 42-4-108 (4) AND 42-4-807.

~~(7)~~ (9) Any person who violates any provision of this section commits a class B traffic infraction.

42-4-806. [Formerly 42-4-706] Driving through safety zone prohibited. No vehicle at any time shall be driven through or within a safety zone. Any person who violates any provision of this section commits a class A traffic infraction.

42-4-807. [Formerly 42-4-707] Drivers to exercise due care. Notwithstanding any of the provisions of this article, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any obviously confused or incapacitated person upon a roadway. Any person who violates any provision of this section commits a class A traffic infraction.

~~**42-4-708. Pedestrians to yield to emergency vehicles. (Repealed)**~~

~~Repealed, effective July 1, 1979.~~

42-4-808. [Formerly 42-4-709] Drivers and pedestrians, other than persons in wheelchairs, to yield to persons with disabilities. (1) Any pedestrian, OTHER THAN A PERSON IN A WHEELCHAIR, or any driver of a vehicle who approaches a person who has an obviously apparent disability 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 disability 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 A traffic offense.

(2) The department has no authority to assess any points under ~~section 42-2-123~~ SECTION 42-2-127 to any pedestrian who is convicted of a violation of subsection (1) of this section.

PART ~~8~~ 9
TURNING - STOPPING

42-4-901. [Formerly 42-4-801] Required position and method of turning. (1) The driver of a motor vehicle intending to turn shall do so as follows:

(a) **Right turns.** Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

(b) **Left turns.** The driver of a vehicle intending to turn left shall approach the turn in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle. Whenever practicable, the left turn shall be made to the left of the center of the intersection so as to leave the intersection or other location in the extreme left-hand lane lawfully available to traffic moving in the same direction as such vehicle on the roadway being entered.

(c) **Two-way left-turn lanes.** Where a special lane for making left turns by drivers proceeding in opposite directions has been indicated by official traffic control devices in the manner prescribed in the state traffic control manual, a left turn shall not be made from any other lane, and a vehicle shall not be driven in said special lane except when preparing for or making a left turn from or into the roadway or when preparing for or making a U-turn when otherwise permitted by law.

(2) The department of transportation and local authorities in their respective jurisdictions may cause official traffic control devices to be placed and thereby require and direct that a different course from that specified in this section be traveled by turning vehicles, and, when such devices are so placed, no driver shall turn a vehicle other than as directed and required by such devices. In the case of streets which are a part of the state highway system, the local regulation shall be subject to the approval of the department of transportation as provided in section 43-2-135 (1) (g), C.R.S.

(3) Any person who violates any provision of this section commits a class A traffic infraction.

42-4-902. [Formerly 42-4-802] Limitations on turning around. (1) No vehicle shall be turned so as to proceed in the opposite direction upon any curve or upon the approach to or near the crest of a grade where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within such distance as is necessary to avoid interfering with or endangering approaching traffic.

(2) The driver of any vehicle shall not turn such vehicle at an intersection or any other location so as to proceed in the opposite direction unless such movement can be made in safety and without interfering with or endangering other traffic.

(3) Local and state authorities, within their respective jurisdictions, subject to the provisions of section 43-2-135 (1) (g), C.R.S., in the case of streets which are state highways, may erect "U-turn" prohibition or restriction signs at intersections or other locations where such movements are deemed to be hazardous, and, whenever official signs are so erected, no driver of a vehicle shall disobey the instructions thereof.

(4) Any person who violates any provision of this section commits a class A traffic infraction.

42-4-903. [Formerly 42-4-803] Turning movements and required signals. (1) No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in ~~section 42-4-801~~ SECTION 42-4-901, or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety and then only after giving an appropriate signal in the manner provided in ~~sections 42-4-509 and 42-4-510~~ SECTIONS 42-4-608 AND 42-4-609.

(2) A signal of intention to turn right or left shall be given continuously during not less than the last one hundred feet traveled by the vehicle before turning in urban or metropolitan areas and shall be given continuously for at least two hundred feet on all four-lane highways and other highways where the prima facie or posted speed limit is more than forty miles per hour. Such signals shall be given regardless of existing weather conditions.

(3) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided in ~~sections 42-4-509 and 42-4-510~~ SECTIONS 42-4-608 AND 42-4-609 to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

(4) The signals provided for in ~~section 42-4-509 (2)~~ SECTION 42-4-608 (2) shall be used to indicate an intention to turn, change lanes, or start from a parked position and shall not be flashed on one side only on a parked or disabled vehicle or flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear.

(5) Any person who violates any provision of this section commits a class A traffic infraction.

PART ~~9~~ 10
DRIVING - OVERTAKING - PASSING

42-4-1001. [Formerly 42-4-901] Drive on right side - exceptions. (1) Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway, except as follows:

(a) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;

(b) When an obstruction exists making it necessary to drive to the left of the center of the highway; but any person so doing

shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;

(c) Upon a roadway divided into three lanes for traffic under the rules applicable thereon; or

(d) Upon a roadway restricted to one-way traffic as indicated by official traffic control devices.

(2) Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

(3) Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the center line of the roadway, except when authorized by official traffic control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes or except as permitted under subsection (1) (b) of this section. However, this subsection (3) does not prohibit the crossing of the center line in making a left turn into or from an alley, private road, or driveway when such movement can be made in safety and without interfering with, impeding, or endangering other traffic lawfully using the highway.

(4) Any person who violates any provision of this section commits a class A traffic infraction.

42-4-1002. [Formerly 42-4-902] Passing oncoming vehicles. Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and, upon roadways having width for not more than one lane of traffic in each direction, each driver shall give to the other at least one-half of the main-traveled portion of the roadway as nearly as possible. Any person who violates any provision of this section commits a class A traffic infraction.

42-4-1003. [Formerly 42-4-903] Overtaking a vehicle on the left. (1) The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to the limitations, exceptions, and special rules stated in this section and ~~sections 42-4-904 to 42-4-908~~ SECTIONS 42-4-1004 TO 42-4-1008:

(a) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof

at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

(b) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of ~~his~~ THE DRIVER'S vehicle until completely passed by the overtaking vehicle.

(2) Any person who violates any provision of this section commits a class A traffic infraction.

42-4-1004. [Formerly 42-4-904] When overtaking on the right is permitted. (1) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

(a) When the vehicle overtaken is making or giving indication of making a left turn;

(b) Upon a street or highway with unobstructed pavement not occupied by parked vehicles and marked for two or more lanes of moving vehicles in each direction; or

(c) Upon a one-way street or upon any roadway on which traffic is restricted to one direction of movement where the roadway is free from obstructions and marked for two or more lanes of moving vehicles.

(2) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main-traveled portion of the roadway.

(3) Any person who violates any provision of this section commits a class A traffic infraction.

42-4-1005. [Formerly 42-4-905] Limitations on overtaking on the left. (1) No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless authorized by the provisions of this article and unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completed without interfering with the operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable and, in the event the passing movement involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within two hundred feet of any approaching vehicle.

(2) No vehicle shall be driven on the left side of the roadway under the following conditions:

(a) When approaching or upon the crest of a grade or a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;

(b) When approaching within one hundred feet of or traversing any intersection or railroad grade crossing; OR

(c) When the view is obstructed upon approaching within one hundred feet of any bridge, viaduct, or tunnel.

(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 markings on the roadway indicate the beginning and end of such zones. Where such signs or markings are in place to define a no-passing zone and such signs or markings are clearly visible to an ordinarily observant person, no driver shall drive on the left side of the roadway within such no-passing zone or on the left side of any pavement striping designed to mark such no-passing zone throughout its length.

~~(3.5)~~ (4) The provisions of this section shall not apply:

(a) Upon a one-way roadway; ~~nor~~

(b) Under the conditions described in ~~section 42-4-901 (1) (b)~~ SECTION 42-4-1001 (1) (b); ~~nor~~ OR

(c) To the driver of a vehicle turning left into or from an alley, private road, or driveway when such movement can be made in safety and without interfering with, impeding, or endangering other traffic lawfully using the highway.

~~(4)~~ (5) Any person who violates any provision of this section commits a class A traffic infraction.

42-4-1006. [Formerly 42-4-906] One-way roadways and rotary traffic islands. (1) Upon a roadway restricted to one-way traffic, a vehicle shall be driven only in the direction designated at all or such times as shall be indicated by official traffic control devices.

(2) A vehicle passing around a rotary traffic island shall be driven only to the right of such island.

(3) The department of transportation and local authorities

with respect to highways under their respective jurisdictions may designate any roadway, part of a roadway, or specific lanes upon which vehicular traffic shall proceed in one direction at all or such times as shall be indicated by official traffic control devices. In the case of streets which are a part of the state highway system, the regulation shall be subject to the approval of the department of transportation pursuant to section 43-2-135 (1) (g), C.R.S.

(4) Any person who violates any provision of this section commits a class A traffic infraction.

42-4-1007. [Formerly 42-4-907] Driving on roadways laned for traffic. (1) Whenever any roadway has been divided into two or more clearly marked lanes for traffic, the following rules in addition to all others consistent with this section shall apply:

(a) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

(b) Upon a roadway which is divided into three lanes and provides for two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle traveling in the same direction where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn, or where such center lane is at the time allocated exclusively to the traffic moving in the direction the vehicle is proceeding and is designated by official traffic control devices to give notice of such allocation. Under no condition shall an attempt be made to pass upon the shoulder or any portion of the roadway remaining to the right of the indicated right-hand traffic lane.

(c) Official traffic control devices may be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway, and drivers of vehicles shall obey the directions of every such device.

(d) Official traffic control devices may be installed prohibiting the changing of lanes on sections of roadway, and drivers of vehicles shall obey the directions of every such device.

(2) Any person who violates any provision of this section commits a class A traffic infraction.

42-4-1008. [Formerly 42-4-908] Following too closely. (1) The driver of a motor vehicle shall not follow another

vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.

(2) The driver of any motor truck or motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residence district and which is following another motor truck or motor vehicle drawing another vehicle shall, whenever conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger; except that this shall not prevent a motor truck or motor vehicle drawing another vehicle from overtaking and passing any like vehicle or other vehicle.

(3) Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade, whether or not towing other vehicles, shall be so operated as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. This provision shall not apply to funeral processions.

(4) Any person who violates any provision of this section commits a class A traffic infraction.

42-4-1009. [Formerly 42-4-909] Coasting prohibited. (1) The driver of any motor vehicle when traveling upon a downgrade shall not coast with the gears or transmission of such vehicle in neutral.

(2) The driver of a truck or bus when traveling upon a downgrade shall not coast with the clutch disengaged.

(3) Any person who violates any provision of this section commits a class A traffic infraction.

42-4-1010. [Formerly 42-4-910] Driving on divided or controlled-access highways. (1) Whenever any highway has been divided into separate roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway, unless directed or permitted to use another roadway by official traffic control devices. No vehicle shall be driven over, across, or within any such dividing space, barrier, or section, except through an opening in such physical barrier or dividing section or space or at a crossover or intersection as established, unless specifically prohibited by official signs and markings or by the provisions of ~~section 42-4-802~~ SECTION 42-4-902. However, this subsection (1) does not prohibit a left turn across a median island formed by standard pavement markings or other mountable or traversable devices as prescribed in the state traffic control manual when

such movement can be made in safety and without interfering with, impeding, or endangering other traffic lawfully using the highway.

(2) (a) No person shall drive a vehicle onto or from any controlled-access roadway except at such entrances and exits as are established by public authority.

(b) Wherever an acceleration lane has been provided in conjunction with a ramp entering a controlled-access highway and the ramp intersection is not designated or signed as a stop or yield intersection as provided in ~~section 42-4-603 (1)~~ SECTION 42-4-703 (1), drivers may use the acceleration lane to attain a safe speed for merging with through traffic when conditions permit such acceleration with safety. ~~but~~ Traffic so merging shall be subject to the rule governing the changing of lanes as set forth in ~~section 42-4-907 (1) (a)~~ SECTION 42-4-1007 (1) (a).

(c) Wherever a deceleration lane has been provided in conjunction with a ramp leaving a controlled-access highway, drivers shall use such lane to slow to a safe speed for making an exit turn after leaving the mainstream of faster-moving traffic.

(3) The department of transportation may by resolution or order entered in its minutes and local authorities may by ordinance consistent with the provisions of section 43-2-135 (1) (g), C.R.S., with respect to any controlled-access highway under their respective jurisdictions, prohibit the use of any such highway by any class or kind of traffic which is found to be incompatible with the normal and safe movement of traffic. The department of transportation or the local authority adopting such prohibitory regulations shall install official traffic control devices in conformity with the standards established by ~~sections 42-4-502 and 42-4-503~~ SECTIONS 42-4-601 AND 42-4-602 at entrance points or along the highway on which such regulations are applicable. When such devices are so in place, giving notice thereof, no person shall disobey the restrictions made known by such devices. This subsection (3) shall not be construed to give the department authority to regulate pedestrian use of highways in a manner contrary to the provisions of ~~section 42-4-705~~ SECTION 42-4-805.

(4) Any person who violates any provision of this section commits a class A traffic infraction.

42-4-1011. [Formerly 42-4-911] Use of runaway vehicle ramps. (1) No person shall use a runaway vehicle ramp unless such person is in an emergency situation requiring use of the ramp to stop ~~his~~ SUCH PERSON'S vehicle.

(2) No person shall stop, stand, or park a vehicle on a runaway vehicle ramp or in the pathway of the ramp.

(3) Any person who violates any provision of this section commits a class A traffic infraction.

42-4-1012. High occupancy vehicle lanes. (1) THE DEPARTMENT OF TRANSPORTATION AND LOCAL AUTHORITIES, WITH RESPECT TO STREETS AND HIGHWAYS UNDER THEIR RESPECTIVE JURISDICTIONS, MAY DESIGNATE EXCLUSIVE OR PREFERENTIAL LANES FOR VEHICLES THAT CARRY A SPECIFIED NUMBER OF PERSONS. THE OCCUPANCY LEVEL OF VEHICLES AND THE TIME OF DAY WHEN LANE USAGE IS RESTRICTED TO HIGH OCCUPANCY VEHICLES, IF APPLICABLE, SHALL BE DESIGNATED BY OFFICIAL TRAFFIC CONTROL DEVICES.

(2) A MOTORCYCLE MAY BE OPERATED UPON HIGH OCCUPANCY VEHICLE LANES PURSUANT TO SECTION 163 OF PUBLIC LAW 97-424, UNLESS PROHIBITED BY OFFICIAL TRAFFIC CONTROL DEVICES.

(3) ANY PERSON WHO USES A HIGH OCCUPANCY VEHICLE LANE IN VIOLATION OF RESTRICTIONS IMPOSED BY THE DEPARTMENT OF TRANSPORTATION OR LOCAL AUTHORITIES COMMITS A CLASS A TRAFFIC INFRACTION.

PART ~~10~~ 11
SPEED REGULATIONS

42-4-1101. [Formerly 42-4-1001] Speed limits. (1) No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions then existing.

(2) Except when a special hazard exists that requires a lower speed, the following speeds shall be lawful:

(a) Twenty miles per hour on narrow, winding mountain highways or on blind curves;

(b) Twenty-five miles per hour in any business district, as defined in ~~section 42-1-102 (7)~~ SECTION 42-1-102 (11);

(c) Thirty miles per hour in any residence district, as defined in ~~section 42-1-102 (63)~~ SECTION 42-1-102 (80);

(d) Forty miles per hour on open mountain highways;

(e) Forty-five miles per hour for all vehicles in the business of transporting trash, where higher speeds are posted, when said vehicle is loaded as an exempted vehicle pursuant to ~~section 42-4-406 (2) (b) (II)~~ SECTION 42-4-507 (3);

(f) Fifty-five miles per hour on other open highways which are not on the interstate system, as defined in section 43-2-101 (2), C.R.S.;

(g) Sixty-five miles per hour on surfaced, four-lane

highways which are on the interstate system, as defined in section 43-2-101 (2), C.R.S., where authorized by a majority of the members of the transportation commission and such speed has been so designated by official traffic control devices;

(h) Any speed not in excess of a speed limit designated by an official traffic control device.

(3) No driver of a vehicle shall fail to decrease the speed of such vehicle from an otherwise lawful speed to a reasonable and prudent speed when a special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions.

(4) Except as otherwise provided in paragraph (c) of ~~subsection (7)~~ SUBSECTION (8) of this section, any speed in excess of the lawful speeds set forth in subsection (2) of this section shall be prima facie evidence that such speed was not reasonable or prudent under the conditions then existing. As used in this subsection (4), "prima facie evidence" means evidence which is sufficient proof that the speed was not reasonable or prudent under the conditions then existing, and which will remain sufficient proof of such fact, unless contradicted and overcome by evidence bearing upon the question of whether or not the speed was reasonable and prudent under the conditions then existing.

(5) In every charge of violating subsection (1) of this section, the complaint, summons and complaint, or penalty assessment notice shall specify the speed at which the defendant is alleged to have driven and also the alleged reasonable and prudent speed applicable at the specified time and location of the alleged violation.

(6) The provisions of this section shall not be construed to relieve the party alleging negligence under this section in any civil action for damages from the burden of proving that such negligence was the proximate cause of an accident.

~~(6.5)~~ (7) Notwithstanding paragraphs (a), (b), and (c) of subsection (2) of this section, any city or town may by ordinance adopt absolute speed limits as the maximum lawful speed limits in its jurisdiction, and such speed limits shall not be subject to the provisions of subsection (4) of this section.

~~(7) (a)~~ (8) (a) Notwithstanding any other provisions of this section, no person shall drive a vehicle on a highway which is on the interstate system, as defined in section 43-2-101 (2), C.R.S., at a speed in excess of a maximum lawful speed limit of sixty-five miles per hour.

(b) Notwithstanding any other provisions of this section, no person shall drive a vehicle on a highway which is not on the

interstate system, as defined in section 43-2-101 (2), C.R.S., at a speed in excess of a maximum lawful speed limit of fifty-five miles per hour.

(c) The speed limits set forth in paragraphs (a) and (b) of this ~~subsection (7)~~ SUBSECTION (8) are maximum lawful speed limits and are not subject to the provisions of subsection (4) of this section.

(d) State and local authorities within their respective jurisdictions shall not authorize any speed limit which exceeds fifty-five miles per hour on any highway which is not on the interstate system, as defined in section 43-2-101 (2), C.R.S., and shall not authorize any speed limit which exceeds sixty-five miles per hour on any highway which is on the interstate system, as defined in section 43-2-101 (2), C.R.S.

(e) The provisions of this ~~subsection (7)~~ SUBSECTION (8) are declared to be matters of both local and statewide concern requiring uniform compliance throughout the state.

(f) In every charge of a violation of paragraph (a) or (b) of this ~~subsection (7)~~ SUBSECTION (8), the complaint, summons and complaint, or penalty assessment notice shall specify the speed at which the defendant is alleged to have driven and also the maximum lawful speed limit of fifty-five miles per hour or sixty-five miles per hour, whichever is applicable.

~~(8)~~ (9) The conduct of a driver of a vehicle which would otherwise constitute a violation of this section is justifiable and not unlawful when:

(a) It is necessary as an emergency measure to avoid an imminent public or private injury which is about to occur by reason of a situation occasioned or developed through no conduct of said driver and which is of sufficient gravity that, according to ordinary standards of intelligence and morality, the desirability and urgency of avoiding the injury clearly outweigh the desirability of avoiding the consequences sought to be prevented by this section; or

(b) With respect to authorized emergency vehicles, the applicable conditions for exemption, as set forth in ~~section 42-4-106~~ SECTION 42-4-108, exist.

~~(9)~~ (10) The minimum requirement for commission of a traffic infraction or misdemeanor traffic offense under this section is the performance by a driver of prohibited conduct, which includes a voluntary act or the omission to perform an act which said driver is physically capable of performing.

~~(10)~~ (11) It shall not be a defense to prosecution for a

violation of this section that:

(a) The defendant's conduct was not performed intentionally, knowingly, recklessly, or with criminal negligence; or

(b) The defendant's conduct was performed under a mistaken belief of fact, including, but not limited to, a mistaken belief of the defendant regarding the speed of the defendant's vehicle; or

(c) The defendant's vehicle has a greater operating or fuel-conserving efficiency at speeds greater than the reasonable and prudent speed under the conditions then existing or at speeds greater than the maximum lawful speed limit.

~~(11)~~ (12) A violation of driving one to twenty-four miles per hour in excess of the reasonable and prudent speed or in excess of the maximum lawful speed limit of fifty-five miles per hour is a class A traffic infraction; a violation of driving one to nineteen miles over the maximum lawful speed limit of sixty-five miles per hour is a class A traffic infraction; a violation of driving twenty-five or more miles per hour in excess of the reasonable and prudent speed or in excess of the maximum lawful speed limit of fifty-five miles per hour is a class 2 misdemeanor traffic offense; a violation of driving twenty or more miles over the maximum lawful speed limit of sixty-five miles per hour is a class 2 misdemeanor traffic offense; and a violation under subsection (3) of this section is a class A traffic infraction.

42-4-1102. [Formerly 42-4-1002] Altering of speed limits. (1) Whenever the department of transportation determines upon the basis of a traffic investigation or survey or upon the basis of appropriate design standards and projected traffic volumes in the case of newly constructed highways or segments thereof that any speed specified or established as authorized under ~~sections 42-4-1001 to 42-4-1004~~ SECTIONS 42-4-1101 TO 42-4-1104 is greater or less than is reasonable or safe under the road and traffic conditions at any intersection or other place or upon any part of a state highway under its jurisdiction, said department shall determine and declare a reasonable and safe speed limit thereat which shall be effective when appropriate signs giving notice thereof are erected at such intersection or other place or upon the approaches thereto; except that no speed limit in excess of fifty-five miles per hour shall be authorized by said department for so long as the state maximum speed limit of fifty-five miles per hour is in effect pursuant to ~~section 42-4-1001~~ SECTION 42-4-1101.

(2) Whenever county or municipal authorities within their respective jurisdictions determine upon the basis of a traffic

investigation or survey, or upon the basis of appropriate design standards and projected traffic volumes in the case of newly constructed highways or segments thereof, that any speed specified or established as authorized under ~~sections 42-4-1001 to 42-4-1004~~ SECTIONS 42-4-1101 TO 42-4-1104 is greater or less than is reasonable or safe under the road and traffic conditions at any intersection or other place or upon any part of a street or highway in its jurisdiction, said local authority shall determine and declare a reasonable and safe speed limit thereat which shall be effective when appropriate signs giving notice thereof are erected at such intersection or other place or upon the approaches thereto. No such local authority shall have the power to alter the basic rules set forth in ~~section 42-4-1001 (1)~~ SECTION 42-4-1101 (1) or in any event to authorize by resolution or ordinance a speed in excess of fifty-five miles per hour for so long as the state maximum speed limit of fifty-five miles per hour is in effect pursuant to ~~section 42-4-1001~~ SECTION 42-4-1101.

(3) Local municipal authorities within their respective jurisdictions shall determine upon the basis of a traffic investigation or survey the proper speed for all arterial streets and shall declare a reasonable and safe speed limit thereon which may be greater or less than the speed specified under ~~section 42-4-1001 (2) (a) or (2) (b)~~ SECTION 42-4-1101 (2) (a) OR (2) (b). Such speed limit shall not exceed fifty-five miles per hour and shall become effective when appropriate signs are erected giving notice thereof. For purposes of this subsection (3), an "arterial street" means any United States or state-numbered route, controlled-access highway, or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of a major arterial system of streets or highways.

(4) No alteration of speed limits on state highways within cities, cities and counties, and incorporated towns shall be effective until such alteration has been approved in writing by the department of transportation. Upon the request of any incorporated city or town having a population of five thousand or less, the department of transportation shall conduct any traffic investigation or survey that is deemed to be warranted for determination of a safe and reasonable speed limit on any street or portion thereof that is a state highway. Any speed limit so determined by said department shall then become effective when declared by the local authority and made known by official signs conforming to the state traffic control manual.

(5) Whenever the department of transportation or local authorities, within their respective jurisdictions, determine upon the basis of a traffic investigation or survey that a reduced speed limit is warranted in a school or construction area or other place during certain hours or periods of the day when special or temporary hazards exist, the department or the concerned local

authority may erect or display official signs of a type prescribed in the state traffic control manual giving notice of the appropriate speed limit for such conditions and stating the time or period the regulation is effective. When such signs are erected or displayed, the lawful speed limit at the particular time and place shall be that which is then indicated upon such signs; except that no such speed limit shall be less than twenty miles per hour on a state highway or other arterial street as defined in subsection (3) of this section nor less than fifteen miles per hour on any other road or street, nor shall any such reduced speed limit be made applicable at times when the special conditions for which it is imposed cease to exist. Such reduced speed limits on streets which are state highways shall be subject to the written approval of the department of transportation before becoming effective.

(6) In its discretion, a municipality, by ordinance, or a county, by resolution of the board of county commissioners, may impose and enforce stop sign regulations and speed limits, not inconsistent with the provisions of ~~sections 42-4-1001 to 42-4-1004~~ SECTIONS 42-4-1101 TO 42-4-1104, upon any way which is open to travel by motor vehicles and which is privately maintained in mobile home parks, when appropriate signs giving notice of such enforcement are erected at the entrances to such ways. Unless there is an agreement to the contrary, the jurisdiction ordering the regulations shall be responsible for the erection and maintenance of the signs.

(7) Any powers granted in this section to county or municipal authorities may be exercised by such authorities or by any municipal officer or employee who is designated by ordinance to exercise such powers.

42-4-1103. [Formerly 42-4-1003] Minimum speed regulation. (1) No person shall drive a motor vehicle on any highway at such a slow speed as to impede or block the normal and reasonable forward movement of traffic, except when a reduced speed is necessary for safe operation of such vehicle or in compliance with law.

(2) Whenever the department of transportation or local authorities within their respective jurisdictions determine, on the basis of an engineering and traffic investigation as described in the state traffic control manual, that slow speeds on any part of a highway consistently impede the normal and reasonable movement of traffic, said department or such local authority may determine and declare a minimum speed limit below which no person shall drive a vehicle, except when necessary for safe operation or in compliance with law.

(3) Notwithstanding any minimum speed that may be authorized and posted pursuant to this section, if any person

drives a motor vehicle on a highway outside an incorporated area or on any controlled-access highway at a speed less than the normal and reasonable speed of traffic under the conditions then and there existing and by so driving at such slower speed impedes or retards the normal and reasonable movement of vehicular traffic following immediately behind, then such driver shall:

(a) Where the width of the traveled way permits, drive in the right-hand lane available to traffic or on the extreme right side of the roadway consistent with the provisions of ~~section 42-4-901 (2)~~ SECTION 42-4-1001 (2) until such impeded traffic has passed by; or

(b) Pull off the roadway at the first available place where such movement can safely and lawfully be made until such impeded traffic has passed by.

(4) Wherever special uphill traffic lanes or roadside turnouts are provided and posted, drivers of all vehicles proceeding at less than the normal and reasonable speed of traffic shall use such lanes or turnouts to allow other vehicles to pass or maintain normal traffic flow.

(5) Any person who violates any provision of this section commits a class A traffic infraction.

42-4-1104. [Formerly 42-4-1004] Speed limits on elevated structures. (1) No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to such bridge or structure, when such structure is signposted as provided in this section.

(2) The department of transportation upon request from any local authority shall, or upon its own initiative may, conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and, if it finds that such structure cannot with safety to itself withstand vehicles traveling at the speed otherwise permissible under ~~sections 42-4-1001 to 42-4-1004~~ SECTIONS 42-4-1101 TO 42-4-1104, said department shall determine and declare the maximum speed of vehicles which such structure can withstand and shall cause or permit suitable standard signs stating such maximum speed to be erected and maintained before each end of such structure in conformity with the state traffic control manual.

(3) Upon the trial of any person charged with a violation of this section, proof of said determination of the maximum speed by said department and the existence of said signs shall constitute conclusive evidence of the maximum speed which can be maintained with safety to such bridge or structure.

(4) Any person who violates any provision of this section commits a class A traffic infraction.

42-4-1105. [Formerly 42-4-1005] Speed contests. (1) No person shall engage in any motor vehicle speed or acceleration contest or exhibition of speed or acceleration on a highway, and no person shall aid or abet in any such motor vehicle speed or acceleration contest or exhibition on any highway.

(2) No person shall, for the purpose of facilitating or aiding or as an incident to any motor vehicle speed or acceleration contest upon a highway, in any manner obstruct or place any barricade or obstruction or assist or participate in placing any such barricade or obstruction upon any highway.

(3) Any person who violates any provision of this section commits a class 2 misdemeanor traffic offense.

PART ~~11~~ 12
PARKING

42-4-1201. [Formerly 42-4-1101] Starting parked vehicle. No person shall start a vehicle which is stopped, standing, or parked unless and until such movement can be made with reasonable safety. Any person who violates any provision of this section commits a class A traffic infraction.

42-4-1202. [Formerly 42-4-1102] Parking or abandonment of vehicles. (1) No person shall stop, park, or leave standing any vehicle, either attended or unattended, outside of a business or a residential district, upon the paved or improved and main-traveled part of the highway. Nothing contained in this section shall apply to the driver of any vehicle which is disabled while on the paved or improved and main-traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position, subject, when applicable, to the emergency lighting requirements set forth in ~~section 42-4-227~~ SECTION 42-4-230.

~~(2) and (3) Repealed, L. 86, p. 1205, § 2, effective July 1, 1986.~~

~~(4)~~ (2) Any person who violates any provision of this section commits a class B traffic infraction.

~~42-4-1103. Removal and disposal of abandoned vehicles. (Repealed)~~

~~Repealed, effective July 1, 1986.~~

42-4-1203. [Formerly 42-4-1103.1] Ski areas to install signs. (1) Colorado ski areas shall install traffic control signs as provided in this section on both sides of that segment of every highway which is within one mile of and which leads to the recognized entrances to the ski area parking lots if it is found that:

(a) The ski area has insufficient parking capacity as evidenced by the practice of parking by motor vehicles on such highways; and

(b) Such parking constitutes a hazard to traffic or an obstacle to snow removal or the movement or passage of emergency equipment.

(2) The findings required by subsection (1) of this section shall be made by the department of transportation for the state highway system, by the chairman of the board of county commissioners for county roads, and by the chief executive officer of a municipality for a municipal street system. Such findings shall be based upon a traffic investigation.

(3) Such signs shall conform to any and all specifications of the department of transportation adopted pursuant to ~~section 42-4-502~~ SECTION 42-4-601. All such signs shall contain a statement that there is no parking allowed on a highway right-of-way so as to obstruct traffic or highway maintenance and that offending vehicles will be towed away.

42-4-1204. [Formerly 42-4-1104] Stopping, standing, or parking prohibited in specified places. (1) Except as otherwise provided in ~~subsection (3.5)~~ SUBSECTION (4) of this section, no person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or an official traffic control device, in any of the following places:

(a) On a sidewalk;

(b) Within an intersection;

(c) On a crosswalk;

(d) Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone, unless the traffic authority indicates a different length by signs or markings;

(e) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;

(f) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

(g) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;

(h) On any railroad tracks;

(i) On any controlled-access highway;

(j) In the area between roadways of a divided highway, including crossovers;

(k) At any other place where official signs prohibit stopping.

(2) Except as otherwise provided in ~~subsection (3.5)~~ SUBSECTION (4) of this section, in addition to the restrictions specified in subsection (1) of this section, no person shall stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or an official traffic control device, in any of the following places:

(a) Within five feet of a public or private driveway;

(b) Within fifteen feet of a fire hydrant;

(c) Within twenty feet of a crosswalk at an intersection;

(d) Within thirty feet upon the approach to any flashing beacon or signal, stop sign, yield sign, or traffic control signal located at the side of a roadway;

(e) Within twenty feet of the driveway entrance to any fire station or, on the side of a street opposite the entrance to any fire station, within seventy-five feet of said entrance when properly signposted;

(f) At any other place where official signs prohibit standing.

(3) In addition to the restrictions specified in subsections (1) and (2) of this section, no person shall park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device, in any of the following places:

(a) Within fifty feet of the nearest rail of a railroad crossing;

(b) At any other place where official signs prohibit parking.

~~(3.5) (a)~~ (4) (a) Paragraph (a) of subsection (1) of this section shall not prohibit persons from parking bicycles on sidewalks in accordance with the provisions of ~~section 42-4-106.5 (11) (a) and (11) (b)~~ SECTION 42-4-1412 (11) (a) AND (11) (b).

(b) Paragraph (f) of subsection (1) of this section shall not prohibit persons from parking two or more bicycles abreast in accordance with the provisions of ~~section 42-4-106.5 (11) (d)~~ SECTION 42-4-1412 (11) (d).

(c) Paragraphs (a), (c), and (d) of subsection (2) of this section shall not apply to bicycles parked on sidewalks in accordance with ~~section 42-4-106.5 (11) (a) and (11) (b)~~ SECTION 42-4-1412 (11) (a) AND (11) (b).

~~(4)~~ (5) No person shall move a vehicle not lawfully under ~~his~~ SUCH PERSON'S control into any such prohibited area or away from a curb such distance as is unlawful.

~~(5)~~ (6) The department of transportation, with respect to highways under its jurisdiction, may place official traffic control devices prohibiting, limiting, or restricting the stopping, standing, or parking of vehicles on any highway where it is determined, upon the basis of a traffic investigation or study, that such stopping, standing, or parking is dangerous to those using the highway or where the stopping, standing, or parking of vehicles would unduly interfere with the free movement of traffic thereon. No person shall stop, stand, or park any vehicle in violation of the restrictions indicated by such devices.

~~(6)~~ (7) Any person who violates any provision of this section commits a class B traffic infraction.

42-4-1205. [Formerly 42-4-1105] Parking at curb or edge of roadway. (1) Except as otherwise provided in this section, every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right-hand wheels parallel to and within twelve inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder.

(2) Except as otherwise provided by local ordinance, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway in the direction of authorized traffic movement, with its right-hand wheels within twelve inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder or with its left-hand wheels within twelve inches of the left-hand curb or as close as practicable to the left edge of the left-hand

shoulder.

(3) Local authorities may by ordinance permit angle parking on any roadway; except that angle parking shall not be permitted on any state highway unless the department of transportation has determined by resolution or order entered in its minutes that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

(4) Any person who violates any provision of this section commits a class B traffic infraction.

42-4-1206. [Formerly 42-4-1106] Unattended motor vehicle. No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition, and effectively setting the brake thereon, and, when standing upon any grade, said person shall turn the front wheels to the curb or side of the highway in such a manner as to prevent the vehicle from rolling onto the traveled way. Any person who violates any provision of this section commits a class B traffic infraction.

42-4-1207. [Formerly 42-4-1107] Opening and closing vehicle doors. No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so and can be done without interfering with the movement of other traffic; nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers. Any person who violates any provision of this section commits a class B traffic infraction.

~~**42-4-1108. Transfer and purge of titles - - abandoned vehicles. (Repealed)**~~

~~Repealed, effective July 1, 1986.~~

42-4-1208. [Formerly 42-4-1109] Parking privileges for persons with disabilities. ~~(1) As used in this section, "person with a disability" means a person so severely impaired that such person is unable to move from place to place without the aid of a mechanical device or who has a physical impairment verified, in writing, by the director of the division of rehabilitation or a physician licensed to practice medicine in this state that such impairment limits substantially the person's ability to move from place to place. Before such a verification can be made, said director or physician shall certify to the division that the standards established by the director of the division of rehabilitation for such a determination have been met.~~

~~(2) (a) A person with a disability may apply to the motor vehicle division of the department for:~~

~~(I) Distinguishing license plates to be supplied at the same cost as standard plates and to be displayed on a motor vehicle owned by such person as provided in section 42-3-113. Any plates issued by the motor vehicle division pursuant to this section shall be renewed once each year in a manner to be determined by the division. The verification requirements of subsection (1) of this section shall be met once every three years.~~

~~(II) An identifying placard to be prominently displayed on a motor vehicle used to transport such person. Any placard issued by the motor vehicle division pursuant to this section shall be renewed every three years in a manner to be determined by the division. The verification requirements of subsection (1) of this section shall be met each time the placard is renewed.~~

~~(b) Such license plate or placard shall be issued to such person upon presentation to the motor vehicle division of a written statement, verified by a physician licensed to practice medicine in this state, that such person is a person with a disability. The application for a distinguishing license plate shall be sent to the motor vehicle division each year.~~

~~(c) Such license plate or placard may be revoked by the motor vehicle division upon receipt of a sworn statement from a peace officer that the person with a disability has improperly used the privilege defined in subsection (3) of this section.~~

~~(d) The department shall establish a fee for the placards issued pursuant to paragraph (b) of this subsection (2). The fee established by the department shall not exceed the actual costs of issuing the placards, and the moneys collected by the department shall be transmitted to the state treasurer, who shall credit such moneys to the highway users tax fund.~~

~~(2.5) The department shall issue temporary distinguishing license permits and a temporary identifying placard to any person who is temporarily a person with a disability upon presentation to the motor vehicle division of a written statement, verified by a physician licensed to practice medicine in this state, that such person temporarily meets the definition of a person with a disability. Such permits and placard shall be valid for a period of ninety days from the date of issuance and may continually be renewed for additional ninety-day periods during the term of such disability upon resubmission of such written and verified statements. The provisions of this section including provisions regarding the privileges granted to persons with disabilities, revocation of license plates or placards, and display of license plates and placards shall apply in the case of temporary license permits and temporary placards issued under this subsection (2.5). However, the provision in paragraph (b) of subsection (2) of this section that application for distinguishing plates shall be sent~~

~~by September 15 of each year shall not apply.~~

(1) AS USED IN THIS SECTION, "PERSON WITH A DISABILITY" HAS THE MEANING PROVIDED FOR SUCH TERM IN SECTION 42-3-121 (1).

~~(3)~~ (2) In a jurisdiction recognizing the privilege defined by this ~~subsection (3)~~ SUBSECTION (2), a vehicle with distinguishing license plates or an identifying placard may be parked in public parking areas along public streets regardless of any time limitation imposed upon parking in such area; except that such privilege need not apply to zones in which:

(a) Stopping, standing, or parking of all vehicles is prohibited;

(b) Only special vehicles may be parked;

(c) Parking is not allowed during specific periods of the day in order to accommodate heavy traffic.

~~(3.3) (a)~~ (3) (a) A person with a disability may park in a parking space identified as being reserved for use by persons with disabilities whether on public property or private property available for public use. A placard or license plate issued to a person with a disability shall be displayed on the vehicle while parked in such space.

(b) The owner of private property available for public use may request the installation of official signs identifying parking spaces reserved for use by persons with disabilities. Such a request shall be a waiver of any objection the owner may assert concerning enforcement of this section by peace officers of any political subdivision of this state, and such officers are hereby authorized and empowered to so enforce this section, provisions of law to the contrary notwithstanding.

(c) Each parking space reserved for use by persons with disabilities whether on public property or private property shall be marked with an official upright sign, which sign may be stationary or portable, identifying such parking space as reserved for use by persons with disabilities.

~~(3.5)~~ (4) Persons with disabilities from states other than Colorado shall be allowed to use parking spaces for persons with disabilities in Colorado so long as such persons have valid license plates or placards from their home state.

~~(3.7)~~ (5) It is unlawful for any person other than a person with a disability to park in a parking space on public or private property which is clearly identified by an official sign as being reserved for use by persons with disabilities unless such person is parking the vehicle for the benefit of a person with a

disability.

~~(4)~~ (6) Any person who is not a person with a disability and who exercises the privilege defined in ~~subsection (3)~~ SUBSECTION (2) of this section or who violates the provisions of ~~subsection (3.7)~~ SUBSECTION (5) of this section commits a class B traffic infraction.

~~(5)~~ (7) Any person who is not a person with a disability and who uses a license plate or placard issued to a person with a disability pursuant to ~~subsection (2) of this section~~ SECTION 42-3-121 (2) in order to receive the benefits or privileges available to a person with a disability under this section commits a class B traffic infraction.

~~(6)~~ (8) Any law enforcement officer or authorized parking enforcement official may check the identification of any person using a license plate or placard for persons with disabilities in order to determine whether such use is authorized.

~~(7)~~ (9) Any state agency or division thereof which transports persons with disabilities may obtain a placard for persons with disabilities in the same manner provided in this section for any other person. In the event that such a placard is used by any employee of such state agency or division when not transporting persons with disabilities, the executive director of such agency shall be subject to a fine of fifty dollars.

42-4-1209. [Formerly 42-4-1110] Owner liability for parking violations. (1) In addition to any other liability provided for in this article, the owner of a motor vehicle who is engaged in the business of leasing or renting motor vehicles is liable for payment of a parking violation fine unless the owner of the leased or rented motor vehicle can furnish sufficient evidence that the vehicle was, at the time of the parking violation, in the care, custody, or control of another person. To avoid liability for payment the owner of the motor vehicle is required, within a reasonable time after notification of the parking violation, to furnish to the prosecutorial division of the appropriate jurisdiction the name and address of the person or company who leased, rented, or otherwise had the care, custody, or control of such vehicle. As a condition to avoid liability for payment of a parking violation, any person or company who leases or rents motor vehicles to another person shall attach to the leasing or rental agreement a notice stating that, pursuant to the requirements of this section, the operator of the vehicle is liable for payment of a parking violation fine incurred when the operator has the care, custody, or control of the motor vehicle. The notice shall inform the operator that ~~his~~ THE OPERATOR'S name and address shall be furnished to the prosecutorial division of the appropriate jurisdiction when a parking violation fine is incurred by the operator.

(2) The provisions of this section may be adopted by local authorities pursuant to ~~section 42-4-108 (1)~~ SECTION 42-4-110 (1).

42-4-1210. [Formerly 42-4-1111] Designated areas on private property for authorized vehicles. (1) The owner or lessee of any private property available for public use in the unincorporated areas of a county may request in writing that specified areas on such property be designated by the board of county commissioners for use only by authorized vehicles and that said areas, upon acceptance in writing by the board of county commissioners, shall be clearly marked by the owner or lessee with official traffic control devices, as defined in ~~section 42-1-102 (51)~~ SECTION 42-1-102 (64). Such a request shall be a waiver of any objection the owner or lessee may assert concerning enforcement of this section by peace officers of this state, and such officers are hereby authorized and empowered to so enforce this section, provisions of law to the contrary notwithstanding. When the owner or lessee gives written notice to the board of county commissioners that said request is withdrawn, and the owner or lessee removes all traffic control devices, the provisions of this section shall no longer be applicable.

(2) It is unlawful for any person to park any vehicle other than an authorized vehicle in any area designated and marked for such use as provided in this section.

(3) Any person who violates the provisions of subsection (2) of this section is guilty of a class 2 petty offense and, upon conviction thereof, shall be punished by a fine of twenty-five dollars. The disposition of fines and forfeitures shall be paid into the treasury of the county at such times and in such manner as may be prescribed by the board of county commissioners.

42-4-1211. [Formerly 42-4-112] Limitations on backing. (1) (a) The driver of a vehicle, whether on public property or private property which is used by the general public for parking purposes, shall not back the same unless such movement can be made with safety and without interfering with other traffic.

(b) The driver of a vehicle shall not back the same upon any shoulder or roadway of any controlled-access highway.

(2) Any person who violates any provision of this section commits a class A traffic infraction.

PART 13
ALCOHOL AND DRUG OFFENSES

42-4-1301. [Formerly 42-4-1202] Driving under the influence - driving while impaired - driving with excessive alcoholic content - tests - penalties - useful public service program - alcohol and drug driving safety program. (1) (a) It is a

misdemeanor for any person who is under the influence of alcohol or one or more drugs, or a combination of both alcohol and one or more drugs, to drive any vehicle in this state.

(b) It is a misdemeanor for any person who is impaired by alcohol or by one or more drugs, or by a combination of alcohol and one or more drugs, to drive any vehicle in this state.

(c) It is a misdemeanor for any person who is an habitual user of any controlled substance defined in section 12-22-303 (7), C.R.S., to drive any vehicle in this state.

(d) For the purposes of this subsection (1), one or more drugs shall mean all substances defined as a drug in section 12-22-303 (13), C.R.S., and all controlled substances defined in section 12-22-303 (7), C.R.S., and glue-sniffing, aerosol inhalation, and the inhalation of any other toxic vapor or vapors.

(e) The fact that any person charged with a violation of this subsection (1) is or has been entitled to use one or more drugs under the laws of this state shall not constitute a defense against any charge of violating this subsection (1).

(f) "Driving under the influence" means driving a vehicle when a person has consumed alcohol or one or more drugs, or a combination of alcohol and one or more drugs, which alcohol alone, or one or more drugs alone, or alcohol combined with one or more drugs affects ~~him~~ THE PERSON to a degree that ~~he~~ THE PERSON is substantially incapable, either mentally or physically, or both mentally and physically, to exercise clear judgment, sufficient physical control, or due care in the safe operation of a vehicle.

(g) "Driving while ability impaired" means driving a vehicle when a person has consumed alcohol or one or more drugs, or a combination of both alcohol and one or more drugs, which alcohol alone, or one or more drugs alone, or alcohol combined with one or more drugs, affects ~~him~~ THE PERSON to the slightest degree so that ~~he~~ THE PERSON is less able than ~~he~~ THE PERSON ordinarily would have been, either mentally or physically, or both mentally and physically, to exercise clear judgment, sufficient physical control, or due care in the safe operation of a vehicle.

(h) Pursuant to section 16-2-106, C.R.S., in charging a violation of paragraph (a) of this subsection (1), it shall be sufficient to describe the offense charged as "drove a vehicle under the influence of alcohol or drugs or both".

(i) Pursuant to section 16-2-106, C.R.S., in charging a violation of paragraph (b) of this subsection (1), it shall be sufficient to describe the offense charged as "drove a vehicle while impaired by alcohol or drugs or both".

~~(1.5) (a)~~ (2) (a) It is a misdemeanor for any person to drive any vehicle in this state when the amount of alcohol, as shown by analysis of the person's blood or breath, in such person's blood is 0.10 or more grams of alcohol per hundred milliliters of blood or 0.10 or more grams of alcohol per two hundred ten liters of breath at the time of driving or within two hours after driving. During a trial, if the state's evidence raises the issue, or if a defendant presents some credible evidence, that ~~he~~ THE DEFENDANT consumed alcohol between the time that ~~he~~ THE DEFENDANT stopped driving and the time that testing occurred, such issue shall be an affirmative defense, and the prosecution must establish beyond a reasonable doubt that the minimum 0.10 blood or breath alcohol content required in this paragraph (a) was reached as a result of alcohol consumed by the defendant before ~~he~~ THE DEFENDANT stopped driving.

(b) In any prosecution for a violation of this ~~subsection (1.5)~~ SUBSECTION (2), the defendant shall be entitled to offer direct and circumstantial evidence to show that there is a disparity between what the tests show and other facts so that the trier of fact could infer that the tests were in some way defective or inaccurate. Such evidence may include testimony of nonexpert witnesses relating to the absence of any or all of the common symptoms or signs of intoxication for the purpose of impeachment of the accuracy of the analysis of the person's blood or breath.

(c) Pursuant to section 16-2-106, C.R.S., in charging a violation of this ~~subsection (1.5)~~ SUBSECTION (2), it shall be sufficient to describe the offense charged as "drove a vehicle with excessive alcohol content".

~~(1.6)~~ (3) The offenses described in ~~subsections (1) and (1.5)~~ SUBSECTIONS (1) AND (2) of this section are strict liability offenses.

~~(1.7)~~ (4) Notwithstanding the provisions of section 18-1-408, C.R.S., during a trial of any person accused of violating paragraph (a) of subsection (1) and ~~subsection (1.5)~~ SUBSECTION (2) of this section, the court shall not require the prosecution to elect between the two violations. The court or a jury may consider and convict the person of either paragraph (a) or paragraph (b) of subsection (1) or ~~subsection (1.5)~~ SUBSECTION (2), or both paragraph (a) of subsection (1) and ~~subsection (1.5)~~ SUBSECTION (2), or both paragraph (b) of subsection (1) and ~~subsection (1.5)~~ SUBSECTION (2) of this section. If the person is convicted of more than one violation, the sentences imposed shall run concurrently.

~~(2)~~ (5) In any prosecution for a violation of paragraph (a) or (b) of subsection (1) of this section, the amount of alcohol in the defendant's blood or breath at the time of the commission

of the alleged offense or within a reasonable time thereafter, as shown by analysis of the defendant's blood or breath, shall give rise to the following presumptions:

(a) If there was at such time 0.05 or less grams of alcohol per one hundred milliliters of blood as shown by analysis of such person's blood or if there was at such time 0.05 or less grams of alcohol per two hundred ten liters of breath as shown by analysis of such person's breath, it shall be presumed that the defendant was not under the influence of alcohol and that ~~his~~ THE DEFENDANT'S ability to operate a vehicle was not impaired by the consumption of alcohol.

(b) If there was at such time in excess of 0.05 but less than 0.10 grams of alcohol per one hundred milliliters of blood as shown by analysis of such person's blood or if there was at such time in excess of 0.05 but less than 0.10 grams of alcohol per two hundred ten liters of breath as shown by analysis of such person's breath, such fact shall give rise to the presumption that the defendant's ability to operate a vehicle was impaired by the consumption of alcohol, and such fact may also be considered with other competent evidence in determining whether or not the defendant was under the influence of alcohol.

(c) If there was at such time 0.10 or more grams of alcohol per one hundred milliliters of blood as shown by analysis of such person's blood or if there was at such time 0.10 or more grams of alcohol per two hundred ten liters of breath as shown by analysis of such person's breath, it shall be presumed that the defendant was under the influence of alcohol.

(d) The limitations of this ~~subsection (2)~~ SUBSECTION (5) shall not be construed as limiting the introduction, reception, or consideration of any other competent evidence bearing upon the question of whether or not the defendant was under the influence of alcohol or whether or not ~~his~~ THE DEFENDANT'S ability to operate a vehicle was impaired by the consumption of alcohol.

~~(e) Repealed, L. 82, p. 609, § 16, effective July 1, 1982.~~

~~(2.5)~~ (6) Following the lawful contact with a person who has been driving a vehicle, and when a law enforcement officer reasonably suspects that a person was driving a vehicle while under the influence of or while impaired by alcohol, the law enforcement officer may conduct a preliminary screening test using a device approved by the executive director of the department of health after first advising the driver that the driver may either refuse or agree to provide a sample of the driver's breath for such preliminary test. The results of this preliminary screening test may be used by a law enforcement officer in determining whether probable cause exists to believe such person was driving

a vehicle in violation of paragraph (a) or (b) of subsection (1) or ~~subsection (1.5)~~ SUBSECTION (2) of this section and whether to administer a test pursuant to paragraph (a) of ~~subsection (3)~~ SUBSECTION (7) of this section. Neither the results of such preliminary screening test nor the fact that the person refused such test shall be used in any court action except in a hearing outside of the presence of a jury, when such hearing is held to determine if a law enforcement officer had probable cause to believe that the driver committed a violation of paragraph (a) or (b) of subsection (1) or ~~subsection (1.5)~~ SUBSECTION (2) of this section. The results of such preliminary screening test shall be made available to the driver or ~~his~~ THE DRIVER'S attorney on request. The preliminary screening test shall not substitute for or qualify as the test or tests required by paragraph (a) of ~~subsection (3)~~ SUBSECTION (7) of this section.

~~(3) (a) (I)~~ (7) (a) (I) On and after July 1, 1983, any person who drives any motor vehicle upon the streets and highways and elsewhere throughout this state shall be deemed to have expressed ~~his~~ SUCH PERSON'S consent to the provisions of this paragraph (a).

(II) Any person who drives any motor vehicle upon the streets and highways and elsewhere throughout this state shall be required to take and complete, and to cooperate in the taking and completing of, any test or tests of ~~his~~ SUCH PERSON'S breath or blood for the purpose of determining the alcoholic content of ~~his~~ THE PERSON'S blood or breath when so requested and directed by a law enforcement officer having probable cause to believe that the person was driving a motor vehicle in violation of ~~subsection (1) or (1.5)~~ SUBSECTION (1) OR (2) of this section. Except as otherwise provided in this section, if such person requests that said test be a blood test, then the test shall be of his OR HER blood; but, if such person requests that a specimen of his OR HER blood not be drawn, then a specimen of ~~his~~ SUCH PERSON'S breath shall be obtained and tested. If such person elects either a blood test or a breath test, such person shall not be permitted to change such election, and, if such person fails to take and complete, and to cooperate in the completing of, the test elected, such failure shall be deemed to be a refusal to submit to testing. If such person is unable to take, or to complete, or to cooperate in the completing of a breath test because of injuries, illness, disease, physical infirmity, or physical incapacity, or if such person is receiving medical treatment at a location at which a breath testing instrument certified by the department of health is not available, the test shall be of such person's blood.

(III) Any person who drives any motor vehicle upon the streets and highways and elsewhere throughout this state shall be required to submit to and to complete, and to cooperate in the completing of, a test or tests of ~~his~~ SUCH PERSON'S blood, saliva, and urine for the purpose of determining the drug content within

~~his~~ THE PERSON'S system when so requested and directed by a law enforcement officer having probable cause to believe that the person was driving a motor vehicle in violation of paragraph (a), (b), or (c) of subsection (1) of this section and when it is reasonable to require such testing of blood, saliva, and urine to determine whether such person was under the influence of, or impaired by, one or more drugs, or one or more controlled substances, or a combination of both alcohol and one or more drugs, or a combination of both alcohol and one or more controlled substances.

(IV) Any person who is required to take and to complete, and to cooperate in the completing of, any test or tests shall cooperate with the person authorized to obtain specimens of ~~his~~ SUCH PERSON'S blood, breath, saliva, or urine, including the signing of any release or consent forms required by any person, hospital, clinic, or association authorized to obtain such specimens. If such person does not cooperate with the person, hospital, clinic, or association authorized to obtain such specimens, including the signing of any release or consent forms, such noncooperation shall be considered a refusal to submit to testing. No law enforcement officer shall physically restrain any person for the purpose of obtaining a specimen of ~~his~~ SUCH PERSON'S blood, breath, saliva, or urine for testing except when the officer has probable cause to believe that the person has committed a violation of section 18-3-105, 18-3-106 (1) (b), 18-3-204, or 18-3-205 (1) (b), C.R.S., and the person is refusing to take or to complete, or to cooperate in the completing of, any test or tests, then, in such event, the law enforcement officer may require a blood test. Evidence acquired through such involuntary blood test shall be admissible in any prosecution for a violation of ~~subsection (1) or (1.5)~~ SUBSECTION (1) OR (2) of this section and for a violation of section 18-3-105, 18-3-106 (1) (b), 18-3-204, or 18-3-205 (1) (b), C.R.S.

(V) Any driver of a commercial motor vehicle requested to submit to a test as provided in subparagraph (II) of this paragraph (a) shall be warned by the law enforcement officer requesting the test that a refusal to submit to the test shall result in an out-of-service order as defined under ~~section 42-2-502 (6)~~ SECTION 42-2-402 (8) for a period of twenty-four hours and a revocation of the privilege to operate a commercial motor vehicle for one year as provided under ~~section 42-2-122.1~~ SECTION 42-2-126.

(b) (I) The tests shall be administered at the direction of a law enforcement officer having probable cause to believe that the person had been driving a motor vehicle in violation of ~~subsection (1) or (1.5)~~ SUBSECTION (1) OR (2) of this section and in accordance with rules and regulations prescribed by the state board of health concerning the health of the person being tested and the accuracy of such testing. Strict compliance with such

rules and regulations shall not be a prerequisite to the admissibility of test results at trial unless the court finds that the extent of noncompliance with a board of health rule has so impaired the validity and reliability of the testing method and the test results as to render the evidence inadmissible. In all other circumstances, failure to strictly comply with such rules and regulations shall only be considered in the weight to be given to the test results and not to the admissibility of such test results. It shall not be a prerequisite to the admissibility of test results at trial that the prosecution present testimony concerning the composition of any kit used to obtain blood, urine, saliva, or breath specimens. A sufficient evidentiary foundation concerning the compliance of such kits with the rules and regulations of the department of health shall be established by the introduction of a copy of the manufacturer's or supplier's certificate of compliance with such rules and regulations if such certificate specifies the contents, sterility, chemical makeup, and amounts of chemicals contained in such kit.

(II) No person except a physician, a registered nurse, a paramedic, as certified in part 2 of article 3.5 of title 25, C.R.S., an emergency medical technician, as defined in part 1 of article 3.5 of title 25, C.R.S., or a person whose normal duties include withdrawing blood samples under the supervision of a physician or registered nurse shall be entitled to withdraw blood for the purpose of determining the alcoholic or drug content therein. In any trial for a violation of ~~subsection (1) or (1.5)~~ SUBSECTION (1) OR (2) of this section, the testimony of a law enforcement officer that he OR SHE witnessed the taking of a blood specimen by a person who ~~he~~ THE LAW ENFORCEMENT OFFICER reasonably believed was authorized to withdraw blood specimens shall be sufficient evidence that such person was so authorized, and testimony from the person who obtained the blood specimens concerning such person's authorization to obtain blood specimens shall not be a prerequisite to the admissibility of test results concerning the blood specimens obtained. No civil liability shall attach to any person authorized to obtain blood, breath, saliva, or urine specimens or to any hospital, clinic, or association in or for which such specimens are obtained as provided in this ~~subsection (3)~~ SUBSECTION (7) as a result of the act of obtaining such specimens from any person submitting thereto if such specimens were obtained according to the rules and regulations prescribed by the state board of health; except that this provision shall not relieve any such person from liability for negligence in the obtaining of any specimen sample.

(c) Any person who is dead or unconscious shall be tested to determine the alcohol or drug content of ~~his~~ THE PERSON'S blood or any drug content within ~~his~~ SUCH PERSON'S system as provided in this ~~subsection (3)~~ SUBSECTION (7). If a test cannot be administered to a person who is unconscious, hospitalized, or undergoing medical treatment because the test would endanger the

person's life or health, the law enforcement agency shall be allowed to test any blood, urine, or saliva which was obtained and not utilized by a health care provider and shall have access to that portion of the analysis and results of any tests administered by such provider which shows the alcohol or drug content of the person's blood, urine, or saliva or any drug content within ~~his~~ THE PERSON'S system. Such test results shall not be considered privileged communications, and the provisions of section 13-90-107, C.R.S., relating to the physician-patient privilege shall not apply. Any person who is dead, in addition to the tests prescribed, shall also have ~~his~~ THE PERSON'S blood checked for carbon monoxide content and for the presence of drugs, as prescribed by the department of public health and environment. Such information obtained shall be made a part of the accident report.

(d) If a person refuses to take, or to complete, or to cooperate with the completing of any test or tests as provided in this ~~subsection (3), he~~ SUBSECTION (7), THE PERSON shall be subject to license revocation pursuant to the provisions of ~~section 42-2-122.1~~ SECTION 42-2-126. Such revocation shall take effect prior to and shall stay the remainder of any previous suspension, or denial in lieu of suspension, and shall not run concurrently, in whole or in part, with any previous or subsequent suspensions, revocations, or denials which may be provided for by law, including any suspension, revocation, or denial which results from a conviction of criminal charges arising out of the same occurrence for a violation of ~~subsection (1) or (1.5)~~ SUBSECTION (1) OR (2) of this section. The remainder of any suspension, or denial in lieu of suspension, stayed pursuant to the provisions of this paragraph (d) shall be reinstated following the completion of any revocation provided for in ~~section 42-2-122.1~~ SECTION 42-2-126. Any revocation taken under said section shall not preclude other actions which the department is required to take in the administration of the provisions of this title.

(e) If a person refuses to take or to complete, or to cooperate with the completing of, any test or tests as provided in this ~~subsection (3)~~ SUBSECTION (7) and such person subsequently stands trial for a violation of subsection (1) of this section, the refusal to take or to complete, or to cooperate with the completing of, any test or tests shall be admissible into evidence at the trial, and a person may not claim the privilege against self-incrimination with regard to admission of refusal to take or to complete, or to cooperate with the completing of, any test or tests.

~~(3.7)~~ (8) No court shall accept a plea of guilty to a non-alcohol-related or non-drug-related traffic offense from a person charged with a violation of ~~subsection (1) or (1.5)~~ SUBSECTION (1) OR (2) of this section; except that the court may accept a plea of guilty to a non-alcohol-related or

non-drug-related traffic offense upon a good faith representation by the prosecuting attorney that ~~he~~ THE ATTORNEY could not establish a prima facie case if the defendant were brought to trial on the original alcohol-related or drug-related offense.

~~(4) (a) (I)~~ (9) (a) (I) Every person who is convicted of a violation of paragraph (a) or (c) of subsection (1) or ~~subsection (1.5)~~ SUBSECTION (2) of this section shall be punished by imprisonment in the county jail for not less than five days nor more than one year, and, in addition, the court may impose a fine of not less than three hundred dollars nor more than one thousand dollars. Except as provided in subparagraph (II) of paragraph (c) of this ~~subsection (4)~~ SUBSECTION (9), the minimum period of imprisonment provided for such violation shall be mandatory. In addition to any other penalty which is imposed, every person who is convicted of a violation to which this subparagraph (I) applies shall perform not less than forty-eight hours nor more than ninety-six hours of useful public service. The performance of the minimum period of service shall be mandatory, and the court shall have no discretion to suspend the mandatory minimum period of performance of such service.

(II) Upon a conviction of a violation of paragraph (a) or (c) of subsection (1) or ~~subsection (1.5)~~ SUBSECTION (2) of this section, which violation occurred within five years of the date of a previous violation, for which there has been a conviction, of paragraph (a) or (c) of subsection (1) or ~~subsection (1.5)~~ SUBSECTION (2) of this section, or of section 18-3-106 (1) (b) (I) or 18-3-205 (1) (b) (I), C.R.S., the offender shall be punished by imprisonment in the county jail for not less than ninety days nor more than one year, and, in addition, the court may impose a fine of not less than five hundred dollars nor more than one thousand five hundred dollars. The minimum period of imprisonment as provided for such violation shall be mandatory, but the court may suspend up to eighty-three days of the period of imprisonment if the offender complies with the provisions of subparagraph (I) of paragraph (c) of this ~~subsection (4)~~ SUBSECTION (9). In addition to any other penalty which is imposed, every person who is convicted of a violation to which this subparagraph (II) applies shall perform not less than sixty hours nor more than one hundred twenty hours of useful public service. The performance of the minimum period of service shall be mandatory, and the court shall have no discretion to suspend the mandatory minimum period of performance of such service.

(III) Upon conviction of a violation of paragraph (a) or (c) of subsection (1) or ~~subsection (1.5)~~ SUBSECTION (2) of this section, which violation occurred within five years of the date of a previous violation, for which there has been a conviction, of paragraph (b) or (d) of subsection (1) of this section, the offender shall be punished by imprisonment in the county jail for not less than seventy days nor more than one year, and, in

addition, the court may impose a fine of not less than four hundred fifty dollars nor more than one thousand five hundred dollars. The minimum period of imprisonment as provided for such violation shall be mandatory, but the court may suspend up to sixty-three days of the period of imprisonment if the offender complies with the provisions of subparagraph (I) of paragraph (c) of this ~~subsection (4)~~ SUBSECTION (9). In addition to any other penalty which is imposed, every person who is convicted of a violation to which this subparagraph (III) applies shall perform not less than fifty-six hours nor more than one hundred twelve hours of useful public service. The performance of the minimum period of service shall be mandatory, and the court shall have no discretion to suspend the mandatory minimum period of performance of such service.

(b) (I) Every person who is convicted of a violation of paragraph (b) or (d) of subsection (1) of this section shall be punished by imprisonment in the county jail for not less than two days nor more than one hundred eighty days, and, in addition, the court may impose a fine of not less than one hundred dollars nor more than five hundred dollars. Except as provided in subparagraph (II) of paragraph (c) of this ~~subsection (4)~~ SUBSECTION (9), the minimum period of imprisonment provided for such violation shall be mandatory. In addition to any other penalty which is imposed, every person who is convicted of a violation to which this subparagraph (I) applies shall perform not less than twenty-four hours nor more than forty-eight hours of useful public service. The performance of the minimum period of service shall be mandatory, and the court shall have no discretion to suspend the mandatory minimum period of performance of such service.

(II) Upon a conviction of a second or subsequent violation of paragraph (b) or (d) of subsection (1) of this section, which violation occurred within five years of the date of a previous violation, for which there has been a conviction, of paragraph (b) or (d) of subsection (1) of this section, the offender shall be punished by imprisonment in the county jail for not less than forty-five days nor more than one year, and, in addition, the court may impose a fine of not less than three hundred dollars nor more than one thousand dollars. The minimum period of imprisonment as provided for such violation shall be mandatory, but the court may suspend up to forty days of the period of imprisonment if the offender complies with the provisions of subparagraph (I) of paragraph (c) of this ~~subsection (4)~~ SUBSECTION (9). In addition to any other penalty which is imposed, every person who is convicted of a violation to which this subparagraph (II) applies shall perform not less than forty-eight hours nor more than ninety-six hours of useful public service. The performance of the minimum period of service shall be mandatory, and the court shall have no discretion to suspend the mandatory minimum period of performance of such service.

(III) Upon conviction of a violation of paragraph (b) or (d) of subsection (1) of this section, which violation occurred within five years of the date of a previous violation, for which there has been a conviction, of paragraph (a) or (c) of subsection (1) or ~~subsection (1.5)~~ SUBSECTION (2) of this section, or of section 18-3-106 (1) (b) (I) or 18-3-205 (1) (b) (I), C.R.S., the offender shall be punished by imprisonment in the county jail for not less than sixty days nor more than one year, and, in addition, the court may impose a fine of not less than four hundred dollars nor more than one thousand two hundred dollars. The minimum period of imprisonment as provided for such violation shall be mandatory, but the court may suspend up to fifty-four days of the period of imprisonment if the offender complies with the provisions of subparagraph (I) of paragraph (c) of this ~~subsection (4)~~ SUBSECTION (9). In addition to any other penalty which is imposed, every person who is convicted of a violation to which this subparagraph (III) applies shall perform not less than fifty-two hours nor more than one hundred four hours of useful public service. The performance of the minimum period of service shall be mandatory, and the court shall have no discretion to suspend the mandatory minimum period of performance of such service.

~~(b.2)~~ (c) The provisions of this ~~subsection (4)~~ SUBSECTION (9) relating to the performance of useful public service are also applicable to any defendant who receives a deferred prosecution in accordance with section 16-7-401, C.R.S., or who receives a deferred sentence in accordance with section 16-7-403, C.R.S., and the completion of any stipulated amount of useful public service hours to be completed by the defendant shall be ordered by the court in accordance with the conditions of such deferred prosecution or deferred sentence as stipulated to by the prosecution and the defendant.

~~(b.5)~~ (d) For the purposes of paragraphs (a) and (b) of this ~~subsection (4)~~ SUBSECTION (9), a person shall be deemed to have a previous conviction of ~~subsection (1) or (1.5)~~ SUBSECTION (1) OR (2) of this section, or section 18-3-106 (1) (b) (I) or 18-3-205 (1) (b) (I), C.R.S., if such person has been convicted under the laws of any other state, the United States, or any territory subject to the jurisdiction of the United States of an act which, if committed within this state, would be a violation of ~~subsection (1) or (1.5)~~ SUBSECTION (1) OR (2) of this section, or section 18-3-106 (1) (b) (I) or 18-3-205 (1) (b) (I), C.R.S.

~~(b.7) (I)~~ (e) (I) Upon conviction of a violation of ~~subsection (1) or (1.5)~~ SUBSECTION (1) OR (2) of this section, the court shall sentence the defendant in accordance with the provisions of paragraphs (a) and (b) of this ~~subsection (4)~~ SUBSECTION (9). The court shall consider the alcohol and drug evaluation required pursuant to ~~subsection (5)~~ SUBSECTION (10) of this section prior to sentencing; except that the court may

proceed to immediate sentencing without considering such alcohol and drug evaluation if the defendant has no prior or pending charges under this section and neither the defendant nor the prosecuting attorney objects. If the court proceeds to immediate sentencing, without considering such alcohol and drug evaluation, such alcohol and drug evaluation shall be conducted after sentencing, and the court shall order the defendant to complete the education and treatment program recommended in such alcohol and drug evaluation. If the defendant disagrees with the education and treatment program recommended in such alcohol and drug evaluation, ~~he~~ THE DEFENDANT may request the court to hold a hearing to determine which education and treatment program should be completed by the defendant.

(II) For sentencing purposes concerning convictions for second and subsequent offenses, prima facie proof of a defendant's previous convictions shall be established when the prosecuting attorney and the defendant stipulate to the existence of the prior conviction or convictions or the prosecuting attorney presents to the court a copy of the driving record of the defendant provided by the motor vehicle division of the department of revenue of this state, or provided by a similar agency in another state, which contains a reference to such previous conviction or convictions. The court shall not proceed to immediate sentencing when there is not a stipulation to prior convictions or if the prosecution requests an opportunity to obtain a driving record. The prosecuting attorney shall not be required to plead or prove any previous convictions at trial, and sentencing concerning convictions for second and subsequent offenses shall be a matter to be determined by the court at sentencing.

~~(e) (I)~~ (f) (I) The sentence of any person subject to the provisions of subparagraph (II) or (III) of paragraph (a) or subparagraph (II) or (III) of paragraph (b) of this ~~subsection (4)~~ SUBSECTION (9) may be suspended to the extent provided for in said subparagraphs if the offender receives a presentence alcohol and drug evaluation; based on that evaluation, satisfactorily completes an appropriate level I or level II alcohol and drug driving safety education or treatment program; and abstains from the use of alcohol for a period of one year from the date of sentencing. Such abstinence shall be monitored by the treatment facility by the administration of disulfiram or by any other means that the director of the treatment facility deems appropriate. If, at any time during the one-year period, the offender does not satisfactorily comply with the conditions of the suspension, that sentence shall be reimposed, and the offender shall spend that portion of ~~his~~ SUCH OFFENDER'S sentence which was suspended in the county jail.

(II) In the case of any person who is sentenced pursuant to the provisions of subparagraph (I) of paragraph (a) or subparagraph (I) of paragraph (b) of this ~~subsection (4)~~

SUBSECTION (9), the court may suspend the mandatory minimum of any sentence of imprisonment if, as a condition thereof, the offender has a presentence or postsentence alcohol and drug evaluation and satisfactorily completes and meets all financial obligations of a level I or level II program as is determined appropriate by the alcohol and drug evaluation required pursuant to ~~subsection (5)~~ SUBSECTION (10) of this section.

~~(d) Repealed, L. 83, p. 1649, § 20, effective July 1, 1983.~~

~~(e)~~ (g) In addition to the penalties prescribed in this ~~subsection (4)~~ SUBSECTION (9), persons convicted of violations of ~~subsection (1) or (1.5)~~ SUBSECTION (1) OR (2) of this section are subject to the costs imposed by section 24-4.1-119 (1) (c), C.R.S., relating to the crime victim compensation fund.

~~(f)~~ (h) In addition to any other penalty provided by law, the court may sentence a defendant who is convicted pursuant to this section to a period of probation for purposes of treatment not to exceed two years. As a condition of probation, the defendant shall be required to make restitution in accordance with the provisions of section 16-11-204.5, C.R.S. In addition to any other penalty provided by law, the court may sentence a defendant to attend and pay for one appearance at a victim impact panel approved by the court, for which the fee assessed to the defendant shall not exceed twenty-five dollars.

~~(g) (I)~~ (i) (I) For the purposes of this ~~subsection (4)~~ SUBSECTION (9), "useful public service" means any work which is beneficial to the public and which involves a minimum of direct supervision or other public cost. "Useful public service" does not include any work which would endanger the health or safety of any person convicted of a violation of any of the offenses specified in ~~subsection (1) or (1.5)~~ SUBSECTION (1) OR (2) of this section.

(II) (A) The sentencing court, the probation department, the county sheriff, and the board of county commissioners shall cooperate in identifying suitable work assignments. An offender sentenced to such work assignment shall complete the same within the time established by the court.

(B) There may be established in the probation department of each judicial district in the state a useful public service program under the direction of the chief probation officer. It is the purpose of the useful public service program: To identify and seek the cooperation of governmental entities and political subdivisions thereof, as well as corporations organized not for profit, for the purpose of providing useful public service jobs; to interview and assign persons who have been ordered by the court

to perform useful public service to suitable useful public service jobs; and to monitor compliance or noncompliance of such persons in performing useful public service assignments within the time established by the court.

(C) Any general public liability insurance policy obtained pursuant to this ~~subsection (4)~~ SUBSECTION (9) shall be in a sum of not less than the current limit on government liability under the "Colorado Governmental Immunity Act", article 10 of title 24, C.R.S.

(III) For the purposes of the "Colorado Governmental Immunity Act", article 10 of title 24, C.R.S., "public employee" does not include any person who is sentenced pursuant to this ~~subsection (4)~~ SUBSECTION (9) to participate in any type of useful public service.

(IV) No governmental entity shall be liable under the "Workers' Compensation Act of Colorado", articles 40 to 47 of title 8, C.R.S., or under the "Colorado Employment Security Act", articles 70 to 82 of title 8, C.R.S., for any benefits on account of any person who is sentenced pursuant to this ~~subsection (4)~~ SUBSECTION (9) to participate in any type of useful public service, but nothing in this subparagraph (IV) shall prohibit a governmental entity from electing to accept the provisions of the "Workers' Compensation Act of Colorado" by purchasing and keeping in force a policy of workers' compensation insurance covering such person.

(V) On and after July 1, 1984, in addition to any other penalties prescribed in this ~~subsection (4)~~ SUBSECTION (9), the court shall assess an amount, not to exceed sixty dollars, upon any person required to perform useful public service. Such amount shall be used by the operating agency responsible for overseeing such person's useful public service program to pay the cost of administration of the program, a general public liability policy covering such person, and, if such person will be covered by workers' compensation insurance pursuant to subparagraph (IV) of this ~~paragraph (g)~~ PARAGRAPH (i) or an insurance policy providing such or similar coverage, the cost of purchasing and keeping in force such insurance coverage. Such amount shall be adjusted from time to time by the general assembly in order to insure that the useful public service program established in this ~~subsection (4)~~ SUBSECTION (9) shall be financially self-supporting. The proceeds from such amounts shall be used by the operating agency only for defraying the cost of personal services and other operating expenses related to the administration of the program and the cost of purchasing and keeping in force policies of general public liability insurance, workers' compensation insurance, or insurance providing such or similar coverage and shall not be used by the operating agency for any other purpose.

~~(5) (a)~~ (10) (a) The division of alcohol and drug abuse in the department of human services shall establish in each judicial district an alcohol and drug driving safety program which provides presentence alcohol and drug evaluations on all persons convicted of a violation of ~~subsection (1) or (1.5)~~ SUBSECTION (1) OR (2) of this section. The alcohol and drug driving safety program shall further provide supervision and monitoring of all such persons whose sentences or terms of probation require completion of a program of alcohol and drug driving safety education or treatment.

(b) The presentence alcohol and drug evaluation shall be conducted by such persons certified by the division of alcohol and drug abuse as qualified to provide evaluation and supervision services as described in paragraph (c) of this ~~subsection (5)~~ SUBSECTION (10). In establishing qualifications for such persons, the division shall give consideration to those persons who have had practical experience in alcohol and drug treatment.

(c) Upon the establishment of an alcohol and drug driving safety program, an alcohol and drug evaluation shall be conducted on all persons convicted of a violation of ~~subsection (1) or (1.5)~~ SUBSECTION (1) OR (2) of this section. The report shall be made available to and shall be considered by the court prior to sentencing unless the court proceeds to immediate sentencing pursuant to the provisions of ~~paragraph (b.7) of subsection (4)~~ PARAGRAPH (e) OF SUBSECTION (9) of this section. The report shall contain an evaluation of the defendant concerning ~~his~~ THE DEFENDANT'S prior traffic record, characteristics and history of alcohol or drug problems, and amenability to rehabilitation. The report shall include a recommendation as to alcohol and drug driving safety education or treatment for the defendant. The alcohol evaluation shall be prepared by a person who is knowledgeable in the diagnosis of chemical dependency. Such person's duties may also include appearing at sentencing and probation hearings as required, referring defendants to education and treatment agencies in accordance with orders of the court, monitoring defendants in education and treatment programs, notifying the probation department and the court of any defendant failing to meet the conditions of probation or referral to education or treatment, appearing at revocation hearings as required, and providing assistance in data reporting and program evaluation. For the purpose of this ~~subsection (5)~~ SUBSECTION (10), "alcohol and drug driving safety education or treatment" means either level I or level II education or treatment programs. Level I programs are to be short-term, didactic education programs. Level II programs are to be therapeutically oriented education, long-term outpatient, and comprehensive inpatient programs. Any defendant sentenced to level I or level II programs shall be instructed by the court to meet all financial obligations of such programs. If such financial obligations are not met, the sentencing court shall be notified for the purpose of collection

or review and further action on the defendant's sentence. Nothing in this section shall prohibit treatment agencies from applying to the state for funds to recover the costs of level II treatment for defendants determined to be indigent by the court.

(d) There is hereby created an alcohol and drug driving safety program fund in the office of the state treasurer to the credit of which shall be deposited all moneys as directed by this paragraph (d). Until July 1, 1980, in addition to any fines, fees, or costs levied against a person convicted of a violation of ~~subsection (1) or (1.5)~~ SUBSECTION (1) OR (2) of this section, sixty dollars shall be assessed by the judge against each such person for the cost of the presentence alcohol and drug evaluation and supervision services. After July 1, 1980, and each fiscal year thereafter, the amount shall remain at sixty dollars unless the division of alcohol and drug abuse has provided to the general assembly a statement of the cost of the program, including costs of administration for the past and current fiscal year to include a proposed change in the assessment. The general assembly shall then consider the proposed new assessment and approve the amount to be assessed against each person during the following fiscal year in order to insure that the alcohol and drug driving safety program established in this ~~subsection (5)~~ SUBSECTION (10) shall be financially self-supporting. Any adjustment in the amount to be assessed shall be so noted in the appropriation to the division of alcohol and drug abuse as a footnote or line item related to this program in the general appropriation bill. The state auditor shall periodically audit the costs of the programs to determine that they are reasonable and that the rate charged is accurate based on these costs. Any other fines, fees, or costs levied against such person shall not be part of the program fund. The amount assessed for the alcohol and drug evaluation shall be transmitted by the court to the state treasurer to be credited to the alcohol and drug driving safety program fund. Upon appropriation by the general assembly, these funds shall be expended by the division of alcohol and drug abuse for the administration of the alcohol and drug driving safety program. In administering the alcohol and drug driving safety program, the division of alcohol and drug abuse is authorized to contract with any agency within the judicial system for such services as the division deems necessary. Moneys deposited in the alcohol and drug driving safety program fund shall remain in said fund to be used for the purposes set forth in this ~~subsection (5)~~ SUBSECTION (10) and shall not revert or transfer to the general fund except by further act of the general assembly.

(e) The division of alcohol and drug abuse shall establish an alcohol and drug driving safety program suited to the needs of each judicial district. In establishing these programs, the division shall consult with local treatment programs. The division shall also insure that qualified personnel are placed in the judicial districts and shall establish criteria for evaluation

techniques, drinker classification, data reporting, client supervision, and program evaluation.

(f) The alcohol and drug driving safety program shall cooperate in providing services to a defendant who resides in a judicial district other than the one in which the arrest was made. Alcohol and drug driving safety programs may cooperate in providing services to any defendant who resides at a location closer to another judicial district's program. The requirements of this ~~subsection (5)~~ SUBSECTION (10) shall not apply to persons who are not residents of Colorado at the time of sentencing.

~~(g) Repealed, L. 89, p. 1622, § 11, effective July 1, 1989.~~

~~(h) Repealed, L. 83, p. 1649, § 20, effective July 1, 1983.~~

~~(i)~~ (g) The provisions of this ~~subsection (5)~~ SUBSECTION (10) are also applicable to any defendant who receives a deferred prosecution in accordance with section 16-7-401, C.R.S., or who receives a deferred sentence in accordance with section 16-7-403, C.R.S., and the completion of any stipulated alcohol evaluation, level I or level II education program, or level I or level II treatment program to be completed by the defendant shall be ordered by the court in accordance with the conditions of such deferred prosecution or deferred sentence as stipulated to by the prosecution and the defendant.

~~(6)~~ (11) In all actions, suits, and judicial proceedings in any court of this state concerning alcohol-related or drug-related traffic offenses, the court shall take judicial notice of methods of testing a person's alcohol or drug level and of the design and operation of devices, as certified by the department of health, for testing a person's blood, breath, saliva, or urine to determine ~~his~~ SUCH PERSON'S alcohol or drug level. This ~~subsection (6)~~ SUBSECTION (11) shall not prevent the necessity of establishing during a trial that the testing devices used were working properly and that such testing devices were properly operated. Nothing in this ~~subsection (6)~~ SUBSECTION (11) shall preclude a defendant from offering evidence concerning the accuracy of testing devices.

~~(7)~~ (12) Upon a plea of guilty, or a verdict of guilty by the court or a jury, to any offense specified in ~~subsection (1) or (1.5)~~ SUBSECTION (1) OR (2) of this section, the court shall order the defendant to immediately report to the sheriff's department in the county where the defendant was convicted, at which time the defendant's fingerprints and photographs shall be taken and returned to the court, which fingerprints and photographs shall become a part of the court's official documents

and records pertaining to the defendant's conviction and the defendant's identification in association with such conviction. On any trial for a violation of any of the offenses specified in ~~subsection (1) or (1.5)~~ SUBSECTION (1) OR (2) of this section, a duly authenticated copy of the record of former convictions and judgments of any court of record for any of said crimes against the party indicted or informed against shall be prima facie evidence of such convictions and may be used in evidence against such party. Identification photographs and fingerprints that are part of the record of such former convictions and judgments of any court of record or are part of the record at the place of such party's incarceration after sentencing for any of such former convictions and judgments shall be prima facie evidence of the identity of such party and may be used in evidence against ~~him~~ THE PARTY. Any person who fails to immediately comply with the court's order to report to the sheriff's department, to furnish fingerprints, or to have ~~his~~ SUCH PERSON'S photographs taken may be held in contempt of court.

~~(8)~~ (13) As used in this section, "convicted" includes a plea of no contest accepted by the court.

42-4-1302. [Formerly 42-4-1202.1] Stopping of suspect. A law enforcement officer may stop any person who ~~he~~ THE OFFICER reasonably suspects is committing or has committed a violation of ~~section 42-4-1202 (1) or (1.5)~~ SECTION 42-4-1301 (1) OR (2) and may require ~~him~~ THE PERSON to give ~~his name, his address,~~ SUCH PERSON'S NAME, ADDRESS, and an explanation of his OR HER actions. The stopping shall not constitute an arrest.

42-4-1303. [Formerly 42-4-1202.2] Records - prima facie proof. Official records of the department of health relating to certification of breath test instruments, certification of operators and operator instructors of breath test instruments, certification of standard solutions, and certification of laboratories shall be official records of the state, and copies thereof, attested by the executive director of the department of health or ~~his~~ THE DIRECTOR'S deputy and accompanied by a certificate bearing the official seal for said department that the executive director or ~~his~~ THE DIRECTOR'S deputy has custody of said records, shall be admissible in all courts of record and shall constitute prima facie proof of the information contained therein. The department seal required under this section may also consist of a rubber stamp producing a facsimile of the seal stamped upon the document.

42-4-1304. [Formerly 42-4-1211] Samples of blood or other bodily substance - duties of department of public health and environment. (1) The department of public health and environment shall establish a system for obtaining samples of blood or other bodily substance from the bodies of all pilots in command, motorboat or sailboat operators in command, or drivers and

pedestrians fifteen years of age or older who die within four hours after involvement in a crash involving a motor vehicle, a motorboat, a sailboat, or an aircraft. No person having custody of the body of such deceased shall perform any internal embalming procedure until a blood and urine specimen to be tested for alcohol, drug, and carbon monoxide concentrations has been taken by an appropriately trained person certified by the department of public health and environment. Whenever the driver of the vehicle cannot be immediately determined, such samples shall be obtained from all deceased occupants of the vehicle.

(2) All samples so collected shall be placed in containers of a type designed to preserve the integrity of a sample from the time of collection until it is subjected to analysis.

(3) All samples shall be tested and analyzed in the laboratories of the department of public health and environment, or in any other laboratory approved for this purpose by the department of public health and environment, to determine the amount of alcohol, drugs, and carbon monoxide contained in such samples or the amount of any other substance contained therein as deemed advisable by the department of public health and environment.

(4) The state board of health shall establish and promulgate such administrative regulations and procedures as are necessary to ensure that collection and testing of samples is accomplished to the fullest extent. Such regulations and procedures shall include but not be limited to the following:

(a) The certification of laboratories to ensure that the collection and testing of samples is performed in a competent manner; and

(b) The designation of responsible state and local officials who shall have authority and responsibility to collect samples for testing.

(5) All records of the results of such tests shall be compiled by the department of health and shall not be public information, but shall be disclosed on request to any interested party in any civil or criminal action arising out of the collision.

(6) All state and local public officials, including investigating law enforcement officers, have authority to and shall follow the procedures established by the department of health pursuant to this section, including the release of all information to the department of health concerning such samples and the testing thereof. The Colorado state patrol and the county coroners and their deputies shall assist the department of health in the administration and collection of such samples for the

purposes of this section.

(7) The office of the highway safety coordinator, the department, and the Colorado state patrol shall have access to the results of the tests of such samples taken as a result of a traffic crash for statistical analysis. The division of parks and outdoor recreation shall have access to the results of the tests of such samples taken as a result of a boating accident for statistical analysis.

(8) Failure to perform the required duties as prescribed by this section and by the administrative regulations and procedures resulting therefrom shall be deemed punishable under section 18-8-405, C.R.S.

PART ~~12~~ 14
OTHER OFFENSES

42-4-1401. [Formerly 42-4-1203] Reckless driving - penalty. (1) Any person who drives any motor vehicle, bicycle, or motorized bicycle in such a manner as to indicate either a wanton or a willful disregard for the safety of persons or property is guilty of reckless driving. A person convicted of reckless driving of a bicycle or motorized bicycle shall not be subject to the provisions of ~~section 42-2-123~~ SECTION 42-2-127.

(2) Any person who violates any provision of this section commits a class 2 misdemeanor traffic offense. Upon a second or subsequent conviction, such person shall be punished by a fine of not less than fifty dollars nor more than one thousand dollars, or by imprisonment in the county jail for not less than ten days nor more than six months, or by both such fine and imprisonment.

42-4-1402. [Formerly 42-4-1204] Careless driving - penalty. (1) Any person who drives any motor vehicle, bicycle, or motorized bicycle in a careless and imprudent manner, without due regard for the width, grade, curves, corners, traffic, and use of the streets and highways and all other attendant circumstances, is guilty of careless driving. A person convicted of careless driving of a bicycle or motorized bicycle shall not be subject to the provisions of ~~section 42-2-123~~ SECTION 42-2-127.

(2) Any person who violates any provision of this section commits a class 2 misdemeanor traffic offense, but, if the person's actions are the proximate cause of bodily injury or death to another, such person commits a class 1 misdemeanor traffic offense.

42-4-1403. [Formerly 42-4-1205] Following fire apparatus prohibited. The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred feet or drive into or

park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. Any person who violates any provision of this section commits a class A traffic infraction.

42-4-1404. [Formerly 42-4-1206] Crossing fire hose. No vehicle shall be driven over any unprotected hose of a fire department used at any fire, alarm of fire, or practice runs or laid down on any street, private driveway, or highway without the consent of the fire department official in command. Any person who violates any provision of this section commits a class B traffic infraction.

42-4-1405. [Formerly 42-4-113] Riding in trailers. No person shall occupy a trailer while it is being moved upon a public highway. Any person who violates any provision of this section commits a class B traffic infraction.

42-4-1406. [Formerly 42-4-1207] Foreign matter on highway prohibited. (1) No person shall throw or deposit upon any highway any glass bottle, glass, stones, nails, tacks, wire, cans, or other substance likely to injure any person, animal, or vehicle upon such highway.

(2) Any person who drops, or permits to be dropped or thrown, upon any highway or structure any destructive or injurious material or lighted or burning substance shall immediately remove the same or cause it to be removed.

(3) Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

(4) No person shall excavate a ditch or other aqueduct, or construct any flume or pipeline or any steam, electric, or other railway, or construct any approach to a public highway without written consent of the authority responsible for the maintenance of that highway.

(5) Any person who violates any provision of this section commits a class B traffic infraction.

42-4-1407. [Formerly 42-4-1208] Spilling loads on highways prohibited. No vehicle shall be driven or moved on any highway unless such vehicle is constructed or loaded or the load thereof securely covered to prevent any of its load from dropping, sifting, leaking, or otherwise escaping therefrom; except that sand may be dropped for the purpose of securing traction or water or other substance may be sprinkled on a roadway in cleaning or maintaining such roadway. Any person who violates any provision of this section commits a class B traffic infraction.

~~**42-4-1209. Vehicular homicide - vehicular assault.**~~

~~(Repealed)~~

~~Repealed, effective April 11, 1974.~~

42-4-1408. [Formerly 42-4-1212] Operation of motor vehicles on property under control of or owned by parks and recreation districts. (1) Any metropolitan recreation district, any park and recreation district organized pursuant to article 1 of title 32, C.R.S., or any recreation district organized pursuant to the provisions of part 7 of article 20 of title 30, C.R.S., referred to in this section as a "district", shall have the authority to designate areas on property owned or controlled by the district in which the operation of motor vehicles shall be prohibited. Areas in which it shall be prohibited to operate motor vehicles shall be clearly posted by a district.

(2) It is unlawful for any person to operate a motor vehicle in an area owned or under the control of a district if the district has declared the operation of motor vehicles to be prohibited in such area, as provided in subsection (1) of this section.

(3) Any person who violates any provision of this section commits a class B traffic infraction.

42-4-1409. [Formerly 42-4-1213] Compulsory insurance - penalty. (1) No owner of a motor vehicle required to be registered in this state shall operate the vehicle or permit it to be operated on the public highways of this state when ~~he~~ THE OWNER has failed to have a complying policy or certificate of self-insurance in full force and effect as required by sections 10-4-705 and 10-4-716, C.R.S.

(2) No person shall operate a motor vehicle on the public highways of this state without a complying policy or certificate of self-insurance in full force and effect as required by sections 10-4-705 and 10-4-716, C.R.S.

(3) When an accident occurs, or when requested to do so following any lawful traffic contact or during any traffic investigation by a peace officer, no owner or operator of a motor vehicle shall fail to present to the requesting officer immediate evidence of a complying policy or certificate of self-insurance in full force and effect as required by sections 10-4-705 and 10-4-716, C.R.S.

(4) (a) Any person who violates the provisions of subsection (1), (2), or (3) of this section commits a class 1 misdemeanor traffic offense. The minimum fine imposed by ~~section 42-4-1501 (2) (a) (II) (A)~~ SECTION 42-4-1701 (3) (a) (II) (A) shall be mandatory, and the court shall not suspend such minimum fine, in whole or in part, unless it is established that

appropriate insurance as required under sections 10-4-705 and 10-4-716, 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.

(b) Upon a second or subsequent conviction under this section within a period of two years following a prior conviction under this section, in addition to any imprisonment imposed pursuant to ~~section 42-4-1501 (2) (a) (II) (A)~~ SECTION 42-4-1701 (3) (a) (II) (A), the defendant shall be punished by a minimum mandatory fine of not less than two hundred dollars, and the court shall not suspend such minimum fine, in whole or in part, unless it is established that appropriate insurance as required under sections 10-4-705 and 10-4-716, C.R.S., has been obtained. Nothing in this paragraph (b) shall be construed to prevent the court from imposing a fine greater than the minimum mandatory fine.

(c) In addition to the penalties prescribed in paragraphs (a) and (b) of this subsection (4), any person convicted pursuant to this section shall be sentenced to perform not less than forty hours of community service, subject to the provisions of section 16-11-701, C.R.S.

(5) Testimony of the failure of any owner or operator of a motor vehicle to present immediate evidence of a complying policy or certificate of self-insurance in full force and effect as required by sections 10-4-705 and 10-4-716, C.R.S., when requested to do so by a peace officer, shall constitute prima facie evidence, at a trial concerning a violation charged under subsection (1) or (2) of this section, that such owner or operator of a motor vehicle violated subsection (1) or (2) of this section.

(6) No person charged with violating subsection (1), (2), or (3) of this section shall be convicted if ~~he~~ THE PERSON produces in court a bona fide complying policy or certificate of self-insurance which was in full force and effect, as required by sections 10-4-705 and 10-4-716, C.R.S., at the time of the alleged violation.

(7) The owner of a motor vehicle, upon receipt of an affirmation of insurance as described in ~~section 42-3-111 (2) and (2.5)~~ SECTION 42-3-112 (2) AND (3), shall sign and date such affirmation in the space provided.

42-4-1410. [Formerly 42-4-1214] Proof of financial responsibility required - suspension of license. (1) Any person convicted of violating ~~section 42-4-1213 (1)~~ SECTION 42-4-1409 (1) shall file and maintain proof of financial responsibility for the future as prescribed in sections 42-7-408 to 42-7-412. Said proof of insurance shall be maintained for a period of three years.

(2) The clerk of a court or the judge of a court which has no clerk shall forward to the executive director of the department of revenue a certified record of any conviction under ~~section 42-4-1213 (1)~~ SECTION 42-4-1409 (1). Upon receipt of any such certified record, the director shall give written notice to the person convicted that ~~he~~ SUCH PERSON shall be required to provide proof of financial responsibility for the future for a period of three years and advising ~~him~~ SUCH PERSON of the manner in which proof is to be provided. If no proof as required is provided to the director within a period of twenty days from the time notice is given or if at any time when proof is required to be maintained it is not so maintained or becomes invalid, the director shall suspend the driver's license of the person from whom proof is required and shall not reinstate the license of such person until proof of financial responsibility is provided.

42-4-1411. [Formerly 42-4-237] Use of earphones while driving. (1) (a) No person shall operate a motor vehicle while wearing earphones.

(b) For purposes of this subsection (1), "earphones" includes any headset, radio, tape player, or other similar device which provides the listener with radio programs, music, or other recorded information through a device attached to the head and which covers all of or a portion of the ears. "Earphones" does not include speakers or other listening devices which are built into protective headgear.

(2) Any person who violates this section commits a class B traffic infraction.

42-4-1412. [Formerly 42-4-106.5] Operation of bicycles and other human-powered vehicles. (1) Every person riding a bicycle shall have all of the rights and duties applicable to the driver of any other vehicle under this article, except as to special regulations in this article and except as to those provisions which by their nature can have no application. Said riders shall comply with the rules set forth in this section and ~~section 42-4-218.5~~ SECTION 42-4-221, and, when using streets and highways within incorporated cities and towns, shall be subject to local ordinances regulating the operation of bicycles as provided in ~~section 42-4-109~~ SECTION 42-4-111.

(2) It is the intent of the general assembly that nothing contained in House Bill No. 1246, enacted at the second regular session of the fifty-sixth general assembly, shall in any way be construed to modify or increase the duty of the department of transportation or any political subdivision to sign or maintain highways or sidewalks or to affect or increase the liability of the state of Colorado or any political subdivision under the "Colorado Governmental Immunity Act", article 10 of title 24, C.R.S.

(3) No bicycle shall be used to carry more persons at one time than the number for which it is designed or equipped.

(4) No person riding upon any bicycle shall attach the same or himself OR HERSELF to any motor vehicle upon a roadway.

(5) Any person riding a bicycle shall ride in the right-hand lane. When being overtaken by another vehicle, such person shall ride as close to the right-hand side as practicable. Where a paved shoulder suitable for bicycle riding is present, persons operating bicycles shall ride on the paved shoulder. These provisions shall apply, except under any of the following situations:

(a) When overtaking and passing another bicycle or vehicle proceeding in the same direction;

(b) When preparing for a left turn at an intersection or into a private road or driveway;

(c) When reasonably necessary to avoid hazardous conditions, including, but not limited to, fixed or moving objects, parked or moving vehicles, pedestrians, animals, or surface hazards.

(6) (a) Persons operating bicycles on roadways shall ride single file; except that riding no more than two abreast is permitted in the following circumstances:

(I) When there is no motor vehicle traffic approaching from the rear within a distance of three hundred feet and the sight distance on the roadway at the time and place and under the conditions then existing is a minimum of three hundred feet to the front and to the rear of the bicyclists; or

(II) When riding on paths or parts of roadways set aside for the exclusive use of bicycles.

(b) Persons riding two abreast shall ride within a single lane.

(7) A person operating a bicycle shall keep at least one hand on the handlebars at all times.

(8) (a) A person riding a bicycle intending to turn left shall follow a course described in ~~sections 42-4-801 (1), 42-4-803, and 42-4-907~~ SECTIONS 42-4-901 (1), 42-4-903, AND 42-4-1007 or may make a left turn in the manner prescribed in paragraph (b) of this subsection (8).

(b) A person riding a bicycle intending to turn left shall approach the turn as closely as practicable to the right-hand curb

or edge of the roadway. After proceeding across the intersecting roadway to the far corner of the curb or intersection of the roadway edges, the bicyclist shall stop, as much as practicable, out of the way of traffic. After stopping, the bicyclist shall yield to any traffic proceeding in either direction along the roadway that the bicyclist had been using. After yielding and complying with any official traffic control device or police officer regulating traffic on the highway along which ~~he~~ THE BICYCLIST intends to proceed, the bicyclist may proceed in the new direction.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this subsection (8), the transportation commission and local authorities in their respective jurisdictions may cause official traffic control devices to be placed on roadways and thereby require and direct that a specific course be traveled.

(9) (a) Except as otherwise provided in this subsection (9), every person riding a bicycle shall signal ~~his~~ THE intention to turn or stop in accordance with the provisions of ~~section 42-4-803~~ SECTION 42-4-903.

(b) A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred feet traveled by the bicycle before turning and shall be given while the bicycle is stopped waiting to turn. A signal by hand and arm need not be given continuously if the hand is needed in the control or operation of the bicycle.

(10) (a) A person riding a bicycle upon and along a sidewalk or across a roadway upon and along a crosswalk shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.

(b) A person shall not ride a bicycle upon and along a sidewalk or across a roadway upon and along a crosswalk where such use of bicycles is prohibited by official traffic control devices or local ordinances.

(c) A person riding or walking a bicycle upon and along a sidewalk or across a roadway upon and along a crosswalk shall have all the rights and duties applicable to a pedestrian under the same circumstances.

(d) A person riding a bicycle upon and along a sidewalk shall dismount before entering any roadway and, when crossing any such roadway, shall observe all the rules and regulations applicable to pedestrians.

(11) (a) A person may park a bicycle on a sidewalk unless prohibited or restricted by an official traffic control device or local ordinance.

(b) A bicycle parked on a sidewalk shall not impede the normal and reasonable movement of pedestrian or other traffic.

(c) A bicycle may be parked on the road at any angle to the curb or edge of the road at any location where parking is allowed.

(d) A bicycle may be parked on the road abreast of another bicycle or bicycles near the side of the road or any location where parking is allowed in such a manner as does not impede the normal and reasonable movement of traffic.

(e) In all other respects, bicycles parked anywhere on a highway shall conform to the provisions of ~~part 11~~ PART 12 of this article regulating the parking of vehicles.

(12) (a) Any person who violates any provision of this section commits a class 2 misdemeanor traffic offense; except that ~~section 42-2-123~~ SECTION 42-2-127 shall not apply.

(b) Any person riding a bicycle who violates any provision of this article other than this section which is applicable to such a vehicle and for which a penalty is specified shall be subject to the same specified penalty as any other vehicle; except that ~~section 42-2-123~~ SECTION 42-2-127 shall not apply.

42-4-1413. [Formerly 42-4-1512] Eluding or attempting to elude a police officer. Any operator of a motor vehicle who the officer has reasonable grounds to believe has violated a state law or municipal ordinance, who has received a visual or audible signal such as a red light or a siren from a police officer driving a marked vehicle showing the same to be an official police, sheriff, or Colorado state patrol car directing the operator to bring ~~his~~ THE OPERATOR'S vehicle to a stop, and who willfully increases his OR HER speed or extinguishes his OR HER lights in an attempt to elude such police officer, or willfully attempts in any other manner to elude the police officer, or does elude such police officer commits a class 2 misdemeanor traffic offense.

PART ~~13~~ 15
MOTORCYCLES

42-4-1501. [Formerly 42-4-1301] Traffic laws apply to persons operating motorcycles - special permits. (1) Every person operating a motorcycle shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of any other vehicle under this article, except as to special regulations in this article and except as to those provisions of this article which by their nature can have no application.

(2) For the purposes of a prearranged organized special event and upon a showing that safety will be reasonably

maintained, the department of transportation may grant a special permit exempting the operation of a motorcycle from any requirement of this ~~part 13~~ PART 15.

42-4-1502. [Formerly 42-4-1302] Riding on motorcycles. (1) A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent seat if designed for two persons or upon another seat firmly attached to the motorcycle at the rear or side of the operator.

(2) A person shall ride upon a motorcycle only while sitting astride the seat, facing forward, with one leg on either side of the motorcycle.

(3) No person shall operate a motorcycle while carrying packages, bundles, or other articles which prevent ~~him~~ THE PERSON from keeping both hands on the handlebars.

(4) No operator shall carry any person nor shall any person ride in a position that will interfere with the operation or control of the motorcycle or the view of the operator.

(5) Any person who violates any provision of this section commits a class A traffic infraction.

42-4-1503. [Formerly 42-4-1303] Operating motorcycles on roadways laned for traffic. (1) All motorcycles are entitled to full use of a traffic lane, and no motor vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of a traffic lane. This subsection (1) shall not apply to motorcycles operated two abreast in a single lane.

(2) The operator of a motorcycle shall not overtake or pass in the same lane occupied by the vehicle being overtaken.

(3) No person shall operate a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles.

(4) Motorcycles shall not be operated more than two abreast in a single lane.

(5) Subsections (2) and (3) of this section shall not apply to police officers in the performance of their official duties.

(6) Any person who violates any provision of this section commits a class A traffic infraction.

42-4-1504. [Formerly 42-4-1304] Clinging to other vehicles.

No person riding upon a motorcycle shall attach himself, HERSELF, or the motorcycle to any other vehicle on a roadway. Any person who violates any provision of this section commits a class A traffic infraction.

PART ~~14~~ 16
ACCIDENTS AND ACCIDENT REPORTS

42-4-1601. [Formerly 42-4-1401] Accidents involving death or personal injuries - duties. (1) The driver of any vehicle directly involved in an accident resulting in injury to, serious bodily injury to, or death of any person shall immediately stop such vehicle at the scene of such accident or as close ~~thereto~~ TO THE SCENE as possible but shall ~~then forthwith~~ IMMEDIATELY return to and in every event shall remain at the scene of the accident until ~~he~~ THE DRIVER has fulfilled the requirements of ~~section 42-4-1403~~ SECTION 42-4-1603. Every such stop shall be made without obstructing traffic more than is necessary.

(2) Any person who violates any provision of this section commits:

(a) A class 1 misdemeanor traffic offense if the accident resulted in injury to any person;

(b) A class 1 misdemeanor if the accident resulted in serious bodily injury to any person;

(c) A class 4 felony if the accident resulted in the death of any person.

(3) The department shall revoke the driver's license of the person so convicted.

(4) As used in this section and ~~sections 42-4-1403 and 42-4-1406~~ SECTIONS 42-4-1603 AND 42-4-1606:

(a) "Injury" means physical pain, illness, or any impairment of physical or mental condition.

(b) "Serious bodily injury" means injury which involves a substantial risk of death, a substantial risk of serious permanent disfigurement, or a substantial risk of protracted loss or impairment of the function of any part or organ of the body.

42-4-1602. [Formerly 42-4-1402] Accident involving damage - duty. (1) The driver of any vehicle directly involved in an accident resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall immediately return to and in every event shall remain at the scene of such accident, except in the circumstances provided in

subsection (2) of this section, until the driver has fulfilled the requirements of ~~section 42-4-1403~~ SECTION 42-4-1603. Every such stop shall be made without obstructing traffic more than is necessary. Any person who violates any provision of this subsection (1) commits a class 2 misdemeanor traffic offense.

(2) When an accident occurs on the traveled portion, median, or ramp of a divided highway and each vehicle involved can be safely driven, each driver shall move such driver's vehicle as soon as practicable off the traveled portion, median, or ramp to a frontage road, the nearest suitable cross street, or other suitable location to fulfill the requirements of ~~section 42-4-1403~~ SECTION 42-4-1603.

42-4-1603. [Formerly 42-4-1403] Duty to give notice, information, and aid. (1) The driver of any vehicle involved in an accident resulting in injury to, serious bodily injury to, or death of any person or damage to any vehicle which is driven or attended by any person shall give ~~his~~ THE DRIVER'S name, ~~his~~ THE DRIVER'S address, and the registration number of the vehicle he OR SHE is driving and shall upon request exhibit his OR HER driver's license to the person struck or the driver or occupant of or person attending any vehicle collided with and where practical shall render to any person injured in such accident reasonable assistance, including the carrying, or the making of arrangements for the carrying, of such person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if the carrying is requested by the injured person.

(2) In the event that none of the persons specified are in condition to receive the information to which they otherwise would be entitled under subsection (1) of this section and no police officer is present, the driver of any vehicle involved in such accident after fulfilling all other requirements of subsection (1) of this section, insofar as possible on ~~his~~ THE DRIVER'S part to be performed, shall ~~forthwith~~ IMMEDIATELY report such accident to the nearest office of a duly authorized police authority as required in ~~section 42-4-1406~~ SECTION 42-4-1606 and submit thereto the information specified in subsection (1) of this section.

~~(3) Repealed, L. 83, p. 1653, § 1, effective March 15, 1983.~~

42-4-1604. [Formerly 42-4-1404] Duty upon striking unattended vehicle or other property. The driver of any vehicle which collides with or is involved in an accident with any vehicle or other property which is unattended resulting in any damage to such vehicle or other property shall immediately stop and ~~then and there~~ either locate and notify the operator or owner of such vehicle or other property of such fact, ~~his~~ THE DRIVER'S name and

address, and the registration number of the vehicle he OR SHE is driving or attach securely in a conspicuous place in or on such vehicle or other property a written notice giving ~~his~~ THE DRIVER'S name and address and the registration number of the vehicle he OR SHE is driving. ~~He~~ THE DRIVER shall also make report of such accident when and as required in ~~section 42-4-1406~~ SECTION 42-4-1606. Every stop shall be made without obstructing traffic more than is necessary. This section shall not apply to the striking of highway fixtures or traffic control devices which shall be governed by the provisions of ~~section 42-4-1405~~ SECTION 42-4-1605. Any person who violates any provision of this section commits a class 2 misdemeanor traffic offense.

42-4-1605. [Formerly 42-4-1405] Duty upon striking highway fixtures or traffic control devices. The driver of any vehicle involved in an accident resulting only in damage to fixtures or traffic control devices upon or adjacent to a highway shall notify the road authority in charge of such property of that fact and of ~~his~~ THE DRIVER'S name and address and of the registration number of the vehicle he OR SHE is driving and shall make report of such accident when and as required in ~~section 42-4-1406~~ SECTION 42-4-1606. Any person who violates any provision of this section commits a class 2 MISDEMEANOR traffic offense.

42-4-1606. [Formerly 42-4-1406] Duty to report accidents. (1) The driver of a vehicle involved in a traffic accident resulting in injury to, serious bodily injury to, or death of any person or any property damage shall, after fulfilling the requirements of ~~sections 42-4-1402 and 42-4-1403 (1)~~ SECTIONS 42-4-1602 AND 42-4-1603 (1), give immediate notice of the location of such accident and such other information as is specified in ~~section 42-4-1403 (2)~~ SECTION 42-4-1603 (2) to the nearest office of the duly authorized police authority and, if so directed by the police authority, shall ~~forthwith and without delay~~ IMMEDIATELY return to and remain at the scene of the accident until said police have arrived at the scene and completed their investigation thereat.

(2) The driver of a vehicle which is in any manner involved in an accident resulting in bodily injury to, serious bodily injury to, or death of any person or total damage to all property, to the extent specified in section 42-7-202, shall, within ten days after such accident, submit to the department on the form provided a written report of such accident as provided in section 42-7-202. Except when supplemental reports are required as provided in subsection (3) of this section, this shall be the only written report required of the driver for any of the purposes specified in this article and in article 7 of this title, and said report shall be required of the driver whether or not the accident was investigated by the police authority.

(3) The department may require any driver of a vehicle

involved in an accident of which report must be made as provided in this section to file supplemental reports whenever the original report is insufficient in the opinion of the department and may require witnesses of accidents to render reports to the department.

(4) It is the duty of all law enforcement officers who receive notification of traffic accidents within their respective jurisdictions or who investigate such accidents either at the time of or at the scene of the accident or thereafter by interviewing participants or witnesses to submit reports of all such accidents to the department on the form provided within five days of the time they receive such information or complete their investigation. In the case of a traffic accident involving a motor vehicle, if a law enforcement officer has a reasonable basis to believe that damage to the property of any one person does not exceed one thousand dollars and if the traffic accident does not involve injury to or death of any person, the law enforcement officer shall not be required to complete an investigation or submit a report of such traffic accident unless specifically requested to do so by one of the participants or unless one of the participants cannot show proof of insurance. In the case of a traffic accident not involving a motor vehicle, if the traffic accident does not involve serious bodily injury to or death of any person, the law enforcement officer shall not be required to complete an investigation or submit a report of such traffic accident.

(5) The person in charge at any garage or repair shop to which is brought any motor vehicle which shows evidence of having been struck by any bullet shall report to the nearest office of the duly authorized police authority within twenty-four hours after such motor vehicle is received, giving the ~~engine~~ VEHICLE IDENTIFICATION number, registration number, and, if known, the name and address of the owner and operator of such vehicle together with any other discernible information.

(6) Any person who violates any provision of this section commits a class 2 MISDEMEANOR traffic offense.

42-4-1607. [Formerly 42-4-1407] When driver unable to give notice or make written report. (1) Whenever the driver of a vehicle is physically incapable of giving an immediate notice of an accident as required in ~~section 42-4-1406 (1)~~ SECTION 42-4-1606 (1) and there was another occupant in the vehicle at the time of the accident capable of doing so, such occupant shall give or cause to be given the notice not given by the driver.

(2) Whenever the driver of a vehicle is physically incapable of making a written report of an accident as required in ~~section 42-4-1406 (2)~~ SECTION 42-4-1606 (2) and section 42-7-202 and such driver is not the owner of the vehicle involved,

then the owner shall within ten days after such accident make such report not made by the driver.

42-4-1608. [Formerly 42-4-1408] Accident report forms. (1) The department shall prepare and upon request supply to police departments, coroners, sheriffs, and other suitable agencies or individuals forms for accident reports required under this article, which reports shall call for sufficiently detailed information to disclose, with reference to a traffic accident, the contributing circumstances, the conditions then existing, and the persons and vehicles involved.

(2) Every required accident report shall be made on a form approved by the department, where such form is available.

42-4-1609. [Formerly 42-4-1409] Coroners to report. Every coroner or other official performing like functions shall on or before the tenth day of each month report in writing to the department the death of any person within ~~his~~ SUCH OFFICIAL'S jurisdiction during the preceding calendar month as the result of an accident involving a motor vehicle and the circumstances of such accident.

42-4-1610. [Formerly 42-4-1410] Reports by interested parties confidential. All accident reports and supplemental reports required by law to be made by any driver, owner, or person involved in any accident shall be without prejudice to the individual so reporting and shall be for the confidential use of the department; except that the department may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his OR HER presence at such accident. Except as provided in section 42-7-504 (2), no such report shall be used as evidence in any trial, civil or criminal, arising out of an accident; except that the department shall furnish, upon demand of any person who has, or claims to have, made such a report or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the department solely to prove a compliance or failure to comply with the requirement that such a report be made to the department. This section shall not be construed to mean that reports of investigation or other reports made by sheriffs, police officers, coroners, or other peace officers shall be confidential, but the same shall be public records and shall be subject to the provisions of section 42-1-206.

42-4-1611. [Formerly 42-4-1411] Tabulation and analysis of reports. The department shall tabulate and may analyze all accident reports and shall publish annually or at more frequent intervals statistical information based thereon as to the number and circumstances of traffic accidents and in such a way that the information may be of value to the department of transportation in eliminating roadway hazards.

~~PART 17~~

~~MOTORCYCLE OPERATOR SAFETY TRAINING~~

~~**42-4-1701. Definitions.** As used in this part 17, unless the context otherwise requires:~~

~~(1) "Director" means the director of the office.~~

~~(2) (Deleted by amendment, L. 91, p. 1089, § 100, effective July 1, 1991.)~~

~~(3) "Fund" means the motorcycle operator safety training fund created in section 42-4-1704.~~

~~(4) "Instructor training specialist" means a licensed motorcycle operator who meets the standards promulgated by the office to train and oversee instructors for the program.~~

~~(4.5) "Office" means the office of transportation safety in the department of transportation.~~

~~(5) "Program" means the motorcycle operator safety training program established pursuant to section 42-4-1702.~~

~~**42-4-1702. Motorcycle operator safety training program.** (1) (a) (I) The office shall establish a motorcycle operator safety training program which shall include courses to develop the knowledge, attitudes, habits, and skills necessary for the safe operation of a motorcycle. Such program shall include instruction relating to the effects of alcohol and drugs on the operation of motorcycles, and it shall include a course to train instructors. The office shall set standards for the certification of courses in the program. The office shall contract with vendors for the purpose of providing the program.~~

~~(II) Any resident of the state who holds a current valid Colorado driver's license, a provisional driver's license, a minor driver's license, or an instruction permit authorized by section 42-2-105 may enroll in a certified motorcycle operator safety training course.~~

~~(b) The director may certify any person meeting the applicable standards as an instructor training specialist to assist in establishing motorcycle operator safety training courses throughout the state, in implementing the program, and in training and monitoring instructors.~~

~~(c) The director shall designate a program coordinator to implement and administer the program. In no event shall the office expend more than fifteen percent of the total cost of the program for administrative costs.~~

~~(d) The office shall adopt such rules and regulations as are necessary to carry out the provisions of the program pursuant to article 4 of title 24, C.R.S.~~

~~(2) The office shall begin implementation of this part 17 on November 1, 1990, or when the moneys in the fund are sufficient to pay for the costs of implementing the program, whichever is later. However, operation of courses in the program shall commence no later than July 1, 1991.~~

~~**42-4-1703. Instructor requirements and training.** (1) The office shall establish standards for an approved instructor training course. Successful completion of the course shall require the participant to demonstrate knowledge of course material, knowledge of safe motorcycle operating practices, and the necessary aptitude for instructing students.~~

~~(2) Each applicant for an instructor certificate shall be at least twenty-one years of age and hold a valid Colorado driver's license endorsed for motorcycles, which license has not been revoked or suspended within the three years preceding the date on which the application for certification is made.~~

~~(3) No applicant shall be certified as an instructor if, within the three years preceding the date on which the application for certification is made:~~

~~(a) The applicant was convicted for an offense which is assigned eight or more points in the point system schedule, as specified in section 42-2-123 (5), or its equivalent in another state; or~~

~~(b) The applicant's driver's license from any other state was revoked or suspended.~~

~~(4) The office shall prescribe the form for an approved instructor certificate and shall provide for verification that a certified instructor is currently active in the program. No instructor shall participate in the program without a current certificate.~~

~~**42-4-1704. Motorcycle operator safety training fund.** There is hereby created in the state treasury a motorcycle operator safety training fund which shall consist of moneys collected pursuant to sections 42-2-112 (2) (b) and (3) (b), 42-2-116 (1) (b) (II), and 42-3-123 (4.1). The general assembly shall make annual appropriations from the fund for the implementation and administration of the program. Moneys credited to the fund shall remain therein at the end of each fiscal year and shall not be transferred to the highway users tax fund or any other fund.~~

~~**42-4-1705. Advisory committee - repeal.** (1) The governor~~

~~shall appoint a program advisory committee to assist in the development and implementation of the program. The committee shall monitor the program and make recommendations to the director concerning the administration, application, and substance of the program. The committee shall consist of five members appointed by the governor, one of whom shall be a motorcycle retail dealer, one of whom shall be a peace officer, level I, as defined in section 18-1-901 (3) (l) (I), C.R.S., who operates a motorcycle, two of whom shall be active motorcycle operators, and one of whom shall be a citizen not affiliated with a motorcycle dealer, manufacturer, or association. Of the two members who are active motorcycle operators, one shall operate a motorcycle manufactured in the United States by a company originally incorporated in the United States. Of the five members first appointed to the advisory committee, three shall serve for a term of three years and two shall serve for a term of two years. Thereafter, members of the advisory committee shall serve three-year terms. The governor shall consider geographical diversity when appointing the members of the advisory committee. The committee shall meet at the call of the director. Members shall serve without compensation for their services but may be reimbursed for their actual and necessary expenses while engaged in the business of the advisory committee.~~

~~(2) (a) This section is repealed, effective July 1, 1996.~~

~~(b) Prior to said repeal, the advisory committee shall be reviewed as provided for in section 2-3-1203, C.R.S.~~

PART ~~15~~ 17
PENALTIES AND PROCEDURE

42-4-1701. [Formerly 42-4-1501] Traffic offenses and infractions classified - penalties - penalty and surcharge schedule. (1) It is a traffic infraction for any person to violate any of the provisions of articles 1 to 3 OF THIS TITLE AND PARTS 1 TO 3 AND 5 TO 19 OF ARTICLE 4 of this title unless such violation is, by articles 1 to 3 OF THIS TITLE AND PARTS 1 TO 3 AND 5 TO 19 OF ARTICLE 4 of this title or by any other law of this state, declared to be a felony, misdemeanor, petty offense, or misdemeanor traffic offense. Such a traffic infraction shall constitute a civil matter.

~~(1.5) (a)~~ (2) (a) For the purposes of this ~~part 15~~ PART 17, "judge" shall include any county court magistrate who hears traffic infraction matters, but no person charged with a traffic violation other than a traffic infraction or class 2 misdemeanor traffic offense shall be taken before a county court magistrate.

(b) For the purposes of this ~~part 15~~ PART 17, "magistrate" shall include any county court judge who is acting as a county court magistrate in traffic infraction and class 2 misdemeanor

traffic offense matters.

~~(2) (a) (I)~~ (3) (a) (I) Except as provided in ~~subsections (3) and (4)~~ SUBSECTIONS (4) AND (5) of this section, traffic infractions are divided into two classes which shall be subject to the following penalties which are authorized upon entry of judgment against the defendant:

Class	Minimum Penalty	Maximum Penalty
A	$10 penalty.	$100 penalty.
B	$ 5 penalty.	$100 penalty.

(II) (A) Except as provided in ~~subsections (3) and (4)~~ SUBSECTIONS (4) AND (5) of this section and in ~~section 42-4-1202 (4)~~ SECTION 42-4-1301 (9), misdemeanor traffic offenses are divided into two classes which are distinguished from one another by the following penalties which are authorized upon conviction:

Class	Minimum Sentence	Maximum Sentence
1	Ten days imprisonment, or $100 fine, or both.	One year imprisonment, or $1000 fine, or both.
2	Ten days imprisonment, or $10 fine, or both.	Ninety days imprisonment, or $300 fine, or both.

(B) Any person convicted of a class 1 or class 2 misdemeanor traffic offense may be sentenced to perform a certain number of hours of community or useful public service in addition to any other sentence provided by sub-subparagraph (A) of this subparagraph (II), subject to the conditions and restrictions of section 16-11-701, C.R.S.

(b) Any traffic infraction or misdemeanor traffic offense defined by law outside of articles 1 to 4 of this title shall be punishable as provided in the statute defining it or as otherwise provided by law.

(c) The department has no authority to assess any points under ~~section 42-2-123~~ SECTION 42-2-127 upon entry of judgment for any class B traffic infractions.

~~(3) (a) (I) Repealed, L. 81, p. 1964, § 34, effective July 1, 1984.~~

~~(I.1)~~ (4) (a) (I) Except as provided in paragraph (c) of ~~subsection (4)~~ SUBSECTION (5) 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)~~ SUBSECTION (5) 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)~~ SUBPARAGRAPH (I); 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~~ THE DEFENDANT'S guilt or liability in accordance with the procedure set forth by paragraph (a) of ~~subsection (4)~~ SUBSECTION (5) of this section or is found guilty by a court of competent jurisdiction or has judgment entered against ~~him~~ THE DEFENDANT by a county court magistrate. Penalties and surcharges for violating specific sections shall be as follows:

Section Violated	**Penalty**	**Surcharge**
(A) **Drivers' license violations:**		
42-2-101 (1), (3), or (4)	$ 35.00	$ 5.00
42-2-101 (2) or (5)	15.00	5.00
~~42-2-104~~ 42-2-105	35.00	1.00
~~42-2-105~~ 42-2-106	35.00	1.00
~~42-2-114~~ 42-2-116	25.00	3.00
~~42-2-117~~ 42-2-119	20.00	3.00
~~42-2-126~~ 42-2-133	35.00	1.00
~~42-2-128~~ 42-2-135	35.00	12.00
~~42-2-131~~ 42-2-138	35.00	1.00
~~42-2-132~~ 42-2-139	35.00	3.00
~~42-2-133~~ 42-2-141	35.00	3.00
(B) **Registration and taxation violations:**		
~~42-3-102~~ 42-3-103	$ 40.00	$ 3.00
~~42-3-113~~ 42-3-123	10.00	3.00
~~42-3-116~~ 42-3-127	50.00	3.00
~~42-3-122 (1)(a)~~ 42-3-133 (1)(a)	150.00	56.00
~~42-3-122 (1)(c)~~ 42-3-133 (1)(c)	25.00	3.00
~~42-3-122 (1)(f)~~ 42-3-133 (1)(f)	75.00	3.00
~~42-3-123~~ 42-3-134	20.00	3.00
(C) **Traffic regulation generally:**		

~~42-4-106.5~~	42-4-1412	$ 15.00	$ 1.00
~~42-4-107~~	42-4-109	15.00	1.00
~~42-4-112~~	42-4-1211	15.00	3.00
~~42-4-113~~	42-4-1405	15.00	3.00

(D) Equipment violations:

42-4-201		$ 35.00	$ 1.00
42-4-202		40.00	1.00
~~42-4-203~~	42-4-204	15.00	3.00
~~42-4-204~~	42-4-205	15.00	1.00
~~42-4-205~~	42-4-206	15.00	1.00
~~42-4-206~~	42-4-207	10.00	1.00
~~42-4-207~~	42-4-208	15.00	1.00
~~42-4-208~~	42-4-209	15.00	1.00
~~42-4-209~~	42-4-210	15.00	1.00
~~42-4-210~~	42-4-211	15.00	1.00
~~42-4-211~~	42-4-212	10.00	1.00
~~42-4-212~~	42-4-213	15.00	1.00
~~42-4-212.5~~	42-4-214	15.00	1.00
~~42-4-213~~	42-4-215	15.00	1.00
~~42-4-214~~	42-4-216	10.00	1.00
~~42-4-215~~	42-4-217	15.00	1.00
~~42-4-216~~	42-4-218	10.00	1.00
~~42-4-217~~	42-4-219	10.00	1.00
~~42-4-218~~	42-4-220	15.00	1.00
~~42-4-218.5~~	42-4-221	15.00	1.00
~~42-4-219 (1) or (2)~~			
42-4-222 (1) OR (2)		15.00	1.00
~~42-4-220~~	42-4-223	15.00	1.00
~~42-4-221~~	42-4-224	15.00	1.00
~~42-4-222~~	42-4-225	15.00	1.00
~~42-4-223~~	42-4-226	10.00	1.00
~~42-4-224~~	42-4-227	50.00	1.00
~~42-4-225 (1), (2), (3), (6), or (7)~~			
42-4-228 (1), (2), (3), (5), OR (6)		15.00	1.00
~~42-4-226~~	42-4-229	15.00	1.00
~~42-4-227~~	42-4-230	15.00	1.00
~~42-4-228~~		~~50.00~~	~~18.00~~
~~42-4-229~~	42-4-231	15.00	1.00
~~42-4-231~~	42-4-232	15.00	3.00
~~42-4-232~~	42-4-233	100.00	37.00
~~42-4-233~~	42-4-234	15.00	3.00
~~42-4-234~~	42-4-235	50.00	18.00
~~42-4-235~~	42-4-236	50.00	9.00
~~42-4-236~~	42-4-237	10.00	1.00
~~42-4-237~~	42-4-1412	15.00	3.00
~~42-4-238~~	42-4-1901	35.00	3.00

(E) Emissions inspections:

~~42-4-315 (2)(b)~~	42-4-311 (2)(b)	$100.00	$ 37.00

(F) **Size, weight, and load violations:**

~~42-4-402~~	42-4-502	$ 75.00	$ 2.00
~~42-4-403~~	42-4-503	20.00	2.00
~~42-4-404~~	42-4-504	75.00	2.00
~~42-4-404.5~~	42-4-505	75.00	2.00
~~42-4-405~~	42-4-506	15.00	1.00
~~42-4-408~~	42-4-509	50.00	7.00
~~42-4-409 (12)(a)~~	42-4-510 (12)(a)	35.00	3.00
~~42-4-410~~	42-4-106	20.00	3.00
~~42-4-411~~	42-4-512	85.00	2.00

(G) **Signals, signs, and markings violations:**

~~42-4-504~~	42-4-603	$ 20.00	$ 3.00
~~42-4-505~~	42-4-604	20.00	1.00
~~42-4-506~~	42-4-605	20.00	1.00
~~42-4-507~~	42-4-606	15.00	3.00
~~42-4-508~~	42-4-607	50.00	3.00
~~42-4-509~~	42-4-608	15.00	3.00
~~42-4-510~~	42-4-609	15.00	3.00
~~42-4-512~~	42-4-610	5.00	1.00
~~42-4-514~~	42-4-612	20.00	3.00

(H) **Rights-of-way violations:**

~~42-4-601~~	42-4-701	$ 20.00	$ 2.00
~~42-4-602~~	42-4-702	20.00	1.00
~~42-4-603~~	42-4-703	35.00	2.00
~~42-4-604~~	42-4-704	35.00	2.00
~~42-4-605~~	42-4-705	50.00	2.00
~~42-4-606~~	42-4-706	35.00	1.00
~~42-4-607~~		~~35.00~~	~~1.00~~
~~42-4-608~~	42-4-707	35.00	3.00
~~42-4-609~~	42-4-708	35.00	3.00
~~42-4-609.5~~	42-4-709	35.00	3.00
~~42-4-610~~	42-4-710	20.00	3.00
~~42-4-611~~	42-4-711	20.00	3.00
~~42-4-614~~	42-4-712	35.00	3.00

(I) **Pedestrian violations:**

~~42-4-701~~	42-4-801	$ 20.00	$ 1.00
~~42-4-702~~	42-4-802	20.00	2.00
~~42-4-703~~	42-4-803	10.00	1.00
~~42-4-704~~	42-4-804	10.00	1.00
~~42-4-705~~	42-4-805	10.00	1.00
~~42-4-706~~	42-4-806	20.00	3.00
~~42-4-707~~	42-4-807	20.00	3.00
~~42-4-709~~	42-4-808	35.00	3.00

(J) **Turning and stopping violations:**

~~42-4-801~~	42-4-901	$ 20.00	$ 2.00
~~42-4-802~~	42-4-902	20.00	2.00
~~42-4-803~~	42-4-903	20.00	1.00

(K) **Driving, overtaking, and passing violations:**

~~42-4-901~~	42-4-1001	$ 20.00	$ 3.00
~~42-4-902~~	42-4-1002	20.00	3.00
~~42-4-903~~	42-4-1003	20.00	2.00
~~42-4-904~~	42-4-1004	20.00	2.00
~~42-4-905~~	42-4-1005	20.00	2.00
~~42-4-906~~	42-4-1006	20.00	3.00
~~42-4-907~~	42-4-1007	20.00	3.00
~~42-4-908~~	42-4-1008	20.00	1.00
~~42-4-909~~	42-4-1009	15.00	3.00
~~42-4-910~~	42-4-1010	20.00	3.00
~~42-4-911~~	42-4-1011	100.00	37.00
42-4-1012		35.00	4.00

(L) **Speeding violations:**

~~42-4-1001 (1), (7)(a), or (7)(b)~~ 42-4-1101 (1), (8)(a), OR (8)(b) (1 to 4 miles per hour over the reasonable and prudent speed or over the maximum lawful speed limit of 55 or 65 miles per hour)	$ 10.00	$ 3.00
~~42-4-1001 (1), (7)(a), or (7)(b)~~ 42-4-1101 (1), (8)(a), OR (8)(b) (5 to 9 miles per hour over the reasonable and prudent speed or over the maximum lawful speed limit of 55 or 65 miles per hour)	25.00	9.00
~~42-4-1001 (1) or (7)(b)~~ 42-4-1101 (1) OR (8)(b) (10 to 19 miles per hour over the reasonable and prudent speed or over the maximum lawful speed limit of 55 miles per hour)	55.00	9.00
~~42-4-1001 (7)(a)~~ 42-4-1101 (8)(a) (10 to 14 miles per hour over maximum lawful		

speed limit of 65 miles per hour)	55.00	9.00
~~42-4-1001 (7)(a)~~ 42-4-1101 (8)(a) (15 to 19 miles per hour over maximum lawful speed limit of 65 miles per hour)	60.00	9.00
~~42-4-1001 (1) or (7)(b)~~ 42-4-1101 (1) OR (8)(b) (20 to 24 miles per hour over the reasonable and prudent speed or over the maximum lawful speed limit of 55 miles per hour)	100.00	9.00
~~42-4-1001 (3)~~ 42-4-1101 (3)	40.00	9.00
~~42-4-1003~~ 42-4-1103	15.00	3.00
~~42-4-1004~~ 42-4-1104	15.00	3.00

(M) Parking violations:

~~42-4-1101~~	42-4-1201	$ 15.00	$ 1.00
~~42-4-1102~~	42-4-1202	15.00	1.00
~~42-4-1104~~	42-4-1204	10.00	1.00
~~42-4-1105~~	42-4-1205	10.00	1.00
~~42-4-1106~~	42-4-1206	10.00	1.00
~~42-4-1107~~	42-4-1207	15.00	3.00
~~42-4-1109 (4) or (5)~~ 42-4-1208 (4) OR (5)		50.00	0.00

(N) Other offenses:

~~42-4-1204~~	42-4-1402	$ 50.00	$ 7.00
~~42-4-1205~~	42-4-1403	15.00	3.00
~~42-4-1206~~	42-4-1404	15.00	3.00
~~42-4-1207~~	42-4-1406	40.00	2.00
~~42-4-1208~~	42-4-1407	40.00	1.00
~~42-4-1210~~	42-4-314	35.00	3.00
~~42-4-1212~~	42-4-1408	15.00	3.00

(O) Motorcycle violations:

~~42-4-1302~~	42-4-1502	$ 20.00	$ 3.00
~~42-4-1303~~	42-4-1503	20.00	3.00
~~42-4-1304~~	42-4-1504	20.00	3.00

(P) Offenses by persons controlling vehicles:

~~42-4-1503~~	42-4-1704	$ 20.00	$ 3.00

(II) Any person convicted of violating ~~section 42-4-406 or 42-4-407~~ SECTION 42-4-507 OR 42-4-508 shall be fined pursuant to this subparagraph (II), whether the defendant acknowledges ~~his~~ THE DEFENDANT'S guilt pursuant to the procedure set forth in ~~subsection (4) (a)~~ PARAGRAPH (a) OF SUBSECTION (5) of this section or is found guilty by a court of competent jurisdiction. Any violation of ~~section 42-4-406 or 42-4-407~~ SECTION 42-4-507 OR 42-4-508 shall be punished by a fine and surcharge as follows:

Excess Weight - Pounds	**Penalty**	**Surcharge**
1 - 3,000	$ 15.00	$ 5.00
3,001 - 4,250	25.00	9.00
4,251 - 4,500	50.00	18.00
4,501 - 4,750	55.00	20.00
4,751 - 5,000	60.00	22.00
5,001 - 5,250	65.00	24.00
5,251 - 5,500	75.00	27.00
5,501 - 5,750	85.00	31.00
5,751 - 6,000	95.00	35.00
6,001 - 6,250	105.00	38.00
6,251 - 6,500	125.00	46.00
6,501 - 6,750	145.00	53.00
6,751 - 7,000	165.00	61.00
7,001 - 7,250	185.00	68.00
7,251 - 7,500	215.00	80.00
7,501 - 7,750	245.00	90.00
7,751 - 8,000	275.00	101.00
8,001 - 8,250	305.00	112.00
8,251 - 8,500	345.00	127.00
8,501 - 8,750	385.00	142.00
8,751 - 9,000	425.00	157.00
9,001 - 9,250	465.00	172.00
9,251 - 9,500	515.00	190.00
9,501 - 9,750	565.00	209.00
9,751 - 10,000	615.00	227.00
10,001 - 10,250	665.00	246.00
Over 10,250	$ 30.00 for each 250 pounds additional overweight, plus $665.00	$ 11.00 for each 250 pounds additional overweight, plus $246.00

(III) Any person convicted of violating any of the rules and regulations promulgated pursuant to ~~section 42-4-409~~ SECTION 42-4-510, except ~~section 42-4-409 (2) (b) (IV)~~ SECTION 42-4-510 (2) (b) (IV), shall be fined as follows, whether the violator acknowledges ~~his~~ THE VIOLATOR'S guilt pursuant to the procedure set forth in paragraph (a) of ~~subsection (4)~~ SUBSECTION (5) of this section or is found guilty by a court of competent jurisdiction:

(A) Any person who violates the maximum permitted weight on an axle or on gross weight shall be punished by a fine and surcharge as follows:

Excess Weight Above Maximum Permitted Weight - Pounds	Penalty	Surcharge
1 - 2,500	$ 50.00	$ 18.00
2,501 - 5,000	100.00	37.00
5,001 - 7,500	200.00	74.00
7,501 - 10,000	400.00	148.00
Over 10,000	$150.00 for each 1,000 pounds additional overweight, plus $400.00	$ 55.00 for each 1,000 pounds additional overweight, plus $148.00

(B) Any person who violates any of the requirements of the rules and regulations pertaining to transport permits for the movement of overweight or oversize vehicles or loads, other than those violations specified in sub-subparagraph (A) or (C) of this subparagraph (III), shall be punished by a fine of fifty dollars.

(C) Any person who fails to have an escort vehicle when such vehicle is required by the rules and regulations pertaining to transport permits for the movement of overweight or oversize vehicles or loads or who fails to reduce speed when such speed reduction is required by said rules and regulations shall be punished by a fine of two hundred fifty dollars.

(IV) (A) Any person convicted of violating ~~section 42-3-114~~ SECTION 42-3-124 who has not been convicted of a violation of ~~section 42-3-114~~ SECTION 42-3-124 in the twelve months preceding such conviction shall be fined as follows, whether the defendant acknowledges ~~his~~ THE DEFENDANT'S guilt pursuant to the procedure set forth in paragraph (a) of ~~subsection (4)~~ SUBSECTION (5) of this section or is found guilty by a court of competent jurisdiction:

Number of days beyond renewal period that registration has been expired	Penalty	Surcharge
1 - 29	$ 25.00	$ 3.00
30 - 59	50.00	3.00
60 and over	75.00	3.00

(B) Any person convicted of violating ~~section 42-3-114~~ SECTION 42-3-124 who has been convicted of violating said section

within the twelve months preceding such conviction shall be fined pursuant to subparagraph (I) of paragraph (a) of ~~subsection (2)~~ SUBSECTION (3) of this section.

(V) Any person convicted of violating ~~section 43-6-204 (2), C.R.S.,~~ SECTION 42-20-204 (2) shall be fined twenty-five dollars, whether the violator acknowledges guilt pursuant to the procedure set forth in paragraph (a) of ~~subsection (4)~~ SUBSECTION (5) of this section or is found guilty by a court of competent jurisdiction.

(b) (I) The schedule in ~~subparagraph (I.1)~~ SUBPARAGRAPH (I) of paragraph (a) of this ~~subsection (3)~~ SUBSECTION (4) shall not apply when the provisions of paragraph (c) of ~~subsection (4)~~ SUBSECTION (5) of this section prohibit the issuance of a penalty assessment notice for a violation of the aforesaid traffic violation.

(II) The schedules in subparagraphs (II) and (III) of paragraph (a) of this ~~subsection (3)~~ SUBSECTION (4) shall apply whether the violator is issued a penalty assessment notice or a summons and complaint.

~~(4) (a)~~ (5) (a) At the time that any person is arrested for the commission of any misdemeanors, petty offenses, or misdemeanor traffic offenses set forth in ~~subsection (3)~~ SUBSECTION (4) of this section, the arresting officer may, except when the provisions of paragraph (c) of this ~~subsection (4)~~ SUBSECTION (5) prohibit it, offer to give a penalty assessment notice to the defendant. At any time that a person is charged with the commission of any traffic infraction, the peace officer shall, except when the provisions of paragraph (c) of this ~~subsection (4)~~ SUBSECTION (5) prohibit it, give a penalty assessment notice to the defendant. Such penalty assessment notice shall contain all the information required by ~~section 42-4-1505 (2)~~ SECTION 42-4-1707 (3) or by ~~section 42-4-1505.5~~ SECTION 42-4-1709, whichever is applicable. The fine or penalty specified in ~~subsection (3)~~ SUBSECTION (4) of this section for the violation charged and the surcharge thereon may be paid at the office of the department of revenue, motor vehicle division, Denver, Colorado, either in person or by postmarking such payment within twenty days from the date the penalty assessment notice is served upon the defendant. 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. In the case of an offense other than a traffic infraction, a defendant who otherwise would be eligible to be issued a penalty assessment notice but who does not furnish satisfactory evidence of identity or who the officer has reasonable and probable grounds to believe will disregard the summons portion of such notice may be issued a penalty assessment notice if the defendant consents to be taken by the officer to the nearest mailbox and to mail the amount of

the fine or penalty and surcharge thereon to the department. The peace officer shall advise the person arrested or cited of the points to be assessed in accordance with ~~section 42-2-123~~ SECTION 42-2-127. Acceptance of a penalty assessment notice and payment of the prescribed fine or penalty and surcharge thereon to the department shall be deemed a complete satisfaction for the violation, and the defendant shall be given a receipt which so states when such fine or penalty and surcharge thereon is paid in currency or other form of legal tender. Checks tendered by the defendant to and accepted by the department and on which payment is received by the department shall be deemed sufficient receipt.

(b) In the case of an offense other than a traffic infraction, should the defendant refuse to accept service of the penalty assessment notice when such notice is tendered, the peace officer shall proceed in accordance with ~~section 42-4-1504~~ SECTION 42-4-1705 or ~~section 42-4-1505~~ SECTION 42-4-1707. Should the defendant charged with an offense other than a traffic infraction accept service of the penalty assessment notice but fail to post the prescribed penalty and surcharge thereon within twenty days thereafter, the notice shall be construed to be a summons and complaint unless payment for such penalty assessment has been accepted by the motor vehicle division of the department of revenue as evidenced by receipt. Should the defendant charged with a traffic infraction accept the notice but fail to post the prescribed penalty and surcharge thereon within twenty days thereafter, and should the division of motor vehicles of the department of revenue not accept payment for such penalty and surcharge as evidenced by receipt, ~~he~~ THE DEFENDANT shall be allowed to pay such penalty and surcharge thereon and the docket fee in the amount set forth in ~~section 42-4-1505.7 (4)~~ SECTION 42-4-1710 (4) to the clerk of the court referred to in the summons portion of the penalty assessment notice during the two business days prior to the time for appearance as specified in the notice. If the penalty for a misdemeanor, misdemeanor traffic offense, or a petty offense and surcharge thereon is not timely paid, the case shall thereafter be heard in the court of competent jurisdiction prescribed on the penalty assessment notice in the same manner as is provided by law for prosecutions of the misdemeanors not specified in ~~subsection (3)~~ SUBSECTION (4) of this section. If the penalty for a traffic infraction and surcharge thereon is not timely paid, the case shall thereafter be heard in the court of competent jurisdiction prescribed on the penalty assessment notice in the manner provided for in this article for the prosecution of traffic infractions. In either case, the maximum penalty which may be imposed shall not exceed the penalty set forth in the applicable penalty and surcharge schedule in ~~subsection (3)~~ SUBSECTION (4) of this section.

(c) (I) The penalty and surcharge schedules of ~~subsection (3)~~ SUBSECTION (4) of this section and the penalty assessment notice provisions of paragraphs (a) and (b) of this ~~subsection (4)~~

SUBSECTION (5) shall not apply to violations constituting misdemeanors, petty offenses, or misdemeanor traffic offenses not specified in said ~~subsection (3)~~ SUBSECTION (4) OF THIS SECTION, nor shall they apply to the violations constituting misdemeanors, petty offenses, misdemeanor traffic offenses, or traffic infractions specified in said ~~subsection (3)~~ SUBSECTION (4) OF THIS SECTION when it appears that:

(A) In a violation of ~~section 42-4-1001~~ SECTION 42-4-1101, the defendant exceeded the maximum lawful speed limit of sixty-five miles per hour by more than nineteen miles per hour;

~~(A.5)~~ (B) In a violation of ~~section 42-4-1001 (1) or (7) (b)~~ SECTION 42-4-1101 (1) OR (8) (b), the defendant exceeded the reasonable and prudent speed or the maximum lawful speed of fifty-five miles per hour by more than twenty-four miles per hour;

~~(B) Repealed, L. 75, p. 1565, § 2, effective July 1, 1975.~~

(C) The alleged violation has caused, or contributed to the cause of, an accident resulting in appreciable damage to property of another or in injury or death to any person;

(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 (3)~~ 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 (3)~~ SUBSECTION (4) of this section.

(II) In all cases where this paragraph (c) prohibits the issuance of a penalty assessment notice, the penalty and surcharge schedule contained in ~~subparagraph (I.1)~~ SUBPARAGRAPH (I) of paragraph (a) of ~~subsection (3)~~ SUBSECTION (4) of this section shall be inapplicable; except that the penalty and surcharge provided in the schedule contained in sub-subparagraph (B) of ~~subparagraph (I.1)~~ SUBPARAGRAPH (I) of paragraph (a) of ~~subsection (3)~~ SUBSECTION (4) of this section for any violation of ~~section 42-3-122 (1) (a)~~ SECTION 42-3-133 (1) (a) shall always apply to such a violation. In all cases where the penalty and surcharge schedule contained in ~~subparagraph (I.1)~~ SUBPARAGRAPH (I) of paragraph (a) of ~~subsection (3)~~ SUBSECTION (4) of this section is inapplicable, the provisions of ~~subsection (2)~~ SUBSECTION (3) of this section shall apply.

(d) In addition to any other cases governed by this section, the penalty and surcharge schedule contained in ~~subparagraph (I.1)~~ SUBPARAGRAPH (I) of paragraph (a) of ~~subsection (3)~~ SUBSECTION (4) of this section shall apply in the following

cases:

(I) In all cases in which a peace officer was authorized by the provisions of this ~~subsection (4)~~ SUBSECTION (5) to offer a penalty assessment notice for the commission of a misdemeanor, petty offense, or misdemeanor traffic offense but such peace officer chose not to offer such penalty assessment notice;

(II) In all cases involving the commission of a misdemeanor, petty offense, or misdemeanor traffic offense in which a penalty assessment notice was offered by a peace officer but such penalty assessment notice was refused by the defendant.

~~(5)~~ (6) An officer coming upon an unattended vehicle which is in apparent violation of any provision of the state motor vehicle law may place upon the vehicle a penalty assessment notice indicating the offense or infraction and directing the owner or operator of the vehicle to remit the penalty assessment provided for by ~~subsection (3)~~ SUBSECTION (4) of this section and the surcharge thereon pursuant to section 24-4.2-104 (1), C.R.S., to the Colorado department of revenue, motor vehicle division, Denver, Colorado, within ten days. If the penalty assessment and surcharge thereon is not paid within ten days of the issuance of such notice, the department shall mail a notice to the registered owner of the vehicle, setting forth the offense or infraction and the time and place where it occurred and directing the payment of the penalty assessment and surcharge thereon within twenty days from the issuance of the notice. If the penalty assessment and surcharge thereon is not paid within such twenty days from the date of mailing of such notice, the department shall request the police officer who issued the original penalty assessment notice to file a complaint with a court having jurisdiction and issue and serve upon the registered owner of the vehicle a summons to appear in court at a time and place specified therein as in the case of other offenses or infractions.

~~(6)~~ (7) Notwithstanding the provisions of paragraph (b) of ~~subsection (4)~~ SUBSECTION (5) of this section, receipt of payment by mail by the department or postmarking such payment on or prior to the twentieth day after the receipt of the penalty assessment notice by the defendant shall be deemed to constitute receipt on or before the date the payment was due.

42-4-1702. [Formerly 42-4-1501.5] Alcohol- or drug-related traffic offenses - collateral attack. (1) (a) Except as otherwise provided in paragraph (b) of this subsection (1), no person against whom a judgment has been entered for a violation of ~~section 42-4-1202 (1) or (1.5)~~ SECTION 42-4-1301 (1) OR (2) shall collaterally attack the validity of that judgment unless such attack is commenced within six months after the date of entry of the judgment.

(b) In recognition of the difficulties attending the litigation of stale claims and the potential for frustrating various statutory provisions directed at repeat offenders, former offenders, and habitual offenders, the only exceptions to the time limitations specified in paragraph (a) of this subsection (1) shall be:

(I) A case in which the court entering judgment did not have jurisdiction over the subject matter of the alleged infraction;

(II) A case in which the court entering judgment did not have jurisdiction over the person of the violator;

(III) Where the court hearing the collateral attack finds by a preponderance of the evidence that the failure to seek relief within the applicable time period was caused by an adjudication of incompetence or by commitment of the violator to an institution for treatment as a mentally ill person; or

(IV) Where the court hearing the collateral attack finds that the failure to seek relief within the applicable time period was the result of circumstances amounting to justifiable excuse or excusable neglect.

42-4-1703. [Formerly 42-4-1502] Parties to a crime. Every person who commits, conspires to commit, or aids or abets in the commission of any act declared in this article and part 1 of article 2 of this title to be a crime or traffic infraction, whether individually or in connection with one or more other persons or as principal, agent, or accessory, is guilty of such offense or liable for such infraction, and every person who falsely, fraudulently, forcibly, or willfully induces, causes, coerces, requires, permits, or directs another to violate any provision of this article is likewise guilty of such offense or liable for such infraction.

42-4-1704. [Formerly 42-4-1503] Offenses by persons controlling vehicles. It is unlawful for the owner or any other person employing or otherwise directing the driver of any vehicle to require or knowingly to permit the operation of such vehicle upon a highway in any manner contrary to law. Any person who violates any provision of this section commits a class 2 misdemeanor traffic offense.

42-4-1705. [Formerly 42-4-1504] Person arrested to be taken before the proper court. (1) Whenever a person is arrested for any violation of this article punishable as a misdemeanor, the arrested person shall be taken without unnecessary delay before a county judge who has jurisdiction of such offense as provided by law, in any of the following cases:

(a) When a person arrested demands an appearance without unnecessary delay before a judge;

(b) When the person is arrested and charged with an offense under this article causing or contributing to an accident resulting in injury or death to any person;

(c) When the person is arrested and charged with a violation of ~~section 42-4-1202 (1) (a), (1) (c), or (1.5)~~ SECTION 42-4-1301 (1) (a), (1) (c), OR (2);

(d) When the person is arrested upon a charge of failure to stop in the event of an accident causing death, personal injuries, or damage to property;

(e) In any other event when the provisions of ~~section 42-4-1501 (4) (b) and (4) (c)~~ SECTION 42-4-1701 (5) (b) AND (5) (c) apply and the person arrested refuses to give ~~his~~ A written promise to appear in court as provided in ~~section 42-4-1505~~ SECTION 42-4-1707.

(2) Whenever any person is arrested by a police officer for any violation of this article punishable as a misdemeanor and is not required to be taken before a county judge as provided in subsection (1) of this section, the arrested person shall, in the discretion of the officer, either be given a written notice or summons to appear in court as provided in ~~section 42-4-1505~~ SECTION 42-4-1707 or be taken without unnecessary delay before a county judge who has jurisdiction of such offense when the arrested person does not furnish satisfactory evidence of identity or when the officer has reasonable and probable grounds to believe the person will disregard a written promise to appear in court. The court shall provide a bail bond schedule and available personnel to accept adequate security for such bail bonds.

(3) Any other provision of law to the contrary notwithstanding, a police officer may place a person who has been arrested and charged with a violation of ~~section 42-4-1202 (1) (a) or (1.5)~~ SECTION 42-4-1301 (1) (a) OR (2) and who has been given a written notice or summons to appear in court as provided in ~~section 42-4-1505~~ SECTION 42-4-1707 in a state-approved treatment facility for alcoholism even though entry or other record of such arrest and charge has been made. Such placement shall be governed by part 3 of article 1 of title 25, C.R.S., except where in conflict with this section.

42-4-1706. [Formerly 42-4-1504.5] Juveniles - convicted - arrested and incarcerated - provisions for confinement. (1) Notwithstanding any other provision of law, a child, as defined in section 19-1-103 (4), C.R.S., convicted of a misdemeanor traffic offense under this article, violating the conditions of probation imposed under this article, or found in

contempt of court in connection with a violation or alleged violation under this article shall not be confined in a jail, lockup, or other place used for the confinement of adult offenders if the court with jurisdiction is located in a county in which there is a juvenile detention facility operated by or under contract with the department of institutions which shall receive and provide care for such child or if the jail is located within forty miles of such facility. The court imposing penalties under this section may confine a child for a determinate period of time in a juvenile detention facility operated by or under contract with the department of institutions. If a juvenile detention facility operated by or under contract with the department of institutions is not located within the county or within forty miles of the jail, a child may be confined for up to forty-eight hours in a jail pursuant to section 19-2-204 (4), C.R.S.

(2) Notwithstanding any other provision of law, a child, as defined in section 19-1-103 (4), C.R.S., arrested and incarcerated for an alleged misdemeanor traffic offense under this article, and not released on bond, shall be taken before a county judge who has jurisdiction of such offense within forty-eight hours for fixing of bail and conditions of bond pursuant to section 19-2-204 (3), C.R.S. Such child shall not be confined in a jail, lockup, or other place used for the confinement of adult offenders for longer than seventy-two hours, after which the child may be further detained only in a juvenile detention facility operated by or under contract with the department of institutions. In calculating time under this subsection (2), Saturdays, Sundays, and court holidays shall be included.

42-4-1707. [Formerly 42-4-1505] Summons and complaint or penalty assessment notice for misdemeanors, petty offenses, and misdemeanor traffic offenses - release - registration. (1) Whenever a person commits a violation of this title punishable as a misdemeanor, petty offense, or misdemeanor traffic offense, other than a violation for which a penalty assessment notice may be issued in accordance with the provisions of ~~section 42-4-1501 (4) (a)~~ SECTION 42-4-1701 (5) (a), and such person is not required by the provisions of ~~section 42-4-1504~~ SECTION 42-4-1705 to be arrested and taken without unnecessary delay before a county judge, the peace officer may issue and serve upon the defendant a summons and complaint which shall contain the name and address of the defendant, the license number of the vehicle involved, if any, the number of the defendant's driver's license, if any, a citation of the statute alleged to have been violated, a brief description of the offense, the date and approximate location thereof, and the date the summons and complaint is served on the defendant; shall direct the defendant to appear in a specified county court at a specified time and place; shall be signed by the peace officer; and shall contain a place for the defendant to execute a written promise to appear at the time and place specified in the summons portion of the summons and

complaint.

~~(1.5)~~ (2) If a peace officer issues and serves a summons and complaint to appear in any court upon the defendant as described in subsection (1) of this section, any defect in form in such summons and complaint regarding the name and address of the defendant, the license number of the vehicle involved, if any, the number of the defendant's driver's license, if any, the date and approximate location thereof, and the date the summons and complaint is served on the defendant may be cured by amendment at any time prior to trial or any time before verdict or findings upon an oral motion by the prosecuting attorney after notice to the defendant and an opportunity for a hearing. No such amendment shall be permitted if substantial rights of the defendant are prejudiced. No summons and complaint shall be considered defective so as to be cause for dismissal solely because of a defect in form in such summons and complaint as described in this ~~subsection (1.5)~~ SUBSECTION (2).

~~(2) (a)~~ (3) (a) Whenever a penalty assessment notice for a misdemeanor, petty offense, or misdemeanor traffic offense is issued pursuant to ~~section 42-4-1501 (4) (a)~~ SECTION 42-4-1701 (5) (a), the penalty assessment notice which shall be served upon the defendant by the peace officer shall contain the name and address of the defendant, the license number of the vehicle involved, if any, the number of the defendant's driver's license, if any, a citation of the statute alleged to have been violated, a brief description of the offense, the date and approximate location thereof, the amount of the penalty prescribed for such offense, the amount of the surcharge thereon pursuant to section 24-4.2-104 (1), C.R.S., the number of points, if any, prescribed for such offense pursuant to ~~section 42-2-123~~ SECTION 42-2-127, and the date the penalty assessment notice is served on the defendant; shall direct the defendant to appear in a specified county court at a specified time and place in the event such penalty and surcharge thereon are not paid; shall be signed by the peace officer; and shall contain a place for such defendant to elect to execute a signed acknowledgment of guilt and an agreement to pay the penalty prescribed and surcharge thereon within twenty days, as well as such other information as may be required by law to constitute such penalty assessment notice to be a summons and complaint, should the prescribed penalty and surcharge thereon not be paid within the time allowed in ~~section 42-4-1501~~ SECTION 42-4-1701.

(b) One copy of said penalty assessment notice shall be served upon the defendant by the peace officer and one copy sent to the supervisor of the motor vehicle division and such other copies sent as may be required by rule or regulation of the motor vehicle division to govern the internal administration of this article between the motor vehicle division and the Colorado state patrol.

~~(3) (a)~~ (4) (a) The time specified in the summons portion of said summons and complaint must be at least twenty days after the date such summons and complaint is served, unless the defendant shall demand an earlier court appearance date.

(b) The time specified in the summons portion of said penalty assessment notice shall be at least thirty days but not more than ninety days after the date such penalty assessment notice is served, unless the defendant shall demand an earlier court appearance date.

~~(4)~~ (5) The place specified in the summons portion of said summons and complaint or of the penalty assessment notice must be a county court within the county in which the offense is alleged to have been committed.

~~(5)~~ (6) If the defendant is otherwise eligible to be issued a summons and complaint or a penalty assessment notice for a violation of this title punishable as a misdemeanor, petty offense, or misdemeanor traffic offense and if the defendant does not possess a valid Colorado driver's license, the defendant, in order to secure release, as provided in this section, must either consent to be taken by the officer to the nearest mailbox and to mail the amount of the penalty and surcharge thereon to the department or must execute a promise to appear in court on the penalty assessment notice or on the summons and complaint. If the defendant does possess a valid Colorado driver's license, the defendant shall not be required to execute a promise to appear on the penalty assessment notice or on the summons and complaint.

~~(6)~~ (7) Any officer violating any of the provisions of this section is guilty of misconduct in office and shall be subject to removal from office.

~~(7) Repealed, L. 87, p. 1529, § 74, effective July 1, 1987.~~

42-4-1708. [Formerly 42-4-1505.3] Traffic infractions - proper court for hearing, burden of proof - appeal - collateral attack. (1) Every hearing in county court for the adjudication of a traffic infraction, as provided by this article, shall be held before a county court magistrate appointed pursuant to part 5 of article 6 of title 13, C.R.S., or before a county judge acting as a magistrate; except that, whenever a crime and a class A or class B traffic infraction or a crime and both such class A and class B traffic infractions are charged in the same summons and complaint, all charges shall be made returnable before a judge or magistrate having jurisdiction over the crime and the rules of criminal procedure shall apply. Nothing in this ~~part 15~~ PART 17 or in part 5 of article 6 of title 13, C.R.S., shall be construed to prevent a court having jurisdiction over a criminal charge

relating to traffic law violations from lawfully entering a judgment on a case dealing with a class A or class B traffic infraction.

(2) When a court of competent jurisdiction determines that a person charged with a class 1 or class 2 misdemeanor traffic offense is guilty of a lesser-included offense which is a class A or class B traffic infraction, the court may enter a judgment as to such lesser charge.

(3) The burden of proof shall be upon the people, and the traffic magistrate shall enter judgment in favor of the defendant unless the people prove the liability of the defendant beyond a reasonable doubt. The district attorney or ~~his~~ THE DISTRICT ATTORNEY'S deputy may, in ~~his~~ THE DISTRICT ATTORNEY'S discretion, enter traffic infraction cases for the purpose of attempting a negotiated plea or a stipulation to deferred prosecution or deferred judgment and sentence but shall not be required to so enter by any person, court, or law, nor shall ~~he~~ THE DISTRICT ATTORNEY represent the state at hearings conducted by a magistrate or a county judge acting as a magistrate on class A or class B traffic infraction matters. The magistrate or county judge acting as a magistrate shall be permitted to call and question any witness and shall also act as the fact finder at hearings on traffic infraction matters.

(4) Appeal from final judgment on a traffic infraction matter shall be taken to the district court for the county in which the magistrate or judge acting as magistrate is located.

(5) (a) Except as otherwise provided in paragraph (b) of this subsection (5), no person against whom a judgment has been entered for a traffic infraction as defined in ~~section 42-4-1501 (2) (a)~~ SECTION 42-4-1701 (3) (a) shall collaterally attack the validity of that judgment unless such attack is commenced within six months after the date of entry of the judgment.

(b) In recognition of the difficulties attending the litigation of stale claims and the potential for frustrating various statutory provisions directed at repeat offenders, former offenders, and habitual offenders, the only exceptions to the time limitations specified in paragraph (a) of this subsection (5) shall be:

(I) A case in which the court entering judgment did not have jurisdiction over the subject matter of the alleged infraction;

(II) A case in which the court entering judgment did not have jurisdiction over the person of the violator;

(III) Where the court hearing the collateral attack finds

by a preponderance of the evidence that the failure to seek relief within the applicable time period was caused by an adjudication of incompetence or by commitment of the violator to an institution for treatment as a mentally ill person; or

(IV) Where the court hearing the collateral attack finds that the failure to seek relief within the applicable time period was the result of circumstances amounting to justifiable excuse or excusable neglect.

42-4-1709. [Formerly 42-4-1505.5] Penalty assessment notice for traffic infractions - violations of provisions by officer - driver's license. (1) Whenever a penalty assessment notice for a traffic infraction is issued pursuant to ~~section 42-4-1501 (4) (a)~~ SECTION 42-4-1701 (5) (a), the penalty assessment notice which shall be served upon the defendant by the peace officer shall contain the name and address of the defendant, the license number of the vehicle involved, if any, the number of the defendant's driver's license, if any, a citation of the statute alleged to have been violated, a brief description of the traffic infraction, the date and approximate location thereof, the amount of the penalty prescribed for such traffic infraction, the amount of the surcharge thereon pursuant to section 24-4.2-104 (1), C.R.S., the number of points, if any, prescribed for such traffic infraction pursuant to ~~section 42-2-123~~ SECTION 42-2-127, and the date the penalty assessment notice is served on the defendant; shall direct the defendant to appear in a specified county court at a specified time and place in the event such penalty and surcharge thereon is not paid; shall be signed by the peace officer; and shall contain a place for the defendant to elect to execute a signed acknowledgment of liability and an agreement to pay the penalty prescribed and surcharge thereon within twenty days, as well as such other information as may be required by law to constitute such penalty assessment notice to be a summons and complaint, should the prescribed penalty and surcharge thereon not be paid within the time allowed in ~~section 42-4-1501~~ SECTION 42-4-1701.

(2) One copy of said penalty assessment notice shall be served upon the defendant by the peace officer and one copy sent to the supervisor of the motor vehicle division and such other copies sent as may be required by rule or regulation of the motor vehicle division to govern the internal administration of this article between the motor vehicle division and the Colorado state patrol.

(3) The time specified in the summons portion of said penalty assessment notice must be at least thirty days but not more than ninety days after the date such penalty assessment notice is served, unless the defendant shall demand an earlier hearing.

(4) The place specified in the summons portion of said

penalty assessment notice must be a county court within the county in which the traffic infraction is alleged to have been committed.

(5) Whenever the defendant refuses to accept service of the penalty assessment notice, tender of such notice by the peace officer to the defendant shall constitute service thereof upon the defendant.

(6) Any officer violating any of the provisions of this section is guilty of misconduct in office and shall be subject to removal from office.

(7) (a) No person shall be allowed or permitted to obtain or renew a permanent driver's license if such person has, at the time of making application for obtaining or renewing such driver's license:

(I) An outstanding judgment entered against ~~him~~ SUCH PERSON on and after January 1, 1983, pursuant to ~~section 42-4-1505.7 (2) or (3)~~ SECTION 42-4-1710 (2) OR (3);

(II) An outstanding judgment entered against ~~him~~ SUCH PERSON by a county or municipal court for a violation of a statute or ordinance relating to the regulation of motor vehicles or traffic, excluding traffic infractions defined by state statute or ordinance and violations relating to parking; or

(III) A bench warrant issued against ~~him~~ SUCH PERSON by a county or municipal court for failure to appear to answer a citation for an alleged violation of a statute or ordinance relating to the regulation of motor vehicles or traffic, excluding traffic infractions defined by state statute or ordinance and violations relating to parking.

(b) The restrictions in paragraph (a) of this subsection (7) shall not apply in cases where an appeal from any determination of liability and penalty is pending and not disposed of at the time of such application for obtaining or renewing a driver's license.

42-4-1710. [Formerly 42-4-1505.7] Failure to pay penalty for traffic infractions - procedures. (1) Unless a person who has been cited for a traffic infraction pays the penalty assessment as provided in this article and surcharge thereon pursuant to section 24-4.2-104 (1), C.R.S., ~~he~~ THE PERSON shall appear at a hearing on the date and time specified in the citation and answer the complaint against ~~him~~ SUCH PERSON.

(2) If the violator answers that he OR SHE is guilty or if the violator fails to appear for the hearing, judgment shall be entered against ~~him~~ THE VIOLATOR.

(3) If the violator denies the allegations in the complaint, a final hearing on the complaint shall be held subject to the provisions regarding a speedy trial which are contained in section 18-1-405, C.R.S. If the violator is found guilty or liable at such final hearing or if the violator fails to appear for a final hearing, judgment shall be entered against ~~him~~ THE VIOLATOR.

(4) If judgment is entered against a violator, ~~he~~ THE VIOLATOR shall be assessed an appropriate penalty and surcharge thereon, a docket fee of sixteen dollars, and other applicable costs authorized by section 13-16-122 (1), C.R.S. If the violator had been cited by a penalty assessment notice, the penalty shall be assessed pursuant to ~~section 42-4-1501 (3) (a)~~ SECTION 42-4-1701 (4) (a). If a penalty assessment notice is prohibited by ~~section 42-4-1501 (4) (c)~~ SECTION 42-4-1701 (5) (c), the penalty shall be assessed pursuant to ~~section 42-4-1501 (2) (a)~~ SECTION 42-4-1701 (3) (a).

42-4-1711. [Formerly 42-4-1506] Compliance with promise to appear. A written promise to appear in court may be complied with by an appearance by counsel.

42-4-1712. [Formerly 42-4-1507] Procedure prescribed not exclusive. The foregoing provisions of this article shall govern all police officers in making arrests without a warrant or issuing citations for violations of this article, for offenses or infractions committed in their presence, but the procedure prescribed in this article shall not otherwise be exclusive of any other method prescribed by law for the arrest and prosecution of a person for an offense or infraction of like grade.

42-4-1713. [Formerly 42-4-1508] Conviction record inadmissible in civil action. Except as provided in sections 42-2-201 to 42-2-208, no record of the conviction of any person for any violation of this article shall be admissible as evidence in any court in any civil action.

42-4-1714. [Formerly 42-4-1509] Traffic violation not to affect credibility of witness. The conviction of a person upon a charge of violating any provision of this article or other traffic regulation less than a felony shall not affect or impair the credibility of such person as a witness in any civil or criminal proceeding.

42-4-1715. [Formerly 42-4-1510] Convictions, judgments, and charges recorded - public inspection. (1) Every judge of a court not of record and every clerk of a court of record shall keep a full record of every case in which a person is charged with any violation of this article or any other law regulating the operation of vehicles on highways.

(2) Within ten days after the entry of a judgment, conviction, or forfeiture of bail of a person upon a charge of violating any provision of this article or other law regulating the operation of vehicles on highways, the judge or clerk of the court in which the entry of a judgment was made or the conviction was had or bail was forfeited shall prepare and immediately forward to the department an abstract of the record of said court covering every case in which said person had a judgment entered against him OR HER, was so convicted, or forfeited bail, which abstract must be certified by the person so required to prepare the same to be true and correct.

(3) Said abstract must be made upon a form furnished by the department and shall include the name, address, and driver's license number of the party charged, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment or whether bail forfeited, and the amount of the fine or forfeiture. ~~as the case may be.~~

(4) (a) Every court of record shall also forward a like report to the department:

(I) Upon the conviction of any person of vehicular homicide or any other felony in the commission of which a vehicle was used; and

(II) Upon the dismissal of a charge for a violation of ~~section 42-4-1202 (1) or (1.5)~~ SECTION 42-4-1301 (1) OR (2) or if the original charge was for a violation of ~~section 42-4-1202 (1) or (1.5)~~ SECTION 42-4-1301 (1) OR (2) and the conviction was for a non-alcohol- or non-drug-related traffic offense.

(b) Every juvenile court shall forward a like report to the department upon the adjudication of delinquency of any juvenile based upon conduct which would establish vehicular homicide if committed by an adult.

(5) The department shall keep all abstracts received under this section, as well as a record of penalty assessments received, at the main office, and the same shall be public records and subject to the provisions of section 42-1-206.

42-4-1716. [Formerly 42-4-1511] Notice to appear or pay fine - failure to appear - penalty. (1) For the purposes of this ~~part 15~~ PART 17, tender by an arresting officer of the summons or penalty assessment notice shall constitute notice to the violator to appear in court at the time specified on such summons or to pay the required fine and surcharge thereon.

(2) It is a violation of this section for any person to fail to appear to answer any offense other than a traffic infraction charged under this ~~part 15~~ PART 17.

(3) Any person who violates any provision of this section commits a class 2 misdemeanor traffic offense.

42-4-1717. [Formerly 42-4-1513] Conviction - attendance at driver improvement school. Whenever a person has been convicted of violating any provision of this article or other law regulating the operation of vehicles on highways, the court, in addition to the penalty provided for the violation or as a condition of either the probation or the suspension of all or any portion of any fine or sentence of imprisonment for a violation other than a traffic infraction, may require the defendant, at ~~his~~ THE DEFENDANT'S own expense, if any, to attend and satisfactorily complete a course of instruction at any designated driver improvement school located and operating in the county of the defendant's residence and providing instruction in the traffic laws of this state, instruction in recognition of hazardous traffic situations, and instruction in traffic accident prevention. Unless otherwise provided by law, such school shall be approved by the court.

PART ~~16~~ 18
TOWING AND STORAGE

42-4-1801. [Formerly 42-4-1601] Legislative declaration. The general assembly hereby declares that the purpose of this ~~part 16~~ PART 18 is to provide procedures for the removal, storage, and disposal of abandoned and illegally parked motor vehicles.

42-4-1802. [Formerly 42-4-1602] Definitions. As used in this ~~part 16~~ PART 18, unless the context otherwise requires:

(1) "Abandoned motor vehicle" means:

(a) Any motor vehicle left unattended on private property for a period of twenty-four hours or longer or for such other period as may be established by local ordinance without the consent of the owner or lessee of such property or ~~his~~ THE OWNER'S OR LESSEE'S legally authorized agent;

(b) Any motor vehicle left unattended on public property, including any portion of a highway right-of-way, outside the limits of any incorporated town or city for a period of twenty-four hours or longer unless the owner or driver has conspicuously affixed thereto a dated notice indicating ~~his~~ THE intention to return or has otherwise notified the appropriate law enforcement agency of ~~his~~ THE intention to remove the same within seventy-two hours;

(c) Any motor vehicle left unattended on public property, including any portion of a highway right-of-way, within the limits of any incorporated town or city for a period longer than any limit prescribed by any local ordinance concerning the abandonment of motor vehicles or, if there is no such ordinance, for a period

of seventy-two hours or longer;

(d) Any motor vehicle stored in an impound lot at the request of its owner or the owner's agent or a law enforcement agency and not removed from the impound lot according to the agreement with the owner or agent or within seventy-two hours of the time the law enforcement agency notifies the owner or agent that the vehicle is available for release upon payment of any applicable charges or fees. If a law enforcement agency requested the storage, the provisions governing public tows of this ~~part 16~~ PART 18 apply as of the time of abandonment, and such law enforcement agency shall be deemed the responsible law enforcement agency. Otherwise, the private tow provisions of this ~~part 16~~ PART 18 apply as of the time of abandonment.

(2) "Appraisal" means a bona fide estimate of reasonable market value made by any motor vehicle dealer licensed in this state or by any employee of the Colorado state patrol or of any sheriff's or police department whose appointment for such purpose has been reported by the head of the appointing agency to the executive director of the department.

(3) "Disabled motor vehicle" means any motor vehicle which is stopped or parked, either attended or unattended, upon a public right-of-way and which is, due to any mechanical failure or any inoperability because of a collision, a fire, or any other such injury, temporarily inoperable under its own power.

(4) "Impound lot" means a parcel of real property which is owned or leased by a government or operator at which motor vehicles are stored under appropriate protection.

(5) "Operator" means a person or a firm licensed by the public utilities commission as a towing carrier.

(6) "Private property" means any real property which is not public property.

(7) "Private tow" means any tow of an abandoned motor vehicle not requested by a law enforcement agency.

(8) "Public property" means any real property having its title, ownership, use, or possession held by the federal government; this state; or any county, municipality, as defined in section 31-1-101 (6), C.R.S., or other governmental entity of this state.

(9) "Public tow" means any tow of an abandoned motor vehicle requested by a law enforcement agency.

(10) "Responsible law enforcement agency" means:

(a) In the case of a public tow, the law enforcement agency authorizing the original tow of an abandoned motor vehicle, whether or not the vehicle is towed to another law enforcement agency's jurisdiction;

(b) In the case of a private tow, the law enforcement agency having jurisdiction over the private property where the motor vehicle becomes abandoned.

42-4-1803. [Formerly 42-4-1603] Abandonment of motor vehicles - public tow. (1) No person shall abandon any motor vehicle upon public property. Any sheriff, undersheriff, deputy sheriff, police officer, marshal, Colorado state patrol officer, or an agent of the Colorado bureau of investigation who finds a motor vehicle which ~~he~~ SUCH OFFICER has reasonable grounds to believe has been abandoned shall require such motor vehicle to be removed or cause the same to be removed and placed in storage in any impound lot designated or maintained by the law enforcement agency employing such officer.

(2) Whenever any sheriff, undersheriff, deputy sheriff, police officer, marshal, Colorado state patrol officer, or an agent of the Colorado bureau of investigation finds a motor vehicle, attended or unattended, standing upon any portion of a highway right-of-way in such a manner as to constitute an obstruction to traffic or proper highway maintenance, such officer is authorized to cause the motor vehicle to be moved to eliminate any such obstruction; and neither the officer nor anyone acting under ~~his~~ THE OFFICER'S direction shall be liable for any damage to such motor vehicle occasioned by such removal.

42-4-1804. [Formerly 42-4-1604] Report of abandoned motor vehicles - owner's opportunity to request hearing - public tow. (1) (a) Upon having an abandoned motor vehicle towed, the responsible law enforcement agency shall ascertain, if possible, whether or not the motor vehicle has been reported stolen, and, if so reported, such agency shall recover and secure the motor vehicle and notify its rightful owner and terminate the abandonment proceedings under this ~~part 16~~ PART 18. The responsible law enforcement agency shall have the right to recover from the owner its reasonable costs to recover and secure the motor vehicle.

(b) As soon as possible, but in no event later than three working days after having an abandoned motor vehicle towed, the responsible law enforcement agency shall report the same to the department by first-class or certified mail or by personal delivery, which report shall be on a form prescribed and supplied by the department.

(c) The report shall contain the following information:

(I) The fact of possession, including the date possession was taken, the location of storage of the abandoned motor vehicle and the location from which it was towed, the identity of the responsible law enforcement agency, and the business address, telephone number, and name and signature of a representative from the responsible law enforcement agency;

(II) If applicable, the identity of the operator possessing the abandoned motor vehicle, together with ~~his~~ THE OPERATOR'S business address and telephone number and the carrier number assigned by the public utilities commission; and

(III) A description of the abandoned motor vehicle, including the make, model, color, and year, the number, issuing state, and expiration date of the license plate, and the vehicle identification number and a list of the names and addresses of any known drivers.

(2) Upon its receipt of such report, the department shall search its records or make other inquiries to ascertain, if possible, the last-known owner of record for the abandoned motor vehicle and any lienholder as those persons are represented in department records. In the event the vehicle is determined by the department not to be registered in the state of Colorado, the report required by this section shall state that no Colorado title record exists regarding the vehicle. Within ten working days of such receipt, the department shall complete its search and shall transmit such report, together with all relevant information thereon, to the responsible law enforcement agency.

(3) The responsible law enforcement agency, upon its receipt of the report required under subsection (2) of this section, shall determine, from all available information and after reasonable inquiry, whether or not the abandoned motor vehicle has been reported stolen, and, if so reported, such agency shall recover and secure the motor vehicle and notify its rightful owner and terminate the abandonment proceedings under this ~~part 16~~ PART 18. The responsible law enforcement agency shall have the right to recover from the owner its reasonable costs to recover and secure the motor vehicle.

(4) The responsible law enforcement agency, within five working days of the receipt of the report from the department required in subsection (2) of this section, shall notify by certified mail the owner of record, if ascertained, and any lienholder, if ascertained, of the fact of such report and the claim, if any, of a lien under ~~section 42-4-1607~~ SECTION 42-4-1807 and shall send a copy of such notice to the operator. The notice shall contain information that the identified motor vehicle has been reported abandoned to the department, the location of the motor vehicle and the location from which it was towed, and that, unless claimed within thirty calendar days from the date the

notice was sent as determined from the postmark on the notice, the motor vehicle is subject to sale. Such notice shall also inform the owner of record of ~~his~~ THE opportunity to request a hearing concerning the legality of the towing of ~~his~~ THE abandoned motor vehicle, and the responsible law enforcement agency to contact for that purpose. Such request shall be made in writing to the responsible law enforcement agency within ten days of the postmarked date of sending such notice. Such hearing, if requested, shall be conducted pursuant to the provisions of section 24-4-105, C.R.S., if the responsible law enforcement agency is the Colorado state patrol. If a local political subdivision is the responsible law enforcement agency, such hearing shall be conducted pursuant to local hearing procedures. In the event it is determined at the hearing that the motor vehicle was illegally towed, all towing charges and storage fees assessed against the vehicle shall be forgiven.

(5) The department shall maintain department-approved notice forms satisfying the requirements of subsection (4) of this section and shall make them available for use by local law enforcement agencies.

42-4-1805. [Formerly 42-4-1605] Abandonment of motor vehicles - private tow. (1) No person shall abandon any motor vehicle upon private property other than his OR HER own. Any owner or lessee, or ~~his~~ THE OWNER OR LESSEE'S agent authorized in writing, may have an abandoned motor vehicle removed from his OR HER property by having it towed and impounded by an operator.

(2) Any operator having in his OR HER possession any abandoned motor vehicle from a private tow shall immediately notify the sheriff, or ~~his~~ THE SHERIFF'S designee, of the county in which the motor vehicle is located or the chief of police, or ~~his~~ THE CHIEF'S designee, of the municipality in which the motor vehicle is located as to the name of the operator and the location of the impound lot where the vehicle is located and a description of the abandoned motor vehicle, including the make, model, color, and year, the number, issuing state, and expiration date of the license plate, and the vehicle identification number. Upon such notification, the law enforcement agency shall ascertain, if possible, whether or not the vehicle has been reported stolen and, if so reported, such agency shall recover and secure the motor vehicle and notify its rightful owner and terminate the abandonment proceedings under this ~~part 16~~ PART 18. The responsible law enforcement agency shall have the right to recover from the owner its reasonable costs to recover and secure the vehicle.

(3) (a) Any operator shall, as soon as possible, but in no event later than seventy-two hours after receipt of determination that such motor vehicle has not been reported stolen, report the same to the department by first-class or certified mail or by

personal delivery, which report shall be on a form prescribed and supplied by the department.

(b) The report shall contain the following information:

(I) The fact of possession, including the date possession was taken, the location of storage of the abandoned motor vehicle and the location from which it was towed, and the identity of the law enforcement agency determining that the vehicle was not reported stolen;

(II) The identity of the operator possessing the abandoned motor vehicle, together with ~~his~~ THE OPERATOR'S business address and telephone number and the carrier number assigned by the public utilities commission; and

(III) A description of the abandoned motor vehicle, including the make, model, color, and year, the number, issuing state, and expiration date of the license plate, and the vehicle identification number and a list of the names and addresses of any known drivers.

(4) Upon its receipt of such report, the department shall search its records or make other inquires to ascertain, if possible, the last-known owner of record of the abandoned motor vehicle and any lienholder as those persons are represented in department records. In the event the vehicle is determined by the department not to be registered in the state of Colorado, the report required by this section shall state that no Colorado title record exists regarding the vehicle. Within ten working days of such receipt, the department shall complete its search and shall transmit such report, together with all relevant information thereon, to the operator.

(5) Within five working days of the receipt of such report from the department, the operator shall notify by certified mail or by personal delivery to the owner of record and any ~~lien holder~~ LIENHOLDER. The operator shall send a copy of the notice by certified mail or by personal delivery to the responsible law enforcement agency in which the abandoned motor vehicle is located. Such notice shall contain the following information:

(a) That the identified motor vehicle has been reported abandoned to the department;

(b) The claim, if any, of a lien under ~~section 42-4-1607~~ SECTION 42-4-1807;

(c) The location of the motor vehicle and the location from which it was towed; and

(d) That, unless claimed within thirty calendar days from

the date the notice was sent as determined from the postmark on the notice, the motor vehicle is subject to sale.

(6) The department shall maintain department-approved notice forms satisfying the requirements of subsection (5) of this section and shall make them available for use by operators and local law enforcement agencies.

42-4-1806. [Formerly 42-4-1606] Appraisal of abandoned motor vehicles - sale. (1) Public tow abandoned motor vehicles or motor vehicles abandoned in an impound lot subsequent to a public tow shall be appraised and sold by the responsible law enforcement agency at a public or private sale held not less than thirty DAYS nor more than sixty days after the date the notice required by ~~section 42-4-1604 (4)~~ SECTION 42-4-1804 (4) was mailed.

(2) Private tow abandoned motor vehicles or motor vehicles abandoned in an impound lot subsequent to a private tow shall be appraised and sold by the operator in a commercially reasonable manner at a public or private sale held not less than thirty days nor more than sixty days after the date the notice required by ~~section 42-4-1605 (5)~~ SECTION 42-4-1805 (5) was mailed.

(3) If the appraised value of an abandoned motor vehicle sold pursuant to this section is two hundred dollars or less, the sale shall be made only for the purpose of junking, scrapping, or dismantling such motor vehicle, and the purchaser thereof shall not, under any circumstances, be entitled to a Colorado certificate of title. The operator or responsible law enforcement agency making the sale shall cause to be executed and delivered a bill of sale, together with a copy of the report described in ~~section 42-4-1604 (for~~ SECTION 42-4-1804, PERTAINING TO public tow abandoned motor vehicles, or ~~section 42-4-1605 (for~~ SECTION 42-4-1805, PERTAINING TO private tow abandoned motor vehicles, to the person purchasing such motor vehicle. The bill of sale shall state that the purchaser acquires no right to a certificate of title for such vehicle. The operator or responsible law enforcement agency making the sale shall promptly submit a report of sale, with a copy of the bill of sale, to the department and shall deliver a copy of such report of sale to the purchaser of the motor vehicle. Upon receipt of any report of sale with supporting documents on any sale made pursuant to this subsection (3), the department shall purge the records for such vehicle as provided in ~~section 42-4-1611 (1) (b)~~ SECTION 42-4-1811 (1) (b) and shall not issue a new certificate of title for such vehicle. Any certificate of title issued in violation of this subsection (3) shall be void.

(4) If the appraised value of an abandoned motor vehicle sold pursuant to this section is more than two hundred dollars, the sale may be made for any intended use by the purchaser

thereof. The operator or responsible law enforcement agency making the sale shall cause to be executed and delivered a bill of sale, together with a copy of the report described in ~~section 42-4-1604 (for~~ SECTION 42-4-1804, PERTAINING TO public tow abandoned motor vehicles, or ~~section 42-4-1605 (for~~ SECTION 42-4-1805, PERTAINING TO private tow abandoned motor vehicles, and an application for a Colorado certificate of title signed by a legally authorized representative of the operator or responsible law enforcement agency conducting the sale, to the person purchasing such motor vehicle. The purchaser of the abandoned motor vehicle shall be entitled to a Colorado certificate of title upon application and proof of compliance with the applicable provisions of the "Certificate of Title Act", part 1 of article 6 of this title, and regulations of the department.

42-4-1807. [Formerly 42-4-1607] Liens upon towed motor vehicles. Whenever an operator recovers, removes, or stores a motor vehicle upon instructions from the owner of record thereof or any other legally authorized person in control of such motor vehicle, from the owner or lessee of real property upon which a motor vehicle is illegally parked or ~~his~~ THE OWNER'S OR LESSEE'S agent authorized in writing, or from any duly authorized law enforcement agency or peace officer who has determined that such motor vehicle is an abandoned motor vehicle, such operator shall have a possessory lien upon such motor vehicle and its attached accessories or equipment for all costs of recovery, towing, and storage as authorized in ~~section 42-4-1610 (2) (a)~~ SECTION 42-4-1810 (2) (a). Such lien shall be a first and prior lien on the motor vehicle, and such lien shall be satisfied before all other charges against such motor vehicle.

42-4-1808. [Formerly 42-4-1608] Perfection of lien. The lien provided for in ~~section 42-4-1607~~ SECTION 42-4-1807 shall be perfected by taking physical possession of the motor vehicle and its attached accessories or equipment and by sending to the department within three working days of the time possession was taken a notice containing the information required in the report to be made under the provisions of ~~section 42-4-1604~~ SECTION 42-4-1804 or ~~section 42-4-1605~~ SECTION 42-4-1805. In addition, such report shall contain a declaration by the operator that a possessory lien is claimed for all past, present, and future charges, up to the date of redemption and that the lien is enforceable and may be foreclosed pursuant to the provisions of this ~~part 16~~ PART 18.

42-4-1809. [Formerly 42-4-1609] Foreclosure of lien. Any motor vehicle and its attached accessories and equipment subject to the possessory lien provided for in ~~section 42-4-1607~~ SECTION 42-4-1807 and not redeemed by the last-known owner of record or lienholder after such owner or lienholder has been sent notice of such lien by the operator shall be sold in accordance with the provisions of ~~section 42-4-1606~~ SECTION 42-4-1806.

42-4-1810. [Formerly 42-4-1610] Proceeds of sale. (1) If the sale of any motor vehicle and its attached accessories or equipment under the provisions of ~~section 42-4-1606~~ SECTION 42-4-1806 produces an amount less than or equal to the sum of all charges of the operator who has perfected his OR HER lien, then the operator shall have a valid claim against the owner of record for the full amount of such charges, less the amount received upon the sale of such motor vehicle. Such charges shall be assessed in the manner provided for in paragraph (a) of subsection (2) of this section.

(2) If the sale of any motor vehicle and its attached accessories or equipment under the provisions of ~~section 42-4-1606~~ SECTION 42-4-1806 produces an amount greater than the sum of all charges of the operator who has perfected his OR HER lien:

(a) The proceeds shall first satisfy the operator's charges as follows: The cost of towing the abandoned motor vehicle with a maximum charge of fifty dollars; the mileage for tows of greater than twenty-five miles one way, to be computed at the rate of one dollar per mile for each mile in excess of twenty-five miles one way; and the storage of the abandoned motor vehicle to be charged at the rate of four dollars per day for a maximum of sixty days. In the case of an abandoned motor vehicle weighing in excess of ten thousand pounds, the provisions of this paragraph (a) shall not apply and the operator's charges shall be determined by negotiated agreement between the operator and the responsible law enforcement agency.

(b) Any balance then remaining shall be paid to the responsible law enforcement agency to satisfy the cost of mailing notices, having an appraisal made, advertising and selling the motor vehicle, and any other costs of the responsible law enforcement agency including administrative costs, taxes, fines, and penalties due.

(c) Any balance then remaining shall be forwarded to the department, and the department may recover from such balance any taxes, fees, and penalties due and payable to it with respect to such motor vehicle.

(d) Any balance then remaining shall be paid by the department: First, to any lienholder of record as ~~his~~ THE LIENHOLDER'S interest may appear upon the records of the department; second, to any owner of record as ~~his~~ THE OWNER'S interest may so appear; and then to any person submitting proof of ~~his~~ SUCH PERSON'S interest in such motor vehicle upon the application of such lienholder, owner, or person. If such payments are not requested and made within one hundred twenty days of the sale of the abandoned motor vehicle, the balance shall be transmitted to the state treasurer, who shall credit the same to the highway users tax fund.

(3) The provisions of paragraphs (a) and (b) of subsection (2) of this section shall not apply to a responsible law enforcement agency operating under a towing contract.

42-4-1811. [Formerly 42-4-1611] Transfer and purge of certificates of title. (1) Whenever any motor vehicle is abandoned and removed and sold in accordance with the procedures set forth in this ~~part 16~~ PART 18, the department shall transfer the certificate of title or issue a new certificate of title or shall purge such certificate of title in either of the following cases:

(a) Upon a person's submission to the department of the necessary documents indicating the abandonment, removal, and subsequent sale or transfer of a motor vehicle, the department shall transfer the certificate of title or issue a new certificate of title for such abandoned motor vehicle.

(b) Upon a person's submission of documents indicating the abandonment, removal, and subsequent wrecking or dismantling of a motor vehicle, including all sales of abandoned motor vehicles with an appraised value under two hundred dollars which are conducted pursuant to ~~section 42-4-1606 (3)~~ SECTION 42-4-1806 (3), the department shall purge the records for such abandoned motor vehicle.

42-4-1812. [Formerly 42-4-1612] Penalty. Unless otherwise specified in this ~~part 16~~ PART 18, any person who knowingly violates any of the provisions of this ~~part 16~~ PART 18 commits a class 2 misdemeanor and shall be punished as provided in section 18-1-106, C.R.S.

42-4-1813. [Formerly 42-4-1613] Exemptions. (1) Nothing in this ~~part 16~~ PART 18 shall be construed to include or apply to the driver of any disabled motor vehicle who temporarily leaves such vehicle on the paved or improved and main-traveled portion of a highway, subject, when applicable, to the emergency lighting requirements set forth in ~~section 42-4-227~~ SECTION 42-4-230.

(2) Nothing in this ~~part 16~~ PART 18 shall be construed to include or apply to authorized emergency motor vehicles while such vehicles are actually and directly engaged in, coming from, or going to an emergency.

42-4-1814. [Formerly 42-4-1614] Local regulations. (1) The state or any county, municipality as defined in section 31-1-101 (6), C.R.S., or other governmental entity of the state may execute a contract or contracts for the removal, storage, or disposal of abandoned motor vehicles within the area of its authority to effectuate the provisions of this ~~part 16~~ PART 18.

(2) The provisions of this ~~part 16~~ PART 18 may be

superseded by ordinance or resolution of a municipality, as defined in section 31-1-101 (6), C.R.S., or any county which sets forth procedures for the removal, storage, and disposal of abandoned or illegally parked motor vehicles.

42-4-1815. [Formerly 42-4-1615] Violation of motor vehicle registration or inspection laws - separate statutory provision. Owners of motor vehicles impounded by the Colorado state patrol for violation of motor vehicle registration or inspection laws shall receive notice and the opportunity for a hearing pursuant to the provisions of ~~section 24-33.5-213.5, C.R.S.~~ SECTION 42-13-106. If such a motor vehicle is found to be abandoned in accordance with the provisions of said ~~section 24-33.5-213.5, C.R.S.~~ SECTION 42-13-106, the notice and hearing provisions to owners of motor vehicles under other sections of this ~~part 16~~ PART 18 shall be deemed to have been met for purposes of proper disposition of the motor vehicle under the terms of this ~~part 16~~ PART 18. Nevertheless, the notice and hearing provisions of the other sections of this ~~part 16~~ PART 18 as to lienholders shall not be deemed to have been met by the provisions of ~~section 24-33.5-213.5, C.R.S.~~ SECTION 42-13-106, or this section.

PART 19
SCHOOL BUS REQUIREMENTS

42-4-1901. [Formerly 42-4-238] School buses - equipped with supplementary brake retarders. (1) (a) On and after July 1, 1991, except as provided in paragraph (a) of subsection (2) of this section, passengers of any school bus being used on mountainous terrain by any school district of the state shall not occupy the front row of seats and any seats located next to the emergency doors of such school bus during the period of such use.

(b) For purposes of this section, mountainous terrain shall include, but shall not be limited to, any road or street which the state department of highways has designated as being located on mountainous terrain.

(2) (a) The provisions of paragraph (a) of subsection (1) of this section shall not apply to:

(I) Passengers of any school bus which is equipped with retarders of appropriate capacity for purposes of supplementing any service brake systems of such school bus; or

(II) Any passenger who is adequately restrained in a fixed position pursuant to federal and state standards.

(b) The general assembly encourages school districts to consider installing only electromagnetic retarders or state-of-the-art retarders for purposes of supplementing service brake systems of school buses when such retarders are acquired on

or after the effective date of this section. The general assembly also encourages school districts to consider purchasing only those new school buses which are equipped with external public address systems and retarders of appropriate capacity for purposes of supplementing any service brake systems of such school buses.

(3) For purposes of this section and ~~section 42-4-239~~ SECTION 42-4-1902:

(a) "Mountainous terrain" means that condition where longitudinal and transverse changes in the elevation of the ground with respect to a road or street are abrupt and where benching and sidehill excavation are frequently required to obtain acceptable horizontal and vertical alignment.

(b) "School bus" means any bus used to transport students to and from school or a school-sponsored activity, whether said activity occurs within or without the territorial limits of any district and whether or not occurring during school hours.

42-4-1902. [Formerly 42-4-239] School bus drivers - special training required. On and after July 1, 1992, the driver of any school bus, as defined in ~~section 42-4-238 (3) (b)~~ SECTION 42-4-1901 (3) (b), owned or operated by or for any school district in this state shall have successfully completed training, approved by the department of education, concerning driving on mountainous terrain, as defined in ~~section 42-4-238 (3) (a)~~ SECTION 42-4-1901 (3) (a), and driving in adverse weather conditions.

42-4-1903. [Formerly 42-4-612] School buses - stops - signs - passing. (1) (a) The driver of a vehicle upon any highway, road, or street, upon meeting or overtaking from either direction any school bus which has stopped, shall stop ~~his~~ THE vehicle before reaching such school bus if there are in operation on said school bus visual signal lights as specified in subsection (2) of this section, and said driver shall not proceed until the visual signal lights are no longer being actuated; but, in the case of small passenger-type vehicles operated as school buses having a seating capacity of not more than nine, no such visual signal lights need be displayed or actuated.

(b) (I) A driver of any school bus who observes a violation of paragraph (a) of this subsection (1) shall notify ~~his~~ THE DRIVER'S school district transportation dispatcher. The school bus driver shall provide the school district transportation dispatcher with the color, basic description, and license plate number of the vehicle involved in the violation, information pertaining to the identity of the alleged violator, and the time and the approximate location at which the violation occurred. Any school district transportation dispatcher who has received information by a school bus driver concerning a violation of paragraph (a) of this subsection (1) shall provide such

information to the appropriate law enforcement agency or agencies.

(II) A law enforcement agency may issue a citation on the basis of the information supplied to it pursuant to subparagraph (I) of this paragraph (b) to the driver of the vehicle involved in the violation.

(2) (a) Every school bus, other than a small passenger-type vehicle having a seating capacity of not more than ~~nine~~ FIFTEEN, used for the transportation of schoolchildren shall bear upon the front and rear thereof plainly visible and legible signs containing the words "SCHOOL BUS" in letters not less than eight inches in height, shall display four visual signal lights, which shall be two alternating flashing red lights visible to the drivers of vehicles approaching from the front of said bus and two alternating flashing red lights visible to the drivers of vehicles approaching from the rear of said bus, and may also display four additional visual signal lights, which shall be yellow signal lights mounted near each of the four red lights and at the same level but closer to the vertical center line of the bus and which shall be alternately flashing with two visible to the front and two visible to the rear. These visual signal lights shall be mounted as high as practicable, shall be as widely spaced laterally as practicable, and shall be located on the same level. These lights shall have sufficient intensity to be visible at five hundred feet in normal sunlight.

(b) (I) When a school bus is equipped only with red visual signal lights, they shall be actuated by the driver of said school bus whenever such vehicle is stopped for the purpose of receiving or discharging schoolchildren and at no other time; but such lights need not be actuated when any said school bus is stopped at locations where the local traffic regulatory authority has by prior written designation declared such actuation unnecessary.

(II) A SCHOOL BUS SHALL BE EXEMPT FROM THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) WHEN STOPPED FOR THE PURPOSE OF DISCHARGING OR LOADING PASSENGERS WHO REQUIRE THE ASSISTANCE OF A LIFT DEVICE ONLY WHEN NO PASSENGER IS REQUIRED TO CROSS THE ROADWAY. SUCH BUSES SHALL STOP AS FAR TO THE RIGHT OF THE ROADWAY AS POSSIBLE TO REDUCE OBSTRUCTION TO TRAFFIC.

(c) When a school bus is equipped with alternating flashing yellow lights in addition to the red lights and when the use of a signal light system is required, the yellow lights shall be actuated at least two hundred feet prior to the point at which such bus is to be stopped for the purpose of receiving or discharging schoolchildren, and the red lights shall be actuated only at the time the bus is actually stopped. On and after January 1, 1976, all school buses required to be equipped shall be equipped with such visual signal light systems as provided in this section.

~~(2.1)~~ (3) Every school bus used for the transportation of schoolchildren, except those small passenger-type vehicles described in subsection (1) of this section, may be equipped, and, on and after January 1, 1976, shall be equipped, with a stop signal arm mounted outside the bus on the left, alongside the driver and below the window. Such stop signal arm shall be a flat octagon with the word "STOP" printed on both sides in such a manner as to be easily visible to persons approaching from either direction. The stop signal arm shall contain two alternately flashing red lamps which are connected to the alternating flashing signal light system described in subsection (2) of this section, and the stop signal arm shall be extended only when the red visual signal lights are in operation.

~~(3)~~ (4) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway. For the purposes of this section, "highway with separate roadways" means a highway that is divided into two or more roadways by a depressed, raised, or painted median or other intervening space serving as a clearly indicated dividing section or island.

~~(4)~~ (5) Every school bus shall stop as far to the right off the highway, road, or street as possible before discharging or loading passengers and, when possible, shall not stop where the visibility is obscured for a distance of two hundred feet either way from the bus. The driver of a school bus which has stopped shall allow time for any vehicles which have stopped behind the school bus to pass the school bus, if such passing is legally permissible where the school bus is stopped, after the school bus's visual signal lights, if any, are no longer being displayed or actuated and after all children who have embarked or disembarked from the bus are safe from traffic.

~~(5) (a)~~ (6) (a) Except as provided in paragraph (b) of this ~~subsection (5)~~ SUBSECTION (6), any person who violates any provision of paragraph (a) of subsection (1) of this section commits a class 2 misdemeanor traffic offense.

(b) Any person who violates the provisions of paragraph (a) of subsection (1) of this section commits a class 1 misdemeanor traffic offense if such person has been convicted within the previous five years of a violation of paragraph (a) of subsection (1) of this section.

~~(6)~~ (7) The provisions of this section shall not apply in the case of public transportation programs for pupil transportation under section 22-51-104 (1) (c), C.R.S.

42-4-1904. [Formerly 42-4-613] Regulations for school buses - regulations on discharge of passengers - penalty - exception. (1) The state board of education, by and with the advice of the

executive director of the department, shall adopt and enforce regulations not inconsistent with this article to govern the operation of all school buses used for the transportation of schoolchildren and to govern the discharge of passengers from such school buses. Such regulations shall prohibit the driver of any school bus used for the transportation of schoolchildren from discharging any passenger from the school bus which will result in the passenger's immediately crossing a major thoroughfare, except for two-lane highways when such crossing can be done in a safe manner, as determined by the local school board in consultation with the local traffic regulatory authority, and shall prohibit the discharging or loading of passengers from the school bus onto the side of any major thoroughfare whenever access to the destination of the passenger is possible by the use of a road or street which is adjacent to the major thoroughfare. For the purposes of this section, a "major thoroughfare" means a freeway, any U.S. highway outside any incorporated limit, interstate highway, or highway with four or more lanes, or a highway or road with a median separating multiple lanes of traffic. Every person operating a school bus or responsible for or in control of the operation of school buses shall be subject to said regulations.

(2) Any person operating a school bus under contract with a school district who fails to comply with any of said regulations is guilty of breach of contract, and such contract shall be cancelled after notice and hearing by the responsible officers of such district.

(3) Any person who violates any provision of this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than five dollars nor more than one hundred dollars, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.

(4) The provisions of this section shall not apply in the case of public transportation programs for pupil transportation under section 22-51-104 (1) (c), C.R.S.

ARTICLE 5
Automobile Theft Law - Inspection of Vehicle Identification Numbers

PART 1
AUTOMOBILE THEFT

42-5-101. Definitions. As used in this part 1, unless the context otherwise requires:

~~(1) Repealed, L. 88, p. 1419, § 17, effective July 1, 1988.~~

~~(2)~~ (1) "Calendar year" means the twelve calendar months beginning January first and ending December thirty-first of any year.

~~(3)~~ (2) "Dealer" means all persons, firms, partnerships, associations, or corporations engaged in the business or vocation of manufacturing, buying, selling, trading, dealing in, destroying, disposing of, or salvaging motor vehicles or in secondhand or used motor vehicle parts, equipment, attachments, accessories, or appurtenances common to or a part of motor vehicles.

~~(4)~~ (3) "Driver" means the person operating or driving a motor vehicle.

~~(5)~~ (4) "Garage" means any public building or place of business for the storage or repair of motor vehicles.

~~(5.5)~~ (5) "Motor vehicle" means any vehicle of whatever description propelled by any power other than muscular except a vehicle running on rails.

(6) "Officer" means any duly constituted peace officer of this state, or of any town, city, county, or city and county in this state.

(7) "Owner" means any person, firm, partnership, association, or corporation.

~~(7.5)~~ (8) "Peace officer" means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

~~(8)~~ (9) "Person" includes a partnership, company, corporation, or association.

~~(9)~~ (10) "Public highway" means any public street, thoroughfare, roadway, alley, lane, or bridge in any county or city and county in the state.

~~(10)~~ (11) "Vehicle identification number" means any identifying number, serial number, engine number, or other distinguishing number or mark, including letters, if any, that is unique to the identity of a given vehicle or component part thereof which was placed on a vehicle or engine by its manufacturer or by authority of the motor vehicle division in the department of revenue pursuant to section 42-5-205 or in accordance with the laws of another state or country.

42-5-102. Stolen motor vehicle parts - buying, selling - removed or altered motor vehicle parts - possession. (1) Any person who buys, sells, exchanges, trades, receives, conceals, or

alters the appearance of a motor vehicle or any motor vehicle part, equipment, attachment, accessory, or appurtenance which is the property of another or any person who aids or abets in the commission or attempted commission of any such act, knowing or having reasonable cause to know and believe that such motor vehicle or motor vehicle part, equipment, attachment, accessory, or appurtenance is stolen property, commits a class 5 felony and shall be punished as provided in section 18-1-105, C.R.S.

(2) Except as necessary to effect legitimate repairs, any person who intentionally removes, changes, alters, or obliterates the vehicle identification number, manufacturer's number, or engine number of a motor vehicle or motor vehicle part or who possesses a motor vehicle or a motor vehicle part and knows or has reasonable cause to know that it contains such a removed, changed, altered, or obliterated vehicle identification number, manufacturer's number, or engine number commits a class 5 felony and shall be punished as provided in section 18-1-105, C.R.S. Any person who commits any of said acts for the purpose of legitimately repairing the motor vehicle shall provide evidence of such legitimate repair to the investigating law enforcement agency. Such evidence shall include, but need not be limited to, prerepair and postrepair photographs of the affected motor vehicle part and vehicle identification number and a signed affidavit describing the required repairs.

42-5-103. Tampering with a motor vehicle. (1) Any person who with criminal intent does any of the following to a motor vehicle or to any part, equipment, attachment, accessory, or appurtenance contained in or forming a part thereof without the knowledge and consent of the owner of such motor vehicle commits tampering with a motor vehicle:

(a) Tightens or loosens any bolt, bracket, wire, screw, or other fastening contained in, contained on, or forming a part of such motor vehicle; or

(b) Shifts or changes the gears or brakes of such motor vehicle; or

(c) Scratches, mars, marks, or otherwise damages such motor vehicle or any part thereof; or

(d) Adds any substance or liquid to the gas tank, carburetor, oil, radiator, or any other part of such motor vehicle; or

(e) Aids, abets, or assists in the commission or attempted commission of any such unlawful act or acts enumerated in this subsection (1).

(2) Tampering with a motor vehicle is:

(a) A class 2 misdemeanor if the damage is less than four hundred dollars;

(b) A class 5 felony if the damage is four hundred dollars or more but less than fifteen thousand dollars;

(c) A class 3 felony if the damage is fifteen thousand dollars or more or causes bodily injury to any person.

42-5-104. Theft of motor vehicle parts. (1) Any person who with criminal intent removes, detaches, or takes from a motor vehicle which is the property of another any part, equipment, attachment, accessory, or appurtenance contained therein, contained thereon, or forming a part thereof or any person who aids, abets, or assists in the commission of any such act or acts is guilty of theft of motor vehicle parts.

(2) Theft of motor vehicle parts is:

(a) A class 2 misdemeanor if the value of the thing involved is less than four hundred dollars;

(b) A class 5 felony if the value of the thing involved is four hundred dollars or more but less than fifteen thousand dollars;

(c) A class 3 felony if the value of the thing involved is fifteen thousand dollars or more.

(3) When a person commits theft of motor vehicle parts two times or more within a period of six months without having been placed in jeopardy for the prior offense or offenses and the aggregate value of the things involved is four hundred dollars or more but less than fifteen thousand dollars, it is a class 5 felony; however, if the aggregate value of the things involved is fifteen thousand dollars or more, it is a class 4 felony.

42-5-105. Daily record. (1) It is the duty of every dealer, and of the proprietor of every garage, to keep and maintain in ~~his~~ SUCH PERSON'S place of business an easily accessible and permanent daily record of all secondhand or used motor vehicle equipment, attachments, accessories, and appurtenances bought, sold, traded, exchanged, dealt in, repaired, or received or disposed of in any manner or way by or through ~~him~~ THE DEALER OR PROPRIETOR. Said record shall be kept in a good businesslike manner in the form of invoices or in a book by the dealer or proprietor and shall contain a description of any and all said articles of property of every class or kind sufficient for the ready identification thereof by a peace officer, and such record shall include the name and address, legibly written, of the owner, vendor, and vendee, the time and date of such transactions, and the name and address of the driver and of the owner of any

motor vehicle received for sale, trade, exchange, storage, repairs, or any other purpose, together with the model year, make and style, and engine or vehicle identification number and state registration license number of such motor vehicle and for what purpose said motor vehicle was so received and what disposition was made thereof. The record is to be open at all times during regular business hours to the inspection by the department of revenue or any peace officer and available for use as evidence.

(2) It is the duty of every person offering to a dealer, or to the proprietor of a garage, for sale, trade, repair, or any other purpose, any motor vehicle or any secondhand or used motor vehicle equipment, attachment, accessory, or appurtenance to write or register, as legibly as possible, with ink or indelible pencil, ~~his~~ THE full and true name and address OF THE PERSON and the name and address of the owner in the record kept by such dealer or proprietor of a garage as provided for in this section.

(3) It is the duty of every driver, upon taking a motor vehicle to any dealer's place of business or to any garage for storage, repair, sale, trade, or any other purpose, to write or register, as legibly as possible, with ink or indelible pencil, ~~his~~ THE full and true name and address OF THE DRIVER and ~~that~~ THE NAME AND ADDRESS of the owner of such motor vehicle in the record provided for in this section. Such driver shall not be required, however, to so register the same motor vehicle more than once in the same garage in any calendar year when ~~he~~ THE DRIVER is personally known to the dealer or the proprietor of the garage to be in the rightful and lawful possession of such motor vehicle. Such driver, on request or demand of such dealer or proprietor of a garage, or his OR HER agent, shall produce for examination the motor vehicle state registration license certificate issued to such driver or to the owner of such motor vehicle.

(4) Any person violating any provision of this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than five hundred dollars.

42-5-106. Duties of dealers - assembled motor vehicles. It is the duty of every dealer and of every proprietor of a garage to examine, without charge, the engine or vehicle identification number of every motor vehicle bought, taken in trade, repaired, or stored by them. Such dealer shall not be required to examine the engine or vehicle identification number of the same motor vehicle more than once in the same calendar year when such dealer knows that the person in possession of such motor vehicle is the lawful owner thereof. It is the further duty of ~~said~~ THE dealer, proprietor of a garage, or his OR HER agent, promptly and without delay, to report to or notify in person, or by telephone or telegraph, or by special messenger the nearest police station or peace officer if the engine or vehicle identification number of said motor vehicle has been altered, changed, or so obliterated

as to make the number indecipherable or if the engine or vehicle identification number or the state registration license number of said motor vehicle does not correspond with the engine or vehicle identification number of the motor vehicle state registration certificate of the driver of said motor vehicle. Any person violating any of the provisions of this section commits a class 1 petty offense and shall be punished as provided in section 18-1-107, C.R.S.

42-5-107. Seizure of motor vehicles or component parts by peace officers. ~~(1)~~ All peace officers are authorized to take and hold possession of any motor vehicle or component part if its engine number, vehicle identification number, or manufacturer's serial number has been altered, changed, or obliterated or if such officer has good and sufficient reason to believe that the motor vehicle or component part is not in the rightful possession of the driver or person in charge thereof.

~~(2) to (5) Repealed, L. 88, p. 1419, § 17, effective July 1, 1988.~~

42-5-108. Penalty. Any person violating any of the provisions of this part 1, unless otherwise specifically provided for in this part 1, commits a class 3 misdemeanor and shall be punished as provided in section 18-1-106, C.R.S.

42-5-109. Report of stored or parked motor vehicles - when. Whenever any motor vehicle of a type subject to registration in this state has been stored, parked, or left in a garage, a trailer park, or any type of storage or parking lot for a period of over thirty days, the owner of such garage, trailer park, or lot shall report the make, engine number, vehicle identification number, and serial number of such motor vehicle in writing to the Colorado state patrol auto theft section, Denver, Colorado, and the sheriff of the county in which the garage, trailer park, or lot is located. Nothing in this section shall apply where arrangements have been made for continuous storage or parking by the owner of the motor vehicle so parked or stored and where the owner of said motor vehicle so parked or stored is personally known to the owner or operator of such garage, trailer park, or storage or parking lot. Any person who fails to submit the report required under this section at the end of thirty days shall forfeit all claims for storage of such motor vehicles and shall be subject to a fine of not more than twenty-five dollars, and each day's failure to make such a report as required under this section shall constitute a separate offense.

42-5-110. Possession of removed, defaced, altered, or destroyed motor vehicle identification numbers. (1) No person shall knowingly buy, sell, offer for sale, receive, or ~~have in his possession~~ POSSESS any motor vehicle or component part thereof

from which the vehicle identification number or any number placed on said vehicle or component part for its identification by the manufacturer has been removed, defaced, altered, or destroyed unless such vehicle or component part has attached thereto a special identification number assigned or approved by the motor vehicle division in lieu of the manufacturer's number.

(2) Whenever such motor vehicle or component part comes into the custody of a peace officer, it shall be destroyed, sold, or otherwise disposed of under the conditions provided in an order by the court having jurisdiction. No court order providing for disposition shall be issued unless the person from whom the property was seized and all claimants to the property whose interest or title is on the records in the motor vehicle division are provided a postseizure hearing by the court having jurisdiction within a reasonable period of time after the seizure. This postseizure hearing shall be held on those motor vehicles or component parts for which true ownership is in doubt, including, but not limited to, those motor vehicles or component parts that are altered to the extent that they cannot be identified, those motor vehicles or component parts which are composed of parts belonging to several different claimants, and those motor vehicles or component parts for which there are two or more existing titles. This subsection (2) shall not apply with respect to such motor vehicle or component part used as evidence in any criminal action or proceeding. Nothing in this section shall, however, preclude the return of such motor vehicle or component part to the owner by the seizing agency following presentation of satisfactory evidence of ownership and, if it is determined to be necessary, upon assignment of an identification number to the vehicle or component part by the motor vehicle division. There shall be no special identification number issued for a component part unless it is a component part of a complete motor vehicle.

(3) Whenever such motor vehicle or component part comes into the custody of a peace officer, the person from whom the property was seized and all claimants to the property whose interest or title is noted on the records of the motor vehicle division shall be notified within ninety days of seizure of the seizing agency's intent to commence a postseizure hearing as described in subsection (2) of this section. Such notice shall contain the following information:

(a) The name and address of the person or persons from whom the motor vehicle or component part was seized;

(b) A statement that the motor vehicle or component part has been seized for investigation as provided in this section and that the property will be released upon a determination that the identification number has not been removed, defaced, altered, or destroyed or upon the presentation of satisfactory evidence of the ownership of such motor vehicle or component part if no other

person claims an interest in the property within thirty days of the date the notice is mailed; otherwise, a hearing regarding the disposition of such motor vehicle or component part shall take place in the court having jurisdiction;

(c) A statement that the person from whom the property was seized and all claimants to the motor vehicle or component part whose interest or title is on the records in the motor vehicle division will have notification of the seizing agency's intention to commence a postseizure hearing, and such notice shall be sent to the last-known address by registered mail within ninety days of the date of seizure;

(d) The name and address of the law enforcement agency where the evidence of ownership of such motor vehicle or component part may be presented;

(e) A statement or copy of the text contained in this section.

(4) (a) A hearing on the disposition of the motor vehicle or component part shall be held by the court having jurisdiction within a reasonable time after the seizure. The hearing shall be before the court without a jury.

(b) If the evidence reveals either that the identification number has not been removed, altered, or destroyed or that the identification has been removed, altered, or destroyed but satisfactory evidence of ownership has been presented, then the motor vehicle or component part shall be released to the person entitled thereto. Nothing in this section shall preclude the return of such motor vehicle or component part to a good faith purchaser following the presentation of satisfactory evidence of ownership thereof, and, if necessary, said good faith purchaser may be required to obtain an assigned identification number from the motor vehicle division.

(c) If the evidence reveals that the identification number of the motor vehicle or the component part has been removed, altered, or destroyed and satisfactory evidence of ownership has not been presented, then the property shall be destroyed, sold, or converted to the use of the seizing agency or otherwise disposed of as provided by court order.

(d) At the hearing, the seizing agency shall have the burden of establishing that the identification number of the motor vehicle or the component part has been removed, defaced, altered, or destroyed.

(e) At the hearing, any claimant to the property shall have the burden of providing satisfactory evidence of ownership.

42-5-111. Proof of authorized possession. Whenever any motor vehicle or major component part of a motor vehicle is transported, shipped, towed, or hauled by any means in this state, said vehicle or component part shall be accompanied by proper authorization of possession from the legal owner or a law enforcement agency. Such authorization may include, but need not be limited to, bills of lading, shipment invoices, towing requests, or other specific authorization which readily identifies the rightful owner and conveys said owner's authorization of possession to the person transporting the motor vehicle or component part.

PART 2
VEHICLE IDENTIFICATION NUMBER INSPECTION

42-5-201. Definitions. As used in this part 2, unless the context otherwise requires:

(1) "Bonded title vehicle" means a vehicle the owner of which has posted a bond for title pursuant to the provisions of ~~section 42-6-113~~ SECTION 42-6-115.

(2) "Commercial vehicle" means any trailer as defined in ~~section 42-1-102 (81)~~ SECTION 42-1-102 (105), truck as defined in ~~section 42-1-102 (84)~~ SECTION 42-1-102 (108), or truck tractor as defined in ~~section 42-1-102 (85)~~ SECTION 42-1-102 (109).

(3) "Division" means the motor vehicle division in the department of revenue.

(4) "Homemade vehicle" means a vehicle which is constructed by a manufacturer not licensed by the state of Colorado and which is not recognizable as a commercially manufactured vehicle.

(5) "Inspector" means a duly constituted peace officer of a law enforcement agency who has been certified pursuant to section 42-5-206 (1) or (2) to inspect vehicle identification numbers.

(6) "Law enforcement agency" means the Colorado state patrol or the agency of a local government authorized to enforce the laws of the state of Colorado.

(7) "Local government" means a town, a city, a county, or a city and county.

(8) "Rebuilt vehicle" means a vehicle which has been assembled from parts of two or more commercially manufactured vehicles or which has been altered in such a manner that it is not readily recognizable as a commercially manufactured vehicle of a given year. "Rebuilt vehicle" includes a street rod vehicle.

(9) "Reconstructed vehicle" means a vehicle constructed from two or more commercially manufactured vehicles of the same type and year which has not been altered and which is recognizable as a commercially manufactured vehicle of a given year.

(10) "State" includes the territories and the federal districts of the United States.

(11) "Street rod vehicle" means a vehicle with a body design manufactured in 1948 or earlier or with a reproduction component that resembles a 1948 or earlier model which has been modified for safe road use, including, but not limited to, modifications of the drive train, suspension, and brake systems, modifications to the body through the use of materials such as steel or fiber glass, and other safety or comfort features.

(12) "Vehicle" means a motor vehicle subject to the certificate of title provisions of part 1 of article 6 of this title but does not include commercial vehicles as defined in subsection (2) of this section.

(13) "Vehicle identification number" means any identifying number, serial number, engine number, or other distinguishing number or mark, including letters, if any, that is unique to the identity of a given vehicle or commercial vehicle or component part thereof which was placed on a vehicle, commercial vehicle, or engine by its manufacturer or by authority of the division pursuant to section 42-5-205 or in accordance with the laws of another state or country.

42-5-202. Vehicle identification number inspection required. (1) No bonded title vehicle, homemade vehicle, rebuilt vehicle, reconstructed vehicle, or vehicle assembled from a kit shall be sold in the state of Colorado or issued a Colorado certificate of title unless the seller or owner of such vehicle has had its vehicle identification number inspected and recorded by an inspector on the inspection form approved by the department of revenue.

(2) No bonded title commercial vehicle, homemade commercial vehicle, rebuilt commercial vehicle, reconstructed commercial vehicle, or commercial vehicle assembled from a kit shall be issued a Colorado certificate of title unless an inspector inspects the vehicle identification number and records the number on the inspection form approved by the department of revenue.

(3) The inspections required by this section include a physical inspection of the vehicle or commercial vehicle and a computer check of the state and national compilations of wanted and stolen vehicles or commercial vehicles. If the inspector determines that the vehicle identification number has not been removed, changed, altered, or obliterated and that it is not the

identification number of a wanted or stolen vehicle or commercial vehicle, the inspection form shall be transmitted to the executive director of the department of revenue, who shall then act upon the application for a Colorado certificate of title for such vehicle or commercial vehicle.

(4) If the inspector determines that the vehicle identification number has been removed, changed, altered, or obliterated or if the inspector has good and sufficient reason to believe that the vehicle or commercial vehicle is wanted or was stolen in the state of Colorado or another state, the inspector shall proceed according to the provisions of part 1 of this article.

42-5-203. Inspections - street rod vehicles. When an inspector performs a vehicle identification number inspection on a street rod vehicle, ~~he~~ THE INSPECTOR shall accept the serial number of such street rod vehicle as the vehicle identification number thereof, or, if the street rod vehicle has frame and body identification numbers which do not match or is reconstructed from salvage parts, other vehicles, or reproduction parts, ~~he~~ THE INSPECTOR shall accept the special vehicle identification number assigned to such vehicle by the division pursuant to section 42-5-205 as the vehicle identification number.

42-5-204. Inspection fees - vehicle number inspection funds. (1) A fee of twenty dollars shall be charged for each inspection performed pursuant to this part 2. Upon payment of the fee, the owner of the vehicle or commercial vehicle inspected shall be issued a receipt as evidence of payment.

(2) (a) All inspection fees collected by the Colorado state patrol shall be transmitted to the state treasurer, who shall credit the same to the vehicle identification number inspection fund, which fund is hereby created. The moneys in the fund shall be subject to annual appropriation by the general assembly for the administration and enforcement of this article, including the direct and indirect costs of the Colorado state patrol in performing inspections pursuant to this part 2. The moneys in the fund shall not be transferred or credited to the general fund or to any other fund; except that, at the end of each fiscal year, any unexpended and unencumbered moneys remaining in the fund shall be credited to the general fund.

(b) All inspection fees collected by a law enforcement agency of a local government shall be credited to a special fund in the office of the treasurer of the local government. Such fund shall be separate and apart from the general fund of the local government and shall be made available for use by the law enforcement agency for the administration and enforcement of this part 2, including the training and certification of inspectors; except that the governing body of the local government, acting by

resolution or ordinance, may order that the inspection fees be paid into the general fund of the local government.

42-5-205. Assignment of a special vehicle identification number by the division. The division is authorized to assign a special vehicle identification number to any street rod vehicle whenever required by ~~section 42-6-107.5~~ SECTION 42-6-108 and to any vehicle or commercial vehicle whenever no vehicle identification number is found on the vehicle or whenever a vehicle identification number has been removed, changed, altered, or obliterated. Such special number shall be affixed to the vehicle or commercial vehicle in the manner and position determined by the division. Such special number shall then be the vehicle identification number required to be recorded by an inspector on the inspection form which is transmitted to the executive director of the department of revenue, and the vehicle or commercial vehicle shall then be registered and titled under the special vehicle identification number.

42-5-206. Certification of inspectors. (1) Except as otherwise provided in subsection (2) of this section, no peace officer shall be an inspector of vehicle identification numbers unless ~~he~~ THE PEACE OFFICER has been certified by the peace officers standards and training board pursuant to section 24-31-303 (1) (d), C.R.S. In order to be certified, the peace officer must satisfactorily complete a vehicle identification number inspection training course approved by said board and pay a certification fee to the board not to exceed twenty-five dollars. The cost of the training course shall include all necessary and actual expenses but shall not exceed fifty dollars per peace officer.

(2) In lieu of the requirement for certification in subsection (1) of this section, any peace officer shall be certified as an inspector of vehicle identification numbers if ~~he~~ THE PEACE OFFICER is able to demonstrate to the peace officers standards and training board that ~~he~~ THE PEACE OFFICER has had sixteen hours or more of vehicle identification number inspection training which is acceptable to the board and which was received between January 1, 1986, and January 1, 1988.

42-5-207. Rules and regulations. The division may adopt rules and regulations necessary to implement this part 2.

ARTICLE 6
Certificates of Title - Used Motor Vehicle Sales

PART 1
CERTIFICATES OF TITLE

42-6-101. Short title. This part 1 shall be known and may be cited as the "Certificate of Title Act".

42-6-102. Definitions. As used in this part 1, unless the context otherwise requires:

(1) "Authorized agents" means the county clerk and recorder in each of the counties of the state, except in the city and county of Denver, and therein the manager of revenue is the authorized agent.

(2) "Dealer" means any person, firm, partnership, corporation, or association licensed under the laws of this state to engage in the business of buying, selling, exchanging, or otherwise trading in motor vehicles.

(3) "Department" means the department of revenue.

(4) "Director" means the executive director of the department of revenue.

(5) "Manufacturer" means a person, firm, partnership, corporation, or association engaged in the manufacture of new motor vehicles, trailers, or semitrailers.

(6) "Mortgages" or "mortgage" or "chattel mortgage" means chattel mortgages, conditional sales contracts, or any other like instrument intended to operate as a mortgage or to create a lien on a motor vehicle as security for an undertaking of the owner thereof or some other person.

(7) "Motor vehicle" means any self-propelled vehicle which is designed primarily for travel on the public highways and which is generally and commonly used to transport persons and property over the public highways, trailers, semitrailers, and trailer coaches, without motive power, except: Motorized bicycles, as defined in ~~section 42-1-102 (47) (b)~~ SECTION 42-1-102 (59) (b); vehicles which operate only upon rails or tracks laid in place on the ground or that travel through the air or that derive their motive power from overhead electric lines; farm tractors, farm trailers, and other machines and tools used in the production, harvesting, and care of farm products; and mobile machinery, self-propelled construction equipment, or industrial machinery not designed primarily for highway transportation.

(8) "New vehicle" means any motor vehicle being transferred for the first time from a manufacturer or importer, or dealer or agent of a manufacturer or importer, and which motor vehicle had ~~theretofore~~ PREVIOUSLY not been used and is what is commonly known as a new motor vehicle. A motor vehicle which has been used by a dealer solely for the purpose of demonstration to prospective customers shall be considered a "new vehicle" unless such demonstration use has been for more than two hundred miles. Motor vehicles having a gross vehicle weight rating of sixteen thousand pounds or more shall be exempt from this definition.

(9) "Owner" means any person, association of persons, firm, or corporation in whose name the title to a motor vehicle is registered.

(10) "Person" means natural persons, associations of persons, firms, partnerships, and corporations.

~~(10.2)~~ (11) "Roadworthy" means a condition in which a motor vehicle has sufficient power and is fit to operate on the roads and highways of this state after visual inspection by appropriate law enforcement authorities. In order to be roadworthy, such vehicle, in accord with its design and use, shall have all major parts and systems permanently attached and functioning and shall not appear to have been repaired in such a manner as to make the vehicle unsafe. For purposes of this ~~subsection (10.2)~~ SUBSECTION (11), "major parts and systems" shall include, but not be limited to, the body of a motor vehicle with related component parts, engine, transmission, tires, wheels, seats, exhaust, and all other equipment required by Colorado law for the particular vehicle.

~~(10.4)~~ (12) "Salvage certificate of title" means a document issued under the authority of the director to indicate ownership of a salvage vehicle.

~~(10.6) (a)~~ (13) (a) "Salvage vehicle" means any vehicle which is damaged by collision, fire, flood, accident, trespass, or other occurrence, excluding hail damage, to the extent that the cost of repairing the vehicle for legal operation on the highways exceeds the vehicle's retail fair market value immediately prior to such damage, as determined by the person who owns the vehicle at the time of such occurrence or by the insurer or other person acting on behalf of such owner.

(b) In assessing whether a vehicle is a "salvage vehicle" under this section, the retail fair market value shall be determined by reference to sources generally accepted within the insurance industry including price guide books, dealer quotations, computerized valuation services, newspaper advertisements, and certified appraisals, taking into account the condition of the vehicle prior to the damage.

(c) This section shall not apply to a vehicle whose model year of manufacture is eight years or older at the time of damage.

~~(11)~~ (14) "State" includes the territories and the federal districts of the United States.

~~(11.5)~~ (15) "Street rod vehicle" means a vehicle manufactured in 1948 or earlier with a body design which has been modified for safe road use, including, but not limited to, modifications of the drive train, suspension, and brake systems, modifications to the body through the use of materials such as

steel or fiberglass, and any other safety or comfort features.

~~(12)~~ (16) "Used vehicle" means any motor vehicle which has been sold, bargained, exchanged, or given away, or the title thereto transferred from the person who first took title thereto from the manufacturer or importer, dealer, or agent of the manufacturer or importer, or so used as to have become what is commonly known as a secondhand motor vehicle. A motor vehicle which has been used by a dealer for the purpose of demonstration to prospective customers shall be considered a "used vehicle" if such demonstration use has been for more than two hundred miles.

~~(13)~~ (17) "Vehicle" means any motor vehicle as defined in subsection (7) of this section.

42-6-103. Application. The provisions of this part 1 shall apply to motor vehicles as defined in section 42-6-102.

42-6-104. Administration. The director is charged with the duty of administering this part 1. For that purpose ~~he~~ THE DIRECTOR is vested with the power to make such reasonable rules and regulations, prepare, prescribe, and require the use of such forms, and provide such procedures as may be reasonably necessary or essential to the efficient administration of this part 1.

42-6-105. Authorized agents. The county clerk and recorder in each of the counties of the state, except in the city and county of Denver the manager of revenue, is designated to be the authorized agent of the director and, under the direction of the director, is charged with the administration of the terms and provisions of this part 1 and the rules and regulations which may from time to time be adopted for the administration thereof in the county in which such authorized agent holds office.

42-6-106. Certificates of registration - plates. (1) No certificate of the registration of any motor vehicle, required by law, or license plates therefor shall be issued by the director or any of ~~his~~ THE DIRECTOR'S authorized agents except in the following cases:

(a) The applicant therefor has procured and exhibits to the director or ~~his~~ THE DIRECTOR'S authorized agent an official Colorado certificate of title for such vehicle, issued pursuant to the provisions of this part 1, or to a law in force and effect in this state prior to August 1, 1949, in which it appears that the applicant is the owner of the vehicle sought to be registered and licensed.

(b) The applicant submits evidence to the director or ~~his~~ THE DIRECTOR'S authorized agent which satisfies such officer or agent that an official Colorado certificate of title to such motor vehicle has been issued pursuant to the provisions of this part

1 or to a law in force and effect prior to August 1, 1949, from which it appears that the applicant is the owner of the vehicle sought to be registered and licensed.

(c) The applicant applies for an official certificate of title for such motor vehicle in the manner provided in ~~section 42-6-114~~ SECTION 42-6-116.

(d) A member of the armed forces of the United States has purchased a vehicle in a foreign country and registered such vehicle in accordance with applicable directives of the department of defense of the United States government and is unable to supply proof of ownership in the form customarily required by this state and evidence of ownership is supplied by submitting an executed document prescribed by the secretary of defense concerning the vehicle and authenticated by an officer of the armed forces who has authority to administer oaths under 10 U.S.C. SEC. 936.

42-6-107. Certificates of title - contents. (1) (a) All certificates of title to motor vehicles issued under the provisions of this part 1 shall be subscribed by the director or ~~some~~ OTHER AUTHORIZED officer or employee, ~~in the department thereunto authorized in the name, place, and stead of the director,~~ to which shall be affixed the seal of the department. Such certificate shall be mailed to the applicant, except as provided in ~~section 42-6-123~~ SECTION 42-6-124, and information of the facts therein appearing and concerning the issuance thereof shall be retained by the director and appropriately indexed and filed in ~~his~~ THE DIRECTOR'S office. The certificate shall be in such form as the director may prescribe and shall contain, in addition to other information which ~~he~~ THE DIRECTOR may by rule or regulation from time to time require, the make and model of the motor vehicle for which said certificate is issued, the date on which said vehicle therein described was first sold by the manufacturer or dealer to the initial user thereof, where such information is available, together with the motor and serial number thereof, if any, and a description of such other marks or symbols as may be placed upon the vehicle by the manufacturer thereof for identification purposes.

~~(b) Repealed, L. 83, p. 1466, § 9, effective June 15, 1983.~~

~~(c)~~ (b) The department shall by regulation require those vehicle-related entities specified by regulation to verify information concerning any vehicle through the physical inspection of such vehicle. The information required to be verified by such a physical inspection shall include, but shall not be limited to, the vehicle identification number or numbers, the make of vehicle, the vehicle model, the type of vehicle, the year of manufacture of such vehicle, the type of fuel used by such vehicle, the

odometer reading of such vehicle, and such other information as may be required by the department. For the purposes of this ~~paragraph (c)~~ PARAGRAPH (b), "vehicle-related entity" means any county clerk and recorder or designated employee of such county clerk and recorder, any Colorado law enforcement officer, any licensed Colorado dealer, any licensed inspection and readjustment station, or any licensed diesel inspection station.

(2) The certificate shall also have noted thereon, in a place to be provided therefor, a description of every lien and encumbrance to which the motor vehicle is subject, as appears in the application for the certificate of title or as is noted and shown to be unreleased upon any certificate of title issued after August 1, 1949, for such vehicle, including the date of such lien or encumbrance, the original amount secured thereby, the person named as lienee or encumbrancee therein, and the county in which the same appears of record, if it is of public record. The certificates shall be numbered consecutively by counties, beginning with number one. The certificate of title shall be prima facie evidence of all of the matters therein contained and that the person in whose name said certificate is registered is the lawful owner of the vehicle therein described. Except as provided in ~~section 42-6-116~~ SECTION 42-6-118, said certificate shall remain in force and effect from and after the issuance thereof until such time as the vehicle therein described is sold or the title thereto otherwise transferred.

42-6-108. [Formerly 42-6-107.5] Identification number - title - street rod vehicles. (1) When application is made to the state for a certificate of title for a street rod vehicle, the department shall accept the serial number of such street rod vehicle as its vehicle identification number or the special vehicle identification number assigned to such vehicle by the motor vehicle division in the department pursuant to section 42-5-205.

(2) Any applicant who applies for a certificate of title for a street rod vehicle having frame and body identification numbers which do not match the manufacturer's numbering system as being originally mated or that is reconstructed from salvage parts or other motor vehicles or reproduction parts must furnish evidence of ownership, acceptable to the director, of such salvage parts, other motor vehicles, or reproduction components used in the reconstruction of such vehicle. In addition, the applicant must also furnish an affidavit stating the facts concerning the reconstruction and an affidavit of physical inspection which includes a computer check of the state and national compilations of wanted and stolen vehicles. Such vehicle reconstructed from salvage parts, other motor vehicles, or reproduction parts may then be issued a special vehicle identification number from the motor vehicle division in the department. The street rod vehicle will then be titled as a rebuilt vehicle. ~~and having the year~~

~~identified as the model year of which the body of such vehicle resembles.~~ The ~~year which is~~ MODEL YEAR AND THE YEAR OF MANUFACTURE WHICH ARE listed on the certificate of title of a street rod vehicle shall be the model year AND THE YEAR OF MANUFACTURE which the body of such vehicle resembles.

~~(3) The year of manufacture which is listed on the certificate of title of a street rod vehicle shall be the model year which the body of such vehicle resembles.~~

42-6-109. [Formerly 42-6-108] Sale or transfer of vehicle. Except as provided in ~~section 42-6-111~~ SECTION 42-6-113, no person shall sell or otherwise transfer a motor vehicle to a purchaser or transferee ~~thereof~~ without delivering to such purchaser or transferee the certificate of title to such vehicle, duly transferred in the manner prescribed in ~~section 42-6-109~~ SECTION 42-6-110, and no purchaser or transferee shall acquire any right, title, or interest in and to a motor vehicle purchased by ~~him~~ SUCH PURCHASER OR TRANSFEREE unless and until he OR SHE obtains from the transferor the certificate of title thereto, duly transferred to him OR TO HER in accordance with the provisions of this part 1.

42-6-110. [Formerly 42-6-109] Certificate of title - transfer. (1) Upon the sale or transfer of a motor vehicle for which a certificate of title has been issued, the person in whose name said certificate of title is registered, if ~~he~~ SUCH PERSON is other than a dealer, shall, in ~~his own~~ person or by ~~his~~ SUCH PERSON'S AUTHORIZED agent or attorney, ~~thereunto duly authorized,~~ execute a formal transfer of the vehicle described in the certificate, which transfer shall be affirmed by a statement signed by the person in whose name said certificate of title is registered or by ~~his duly~~ SUCH PERSON'S authorized agent or attorney and shall contain or be accompanied by a written declaration that it is made under the penalties of perjury in the second degree, as defined in section 18-8-503, C.R.S. The purchaser or transferee, within forty-five days thereafter, shall present such certificate, duly transferred, together with ~~his~~ AN application for a new certificate of title to the director or one of ~~his~~ THE DIRECTOR'S authorized agents, accompanied by the fee required in ~~section 42-6-135~~ SECTION 42-6-137 to be paid for the issuance of a new certificate of title; whereupon, a new certificate of title shall be issued and disposition thereof made as required in this part 1.

(2) Any person who violates any of the provisions of subsection (1) of this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than ten dollars nor more than five hundred dollars, or by imprisonment in the county jail for not less than ten days nor more than six months, or by both such fine and imprisonment.

42-6-111. [Formerly 42-6-110] Sale to dealers - certificate need not issue. (1) Upon the sale or transfer to a dealer of a motor vehicle for which a Colorado certificate of title has been issued, formal transfer and delivery of the certificate of title thereto shall be made as in other cases; except that, so long as the vehicle so sold or transferred remains in the dealer's possession and at ~~his~~ THE DEALER'S place of business for sale and for no other purpose, such dealer shall not be required to procure the issuance of a new certificate of title thereto as is otherwise required in this part 1.

(2) In the event a motor vehicle dealer wishes to obtain a new certificate of title to a motor vehicle, such dealer may present the old certificate of title to the director with a fee as prescribed in accordance with ~~section 42-6-135 (6)~~ SECTION 42-6-137 (6), whereupon, said director shall issue a new certificate of title to such dealer within one working day of application. This subsection (2) shall not apply to any motor vehicle subject to any lien.

(3) (a) A wholesale motor vehicle auction dealer who does not buy, sell, or own the motor vehicles transferred at auction shall disclose the identity of the wholesale motor vehicle auction dealer, ~~and~~ the date of the auction, and the license number of the auction upon the certificate of title or upon a form and in a manner provided by the executive director. A wholesale motor vehicle auction dealer does not become an owner by reason of such disclosure nor as a result solely of the guarantee of title, guarantee of payment, or reservation of a security interest.

(b) A wholesale motor vehicle auction dealer is not prohibited from buying or selling motor vehicles at wholesale in such dealer's own name and in such instances shall be required to comply with the provisions of this part 1 applicable to dealers, including licensing.

42-6-112. [Formerly 42-6-110.5] Initial registration of a motor vehicle - dealer responsibility to timely forward certificate of title to purchaser or holder of a chattel mortgage. In order to facilitate initial registration of a vehicle, any dealer of motor vehicles shall have not more than thirty days from the date of sale of such vehicle to deliver or facilitate the delivery of the certificate of title to a purchaser or the holder of a chattel mortgage on such motor vehicle, subject to the provisions of ~~section 42-6-108~~ SECTION 42-6-109.

42-6-113. [Formerly 42-6-111] New vehicles - bill of sale - certificate of title. Upon the sale or transfer by a dealer of a new motor vehicle, such dealer shall, upon the delivery thereof, make, execute, and deliver unto the purchaser or transferee a good and sufficient bill of sale therefor, together with the manufacturer's certificate of origin. Said bill of sale shall be

affirmed by a statement signed by such dealer, shall contain or be accompanied by a written declaration that it is made under the penalties of perjury in the second degree, as defined in section 18-8-503, C.R.S., shall be in such form as the director may prescribe, and shall contain, in addition to other information which ~~he~~ THE DIRECTOR may by rule or regulation from time to time require, the make and model of the motor vehicle so sold or transferred, the identification number placed upon the vehicle by the manufacturer for identification purposes, the manufacturer's suggested retail price, and the date of the sale or transfer thereof, together with a description of any mortgage thereon given to secure the purchase price or any part thereof. Upon presentation of such a bill of sale to the director or one of ~~his~~ THE DIRECTOR'S authorized agents, a new certificate of title for the vehicle therein described shall be issued and disposition thereof made as in other cases. The transfer of a motor vehicle which has been used by a dealer for the purpose of demonstration to prospective customers, if such motor vehicle is a new vehicle as defined in section 42-6-102 (8), shall be made in accordance with the provisions of this section.

42-6-114. [Formerly 42-6-112] Transfers by bequest, descent, law. Upon the transfer of ownership of a motor vehicle by a bequest contained in the will or a written statement or a list as defined in section 15-11-513, C.R.S., of the person in whose name the certificate of title is registered, or upon the descent and distribution upon the death intestate of the owner of such vehicle, or upon the transfer by operation of law, as in proceedings in bankruptcy, insolvency, replevin, attachment, execution, or other judicial sale, or whenever such vehicle is sold to satisfy storage or repair charges or repossession is had upon default in the performance of the terms of any mortgage, the director or an authorized agent, upon the surrender of the certificate of title, if the same is available, or upon presentation of such proof of ownership of such vehicle as the director may reasonably require and upon presentation of an application for a certificate of title, as required in ~~section 42-6-114~~ SECTION 42-6-116, a new certificate of title may ~~thereupon~~ issue to the person shown by such evidence to be entitled thereto, and disposition shall be made as in other cases.

42-6-115. [Formerly 42-6-113] Furnishing bond for certificates. (1) In cases where the applicant for a certificate of title to a motor vehicle is unable to provide the director or ~~his~~ THE DIRECTOR'S authorized agent with a certificate of title thereto, duly transferred to such applicant, a bill of sale therefor, or other evidence of the ownership thereof which satisfies the director of the right of the applicant to have a certificate of title issued to ~~him~~ THE APPLICANT, as provided in section 42-6-107, a certificate of title for such vehicle may nevertheless, be issued by the director upon the applicant therefor furnishing the director with ~~his~~ A statement, in such

form as the director may prescribe. There shall appear a recital of the facts and circumstances by which the applicant acquired the ownership and possession of such vehicle, the source of ~~his~~ THE title thereto, and such other information as the director may require to enable ~~him~~ THE DIRECTOR to determine what liens and encumbrances are outstanding against such motor vehicle, if any, the date thereof, the amount secured thereby, where said liens or encumbrances are of public record, if they are of public record, and the right of the applicant to have a certificate of title issued to ~~him~~ THE APPLICANT. The statement shall contain or be accompanied by a written declaration that it is made under the penalties of perjury in the second degree, as defined in section 18-8-503, C.R.S., and shall accompany the formal application for the certificate as required in ~~section 42-6-114~~ SECTION 42-6-116.

(2) If, from the affidavit of the applicant and such other evidence as may be submitted to ~~him,~~ the director, HE OR SHE finds that the applicant is the same person to whom a certificate of title for said vehicle has previously been issued and to whom a license was issued for the year during which the application for such certificate of title is made and that a certificate of title should be issued to the applicant, such certificate may be issued, in which event disposition thereof shall be made as in other cases. No certificate of title shall be issued as provided in this section unless and until the applicant furnishes evidence of a savings account, deposit, or certificate of deposit meeting the requirements of section 11-35-101, C.R.S., or a good and sufficient bond with a corporate surety, to the people of the state, in an amount to be fixed by the director, not less than twice the reasonable value of the vehicle for which the certificate is issued, determined as of the time application for the certificate is made, conditioned that the applicant and ~~his~~ THE APPLICANT'S surety shall hold harmless any person who suffers any loss or damage by reason of the issuance thereof. If any person suffers any loss or damage by reason of the issuance of the certificate of title as provided in this section, such person shall have a right of action against the applicant and the surety on ~~his~~ THE APPLICANT'S bond against either of whom the person damaged may proceed independently of the other.

42-6-116. [Formerly 42-6-114] Applications for certificates of title. In any case under the provisions of this part 1 wherein a person who desires or who is entitled to a certificate of title to a motor vehicle is required to make formal application to the director therefor, such applicant shall make application upon a form provided by the director in which appears a description of the motor vehicle including the make and model thereof, the manufacturer's number, the motor number, the date on which said motor vehicle was first sold by the dealer or manufacturer thereof to the initial user thereof, and a description of any other distinguishing mark, number, or symbol placed on said vehicle by the manufacturer thereof for identification purposes, as may by

rule or regulation be required by the director. Such application shall also show the name and correct address of the owner determined pursuant to ~~section 42-6-137~~ SECTION 42-6-139 and the applicant's source of title and shall include a description of all known mortgages and liens upon said motor vehicle, each including the name of the legal holder thereof, the amount originally secured, the amount outstanding on the obligation secured at the time such application is made, and the name of the county, city or county, and state in which such mortgage or lien instrument is recorded or filed. Such application shall be verified by a statement signed by the applicant and shall contain or be accompanied by a written declaration that it is made under the penalties of perjury in the second degree, as defined in section 18-8-503, C.R.S.

42-6-117. [Formerly 42-6-115] Issuance of certificate. (1) The director shall use reasonable diligence in ascertaining whether the facts stated in any application and the facts contained in other documents submitted to ~~him~~ THE DIRECTOR with said application are true and, in appropriate cases, may require the applicant to furnish other and additional information regarding ~~his~~ ownership of the vehicle and ~~his~~ THE right to have issued to ~~him~~ THE APPLICANT a certificate of title therefor. ~~He~~ THE DIRECTOR may refuse to issue a certificate of title to such vehicle if from ~~his~~ AN investigation ~~he~~ THE DIRECTOR determines that the applicant is not entitled thereto.

(2) No certificate of title may be issued for a vehicle required to have its vehicle identification number inspected pursuant to section 42-5-202 unless a vehicle identification number inspection form has been transmitted to the director showing the number recorded from the vehicle or the number assigned to the vehicle pursuant to section 42-5-205.

42-6-118. [Formerly 42-6-116] Amended certificate to issue, when. If the owner of any motor vehicle for which a Colorado certificate of title has been issued replaces any part of said motor vehicle on which appears the identification number or symbol described in the certificate of title and by which said vehicle is known and identified, by reason whereof such identification number or symbol no longer appears thereon, or incorporates the part containing the identification number or symbol into a motor vehicle other than the motor vehicle for which the original certificate of title was issued, immediately thereafter, such owner shall make application to the director or one of ~~his~~ THE DIRECTOR'S authorized agents for an assigned identification number and an amended certificate of title to such vehicle.

~~**42-6-117. Distinguishing number affixed to vehicle, when. (Repealed)**~~

~~Repealed, effective July 1, 1988.~~

42-6-119. [Formerly 42-6-118] Certificates for vehicles registered in other states. (1) Whenever any resident of the state acquires the ownership of any motor vehicle by purchase, gift, or otherwise, for which a certificate of title has been issued under the laws of a state other than the state of Colorado, the person so acquiring such vehicle upon acquiring the same shall make application to the director or ~~his~~ THE DIRECTOR'S authorized agent for a certificate of title as in other cases.

(2) If any dealer acquires the ownership by any lawful means whatsoever of a motor vehicle, the title to which is registered under the laws of and in a state other than the state of Colorado, such dealer shall not be required to procure a Colorado certificate of title therefor so long as such vehicle remains in the dealer's possession and at ~~his~~ THE DEALER'S place of business for sale and for no other purpose.

(3) Upon the sale by a dealer of any motor vehicle, the certificate of title to which was issued in a state other than Colorado, the dealer shall immediately deliver to the purchaser or transferee such certificate of title from a state other than Colorado duly and properly endorsed or assigned to the purchaser or transferee, together with a statement by the dealer, which shall contain or be accompanied by a written declaration that it is made under the penalties of perjury in the second degree, as defined in section 18-8-503, C.R.S., and which shall set forth the following:

(a) That such dealer has warranted and, by the execution of such affidavit, does warrant to the purchaser or transferee and all persons claiming or who shall claim under, by, or through the purchaser or transferee named that, at the time of the sale, transfer, and delivery thereof by the dealer, the vehicle therein described was free and clear of all liens and mortgages whatsoever, save and except as might therein otherwise appear;

(b) That the vehicle therein described is not a stolen vehicle; and

(c) That such dealer had good, sure, and adequate title thereto and full right and authority to sell and transfer the same.

(4) If the purchaser or transferee of said vehicle completes and includes the vehicle identification number inspection form as part of the application for a Colorado certificate of title to such vehicle and accompanies the application with the affidavit required by subsection (3) of this section and the duly endorsed or assigned certificate of title from a state other than Colorado, a Colorado certificate of title therefor may issue in the same manner as upon the sale or transfer of a motor vehicle for which a Colorado certificate of title has

been issued. Upon the issuance by the director of such certificate of title, ~~he~~ THE DIRECTOR shall dispose of the same as provided in ~~section 42-6-123~~ SECTION 42-6-124.

(5) Each dealer, on or before the fifteenth day of each month, on a form to be provided therefor, shall prepare, subscribe, and send to the auto theft division of the Colorado state patrol a complete description of each motor vehicle held by such dealer during the preceding calendar month, or any part thereof, the certificate of title to which was issued by a state other than the state of Colorado or which vehicle was registered under the laws of a state other than the state of Colorado and for which no application for a Colorado certificate of title has been made as provided in this section.

42-6-120. [Formerly 42-6-119] Security interests upon motor vehicles. (1) Except as provided in this section, the provisions of the "Uniform Commercial Code", title 4, C.R.S., relating to the filing, recording, releasing, renewal, and extension of chattel mortgages, as the term is defined in section 42-6-102 (6), shall not be applicable to motor vehicles. Any mortgage intended by the parties thereto to encumber or create a lien on a motor vehicle, to be effective as a valid lien against the rights of third persons, purchasers for value without notice, mortgagees, or creditors of the owner, shall be filed for public record and the fact thereof noted on the owner's certificate of title or bill of sale substantially in the manner provided in ~~section 42-6-120~~ SECTION 42-6-121; and the filing of such mortgage with the authorized agent and the notation by ~~him~~ THE AGENT of that fact on the certificate of title or bill of sale substantially in the manner provided in ~~section 42-6-120~~ SECTION 42-6-121 shall constitute notice to the world of each and every right of the person secured by such mortgage.

(2) The provisions of this section and ~~section 42-6-120~~ SECTION 42-6-121 shall not apply to any mortgage or security interest upon any vehicle or motor vehicle held for sale or lease which constitutes inventory as defined in section 4-9-109, C.R.S. As to such mortgages or security interests, the provisions of article 9 of title 4, C.R.S., shall apply, and perfection of such mortgages or security interests shall be made pursuant thereto, and the rights of the parties shall be governed and determined thereby.

42-6-121. [Formerly 42-6-120] Filing of mortgage. The holder of any chattel mortgage on a motor vehicle desiring to secure the rights provided for in this part 1 and to have the existence of the mortgage and the fact of the filing thereof for public record noted on the certificate of title to the motor vehicle thereby encumbered shall present the signed original or signed duplicate original of said mortgage or copy thereof certified by the holder of the mortgage or the holder's agent to

be a true copy of the signed original mortgage and the certificate of title to the motor vehicle encumbered to the authorized agent of the director in the county or city and county in which the mortgagor of such motor vehicle resides or where the property is located. Upon the receipt of said original or duplicate mortgage or certified copy thereof and certificate of title, the authorized agent, if ~~he is~~ satisfied that the vehicle described in the mortgage is the same as that described in the certificate of title, shall make and subscribe a certificate to be attached or stamped on the mortgage and on the certificate of title, in which shall appear the day and hour on which said mortgage was received for filing, the name and address of the mortgagee therein named and the name and address of the holder of such mortgage, if such person is other than the mortgagee named, the amount secured thereby, the date thereof, the day and year on which said mortgage was filed for public record, and such other information regarding the filing thereof in the office of the authorized agent as may be required by the director by rule or regulation, to which certificate the authorized agent shall affix ~~his~~ THE AGENT'S signature and the seal of ~~his~~ SUCH AGENT'S office. A mortgage is deemed to be a signed original or a signed duplicate original if the signature appearing thereon was affixed personally by the mortgagor or the mortgagor's attorney-in-fact, in ink, carbon, or by any other means.

42-6-122. [Formerly 42-6-121] Disposition of mortgages by agent. (1) The authorized agent upon receipt of the mortgage shall file the same in ~~his~~ THE AGENT'S office separately and apart from records affecting real property and personal property, other than motor vehicles, which ~~he~~ THE AGENT may by law be required to keep. Such mortgage shall be appropriately indexed and cross-indexed:

(a) Under one or more of the following headings in accordance with such rules and regulations relating thereto as may be adopted by the director:

(I) Make, motor number, manufacturer's number, or serial number of motor vehicles mortgaged;

(II) Names of owners of mortgaged motor vehicles as the same appear on the certificates of title thereto;

(III) The numbers of the certificates of title for motor vehicles mortgaged;

(IV) The numbers or other identification marks assigned to registration certificates issued upon the licensing of mortgaged vehicles;

(b) Under the name of the mortgagee, the holder of such mortgage or the owner of such vehicle; or

(c) Under such other system as the director may devise and determine to be necessary for the efficient administration of this part 1.

(2) All records of mortgages affecting motor vehicles shall be public and may be inspected and copies thereof made, as is provided by law respecting public records affecting real property.

42-6-123. [Formerly 42-6-122] Disposition after mortgaging. Within forty-eight hours after a mortgage on a motor vehicle has been filed in ~~his~~ THE AGENT'S office, the authorized agent shall mail to the director the certificate of title or bill of sale on which ~~he~~ THE AGENT has affixed his OR HER certificate respecting the filing of such mortgage. Upon the receipt thereof, the director shall note, on records to be kept and maintained by ~~him~~ THE DIRECTOR in his OR HER office, the fact of the existence of the mortgage on such motor vehicle and other information respecting the date thereof, the date of filing, the amount secured by the lien thereof, the name and address of the mortgagee and of the holder of the mortgage, if such person is other than the mortgagee, and such other information relating thereto as appears in the certificate of the authorized agent affixed to the certificate of title or bill of sale. The director shall ~~thereupon~~ issue a new certificate of title containing, in addition to the other matters and things required to be set forth in certificates of title, a description of the mortgage and all information respecting said mortgage and the filing thereof as may appear in the certificate of the authorized agent, and ~~he~~ THE DIRECTOR shall thereafter dispose of said new certificate of title containing said notation as provided in ~~section 42-6-123~~ SECTION 42-6-124.

42-6-124. [Formerly 42-6-123] Disposition of certificates of title. (1) All certificates of title issued by the director shall be disposed of by ~~him~~ THE DIRECTOR in the following manner:

(a) If it appears from the records in the director's office and from an examination of the certificate of title that the motor vehicle therein described is not subject to a mortgage filed subsequent to August 1, 1949, or if such vehicle is encumbered by a mortgage filed in any county of a state other than the state of Colorado, the certificate of title shall be delivered to the person who therein appears to be the owner of the vehicle described, or such certificate shall be mailed to the owner thereof at his OR HER address as the same may appear in the application, the certificate of title, or other records in the director's office.

(b) If it appears from the records in the office of the director and from the certificate of title that the motor vehicle therein described is subject to one or more mortgages filed subsequent to August 1, 1949, the director shall deliver the

certificate of title issued by ~~him~~ THE DIRECTOR to the mortgagee named therein or the holder thereof whose mortgage was first filed in the office of an authorized agent or shall mail the same to such mortgagee or holder at his OR HER address as the same appears in the certificate of title to said vehicle.

42-6-125. [Formerly 42-6-124] Release of mortgages. (1) Upon the payment or discharge of the undertaking secured by any mortgage on a motor vehicle which has been filed for record and noted on the certificate of title in the manner prescribed in ~~section 42-6-120~~ SECTION 42-6-121, the legal holder thereof, in a place to be provided therefor, shall make and execute such notation of the discharge of the obligation and release of the mortgage securing the same and set forth therein such facts concerning the right of the holder to so release said mortgage as the director by appropriate rule or regulation from time to time may require, which satisfaction and release shall be affirmed by a statement signed by the legal holder of the certificate of title and which shall contain or be accompanied by a written declaration that it is made under the penalties of perjury in the second degree, as defined in section 18-8-503, C.R.S. Thereupon, the holder of the mortgage so released shall dispose of the certificate of title as follows:

(a) If it appears ~~therefrom~~ that the motor vehicle therein described is encumbered by a mortgage filed in the manner prescribed in ~~section 42-6-120~~ SECTION 42-6-121 subsequent to August 1, 1949, and subsequent to the date on which the mortgage so released was filed for record, the holder of such certificate of title shall deliver the same to the person so shown to be the holder of the mortgage noted thereon, filed earliest in point of time after the filing of the mortgage released, or to the person or agent of the person shown to be the assignee or other legal holder of the undertaking secured thereby or shall mail the same to such mortgagee or holder thereof at his OR HER address as the same thereon appears. If such certificate is returned unclaimed, it shall ~~thereupon~~ be sent by mail to the director.

(b) If it appears from an examination of the certificate of title that there are no other outstanding mortgages against the motor vehicle therein described, filed for record subsequent to August 1, 1949, upon the release of such mortgage as provided in this section, the holder thereof shall deliver the certificate of title to the owner of the vehicle therein described or shall mail the same to ~~him~~ THE OWNER at his OR HER address as the same may therein appear, and, if for any reason said certificate of title is not delivered to the owner of the vehicle therein described or is returned unclaimed upon the mailing thereof, it shall ~~forthwith~~ IMMEDIATELY be mailed to the director.

42-6-126. [Formerly 42-6-125] New certificate upon release of mortgage. Upon the release of any mortgage on a motor vehicle

filed for record in the manner prescribed in ~~section 42-6-120~~ SECTION 42-6-121, the owner of the vehicle encumbered by such mortgage, the purchaser from or transferee of the owner thereof as appears on the certificate of title, or the holder of any mortgage the lien of which was junior to the lien of the mortgage released, whichever the case may be, upon the receipt of the certificate of title, as provided in ~~section 42-6-124~~ SECTION 42-6-125, shall deliver the same ~~unto~~ TO the authorized agent who shall transmit the same to the director as in other cases. Upon the receipt by the director of the certificate of title bearing thereon the release and satisfaction of mortgage referred to in ~~section 42-6-124, he~~ SECTION 42-6-125, THE DIRECTOR shall make such notation on the records in ~~his~~ THE DIRECTOR'S office as shall show the release of the lien of such mortgage, shall issue a new certificate of title to the motor vehicle therein described, omitting therefrom all reference to the mortgage so released, and shall dispose of the new certificate of title in the manner prescribed in other cases.

42-6-127. [Formerly 42-6-126] Duration of lien of mortgage - extensions. (1) The lien of any mortgage filed for record and noted on the certificate of title to a motor vehicle in the manner prescribed in ~~section 42-6-120~~ SECTION 42-6-121 shall remain valid and enforceable and a lien on the vehicle covered thereby for a period of five years from and after the filing thereof in the office of the authorized agent or until the discharge of the undertaking secured thereby, if that occurs sooner, and not thereafter, except in the case of trailer coaches which are subject to the provisions of subsection (3) of this section. During the five-year period or any extension thereof, the lien of the mortgage may be extended for successive three-year periods upon the holder thereof presenting the certificate of title, on which the existence of the mortgage has been noted, to the authorized agent of the county wherein said mortgage is filed, together with a written request for an extension of the mortgage subscribed by the holder thereof and acknowledged by ~~him~~ THE HOLDER before an officer authorized to acknowledge deeds to real property, in which shall appear a description of the undertaking secured, to what extent it has been discharged or remains unperformed, and such other ~~and further~~ information respecting the same as may be required by appropriate rule or regulation of the director to enable ~~him~~ THE DIRECTOR to properly record such extension upon his OR HER records.

(2) Upon receipt thereof, the authorized agent shall note on the face of the mortgage on file in ~~his~~ THE AGENT'S office the fact of the extension thereof, which notation ~~he~~ THE AGENT shall subscribe and thereto affix the seal of ~~his~~ THE AGENT'S office, and shall make and complete such record of such extension as the director by rule or regulation may require, and shall thereafter forward said certificate of title, together with the written request for extension of mortgage received by ~~him~~ THE AGENT, to

the director. Upon receipt thereof, the director shall note the fact of the extension of the mortgage on ~~his~~ THE DIRECTOR'S records and on the certificate of title to which ~~he~~ THE DIRECTOR shall affix his OR HER hand and the seal of ~~his~~ THE DIRECTOR'S office. Thereafter the certificate of title shall be returned to the person shown thereon to be entitled thereto, the same as in other cases. If any mortgage other than one on a trailer coach, which has been filed for record and noted on the certificate of title has not been released or extended within five years after the date on which such mortgage was filed in the office of the authorized agent, the person shown by the records in the director's office to be the owner of the motor vehicle described in said certificate of title, upon making an appropriate application therefor, may have a duplicate certificate of title issued to ~~him~~ SUCH PERSON, the same and with like effect as in the case of the issuance of a duplicate certificate of title upon the loss or destruction of the original. Upon the issuance of such duplicate certificate of title, the director shall omit therefrom all reference to mortgages shown by ~~his~~ THE DIRECTOR'S records to have been of record in the office of the authorized agent for more than five years, which mortgages have been neither released nor extended as provided in this section.

(3) The duration of the lien of any mortgage on a trailer coach, as defined in ~~section 42-1-102 (82)~~ SECTION 42-1-102 (106) (a), shall be for the full term of the mortgage, but the lien of the mortgage may be extended beyond the original term thereof for successive three-year periods by following the procedure prescribed in subsection (1) of this section during the term of the mortgage or any extension thereof.

42-6-128. [Formerly 42-6-127] Validity of mortgage between parties. Nothing in this part 1 shall be construed to impair the validity of a mortgage on a motor vehicle between the parties thereto as long as no purchaser for value, mortgagee, or creditor without actual notice of the existence thereof has acquired an interest in the motor vehicle described therein, notwithstanding that the parties to said mortgage have failed to comply with the provisions of this part 1.

42-6-129. [Formerly 42-6-127.5] Second or other junior mortgages. (1) On and after July 1, 1977, any person who takes a second or other junior mortgage on a motor vehicle for which a Colorado certificate of title has been issued may file said mortgage for public record and have the existence thereof noted on the certificate of title with like effect as in other cases, in the manner prescribed in this section.

(2) Such second or junior mortgagee or the holder thereof shall file said mortgage with the authorized agent of the county wherein the mortgagor of said motor vehicle resides or where the motor vehicle is located and shall accompany said mortgage with

a written request to have the existence thereof noted on the certificate of title to the motor vehicle covered thereby, subscribed by such mortgagee or holder, in which shall appear the names and addresses of the holders of all outstanding mortgages against the vehicle described in said second or junior mortgage and the name and address of the person in possession of the certificate of title thereto. Upon the filing of such mortgage, the authorized agent shall note thereon the day and hour on which such mortgage was received by ~~him~~ THE AGENT and shall make and deliver a receipt therefor to the person filing the same.

(3) The authorized agent, by registered mail, return receipt requested, shall make a written demand on the holder of the certificate of title, addressed to such person at ~~his~~ THE PERSON'S address as the same may appear in said written request, that such certificate be delivered to the authorized agent for the purpose of having noted thereon such second or junior mortgage. Within fifteen days after the receipt of such demand, the person holding such certificate shall either mail or deliver the same to such authorized agent or, if ~~he~~ THE PERSON no longer has possession thereof, shall so notify the agent and, if ~~he~~ THE PERSON knows, shall likewise inform ~~him~~ THE AGENT where and from whom such certificate may be procured. Upon the receipt of such certificate, the authorized agent shall complete ~~his~~ AN application for a new title and record the number thereof on the mortgage, as in the case of a first mortgage, and shall thereafter transmit the current certificate of title and application for a new certificate of title to the director. Upon the receipt thereof, the director, as in the case of a first mortgage, shall ~~thereupon~~ issue a new certificate of title on which the existence of all mortgages on the motor vehicle, including such second or junior mortgage, have been noted, which certificate ~~he~~ THE DIRECTOR shall dispose of as in other cases.

(4) If any person lawfully in possession of a certificate of title to any motor vehicle upon whom demand is made for the delivery thereof to the authorized agent omits, for any reason whatsoever, to deliver or mail the same to the authorized agent, such person shall be liable to the holder of such second or junior mortgage for all damage sustained by reason of such omission.

42-6-130. [Formerly 42-6-128] Priority of mortgages. The liens of mortgages filed for record and noted on a certificate of title to a motor vehicle, as provided in ~~section 42-6-120~~ SECTION 42-6-121, shall take priority in the same order that the mortgages creating such liens were filed in the office of the authorized agent.

42-6-131. [Formerly 42-6-129] Mechanics', warehouse, and other liens. Nothing in this part 1 shall be construed to impair the rights of lien claimants arising under any mechanics' lien law in force and effect in this state or the lien of any warehouseman

or any other person claimed for repairs on or storage of any motor vehicle, when a mechanic's lien or storage lien has originated prior to the time any mortgage on said motor vehicle has been filed for record, as provided in ~~section 42-6-119~~ SECTION 42-6-120, and such motor vehicle has remained continuously in the possession of the person claiming such mechanic's lien or lien for storage, notwithstanding that no notation of such lien is made upon the certificate of title to the vehicle in respect of which it is claimed.

42-6-132. [Formerly 42-6-130] Existing mortgages not affected. Nothing in this part 1 shall be construed to impair the rights of the holder of any lien on a motor vehicle created by mortgage or otherwise prior to August 1, 1949, which remains unreleased and the undertaking which the lien thereof secures remains undischarged. Nothing in this part 1 shall be construed to relieve the holders of such liens of the duty to file such instruments respecting the undertakings secured thereby as may be required by law to preserve the liens of such mortgages unimpaired.

42-6-133. [Formerly 42-6-131] Foreign mortgages. No mortgage on a motor vehicle filed for record in any state other than the state of Colorado shall be valid and enforceable against the rights of subsequent purchasers for value, creditors, or mortgagees having no actual notice of the existence thereof. If the certificate of title for such vehicle, whether issued under the laws of this state or any other state, bears thereon any notation adequate to apprise a purchaser, creditor, or mortgagee of the existence of such mortgage at the time any third party acquires a right in the motor vehicle covered thereby, such mortgage and the rights of the holder thereof shall be enforceable in this state the same and with like effect as though such mortgage were filed in the state of Colorado and noted on the certificate of title in the manner prescribed in ~~section 42-6-120~~ SECTION 42-6-121.

42-6-134. [Formerly 42-6-132] Where application for certificates of title made. ~~(1)~~ Except as otherwise provided in this part 1, all applications for certificates of title upon the sale or transfer of any motor vehicle described therein shall be directed to the director and filed with the authorized agent of the county or city and county in which such vehicle, upon the issuance of the title therefor, will be registered and licensed for operation upon the highways of this state.

~~(2) and (3) Repealed, L. 83, p. 1466, § 9, effective June 15, 1983.~~

42-6-135. [Formerly 42-6-133] Lost certificates of title. (1) Upon the loss in the mails of any certificate of title to a

motor vehicle and accompanying papers which may be sent by an authorized agent to the director and upon an appropriate application of the owner or other person entitled to such certificate of title directed to the authorized agent therefor, such certificate of title may be reissued bearing such notations respecting existing mortgages on the vehicle therein described as the records of the authorized agent and of the director may indicate are unreleased and constitute an encumbrance upon the vehicle, which certificate of title shall be issued without charge.

(2) If the holder of any certificate of title loses, misplaces, or accidentally destroys any certificate of title to a motor vehicle which ~~he~~ SUCH PERSON holds whether as the holder of a mortgage or as the owner of the vehicle therein described, upon application therefor to the director, the director may issue a duplicate certificate of title as in other cases.

(3) Upon the issuance of any duplicate certificate of title as provided in this section, the director shall note thereon every mortgage shown to be unreleased and the lien of which is in force and effect as may be disclosed by the records in ~~his~~ THE DIRECTOR'S office and shall dispose of such certificate as in other cases.

42-6-136. [Formerly 42-6-134] Surrender and cancellation of certificate - penalty for violation. (1) The owner of any motor vehicle for which a Colorado certificate of title has been issued, upon the destruction or dismantling of said motor vehicle, upon its being changed in such manner that it is no longer a motor vehicle, or upon its being sold or otherwise disposed of as salvage, shall surrender the certificate of title thereto to the director to be cancelled; and, upon said owner's procuring the consent thereto of the holders of any mortgages noted on the certificate of title and shown to be unreleased in the office of the director, such certificate shall thereupon be cancelled. Any person who violates any of the provisions of this section commits a class 1 petty offense and, upon conviction thereof, shall be punished as provided in section 18-1-107, C.R.S.

(2) Upon the sale or transfer of any motor vehicle for which a current Colorado certificate of title has been issued, which motor vehicle has become a salvage vehicle as defined in ~~section 42-6-102 (10.6)~~ SECTION 42-6-102 (13), the purchaser or transferee shall make application for a salvage certificate of title. The owner of any such motor vehicle may make application for a salvage certificate of title before the sale or transfer of such vehicle. Any owner making application for a salvage certificate of title shall provide the director evidence of ownership which satisfies the director of the right of the applicant to have a salvage certificate of title issued to the owner.

(3) Any owner of a salvage vehicle which has been made roadworthy who makes application for a certificate of title as provided in ~~section 42-6-114~~ SECTION 42-6-116 shall include such information regarding the salvage vehicle as the director may require by rule and regulation. The owner shall provide to the director evidence of ownership which satisfies the director that the applicant is entitled to issuance of a certificate of title. The director shall place the letter "S" in a conspicuous place on the face of any certificate of title issued for a vehicle that is a salvage vehicle that has been made roadworthy. Such letter "S" designation shall become a permanent part of the certificate of title for such vehicle and shall appear on all subsequent certificates of title for such vehicle.

42-6-137. [Formerly 42-6-135] Fees. (1) Upon filing with the authorized agent any application for a certificate of title, the applicant shall pay to the agent a fee of five dollars and fifty cents, which charge shall be in addition to the fees provided by law for the registration of such motor vehicle.

(2) Upon the receipt by the authorized agent of any mortgage for filing under the provisions of ~~section 42-6-120, he~~ SECTION 42-6-121, THE AGENT shall be paid such fees as are prescribed by law for the filing of like instruments in the office of the county clerk and recorder in the county or city and county wherein such mortgage is filed and shall receive, in addition thereto, a fee of five dollars and fifty cents for the issuance of the certificate of title and the notation thereon of the existence of said mortgage.

(3) Upon application to the authorized agent to have noted on a certificate of title the extension of any mortgage therein described and noted thereon, such authorized agent shall receive a fee of one dollar and fifty cents.

(4) Upon the release and satisfaction of any mortgage and upon application to the authorized agent for the notation thereof on the certificate of title in the manner prescribed in ~~section 42-6-124~~ SECTION 42-6-125, such authorized agent shall be paid a fee of one dollar and fifty cents.

(5) For the issuance of any duplicate certificate of title, except as may be otherwise provided in this part 1, the agent shall be paid a fee of three dollars and fifty cents, and, in all cases wherein the department assigns a new identifying number to any motor vehicle, the fee charged for such assignment shall be three dollars and fifty cents.

(6) Upon filing with the director any application for a certificate of title, a motor vehicle dealer who applies to receive a certificate of title within one working day of application shall pay to said director a fee of twenty-five

dollars.

42-6-138. [Formerly 42-6-136] Disposition of fees. (1) All fees received by the authorized agent under the provisions of ~~section 42-6-135 (1) or (2)~~ SECTION 42-6-137 (1) OR (2), upon application being made for a certificate of title, shall be disposed of as follows: Three dollars thereof shall be retained by the authorized agent and disposition thereof made as provided by law; two dollars and fifty cents shall be credited to the special purpose account established by ~~section 42-1-210.1~~ SECTION 42-1-211.

(2) All fees collected by the authorized agent under the provisions of ~~section 42-6-135 (5)~~ SECTION 42-6-137 (5) shall be disposed of as follows: One dollar and fifty cents shall be retained by the authorized agent and disposition made as provided by law; two dollars shall be credited to the special purpose account established by ~~section 42-1-210.1~~ SECTION 42-1-211. All fees collected by the department under the provisions of ~~section 42-6-135 (5)~~ SECTION 42-6-137 (5) shall be credited to such special purpose account.

(3) All fees paid to the authorized agent under ~~section 42-6-135 (3) or (4)~~ SECTION 42-6-137 (3) OR (4) for the extension or release of any mortgage on a motor vehicle filed in ~~his~~ THE AGENT'S office shall be kept and retained by said agent to defray the cost thereof and shall be disposed of by ~~him~~ THE AGENT as provided by law; except that fees for this service which may be paid to the authorized agent in the city and county of Denver shall, by such agent, be disposed of in the same manner as fees retained by ~~him~~ THE AGENT which were paid upon application being made for a certificate of title.

(4) The fee paid by a motor vehicle dealer to the director pursuant to ~~section 42-6-135 (6)~~ SECTION 42-6-137 (6) for a certificate of title issued within one working day of application shall be credited to the special purpose account established by ~~section 42-1-210.1 (2)~~ SECTION 42-1-211 (2) and shall be appropriated in accordance therewith.

42-6-139. [Formerly 42-6-137] Registration - where made. (1) For purposes of this section, a person's residence shall be ~~his~~ THE PERSON'S principal or primary home or place of abode, to be determined in the same manner as residency for voter registration purposes as provided in sections 1-2-102 and 31-10-201, C.R.S.; except that "voter registration" shall be substituted for "motor vehicle registration" as a circumstance to be taken into account in determining such principal or primary home or place of abode.

(2) Except as may be otherwise provided by rule or regulation of the director, it is unlawful for any person who is

a resident of the state to register any motor vehicle owned by ~~him~~ THAT PERSON or to obtain a license therefor or to procure a certificate of title thereto at any address other than:

(a) For a motor vehicle which is owned by a business and operated primarily for business purposes, the address from which such vehicle is principally operated and maintained; or

(b) For any motor vehicle for which the provisions of paragraph (a) of this subsection (2) do not apply, the address of the owner's residence; except that, if a motor vehicle is permanently operated and maintained at an address other than the address of the owner's residence, such motor vehicle shall be registered at the address from which such motor vehicle is permanently operated and maintained.

(3) Any person who knowingly violates any of the provisions of subsection (2) of this section or any rule or regulation of the director relating thereto made pursuant to the authority conferred upon ~~him~~ THE DIRECTOR in this part 1 is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of five hundred dollars, or by imprisonment in the county jail for not less than ten days nor more than six months, or by both such fine and imprisonment.

(4) In addition to any other applicable penalty, a person who registers a motor vehicle in violation of the provisions of subsection (2) of this section shall be subject to a civil penalty of five hundred dollars. Such violation shall be determined by, and such penalty shall be assessed by and paid to, the municipality or county in which such motor vehicle should have been registered, subject to judicial review pursuant to rule 106 (a) (4) of the Colorado rules of civil procedure.

42-6-140. [Formerly 42-6-138] Registration upon becoming resident. If any person who is a resident of a state other than Colorado is the owner of a motor vehicle for which a certificate of title has been issued by a state other than Colorado or if such vehicle is registered under the laws of and licensed for operation in a state other than Colorado, such person upon changing his OR HER place of residence to Colorado, within thirty days thereafter, shall make application for a Colorado certificate of title to such vehicle in the manner prescribed in this article and shall register the same and procure a Colorado license therefor as is provided by law.

42-6-141. [Formerly 42-6-139] Director's records to be public. All records in the director's office pertaining to the title to any motor vehicle shall be public records and shall be subject to the provisions of section 42-1-206. This shall include any records regarding ownership of and mortgages on any vehicle for which a Colorado certificate of title has been issued.

42-6-142. [Formerly 42-6-140] Penalties. (1) No person may ~~(a)~~ sell, transfer, or in any manner dispose of a motor vehicle in this state without complying with the requirements of this part 1.

~~(b) (Deleted by amendment, L. 89, p. 1575, § 16, effective January 1, 1990.)~~

(2) Any person who violates any of the provisions of subsection (1) of this section for which no other penalty is expressly provided is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail for not less than ten days nor more than six months, or by both such fine and imprisonment.

42-6-143. [Formerly 42-6-141] Altering or using altered certificate. Any person who alters or forges or causes to be altered or forged any certificate of title issued by the director pursuant to the provisions of this part 1, or any written transfer thereof, or any other notation placed thereon by the director or under ~~his~~ THE DIRECTOR'S authority respecting the mortgaging of the motor vehicle therein described or who uses or attempts to use any such certificate for the transfer thereof, knowing the same to have been altered or forged, commits a class 6 felony and shall be punished as provided in section 18-1-105, C.R.S.

42-6-144. [Formerly 42-6-141.5] False oath. Any person who makes any application for a certificate of title, written transfer thereof, satisfaction and release, oath, affirmation, affidavit, statement, report, or deposition required to be made or taken under any of the provisions of this article, and who, upon such application, transfer, satisfaction and release, oath, affirmation, affidavit, statement, report, or deposition, swears or affirms willfully and falsely in a matter material to any issue, point, or subject matter in question, in addition to any other penalties provided in this article, is guilty of perjury in the second degree, as defined in section 18-8-503, C.R.S.

42-6-145. [Formerly 42-6-142] Use of vehicle identification numbers in applications. (1) Any person required to make an application for a certificate of title or registration of any motor vehicle shall use the identification number placed upon the motor vehicle by the manufacturer thereof or the special vehicle identification number assigned to the motor vehicle by the motor vehicle division in the department pursuant to section 42-5-205. The certificate of title and registration card issued by the department shall use the identification number of the motor vehicle.

(2) On and after February 25, 1954, the identification

number provided for in this section shall be accepted in lieu of any motor number or serial number provided for in this title prior to said date.

42-6-146. [Formerly 42-6-143] Repossession of motor vehicle - owner must notify law enforcement agency - penalty. (1) If any mortgagee or ~~his~~ THE MORTGAGEE'S assignee or the agent of either repossesses a motor vehicle because of default in the terms of a mortgage, the repossessor shall notify, either verbally or in writing, a law enforcement agency, as provided in this section, of the fact of such repossession, the name of the owner, the name of the repossessor, and the name of the mortgagee or assignee. Such notification shall be made at least one hour before or no later than one hour after the repossession occurs. If such repossession takes place in an incorporated city or town, the notification shall be made to the police department, town marshal, or other local law enforcement agency of such city or town, and, if such repossession takes place in the unincorporated area of a county, the notification shall be made to the county sheriff.

(2) A repossessor who violates subsection (1) of this section is guilty of a class 2 misdemeanor and, upon conviction thereof, shall be punished as provided in section 18-1-106, C.R.S.

(3) If any such motor vehicle being repossessed is subject to the "Uniform Commercial Code - Secured Transactions", article 9 of title 4, C.R.S., such repossession shall be governed by the provisions of section 4-9-503.5, C.R.S.

(4) As used in this section, the term "repossessor" means the party who physically takes possession of the motor vehicle and drives, tows, or transports the motor vehicle for delivery to the mortgagee or assignee or the agent of either.

PART 2
USED MOTOR VEHICLE SALES

42-6-201. Definitions. As used in this part 2, unless the context otherwise requires:

(1) "Owner" means the person who holds the legal title of a motor vehicle, but, in the event a motor vehicle is the subject of an agreement for the conditional sale or lease thereof, with the right to purchase upon the performance of the conditions stated in the agreement and with an immediate right to possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee, lessee, or mortgagor shall be deemed the owner.

(2) "Person" means an individual, firm, association, corporation, or partnership.

(3) "Private sale" means a sale or transfer of a used motor vehicle between two persons neither of whom is a used motor vehicle dealer.

(4) "Retail used motor vehicle sale" means a sale or transfer of a used motor vehicle from a used motor vehicle dealer to a person other than a used motor vehicle dealer.

(5) "Sale" means that the buyer of the used motor vehicle has paid the purchase price or, in lieu thereof, has signed a purchase contract or security agreement and has taken physical possession or delivery of the used motor vehicle.

(6) "Sale between used motor vehicle dealers" means a sale or transfer of a used motor vehicle from one used motor vehicle dealer to another.

(7) "Sale from an owner other than a used motor vehicle dealer to a used motor vehicle dealer" means any sale, trade-in, or other transfer of a used motor vehicle from a person other than a used motor vehicle dealer to a used motor vehicle dealer.

(8) "Used motor vehicle" means every self-propelled motor vehicle having a gross weight of less than sixteen thousand pounds which has been sold, bargained for, exchanged, given away, leased, loaned, or driven as a "company executive car" or the title to which has been transferred from the person who first acquired it from the manufacturer or importer and it is so used as to have become what is commonly known as "secondhand" within the ordinary meaning thereof. A previously untitled motor vehicle which has been driven by the dealer for more than two hundred miles, excluding mileage incurred in the transit of the motor vehicle from the manufacturer to the dealer or from another dealer to the dealer, shall be considered a "used motor vehicle". This shall not apply to any automobile manufactured before January 1, 1942.

(9) "Used motor vehicle dealer" means any licensed motor vehicle dealer, used motor vehicle dealer, or wholesaler as defined by the introductory portions to section 12-6-102 (13) and (17) and section 12-6-102 (18), C.R.S.

~~**42-6-202. Affidavit required. (Repealed)**~~

~~Repealed, effective April 16, 1990.~~

~~**42-6-203. Affidavit - used motor vehicle dealers. (Repealed)**~~

~~Repealed, effective April 16, 1990.~~

~~**42-6-204. Affidavit - leased cars. (Repealed)**~~

~~Repealed, effective April 16, 1990.~~

~~**42-6-205. Affidavit - retail used motor vehicle sale. (Repealed)**~~

~~Repealed, effective April 16, 1990.~~

42-6-202. [Formerly 42-6-206] Prohibited acts. (1) It is unlawful for any person to advertise for sale, to sell, to use, or to install or to have installed any device which causes an odometer to register any mileage other than the true mileage driven. For purposes of this section, the true mileage driven is that mileage driven by the vehicle as registered by the odometer within the manufacturer's designed tolerance.

(2) It is unlawful for any person or ~~his~~ THE PERSON'S agent to disconnect, reset, or alter the odometer of any motor vehicle with the intent to change the number of miles indicated thereon.

(3) It is unlawful for any person, with the intent to defraud, to operate a motor vehicle on any street or highway knowing that the odometer of such vehicle is disconnected or nonfunctional.

(4) Nothing in this part 2 shall prevent the service, repair, or replacement of an odometer, if the mileage indicated thereon remains the same as before the service, repair, or replacement. When the odometer is incapable of registering the same mileage as before such service, repair, or replacement, the odometer shall be adjusted to read zero, and a notice in writing shall be attached to the left door frame of the vehicle by the owner or ~~his~~ THE OWNER'S agent specifying the mileage prior to repair or replacement of the odometer and the date on which it was repaired or replaced. Any removal or alteration of such notice so affixed is unlawful.

(5) It is unlawful for any transferor to fail to comply with 15 U.S.C. SEC. 1988 and any rule prescribed with respect thereto regarding odometer disclosure requirements or to knowingly give a false statement to a transferee in making any disclosure required by such public law.

42-6-203. [Formerly 42-6-207] Penalty. A violation of any of the provisions of ~~section 42-6-206~~ SECTION 42-6-202 is a class 1 misdemeanor.

42-6-204. [Formerly 42-6-208] Private civil action. (1) Any person who, with intent to defraud, violates any requirement imposed under this part 2 shall be liable in an amount equal to the sum of:

(a) Three times the amount of actual damages sustained or

three thousand dollars, whichever is greater; and

(b) In the case of any successful action to enforce said liability, the costs of the action together with reasonable attorney fees as determined by the court.

(2) An action to enforce any liability created under subsection (1) of this section must be brought within the time period prescribed in section 13-80-102, C.R.S.

(3) There shall be no liability under this section if a judgment has been entered in federal court pursuant to section 409 of the "Motor Vehicle Information and Cost Savings Act", Public Law 92-513.

42-6-205. [Formerly 42-6-209] Consumer protection. All provisions of section 6-1-105 (1) (ff), C.R.S., concerning deceptive trade practices in the sale of motor vehicles shall apply to the sale of used motor vehicles.

42-6-206. [Formerly 42-6-210] Disclosure requirements upon transfer of ownership of a salvage vehicle. (1) Prior to sale of a vehicle rebuilt from salvage to a prospective purchaser for the purpose of selling or transferring ownership of such vehicle, the owner shall prepare a disclosure affidavit stating that the vehicle was rebuilt from salvage. The disclosure affidavit shall also contain a statement of the owner stating the nature of the damage which resulted in the determination that the vehicle is a salvage vehicle. The words "rebuilt from salvage" shall appear in bold print at the top of each such affidavit.

(2) Any person who sells a vehicle rebuilt from salvage for the purpose of transferring ownership of such vehicle shall:

(a) Provide a copy of a disclosure affidavit prepared in accordance with the provisions of subsection (1) of this section to each prospective purchaser; and

(b) Obtain a signed statement from each such purchaser clearly stating that the purchaser has received a copy of the disclosure affidavit and has read and understands the provisions contained therein.

(3) (a) Any person who purchases a vehicle rebuilt from salvage who was not provided with a copy of a disclosure affidavit prepared in accordance with the provisions of subsection (1) of this section and who, subsequent to sale, discovers that the vehicle purchased was rebuilt from salvage shall be entitled to a full and immediate refund of the purchase price from the prior owner.

(b) In the event a person is entitled to a refund under

this subsection (3), the prior owner shall be required to make an immediate refund of the full purchase price to the purchaser. A signed statement from the purchaser prepared in accordance with the provisions of paragraph (b) of subsection (2) of this section shall relieve the prior owner of the obligation to make such refund.

(4) Any owner, seller, or ~~transferror~~ TRANSFEROR of a vehicle rebuilt from salvage who fails to comply with the provisions of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine for a first offense not to exceed ~~fifteen~~ ONE THOUSAND FIVE hundred dollars and a fine of five thousand dollars for each subsequent offense.

(5) The executive director of the department of revenue shall prescribe rules and regulations for the purpose of implementing the provisions of this section.

(6) As used in this section, unless the context otherwise requires:

(a) "Sale" means any sale or transfer of a vehicle rebuilt from salvage.

(b) "Salvage vehicle" shall have the same meaning as set forth in ~~section 42-6-102 (10.6)~~ SECTION 42-6-102 (13).

ARTICLE 7
Motor Vehicle Financial Responsibility Law

PART 1
GENERAL PROVISIONS

42-7-101. Short title. This article shall be known and may be cited as the "Motor Vehicle Financial Responsibility Act".

42-7-102. Legislative declaration. The general assembly is acutely aware of the toll in human suffering and loss of life, limb, and property caused by negligence in the operation of motor vehicles in our state. Although it recognizes that this basic problem can be and is being dealt with by direct measures designed to protect our people from the ravages of irresponsible drivers, the general assembly is also very much concerned with the financial loss visited upon innocent traffic accident victims by negligent motorists who are financially irresponsible. In prescribing the sanctions and requirements of this article, it is the policy of this state to induce and encourage all motorists to provide for their financial responsibility for the protection of others, and to assure the widespread availability to the insuring public of insurance protection against financial loss caused by negligent financially irresponsible motorists.

42-7-103. Definitions. As used in this article, unless the context otherwise requires:

(1) "Accident" means a motor vehicle accident occurring on public or private property within this state.

(2) "Automobile liability policy" or "bond" means a liability policy or bond subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than twenty-five thousand dollars because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, to a limit of not less than fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and, if the accident has resulted in injury to or destruction of property, to a limit of not less than fifteen thousand dollars because of injury to or destruction of property of others in any one accident.

(3) "Conviction" means conviction in any court of record or municipal court, and such conviction shall include a plea of guilty, a plea of nolo contendere accepted by the court, the forfeiture of any bail or collateral deposited to secure a defendant's appearance in court which forfeiture has not been vacated, and the acceptance and payment of a penalty assessment under the provisions of ~~section 42-4-1501~~ SECTION 42-4-1701 or under the similar provisions of any town or city ordinance.

(4) "Department" means the department of revenue acting directly or through its duly authorized officers and agents.

(5) "Director" means the executive director of the department of revenue.

(6) "Driver" means every person who is in actual physical control of a motor vehicle upon a highway.

(7) "License" means any license, temporary instruction permit, or temporary license issued under laws of this state pertaining to the licensing of persons to operate motor vehicles, or, with respect to any person not licensed, the term means any operating privilege or privileges to apply for such license.

(8) "Motor vehicle" means every vehicle which is self-propelled, including trailers and semitrailers designed for use with such vehicles and every vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails.

(9) "Motor vehicle liability policy", "operators' policy of liability insurance", or "financial responsibility bond" means a policy or bond certified as proof of financial responsibility for the future.

(10) "Nonresident" means every person who is not a resident of this state.

(11) "Nonresident's operating privilege" means the privilege conferred upon a nonresident by the laws of this state pertaining to the operation by ~~him~~ THE NONRESIDENT of a motor vehicle.

(12) "Owner" means a person who holds the legal title of the vehicle; or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this article.

(13) "Person" means every natural person, firm, partnership, association, or corporation.

(14) "Proof of financial responsibility for the future", also referred to in this article as proof of financial responsibility, means proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of said proof, arising out of the ownership, maintenance, or use of a motor vehicle, in the amount of twenty-five thousand dollars because of bodily injury to or death of one person in any one accident, and, subject to said limit for one person, in the amount of fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and in the amount of fifteen thousand dollars because of injury to or destruction of property of others in any one accident.

(15) "State" means any state of the United States, the District of Columbia, or any province of Canada.

PART 2
ADMINISTRATION

42-7-201. Director to administer article. (1) The director shall administer and enforce the provisions of this article and may make rules and regulations in writing necessary for the administration of this article.

(2) (a) The director shall provide for a hearing upon request of any person affected by an order or act of the director under the provisions of this article. Such hearing need not be a matter of record.

(b) A request for a hearing, made within the twenty-day

period prescribed in section 42-7-301 (3) and (4), shall operate during the pendency of such hearing to postpone the effective date of any order or act of the director pursuant to this article.

(c) If the person, for the protection of the public interest and safety, files or has filed with the director proof of financial responsibility for the future, or has made a deposit as provided in section 42-7-418, the request for hearing shall also postpone the date on which the affected person's license or nonresident's operating privilege would otherwise be suspended.

(d) The decision as rendered by the director upon a hearing, or an order or act of the director when no hearing is requested, shall be final unless the affected person seeks judicial review.

(e) In any action for judicial review of the action of the director, the court, upon application for a hearing on the question of irreparable injury with three days' notice to the director of such hearing and upon a finding by the court at such hearing that irreparable injury to the affected person would otherwise result, may order that the filing of the action shall operate to postpone the effective date of the director's order or act, in which event the court may also impose the condition, for the protection of the public interest and safety, that the person bringing the action shall obtain and maintain during the pendency of the action an automobile liability policy or bond or deposit of security as provided in section 42-7-418. The procedure in all other respects upon review shall be in accordance with the applicable provision of section 24-4-106, C.R.S.

42-7-202. Report of accident required. (1) The operator or owner of every motor vehicle which is in any manner involved in an accident in which any person is killed or injured or in which damage to the property of any one person in excess of one thousand dollars is sustained, within ten days after such accident, shall report the matter in writing to the director. If such operator is physically incapable of making such report and is not the owner of the motor vehicle involved, the owner of the motor vehicle involved in the accident shall, within ten days after learning of the accident, make such report. If the operator and owner are the same person and such person is physically incapable of making such report within the required ten-day period, such person may designate some other person to make the report on ~~his~~ behalf OF SUCH PERSON or shall file the report as soon as ~~he~~ SUCH PERSON is able to do so.

(2) The accident report required under this section, the form of which shall be prescribed by the director, shall contain information to enable the director to determine whether the requirements for the filing of security and proof of financial responsibility for the future are inapplicable by reason of the

existence of insurance at the time of the accident or other exceptions. The operator or the owner of the motor vehicle involved in the accident shall make such additional reports relating thereto as the director requires.

(3) The director may rely upon the accuracy of information as to insurance or bond contained in written statements required under part 3 of this article unless and until ~~he~~ THE DIRECTOR has reason to believe that such information is erroneous.

(4) The director shall suspend the license (or any nonresident's operating privilege) of any person who fails, refuses, or neglects to make a report of a motor vehicle accident as required in this section.

(5) Nothing in this section shall be deemed to affect the underwriting of insurance policies issued under the "Colorado Auto Accident Reparations Act", PART 7 OF ARTICLE 4 OF TITLE 10, C.R.S.

PART 3
SECURITY AND PROOF OF FINANCIAL RESPONSIBILITY
IN CONNECTION WITH ACCIDENTS

42-7-301. Security and proof of financial responsibility for the future required under certain circumstances. (1) Unless exempt under section 42-7-302, an operator or owner named in an accident report required to be filed pursuant to section 42-7-202 shall file with the director, according to the procedure provided by this section, both:

(a) Security, in an amount specified after consideration of the accident report and written substantiation of such report as provided in paragraph (b) of subsection (3) of this section, which is sufficient to satisfy any judgments for damages or injuries resulting from the accident as may be recovered against such operator or owner but which in no event shall exceed the sum of thirty-five thousand dollars; and

(b) Proof of financial responsibility for the future.

(2) The director shall determine whether an operator or owner is required to comply with the provisions of this article and, if so, shall:

(a) Within fifteen days after receipt of the accident report, inform each such operator and each such owner of such requirement and that ~~his~~ THE OPERATOR OR OWNER'S license or nonresident's operating privilege will be suspended if ~~he~~ THE OPERATOR OR OWNER fails to comply with the provisions of this article;

(b) Within sixty days after receipt of the accident report,

send written notice of the requirement of filing security and proof of financial responsibility for the future to each such owner and each such operator at his or her last known address, by first-class mail pursuant to ~~section 42-2-117 (2)~~ SECTION 42-2-119 (2).

(3) The notice specified in paragraph (b) of subsection (2) of this section shall state that:

(a) The license or nonresident's operating privilege of the person so notified is subject to suspension and shall be suspended unless such person, within twenty days after the mailing of such notice by the director, establishes that the requirements of this section are not applicable to ~~him~~ SUCH PERSON or that ~~he~~ SUCH PERSON previously filed or then files both security and proof of financial responsibility for the future as provided in paragraphs (a) and (b) of subsection (1) of this section.

(b) Any person having a claim for property damage or personal injury may be required by the director to substantiate such claim by written statement sworn to by a person experienced in estimating the cost of repairing the property damaged and a written report as to the personal injury sworn to by a licensed physician.

(c) The person notified is entitled to a hearing and judicial review as provided in section 42-7-201.

(d) The date on which such person's license or nonresident's operating privilege would otherwise be suspended shall be postponed during the pendency of such hearing if the request for a hearing is made within twenty days after the mailing of said notice, and if the person files security and proof of financial responsibility for the future as provided in paragraph (a) or (b) of subsection (1) of this section.

(4) Upon expiration of such twenty-day period without a request for hearing or compliance with the contents of the notice as specified in subsection (3) of this section, such person's license or nonresident's operating privilege shall be suspended unless and until such person files security and proof of financial responsibility for the future as provided in paragraphs (a) and (b) of subsection (1) of this section.

(5) When no accident report is filed or when erroneous or incomplete information is given, the director, with regard to the matters set forth in this article, shall, after receipt of correct information with respect to said matters, take whatever appropriate action is indicated, consistent with the provisions of this article.

(6) No policy or bond shall be effective under this section

unless issued by an insurance company or surety company authorized to do business in this state, but the surety requirements of this section may be satisfied by evidence of a savings account, deposit, or certificate of deposit meeting the requirements of section 11-35-101, C.R.S. However, if a motor vehicle was not registered in this state, or if a motor vehicle was registered elsewhere than in this state at the effective date of the policy or bond, or the most recent renewal thereof, such policy or bond shall not be effective under this section unless the insurance company or surety company, if not authorized to do business in this state, executes a power of attorney authorizing the director to accept, on its behalf, service of notice or process in any action upon such policy or bond arising out of such accident.

42-7-302. Exemptions from requirement of filing security and proof of financial responsibility for the future. (1) The requirement of filing security and proof of financial responsibility for the future pursuant to section 42-7-301 shall not apply:

(a) To any person who qualifies as a self-insurer under section 42-7-501 or who operates a motor vehicle for a self-insurer under section 42-7-501;

(b) To any person who has been released from liability, or finally adjudicated not liable, prior to the date the director would otherwise suspend a license or a nonresident's operating privilege under section 42-7-301 (4);

(c) To the state of Colorado or any political subdivision thereof or any municipality therein;

(d) To the operation by any employee of the federal government of any motor vehicle while acting within the scope of such employment;

(e) To the operator or owner, if the operator or owner:

(I) Was involved in an accident but no injury or damage was caused to the person or property of anyone other than such operator or owner;

(II) Was legally parked at the time of the accident;

(III) Is found by the director to be free from fault for such accident;

(f) To the operator or owner if such owner had in effect at the time of such accident an automobile liability policy with respect to the motor vehicle involved in such accident;

(g) To the operator, if not the owner of such motor

vehicle, if there was in effect at the time of such accident an automobile liability policy or bond with respect to ~~his~~ THE operation of motor vehicles not owned by ~~him~~ THAT PERSON;

(h) To the operator or owner if the liability of such operator or owner for damages resulting from such accident is, in the judgment of the director, covered by any other form of liability insurance policy or bond or deposit as provided in section 42-7-418;

(i) To the owner of a motor vehicle if at the time of the accident the vehicle was being operated without ~~his~~ THE OWNER'S express or implied permission, or was parked by a person who had been operating such motor vehicle without such permission.

(2) In determining whether any person is exempt from the requirements of section 42-7-301, the director shall rely upon reports or other information submitted and, when requested by any person affected by an accident to make a finding of fact, shall consider the report of the investigating officer, if any, the accident reports, and any affidavits of persons having knowledge of the facts.

42-7-303. Duration of suspension. (1) The license or nonresident's operating privilege suspended under sections 42-7-202 and 42-7-301 shall remain so suspended and not be renewed nor shall any such license be issued to such person unless there is filed with the director evidence satisfactory to ~~him~~ THE DIRECTOR that such person has been released from liability or has been finally adjudicated not liable, or until:

(a) Such person deposits and files or there has been deposited and filed on ~~his~~ behalf OF SUCH PERSON the security and proof of financial responsibility for the future required under section 42-7-301; or

(b) One year has elapsed following the date of such accident and evidence satisfactory to the director has been filed with ~~him~~ THE DIRECTOR that during such period no action for damages arising out of such accident has been instituted, and such person has filed or then files and maintains proof of financial responsibility for the future as provided in section 42-7-408.

42-7-304. Custody and disposition of security. (1) Security deposited in compliance with the requirements of section 42-7-301 shall be placed by the director in the custody of the state treasurer and shall be applied only to the payment of a judgment rendered against the person on whose behalf the deposit was made, for damages arising out of the accident in question in an action at law begun not later than one year after the date of such accident. Such deposit or any balance thereof shall be returned to the depositor or ~~his~~ THE DEPOSITOR'S personal

representative, or the person designated by either of them, when evidence satisfactory to the director has been filed with ~~him~~ THE DIRECTOR that there has been a release from liability, or a final adjudication of nonliability, or a warrant for confession of judgment, or a duly acknowledged agreement, or whenever, after the expiration of one year from the date of the accident, or within one year after the date of deposit of any security, the director shall be given reasonable evidence that there is no such action pending and no judgment rendered in such action left unpaid.

(2) The director may reduce the amount of security ordered in any case within six months after the date of the accident if, in ~~his~~ THE DIRECTOR'S judgment, the amount originally ordered is excessive. In case the security originally ordered has been deposited, the excess deposit over the reduced amount ordered shall be returned IMMEDIATELY to the depositor or ~~his~~ THE DEPOSITOR'S personal representative, ~~forthwith,~~ regardless of any other provisions of this article.

(3) (a) It is the duty of any person having a claim against the security deposited under the provisions of section 42-7-301, on or before the expiration of one year from the date of the accident, to notify the director in writing under oath that there has been a release of liability, or a final adjudication of nonliability, or a warrant for confession of judgment, or a duly acknowledged agreement or that there is no action pending and no judgment rendered in any such action left unpaid or of any action taken on said claim which has not been finally determined.

(b) If any claimant fails to notify the director in writing under oath as provided in paragraph (a) of this subsection (3), the director shall notify the state treasurer to that effect and the state treasurer may, upon receipt of said notification, void the obligation provided for in section 42-7-301 and release and return the security to the depositor. The state treasurer shall ~~thereupon~~ THEN be fully and completely released from any further obligation or liability in relation thereto.

(c) Where said depositor cannot be located, the state treasurer shall notify the depositor by registered or certified mail, return receipt requested, addressed to the last known address of said depositor, advising said depositor that ~~he~~ THE DEPOSITOR must either appear and claim the security deposited within thirty days from the date of receipt of said letter, or said security will escheat to the general fund of the state of Colorado. If said depositor does not appear within the thirty-day period, the state treasurer shall void the obligation as provided in section 42-7-301, and the security shall escheat to the general fund of the state of Colorado, relieving the state treasurer of any further obligation or liability in relation thereto.

PART 4
PROOF OF FINANCIAL RESPONSIBILITY -
JUDGMENTS AND CONVICTIONS

42-7-401. Proof required on judgments. (1) The director shall also suspend the license issued to any person upon receiving an authenticated report that such person has failed for a period of thirty days to satisfy any final judgment in amounts and upon a cause of action as stated in this article.

(2) The judgment referred to means a final judgment of any court of competent jurisdiction in any state or of the United States against a person as defendant upon a cause of action as stated in this article.

(3) The judgment referred to means any final judgment for damage to property in excess of one hundred dollars or for damages in any amount for or on account of bodily injury to or death of any person resulting from the operation of any motor vehicle upon a highway.

(4) This article shall not apply to any such judgment rendered against this state or any political subdivision thereof or any municipality therein.

42-7-402. Suspension, duration, bankruptcy. (1) The suspension required in section 42-7-401 shall remain in effect and no new license shall be issued to such person unless and until such judgment is satisfied or vacated or execution therein stayed and proof of financial responsibility given, except under the conditions stated in this article.

(2) A discharge in bankruptcy following the rendering of any such judgment shall relieve the judgment debtor from any of the requirements of this article.

42-7-403. Sufficiency of payments. (1) Every judgment referred to in this article and for the purposes of this article shall be deemed satisfied:

(a) When twenty-five thousand dollars has been credited upon any judgment rendered in excess of that amount for or on account of bodily injury to or the death of one person as the result of any one accident; or

(b) When, subject to said limit of twenty-five thousand dollars as to one person, the sum of fifty thousand dollars has been credited upon any judgment rendered in excess of that amount for or on account of bodily injury to or the death of more than one person as the result of any one accident; or

(c) When fifteen thousand dollars has been credited upon

any judgment rendered in excess of that amount for damage to property of others in excess of one hundred dollars as a result of any one accident; or

(d) Three years have elapsed since the date that such judgment became final and the judgment debtor gives proof of financial responsibility.

(2) Credit for such amounts shall be deemed a satisfaction of any such judgment in excess of said amounts only for the purposes of this article.

(3) Whenever payment has been made in settlement of any claims for bodily injury, death, or property damage arising from a motor vehicle accident resulting in injury, death, or property damage to two or more persons in such accident, any such payment shall be credited in reduction of the amounts provided for in this section.

42-7-404. Payment of judgment in installments. (1) The director shall not suspend a license and shall restore any suspended license following nonpayment of a final judgment when the judgment debtor gives proof of financial responsibility and when the judgment debtor obtains an order from the trial court in which such judgment was rendered permitting the payment of such judgment in installments of not less than twenty-five dollars per month and while the payment of any said installment is not in default.

(2) A judgment debtor upon five days' notice to the judgment creditor may apply to the trial court in which the judgment was obtained for the privilege of paying such judgment in installments, and the court, in its discretion and without prejudice to any other legal remedies which the judgment creditor may have, may so order, fixing the amounts and times of payment of the installments.

(3) In the event the judgment debtor fails to pay any installment as permitted by the order of the court, upon notice of such default supported by an appropriate document from the court, the director shall ~~forthwith~~ IMMEDIATELY suspend the license of the judgment debtor until said judgment is satisfied as provided in this article.

42-7-405. Suspension upon second judgment. After one judgment is satisfied and proof of financial responsibility is given as required in this article and another such judgment is rendered against the judgment debtor for any accident occurring prior to the date of the giving of said proof and such person fails to satisfy the latter judgment within the amounts specified in this article within thirty days after the same becomes final, the director shall again suspend the license of such judgment

debtor and shall not renew the same nor issue to ~~him~~ THE JUDGMENT DEBTOR any license while such latter judgment remains in effect and unsatisfied within the amounts specified in this article.

42-7-406. Proof required under certain conditions. (1) Whenever the director revokes the license of any person under ~~section 42-2-122 or 42-2-122.1~~ SECTION 42-2-125 OR 42-2-126, or cancels any license under ~~section 42-2-119~~ SECTION 42-2-122 because of the licensee's inability to operate a motor vehicle because of physical or mental incompetence, or cancels any probationary license under ~~section 42-2-123~~ SECTION 42-2-127, the director shall not issue to or continue in effect for any such person any new or renewal of license until permitted under the motor vehicle laws of this state, and not then until and unless such person files or has filed and maintains proof of financial responsibility as provided in this article.

(2) Whenever the director suspends the license of any person under ~~section 42-2-123~~ SECTION 42-2-127, the director shall not issue a probationary license to such person, nor shall the director at the termination of such person's period of suspension reinstate, reissue, renew, or issue a new license to such person unless such person furnishes the director a statement in writing under oath evidencing that ~~he~~ THE PERSON is then insured under an automobile liability policy or bond or unless such person has deposited or deposits money or securities as provided in section 42-7-418.

42-7-407. Duty of courts to report. The clerk of a court or the judge of a court which has no clerk shall forward to the director a certified record of any judgment for damages, the rendering and nonpayment of which judgment requires the director to suspend the license and registrations in the name of the judgment debtor under this article. This record shall be forwarded to the director immediately upon the expiration of thirty days after such judgment becomes final and when such judgment has not been stayed or satisfied within the amounts specified in this article, as shown by the records of the court.

42-7-408. Proof of financial responsibility - methods of giving proof. (1) Proof of financial responsibility for the future when required under this article may be given by the following alternate methods: Either by proof that a policy of liability insurance has been obtained and is in full force and effect or that a bond has been duly executed or that deposit has been made of money or securities as provided in section 42-7-418. Proof of financial responsibility for the future in the amounts provided in section 42-7-103 shall be maintained for three years from the date last required and shall be furnished for each motor vehicle registered during that period.

(2) The term of the policy of liability insurance or the

bond submitted as proof of financial responsibility for the future shall be for a minimum of three months.

42-7-409. Proof for member of family or chauffeur. Whenever the director determines that any person required to give proof by reason of a conviction is not the owner of a motor vehicle but was at the time of such conviction a chauffeur or motor vehicle operator, however designated, in the employ of an owner of a motor vehicle or a member of the immediate family or household of the owner of a motor vehicle, the director shall accept proof of financial responsibility given by such owner in lieu of proof given by such other person so long as such latter person is operating a motor vehicle for which the owner has given proof as provided in this article. No such license shall be reinstated and no new license issued until otherwise permitted under the laws of this state.

42-7-410. Certificate for insurance policy. (1) Proof of financial responsibility may be made by filing with the director the written certificate of any insurance carrier duly authorized to do business in this state, certifying that it has issued to or for the benefit of the person furnishing such proof and named as the insured a motor vehicle liability policy or in certain events an operator's policy, meeting the requirements of this article, and that said policy is then in full force and effect. Such certificate shall give the dates of issuance and expiration of such policy and certify that the same shall not be cancelled unless ten days' prior written notice thereof is given to the director and shall explicitly describe all motor vehicles covered thereby, unless the policy is issued to a person who is not the owner of a motor vehicle.

(2) The director shall not accept any certificate unless the same covers all motor vehicles registered in the name of the person furnishing such proof as owner and an additional certificate shall be required as a condition precedent to the subsequent registration of any motor vehicle or motor vehicles in the name of the person giving such proof as owner.

42-7-411. Restrictions in certain type of policy. (1) When a certificate is filed showing that a policy has been issued covering all motor vehicles owned by the insured but not insuring such person when operating any motor vehicle not owned by ~~him~~ THAT PERSON, it is unlawful for such person to operate any motor vehicle not owned by ~~him~~ THAT PERSON or not covered by such certificate.

(2) In the event the owner of the motor vehicle desires to be relieved of the restriction stated in subsection (1) of this section and to be permitted to drive any other motor vehicle, ~~he~~ THE OWNER may have such restrictions removed upon filing a certificate showing that there has been issued to ~~him~~ THE OWNER

a policy of insurance insuring ~~him~~ THE OWNER as insured against liability imposed by law upon such an insured for bodily injury to or death of any person or damage to property to the amounts and limits as provided under section 42-7-103 (14) with respect to any motor vehicle operated by ~~him~~ THE INSURED and which otherwise complies with the requirements of this article with respect to such type of policy. Such policy is referred to in this article as an operator's policy.

(3) When the person required to give proof of financial responsibility is not the owner of a motor vehicle, then an operator's policy of the type and coverage described in subsection (2) of this section shall be sufficient under this article.

42-7-412. Certificate furnished by nonresident. (1) The nonresident owner of a foreign vehicle may give proof of financial responsibility by filing with the director a written certificate of an insurance carrier authorized to transact business in the state in which the motor vehicle described in such certificate is registered or if such nonresident does not own a motor vehicle then in the state in which the insured resides and otherwise conforming to the provisions of this article, and the director shall accept the same upon condition that said insurance carrier complies with the following provisions of this section:

(a) Said insurance carrier shall execute a power of attorney authorizing the director to accept service on its behalf of notice or process in any action arising out of a motor vehicle accident in this state.

(b) Said insurance carrier shall duly adopt a resolution which shall be binding upon it, declaring that its policies shall be deemed to be varied to comply with the law of this state relating to the terms of motor vehicle liability policies issued in this article.

(c) Said insurance carrier shall also agree to accept as final and binding any final judgment of any court of competent jurisdiction in this state duly rendered in any action arising out of a motor vehicle accident.

(2) If any foreign insurance carrier which has qualified to furnish proof of financial responsibility defaults in any of said undertakings or agreements, the director shall not ~~thereafter~~ SUBSEQUENTLY accept any certificate of said carrier, whether ~~theretofore~~ PREVIOUSLY filed or ~~thereafter~~ SUBSEQUENTLY tendered, as proof of financial responsibility so long as such default continues.

42-7-413. Motor vehicle liability policy. (1) "Motor vehicle liability policy", as used in this article, means a policy of liability insurance issued by an insurance carrier authorized

to transact business in this state to or for the benefit of the person named therein as insured, which policy shall meet the following requirements:

(a) The policy of liability insurance shall designate by explicit description or by appropriate reference all motor vehicles with respect to which coverage is thereby intended to be granted.

(b) The policy of liability insurance shall insure the person named therein and any other person using or responsible for the use of said motor vehicle with the express or implied permission of said insured.

(c) The policy of liability insurance shall insure every such person on account of the maintenance, use, or operation of the motor vehicle within the continental limits of the United States or Canada against loss from the liability imposed by law; for damages, including damages for care and loss of services arising from such maintenance, use, or operation to the extent and aggregate amount, exclusive of interest and costs, with respect to each such motor vehicle, in the amounts specified in section 42-7-103 (2).

(2) When an operator's policy of liability insurance is required, it shall insure the person named therein as insured against the liability imposed by law upon the insured for bodily injury to or death of any person or damage to property to the amounts and limits set forth in ~~subsection (1) (c)~~ PARAGRAPH (c) OF SUBSECTION (1) of this section and growing out of the use or operation by the insured within the continental limits of the United States or Canada of any motor vehicle not owned by ~~him~~ THE INSURED.

(3) Any liability policy issued under this section need not cover any liability of the insured assumed by or imposed upon said insured under any workers' compensation law nor any liability for damage to property in charge of the insured or the insured's employees.

(4) Any such policy of liability insurance may grant any lawful coverage in excess of or in addition to the coverage specified in this section or contain any agreements, provisions, or stipulations not in conflict with the provisions of this article and not otherwise contrary to law.

(5) Any motor vehicle liability policy which by endorsement contains the provisions required under this section shall be sufficient proof of ability to respond in damages.

(6) The department may accept several policies of one or more such carriers which together meet the requirements of this

section.

(7) Any binder pending the issuance of any policy of liability insurance, which binder contains or by reference includes the provisions under this section, shall be sufficient proof of ability to respond in damages.

42-7-414. Requirements to be complied with. (1) Except as provided in section 42-7-417, no motor vehicle liability policy or operator's policy of liability insurance shall be issued in this state unless and until all of the requirements of subsection (2) of this section are met.

(2) Every motor vehicle liability policy and every operator's policy of liability insurance accepted as proof under this article shall be subject to the following provisions whether or not contained therein:

(a) The liability of the insurance carrier under any such policy shall become absolute whenever loss or damage covered by such policy occurs, and the satisfaction by the insured of a final judgment for such loss or damage shall not be a condition precedent to the right or obligation of the carrier to make payment on account of such loss or damage. No fraud, misrepresentation, or other act of the insured in obtaining or retaining any such policy, or in adjusting a claim under any such policy, and no failure of the insured to give any notice, forward any paper, or otherwise cooperate with the insurance carrier shall constitute a defense as against the judgment creditor on any such judgment. The insurance carrier shall not be liable on any such judgment if it has not had reasonable notice of an opportunity to appear in and defend the action in which such judgment was rendered or if the judgment was obtained through collusion between the judgment creditor and the insured.

(b) The insurance carrier shall have the right to settle any claim covered by the policy, and if such settlement is made in good faith, the amount thereof shall be deductible from the limits of liability specified in the policy.

(c) No such policy shall be cancelled except as provided in this section and section 42-7-416. The notice of cancellation shall be delivered to the named insured in person or mailed by certified mail, post-office receipt secured, or by registered mail prior to such cancellation. Unless the contract or policy of insurance provides for a shorter period of notice, said notice shall be so delivered or mailed to the address shown in the policy not less than thirty days prior to the date of cancellation. Proof of such mailing shall be sufficient proof of cancellation. Failure by any insurer to comply with the provisions for cancellation in this section and section 42-7-416 shall render invalid any such cancellation.

(d) No such policy shall be cancelled or annulled as respects any loss or damage by any agreement between the carrier and the insured after the said insured has become responsible for such loss or damage, and any such cancellation or annulment shall be void.

(e) The policy may provide that the insured, or any other person covered by the policy, shall reimburse the insurance carrier for payment made on account of any loss or damage claim or suit involving a breach of the terms, provisions, or conditions of the policy. If the policy provides for limits in excess of the limits specified in section 42-7-103 (14), the insurance carrier may plead against any plaintiff, with respect to the amount of such excess limits of liability, any defenses which it may be entitled to plead against the insured, and any such policy may further provide for the prorating of the insurance thereunder with other applicable valid and collectible insurance.

(f) The policy, the written application therefor, if any, and any rider or endorsement which does not conflict with the provisions of this article shall constitute the entire contract between the parties.

(g) When any insurance carrier authorized to do business within the state of Colorado issues a policy of automobile insurance insuring against bodily injury, death, or injury to or destruction of property or showing financial responsibility, except a binder, a complete copy of the insurance policy shall be transmitted to the purchaser within thirty days of the purchase thereof; except that, when such policy is renewed, only a copy of the notice of renewal shall be required. Mailing of the copy of the policy to the address of the purchaser as given at the time of purchase shall be deemed to be a transmittal as required by this section.

42-7-415. When insurance carrier to issue certificate. An insurance carrier which has issued a motor vehicle liability policy or an operator's policy of liability insurance meeting the requirements of this article shall upon request of the insured therein deliver to the insured for filing or at the request of the insured shall file directly with the director an appropriate certificate showing that such policy has been issued, which certificate shall meet the requirements of this article. The issuance and delivery or filing of such a certificate shall be conclusive evidence that every policy therein recited has been duly issued and complies with the requirements of this article.

42-7-416. Notice required before cancellation. When an insurance carrier has certified a motor vehicle liability policy under this article, it shall give ten days' written notice to the director before cancellation of such policy, and the policy shall continue in full force and effect until the date of cancellation

specified in such notice or until its expiration; except that such a policy subsequently procured and certified shall, on the effective date of its certification, operate as a cancellation of any policy previously certified with respect to any motor vehicle designated in both certificates.

42-7-417. Article not to affect other policies. (1) This article shall not be held to apply to or affect policies of automobile insurance against liability which may be required by any other law of this state, and such policies, if endorsed to conform to the requirements of this article, shall be accepted as proof of financial responsibility when required under this article.

(2) This article shall not be held to apply to or affect policies insuring solely the insured named in the policy against liability resulting from the maintenance, operation, or use OF MOTOR VEHICLES NOT OWNED BY THE INSURED by persons in the insured's employ or ~~in his~~ ON THE INSURED'S behalf. ~~of motor vehicles not owned by the insured.~~

42-7-418. Money - securities for financial responsibility. (1) A person may give proof of financial responsibility by delivering to the director money in an amount or securities approved by said director and of a market value in a total amount as would be required for coverage in a motor vehicle liability policy furnished by the person giving such proof under this article. Such securities shall be of a type which may legally be purchased by savings banks or for trust funds.

(2) All money or securities so deposited shall be subject to execution to satisfy any judgment mentioned in this article but shall not otherwise be subject to attachment or execution.

42-7-419. Substitution of proof. The director shall cancel any bond or return any certificate of insurance or the director shall direct and the state treasurer shall return any money or securities to the person entitled thereto, upon the substitution and acceptance of other adequate proof of financial responsibility pursuant to this article.

42-7-420. Failure of proof - other proof. Whenever any evidence of proof of ability to respond in damages filed by any person under the provisions of this article no longer fulfills the purpose for which required, the director, for the purpose of this article, shall require other evidence of ability to respond in damages as required by this article and shall suspend the license of such person pending such proof.

42-7-421. When director may release proof. (1) The director, upon request, shall cancel any bond or return any certificate of insurance, or the director shall direct and the

state treasurer shall return to the person entitled thereto any money or securities deposited pursuant to this article as proof of financial responsibility, or waive the requirement of filing proof of financial responsibility in any of the following events:

(a) At any time after three years from the date such proof was required when, during the three-year period preceding the request, the person furnishing such proof has not been convicted of any offense referred to in section 42-7-406; or

(b) In the event of the death of the person on whose behalf such proof was filed, or the permanent incapacity of such person to operate a motor vehicle; or

(c) In the event the person who has given proof of financial responsibility surrenders ~~his~~ THE PERSON'S license to the director, but the director shall not release such proof in the event any action for damages upon a liability referred to in this article is then pending or any judgment upon any such liability is then outstanding and unsatisfied or in the event the director has received notice that such person has within the period of three months immediately preceding been involved as a driver in any motor vehicle accident. An affidavit of the applicant of the nonexistence of such facts shall be sufficient evidence thereof in the absence of evidence to the contrary in the records of the department.

(2) Whenever any person to whom proof has been surrendered, as provided in paragraph (c) of subsection (1) of this section, applies for a license within a period of three years from the date proof of financial responsibility was originally required, any such application shall be refused unless the applicant establishes such proof for the remainder of such period.

42-7-422. No proof when proof required. Any person whose license or other privilege to operate a motor vehicle has been suspended, cancelled, or revoked, and restoration thereof or issuance of a new license is contingent upon the furnishing of proof of financial responsibility for the future, and who, during such suspension or revocation or in the absence of proper authorization from the director, drives any motor vehicle upon any highway in Colorado except as permitted under this article, is guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment in the county jail for not less than five days nor more than six months and, in the discretion of the court, a fine of not less than fifty dollars nor more than five hundred dollars may be imposed. The minimum sentence imposed by this section shall be mandatory, and the court shall not grant probation or a suspended sentence, in whole or in part, or reduce or suspend the fine, except in a case where the defendant has established that ~~he~~ THE DEFENDANT had to drive the motor vehicle in violation of this section because of an emergency, in which

case the mandatory jail sentence does not apply. Such minimum sentence need not be five consecutive days but may be served during any thirty-day period.

PART 5
GENERAL

42-7-501. Self-insurers. (1) Any person in whose name more than twenty-five motor vehicles are registered may qualify as a self-insurer by obtaining a certificate of self-insurance issued by the director.

(2) The director may, in his OR HER discretion, upon the application of such person, issue a certificate of self-insurance when ~~he~~ THE DIRECTOR is satisfied that such person is possessed and will continue to be possessed of ability to pay all judgments which may be obtained against such person. Upon not less than five days' notice and a hearing pursuant to such notice, the director may, upon reasonable grounds, cancel a certificate of self-insurance. Failure to pay any judgment within thirty days after such judgment has become final shall constitute a reasonable ground for the cancellation of a certificate of self-insurance.

42-7-502. Action against nonresident - reciprocity with other states. (1) All of the provisions of this article shall apply to any person who is not a resident of this state, and if such nonresident has been convicted of an offense which would require the suspension or revocation of the license of a resident, or if such nonresident has failed to satisfy a judgment within thirty days after the same became final which would require suspension or revocation under this article in respect to a resident, then in either such event such nonresident shall not operate any motor vehicle in this state, and the director shall not issue to such nonresident any license unless and until such nonresident gives proof of financial responsibility and satisfies any such judgment as is required with respect to a resident of this state.

(2) The director shall transmit a certified copy of any record of any such conviction of a nonresident to the motor vehicle commissioner or state officer performing the functions of a commissioner in the state in which such nonresident resides and shall likewise forward to such officer a certified record of any unsatisfied judgment rendered against such nonresident which requires suspension of such nonresident's driving privileges in this state.

(3) When a nonresident's operating privilege is suspended pursuant to section 42-7-301, the director shall transmit a certified copy of the record of such action to the official in charge of the issuance of licenses in the state in which such nonresident resides, if the law of such other state provides for

action in relation thereto similar to that provided for in subsection (4) of this section.

(4) Upon receipt of certification that the operating privilege of a resident of this state has been suspended or revoked in any such other state pursuant to a law providing for its suspension or revocation for failure to deposit security for the payment of judgments arising out of a motor vehicle accident or for failure to deposit security and furnish a statement evidencing that ~~he~~ THE RESIDENT is insured under an automobile liability insurance policy or bond or for failure to file and maintain proof of financial responsibility, under circumstances which would require the director to suspend a nonresident's operating privilege had the accident occurred in this state, the director shall suspend the license of such resident. Such suspension shall continue until such resident furnishes evidence of ~~his~~ compliance with the law of such other state relating to the deposit of such security and until such resident furnishes the statement evidencing automobile liability insurance or a bond, or, as the case may be, files proof of financial responsibility, if required by such law.

42-7-503. Director to furnish operating record. The director shall, upon request, furnish any insurance carrier or any person or surety the record of any person subject to the provisions of this article, which record shall fully designate the motor vehicles, if any, registered in the name of such person, and if there is no record of any conviction of such person of a violation of any provision of any statute relating to the operation of a motor vehicle or of any injury or damage caused by such person as provided in this article, the director shall so certify. Such records shall be public records and subject to the provisions of section 42-1-206. No information required to be confidential by the provisions of section 24-72-204 (3.5) (a), C.R.S., shall be released by the director except as provided by that section. The director shall collect for each such certificate the sum of seventy-five cents.

42-7-504. Matters not to be evidence in litigation. (1) Except as provided in subsection (2) of this section, neither the report required by section 42-7-202, any action taken by the director pursuant to this article, any judgment or court decision on appeal therefrom, the findings, if any, of the director upon which said action is based, nor the security deposited, statement evidencing automobile liability insurance or bond, or proof of financial responsibility filed as provided in this article shall be referred to in any way nor be any evidence of the negligence or due care of either party at the trial of any action at law to recover damages or in any criminal proceeding arising out of a motor vehicle accident. This section shall not be applicable with respect to any action brought by the director to enforce the provisions of this article.

(2) For the purposes of any civil trial, civil hearing, or arbitration held in relation to uninsured or underinsured motorist insurance coverage where the question of the existence of automobile liability insurance is an issue or when the amount of such insurance is an issue, the director shall issue, upon request, a certificate under seal evidencing the information contained in reports filed pursuant to section 42-7-202. The certificate shall contain the motor vehicle operator's name, address, date of birth, and driver's license number; the date of the accident; and a statement indicating whether or not the records indicate that the owner or operator had in effect at the time of the accident an effective automobile liability policy and, if such a policy was in effect, the amount of coverage, the name of the insurer, and the number of the policy. Such certificate shall be prima facie evidence of the facts contained therein. In any civil trial, civil hearing, or arbitration held in relation to uninsured or underinsured motorist insurance coverage, if the certificate indicates that no report has been filed within the prescribed time, it shall be presumed in any civil trial, civil hearing, or arbitration held in relation to uninsured or underinsured motorist insurance coverage that the owner or operator did not have any automobile liability insurance. The director shall collect for each such certificate an amount sufficient to defray the costs of administration of this section. Any such amount shall be included as a cost of the action.

42-7-505. Forging ability to respond in damages. Any person who forges or without authority signs any evidence of ability to respond in damages or who furnishes the director with a false statement evidencing that such person is insured under an automobile liability policy or bond, as required by the director in the administration of this article, is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail for not more than ninety days, or by both such fine and imprisonment.

42-7-506. Surrender of license. (1) Any person whose license has been suspended as provided in this article and has not been reinstated shall immediately return such license held by such person to the director. Any person willfully failing to comply with this requirement is guilty of a misdemeanor.

(2) The director is authorized to take possession of any license upon the suspension thereof under the provisions of this article or to direct any peace officer to take possession thereof and to return the same to the office of the director.

42-7-507. Penalty. Any person who violates any provision of this article for which another penalty is not prescribed by law is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more

than one thousand dollars, or by imprisonment in the county jail for not more than ninety days, or by both such fine and imprisonment.

42-7-508. No repeal of motor vehicle laws. This article shall in no respect be considered as a repeal of the provisions of the state motor vehicle laws, but shall be construed as supplemental thereto.

42-7-509. Article does not prevent other process. This article shall not be construed to prevent the plaintiff in any action at law from relying for security upon the other processes provided by law.

42-7-510. Insurance or bond required. (1) Every owner of a truck which is subject to the registration fee imposed pursuant to ~~section 42-3-123 (13) (b), (13) (b.3), or (13.2)~~ SECTION 42-3-134 (13) (b), (13) (c), OR (15) and which is not subject to regulation by the public utilities commission under article 10, 11, or 13 of title 40, C.R.S., and every owner of a motor vehicle used for transporting sand, gravel, rock, dirt, stone, insulrock, road surfacing materials used in the construction of roads and highways except such road surfacing materials as are transported in tank vehicles, houses or other buildings excluding manufactured housing as defined in section 40-10-104 (3), C.R.S., timber, rough lumber, logs, or wooden poles before operating or permitting the operation of such vehicle upon any public highway in this state shall have in each such vehicle a motor vehicle liability insurance policy or a certificate evidencing such policy issued by an insurance carrier or insurer authorized to do business in the state of Colorado, or a copy of a valid certificate of self-insurance issued pursuant to section 10-4-716, C.R.S., or a surety bond issued by a company authorized to do a surety business in the state of Colorado in the sum of fifty thousand dollars for damages to property of others; the sum of one hundred thousand dollars for damages for or on account of bodily injury or death of one person as a result of any one accident; and, subject to such limit as to one person, the sum of three hundred thousand dollars for or on account of bodily injury to or death of all persons as a result of any one accident.

~~(1.5)~~ (2) (a) Every owner of a motor vehicle designed and used for the nonemergency transportation of individuals with disabilities as defined in paragraph (b) of this ~~subsection (1.5)~~ SUBSECTION (2), before operating or permitting the operation of such vehicle upon any public highway in this state, shall file with the department a certificate evidencing a motor vehicle liability insurance policy issued by an insurance carrier or insurer authorized to do business in the state of Colorado or a surety bond issued by a company authorized to do a surety business in the state of Colorado with a minimum sum of fifty thousand dollars for damages to property of others; a minimum sum of one

hundred thousand dollars for damages for or on account of bodily injury or death of one person as a result of any one accident; and, subject to such limit as to one person, a minimum sum of three hundred thousand dollars for or on account of bodily injury to or death of all persons as a result of any one accident.

(b) As used in this ~~subsection (1.5)~~ SUBSECTION (2), a "motor vehicle designed and used for the nonemergency transportation of individuals with disabilities" means any motor vehicle designed to facilitate the loading of individuals with physical disabilities confined to a wheelchair except vehicles owned by the United States government, vehicles owned and operated by any special transportation district, or privately owned vehicles when such privately owned vehicles are used by the owner to transport the owner or members of the owner's family who are confined to a wheelchair.

~~(2)~~ (3) Any person who violates any provision of this section is guilty of a misdemeanor and shall be punished according to the provisions of section 42-7-507. If any violation of this section is committed on behalf of a partnership or corporation, any director, officer, partner, or high managerial agent thereof who authorized, ordered, permitted, or otherwise participated in, by commission or omission, such violation is also guilty of a misdemeanor and shall be punished according to the provisions of section 42-7-507.

ARTICLE 8
Port of Entry Weigh Stations

42-8-101. Legislative declaration. In order to facilitate enforcement of the laws of the state of Colorado concerning motor carriers and the owners and operators of motor vehicles; to equally distribute the payments of any fees, licenses, or taxes imposed by the laws of this state on motor carriers and the owners and operators of motor vehicles, and to effect the collection thereof; and to assist motor carriers and the owners and operators of motor vehicles to comply with all tax laws, rules, and regulations pertaining to them, it is declared necessary to establish port of entry weigh stations on the public highways of this state.

42-8-102. Definitions. As used in this article, unless the context otherwise requires:

(1) "Motor vehicles" means trucks, truck tractors, trailers, and semitrailers or combinations thereof.

(2) "Person" means an individual, a partnership, a corporation, a company, or an association.

42-8-103. Ports of entry division. There is hereby created

within the department of revenue a ports of entry division, which division, acting under the authority and direction of the executive director of the department of revenue, shall be responsible for establishing and operating port of entry weigh stations at such points along the public highways of this state as are determined to be necessary to carry out the purposes of this article. The executive director shall authorize not less than ten permanent port of entry weigh stations and not less than four mobile port of entry weigh stations to be established and operated by the division and such additional stations as ~~he~~ THE EXECUTIVE DIRECTOR may from time to time determine to be necessary. The location or relocation of such stationary or mobile port of entry weigh stations shall be determined by the executive director. Wherever any provision of this article refers to a motor vehicle inspection station or to a motor carrier inspection station, such provision shall be deemed to refer to a port of entry weigh station established and operated by the ports of entry division.

42-8-104. Powers and duties. (1) The executive director of the department of revenue shall issue such rules and regulations as ~~are deemed by him to be~~ THE EXECUTIVE DIRECTOR DEEMS necessary to implement this article and carry out its purposes. Said executive director shall, to the fullest extent possible, house department field offices at such places as port of entry weigh stations are established. All permanent port of entry weigh stations established under the authority of this article shall be operated on a twenty-four-hour-a-day basis, except for certain holidays or other times determined by the executive director of the department of revenue, and in such manner as to reasonably allow owners and operators of motor vehicles subject to fees, licenses, or taxes or to regulations imposed by the state of Colorado to comply with all such laws and regulations issued pursuant thereto by clearance at a port of entry weigh station. All port of entry weigh stations, either permanent or mobile, shall be equipped with weighing equipment approved as to accuracy by the division of inspection and consumer services of the department of agriculture.

(2) The personnel of a port of entry weigh station, during the time that they are actually engaged in performing their duties as such and while acting under proper orders or regulations issued by the executive director of the department of revenue, shall have and exercise all the powers invested in peace officers in connection with the enforcement of the provisions of this article, ~~article 2~~ ARTICLES 2 AND 20 of this title, ~~part 4~~ PART 5 of article 4 of this title, and ~~section 42-4-234 and article 6 of title 43, C.R.S.;~~ SECTION 42-4-235; except that they shall not have the power to serve civil writs and process and, in the exercise of their duties, such personnel shall have the authority to restrain and detain persons or vehicles and may impound any vehicle until any tax or license fee imposed by law is paid or

until compliance is had with any tax or regulatory law or regulation issued thereunder.

42-8-105. Clearance of motor vehicles at port of entry weigh stations. (1) Every owner or operator of a motor vehicle which is subject to payment of registration fees or passenger-mile taxes under the provisions of ~~section 42-3-123 (13) (b) or (13) (b.3)~~ SECTION 42-3-134 (13) (b) OR (13) (c) and every owner or operator of a motor vehicle or combination of vehicles exceeding sixteen thousand pounds empty weight shall secure a valid clearance from an office of the department of revenue, from an officer of the Colorado state patrol, or from a port of entry weigh station before operating such vehicle or combination of vehicles or causing such vehicle or combination of vehicles to be operated on the public highways of this state, but an owner or operator shall be deemed to have complied with the provisions of this subsection (1) if ~~he~~ THE OWNER OR OPERATOR secures a clearance from the first port of entry weigh station located within five road miles of the route which ~~he~~ THE OWNER OR OPERATOR would normally follow from ~~his~~ THE point of departure to the point of ~~his~~ destination. An owner or operator shall not be required to seek out a port of entry weigh station not located on the route ~~he~~ SUCH OWNER OR OPERATOR is following if ~~he~~ THE OWNER OR OPERATOR secures a special revocable permit from the department of revenue in accordance with the provisions of subsection (4) of this section. A vehicle of a seating capacity of fourteen or more passengers registered under the provisions of ~~section 42-3-123 (4) (c) (I) or (18) (a)~~ SECTION 42-3-134 (4) (c) (I) OR (21) (a) shall not be required to secure a clearance certificate pursuant to this section.

(2) It is unlawful for any owner or operator of a motor vehicle subject to the provisions of ~~section 42-3-123~~ SECTION 42-3-134 to permit the travel of such motor vehicle on the public highways of this state without first having secured a valid clearance certificate as provided in subsection (1) of this section, and every such owner or operator shall be required to seek out a port of entry weigh station for the purpose of securing such valid clearance certificate, whether or not such port of entry weigh station is located on the route which ~~he~~ THE OWNER OR OPERATOR is following, unless a valid clearance certificate or a special permit in accordance with subsection (4) of this section has previously been secured.

(3) Every owner or operator of a motor vehicle which is subject to the provisions of ~~section 42-3-123~~ SECTION 42-3-134 shall stop at each port of entry weigh station located on the route which ~~he~~ THE OWNER OR OPERATOR would normally follow from the point of ~~his~~ departure to the point of ~~his~~ destination for verification of its previously secured clearance certificate.

(4) The department of revenue may issue a special revocable

permit to the owner or operator of any vehicle using a negotiated average weight factor or being operated over a regularly scheduled route waiving the requirement that the owner or operator seek out and stop at a port of entry weigh station not located directly on the route being followed. In order for the permit to be effective, the vehicle must be operating over a regularly scheduled route which has previously been cleared with the department of revenue.

(5) Any owner or operator of a motor vehicle which is subject to the provisions of ~~section 42-3-123~~ SECTION 42-3-134, who is found guilty of violating the provisions and requirements of this section, shall be subject to the fines and penalties prescribed in section 42-8-109.

(6) To facilitate the proper identification and handling of all motor vehicles requiring clearance through the port of entry weigh stations of the state, every owner or operator of a motor vehicle for which the executive director of the department of revenue has determined an average weight factor pursuant to ~~section 42-3-123~~ SECTION 42-3-134 shall affix a distinct marking on such vehicle to specifications set by the executive director. Such marking shall include the name or company logo of the owner or operator of the motor vehicle and such other information as the executive director shall require.

~~(7) Repealed, L. 89, p. 1600, § 23, effective January 1, 1990.~~

42-8-106. Issuance of clearance certificates.

~~(1) Repealed, L. 81, p. 2004, § 2, effective January 1, 1982.~~

~~(2)~~ All owners and operators of motor vehicles subject to the payment of fees, licenses, or taxes imposed by the laws of this state, including foreign vehicles, which have not been properly certificated or permitted by the public utilities commission or which have not been approved by the department of revenue for monthly or periodic payment of such fees, licenses, or taxes shall be issued a clearance certificate at a port of entry weigh station only after such fees, licenses, or taxes which may be due are paid or compliance is had with regulatory acts. A clearance certificate issued under this ~~subsection (2)~~ SECTION shall specify the date upon which issued, origin of trip, destination, routes to be traveled within the state, and amounts of fees, licenses, or taxes to be paid. Such certificate shall be valid only for the routes and trips specified thereon and for the length of time specified thereon. The executive director of the department of revenue, through the port of entry weigh stations, may also issue permits for oversize and overweight

commercial hauls pursuant to rules and regulations governing such hauls established by the department of transportation. Failure to secure such clearance certificate shall subject the owner or operator to a penalty of double the amount of any tax, license, or fee due which shall be in addition to and distinct from the penalty provided for in section 42-8-109.

42-8-107. Construction and rights-of-way. Within thirty days after receiving notification from the executive director of the department of revenue, the department of transportation shall make available without charge to the department of revenue such rights-of-way upon or adjacent to the public highways of this state as are needed for the construction or reconstruction of port of entry weigh stations. If such rights-of-way are not available, the department of transportation shall acquire such rights-of-way as are needed to carry out the purposes of this article out of money in the state highway fund provided for right-of-way acquisition. ~~Insofar as~~ IF possible, the construction, reconstruction, and maintenance of port of entry weigh stations shall be accomplished with forces of the department of transportation within thirty days after notification by the executive director of the department of revenue requesting such work.

42-8-108. Cooperation among departments. The governor of Colorado shall require the executive director of the department of revenue, the chief of the Colorado state patrol, the chief engineer of the division of highways, the commissioner of agriculture, the director of the division of commerce and development, and the chairman of the public utilities commission to cooperate to the fullest extent possible to the end that port of entry weigh stations established under authority of this article shall serve the broadest possible functions.

42-8-109. Fines and penalties. (1) All fines and penalties imposed under this article shall be paid into the treasury department to the credit of the state highway fund.

(2) Any person violating or permitting the violation of any of the provisions of this article is guilty of a misdemeanor and, upon conviction thereof, shall be punished according to the following schedule of fines and penalties:

(a) For a first offense, a fine of not less than fifty dollars nor more than one hundred dollars;

(b) For a second offense, a fine of not less than one hundred dollars nor more than two hundred fifty dollars;

(c) For a third or subsequent offense, a fine of not less than five hundred dollars nor more than one thousand dollars, or imprisonment in the county jail for not more than six months, or

both such fine and imprisonment.

(3) In addition to the penalties stated in subsection (2) of this section, the executive director of the department of revenue shall, upon the conviction of any owner or operator or of any agent, officer, or employee, after a third offense within one calendar year, notify the public utilities commission of such conviction, and the commission may suspend any license or permit for a period not to exceed six months or revoke all such certificates and permits issued to the owner or operator of such vehicles by the public utilities commission. Such certificate or permit can be suspended or revoked only after due notice and hearing and for good cause shown. The executive director of the department of revenue shall file a complaint with the public utilities commission, and the commission must hold a hearing within thirty days after filing of a complaint by the said executive director. If at the hearing the commission finds that the facts as stated in the complaint by the said executive director are substantially correct, the commission may ~~forthwith~~ IMMEDIATELY revoke all intrastate certificates and permits issued by it to such violator.

(4) The minimum fines prescribed and fixed in subsection (2) of this section for violations of the provisions of this article shall be mandatory, and no court shall grant a suspension thereof, in whole or in part.

42-8-110. Expenses of administration appropriated from the highway users tax fund. For the purpose of administering this article and for the operation, maintenance, and future construction of the port of entry weigh stations established pursuant to this article, there shall be appropriated from the highway users tax fund for each fiscal year such moneys as the general assembly may determine, upon presentation of a budget for that purpose in form and content in accordance with the provisions for submission of budget requests by state agencies.

42-8-111. Cooperative agreements with contiguous states for operations of ports of entry - regulations. (1) In addition to any other powers granted by law, the executive director of the department of revenue is hereby authorized to negotiate and enter into cooperative agreements with the designated representatives of contiguous states for the operations of ports of entry at the borders between Colorado and such contiguous states.

(2) An agreement with a contiguous state or contiguous states for the operation of ports of entry at the borders between Colorado and such contiguous state or states entered into under the provisions of this section may include, but shall not be limited to, the following provisions:

(a) The joint operation of ports of entry by Colorado and

a contiguous state or contiguous states;

(b) A grant of authority to the port of entry employees and officials of Colorado and to the port of entry employees and officials of each other state which is a party to such agreement to:

(I) Collect any fees, taxes, and penalties which are imposed by other states which are parties to such agreement on behalf of such states and to remit such fees, taxes, and penalties to such states; and

(II) Take actions to enforce the laws of other states which are parties to the agreement, including, but not limited to, the monitoring of licenses and other credential usage, the enforcement of tax restraint, distraint, or levy orders, the issuance of civil citations, and the conduct of any necessary safety and equipment inspections.

(c) The assignment of Colorado ports of entry employees and officials at jointly operated ports of entry outside of Colorado and the assignment of ports of entry employees and officials of contiguous states at ports of entry within Colorado; and

(d) The allowance of such access to the data bases of Colorado and other states which are parties to such agreement by the employees and officials of each state as is necessary to enforce the laws of each such state and to operate under the terms of such agreement.

(3) Any agreement entered into under the provisions of this section shall contain provisions which express the understanding that any employees and officials of any other state who are assigned to jointly operated ports of entry, who enforce the laws of Colorado under the terms of such agreement, or who otherwise act under the terms of such agreement shall not be compensated by Colorado and shall not be considered to be employees or officials of Colorado for the purposes of any employee rights or benefits.

(4) The executive director of the department of revenue is hereby authorized to appoint employees and officials of a contiguous state as agents of the ports of entry division with the powers to enforce the laws of Colorado under the terms of cooperative agreements entered into under the provisions of this section.

(5) The executive director of the department of revenue may promulgate such regulations as are necessary for the implementation of the provisions of this section.

~~ARTICLE 9~~
~~Guest Statute~~

~~**42-9-101. Guest has no cause of action - when. (Repealed)**~~

~~Repealed, effective April 9, 1975.~~

~~ARTICLE 10~~
~~Product Standards~~

~~PART 1~~
~~ANTIFREEZE~~

~~**42-10-101. Short title.** This part 1 shall be known and may be cited as the "Colorado Antifreeze Law".~~

~~**42-10-102. Definitions.** As used in this part 1, unless the context otherwise requires:~~

~~(1) "Antifreeze" means all substances and preparations intended for use as the cooling medium, or to be added to the cooling liquid, in the cooling system of internal combustion engines to prevent freezing of the cooling liquid or to lower its freezing point.~~

~~(2) "Person" means individuals, partnerships, corporations, companies, and associations.~~

~~**42-10-103. Annual inspection of sample - permit authorizing sale - reinspection.** (1) Before any antifreeze is sold, exposed for sale, or held with intent to sell within this state, a sample thereof must be inspected annually by the state inspector of oils, at an inspection laboratory which he designates. Upon application of the manufacturer, packer, seller, or distributor, and the payment of a fee not to exceed twenty-five dollars for each sample of antifreeze submitted, the state inspector of oils shall inspect the antifreeze submitted as set forth in this subsection (1), but in no case will an approved antifreeze be inspected more than one time for each antifreeze marketing year beginning May first and ending April thirtieth, except as set forth in this section.~~

~~(2) If the antifreeze is not adulterated or misbranded, if it meets the standards of the state inspector of oils and is not in violation of this part 1, the state inspector of oils shall give the applicant a written permit authorizing the sale by any person of such antifreeze in this state for the marketing year for which the inspection fee is paid. If the state inspector of oils at a later date finds that the product to be sold, exposed for sale, or held with intent to sell has been materially altered or adulterated, or that a change has been made in the name, brand, or trademark under which the antifreeze is sold, or that it violates the provisions of this part 1, the state inspector of oils shall notify the applicant and the permit shall be cancelled forthwith.~~

~~(3) In the event a manufacturer, packer, seller, or distributor changes the composition, content, or formula of any antifreeze which he is marketing under a permit from the state inspector of oils, it is the duty of said manufacturer, packer, seller, or distributor to immediately notify said state inspector of oils and submit a sample for test in compliance with this section.~~

~~**42-10-104. When deemed adulterated.** (1) An antifreeze shall be deemed to be adulterated:~~

~~(a) If it consists in whole or in part of any substances which will render it injurious to the cooling system of an internal combustion engine or will make the operation of any internal combustion engine dangerous to the user; or~~

~~(b) If its strength, quality, or purity falls below the standard of strength, quality, or purity under which it is sold.~~

~~**42-10-105. When deemed misbranded.** (1) Antifreeze shall be deemed to be misbranded:~~

~~(a) If its labeling is false or misleading in any particular; or~~

~~(b) If in package form it does not bear a label containing the name and place of business of the manufacturer, packer, seller, or distributor, and an accurate statement of the quantity of the contents in terms of weight or measure on the outside of the package.~~

~~**42-10-106. State inspector of oils to enforce.** The state inspector of oils shall enforce the provisions of this part 1 by inspections, chemical analysis, or any other appropriate methods. All samples for inspection or analysis shall be taken from the stocks in the state or intended for sale in the state, or the state inspector of oils, through his agents, may call upon the manufacturer or distributor applying for an inspection of antifreeze to supply such samples thereof for analysis. The state inspector of oils, or his agents, shall have free access during business hours to all places of business, buildings, vehicles, cars, and vessels used in the manufacture, transportation, sale, or storage of any antifreeze, and he may open any box, carton, parcel, or package containing or supposed to contain any antifreeze and may take therefrom samples for analysis.~~

~~**42-10-107. Rules and regulations.** The state inspector of oils has authority to promulgate such rules and regulations as are necessary to promptly and effectively enforce the provisions of this part 1.~~

~~**42-10-108. List of brands may be furnished.** The state~~

~~inspector of oils may furnish upon request a list of the brands and trademarks of antifreeze inspected by him during the marketing year which have been found to be in accord with this part 1.~~

~~**42-10-109. False advertising prohibited.** No advertising literature relating to any antifreeze in this state shall contain any statement that the antifreeze advertised for sale has been approved by the state inspector of oils, unless the said antifreeze has been inspected by the state inspector of oils and found by him to meet the standards of his department and not to be in violation of this part 1, in which case such statement may be contained in any advertising literature where such brand or trademark of antifreeze is being advertised for sale.~~

~~**42-10-110. District attorney to bring actions.** Whenever the state inspector of oils discovers any antifreeze is being sold or has been sold in violation of this part 1, it is his duty to bring this violation to the attention of the district attorney in his respective district, or the attorney general in cases where the district attorney refuses to act, to enforce the provisions of this part 1 by appropriate action in courts of competent jurisdiction.~~

~~**42-10-111. Disposition of fees.** All fees provided for in this part 1 shall be collected by the department of revenue and remitted to the state treasurer to be credited to the general fund of the state.~~

~~**42-10-112. Penalty.** If any person violates the provisions of this part 1, or fails to comply with any of the provisions of this part 1, such person is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than fifty dollars nor more than three hundred dollars for each offense.~~

~~PART 2~~
~~BRAKE FLUID~~

~~**42-10-201. Sale of approved brake fluid.** It is unlawful for any person, partnership, corporation, or association to sell or offer for sale brake fluid for automotive use which has not been approved by the state inspector of oils.~~

~~**42-10-202. Brake fluid specifications - list of approved brands.** The state inspector of oils shall establish specifications or requirements for approved-type brake fluid; but the specifications or requirements shall not be lower in standard than the specifications and requirements of the society of automotive engineers, numbered J-70 b, approved May, 1963. He shall compile and furnish upon request a list of brands and trademarks of brake fluid inspected by him which have been so approved.~~

~~**42-10-203. District attorney to bring actions.** Whenever the state inspector of oils discovers that any person, partnership, corporation, or association has sold or is offering for sale any brake fluid which does not conform to the minimum specifications established, he shall notify the seller to immediately discontinue the sale of such nonconforming brake fluid, and if such seller continues to offer the same for sale it is the duty of the state inspector of oils to bring such violation to the attention of the district attorney in his respective district to enforce the provisions of this part 2 by appropriate action or injunctive relief in courts of competent jurisdiction.~~

~~**42-10-204. Penalty.** If any person, partnership, corporation, or association violates the provisions of this part 2, or fails to comply with any of the provisions of this part 2, such person, partnership, corporation, or association is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than fifty dollars nor more than three hundred dollars for each offense.~~

MOTOR VEHICLE REPAIRS

ARTICLE ~~11~~ 9
Motor Vehicle Repair Act

42-9-101. [Formerly 42-11-101] Short title. This article shall be known and may be cited as the "Motor Vehicle Repair Act of 1977".

42-9-102. [Formerly 42-11-102] Definitions. As used in this article, unless the context otherwise requires:

(1) "Customer" means the owner, the agent of the owner, or a family member, employee, or any other person whose use of the vehicle is authorized by the owner.

(2) "Motor vehicle" means every self-propelled vehicle intended primarily for use and operation on the public highways. The term does not include trucks and truck tractors having a gross vehicle weight of more than eight thousand five hundred pounds, nor does it include farm tractors and other machines and tools used in the production, harvesting, and care of farm products, nor does it include motorcycles.

(3) "Motor vehicle repair garage" means any natural person, partnership, corporation, trust, association, or group of persons associated in fact although not a legal entity which, with intent to make a profit or a gain of money or other thing of value, engages in the business or occupation of performing repairs on a motor vehicle, including repairs on body parts.

~~(3.5)~~ (4) "Necessary" means essential to a desired or

projected end as stated by the customer or indispensable to avoid loss or damage.

~~(4)~~ (5) "Repairs on a motor vehicle" or "repairs" includes maintenance, diagnosis, repairs, service, and parts replacement but does not include washing the vehicle or adding gasoline or oil to the vehicle.

42-9-103. [Formerly 42-11-102.5] Applicability. The provisions of ~~sections 42-11-103, 42-11-103.1, and 42-11-103.5~~ SECTIONS 42-9-104, 42-9-105, AND 42-9-106 shall not apply where the total cost of the labor and parts is one hundred dollars or less.

42-9-104. [Formerly 42-11-103] When consent and estimate required - original transaction - disassembly. (1) (a) No repairs on a motor vehicle shall be performed by a motor vehicle repair garage unless the garage obtains the written consent of the customer.

(b) The required written consent may be waived by the customer only when the motor vehicle has been towed to the motor vehicle repair garage or the customer has left the motor vehicle with the motor vehicle repair garage outside of normal business hours or when the customer has signed a waiver in compliance with paragraph (b) of subsection (2) of this section.

(c) When the customer has not given the motor vehicle repair garage written consent to perform repairs, no repairs shall be performed unless the garage first communicates orally to the customer the written estimate of the total cost of such repairs and the customer then consents to the required repairs. A record of such communication and consent shall be made on the invoice by the motor vehicle repair garage and shall include the date, time, manner of consent, telephone number called, if any, and the names of the persons giving and receiving such consent.

(2) (a) Except as provided in paragraph (b) of this subsection (2), no repairs shall be performed by a motor vehicle repair garage unless said garage first submits in writing or, where allowed by this section, orally communicates to the customer an estimate of the total cost of any such repairs, not including any applicable sales tax. The written estimate shall include the expected completion date of such repairs and the storage charges which shall accrue if the customer has not picked up the motor vehicle within three days, exclusive of Saturday, Sunday, and any legal holiday, after notification of the completion of authorized repairs or if the customer failed to authorize repairs to be performed within three days, exclusive of Saturday, Sunday, and any legal holiday, after the date of communication of an estimate. The estimate provided to the customer shall state conspicuously that, except for body shop repair parts and except for exchanged

or warranty parts which shall only be presented to the customer for examination and not returned, the customer is entitled to the return of the replaced parts if ~~he~~ THE CUSTOMER so requests at the time of consenting to or authorizing the repairs. The estimate shall be recorded on or attached to the invoice required by ~~section 42-11-105~~ SECTION 42-9-108.

(b) A customer may waive ~~his~~ THE right to receive any estimate, either written or oral, prior to authorizing repairs by signing ~~his~~ THE CUSTOMER'S name and the date below the following statement which shall be in bold type: **"I DO NOT WISH TO RECEIVE ANY ESTIMATE, EITHER WRITTEN OR ORAL, TO WHICH I AM ENTITLED BY LAW, BEFORE REPAIRS ARE AUTHORIZED."**. The signing of such waiver does not constitute an authorization of repairs, which shall be a separate statement.

(c) (I) In the event that it is necessary to disassemble, or partially disassemble, a motor vehicle or a motor vehicle part in order to provide the customer with an estimate for required repairs, the written estimate required in paragraph (a) of this subsection (2) shall show the cost of reassembly in the event that the customer elects not to proceed with the repairs of the motor vehicle or motor vehicle part. The estimate shall also include the total cost of labor and parts to replace those expendable items which are normally destroyed by such disassembly. No act of disassembly which would prevent the restoration of the same unit to its former condition may be undertaken unless the motor vehicle repair garage has fully informed the customer of that fact in writing on the invoice and the customer consents to the disassembly.

(II) Any estimate of required repairs given after a disassembly shall comply with the requirements of paragraph (a) of this subsection (2); except that such written estimate may then be communicated orally to the customer. A record of such communication shall be made on the invoice by the motor vehicle repair garage, including the date, time, manner of communication, telephone number called, if any, and names of persons giving and receiving such consent.

(d) Towing charges are excluded from the written or oral estimate and consent requirements of this section.

42-9-105. [Formerly 42-11-103.1] When consent and estimate required - additional repairs - changed completion date. (1) Except when an estimate has been waived pursuant to ~~section 42-11-103 (2) (b)~~ SECTION 42-9-104 (2) (b), no charge shall be made for labor and parts in excess of the estimate, plus ten percent thereof or twenty-five dollars, whichever is less, without the consent of the customer to the additional charge before performance of the labor or installation of the parts not included in the estimate, but subcontract cost amounts for parts beyond the

control of the garage to correctly estimate may be charged for in addition to the estimate. Consent by the customer to additional charges may be written or oral. In either case, a record of such consent shall be made on the invoice by the motor vehicle repair garage and shall include the date, time, manner of consent, telephone number called, if any, and names of the persons giving and receiving the consent.

(2) (a) The customer shall be notified in writing on the invoice of any changes in the expected completion date of the repairs and of the new expected completion date. Such notification may be communicated to the customer orally, but such communication, written or oral, must be made no more than three days after the original completion date, exclusive of Saturday, Sunday, and any legal holiday. If communicated orally, a record of such communication shall be made on the invoice by the motor vehicle repair garage and shall include the date, time, telephone number called, if any, and names of the persons giving and receiving such communication.

(b) No additional changes in the completion date shall be made unless the consent of the customer to the additional change is obtained. If the required consent is given orally, the motor vehicle repair garage shall make a record of such consent on the invoice and shall include the date, time, manner of consent, telephone number called, if any, and names of the persons giving and receiving such consent.

(c) If the motor vehicle repair garage fails to notify the customer of the change in the completion date or if the customer refuses to consent to an additional change in the completion date, the contract may be cancelled at the option of either the customer or the motor vehicle repair garage. Once the contract has been cancelled in this manner, the motor vehicle repair garage shall be required to reassemble the motor vehicle in substantially the same condition in which it was delivered to the motor vehicle repair garage without cost to the customer; except that the customer shall be required to pay for any repairs already completed as specified in ~~section 42-11-103.5 (3) (a)~~ SECTION 42-9-106 (3) (a).

42-9-106. [Formerly 42-11-103.5] Amounts over estimate - storage charges - cancellation of authorized repairs. (1) Except when an estimate has been waived pursuant to ~~section 42-11-103 (2) (b)~~ SECTION 42-9-104 (2) (b), if the charge for labor and parts is over the original estimate or any subsequent estimate by ten percent thereof or twenty-five dollars, whichever is less, and unless further oral or written consent is given by the customer pursuant to ~~section 42-11-103.1 (1)~~ SECTION 42-9-105 (1), the motor vehicle repair garage shall return the motor vehicle to the customer upon the payment of the amount of the original estimate or any subsequent estimate plus ten percent thereof or twenty-five

dollars, whichever is less, and the motor vehicle repair garage shall not be entitled to a lien for said excess pursuant to section 38-20-106, C.R.S.

(2) No charge shall be made for storage of the motor vehicle unless the motor vehicle is not picked up by the customer within three days, exclusive of Saturday, Sunday, and legal holidays, after the customer is notified that the repairs have been completed, and the customer was notified, as required by ~~section 42-11-103 (2) (a)~~ SECTION 42-9-104 (2) (a), that such storage charges would accrue.

(3) (a) If the customer cancels previously authorized repairs prior to their completion, the motor vehicle repair garage shall be entitled to charge the customer for repairs, including labor and parts, which have already been performed so long as said charge does not exceed the original estimate or any subsequent estimate for the repairs already performed.

(b) In requesting the return of the motor vehicle subsequent to the cancellation of previously authorized repairs, the customer shall specify whether it should be reassembled in substantially the same condition in which it was delivered to the motor vehicle repair garage or in such a lesser condition of assembly as the customer shall designate. Reassembly shall be completed by the motor vehicle repair garage within three days of the customer's request, excluding Saturday, Sunday, and any legal holiday.

(c) All charges for reassembly, whether or not the requested repairs are completed, shall be included in the original estimate or in any subsequent estimate.

(4) Nothing in this section shall require a motor vehicle repair garage to give an estimate if such garage does not agree to perform the requested repairs.

(5) Payment by the customer of any amount in excess of those allowed by this article or for unauthorized repairs is not a waiver of any of the rights granted by this article to the customer, nor shall such payment be construed as consent to additional repairs or excess charges.

(6) All written estimates and other information required by this section shall be recorded on or attached to the invoice described in ~~section 42-11-105~~ SECTION 42-9-108.

42-9-107. [Formerly 42-11-104] Used, reconditioned, or rebuilt parts. The motor vehicle repair garage shall obtain the consent of the customer before any used, reconditioned, or rebuilt parts are installed in the motor vehicle. If such consent is oral, the motor vehicle repair garage shall make a record of such

consent on the invoice and shall include the date, time, manner of consent, telephone number called, if any, and names of persons giving and receiving such consent. The motor vehicle repair garage shall adjust the original estimate for new parts to reflect the altered cost if used, reconditioned, or rebuilt parts are authorized and installed.

42-9-108. [Formerly 42-11-105] Invoice. (1) All repairs done by a motor vehicle repair garage shall be recorded on a customer's invoice. A legible copy of the customer's invoice shall be given to the customer when the motor vehicle is returned to the customer. The original or a legible copy of the customer's invoice shall be retained for at least three years by the motor vehicle repair garage.

(2) The customer's invoice shall include the following:

(a) The name and address of the customer;

(b) The year, make, odometer reading on the date the motor vehicle was brought in for repairs, and license number of the motor vehicle;

(c) The date the motor vehicle was received for repairs;

(d) An itemization of each part added to or replaced in the motor vehicle; a description of each part by name and identifying number; clear identification of which parts are used, reconditioned, or rebuilt; and the charges levied for each part added or replaced;

(e) The amount charged for labor, the full name or employee number of each mechanic or ~~repairman~~ REPAIRER who in whole or in part performed repairs, and the identification of the specific stage of repair for which each mechanic or ~~repairman~~ REPAIRER named was partially or wholly responsible;

(f) An itemized statement of all additional charges, including storage, service and handling, and taxes;

(g) An identification of any repairs subcontracted to another repair garage; and

(h) The legible initials of the person filling out any portion of the invoice not specified in this subsection (2).

(3) Itemization of a particular part is not required on the customer's invoice if no charge is levied for that part.

(4) Miscellaneous designations such as "shop supplies", "paint and paint supplies", and "shop materials" may be used on the customer's invoice.

(5) Designation of mechanics, ~~repairmen~~ REPAIRERS, parts, or labor is not required on the customer's invoice if the customer has been given a flat-rate price, if such repairs are customarily done and billed on a flat-rate price basis and agreed upon by the customer, and if such flat rates are conspicuously posted by the motor vehicle repair garage or otherwise made available to the customer prior to rendering the estimate.

42-9-109. [Formerly 42-11-106] Return of replaced parts. Except for body shop repair parts and parts that the motor vehicle repair garage is required to return to the manufacturer or distributor under a warranty or exchange arrangement, the motor vehicle repair garage shall return replaced parts to the customer at the time of the completion of the repairs if ~~he~~ THE CUSTOMER so requests at the time of consenting to or authorizing the repairs.

42-9-110. [Formerly 42-11-107] Exemption - antique motor vehicles. The provisions of this article shall not apply to repairs of any motor vehicle twenty-five or more years old or of any motor vehicle which is a collectors' item as defined in ~~section 42-15-101 (2)~~ SECTION 42-12-101 (2).

42-9-111. [Formerly 42-11-108] Prohibited acts. (1) No motor vehicle repair garage or any employee or contract laborer of such garage shall knowingly:

(a) Charge for repairs which have not been consented to by the customer or charge for repairs in excess of amounts allowed by this article;

(b) Represent that repairs are necessary when such is not a fact;

(c) Represent that repairs have been performed when such is not a fact;

(d) Represent that a motor vehicle or motor vehicle part being diagnosed is in dangerous condition when such is not a fact;

(e) Perform emissions repairs to bring motor vehicles into compliance with the provisions of ~~sections 42-4-306.5 to 42-4-316~~ SECTIONS 42-4-301 TO 42-4-316 when such repairs are not indicated by the identified emissions failure.

42-9-112. [Formerly 42-11-109] Penalties - civil action. (1) Except as provided in subsection (2) of this section, any motor vehicle repair garage or any employee of such garage not providing a written or oral estimate as required under ~~section 42-11-103 (2)~~ SECTION 42-9-104 (2), or an invoice as required under ~~section 42-11-105~~ SECTION 42-9-108, commits a class 2 petty offense and, upon conviction thereof, shall be punished by a fine

of not less than two hundred fifty dollars nor more than one thousand dollars per violation. No portion of the minimum fine shall be suspended.

(2) Any motor vehicle repair garage or any employee of such garage who violates ~~section 42-11-108~~ SECTION 42-9-111 commits a class 2 misdemeanor and, upon conviction thereof, shall be punished as provided in section 18-1-106, C.R.S.

(3) In any civil action for the enforcement of this article, the court may award reasonable attorney fees and costs to the prevailing party, and a customer shall be entitled to ~~three times his~~ TREBLE damages for failure of any motor vehicle repair garage or any employee of such garage to comply with this article, except for clerical errors or omissions; but in no event shall such damages be less than one hundred fifty dollars. The customer shall first demand ~~his~~ damages from the motor vehicle repair garage at least ten days prior to the filing of any such action, exclusive of Saturday, Sunday, and any legal holiday. Such action shall be brought within the time period prescribed in section 13-80-103, C.R.S.

ARTICLE ~~12~~ 10
Motor Vehicle Warranties

42-10-101. [Formerly 42-12-101] Definitions. As used in this article, unless the context otherwise requires:

(1) "Consumer" means the purchaser, other than for purposes of resale, of a motor vehicle normally used for personal, family, or household purposes, any person to whom such motor vehicle is transferred for the same purposes during the duration of a manufacturer's express warranty for such motor vehicle, and any other person entitled by the terms of such warranty to enforce the obligations of the warranty.

(2) "Motor vehicle" means a self-propelled private passenger vehicle, including pickup trucks and vans, designed primarily for travel on the public highways and used to carry not more than ten persons, which is sold to a consumer in this state; except that the term does not include motor homes as defined in ~~section 42-1-102 (45.5)~~ SECTION 42-1-102 (57) or vehicles designed to travel on three or fewer wheels in contact with the ground.

(3) "Warranty" means the written warranty, so labeled, of the manufacturer of a new motor vehicle, including any terms or conditions precedent to the enforcement of obligations under that warranty.

42-10-102. [Formerly 42-12-102] Repairs to conform vehicle to warranty. If a motor vehicle does not conform to a warranty and the consumer reports the nonconformity to the manufacturer, its

agent, or its authorized dealer during the term of such warranty or during a period of one year following the date of the original delivery of the motor vehicle to a consumer, whichever is the earlier date, the manufacturer, its agent, or its authorized dealer shall make such repairs as are necessary to conform the vehicle to such warranty, notwithstanding the fact that such repairs are made after the expiration of such term or such one-year period.

42-10-103. [Formerly 42-12-103] Failure to conform vehicle to warranty - replacement or return of vehicle. (1) If the manufacturer, its agent, or its authorized dealer is unable to conform the motor vehicle to the warranty by repairing or correcting the defect or condition which substantially impairs the use and market value of such motor vehicle after a reasonable number of attempts, the manufacturer shall, at its option, replace the motor vehicle with a comparable motor vehicle or accept return of the motor vehicle from the consumer and refund to the consumer the full purchase price, including the sales tax, license fees, and registration fees and any similar governmental charges, less a reasonable allowance for the consumer's use of the motor vehicle. Refunds shall be made to the consumer and lienholder, if any, as their interests may appear. A reasonable allowance for use shall be that amount directly attributable to use by the consumer and any previous consumer prior to ~~his~~ THE CONSUMER'S first written report of the nonconformity to the manufacturer, agent, or dealer and during any subsequent period when the vehicle is not out of service by reason of repair.

(2) (a) It shall be presumed that a reasonable number of attempts have been undertaken to conform a motor vehicle to the warranty if:

(I) The same nonconformity has been subject to repair four or more times by the manufacturer, its agent, or its authorized dealer within the warranty term or during a period of one year following the date of the original delivery of the motor vehicle to the consumer, whichever is the earlier date, but such nonconformity continues to exist; or

(II) The motor vehicle is out of service by reason of repair for a cumulative total of thirty or more business days of the repairer during the term specified in subparagraph (I) of this paragraph (a) or during the period specified in said subparagraph (I), whichever is the earlier date.

(b) For the purposes of this subsection (2), the term of a warranty, the one-year period, and the thirty-day period shall be extended by any period of time during which repair services are not available to the consumer because of war, invasion, strike, or fire, flood, or other natural disaster.

(c) In no event shall a presumption under paragraph (a) of this subsection (2) apply against a manufacturer unless the manufacturer has received prior written notification by certified mail from or on behalf of the consumer and has been provided an opportunity to cure the defect alleged. Such defect shall count as one nonconformity subject to repair under subparagraph (I) of paragraph (a) of this subsection (2).

(d) Every authorized motor vehicle dealer shall include a form, containing the manufacturer's name and business address, with each motor vehicle owner's manual on which the consumer may give written notification of any defect, as such notification is required by paragraph (c) of this subsection (2), and the form shall clearly and conspicuously disclose that written notification by certified mail of the nonconformity is required, in order for the consumer to obtain remedies under this article.

(3) The court shall award reasonable attorney fees to the prevailing side in any action brought to enforce the provisions of this article.

42-10-104. [Formerly 42-12-104] Affirmative defenses. (1) It shall be an affirmative defense to any claim under this article that:

(a) An alleged nonconformity does not substantially impair the use and market value of a motor vehicle; or

(b) A nonconformity is the result of abuse, neglect, or unauthorized modifications or alterations of the motor vehicle by a consumer.

42-10-105. [Formerly 42-12-105] Limitations on other rights and remedies. Nothing in this article shall in any way limit the rights or remedies which are otherwise available to a consumer under any other state law or any federal law. Nothing in this article shall affect the other rights and duties between the consumer and a seller, lessor, or lienholder of a motor vehicle or the rights between any of them. Nothing in this article shall be construed as imposing a liability on any authorized dealer with respect to a manufacturer or creating a cause of action by a manufacturer against its authorized dealer; except that failure by an authorized dealer to properly prepare a motor vehicle for sale, to properly install options on a motor vehicle, or to properly make repairs on a motor vehicle, when such preparation, installation, or repairs would have prevented or cured a nonconformity, shall be actionable by the manufacturer.

42-10-106. [Formerly 42-12-106] Applicability of federal procedures. If a manufacturer has established or participates in an informal dispute settlement procedure which substantially complies with the provisions of part 703 of title 16 of the code

of federal regulations, as from time to time amended, the provisions of ~~section 42-12-103 (1)~~ SECTION 42-10-103 (1) concerning refunds or replacement shall not apply to any consumer who has not first resorted to such procedure.

42-10-107. [Formerly 42-12-107] Statute of limitations. Any action brought to enforce the provisions of this article shall be commenced within six months following the expiration date of any warranty term or within one year following the date of the original delivery of a motor vehicle to a consumer, whichever is the earlier date; except that the statute of limitations shall be tolled during the period the consumer has submitted to arbitration under ~~section 42-12-106~~ SECTION 42-10-106.

ARTICLE ~~13~~ 11
Motor Vehicle Service Contract Insurance

42-11-101. [Formerly 42-13-101] Definitions. As used in this article, unless the context otherwise requires:

(1) "Mechanical breakdown insurance" means a policy, contract, or agreement, as defined in section 10-1-102 (7), C.R.S., that undertakes to perform or provide repair or replacement service, or indemnification for that service, for the operational or structural failure of a motor vehicle due to a defect in materials or skill of work or normal wear and tear, and that is issued by an insurance company authorized to do business in this state.

(2) "Motor vehicle" means any vehicle subject to registration under ~~section 42-1-102 (46)~~ SECTION 42-1-102 (58).

(3) "Motor vehicle service contract" or "service contract" means a contract or agreement between a provider and a service contract holder given for consideration over and above the lease or purchase price of a motor vehicle that undertakes to perform or provide repair or replacement service, or indemnification for that service, for the operational or structural failure of a motor vehicle due to a defect in materials or skill of work or normal wear and tear, but does not include mechanical breakdown insurance.

(4) "Motor vehicle service contract provider" or "provider" means a person who issues, makes, provides, sells, or offers to sell a motor vehicle service contract.

(5) "Motor vehicle service contract reimbursement insurance policy" or "reimbursement insurance policy" means a policy of insurance providing coverage for all obligations and liabilities incurred by a motor vehicle service contract provider under the terms of a motor vehicle service contract issued by the provider.

(6) "Service contract holder" means a person who purchases a motor vehicle service contract.

42-11-102. [Formerly 42-13-102] Reimbursement policy required for sale of service contract. A motor vehicle service contract shall not be issued, made, provided, sold, or offered for sale in this state unless the provider of the service contract is insured under a motor vehicle service contract reimbursement insurance policy issued by an insurer or administrator authorized to do business in this state.

42-11-103. [Formerly 42-13-103] Reimbursement policy - required provisions. A motor vehicle service contract reimbursement insurance policy shall not be issued, made, provided, sold, or offered for sale in this state unless the reimbursement insurance policy conspicuously states that the issuer of the policy shall pay on behalf of the provider all sums which the provider is legally obligated to pay for failure to perform according to the provider's contractual obligations under the motor vehicle service contracts issued or sold by the provider.

42-11-104. [Formerly 42-13-104] Service contract - required statements. A motor vehicle service contract shall not be issued, made, provided, sold, or offered for sale in this state unless the contract conspicuously states that the obligations of the provider to the service contract holder are guaranteed under a service contract reimbursement policy, and unless the contract conspicuously states the name and address of the issuer of the reimbursement policy, the applicable policy number, and the means by which a service contract holder may file a claim under the policy.

42-11-105. [Formerly 42-13-105] Manufacturers' express warranties and service contracts excluded. This article does not apply to motor vehicle manufacturers' express warranties and service contracts as defined in ~~section 42-12-101 (3)~~ SECTION 42-10-101 (3).

42-11-106. [Formerly 42-13-106] Deceptive trade practices prohibited. Failure to comply with the provisions of this article in the course of a business, vocation, or occupation is a deceptive trade practice and is subject to the provisions of the "Colorado Consumer Protection Act", article 1 of title 6, C.R.S.

42-11-107. [Formerly 42-13-107] Enforcement. The attorney general and the district attorneys of the ~~several~~ judicial districts of the state are concurrently responsible for the enforcement of this article.

42-11-108. [Formerly 42-13-108] Remedies. The provisions of this article shall be available to any service contract holder

in a civil action for any claim against a motor vehicle service contract provider. The court shall award reasonable attorney fees and costs to a prevailing party in any civil action brought to enforce the provisions of this article.

~~**42-13-109. Effective date - applicability.** This article shall take effect July 1, 1989, and shall apply to all motor vehicle service contracts issued, made, provided, sold, or offered for sale on or after that date.~~

COLLECTORS' ITEMS

ARTICLE ~~15~~ 12
Motor Vehicles as Collectors' Items

42-12-101. [Formerly 42-15-101] Definitions. As used in this article, unless the context otherwise requires:

(1) "Collector" means an individual or person who is:

(a) The owner of one or more vehicles of historic or special interest who collects, purchases, acquires, trades, or disposes of these vehicles or parts thereof for ~~his own~~ SUCH OWNER'S use in order to preserve, restore, and maintain a vehicle for hobby purposes or use; or

(b) A bona fide member of a national automobile club or association whose charter recognizes in membership a sincere demonstration of interest in the history of automotive engineering, in the preservation of antique, vintage, or special interest motor vehicles, in a sharing of knowledge and experience with other automotive enthusiasts OR in the promotion of good fellowship among such members or collectors.

(2) "Collector's item" means a motor vehicle which is:

(a) At least twenty-five years old;

(b) A make or model of motor vehicle recognized, pursuant to ~~section 42-3-128~~ SECTION 42-3-138, by the executive director of the department of revenue as being antique; or

(c) A make or model of motor vehicle recognized by the executive director of the department of revenue as having unique interest or historic value. In making such determination, the executive director shall give special consideration to:

(I) A make of motor vehicle which is no longer manufactured; or

(II) A make or model of motor vehicle produced in limited or token quantities; or

(III) A make or model of motor vehicle produced as an experimental vehicle or one designed exclusively for educational purposes or museum display; or

(IV) A vehicle of any age or make which has not been substantially altered or modified from original specifications of the manufacturer and, because of its significance, is being collected, preserved, restored, maintained, or operated by a collector or hobbyist as a leisure pursuit.

(3) "Parts car" means a motor vehicle, generally in nonoperable condition, which is owned by a collector to furnish or to supply parts that are usually nonobtainable from normal sources, thus enabling a collector or other collectors to preserve, restore, complete, and maintain a vehicle of historic or special interest.

42-12-102. [Formerly 42-15-102] Registration of collectors' items. (1) Except for those motor vehicles which are entitled to registration under the provisions of ~~section 42-3-128~~ SECTION 42-3-138, collectors' items shall be titled, registered, and a specific ownership tax shall be paid thereon in the same manner as provided in this title for other motor vehicles, with the following exceptions:

(a) Such collectors' items shall be registered for periods of five years. The taxes and fees imposed for registration of a collector's item for each five-year registration period shall be equal to five times the annual taxes and fees which would otherwise be imposed for the registration of such motor vehicle under this title and under title 43, C.R.S. In addition to any other such taxes and fees, if a collector's item is registered in a county which is a member of one or more highway authorities and such authority or authorities have imposed an annual motor vehicle registration fee or fees pursuant to the provisions of section 43-4-506 (1) (k), C.R.S., then five times such annual motor vehicle registration fee or fees shall be imposed and remitted to such authority or authorities.

(b) No collector's item of model year 1960 or later for which a certification of emissions control is required under the provisions of ~~sections 42-4-306.5 to 42-4-320~~ SECTIONS 42-4-301 TO 42-4-316 shall be registered under the provisions of this section unless a certification of emissions control is obtained for such collector's item. Reregistration of such collector's item by the same owner shall not require the obtainment of a new certification of emissions control, but such collector's item shall not be registered under the provisions of this section after the sale or transfer of such vehicle to a new owner until a new certification of emissions control has been obtained for such collector's item.

(2) (a) An owner of a collector's item which is not operated upon the highways of this state and which is kept on private property for the purpose of maintenance, repair, restoration, rebuilding, or any other similar purpose shall pay an annual specific ownership tax as provided in ~~section 42-3-105~~ SECTION 42-3-106 on any such motor vehicle owned by ~~him~~ SUCH OWNER, except owners of parts cars as defined in ~~section 42-15-101 (3)~~ SECTION 42-12-101 (3), or licensed garages or licensed automobile dealers. The payment of the specific ownership tax shall be made in the manner provided in ~~section 42-3-128~~ SECTION 42-3-138.

(b) Upon payment of the specific ownership tax as provided in this subsection (2), the department of revenue shall issue to the owner of the motor vehicle for which the tax has been paid a license, sticker, decal, or other device evidencing such payment, as may be prescribed by the executive director. When such device or license is affixed to the motor vehicle for which issued, the owner of that motor vehicle shall be permitted to keep such motor vehicle on private property for the purposes of maintenance, repair, restoration, rebuilding, or renovation.

42-12-103. [Formerly 42-15-103] Storage provisions. A collector may store motor vehicles, as described in ~~section 42-15-101~~ SECTION 42-12-101, or parts thereof, on ~~his~~ THE COLLECTOR'S private property provided such vehicles and parts cars and the outdoor storage areas are maintained in such a manner that they do not constitute a health hazard, a safety hazard, or a fire hazard and are effectively screened from ordinary public view by means of a solid fence, trees, shrubbery, or other appropriate means. Such storage areas shall be kept free of weeds, trash, and other objectionable items.

42-12-104. [Formerly 42-15-104] Special equipment or modification. (1) Unless the presence of special equipment was a prior condition for sale within Colorado at the time an historic or special interest vehicle was manufactured for first use, the presence of such equipment or device shall not be required as a condition for current legal use.

(2) Any motor vehicle of historic or special interest manufactured prior to the date emission controls were standard equipment on that particular make or model of vehicle is exempted from statutes requiring the inspection and use of such emission controls. Any motor vehicle using emission controls as standard equipment at the time of manufacture must have such equipment in proper operating condition at all times when the vehicle is operated on or for highway purposes.

(3) Any safety device or safety equipment which was manufactured for and installed on a motor vehicle as original equipment must be in proper operating condition when the vehicle

is operated on or for highway purposes.

DISPOSITION OF PERSONAL PROPERTY

ARTICLE ~~16~~ 13
Disposition of Personal Property

42-13-101. [Formerly 42-16-101] Scope and effect of article - exception to provisions. This article shall apply to all personal property acquired or held by a law enforcement agency in the course of motor vehicle law enforcement or related highway duties and under circumstances supporting a reasonable belief that such property was abandoned, lost, stolen, or otherwise illegally possessed, including property left in abandoned vehicles or at vehicle accident locations, unclaimed property obtained by a search and seizure, and unclaimed property used as evidence in any criminal trial, except for such other personal property as shall be disposed of in a different manner in accordance with other Colorado statutes.

42-13-102. [Formerly 42-16-102] Return of property. Any personal property of the type described in ~~section 42-16-101~~ SECTION 42-13-101 and believed to be abandoned, lost, stolen, or otherwise illegally possessed shall be retained in custody by the sheriff, chief of police, or chief of the Colorado state patrol or by ~~his~~ A designated representative within the law enforcement agency, who shall make reasonable inquiry and effort to identify and notify the owner or person entitled to possession thereof and shall return the property after such owner or person provides reasonable and satisfactory proof of ownership or right to possession and reimburses the LAW enforcement agency for all reasonable expenses of such custody and handling.

42-13-103. [Formerly 42-16-103] Sale of unclaimed property. If the identity or location of the owner or person entitled to possession of the property has not been ascertained within six months after the law enforcement agency obtains possession of the property described in ~~section 42-16-101~~ SECTION 42-13-101, the sheriff, chief of police, or chief of the Colorado state patrol or ~~his~~ A designated representative within the law enforcement agency shall effectuate the sale of such property for cash to the highest bidder at a public auction, notice of which, including time, place, and a brief description of such property, shall be published at least once in a newspaper of general circulation in the county wherein such official has authority or jurisdiction or, in the case of the Colorado state patrol, in the county wherein said public auction is to be held at least ten days prior to such auction.

42-13-104. [Formerly 42-16-104] Deposit of proceeds. Proceeds from the sale of property at public auction, less reimbursement of the law enforcement agency for the reasonable

expenses of custody and handling thereof, shall be deposited in the treasury of the county, city and county, city, town, or state of which government the law enforcement agency is a branch.

42-13-105. [Formerly 24-33.5-213] Release of impounded vehicles - penalty. Any owner, operator, or employee of any garage or service station or any appointed custodian who releases any vehicle impounded or ordered held by an officer of the Colorado state patrol without a release from an officer of the Colorado state patrol or a bona fide court order commits a class 3 misdemeanor and shall be punished as provided in section 18-1-106, C.R.S.

42-13-106. [Formerly 24-33.5-213.5] Impounded vehicles - notice - hearing. (1) Whenever a motor vehicle is impounded and ordered held by the Colorado state patrol for a violation of motor vehicle registration or inspection laws, said patrol shall notify the registered owner of record of the impoundment of such vehicle and of the owner's opportunity to request a hearing to determine the validity of the impoundment.

(2) Such notice shall be sent by certified mail to the owner of the motor vehicle within forty-eight hours of impoundment, excluding weekends and holidays, and shall include the following information:

(a) The address and telephone number of the Colorado state patrol;

(b) The location of storage of the motor vehicle;

(c) A description of the motor vehicle, which shall include, if available, the make, model, license plate number, mileage, and vehicle identification number;

(d) The reason for which the motor vehicle was ordered held;

(e) A citation to this section as the basis for the hearing provided for in subsection (1) of this section;

(f) That, if the owner fails to request a hearing or if the impoundment is determined to be valid and the owner does not comply with the appropriate statute within thirty days, the motor vehicle may be subject to sale; and

(g) That, in order to obtain a hearing concerning the validity of the impoundment, the owner must request such hearing in writing in the county court of the county in which the motor vehicle was impounded within ten days after the date appearing on the notice.

~~(2.5)~~ (3) Any notice sent to the owner of a motor vehicle pursuant to this section shall also include a form that the owner shall use when requesting a hearing in the county court of the county in which the motor vehicle is impounded. Such form shall include at least the following:

(a) The name and address of the owner of the impounded motor vehicle;

(b) A description of the motor vehicle as specified in paragraph (c) of subsection (2) of this section;

(c) The reason for which the motor vehicle was ordered held;

(d) A printed citation to this section as the basis for the requested hearing;

(e) A printed statement naming the Colorado state patrol as a party to the action;

(f) A printed statement that the hearing is requested to contest the legality of the impoundment; and

(g) A statement to the owner of the motor vehicle that a copy of the citation on which the impoundment was based and a copy of the notice served on the owner by the Colorado state patrol must be attached to the form to complete the owner's request for a hearing.

~~(3)~~ (4) Any such hearing shall be conducted within five days after the court's receipt of the owner's request for a hearing, excluding weekends and holidays. The clerk of the county court to which the request for hearing was made shall provide written notice of the scheduled date, time, and location of said hearing to both the requesting party and the Colorado state patrol, which notice shall be delivered at least two days prior to the hearing date. The failure of the owner to request or to attend a scheduled hearing shall satisfy the hearing requirement of this section.

~~(4)~~ (5) The sole issue of the hearing shall be the legality of the impoundment of the motor vehicle. The burden of proof shall be on the Colorado state patrol to establish probable cause for the impoundment.

~~(5)~~ (6) If the court determines that the impoundment was invalid, the Colorado state patrol shall be responsible only for the costs incurred in the towing and storage of the motor vehicle. If the court determines that the impoundment was valid and if the owner does not comply with the appropriate statute within thirty days of the court's decision and refuses to remove the motor

vehicle by means other than under its own power on a public highway, the Colorado state patrol shall have reasonable grounds to believe that the motor vehicle has been abandoned, and the provisions of ~~part 16~~ PART 18 of article 4 of ~~title 42, C.R.S.,~~ THIS TITLE shall apply; except that any notice or hearing requirements of said ~~part 16~~ PART 18 OF ARTICLE 4 OF THIS TITLE as to owners of motor vehicles shall be deemed to have been met by the notice and hearing provisions of this section. Nevertheless, the notice and hearing requirements of said ~~part 16~~ PART 18 OF ARTICLE 4 OF THIS TITLE as to lienholders, other than ~~section 42-4-1615, C.R.S.~~ SECTION 42-4-1815, shall not be deemed to have been met by the notice and hearing provisions of this section.

~~(6)~~ (7) The provisions of this section shall not apply to removal of motor vehicles for any purpose other than those specified in this section.

42-13-107. [Formerly 42-16-105] Recovery of property - limitation. The owner or person entitled to possession of the property described in ~~section 42-16-101~~ SECTION 42-13-101 may claim and recover possession of the property at any time before its sale at public auction upon providing reasonable and satisfactory proof of ownership or right to possession and after reimbursing the law enforcement agency for all reasonable expenses of custody and handling thereof.

42-13-108. [Formerly 42-16-106] Damages. No person or agency shall be responsible for consequent damages to another occasioned by an act or omission in compliance with this article.

42-13-109. [Formerly 42-16-107] Local regulations. The provisions of this article may be superseded by ordinance or resolution of a municipality or county which sets forth procedures for disposition of personal property.

ARTICLE 20
Transportation of Hazardous Waste and Nuclear Materials

PART 1
HAZARDOUS MATERIALS - GENERAL PROVISIONS

42-20-101. [Formerly 43-6-101] Short title. Parts 1, 2, and 3 of this article shall be known and may be cited as the "Hazardous Materials Transportation Act of 1987".

42-20-102. [Formerly 43-6-102] Legislative declaration. The general assembly finds that the permitting and routing of motor vehicles transporting hazardous materials is a matter of statewide concern and is affected with a public interest and that the provisions of parts 1, 2, and 3 of this article are enacted in the exercise of the police powers of this state for the purpose of

protecting the health, peace, safety, and welfare of the people of this state.

42-20-103. [Formerly 43-6-103] Definitions. As used in this article, unless the context otherwise requires:

(1) "Chief" means the chief of the Colorado state patrol.

(2) "Enforcement official" means, and is limited to, an officer of the patrol, a certified port of entry officer, an investigating official of the transportation section of the public utilities commission, or any peace officer, level I, as defined in section 18-1-901 (3) (l) (I), C.R.S.

(3) "Hazardous materials" means those materials listed in tables 1 and 2 of 49 C.F.R. 172.504, excluding highway route controlled quantities of radioactive materials as defined in 49 C.F.R. 173.403 (l), excluding ores, the products from mining, milling, smelting, and similar processing of ores, and the wastes and tailing therefrom, and excluding special fireworks as defined in 49 C.F.R. 173.88 (d) when the aggregate amount of flash powder does not exceed fifty pounds.

(4) "Motor vehicle" means any device which is capable of moving from place to place upon public roads. The term includes, but is not limited to, any motorized vehicle or any such vehicle with a trailer or semitrailer attached thereto.

(5) "Patrol" means the Colorado state patrol within the department of public safety.

(6) "Person" means an individual, a corporation, a government or governmental subdivision or agency, a partnership, an association, or any other legal entity; except that separate divisions of the same corporation may, at their request, be treated as separate persons for the purposes of part 2 of this article.

(7) "Public road" means every way publicly maintained and opened to the use of the public for the purposes of vehicular travel, including, but not limited to, streets, bridges, toll roads, tunnels, and state and federal highways.

42-20-104. [Formerly 43-6-104] General powers and duties of chief - department of public safety - cooperation from other state agencies. (1) In addition to any other powers and duties granted to him or her in parts 1, 2, and 3 of this article, the chief shall promulgate such rules and regulations and conduct such hearings as may be necessary for the administration of this article.

(2) In addition to any other powers and duties granted to

him or her in parts 1, 2, and 3 of this article and except as otherwise provided in parts 1, 2, and 3 of this article, the chief shall have the general authority and duty to carry out the provisions of parts 1, 2, and 3 of this article and shall promulgate such rules and regulations, subject to the provisions of article 4 of title 24, C.R.S., as may be necessary to clarify the enforcement provisions of parts 1, 2, and 3 of this article.

(3) Upon request, other agencies of state government, including but not limited to the department of health and the department of transportation, shall provide advice and assistance to the department of public safety relating to the program established by parts 1, 2, and 3 of this article.

42-20-105. [Formerly 43-6-105] Enforcement. (1) The provisions of parts 1, 2, and 3 of this article relating to the transportation of hazardous materials by motor vehicle may only be enforced by an enforcement official.

(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 section 43-6-305 (2)~~ SECTIONS 42-20-204 (1) AND 42-20-305 (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 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.

(3) All enforcement officials may, at their discretion and in lieu of issuing the penalty assessments pursuant to subsection (2) of this section, issue warning citations to persons who violate the provisions of part 1, 2, or 3 of this article.

(4) Enforcement of any law relating to the fixed-site storage or use of hazardous materials shall not be affected by the provisions of part 1, 2, or 3 of this article.

42-20-106. [Formerly 43-6-106] Regulatory authority of local governments - preemption - disposition of local fines and penalties. (1) Except as specifically authorized in parts 1, 2, and 3 of this article, no county, town, city, or city and county shall have any authority to regulate the transportation of hazardous materials separate and apart from the regulation of other commodities. However, a county, town, city, or city and county may adopt and enforce regulations or ordinances which are no more stringent than the provisions of state law and regulations adopted pursuant thereto, if violations of such local regulations or ordinances carry penalties which are not more than the penalties imposed upon violations of state law and regulations adopted pursuant thereto. Any local government which adopts a regulation or ordinance pursuant to this section shall file a certified copy of such regulation or ordinance, and any amendment thereto, with the patrol.

(2) No person shall be prosecuted for a violation of both the provisions of part 1, 2, or 3 of this article and the provisions of such local ordinance or regulation when such prosecution arises out of the same incident.

42-20-107. [Formerly 43-6-107] Hazardous materials safety fund. (1) There is hereby created in the state treasury the hazardous materials safety fund, which shall consist of:

(a) Such moneys as may be appropriated thereto by the general assembly from time to time;

(b) Any permit fees collected pursuant to ~~section 43-6-202~~ SECTION 42-20-202;

(c) Any penalties collected by a state agency or by a court, as provided in ~~section 43-6-305 (3)~~ SECTION 42-20-305 (3);

(d) Any penalties collected pursuant to ~~section 43-6-204 (4)~~ SECTION 42-20-204 (4);

(e) Any gifts or donations made to the state of Colorado or any agency thereof specifically for the purpose of carrying out the provisions of parts 1, 2, and 3 of this article;

(f) Any federal funds made available to the state of Colorado or any agency thereof specifically for the purpose of carrying out the provisions of parts 1, 2, and 3 of this article.

(2) The moneys in the hazardous materials safety fund shall be subject to appropriation by the general assembly for the purposes of parts 1, 2, and 3 of this article.

(3) ~~(a)~~ At the end of each fiscal year, any moneys remaining in the hazardous materials safety fund shall not revert to the general fund but shall be subject to appropriation by the general assembly to the executive director of the department of public safety for disbursement to local governments for purposes related to the preparation and training for and response to hazardous materials incidents.

~~(b) Repealed, L. 92, p. 1339, § 4, effective May 29, 1992.~~

42-20-108. [Formerly 43-6-108] Rules and regulations for transportation of hazardous materials. (1) The chief shall promulgate rules and regulations pursuant to section 24-4-103, C.R.S., for the safe transportation of hazardous materials by motor vehicle, both in interstate and intrastate transportation. Such rules and regulations shall be applicable to any person who transports or ships, or who causes to be transported or shipped, a hazardous material by motor vehicle. Such rules and regulations may govern any safety aspect of the transportation of hazardous materials which the chief deems appropriate, including, but not limited to, the packaging, handling, labeling, marking, and placarding of hazardous materials and motor vehicles transporting hazardous materials, the qualifications of drivers of motor vehicles transporting hazardous materials, financial responsibility requirements, and the use of any package or container in the transportation of hazardous materials which is not manufactured, fabricated, marked, labeled, maintained, reconditioned, repaired, or tested in accordance with such rules and regulations.

(2) The chief shall also promulgate rules and regulations pursuant to section 24-4-103, C.R.S., for the permitting and routing of hazardous materials transportation by motor vehicle within this state and the inspection of vehicles transporting hazardous materials.

(3) In adopting such rules and regulations, the chief shall use as general guidelines the standards and specifications for the safe transportation of hazardous materials contained in federal statutes, and in the rules and regulations promulgated thereunder, as amended from time to time. The rules and regulations adopted by the chief shall not unduly burden interstate or intrastate commerce and shall be no more stringent than federal statutes and

the rules and regulations promulgated thereunder.

(4) The rules and regulations adopted by the chief pursuant to subsection (2) of this section shall not apply to farm machinery which is exempted from registration requirements pursuant to ~~section 42-3-102, C.R.S.,~~ SECTION 42-3-103, agricultural distribution equipment attached to or conveyed by such farm machinery, or vehicles used to transport to or from the farm or ranch site products necessary for agricultural production, except when such vehicles are used in the furtherance of any commercial business other than agriculture.

(5) The rules and regulations adopted by the chief shall provide for the issuance of a certificate of inspection which shall exempt inspected vehicles from additional inspections for a period of at least sixty days unless there is probable cause to assume that the vehicle is in an unsafe condition.

42-20-109. [Formerly 43-6-109] Penalty for violations. (1) Any person who violates a rule or regulation promulgated by the chief pursuant to ~~section 43-6-104~~ SECTION 42-20-104 commits a class 3 misdemeanor and shall be punished as provided in section 18-1-106, C.R.S.

(2) Any person who violates a rule or regulation promulgated by the chief pursuant to ~~section 43-6-108~~ SECTION 42-20-108 commits a class 3 misdemeanor and shall be punished as provided in section 18-1-106, C.R.S.

(3) No conviction pursuant to this section shall bar enforcement by the commission of any provision of title 40, C.R.S., with respect to violations by persons subject to said title.

42-20-110. [Formerly 43-6-110] Immobilization of unsafe vehicles. Any enforcement official shall have the power to immobilize, impound, or otherwise direct the disposition of motor vehicles transporting hazardous materials when the enforcement official deems that the motor vehicle or the operation thereof is unsafe and when such immobilization, impoundment, or disposition is appropriate under or required by rules and regulations promulgated by the chief pursuant to ~~section 43-6-104~~ SECTION 42-20-104.

42-20-111. [Formerly 43-6-111] Additional penalties. Any person, corporation, partnership, or other entity which intentionally or knowingly authorizes, solicits, requests, commands, conspires in, or aids and abets in the violation of any of the provisions of part 1, 2, or 3 of this article commits a class 1 misdemeanor and shall be punished as provided in section 18-1-106, C.R.S.

42-20-112. [Formerly 43-6-112] Reimbursement of local governments. (1) A public entity, political subdivision of the state, or other unit of local government is hereby given the right to claim reimbursement for the costs resulting from action taken to remove, contain, or otherwise mitigate the effects of a hazardous materials abandonment or a hazardous materials spill.

(2) Nothing contained in this section shall be construed to change or impair any right of recovery or subrogation arising under any other provision of law.

(3) Claims for reimbursement made pursuant to this section shall be in accordance with article 22 of title 29, C.R.S.

42-20-113. [Formerly 43-6-113] Hazardous materials spill - abandonment of vehicle containing hazardous material - penalty. (1) No person shall abandon any vehicle containing any hazardous material excluding that which is considered fuel and is contained within the vehicle's fuel tank or shall intentionally spill hazardous materials upon a street, highway, right-of-way, or any other public property or upon any private property without the express consent of the owner or person in lawful charge of that private property.

(2) (a) As used in this section, "abandon" means to leave a thing with the intention not to retain possession of or assert ownership or control over it. The intent need not coincide with the act of leaving.

(b) It is prima facie evidence of the necessary intent that:

(I) The vehicle has been left for more than three days unattended and unmoved; or

(II) License plates or other identifying marks have been removed from the vehicle; or

(III) The vehicle has been damaged or is deteriorated so extensively that it has value only for junk or salvage; or

(IV) The owner has been notified by a law enforcement agency to remove the vehicle and it has not been removed within twenty-four hours after notification.

(3) The driver of a motor vehicle transporting hazardous materials as cargo which is involved in a hazardous materials spill, whether intentional or unintentional, shall give immediate notice of the location of such spill and such other information as necessary to the nearest law enforcement agency.

(4) Any person who violates the provisions of subsection

(3) of this section commits a class ~~(3)~~ 3 misdemeanor and shall be punished as provided in section 18-1-106, C.R.S.

PART 2
PERMIT SYSTEM FOR HAZARDOUS MATERIALS

42-20-201. [Formerly 43-6-201] Hazardous materials transportation permit required. Except as otherwise provided in this part 2, no transportation of hazardous materials by motor vehicle which requires placarding under 49 C.F.R. 172 or 173 shall take place in, to, from, or through this state until the public utilities commission issues a permit, in accordance with the provisions of this part 2, authorizing the applicant to operate or move upon the public roads of this state a motor vehicle or a combination of motor vehicles which carries hazardous materials. This part 2 shall not apply to motor vehicles owned by the federal government, motor vehicles when used to transport to or from the farm or ranch site products used for agricultural production, or farm machinery which is exempted from registration requirements by ~~section 42-3-102, C.R.S.,~~ SECTION 42-3-103, unless such vehicles are used in furtherance of any commercial business other than agriculture. This part 2 shall apply to motor vehicles owned by the state or any political subdivision thereof; except that such vehicles shall be exempt from the fees provided in ~~section 43-6-202~~ SECTION 42-20-202. The requirements of this part 2 shall be in addition to, and not in substitution for, any other provisions of law.

42-20-202. [Formerly 43-6-202] Transportation permit - application fee. (1) (a) Except as otherwise provided in this section, each person desiring to transport hazardous materials which require placarding under 49 C.F.R. 172 or 173 in, to, from, or through this state shall submit a permit application for an annual permit to the public utilities commission prior to beginning such transportation. Permit applications shall be in a form designated by the public utilities commission, and the public utilities commission shall maintain records of all such applications.

(b) Each annual permit shall be valid for one year following its issuance and shall be issued after the approval of the permit application by the public utilities commission and upon the payment of a permit fee, which fee shall be based on the number of motor vehicles the applicant operates within this state, as follows:

Number of Motor Vehicles	Permit Fee
1 - 5	$ 10
6 - 10	25
11 - 50	125

51 - 100	200
101 - 300	350
over 300	400

(c) Single trip permits may be obtained at all port of entry weigh stations and from the Colorado state patrol. Each person transporting such hazardous materials in, to, from, or through this state who has not obtained an annual permit from the public utilities commission shall apply at the closest possible port of entry weigh station or to an officer or office of the Colorado state patrol for a single trip permit. Each single trip permit shall be valid for a single continuous business venture, but in no event shall the permit be valid for more than seventy-two hours, unless extended by any enforcement official for any reason ~~he~~ THE OFFICIAL deems advisable, including mechanical difficulties and road and weather conditions. The single trip permit shall be issued upon the approval of the permit application and upon the payment of a twenty-five-dollar permit fee.

(2) No annual permit application shall be approved unless the applicant:

(a) Supplies proof of having obtained liability insurance as required by the United States department of transportation pursuant to 49 C.F.R. 387. Proof of such liability insurance policy shall be filed with the public utilities commission. The insurance carrier shall give thirty days' written notice for nonpayment of premium and ninety days' notice for nonrenewal of policy to the public utilities commission before the cancellation of such policy. At any time that the insurance policy lapses, the permit shall be automatically revoked.

(b) Agrees to comply with the rules and regulations promulgated pursuant to ~~section 43-6-108~~ SECTION 42-20-108.

~~(2.5)~~ (3) No single trip permit application shall be approved unless the applicant:

(a) Supplies proof of having liability insurance as required by the United States department of transportation pursuant to 49 C.F.R. 387 or signs a verification under the penalty of perjury as provided in ~~part 5 of article 8 of title 18, C.R.S.,~~ SECTION 42-3-140 that the applicant has the liability insurance as required by the United States department of transportation pursuant to 49 C.F.R. 387;

(b) Agrees to comply with the rules and regulations promulgated pursuant to ~~section 43-6-108~~ SECTION 42-20-108.

~~(3)~~ (4) The chief is authorized to promulgate such reasonable rules and regulations as may be necessary or desirable in governing the issuance of permits, if such rules and

regulations are not in conflict with other provisions of state law.

~~(4)~~ (5) Any fees collected pursuant to this section shall be transmitted to the state treasurer, who shall credit the same to the hazardous materials safety fund created in ~~section 43-6-107~~ SECTION 42-20-107.

42-20-203. [Formerly 43-6-203] Carrying of permit and shipping papers. (1) Any person transporting hazardous materials which require placarding under 49 C.F.R. 172 or 173 in this state shall carry a copy of the shipping papers required in 49 C.F.R. 172.200 and a copy of the hazardous materials transportation permit issued by the public utilities commission or the port of entry weigh station in the transporting motor vehicle while in this state. Such permit shall be open to inspection by any enforcement official.

(2) In the event of an accident involving hazardous materials, the operator of the motor vehicle shall provide the shipping papers to the emergency response authorities designated in or pursuant to article 22 of title 29, C.R.S., and immediately bring to their attention the fact that the motor vehicle is carrying hazardous materials.

42-20-204. [Formerly 43-6-204] Permit violations - penalties. (1) Any person who transports hazardous materials without a permit in violation of any of the provisions of ~~section 43-6-201~~ SECTION 42-20-201 commits a misdemeanor traffic offense and shall be assessed a penalty of two hundred fifty dollars in accordance with the procedure set forth in ~~section 43-6-105 (2)~~ SECTION 42-20-105 (2). Any person who intentionally transports hazardous materials without a permit in violation of any of the provisions of ~~section 43-6-201~~ SECTION 42-20-201 commits a class 1 misdemeanor and shall be punished as provided in section 18-1-106, C.R.S. For the purposes of this subsection (1), if any person who previously has acknowledged guilt or has been convicted of a misdemeanor pursuant to this subsection (1) subsequently transports hazardous materials without a permit in violation of any of the provisions of ~~section 43-6-201~~ SECTION 42-20-201, a permissive inference is created that such subsequent transportation without a permit was intentional.

(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 accordance with the procedure set forth in ~~section 42-4-1501 (3) (a) (V)~~ SECTION 42-4-1701 (4) (a) (V).

(3) Any person who knowingly violates any of the terms and

conditions of an annual or single trip hazardous materials transportation permit commits a class 1 misdemeanor and shall be punished as provided in section 18-1-106, C.R.S.

(4) All penalties collected pursuant to this section by a state agency or by a court shall be transmitted to the state treasurer, who shall credit the same to the hazardous materials safety fund created in ~~section 43-6-107~~ SECTION 42-20-107.

(5) Every court having jurisdiction over offenses committed under this section shall forward to the chief a record of the conviction of any person in said court for a violation of any said laws within forty-eight hours after such conviction. The term "conviction" means a final conviction.

42-20-205. [Formerly 43-6-205] Permit suspension or revocation. In addition to any other civil or criminal penalties, the public utilities commission may suspend the hazardous materials transportation annual permit for a period not to exceed six months or may revoke such permit for failure to comply with the terms and conditions of such permit, for failure to pay a civil penalty assessed pursuant to ~~section 43-6-204~~ SECTION 42-20-204, or for continuing violations of the regulations promulgated pursuant to part 1, 2, or 3 of this article. The permit may be suspended or revoked only for good cause shown after due notice and an opportunity for a hearing as provided in article 4 of title 24, C.R.S., if requested by the permit holder.

42-20-206. [Formerly 43-6-206] Local government preemption. No county, city and county, city, or town shall establish any permit or fee system for the transportation of hazardous materials by motor vehicle.

PART 3
ROUTE DESIGNATION FOR HAZARDOUS MATERIALS

42-20-301. [Formerly 43-6-301] Route designation. (1) The patrol, after consultation with local governmental authorities, shall have the sole authority to designate which public roads shall be used and which shall not be used by motor vehicles transporting hazardous materials. The exercise of such authority shall be made pursuant to ~~section 43-6-302~~ SECTION 42-20-302. Such designation shall exempt gasoline, diesel fuel, and liquefied petroleum gas unless the petitioning authority specified in ~~section 43-6-302~~ SECTION 42-20-302 requests their inclusion. Such designation may include route restrictions, closing of streets and highways, and whatever other conditions or restrictions the patrol deems advisable, except for hours of operation and curfews. Any such designation in this part 3 shall be referred to as a route designation. Routes designated by the patrol pursuant to this part 3 shall not apply to motor vehicles when used to transport to or from the farm or ranch site products necessary for

agricultural production. No city, county, or city and county may impose restrictions on hours of operation on designated routes; except that this provision shall not apply to any city, county, or city and county which, by resolution or ordinance, had routes or hours of operation restrictions in effect on July 1, 1985.

(2) The patrol may approve route designations only for those materials listed in table 1 of 49 C.F.R. 172.504, in any quantities, and those materials listed in table 2 of 49 C.F.R. 172.504, when carried in quantities of five hundred gallons or more; except that the patrol may not accept or approve route designations for those materials listed in table 2 when packaged in containers of five gallons or less or when packaged as consumer commodities as defined in 49 C.F.R. 173.1200.

(3) Notwithstanding any other provision of part 1, 2, or 3 of this article to the contrary, the commission may regulate hours of operation of the Eisenhower-Johnson tunnels, structure numbers F13Y and F13X, respectively, on interstate 70.

42-20-302. [Formerly 43-6-302] Application for route designation - procedure - approval. (1) Petitions for new route designations or for a change in an existing route designation may be submitted to the patrol no more than once a year:

(a) By a county, with respect to any public road maintained by the county, upon approval of the petition by the board of county commissioners of such county;

(b) By a town, city, or city and county, with respect to any public road located within such town, city, or city and county, upon approval of the petition by the governing body of such town, city, or city and county;

(c) By the department of transportation, with respect to any public road maintained by the state, except for any public road located within a town, city, or city and county, upon approval of the petition by the transportation commission.

(2) A county, town, city, or city and county, with approval of the patrol, may adopt and enforce regulations or ordinances concerning the parking of motor vehicles, if such regulations and ordinances, as enforced or applied, do not prohibit or exclude motor vehicles carrying hazardous materials from the enforcing jurisdiction and do not unreasonably limit parking on or near the designated routes through the enforcing jurisdiction or for pickup and delivery.

(3) The petition shall describe specifically the designation sought, shall identify any local business or industry which is known to be significantly reliant on hazardous materials transportation and which would be affected by the designation, and

shall include any other information which is necessary for the patrol to act upon the petition and which is required by rule and regulation of the patrol.

(4) Upon the filing of a complete petition with the patrol, the patrol shall give adequate public notice of such petition, including at least the following:

(a) Notification by certified mail to the governing body of any county, town, city, or city and county which would be affected by the route designation; and

(b) Publication in a newspaper having general circulation in each affected community once each week for three consecutive weeks.

(5) If the petitioner is not the department of transportation, the patrol shall provide a copy of the petition to the department of transportation for its review and comment.

(6) No sooner than thirty days after the requirements of subsections (3) and (4) of this section have been met and after reasonable notice to the petitioner, to the department of transportation, and to any persons requesting such notice, the patrol shall hold an informal public conference on the petition. At such conference, representatives of the petitioner and the department of transportation and any interested persons shall be afforded the opportunity to comment on the petition, and the petitioner shall have the opportunity to amend the petition. The patrol shall approve the designation if there is no opposition to the petition and if the requirements of subsection (8) of this section have been met.

(7) If there is opposition to the petition at the informal public conference and no agreement can be reached, the patrol shall hold a formal public hearing and act on the petition in accordance with the provisions of article 4 of title 24, C.R.S.

(8) No route designation shall be approved by the patrol unless it finds that:

(a) The routes available for the transportation of hazardous materials by motor vehicle:

(I) Are feasible, practicable, and not unreasonably expensive for such transportation;

(II) Are continuous within a jurisdiction and from one jurisdiction to another;

(III) Provide greater safety to the public than other feasible routes; and

(IV) Do not unreasonably burden interstate or intrastate commerce;

(b) The designation is not arbitrary or intended by the petitioner merely to divert the transportation of hazardous materials to other communities;

(c) Reasonable provision is made for signs along the affected public roads giving adequate notice of the designation to the public, to affected industry, and to transporters of hazardous materials. Such signs shall not be required in jurisdictions where the governmental authority has provided the patrol with professional quality maps which indicate the route designations in that jurisdiction.

(d) The designation will not interfere with the pickup or delivery of hazardous materials; and

(e) The designation is consistent with all applicable federal laws and regulations.

(9) Any town, city, city and county, or county may request the department of transportation to submit a petition to the patrol for a route designation on any highway maintained by the state within the jurisdiction of said local entity.

(10) The patrol shall make a final decision to approve or deny any petition for a route designation within six months of the filing of the petition.

(11) The patrol shall approve route designations for gasoline, diesel fuel, and liquefied petroleum gas requested by petitioning authorities under ~~section 43-6-301 (1)~~ SECTION 42-20-301 (1) where such designations follow routes approved by the patrol for other hazardous materials under this section.

42-20-303. [Formerly 43-6-303] Road signs required - uniform standards. Signs giving adequate notice of route designations shall be placed and maintained along public roads affected by such designations. In accordance with ~~part 5~~ PART 6 of article 4 of ~~title 42, C.R.S.,~~ THIS TITLE AND SECTION 42-4-105, the department of transportation shall adopt uniform standards for highway signs giving notice of route designations. The requirements of this section shall not apply to jurisdictions in which the governmental authority has provided the patrol with professional quality maps which indicate the route designations in that jurisdiction.

42-20-304. [Formerly 43-6-304] Emergency closure of public roads. Nothing in part 1, 2, or 3 of this article shall limit the authority of state and local authorities to close public roads temporarily if necessary because of any road construction or

maintenance, an accident, a natural disaster, the weather conditions, or any other emergency circumstances resulting in making road conditions unsafe for travel by motor vehicles transporting hazardous materials.

42-20-305. [Formerly 43-6-305] Deviation from authorized route - penalty. (1) No person shall transport hazardous materials by motor vehicle contrary to any route designation approved by the patrol pursuant to this part 3 unless such action is necessary to service a motor vehicle or to make a local pickup or delivery of hazardous materials or unless such action is so required by emergency conditions which would make continued use of authorized routes unsafe or by the closure of an authorized route pursuant to ~~section 43-6-304~~ SECTION 42-20-304, and, in such circumstances, the motor vehicle shall remain on authorized routes whenever possible and shall minimize the distance travelled on restricted routes. A person transporting hazardous materials by motor vehicle may make successive local pickups and deliveries without returning to the authorized route between each pickup or delivery when such return would be unreasonable. A person transporting hazardous materials shall not utilize residential streets unless there is no other reasonable route available to reach the destination.

(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 dollars for each separate violation in accordance with the procedure set forth in ~~section 43-6-105 (2)~~ 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 42-4-1505 (1), C.R.S.,~~ SECTION 42-4-1707 (1), and, upon conviction thereof, shall be punished by a fine of not less than two hundred fifty dollars nor more than five hundred dollars.

(3) All penalties collected pursuant to this section by a state agency or by a court shall be transmitted to the state treasurer, who shall credit the same to the hazardous materials safety fund created in ~~section 43-6-107~~ SECTION 42-20-107.

(4) Every court having jurisdiction over offenses committed under subsection (2) of this section shall forward to the chief a record of the conviction of any person in said court for a violation of any said laws within forty-eight hours after such conviction. The term "conviction" means a final conviction.

PART 4
NUCLEAR MATERIALS - GENERAL PROVISIONS

42-20-401. [Formerly 43-6-401] Legislative declaration. It is hereby determined and declared that nuclear materials create a potential risk to the public health, safety, and welfare of the people of the state of Colorado. As an origination point of nuclear waste and a corridor state through which nuclear materials pass, the state has a duty to protect its citizens and environment from all hazards created by the transportation of nuclear materials within its borders. State and public participation in planning for the transport of nuclear materials and in the development of a plan to cope with all phases of the nuclear materials problem is essential in order to adequately prepare for potential nuclear incidents. To that end, it is the purpose of parts 4 and 5 of this article to require safe and environmentally acceptable methods of transporting nuclear materials within this state in a manner consistent with the laws of the United States and the rules and regulations promulgated by agencies of the United States.

42-20-402. [Formerly 43-6-402] Definitions. As used in parts 4 and 5 of this article, unless the context otherwise requires:

(1) "Carrier" means any person transporting goods or property on the public roads of this state in, to, from, or through this state, whether or not such transportation is for hire.

(2) "Commission" means the public utilities commission.

(3) (a) "Nuclear materials" means highway route controlled quantities of radioactive materials as defined in 49 C.F.R. 173.403 (l).

(b) "Nuclear materials" does not include nuclear materials used for research or medical purposes within Colorado. For the purpose of this paragraph (b), highway route controlled quantities of radioactive materials used to irradiate medical supplies and equipment are not considered to be used for medical purposes.

(c) (I) "Nuclear materials" includes radioactive materials being transported to the waste isolation pilot plant in New Mexico and radioactive materials being transported to any facility provided pursuant to section 135 of the federal "Nuclear Waste Policy Act of 1982", 42 U.S.C. 10101 et seq., or any repository licensed by the United States nuclear regulatory commission that is used for the permanent deep geologic disposal of high-level radioactive waste and spent nuclear fuel.

(II) Except as provided in subparagraph (I) of this paragraph (c), "nuclear materials" does not include radioactive materials utilized in national security activities under the direct control of the United States department of defense, nor

does it include radioactive materials under the direct control of the United States department of energy which are utilized in carrying out atomic energy defense activities, as defined in the federal "Nuclear Waste Policy Act of 1982", 42 U.S.C. 10101 et seq., or wastes from mining, milling, smelting, or similar processing of ores and mineral-bearing material.

(III) Notwithstanding the provisions of subparagraph (I) of this paragraph (c), "nuclear materials" does not include ores or products from mining, milling, smelting, or similar processing of ores, or the transportation thereof.

42-20-403. [Formerly 43-6-403] Chief to promulgate rules and regulations - motor vehicles. The chief shall promulgate rules and regulations for the safe transportation of nuclear materials by motor vehicle. Such rules shall not be inconsistent with any federal rule or regulation governing the transportation of the nuclear materials subject to parts 4 and 5 of this article. Such rules shall be applicable to any person who transports or ships, or who causes to be transported or shipped, a nuclear material by motor vehicle.

42-20-404. [Formerly 43-6-404] Inspections. All vehicles carrying nuclear materials entering the state on the public highways shall be inspected by port of entry personnel or Colorado state patrol officers at the port of entry weigh station nearest the point at which the shipment enters the state or at a location specified by the Colorado state patrol. For all shipments originating within the state, inspection shall be made at the point of origination by Colorado state patrol officers. All such inspections conducted by port of entry weigh station personnel and Colorado state patrol officers shall be in accordance with the rules promulgated pursuant to ~~section 42-4-234, C.R.S., and sections 43-6-108 (1) and 43-6-403~~ SECTIONS 42-4-235, 42-20-108 (1), AND 42-20-403.

42-20-405. [Formerly 43-6-405] Violations - criminal penalties. (1) Notwithstanding the provisions of section 40-7-107, C.R.S., any person who violates any provision of part 4 or 5 of this article or rule or regulation promulgated by the chief pursuant to parts 4 and 5 of this article commits a class 2 misdemeanor and shall be punished as provided in section 18-1-106, C.R.S. No conviction pursuant to this section shall bar enforcement by the commission of any provision of title 40, C.R.S., with respect to violations by persons subject to said title.

(2) Every court having jurisdiction over offenses committed under subsection (1) of this section shall forward to the chief a record of the conviction of any person in said court for a violation of any provision of part 4 or 5 of this article or any rule or regulation promulgated pursuant thereto within forty-eight

hours after such conviction. As used in this subsection (2), "conviction" means a final conviction.

42-20-406. [Formerly 43-6-406] Violations - civil penalties - motor vehicles. (1) Any person who violates any provision of part 4 or 5 of this article or a rule or regulation promulgated by the chief pursuant to parts 4 and 5 of this article, except for the violations enumerated in subsection (3) of this section and ~~section 43-6-505~~ SECTION 42-20-505, shall be subject to a civil penalty of not more than ten thousand dollars per day for each day during which such violation occurs. The penalty shall be assessed by the chief upon receipt of a complaint by any investigative personnel of the commission, port of entry personnel, or Colorado state patrol officer and after written notice and an opportunity for a hearing pursuant to section 24-4-105, C.R.S. Payment of a civil penalty under this section shall not relieve any person from liability pursuant to article 11 of title 25, part 3 of article 15 of title 25, or article 22 of title 29, C.R.S. Any person who is assessed a penalty pursuant to this subsection (1) shall have the right to appeal the chief's decision by filing a notice of appeal with the court of appeals as specified in section 24-4-106 (11), C.R.S.

(2) Any person who commits any of the acts enumerated in subsection (3) of this section shall be subject to the civil penalty listed in said subsection (3). Ports of entry personnel, investigative personnel of the commission, and officers of the Colorado state patrol shall have the authority to issue civil penalty assessments for the enumerated violations. At any time that a person is cited for a violation enumerated in subsection (3) of this section, the person in charge of or operating the motor vehicle involved shall be given a notice in the form of a civil 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 or her receipt of the civil penalty assessment notice, a place for such person to execute a signed acknowledgment of liability for the cited violation, and such other information as may be required by law to constitute such notice as a complaint to appear in court should the prescribed penalty not be paid within ten days. Every cited person shall execute the signed acknowledgment of his or her receipt of the civil penalty assessment notice. The acknowledgment of liability shall be executed at the time the cited person pays the prescribed penalty. The person cited shall pay the civil penalty specified in subsection (3) of this section for the violation involved at the office of the department of revenue, motor vehicle division, Denver, Colorado, either in person or by postmarking such payment within ten days of 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 ten days of the notice, the civil penalty assessment notice shall constitute a complaint to appear in court unless payment for such penalty assessment has been accepted by the motor vehicle division of the department of revenue as evidenced by receipt, and the person cited shall, within the time specified in the civil penalty assessment notice, file an answer to this complaint with the county court for the county in which the penalty assessment was issued. The attorney general shall represent the state agency which issued the civil penalty assessment notice if so requested by the agency.

(3) The following penalties shall apply only to the transportation of nuclear materials by motor vehicle and shall be assessed against drivers, shippers, carriers, operators, brokers, and other persons, as appropriate:

(a) Any person who operates a motor vehicle without a driver's log book in his or her possession, as required by 49 C.F.R. 395.8, shall be assessed a civil penalty of one hundred dollars.

(b) Any person who operates a motor vehicle without maintaining a driver's log book in current condition, in accordance with 49 C.F.R. 395.8, shall be assessed a civil penalty of one hundred dollars.

(c) Any person who enters false information in a driver's log book in violation of 49 C.F.R. 395.8 (e) shall be assessed a civil penalty of two hundred fifty dollars.

(d) Any person who exceeds maximum driving or on duty time, as established by 49 C.F.R. 395.3, shall be assessed a civil penalty of two hundred fifty dollars.

(e) Any person who fails to produce his or her driver's log book on demand of any law enforcement official, port of entry personnel, or investigative personnel of the commission in violation of 49 C.F.R. 395.8 shall be assessed a civil penalty of two hundred fifty dollars.

(f) Any person who fails to have a valid medical certificate in his or her possession, in accordance with 49 C.F.R. 391.43, shall be assessed a civil penalty of one hundred dollars.

(g) Any person who operates a motor vehicle without meeting driver qualifications, as established in 49 C.F.R. 177.825 (d) and ~~section 43-6-501~~ SECTION 42-20-501, shall be assessed a civil penalty of five hundred dollars.

(h) Any person who carries an unauthorized passenger, as defined in 49 C.F.R. 392.60, shall be assessed a civil penalty of one hundred dollars.

(i) Any person who operates a motor vehicle while that person is declared to be out of service, as defined in 49 C.F.R. 395.13, shall be assessed a civil penalty of five hundred dollars.

(j) Any person who operates an unsafe vehicle, as defined in 49 C.F.R. 396, shall be assessed a civil penalty of one hundred fifty dollars.

(k) Any person who operates a motor vehicle without correcting defects as noted on a safety inspection report in violation of 49 C.F.R. 396.9 shall be assessed a civil penalty of five hundred dollars.

(l) Any person who operates a motor vehicle while that vehicle is declared to be out of service, as defined in 49 C.F.R. 396.9 (c) (2), shall be assessed a civil penalty of one thousand dollars.

(m) Any person who transports nuclear materials without proper visibility and display of placards in violation of 49 C.F.R. 172.504 shall be assessed a civil penalty of two hundred dollars.

(n) Any person who transports nuclear materials without proper placards, as provided in 49 C.F.R. 172.504, shall be assessed a civil penalty of five hundred dollars.

(o) Any person who displays nuclear materials placards on vehicles not transporting nuclear materials in violation of 49 C.F.R. 172.502 shall be assessed a civil penalty of one hundred dollars.

(p) Any person who fails to have hazardous materials shipping papers in conformance with 49 C.F.R. 177.817 shall be assessed a civil penalty of five hundred dollars.

(q) Any person who parks a motor vehicle transporting nuclear materials in violation of 49 C.F.R. 397.7 shall be assessed a civil penalty of five hundred dollars.

(r) Any person who violates a provision of ~~section 43-6-508~~ SECTION 42-20-508 or the rules adopted pursuant thereto shall be assessed a civil penalty of five hundred dollars.

(s) Any person who improperly fills out the shipping papers required by 49 C.F.R. 172, subpart C, shall be assessed a civil penalty of five hundred dollars.

(t) Any person who fails to report a nuclear incident, or fails to take necessary response actions, as required by 49 C.F.R. 171.15 and 171.16 and 49 C.F.R. 177.861, shall be assessed a civil penalty of five hundred dollars.

(u) Any person who supplies inaccurate information in, or who fails to comply with, the route plan required by 49 C.F.R. 177.825 (c), shall be assessed a civil penalty of five hundred dollars.

(v) Any person who transports nuclear materials in violation of the radiation level limitations established in 49 C.F.R. 173.441 shall be assessed a civil penalty of one thousand dollars.

(w) Any person who transports nuclear materials in excess of the maximum permissible transport index, as provided in 49 C.F.R. 173, shall be assessed a civil penalty of one thousand dollars.

42-20-407. [Formerly 43-6-407] Repeat violations - civil penalties. (1) If any person receives two penalty assessments within one year for a violation of ~~section 43-6-406~~ SECTION 42-20-406 and the first penalty assessment has not been reversed by a court of competent jurisdiction, the penalty for the second violation shall be two times the amount of the penalty listed for the violation in ~~section 43-6-406~~ SECTION 42-20-406.

(2) If any person receives three or more penalty assessments within one year for a violation of ~~section 43-6-406~~ SECTION 42-20-406 and if two or more of the previous penalty assessments have not been reversed by a court of competent jurisdiction, the penalty for each of the third and subsequent violations shall be three times the amount of the penalty listed for the violation in ~~section 43-6-406~~ SECTION 42-20-406.

42-20-408. [Formerly 43-6-408] Compliance orders - penalty. (1) Whenever the chief finds that any person is in violation of any rule, regulation, or requirement of part 4 or 5 of this article, the chief may issue an order requiring such person to comply with any such rule, regulation, or requirement and may request the attorney general to bring suit for injunctive relief or for penalties pursuant to ~~section 43-6-406~~ SECTION 42-20-406.

(2) Any person who violates any compliance order of the chief which is not subject to a stay pending judicial review and which has been issued pursuant to this part 4 shall be subject to a civil penalty of not more than ten thousand dollars per day for each day during which such violation occurs.

PART 5
NUCLEAR MATERIALS PERMIT SYSTEM

42-20-501. [Formerly 43-6-501] Nuclear materials transportation permit required - application. (1) No transportation of nuclear materials shall take place in, to, from, or through this state until the commission issues a permit, in accordance with the provisions of this section, which is not inconsistent with federal law, authorizing the applicant to operate or move upon public roads of this state a motor vehicle or combination of motor vehicles which carry nuclear materials.

(2) Each carrier desiring to transport nuclear materials shall submit a permit application, in the form designated by the commission, to the commission prior to beginning such transportation.

42-20-502. [Formerly 43-6-502] Permits - fees. Each permit issued pursuant to ~~section 43-6-501~~ SECTION 42-20-501 shall be valid for one year following its issuance and shall be issued after approval of the carrier's permit application and upon payment of a five-hundred-dollar permit fee. In addition to the permit fee, each carrier shall pay a two-hundred-dollar fee for each shipment. The shipment fee shall be paid either by mail, in which case it must be postmarked at least seven days before the shipment is to be made, or at the time the shipment enters the state at the port of entry weigh station nearest the point at which the shipment enters the state. If the shipment originates in this state, payment shall be made at the port of entry weigh station nearest the point of origination of the shipment.

42-20-503. [Formerly 43-6-503] Carrying of shipping papers. Any person transporting nuclear materials in this state shall carry a copy of the shipping papers required in 49 C.F.R. 172, subpart C.

42-20-504. [Formerly 43-6-504] Rules and regulations. The chief is authorized to promulgate reasonable rules and regulations which are necessary or desirable in governing the issuance of permits if such rules and regulations are not in conflict with or inconsistent with federal rules and regulations.

42-20-505. [Formerly 43-6-505] Penalties - permit system. (1) The investigative personnel of the commission, the ports of entry personnel, and the officers of the Colorado state patrol may assess a civil penalty of one thousand dollars against every carrier who transports nuclear materials without first obtaining a nuclear materials transportation permit.

(2) Every carrier who misrepresents information in the carrier's application for a nuclear materials transportation permit, violates the terms of the permit, or commits a second violation of subsection (1) of this section within one calendar year shall be assessed a civil penalty of not less than five hundred dollars nor more than three thousand dollars.

(3) The penalties in subsection (1) of this section shall be assessed upon an action brought by the commission, the ports of entry division of the department of revenue, or the Colorado state patrol in accordance with the procedure set forth in ~~section 43-6-406 (1)~~ SECTION 42-20-406.

42-20-506. [Formerly 43-6-506] Permit suspension and revocation. In addition to any other civil or criminal penalties, the commission may suspend the nuclear materials transportation permit of any carrier for a period not to exceed six months or revoke such permit for failure to comply with the permit terms, misrepresentation of information in the permit application, failure to pay a civil penalty assessed pursuant to ~~section 43-6-406~~ SECTION 42-20-406, or failure to comply with the regulations promulgated pursuant to parts 4 and 5 of this article. The permit may be suspended or revoked only for good cause shown after due notice and opportunity for a hearing pursuant to section 24-4-105, C.R.S., if requested by the carrier.

42-20-507. [Formerly 43-6-507] Local government preemption. No county, city and county, city, or town shall establish any permit or fee system for the transportation of nuclear materials by motor vehicle or railcar in, to, from, or through this state.

42-20-508. [Formerly 43-6-508] Route designation - motor vehicles. (1) The chief of the Colorado state patrol shall have the authority to adopt rules to designate which state highways shall be used and which shall not be used by motor vehicles transporting nuclear materials in this state.

(2) The carrier shall not deviate from the routes designated pursuant to subsection (1) of this section except in order to make local pickups and deliveries and in cases of emergency conditions which would make continued use of the designated route unsafe, or to refuel, or when the designated route is closed due to road conditions, road construction, or maintenance operations. When making local pickups and deliveries or when refueling, the carrier shall remain on the routes designated by the Colorado state patrol and shall minimize the distance traveled on nondesignated routes.

42-20-509. [Formerly 43-6-509] Strict liability for nuclear incidents. Any person who causes the release of any nuclear material being transported shall be strictly liable for all injuries and damages resulting therefrom. The conduct of the claimant shall not be a defense to liability; except that this section does not waive any defense based on the claimant's failure to mitigate damages or related to any injury or damage to the claimant or the claimant's property which is intentionally sustained by the claimant or which results from the release of any nuclear material being transported intentionally and wrongfully caused by the claimant.

42-20-510. [Formerly 43-6-510] Statute of limitations. No person who has been injured or damaged as a result of a nuclear incident shall be precluded from bringing a suit against the person or persons responsible for causing the nuclear incident if such suit is instituted within three years after the date on which the injured person first knew, or reasonably could have known, of his or her injury or damage and the cause thereof; except that such suit must be brought within forty years after the date of the nuclear incident.

42-20-511. [Formerly 43-6-511] Nuclear materials transportation fund. All moneys collected pursuant to parts 4 and 5 of this article shall be transmitted to the state treasurer, who shall credit the same to the nuclear materials transportation fund, which fund is hereby created. The moneys in the fund shall be subject to annual appropriation by the general assembly for the direct and indirect costs of the administration of parts 4 and 5 of this article.

SECTION 2. Article 20 of title 8, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF THE FOLLOWING NEW PARTS to read:

PART 8
ANTIFREEZE

8-20-801. [Formerly 42-10-101] Short title. This ~~part 1~~ PART 8 shall be known and may be cited as the "Colorado Antifreeze Law".

8-20-802. [Formerly 42-10-102] Definitions. As used in this ~~part 1~~ PART 8, unless the context otherwise requires:

(1) "Antifreeze" means all substances and preparations intended for use as the cooling medium, or to be added to the cooling liquid, in the cooling system of internal combustion engines to prevent freezing of the cooling liquid or to lower its freezing point.

(2) "Person" means individuals, partnerships, corporations, companies, and associations.

8-20-803. [Formerly 42-10-103] Annual inspection of sample - permit authorizing sale - reinspection. (1) Before any antifreeze is sold, exposed for sale, or held with intent to sell within this state, a sample thereof must be inspected annually by the state inspector of oils, at an inspection laboratory ~~which he designates~~ DESIGNATED BY THE STATE INSPECTOR OF OILS. Upon application of the manufacturer, packer, seller, or distributor, and the payment of a fee not to exceed twenty-five dollars for each sample of antifreeze submitted, the state inspector of oils shall inspect the antifreeze submitted as set forth in this

subsection (1), but in no case will an approved antifreeze be inspected more than one time for each antifreeze marketing year beginning ~~May first~~ MAY 1 and ending ~~April thirtieth~~ APRIL 30, except as set forth in this section.

(2) If the antifreeze is not adulterated or misbranded, if it meets the standards of the state inspector of oils and is not in violation of this ~~part 1~~ PART 8, the state inspector of oils shall give the applicant a written permit authorizing the sale by any person of such antifreeze in this state for the marketing year for which the inspection fee is paid. If the state inspector of oils at a later date finds that the product to be sold, exposed for sale, or held with intent to sell has been materially altered or adulterated, or that a change has been made in the name, brand, or trademark under which the antifreeze is sold, or that it violates the provisions of this ~~part 1~~ PART 8, the state inspector of oils shall notify the applicant and the permit shall be cancelled. ~~forthwith.~~

(3) In the event a manufacturer, packer, seller, or distributor changes the composition, content, or formula of any antifreeze which ~~he~~ THE MANUFACTURER, PACKER, SELLER, OR DISTRIBUTOR is marketing under a permit from the state inspector of oils, it is the duty of said manufacturer, packer, seller, or distributor to immediately notify said state inspector of oils and submit a sample for test in compliance with this section.

8-20-804. [Formerly 42-10-104] When deemed adulterated. (1) An antifreeze shall be deemed to be adulterated:

(a) If it consists in whole or in part of any substances which will render it injurious to the cooling system of an internal combustion engine or will make the operation of any internal combustion engine dangerous to the user; or

(b) If its strength, quality, or purity falls below the standard of strength, quality, or purity under which it is sold.

8-20-805. [Formerly 42-10-105] When deemed misbranded. (1) Antifreeze shall be deemed to be misbranded:

(a) If its labeling is false or misleading in any particular; or

(b) If in package form it does not bear a label containing the name and place of business of the manufacturer, packer, seller, or distributor, and an accurate statement of the quantity of the contents in terms of weight or measure on the outside of the package.

8-20-806. [Formerly 42-10-106] State inspector of oils to enforce. The state inspector of oils shall enforce the provisions

of this ~~part 1~~ PART 8 by inspections, chemical analysis, or any other appropriate methods. All samples for inspection or analysis shall be taken from the stocks in the state or intended for sale in the state, or the state inspector of oils, through his OR HER agents, may call upon the manufacturer or distributor applying for an inspection of antifreeze to supply such samples thereof for analysis. The state inspector of oils, or his OR HER agents, shall have free access during business hours to all places of business, buildings, vehicles, cars, and vessels used in the manufacture, transportation, sale, or storage of any antifreeze, and ~~he~~ may open any box, carton, parcel, or package containing or supposed to contain any antifreeze and may take therefrom samples for analysis.

8-20-807. [Formerly 42-10-107] Rules and regulations. The state inspector of oils has authority to promulgate such rules and regulations as are necessary to promptly and effectively enforce the provisions of this ~~part 1~~ PART 8.

8-20-808. [Formerly 42-10-108] List of brands may be furnished. The state inspector of oils may furnish upon request a list of the brands and trademarks of antifreeze inspected by ~~him~~ THE STATE INSPECTOR OF OILS during the marketing year which have been found to be in accord with this ~~part 1~~ PART 8.

8-20-809. [Formerly 42-10-109] False advertising prohibited. No advertising literature relating to any antifreeze in this state shall contain any statement that the antifreeze advertised for sale has been approved by the state inspector of oils, unless the said antifreeze has been inspected by the state inspector of oils and found by ~~him~~ THE STATE INSPECTOR to meet the standards of ~~his~~ THE STATE INSPECTOR'S department and not to be in violation of this ~~part 1~~ PART 8, in which case such statement may be contained in any advertising literature where such brand or trademark of antifreeze is being advertised for sale.

8-20-810. [Formerly 42-10-110] District attorney to bring actions. Whenever the state inspector of oils discovers any antifreeze is being sold or has been sold in violation of this ~~part 1~~ PART 8, it is ~~his~~ THE STATE INSPECTOR'S duty to bring this violation to the attention of the district attorney in ~~his~~ THE STATE INSPECTOR'S respective district, or the attorney general in cases where the district attorney refuses to act, to enforce the provisions of this ~~part 1~~ PART 8 by appropriate action in courts of competent jurisdiction.

8-20-811. [Formerly 42-10-111] Disposition of fees. All fees provided for in this ~~part 1~~ PART 8 shall be collected by the department of revenue and remitted to the state treasurer to be credited to the general fund of the state.

8-20-812. [Formerly 42-10-112] Penalty. If any person

violates the provisions of this ~~part 1~~ PART 8, or fails to comply with any of the provisions of this ~~part 1~~ PART 8, such person is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than fifty dollars nor more than three hundred dollars for each offense.

PART 9
BRAKE FLUID

8-20-901. [Formerly 42-10-201] Sale of approved brake fluid. It is unlawful for any person, partnership, corporation, or association to sell or offer for sale brake fluid for automotive use which has not been approved by the state inspector of oils.

8-20-902. [Formerly 42-10-202] Brake fluid specifications - list of approved brands. The state inspector of oils shall establish specifications or requirements for approved-type brake fluid; but the specifications or requirements shall not be lower in standard than the specifications and requirements of the society of automotive engineers, numbered J-70 b, approved May, 1963. ~~He~~ THE STATE INSPECTOR shall compile and furnish upon request a list of brands and trademarks of brake fluid inspected by ~~him~~ SUCH STATE INSPECTOR which have been so approved.

8-20-903. [Formerly 42-10-203] District attorney to bring actions. Whenever the state inspector of oils discovers that any person, partnership, corporation, or association has sold or is offering for sale any brake fluid which does not conform to the minimum specifications established, ~~he~~ SUCH STATE INSPECTOR shall notify the seller to immediately discontinue the sale of such nonconforming brake fluid, and if such seller continues to offer the same for sale it is the duty of the state inspector of oils to bring such violation to the attention of the district attorney in ~~his~~ SUCH respective district to enforce the provisions of this ~~part 2~~ PART 9 by appropriate action or injunctive relief in courts of competent jurisdiction.

8-20-904. [Formerly 42-10-204] Penalty. If any person, partnership, corporation, or association violates the provisions of this ~~part 2~~ PART 9, or fails to comply with any of the provisions of this ~~part 2~~ PART 9, such person, partnership, corporation, or association is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than fifty dollars nor more than three hundred dollars for each offense.

SECTION 3. 43-2-145.5 (4) and (6), Colorado Revised Statutes, 1993 Repl. Vol., are amended to read:

43-2-145.5. Highway legislation review committee - study of revisions to the traffic law - compulsory insurance - repeal.

(4) The committee shall present its final report to the general assembly on its recommendations for legislation concerning the traffic law on or before ~~January 1, 1994~~ JANUARY 1, 1996.

(6) This section is repealed, effective ~~July 1, 1994~~ JULY 1, 1996.

SECTION 4. Article 5 of title 43, Colorado Revised Statutes, 1993 Repl. Vol., is amended BY THE ADDITION OF A NEW PART to read:

PART 5
MOTORCYCLE OPERATOR SAFETY TRAINING

43-5-501. [Formerly 42-4-1701] Definitions. As used in this ~~part 17~~ PART 5, unless the context otherwise requires:

(1) "Director" means the director of the office.

~~(2) (Deleted by amendment, L. 91, p. 1089, § 100, effective July 1, 1991.)~~

~~(3)~~ (2) "Fund" means the motorcycle operator safety training fund created in ~~section 42-4-1704~~ SECTION 43-5-504.

~~(4)~~ (3) "Instructor training specialist" means a licensed motorcycle operator who meets the standards promulgated by the office to train and oversee instructors for the program.

~~(4.5)~~ (4) "Office" means the office of transportation safety in the department of transportation.

(5) "Program" means the motorcycle operator safety training program established pursuant to ~~section 42-4-1702~~ SECTION 43-5-502.

43-5-502. [Formerly 42-4-1702] Motorcycle operator safety training program. (1) (a) (I) The office shall establish a motorcycle operator safety training program which shall include courses to develop the knowledge, attitudes, habits, and skills necessary for the safe operation of a motorcycle. Such program shall include instruction relating to the effects of alcohol and drugs on the operation of motorcycles, and it shall include a course to train instructors. The office shall set standards for the certification of courses in the program. The office shall contract with vendors for the purpose of providing the program.

(II) Any resident of the state who holds a current valid Colorado driver's license, a provisional driver's license, a minor driver's license, or an instruction permit authorized by ~~section 42-2-105~~ SECTION 42-2-106, C.R.S., may enroll in a certified

motorcycle operator safety training course.

(b) The director may certify any person meeting the applicable standards as an instructor training specialist to assist in establishing motorcycle operator safety training courses throughout the state, in implementing the program, and in training and monitoring instructors.

(c) The director shall designate a program coordinator to implement and administer the program. In no event shall the office expend more than fifteen percent of the total cost of the program for administrative costs.

(d) The office shall adopt such rules and regulations as are necessary to carry out the provisions of the program pursuant to article 4 of title 24, C.R.S.

(2) The office shall begin implementation of this ~~part 17~~ PART 5 on November 1, 1990, or when the moneys in the fund are sufficient to pay for the costs of implementing the program, whichever is later. However, operation of courses in the program shall commence no later than July 1, 1991.

43-5-503. [Formerly 42-4-1703] Instructor requirements and training. (1) The office shall establish standards for an approved instructor training course. Successful completion of the course shall require the participant to demonstrate knowledge of course material, knowledge of safe motorcycle operating practices, and the necessary aptitude for instructing students.

(2) Each applicant for an instructor certificate shall be at least twenty-one years of age and hold a valid Colorado driver's license endorsed for motorcycles, which license has not been revoked or suspended within the three years preceding the date on which the application for certification is made.

(3) No applicant shall be certified as an instructor if, within the three years preceding the date on which the application for certification is made:

(a) The applicant was convicted for an offense which is assigned eight or more points in the point system schedule, as specified in ~~section 42-2-123 (5)~~ SECTION 42-2-127 (5), C.R.S., or its equivalent in another state; or

(b) The applicant's driver's license from any other state was revoked or suspended.

(4) The office shall prescribe the form for an approved instructor certificate and shall provide for verification that a certified instructor is currently active in the program. No instructor shall participate in the program without a current

certificate.

43-5-504. [Formerly 42-4-1704] Motorcycle operator safety training fund. There is hereby created in the state treasury a motorcycle operator safety training fund which shall consist of moneys collected pursuant to ~~sections 42-2-112 (2) (b) and (3) (b), 42-2-116 (1) (b) (II), and 42-3-123 (4.1)~~ SECTIONS 42-2-114 (2) (b) AND (4) (b), 42-2-118 (1) (b) (II), AND 42-3-134 (5), C.R.S. The general assembly shall make annual appropriations from the fund for the implementation and administration of the program. Moneys credited to the fund shall remain therein at the end of each fiscal year and shall not be transferred to the highway users tax fund or any other fund.

43-5-505. [Formerly 42-4-1705] Advisory committee - repeal. (1) The governor shall appoint a program advisory committee to assist in the development and implementation of the program. The committee shall monitor the program and make recommendations to the director concerning the administration, application, and substance of the program. The committee shall consist of five members appointed by the governor, one of whom shall be a motorcycle retail dealer, one of whom shall be a peace officer, level I, as defined in section 18-1-901 (3) (l) (I), C.R.S., who operates a motorcycle, two of whom shall be active motorcycle operators, and one of whom shall be a citizen not affiliated with a motorcycle dealer, manufacturer, or association. Of the two members who are active motorcycle operators, one shall operate a motorcycle manufactured in the United States by a company originally incorporated in the United States. Of the five members first appointed to the advisory committee, three shall serve for a term of three years and two shall serve for a term of two years. Thereafter, members of the advisory committee shall serve three-year terms. The governor shall consider geographical diversity when appointing the members of the advisory committee. The committee shall meet at the call of the director. Members shall serve without compensation for their services but may be reimbursed for their actual and necessary expenses while engaged in the business of the advisory committee.

(2) (a) This section is repealed, effective July 1, 1996.

(b) Prior to said repeal, the advisory committee shall be reviewed as provided for in section 2-3-1203, C.R.S.

SECTION 5. Repeal. 18-8-503.5 and 18-13-110, Colorado Revised Statutes, 1986 Repl. Vol., as amended, 24-33.5-213 and 24-33.5-213.5, Colorado Revised Statutes, 1988 Repl. Vol., part 6 of article 7 of title 25, Colorado Revised Statutes, 1989 Repl. Vol., as amended, and article 6 of title 43, Colorado Revised Statutes, 1993 Repl. Vol., are repealed.

SECTION 6. 1-1-104 (48), Colorado Revised Statutes, 1980

Repl. Vol., as amended, is amended to read:

1-1-104. Definitions. As used in this code, unless the context otherwise requires:

(48) "Taxable property" means real or personal property subject to general ad valorem taxes. For all elections and petitions which require ownership of real property or land, ownership of a mobile home, as defined in section 5-1-301 (9.7) OR 38-12-201.5 (2), ~~or 42-1-102 (82) (b),~~ C.R.S., or "manufactured home", as defined in section 12-51.5-101 (4) OR 42-1-102 (106) (b), C.R.S., is sufficient to qualify as ownership of real property or land for the purpose of voting rights and petitions.

SECTION 7. 1-2-213 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-2-213. Registration at driver's license examination facilities. (1) Commencing July 1, 1985, the department of revenue, through its local driver's license examination facilities, shall provide each eligible elector who applies for the issuance, renewal, or correction of any type of driver's license or for an identification card pursuant to ~~part 4~~ PART 3 of article 2 of title 42, C.R.S., an opportunity to complete an application to register to vote by use of a form containing the necessary information required by this part 2.

SECTION 8. 1-2-301 (3), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-2-301. Secretary of state to maintain master list of electors - consolidated data processing system. (3) (a) The department of state is authorized to acquire computer equipment, design computer software, and to provide such training as is necessary to implement the consolidated data processing system created pursuant to ~~section 42-1-210.2~~ SECTION 42-1-212, C.R.S.

(b) The department of state shall take all reasonable steps necessary to facilitate the department of revenue's control and use of such computer equipment to enable the department of revenue to carry out its functions concerning the consolidated data processing system in accordance with the provisions of ~~section 42-1-210.2~~ SECTION 42-1-212, C.R.S.

(c) The department of state shall reimburse the department of revenue for the direct and indirect cost of utilizing personnel of the department of revenue to perform functions on behalf of the department of state necessitated by the operation and maintenance of the consolidated data processing system. Such reimbursement shall be from moneys in the department of state cash fund created by SECTION 24-21-104 (3) (b), C.R.S. The state treasurer shall

make such reimbursement through transfers or payments, as the case may be, pursuant to the reimbursement provisions of the memorandum of understanding entered into pursuant to the provisions of ~~section 42-1-210.2 (2) (c)~~ SECTION 42-1-212 (2) (c), C.R.S.

SECTION 9. 1-2-302 (6), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-2-302. Maintenance of master list. (6) The secretary of state shall determine and use other necessary means to maintain the master list of registered electors on a current basis. Such means shall be consistent with the provisions of ~~section 42-1-210.2~~ SECTION 42-1-212, C.R.S.

SECTION 10. 2-3-1203 (3) (i) (I), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

2-3-1203. Sunset review of advisory committees. (3) The following dates are the dates for which the statutory authorization for the designated advisory committees is scheduled for repeal:

(i) July 1, 1996:

(I) The program advisory committee on motorcycle operator safety training, appointed pursuant to ~~section 42-4-1705~~ SECTION 43-5-505, C.R.S.;

SECTION 11. 4-9-103 (2) (a), Colorado Revised Statutes, 1992 Repl. Vol., is amended to read:

4-9-103. Perfection of security interests in multiple state transactions. (2) **Certificate of title.** (a) Except to the extent that motor vehicle titles are governed by ~~section 42-6-131~~ SECTION 42-6-133, C.R.S., this subsection (2) applies to goods covered by a certificate of title issued under a statute of this state or of another jurisdiction under the law of which indication of a security interest on the certificate is required as a condition of perfection.

SECTION 12. 4-9-503 (2), Colorado Revised Statutes, 1992 Repl. Vol., is amended to read:

4-9-503. Secured party's right to take possession after default. (2) If the collateral is a ~~mobile~~ MANUFACTURED home or trailer coach, as defined in ~~section 42-1-102 (82)~~ SECTION 42-1-102 (106), C.R.S., and is used and occupied by the debtor as a place of residence, the secured party may take possession of the collateral pursuant to this section without judicial process only if there is clear and convincing evidence that the debtor has vacated or abandoned the collateral or the debtor voluntarily surrenders the collateral to the secured party.

SECTION 13. 4-9-503.5 (2), Colorado Revised Statutes, 1992 Repl. Vol., is amended to read:

4-9-503.5. Secured party's liability when taking possession after default - legislative declaration - fund. (2) A secured party or such party's assignee who wishes to recover or take possession of collateral upon default, including a motor vehicle repossessed pursuant to ~~section 42-6-143~~ SECTION 42-6-146, C.R.S., shall contract to recover or take possession of collateral only with a person who is bonded for property damage to or conversion of such collateral in the amount of twenty-five thousand dollars. Such bond shall be filed with and drawn in favor of the attorney general of the state of Colorado for use of the people of the state of Colorado and shall be revocable only with the written consent of the attorney general pursuant to rules and regulations promulgated by the office of the attorney general. The office of the attorney general may charge a fee to be paid by the person filing such bond in order to cover the direct and indirect costs incurred by such office in fulfilling its duties under the provisions of this section.

SECTION 14. 6-1-105 (1) (aa) and (1) (ii), Colorado Revised Statutes, 1992 Repl. Vol., as amended, are amended to read:

6-1-105. Deceptive trade practices. (1) A person engages in a deceptive trade practice when, in the course of such person's business, vocation, or occupation, such person:

(aa) Fails, in connection with the issuing, making, providing, selling, or offering to sell of a motor vehicle service contract, to comply with the provisions of ~~article 13~~ ARTICLE 11 of title 42, C.R.S.;

(ii) Fails to disclose in writing, prior to sale, to the purchaser that a motor vehicle is a salvage vehicle, as defined in ~~section 42-6-102 (10.6)~~ SECTION 42-6-102 (13), C.R.S., that a vehicle was repurchased by or returned to the manufacturer from a previous owner for inability to conform the motor vehicle to the manufacturer's warranty in accordance with ~~article 12~~ ARTICLE 10 of title 42, C.R.S., or with any other state or federal motor vehicle warranty law, or knowingly fails to disclose, in writing, prior to sale, to the purchaser that a motor vehicle has sustained material damage at any one time from any one incident;

SECTION 15. 6-1-204 (1) (b), Colorado Revised Statutes, 1992 Repl. Vol., is amended to read:

6-1-204. Prohibited exclusion. (1) No collision damage waiver subject to this part 2 shall contain an exclusion from the waiver for damages caused by the ordinary negligence of the lessee. Any such exclusion in violation of this section will be void and is a deceptive trade practice under this article. This

section shall not be deemed to prohibit an exclusion from the waiver for damages caused by the lessee by:

(b) Intoxication by alcohol or use of controlled substances as defined in ~~section 42-4-1202~~ SECTION 42-4-1301, C.R.S.;

SECTION 16. 8-41-401 (6), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

8-41-401. Lessor contractor-out deemed employer - liability - recovery. (6) Notwithstanding any provision of this section to the contrary, any person, company, or corporation operating a commercial vehicle as defined in ~~section 42-4-234 (1) (a)~~ SECTION 42-4-235 (1) (a), C.R.S., who holds oneself or itself out as an independent contractor only to perform for-hire transportation, including loading and unloading, and who contracts to perform a specific transportation job, transportation task, or transportation delivery for another person, company, or corporation is not entering into an employee and employer relationship for purposes of workers' compensation coverage pursuant to articles 40 to 47 of this title. Nothing in this subsection (6) shall be construed to prohibit a determination that an individual is excluded from the definition of employee pursuant to section 8-40-202 (2) if such individual is operating a commercial vehicle as defined in ~~section 42-4-234 (1) (a)~~ SECTION 42-4-235 (1) (a), C.R.S.

SECTION 17. 10-4-403 (2.5), Colorado Revised Statutes, 1987 Repl. Vol., is amended to read:

10-4-403. Standards for rates - competition - procedure - requirement for independent actuarial opinions regarding 1991 legislation. (2.5) Notwithstanding any provision of law to the contrary, any insurer licensed to sell motor vehicle insurance within the state of Colorado may offer a reduction in premiums if the claims experience subsequent to the enactment of ~~section 42-4-236~~ SECTION 42-4-237, C.R.S., so warrants.

SECTION 18. 10-4-705 (1), Colorado Revised Statutes, 1987 Repl. Vol., is amended to read:

10-4-705. Coverage compulsory. (1) Every owner of a motor vehicle who operates the motor vehicle on the public highways of this state or who knowingly permits the operation of the motor vehicle on the public highways of this state shall have in full force and effect a complying policy under the terms of this part 7 covering the said motor vehicle, and any owner who fails to do so shall be subject to the sanctions provided under ~~section 42-4-1213~~ SECTION 42-4-1409 and section 42-7-301, C.R.S., of the "Motor Vehicle Financial Responsibility Act".

SECTION 19. 10-4-719.5 (1), Colorado Revised Statutes, 1987

Repl. Vol., is amended to read:

10-4-719.5. Discriminatory standards. (1) It shall be prohibited for any insurer to cancel or nonrenew, or increase the premium of, a policy of insurance on a motor vehicle used by any resident of the household of the named insured solely because of convictions for traffic violations which resulted in less than seven points being assessed under the point system schedule set forth in ~~section 42-2-123 (5)~~ SECTION 42-2-127 (5), C.R.S., resulting from violations while in the course of employment while the insured is driving a motor vehicle used primarily as a public or livery conveyance or licensed as a commercial vehicle.

SECTION 20. 11-35-101 (1), Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended to read:

11-35-101. Alternatives to surety bonds permitted - requirements. (1) The requirement of a surety bond as a condition to licensure or authority to conduct business or perform duties in this state provided in sections 10-2-408, 12-6-111, 12-6-112, 12-6-112.2, 12-11-101 (1) (d), 12-11-104, 12-11-106, 12-14-124 (1), 12-20-103 (3), 12-20-106, 12-59-115 (1), 12-60-509 (2.5) (b), 33-4-101 (1), 33-12-104 (1), 35-33-403 (3), 35-55-104 (1), 37-91-107 (2) and (3), 38-29-119 (2), 38-39-102 (3) (b), 39-21-105 (4), 39-27-104 (2) (a), (2.5) (a), and (2.5) (b), 39-27-204 (4) (a), (4.5), and (6), 39-28-105 (1), ~~42-6-113 (2)~~ 42-6-115 (2), and 42-7-301 (6), C.R.S., may be satisfied by a savings account or deposit in or a certificate of deposit issued by a state or national bank doing business in this state or by a savings account or deposit in or a certificate of deposit issued by a state or federal savings and loan association doing business in this state. Such savings account, deposit, or certificate of deposit shall be in the amount specified by statute, if any, and shall be assigned to the appropriate state agency for the use of the people of the state of Colorado. The aggregate liability of the bank or savings and loan association shall in no event exceed the amount of the deposit. For the purposes of the sections referred to in this section, "bond" includes the savings account, deposit, or certificate of deposit authorized by this section.

SECTION 21. 12-6-102 (17) (f), Colorado Revised Statutes, 1991 Repl. Vol., as amended, is amended to read:

12-6-102. Definitions. As used in this part 1, unless the context otherwise requires:

(17) "Used motor vehicle dealer" means any person who, for commission or with intent to make a profit or gain of money or other thing of value, sells, exchanges, leases, offers, or attempts to negotiate a sale or exchange of an interest in used motor vehicles or who is engaged wholly or in part in the business of selling used motor vehicles, whether or not such motor vehicles

are owned by such person. The sale of three or more used motor vehicles or the offering for sale of more than three used motor vehicles at the same address or telephone number in any one calendar year shall be prima facie evidence that a person is engaged in the business of selling used motor vehicles. "Used motor vehicle dealer" includes any owner of real property who allows more than three used motor vehicles to be offered for sale on such property during one calendar year unless said property is leased to a licensed used motor vehicle dealer or a licensed motor vehicle auctioneer, as defined in subsection (12.6) of this section. "Used motor vehicle dealer" does not include:

(f) Any person who only sells or exchanges no more than four motor vehicles which are collectors' items pursuant to ~~section 42-3-128~~ SECTION 42-3-138, C.R.S., or pursuant to ~~article 15 of title 42~~ ARTICLE 12 OF TITLE 42, C.R.S.;

SECTION 22. 12-6-105 (1) (d) (II), Colorado Revised Statutes, 1991 Repl. Vol., as amended, is amended to read:

12-6-105. Powers and duties of executive director. (1) The executive director is hereby charged with the administration, enforcement, and issuance or denial of the licensing of buyer agents, distributors, distributor branches, distributor representatives, factory branches, factory representatives, and motor vehicle manufacturers, and shall have the following powers and duties:

(d) (II) The investigators and their supervisors utilized by the executive director, pursuant to subparagraph (I) of this paragraph (d), while actually engaged in performing their duties, shall have the authority as delegated by the executive director to issue subpoenas in relation to performance of their duties relating to licensees who are under the jurisdiction of the executive director and the authority as delegated by the executive director to issue summonses for violations of ~~sections 12-6-120 (2) and 42-6-140~~ SECTIONS 12-6-120 (2) AND 42-6-142, C.R.S., and to procure criminal records during an investigation.

SECTION 23. 12-8-103 (4) and (13), Colorado Revised Statutes, 1991 Repl. Vol., are amended to read:

12-8-103. Definitions. As used in this article, unless the context otherwise requires:

(4) "Barbershop" or "beauty salon" means a fixed establishment, temporary location, or place in which one or more persons engage in the practice of barbering or cosmetology. The term "temporary location" includes a motor home as defined in ~~section 42-1-102 (45.5)~~ SECTION 42-1-102 (57), C.R.S.

(13) "Place of business" means a fixed establishment,

temporary location, or place, including any mobile barber shop or beauty salon, in which one or more persons engage in the practice of barbering or cosmetology. The term "temporary location" includes a motor home as defined in ~~section 42-1-102 (45.5)~~ SECTION 42-1-102 (57), C.R.S.

SECTION 24. 12-15-101 (3), Colorado Revised Statutes, 1991 Repl. Vol., is amended to read:

12-15-101. Definitions. As used in this article, unless the context otherwise requires:

(3) "Commercial driving school" means any business or any person who, for compensation, provides or offers to provide instruction in the operation of a motor vehicle, with the exceptions of secondary schools and institutions of higher education offering programs approved by the department of education and private occupational schools offering programs approved by the private occupational school division. Such term shall not include any motorcycle operator safety training program established pursuant to ~~section 42-4-1702~~ SECTION 43-5-502, C.R.S.

SECTION 25. 12-15-112, Colorado Revised Statutes, 1991 Repl. Vol., is amended to read:

12-15-112. Possession and display requirements. Every commercial driving instructor licensed under this article shall carry the license issued to ~~him~~ SUCH INSTRUCTOR upon his OR HER person at all times when he OR SHE is engaged in conducting driver training in a motor vehicle. Upon request the licensee shall display the license to any student taking instruction from him OR HER and to any other person authorized to demand the exhibition of licenses under ~~section 42-2-113~~ SECTION 42-2-115, C.R.S.

SECTION 26. 12-15-117 (2) (a), Colorado Revised Statutes, 1991 Repl. Vol., is amended to read:

12-15-117. Refusal to issue or renew or suspension or revocation of licenses - grounds. (2) The department may refuse to issue or renew or may suspend or revoke a license issued under section 12-15-111 for any one or more of the following reasons:

(a) The licensee or applicant for a license has been convicted of any of the violations enumerated in ~~section 42-2-123 (5) (a) to (5) (r), (5) (x), and (5) (y)~~ SECTION 42-2-127 (5) (a) TO (5) (r), (5) (w), AND (5) (x), C.R.S., but, in considering any such conviction, the department shall be governed by the provisions of section 24-5-101, C.R.S.;

SECTION 27. 12-46-112.2 (1), Colorado Revised Statutes, 1991 Repl. Vol., is amended to read:

12-46-112.2. Testing persons for intoxication upon licensed premises by law enforcement officers - prohibited unless court order is obtained. (1) No person who is patronizing a licensed premises as defined in section 12-46-103 (3) shall be required or solicited by any law enforcement officer to submit to any mechanical test for the purpose of determining the alcoholic content of ~~his~~ SUCH PERSON'S blood or breath while such person is upon such licensed premises except to determine if there is a violation of ~~section 42-4-1202~~ SECTION 42-4-1301, C.R.S., by a driver of a motor vehicle unless the law enforcement officer is acting pursuant to a court order obtained in the manner described in subsection (2) of this section. No such test may be performed upon any licensed premises to obtain evidence of alleged intoxication, except pursuant to a court order as provided in this section or in case of a medical emergency, regardless of whether such alleged intoxication is a violation of any provision of this article.

SECTION 28. 12-47-128.2 (1), Colorado Revised Statutes, 1991 Repl. Vol., is amended to read:

12-47-128.2. Testing persons for intoxication upon licensed premises by law enforcement officers - prohibited unless court order is obtained. (1) No person who is patronizing a licensed premises as defined in section 12-47-103 (7) shall be required or solicited by any law enforcement officer to submit to any mechanical test for the purpose of determining the alcoholic content of ~~his~~ SUCH PERSON'S blood or breath while such person is upon such licensed premises except to determine if there is a violation of ~~section 42-4-1202~~ SECTION 42-4-1301, C.R.S., by a driver of a motor vehicle unless the law enforcement officer is acting pursuant to a court order obtained in the manner described in subsection (2) of this section. No such test may be performed upon any licensed premises to obtain evidence of alleged intoxication, except pursuant to a court order as provided in this section or in case of a medical emergency, regardless of whether such alleged intoxication is a violation of any provision of this article.

SECTION 29. 13-6-104 (8), Colorado Revised Statutes, 1987 Repl. Vol., is amended to read:

13-6-104. Original civil jurisdiction. (8) The county court shall have original jurisdiction in hearings concerning the impoundment of motor vehicles pursuant to ~~section 24-33.5-213.5~~ SECTION 42-13-106, C.R.S.

SECTION 30. 13-6-212 (2) (f), Colorado Revised Statutes, 1987 Repl. Vol., is amended to read:

13-6-212. Duties of clerk. (2) Upon approval by the chief justice of the supreme court, the chief judge of a judicial

district may authorize, either generally or in specific cases, the clerk of the county court to do the following:

(f) With the consent of the defendant, accept pleas of guilty and admissions of liability and impose penalties pursuant to a schedule approved by the presiding judge in misdemeanor cases involving violations of wildlife and parks and outdoor recreation laws for which the maximum penalty in each case is a fine of not more than one thousand dollars, and in misdemeanor traffic and traffic infraction cases involving the regulation of vehicles and traffic for which the penalty specified in ~~section 42-4-1501~~ SECTION 42-4-1701, C.R.S., or elsewhere in articles 2 to 4 of title 42, C.R.S., in each case is less than three hundred dollars. A clerk shall not levy a fine of over said amounts nor sentence any person to jail. If, in the judgment of the clerk, a fine of over said amounts or a jail sentence is justified, the case shall be certified to the judge of the county court for rearraignment and trial de novo.

SECTION 31. 13-6-501 (4) (a), Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended to read:

13-6-501. County court magistrates - qualifications - duties. (4) Subject to the provision that no magistrate may preside in any trial by jury, county court magistrates shall have power to hear the following matters:

(a) Class 2 misdemeanor traffic offenses and class A and class B traffic infractions, as defined in ~~section 42-4-1501~~ SECTION 42-4-1701, C.R.S.;

SECTION 32. 13-10-111 (3), Colorado Revised Statutes, 1987 Repl. Vol., is amended to read:

13-10-111. Commencement of actions - process. (3) Any authorized law enforcement officer may execute within ~~his~~ SUCH OFFICER'S jurisdiction any summons, process, writ, or warrant issued by a municipal court from another jurisdiction arising under the ordinances of such municipality for an offense which is criminal or quasi-criminal. For the purposes of this subsection (3), traffic offenses shall not be considered criminal or quasi-criminal offenses unless penalty points may be assessed under ~~section 42-2-123 (5) (a) to (5) (dd)~~ SECTION 42-2-127 (5) (a) TO (5) (cc), C.R.S. The issuing municipality shall be liable for and pay all costs, including costs of service or incarceration incurred in connection with such service or execution.

SECTION 33. 13-80-102 (1) (j), Colorado Revised Statutes, 1987 Repl. Vol., is amended to read:

13-80-102. General limitation of actions - two years. (1) The following civil actions, regardless of the theory upon

which suit is brought, or against whom suit is brought, shall be commenced within two years after the cause of action accrues, and not thereafter:

(j) All actions brought under ~~section 42-6-208~~ SECTION 42-6-204, C.R.S.

SECTION 34. 13-80-103 (1) (e) and (1) (h), Colorado Revised Statutes, 1987 Repl. Vol., are amended to read:

13-80-103. General limitation of actions - one year. (1) The following civil actions, regardless of the theory upon which suit is brought, or against whom suit is brought, shall be commenced within one year after the cause of action accrues, and not thereafter:

(e) All actions under the "Motor Vehicle Repair Act of 1977", ~~article 11 of title 42~~ ARTICLE 9 OF TITLE 42, C.R.S.;

(h) All actions against a person alleging liability for a penalty for commission of a class A or a class B traffic infraction, as defined in ~~section 42-4-1501~~ SECTION 42-4-1701, C.R.S.

SECTION 35. 13-80-108 (11), Colorado Revised Statutes, 1987 Repl. Vol., is amended to read:

13-80-108. When a cause of action accrues. (11) A cause of action for a penalty for commission of a class A or a class B traffic infraction, as defined in ~~section 42-4-1501~~ SECTION 42-4-1701, C.R.S., shall be deemed to accrue on the date the traffic infraction was committed.

SECTION 36. 16-11-501 (2) (j), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

16-11-501. Judgment for costs and fines. (2) The costs assessed pursuant to subsection (1) of this section or section 16-18-101 may include:

(j) On proper motion of the prosecuting attorney and at the discretion of the court, any other reasonable and necessary costs incurred by the prosecuting attorney or law enforcement agency which are directly the result of the prosecution of the defendant, including the costs resulting from the collection and analysis of any chemical test upon the defendant pursuant to ~~section 42-4-1202~~ SECTION 42-4-1301, C.R.S., which costs shall be reimbursed by the defendant directly to the law enforcement agency which performed such chemical tests.

SECTION 37. 16-11.5-103 (2), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

16-11.5-103. Substance abuse assessment required - convicted felons - controlled substance offenders. (2) Each person convicted of a misdemeanor or petty offense pursuant to article 18 of title 18, C.R.S., committed on or after July 1, 1992, shall be required to submit to an alcohol and drug evaluation pursuant to ~~section 42-4-1202~~ SECTION 42-4-1301, C.R.S. The court shall order such person to comply with the recommendations of such evaluation. If such person is sentenced to probation, such person shall be ordered to comply with the recommendations as a condition of probation at such person's own expense, unless such person is indigent. If such person is not sentenced to probation, such person shall be ordered to comply with the recommendations as a part of the sentence imposed at such person's own expense, unless such person is indigent.

SECTION 38. 16-13-303 (1) (k), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

16-13-303. Class 1 public nuisance. (1) Every building or part of a building including the ground upon which it is situate and all fixtures and contents thereof, every vehicle, and any real property shall be deemed a class 1 public nuisance when:

(k) Used in the commission of hit and run with serious bodily injury or death pursuant to ~~section 42-4-1401 (1), (2) (b), and (2) (c)~~ SECTION 42-4-1601 (1), (2) (b), AND (2) (c), C.R.S.;

SECTION 39. 16-21-102, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

16-21-102. "Offender" defined. For the purposes of this article, "offender" means any person charged as an adult with a felony, a class 1 misdemeanor, or a misdemeanor pursuant to ~~section 42-4-1202~~ SECTION 42-4-1301, C.R.S.

SECTION 40. 18-3-106 (4) (a) and (4) (g), Colorado Revised Statutes, 1986 Repl. Vol., as amended, are amended to read:

18-3-106. Vehicular homicide. (4) (a) If a law enforcement officer has probable cause to believe that any person was driving a motor vehicle in violation of paragraph (b) of subsection (1) of this section, such person, upon the request of the law enforcement officer, shall take, and complete, and cooperate in the completing of any test or tests of ~~his~~ SUCH PERSON'S blood, breath, saliva, or urine for the purpose of determining the alcoholic or drug content within his OR HER system. The type of test or tests shall be determined by the law enforcement officer requiring the test or tests. If such person refuses to take, or to complete, or to cooperate in the completing of any such test or tests, such test or tests may be performed at the direction of a law enforcement officer having such probable cause, without such person's authorization or consent. If any person refuses to take

or complete, or cooperate in the taking or completing of any test or tests required by this paragraph (a), ~~he~~ SUCH PERSON shall be subject to license revocation pursuant to the provisions of ~~section 42-2-122.1 (1.5)~~ SECTION 42-2-126 (2), C.R.S. When such test or tests show that the amount of alcohol in a person's blood was in violation of the limits provided for in ~~section 42-2-122.1 (1.5) (a) (I)~~ SECTION 42-2-126 (2) (a) (I), C.R.S., ~~he~~ SUCH PERSON shall be subject to license revocation pursuant to the provisions of ~~section 42-2-122.1~~ SECTION 42-2-126, C.R.S.

(g) Notwithstanding any provision in ~~section 42-4-1202 (3)~~ SECTION 42-4-1301 (7), C.R.S., concerning requirements which relate to the manner in which tests are administered, the test or tests taken pursuant to the provisions of this section may be used for the purposes of driver's license revocation proceedings under ~~section 42-2-122.1~~ SECTION 42-2-126, C.R.S., and for the purposes of prosecutions for violations of ~~section 42-4-1202 (1) or (1.5)~~ SECTION 42-4-1301 (1) OR (2), C.R.S.

SECTION 41. 18-3-205 (4) (a) and (4) (g), Colorado Revised Statutes, 1986 Repl. Vol., as amended, are amended to read:

18-3-205. Vehicular assault. (4) (a) If a law enforcement officer has probable cause to believe that any person was driving a motor vehicle in violation of paragraph (b) of subsection (1) of this section, such person, upon the request of the law enforcement officer, shall take, and complete, and cooperate in the completing of any test or tests of ~~his~~ SUCH PERSON'S blood, breath, saliva, or urine for the purpose of determining the alcoholic or drug content within his OR HER system. The type of test or tests shall be determined by the law enforcement officer requiring the test or tests. If such person refuses to take, or to complete, or to cooperate in the completing of any such test or tests, such test or tests may be performed at the direction of a law enforcement officer having such probable cause, without such person's authorization or consent. If any person refuses to take, or to complete, or to cooperate in the taking or completing of any test or tests required by this paragraph (a), ~~he~~ SUCH PERSON shall be subject to license revocation pursuant to the provisions of ~~section 42-2-122.1 (1.5)~~ SECTION 42-2-126 (2), C.R.S. When such test or tests show that the amount of alcohol in a person's blood was in violation of the limits provided for in ~~section 42-2-122.1 (1.5) (a) (I)~~ SECTION 42-2-126 (2) (a) (I), C.R.S., ~~he~~ SUCH PERSON shall be subject to license revocation pursuant to the provisions of ~~section 42-2-122.1~~ SECTION 42-2-126, C.R.S.

(g) Notwithstanding any provision in ~~section 42-4-1202 (3)~~ SECTION 42-4-1301 (7), C.R.S., concerning requirements which relate to the manner in which tests are administered, the test or tests taken pursuant to the provisions of this section may be used for the purposes of driver's license revocation proceedings under ~~section 42-2-122.1~~ SECTION 42-2-126, C.R.S., and for the purposes

of prosecutions for violations of ~~section 42-4-1202 (1) or (1.5)~~ SECTION 42-4-1301 (1) OR (2), C.R.S.

SECTION 42. 18-5-801 (2) and (5), Colorado Revised Statutes, 1986 Repl. Vol., as amended, are amended to read:

18-5-801. Definitions. As used in this part 8, unless the context otherwise requires:

(2) "Real property" means land and any interest or estate in land and includes a ~~mobile~~ MANUFACTURED home as defined in ~~section 42-1-102 (82) (b)~~ SECTION 42-1-102 (106) (b), C.R.S.

(5) "Vehicle" means any device of conveyance capable of moving itself or of being moved from place to place upon wheels or a track or by water or air, whether or not intended for the transport of persons or property, and includes any space within such "vehicle" adapted for overnight accommodation of persons or animals or for the carrying on of business. "Vehicle" does not include a ~~mobile~~ MANUFACTURED home as defined in ~~section 42-1-102 (82) (b)~~ SECTION 42-1-102 (106) (b), C.R.S.

SECTION 43. 18-13-114 (2) (d) (II) and (5) (d) (VI), Colorado Revised Statutes, 1986 Repl. Vol., as amended, are amended to read:

18-13-114. Sale of secondhand property - record - inspection - crime. (2) The record required by this section shall be made in writing on forms designed by the Colorado bureau of investigation or a reasonable facsimile thereof as provided in subsection (3) or (4) of this section and shall consist of the following:

(d) The identification number from any of the following forms of identification of the seller or trader:

(II) An identification card issued in accordance with ~~section 42-2-402~~ SECTION 42-2-302, C.R.S.;

(5) As used in this section and sections 18-13-115 to 18-13-118, unless the context otherwise requires:

(d) "Secondhand property" means the following items of tangible personal property sold or traded by a secondhand dealer:

(VI) Any item of tangible personal property which is marked with a serial or identification number and the selling price of which is thirty dollars or more, except motor vehicles, ~~all-terrain recreational~~ OFF-HIGHWAY vehicles as defined in ~~section 42-1-102 (3.5)~~ SECTION 42-1-102 (63), C.R.S., snowmobiles, ranges, stoves, dishwashers, refrigerators, garbage disposals, boats, airplanes, clothes washers, clothes driers, freezers,

mobile homes, and nonprecious scrap metal.

SECTION 44. 18-16-103 (1) (b), Colorado Revised Statutes, 1986 Repl. Vol., is amended to read:

18-16-103. Purchaser to identify seller. (1) No purchaser shall purchase any valuable article without first securing adequate identification from the seller. The type and kind of identification shall be limited to the following:

(b) An identification card issued in accordance with ~~section 42-2-402~~ SECTION 42-2-302, C.R.S.;

SECTION 45. 18-18-407 (2) (a), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

18-18-407. Special offender. (2) (a) Upon a conviction for a violation of section 18-18-404 or 18-18-405, if the defendant unlawfully used any controlled substance in violation of section 18-18-404 or sold or distributed any controlled substance in violation of section 18-18-405 either within or upon the grounds of any public or private elementary, middle, secondary, junior high, high school, vocational school, or public housing development, or within one thousand feet of the perimeter of any such school or public housing development grounds on any street, alley, parkway, sidewalk, public park, playground, or other area or premises which is accessible to the public, or within any private dwelling which is accessible to the public for the purpose of the sale, distribution, use, or exchange of controlled substances in violation of this article, or in any school bus as defined in ~~section 42-1-102 (69)~~ SECTION 42-1-102 (88), C.R.S., while such school bus is engaged in the transportation of persons who are students at any public or private elementary, middle, or secondary school, the defendant shall be a special offender and shall require the court, in addition to any sentence to imprisonment, to fine the defendant without suspension at least twice the minimum fine provided for in section 18-1-105 (1) (a) (III) if the defendant's offense is a felony or in section 18-1-106 (1) if the defendant's offense is a misdemeanor.

SECTION 46. 22-32-114, Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

22-32-114. Transportation by parents of own children. Notwithstanding the provisions of ~~section 42-4-613~~ SECTION 42-4-1904, C.R.S., the board of a school district shall not require a parent or guardian to comply with said statutes and school bus regulations when such parent or guardian shall transport only his OR HER own child or children, even though the board may reimburse such parent or guardian for expenses incurred in furnishing such transportation.

SECTION 47. 22-32-130 (1) (a), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

22-32-130. Children's activity buses - repeal. (1) (a) At times specified by a board of education, any motor vehicle used for transporting pupils pursuant to section 22-32-113 shall be available for use as a children's activity bus as defined in section 40-16-101 (1.5), C.R.S. Such board of education may adopt policies regarding the reasonable use of such vehicles as children's activity buses. Any school bus which is subject to ~~section 42-4-234~~ SECTION 42-4-235, C.R.S., which is under the safety jurisdiction of the department of public safety, and which is operated as a children's activity bus shall be exempt from section 40-16-105, C.R.S.

SECTION 48. 23-5-108 (2) (c), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

23-5-108. Governing boards authorized to cede jurisdiction for enforcement of traffic laws. (2) Upon acceptance of jurisdiction:

(c) The local authorities shall, upon recommendation of the governing board of any state institution of higher education or its designated officer, establish traffic control devices upon the property under the control of such institution, and, upon establishment, the devices shall have the same legal effect as provided in ~~sections 42-4-110 and 42-4-504~~ SECTIONS 42-4-112 AND 42-4-603, C.R.S. The traffic control devices so established shall be installed at the expense of the institution.

SECTION 49. 24-1-120 (6) (d), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

24-1-120. Department of human services - creation. (6) The department shall consist of the following divisions:

(d) The division of alcohol and drug abuse, created pursuant to part 1 of article 1 of title 25, C.R.S. The division of alcohol and drug abuse and its powers, duties, and functions, including the powers, duties, and functions relating to the alcohol and drug driving safety program specified in ~~section 42-4-1202 (5)~~ SECTION 42-4-1301 (10), C.R.S., are transferred by a **type 2** transfer to the department of human services.

SECTION 50. 24-4.1-102 (4), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

24-4.1-102. Definitions. As used in this part 1, unless the context otherwise requires:

(4) "Compensable crime" means an intentional, knowing,

reckless, or criminally negligent act of a person or any act in violation of ~~section 42-4-1202 (1) or (1.5)~~ SECTION 42-4-1301 (1) OR (2), C.R.S., that results in residential property damage to or bodily injury or death of another person or results in loss of or damage to eyeglasses, dentures, hearing aids, or other prosthetic or medically necessary devices and which, if committed by a person of full legal capacity, is punishable as a crime in this state. The term includes federal offenses committed in this state.

SECTION 51. 24-4.1-119 (1) (b) and (1) (c), Colorado Revised Statutes, 1988 Repl. Vol., as amended, are amended to read:

24-4.1-119. Costs levied on criminal actions and traffic offenses. (1) (b) The costs required by paragraph (a) of this subsection (1) shall not be levied on criminal actions which are charged pursuant to the penalty assessment provisions of ~~section 42-4-1501~~ SECTION 42-4-1701, C.R.S., or to any violations of articles 1 to 15 of title 33, C.R.S.

(c) A cost of twenty-five dollars is hereby levied on every criminal action resulting in a conviction or in a deferred judgment and sentence, as provided for in section 16-7-403, C.R.S., of a violation of ~~section 42-4-1202 (1) or (1.5)~~ SECTION 42-4-1301 (1) OR (2), C.R.S. This cost shall be paid to the clerk of the court, who shall deposit same in the victim compensation fund established in paragraph (a) of this subsection (1).

SECTION 52. 24-4.2-104 (1) (b) (I), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

24-4.2-104. Surcharges levied on criminal actions and traffic offenses. (1) (b) (I) A surcharge shall be levied against a penalty assessment imposed for a violation of a class A or class B traffic infraction or class 1 or class 2 misdemeanor traffic offense pursuant to ~~section 42-4-1501~~ SECTION 42-4-1701, C.R.S. The amount of such surcharge shall be the amount specified in the penalty and surcharge schedule in ~~section 42-4-1501 (3)~~ SECTION 42-4-1701 (4), C.R.S., or, if no amount is specified, thirty-seven percent of the penalty imposed. All moneys collected by the department of revenue pursuant to this subparagraph (I) shall be transmitted to the court administrator of the judicial district in which the infraction occurred for credit to the victims and witnesses assistance and law enforcement fund established in that judicial district as provided in ~~section 42-1-215~~ SECTION 42-1-217, C.R.S. Surcharges paid to the clerk of the court pursuant to this subparagraph (I) shall be transmitted to the court administrator of the judicial district in which the offense was committed for credit to the victims and witnesses assistance and law enforcement fund established in that judicial district.

SECTION 53. 24-10-106 (1) (a), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

24-10-106. Immunity and partial waiver. (1) A public entity shall be immune from liability in all claims for injury which lie in tort or could lie in tort regardless of whether that may be the type of action or the form of relief chosen by the claimant except as provided otherwise in this section. Sovereign immunity is waived by a public entity in an action for injuries resulting from:

(a) The operation of a motor vehicle, owned or leased by such public entity, by a public employee while in the course of ~~his~~ employment, except emergency vehicles operating within the provisions of ~~section 42-4-106 (2) and (3)~~ SECTION 42-4-108 (2) AND (3), C.R.S.;

SECTION 54. 24-10-110 (1) (b) (II), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

24-10-110. Defense of public employees - payment of judgments or settlements against public employees. (1) A public entity shall be liable for:

(b) (II) ~~A public entity shall be liable for~~ The payment of all judgments and settlements of claims against any of its public employees where the claim against the public employee arises out of injuries sustained from an act or omission of such employee occurring during the performance of his OR HER duties and within the scope of ~~his~~ employment, except where such act or omission is willful and wanton, even though sovereign immunity would otherwise bar the action, when the public employee is operating an emergency vehicle within the provisions of ~~section 42-4-106 (2) and (3)~~ SECTION 42-4-108 (2) AND (3), C.R.S., if the employee does not compromise or settle the claim without the consent of the public entity.

SECTION 55. 24-35-114, Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

24-35-114. Civil penalty for insufficient funds checks. The executive director of the department of revenue, or ~~his~~ SUCH EXECUTIVE DIRECTOR'S delegate, shall assess a fifteen-dollar penalty against any person who issues a check returned for insufficient funds to the department of revenue in payment of taxes, licenses, or fees collectible by the department of revenue for this state. The penalty provided for in this section shall be assessed in addition to any other penalties or interest provided by law, but shall not be assessed for checks returned for insufficient funds issued pursuant to ~~section 42-4-1501 (4)~~ SECTION 42-4-1701 (5), C.R.S., as a penalty assessment. For the purposes of this section, the term "insufficient funds" means not

having a sufficient balance in account with a bank or other drawee for the payment of a check when presented for payment within thirty days after issue.

SECTION 56. 24-60-1105 (1), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

24-60-1105. Offenses - assessment of points. (1) Those offenses described in article IV (a) of the compact refer only to the following: As specified in ~~sections 42-4-1201, 42-4-1202, and 42-4-1403~~ SECTIONS 42-2-128, 42-4-1301, AND 42-4-1603, C.R.S. "Felony" as used in article IV (a) (3) means only an offense which if committed in this state would constitute a felony. No conviction in another state for an offense described in article IV (a) of the compact shall be considered in this state unless the executive director of the department of revenue has made a finding with respect thereto that the prerequisites to such conviction in such other state with respect to trial by jury, burden of proof, and elements of the offense are not less stringent than such prerequisites to conviction for such offense in this state.

SECTION 57. 24-60-1106, Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

24-60-1106. Operator's license under compact. The provisions of ~~sections 42-1-102 (64)~~ SECTIONS 42-1-102 (81), 42-2-101 (1), and 42-2-102 (1) (d) and (1) (e), C.R.S., requiring residents of other states to secure an operator's license from this state shall not apply to persons licensed to drive by other states party to the driver license compact. This state shall require a resident to secure an operator's license from the department of revenue and to surrender any outstanding license to drive issued by another state; except that, if the laws of such other state require the person to be licensed to drive thereby in order to engage in ~~his~~ SUCH PERSON'S regular trade or profession, no license shall be issued by this state so long as such other license to drive is in force, nor shall this state issue any license to drive in contravention of the driver license compact.

SECTION 58. 24-60-1107, Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

24-60-1107. Review by district court. Any act or omission of any official or employee of this state done or omitted pursuant to or in enforcing the provisions of the driver license compact shall be subject to review by the district court in accordance with ~~sections 24-4-106 and 42-2-127~~ SECTIONS 24-4-106 AND 42-2-135, C.R.S., and the Colorado rules of civil procedure.

SECTION 59. 24-72-204 (2) (a) (IV) and (2) (a) (V), Colorado Revised Statutes, 1988 Repl. Vol., as amended, are amended, and the said 24-72-204 (2) (a) is further amended BY THE

ADDITION OF A NEW SUBPARAGRAPH, to read:

24-72-204. Allowance or denial of inspection - grounds - procedure - appeal. (2) (a) The custodian may deny the right of inspection of the following records, unless otherwise provided by law, on the ground that disclosure to the applicant would be contrary to the public interest:

(IV) The contents of real estate appraisals made for the state or a political subdivision thereof relative to the acquisition of property or any interest in property for public use, until such time as title to the property or property interest has passed to the state or political subdivision; except that the contents of such appraisal shall be available to the owner of the property, if a condemning authority determines that it intends to acquire said property as provided in section 38-1-121, C.R.S., relating to eminent domain proceedings, but, in any case, the contents of such appraisal shall be available to the owner under this section no later than one year after the condemning authority receives said appraisal; and except as provided by the Colorado rules of civil procedure. If condemnation proceedings are instituted to acquire any such property, any owner of such property who has received the contents of any appraisal pursuant to this section shall, upon receipt thereof, make available to said state or political subdivision a copy of the contents of any appraisal which the owner has obtained relative to the proposed acquisition of the property; ~~and~~

(V) Any market analysis data generated by the department of transportation's bid analysis and management system for the confidential use of the department of transportation in awarding contracts for construction or for the purchase of goods or services and any records, documents, and automated systems prepared for the bid analysis and management system; AND

(VI) PHOTOGRAPHS FILED WITH, MAINTAINED BY, OR PREPARED BY THE DEPARTMENT OF REVENUE PURSUANT TO SECTION 42-2-121 (2) (c) (I) (F), C.R.S.

SECTION 60. 24-72-204 (3.5) (a) (II) and (3.5) (b) (II), Colorado Revised Statutes, 1988 Repl. Vol., as amended, are amended to read:

24-72-204. Allowance or denial of inspection - grounds - procedure - appeal. (3.5) (a) Effective January 1, 1992, any individual who meets the requirements of this subsection (3.5) may request that the address of such individual included in any public records concerning that individual which are required to be made, maintained, or kept pursuant to the following sections be kept confidential:

(II) ~~Sections 42-1-210, 42-2-117, 42-2-118, and 42-3-111~~

SECTIONS 42-1-210, 42-2-119, 42-2-121, AND 42-3-112, C.R.S.;

(b) (II) A request of confidentiality with respect to records described in subparagraphs (I) and (II) of paragraph (a) of this subsection (3.5) shall be made in person in the office of the county clerk and recorder of the county where the individual making the request resides. Requests shall be made on application forms approved by the secretary of state and the executive director of the department of revenue, after consultation with county clerk and recorders. The application form shall provide space for the applicant to provide his or her name and address, date of birth, driver's license number, if the applicant has a driver's license, identification card number, if the applicant has an identification card issued pursuant to ~~part 4 of article 2 of title 42~~ PART 3 OF ARTICLE 2 OF TITLE 42, C.R.S., registration number or plate number, if the applicant is the owner of record of a vehicle registered pursuant to article 3 of title 42, C.R.S., and any other identifying information determined by the executive director of the department of revenue to be necessary to carry out the provisions of this subsection (3.5). In addition, an affirmation shall be printed on the form, in the area immediately above a line for the applicant's signature and the date, stating the following: "I swear or affirm, under penalty of perjury, that I have reason to believe that I, or a member of my immediate family who resides in my household, will be exposed to criminal harassment, or otherwise be in danger of bodily harm, if my address is not kept confidential." Immediately below the signature line, there shall be printed a notice, in a type that is larger than the other information contained on the form, that the applicant may be prosecuted for perjury in the second degree under section 18-8-503, C.R.S., if the applicant signs such affirmation and does not believe such affirmation to be true.

SECTION 61. 25-3.5-603 (1) (a) and (2) (c) (III), Colorado Revised Statutes, 1989 Repl. Vol., as amended, are amended to read:

25-3.5-603. Emergency medical services account - creation - allocation of funds. (1) (a) There is hereby created a special account within the highway users tax fund established pursuant to section 43-4-201, C.R.S., to be known as the emergency medical services account, which shall consist of all moneys transferred thereto in accordance with ~~section 42-3-123 (25)~~ SECTION 42-3-134 (28), C.R.S.

(2) Moneys in the emergency medical services account shall be appropriated as follows:

(c) The remaining moneys appropriated from the emergency medical services account shall be appropriated for the direct and indirect costs of planning, developing, implementing, maintaining, and improving the statewide emergency medical services system.

Such costs shall include:

(III) The costs of the department of revenue in collecting the additional motor vehicle registration fee pursuant to ~~section 42-3-123 (25)~~ SECTION 42-3-134 (28), C.R.S.

SECTION 62. 25-7-106 (4) (a), Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

25-7-106. Commission - additional authority. (4) (a) In the event the commission, after hearing, finds and determines that a particular style or model of automobile air pollution control device is not sufficiently effective to justify the continued connection and operation of such device, the commission shall so notify the motor vehicle division of the department of revenue; thereafter, all devices of such particular style or model shall be exempt from the provisions of ~~section 42-4-1210~~ SECTION 42-4-314, C.R.S.

SECTION 63. 25-7-106.3 (1), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

25-7-106.3. Commission - duties - wood-burning stoves - episodic no-burn days. (1) The commission shall promulgate, no later than March 1, 1990, such combination of regulations as it may find to be cost-effective and consistent with the legislative declaration set forth in section 25-7-102 in order to establish limitations on the use of wood-burning stoves and fireplaces during those periods of time declared by the Colorado department of health to be a high pollution day. The department may declare a high pollution day based on experienced or anticipated excessive levels of carbon monoxide or particulates when air pollution standards are exceeded for particulates, carbon monoxide, or visibility. The limitations on the use of wood-burning stoves and fireplaces imposed pursuant to this section may include no-burn days, and such no-burn days shall be specific to the separate airsheds within the Denver-Boulder metropolitan area. Such limitations shall be applicable only in those portions of the counties of Adams, Arapahoe, Boulder, Denver, Douglas, and Jefferson which are located in the AIR program area, as such area is defined in ~~section 42-4-307 (18)~~ SECTION 42-4-304 (20), C.R.S. Such regulations shall exclude areas above seven thousand feet unless the commission determines that particulates from wood-burning in such areas are contributing to the brown cloud. Such regulations shall not apply to any person who utilizes wood-burning stoves or fireplaces as the primary source of heat in such person's place of residence. Such regulations shall permit exemptions for wood-burning stoves that meet Phase III emissions standards. For the purposes of this section, "Phase III" means wood stove standards adopted by the commission which are more strict than existing wood stove standards. The regulations promulgated pursuant to this subsection (1) shall not

be effective until July 1, 1990.

SECTION 64. 25-7-106.7, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

25-7-106.7. Regulations - studies - AIR program area. The authority of the commission to promulgate regulations and to conduct studies and make reports to the general assembly pursuant to sections 25-7-106.1, 25-7-106.3, and 25-7-106.5 is limited to the program area, as defined in ~~section 42-4-307 (18)~~ SECTION 42-4-304 (20), C.R.S., and such regulations shall not apply outside the program area. The commission may determine which regulations promulgated pursuant to section 25-7-106.1 shall apply to separate airshed areas.

SECTION 65. 25-7-106.8 (4), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

25-7-106.8. Colorado clean vehicle fleet program. (4) Subject to available appropriations, the general assembly shall make annual appropriations to the department from the AIR account in the highway users tax fund, created in ~~section 42-3-123 (23)~~ SECTION 42-3-134 (26), C.R.S., to be distributed to the division as reimbursements under this section.

SECTION 66. 25-7-106.9 (1) (e) (II), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

25-7-106.9. Alternative fuels financial incentive program. (1) (e) (II) In addition to subaccounts of the AIR program created pursuant to ~~section 42-3-123 (23) (c)~~ SECTION 42-3-134 (26) (c), C.R.S., there is hereby created a special subaccount within the AIR account of the highway users tax fund established pursuant to ~~section 42-3-123 (23)~~ SECTION 42-3-134 (26), C.R.S., to be known as the alternative fuels financial incentive subaccount. All gifts, donations, and grants accepted pursuant to this paragraph (e) shall be deposited in such subaccount and shall be dedicated for the exclusive purpose of funding the alternative fuels financial incentive program created pursuant to this section. In accordance with section 24-36-114, C.R.S., all interest derived from the deposit and investment of this fund shall be credited to the general fund. No other funds of the AIR account shall be utilized for the purpose of funding such program.

SECTION 67. 25-7-122 (1) (b), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

25-7-122. Civil penalties. (1) Upon application of the division, penalties as determined under this article may be collected by the division by action instituted in the district court for the district in which is located the air pollution source affected in accordance with the following provisions:

(b) Any person who violates any requirement or prohibition of an applicable emission control regulation of the commission, the state implementation plan, a construction permit, any provision for the prevention of significant deterioration under part 2 of this article, any provision related to attainment under part 3 of this article, or any provision of section 25-7-105, 25-7-106, 25-7-106.3, 25-7-106.8, 25-7-106.9, 25-7-108, 25-7-109, 25-7-111, 25-7-112, 25-7-113, 25-7-114.2, 25-7-114.5, 25-7-118, 25-7-135, 25-7-206, 25-7-403, 25-7-404, 25-7-405, 25-7-407, 25-7-407.5, ~~25-7-602, 25-7-602.5, 25-7-603, 25-7-604, 25-7-605, 25-7-607, or 25-7-608~~ 42-4-403, 42-4-404, 42-4-405, 42-4-406, 42-4-407, 42-4-409, OR 42-4-410, C.R.S., shall be subject to a civil penalty of not more than fifteen thousand dollars per day for each day of such violation; except that there shall be no civil penalties assessed or collected against persons who violate emission regulations promulgated by the commission for the control of odor until a compliance order issued pursuant to section 25-7-115 and ordering compliance with the odor regulation has been violated.

SECTION 68. 25-7-122.1 (1) (a) and (1) (b), Colorado Revised Statutes, 1989 Repl. Vol., as amended, are amended to read:

25-7-122.1. Criminal penalties. (1) **General provisions.** (a) Whenever the division has reason to believe that a person has knowingly, as defined in section 18-1-501 (6), C.R.S., violated any requirement or prohibition of an applicable emission control regulation of the commission, state implementation plan, permit required under this article, or any provision for the prevention of significant deterioration under part 2 of this article, any provision related to attainment under part 3 of this article, or any provision of section 25-7-105, 25-7-106, 25-7-106.3, 25-7-106.8, 25-7-106.9, 25-7-108, 25-7-109, 25-7-111, 25-7-112, 25-7-113, 25-7-114.2, 25-7-114.5, 25-7-118, 25-7-135, 25-7-206, 25-7-403, 25-7-404, 25-7-405, 25-7-407, 25-7-407.5, ~~25-7-602, 25-7-602.5, 25-7-603, 25-7-604, 25-7-605, 25-7-607, or 25-7-608~~ 42-4-403, 42-4-404, 42-4-405, 42-4-406, 42-4-407, 42-4-409, OR 42-4-410, C.R.S., the division may request either the attorney general or the district attorney for the district in which the alleged violation occurs to pursue criminal penalties under this section.

(b) Except for those violations identified in paragraph (c) of this subsection (1) and subsections (2) and (3) of this section, any person who knowingly, as defined in section 18-1-501 (6), C.R.S., violates any requirement or prohibition of an applicable emission control regulation of the commission, state implementation plan, permit required under this article, or any provision for the prevention of significant deterioration under part 2 of this article, any provision related to attainment under part 3 of this article, or any provision of section 25-7-105,

25-7-106, 25-7-106.3, 25-7-106.8, 25-7-106.9, 25-7-108, 25-7-109, 25-7-109.6, 25-7-111, 25-7-112, 25-7-113, 25-7-114.2, 25-7-114.5, 25-7-118, 25-7-135, 25-7-206, 25-7-403, 25-7-404, 25-7-405, 25-7-407, 25-7-407.5, ~~25-7-602, 25-7-602.5, 25-7-603, 25-7-604, 25-7-605, 25-7-607, or 25-7-608~~ 42-4-403, 42-4-404, 42-4-405, 42-4-406, 42-4-407, 42-4-409, OR 42-4-410, C.R.S., is guilty of a misdemeanor, and upon conviction thereof, may be punished by a fine of not more than twenty-five thousand dollars per day for each day of violation. Upon a second conviction for a violation of this paragraph (b) within two years, the maximum punishment shall be doubled.

SECTION 69. 25-7-134 (1), (2), and (4), Colorado Revised Statutes, 1989 Repl. Vol., as amended, are amended to read:

25-7-134. Study of air quality control programs. (1) The general assembly finds and declares that numerous programs have been implemented over the past several years in an effort to improve air quality in the AIR program area, as such area is defined in ~~section 42-4-307 (18)~~ SECTION 42-4-304 (20), C.R.S. The purpose of this section is to ensure that all such programs are in fact implemented and are promoting cleaner air and that all such programs are necessary and cost-effective to reduce, prevent, and control air pollution throughout such area.

(2) The state auditor, acting under the supervision of the legislative audit committee, shall study the cost and effectiveness of the program established pursuant to ~~sections 42-4-306.5 to 42-4-316~~ SECTIONS 42-4-301 TO 42-4-316, C.R.S., and the oxygenated fuels program established pursuant to sections 25-7-106 (1) (e) and 25-7-109 (3) (d) and by regulation no. 13 of the commission. The state auditor shall contract with such other person or persons as the state auditor deems necessary for the proper performance of the study. The state auditor, in conjunction with the commission, shall appoint a panel of independent recognized experts in areas such as air pollution, meteorology, statistics, economics, engineering, and public works to assist the auditor in developing an objective standard against which program effectiveness will be measured and to review the proposed methodology of the study.

(4) In addition to any moneys which may be appropriated by the general assembly for purposes of the study required by this section, the legislative audit committee may seek and accept funds from public nonstate sources and from private sources for the conduct of such study, and it may expend such public nonstate and private funds for purposes of the study without the necessity of further appropriations by the general assembly. Moneys in the AIR account within the highway users tax fund established pursuant to ~~section 42-4-308 (1)~~ SECTION 42-4-305 (1), C.R.S., may also be appropriated for the conduct of the study required by this section, up to one hundred thousand dollars in any fiscal year.

SECTION 70. 25-7-803 (2) (b), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

25-7-803. Travel reduction pilot program - duties of division. (2) **Pilot program.** The pilot program shall be designed to study and address the following:

(b) The expected results and benefits from the establishment and implementation of a regional program, including air quality improvement, reduction of vehicle-miles traveled, improvement in mobility, and direct and indirect benefits to employees and employers which include cost savings in the form of reduced parking subsidies, improved employee morale, and reduced employee absenteeism and tardiness through compressed workweeks, telecommuting, and other alternatives to single-occupant motor vehicle travel; except that single-occupant motor vehicle shall not include "motorcycle" as defined in ~~section 42-1-102 (44)~~ SECTION 42-1-102 (55), C.R.S.;

SECTION 71. The introductory portion to 25-15-302 (2) (f), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

25-15-302. Hazardous waste commission - creation - membership - regulations - administration. (2) The commission shall promulgate rules pertaining to hazardous waste in accordance with this part 3 and in accordance with the procedures and other provisions of article 4 of title 24, C.R.S. Such rules shall provide protection of public health and the environment and shall include:

(f) Regulations, promulgated in accordance with ~~article 6 of title 43~~ ARTICLE 20 OF TITLE 42, C.R.S., providing procedures and requirements for:

SECTION 72. 25-15-307 (2), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

25-15-307. Coordination with other programs. (2) For the purposes of the administration and enforcement of this part 3, the department shall coordinate its activities with those of the Colorado state patrol relating to the transportation of hazardous materials. Rules and regulations of the commission relating to the transportation of hazardous waste shall be consistent with the rules and regulations of the Colorado state patrol on the transportation of hazardous materials promulgated pursuant to ~~article 6 of title 43~~ ARTICLE 20 OF TITLE 42, C.R.S.

SECTION 73. 25-16-104.5 (1) (b), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

25-16-104.5. Solid waste user fee - imposed - rate -

direction. (1) On and after January 1, 1986, there is hereby imposed a user fee upon each person disposing of solid waste at an attended solid wastes disposal site. The fee is intended to be a charge to waste producers in addition to any charges specified by contract. Such fee shall be collected by the operator of such site or facility at the time of disposal and shall be imposed and passed through to waste producers and other persons at the following rate, or at an equivalent rate established by the department:

(b) Twenty cents per load transported by a truck, as such term is defined in ~~section 42-1-102 (84)~~ SECTION 42-1-102 (108), C.R.S., which is commonly used for the noncommercial transport of persons and property over the public highways;

SECTION 74. 25-17-202 (1) (b), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

25-17-202. Waste tire recycling development fee - cash fund created. (1) (b) For the purposes of this part 2, "motor vehicle tire" means any tire used for a motor vehicle, as such term is defined in ~~section 42-1-102 (46)~~ SECTION 42-1-102 (58), C.R.S.; except that motor vehicle shall not include motorcycles.

SECTION 75. 25-20-102 (4), Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

25-20-102. Definitions. As used in this article, unless the context otherwise requires:

(4) "Identifying device" means an identifying bracelet, necklace, metal tag, or similar device bearing the emergency symbol and the information needed in an emergency. A Colorado driver's license may be an identifying device if imprinted with the emergency symbol as authorized in ~~section 42-2-112 (6)~~ SECTION 42-2-114 (8), C.R.S.

SECTION 76. 30-11-107.7 (1) (a) (I), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

30-11-107.7. County rental tax on the rental of personal property - procedures - apportionment. (1) As used in this section, unless the context otherwise requires:

(a) "Personal property" means personal property which:

(I) Is not subject to ad valorem tax pursuant to section 39-3-119, C.R.S., or specific ownership tax pursuant to ~~section 42-3-106~~ SECTION 42-3-107, C.R.S.; and

SECTION 77. 30-15-401 (1) (m) (I) and (3), Colorado Revised Statutes, 1986 Repl. Vol., as amended, are amended to read:

30-15-401. General regulations. (1) In addition to those powers granted by sections 30-11-101 and 30-11-107 and by parts 1, 2, and 3 of this article, the board of county commissioners has the power to adopt ordinances for control or licensing of those matters of purely local concern which are described in the following enumerated powers:

(m) (I) In addition to the authority given counties in article 12 of title 25, C.R.S., to enact ordinances which regulate noise on public and private property except as provided in subparagraph (II) of this paragraph (m); prohibit the operation of any vehicle that is not equipped with a muffler in constant operation and is not properly maintained to prevent an increase in the noise emitted by the vehicle above the noise emitted when the muffler was originally installed; and, prohibit the operation of any vehicle having a muffler that has been equipped or modified with a cutoff, and bypass, or any similar device or modification. For the purposes of this paragraph (m), "vehicle" shall have the same meaning as that set forth in ~~section 42-1-102 (88)~~ SECTION 42-1-102 (112), C.R.S.

(3) Paragraph (a) of subsection (1) of this section shall not apply to the transportation of sludge and fly ash or to the transportation of hazardous materials, as defined in the rules and regulations adopted by the chief of the Colorado state patrol pursuant to ~~section 43-6-104 (1)~~ SECTION 42-20-104 (1), C.R.S.

SECTION 78. 31-16-110, Colorado Revised Statutes, 1986 Repl. Vol., is amended to read:

31-16-110. County officers may serve process. Any sheriff of any county or city and county of this state may serve, within ~~his~~ SUCH SHERIFF'S county, any process issued from any court or may make any arrest, within ~~his~~ SUCH SHERIFF'S county, authorized by law to be made by any municipal officers; but the only process or warrant for the arrest of any person charged with a violation of a municipal ordinance which shall be valid and executed outside the municipality where said violation occurred is that for the violation of an ordinance of any municipality in this state which is a criminal or quasi-criminal offense. For the purposes of this section, traffic offenses shall not be considered to be criminal or quasi-criminal offenses unless penalty points may be assessed under ~~section 42-2-123 (5) (a) to (5) (r), (5) (x), and (5) (y)~~ SECTION 42-2-127 (5) (a) TO (5) (r), (5) (w), AND (5) (x), C.R.S.

SECTION 79. 32-1-103 (5) (d) and (23) (c), Colorado Revised Statutes, as amended, are amended to read:

32-1-103. Definitions. (5) (d) For all elections and petitions which require ownership of real property or land, a mobile home as defined in section 38-12-201.5 (2) OR 5-1-301 (9.7), ~~or 42-1-102 (82) (b),~~ C.R.S., or A manufactured ~~housing~~

HOME as defined in section 12-51.5-101 (4) OR 42-1-102 (106) (b), C.R.S., shall be deemed sufficient to qualify as ownership of real property or land for the purpose of voting rights and petitions.

(23) (c) For all elections and petitions which require ownership of real property or land, a mobile home as defined in section 38-12-201.5 (2), 5-1-301 (9.7), OR 12-51.5-101 (4), ~~or 42-1-102 (82) (b),~~ C.R.S., OR A MANUFACTURED HOME AS DEFINED IN SECTION 42-1-102 (106) (b), C.R.S., shall be deemed sufficient to qualify as ownership of real property or land for the purpose of voting rights and petitions.

SECTION 80. 33-12-106 (1), Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

33-12-106. Park entrance privileges - identified veterans. (1) Any resident who displays on the resident's vehicle a Colorado disabled veteran's license plate pursuant to ~~section 42-3-123 (3) (a)~~ SECTION 42-3-134 (3) (a), C.R.S., shall be allowed free entrance to any state park or recreation area, not to include campgrounds, on any day of the year such park or area is open. For the purpose of this section, display of such license plates shall entitle the disabled veteran and passengers in such veteran's vehicle to enter such park or recreation area free of charge.

SECTION 81. 33-13-108.1 (12) (e) and (12) (f), Colorado Revised Statutes, 1984 Repl. Vol., as amended, are amended to read:

33-13-108.1. Operating a motorboat or sailboat while under the influence. (12) (e) For the purposes of this subsection (12), "useful public service" shall have the same meaning as that set forth in ~~section 42-4-1202 (4) (g)~~ SECTION 42-4-1301 (9) (i), C.R.S., and the useful public service program authorized therein shall be utilized for the purposes of this subsection (12). An offender sentenced to such useful public service program or to such work assignments shall complete the same within the time established by the court. In addition to any other penalties, fines, fees, or costs prescribed in this section, the court shall assess an amount not to exceed the amount established in ~~section 42-4-1202 (4) (g)~~ SECTION 42-4-1301 (9) (i), C.R.S., upon any person required to perform useful public service. Such amount shall be used only to pay for the costs authorized in ~~section 42-4-1202 (4) (g)~~ SECTION 42-4-1301 (9) (i), C.R.S.

(f) For the purposes of this subsection (12), "alcohol and drug driving safety education or treatment" shall have the same meaning as that set forth in ~~section 42-4-1202 (5)~~ SECTION 42-4-1301 (10), C.R.S., and the alcohol and drug driving safety program and the presentence alcohol and drug evaluations authorized therein shall be utilized for the purposes of this

subsection (12). The presentence alcohol and drug evaluation shall be conducted on all persons convicted of a violation of subsection (1) of this section; except that this requirement shall not apply to persons who are not residents of Colorado at the time of sentencing. Any defendant sentenced to level I or level II education or treatment programs shall be instructed by the court to meet all financial obligations of such programs. If such financial obligations are not met, the sentencing court shall be notified for the purpose of collection or review and further action on the defendant's sentence. In addition to any other penalties, fines, fees, or costs prescribed in this section, the court shall assess an amount, not to exceed the amount established in ~~section 42-4-1202 (5)~~ SECTION 42-4-1301 (10), C.R.S., upon any person convicted of a violation of subsection (1) of this section. Such amount shall be used only to pay for the costs authorized in ~~section 42-4-1202 (5)~~ SECTION 42-4-1301 (10), C.R.S. The court shall consider the alcohol and drug evaluation prior to sentencing. The provisions of this paragraph (f) are also applicable to any defendant who receives a deferred prosecution in accordance with section 16-7-401, C.R.S., or who receives a deferred sentence in accordance with section 16-7-403, C.R.S.

SECTION 82. 35-70-104.1, Colorado Revised Statutes, 1984 Repl. Vol., is amended to read:

35-70-104.1. Mobile home ownership - elections and petitions. Notwithstanding any other provision of this article to the contrary, for all elections and petitions which require ownership of real property or land, a mobile home as defined in section 38-12-201.5 (2), 5-1-301 (9.7), OR 12-51.5-101 (4), ~~or 42-1-102 (82) (b),~~ C.R.S., OR A MANUFACTURED HOME AS DEFINED IN SECTION 42-1-102 (106) (b), C.R.S., shall be deemed sufficient to qualify as ownership of real property or land for the purpose of voting rights and petitions.

SECTION 83. 37-45-103 (4) (c), Colorado Revised Statutes, 1990 Repl. Vol., is amended to read:

37-45-103. Definition of terms. (4) (c) For all elections and petitions which require ownership of real property or land, a mobile home as defined in section 38-12-201.5 (2) OR 5-1-301 (9.7), ~~or 42-1-102 (82) (b),~~ C.R.S., or A manufactured ~~housing~~ HOME as defined in section 12-51.5-101 (4) OR 42-1-102 (106) (b), C.R.S., shall be deemed sufficient to qualify as ownership of real property or land for the purpose of voting rights and petitions.

SECTION 84. 38-29-139 (1) and (2), Colorado Revised Statutes, 1982 Repl. Vol., as amended, are amended to read:

38-29-139. Disposition of fees. (1) All fees received by the authorized agent under the provisions of section 38-29-138 (1) and (2), upon application being made for a certificate of title,

shall be disposed of pursuant to ~~section 42-6-136 (1)~~ SECTION 42-6-138 (1), C.R.S.

(2) All fees collected by the authorized agent under the provisions of section 38-29-138 (5) shall be disposed of pursuant to ~~section 42-6-136 (2)~~ SECTION 42-6-138 (2), C.R.S.

SECTION 85. 38-41-201.6, Colorado Revised Statutes, 1982 Repl. Vol., as amended, is amended to read:

38-41-201.6. Mobile home or manufactured home homestead exemption. A manufactured home as defined in section 38-29-102 (6), which includes a mobile home as defined in section 38-12-201.5 (2) or section 5-1-301 (9.7) OR 12-51.5-101 (4), ~~or 42-1-102 (82) (b),~~ C.R.S., AND A MANUFACTURED HOME AS DEFINED IN SECTION 42-1-102 (106) (b), C.R.S., that has been purchased by an initial user or subsequent user and for which a certificate of title has been issued in accordance with section 38-29-110 or pursuant to section 38-29-108 is a homestead and, notwithstanding the provisions of section 13-54-102 (1) (o) (II), C.R.S., is entitled to the same exemption as enumerated in section 38-41-201, except for any loans, debts, or obligations incurred prior to January 1, 1983. For purposes of this homestead exemption, the term "house" as used in section 38-41-205 shall be deemed to include mobile homes or manufactured homes.

SECTION 86. 39-1-102 (8) and (14.3), Colorado Revised Statutes, 1982 Repl. Vol., as amended, are amended to read:

39-1-102. Definitions. As used in articles 1 to 13 of this title, unless the context otherwise requires:

(8) "Mobile home" means a manufactured home as defined in ~~section 42-1-102 (82) (b)~~ SECTION 42-1-102 (106) (b), C.R.S.

(14.3) "Residential improvements" means a building, or that portion of a building, designed for use predominantly as a place of residency by a person, a family, or families. The term includes buildings, structures, fixtures, fences, amenities, and water rights which are an integral part of the residential use. The term also includes mobile homes as defined in section 38-29-102 (8) ~~or 42-1-102 (82) (b),~~ C.R.S., AND MANUFACTURED HOME AS DEFINED IN SECTION 42-1-102 (106) (b), C.R.S.

SECTION 87. 39-5-132 (7), Colorado Revised Statutes, 1982 Repl. Vol., as amended, is amended to read:

39-5-132. Assessment and taxation of new construction. (7) Nothing in this section shall be construed to affect tax increment financing as said financing is implemented pursuant to sections 31-25-107 (9) and 31-25-807 (3), C.R.S., nor the distribution of specific ownership taxes pursuant to ~~section~~

~~42-3-106 (26)~~ SECTION 42-3-107 (23), C.R.S.

SECTION 88. 39-26-114 (10), Colorado Revised Statutes, 1982 Repl. Vol., is amended to read:

39-26-114. Exemptions - disputes - credits or refunds. (10) Forty-eight percent of the purchase price of factory-built housing, as such housing is defined in section 24-32-703 (3), C.R.S. 1973, shall be exempt from taxation under this part 1; except that the entire purchase price in any subsequent sale of a ~~mobile~~ MANUFACTURED home, as such vehicle is defined in ~~section 42-1-102 (82) (b), C.R.S. 1973~~ SECTION 42-1-102 (106) (b), C.R.S., after such ~~mobile~~ MANUFACTURED home has been once subject to the payment of sales tax by virtue of section 39-26-113, shall be exempt from taxation under this part 1.

SECTION 89. 39-26-203 (1) (o), Colorado Revised Statutes, 1982 Repl. Vol., is amended to read:

39-26-203. Exemptions. (1) This part 2 is declared to be supplementary to the "Emergency Retail Sales Tax Law of 1935", part 1 of this article, and shall not apply:

(o) To the storage, use, or consumption of a ~~mobile~~ MANUFACTURED home, as such vehicle is defined in ~~section 42-1-102 (82) (b), C.R.S. 1973~~ SECTION 42-1-102 (106) (b), C.R.S., after such ~~mobile~~ MANUFACTURED home has been once subject to the payment of use tax by virtue of section 39-26-208;

SECTION 90. 39-27-202 (3) (b) (I), Colorado Revised Statutes, 1982 Repl. Vol., as amended, is amended to read:

39-27-202. Tax imposed - exemptions - ex-tax purchases. (3) (b) The executive director of the department of revenue may issue written authorization to a user of special fuel to purchase special fuel from a distributor without payment of the tax if such user is exempt under the provisions of paragraph (a) or (b) of subsection (2) of this section or if such user maintains bulk storage for special fuel in an amount of at least two hundred fifty gallons and receives individual deliveries of special fuel from such distributor and if the executive director is satisfied from evidence presented by the bulk user that:

(I) The user operates a motor vehicle propelled by special fuel which is subject to the mileage taxes imposed by ~~section 42-3-123~~ SECTION 42-3-134, C.R.S., and such user establishes a special fuel user tax account with the department of revenue and files returns; or

SECTION 91. 39-27-205 (2) (a), (2) (b), and (2) (c), Colorado Revised Statutes, 1982 Repl. Vol., as amended, are amended to read:

39-27-205. Tax collection. (2) (a) Except as provided in paragraph (d) of this subsection (2), every person authorized by the executive director to purchase special fuel ex-tax under the provisions of section 39-27-202 (3) (b), except such persons who qualify for ex-tax purchases under section 39-27-202 (2) (a) or (2) (b), and every person who has obtained a passenger-mile tax permit pursuant to ~~section 42-3-126~~ SECTION 42-3-137, C.R.S., where such permit relates to a motor vehicle which is powered by special fuel, shall, on or before the last day of the month following the end of the quarter, file with the executive director a report stating the amount of special fuel, subject to the tax imposed by this part 2, consumed by such person during the prior quarter, and such other information relating to the use of special fuel for the propulsion of a motor vehicle on the highways of this state as the executive director may require. The executive director, under rules and procedures established by him OR HER, may exempt from the reporting requirement of this subsection (2) any motor vehicle used exclusively within this state. Failure to receive the authorized report form does not relieve such person from the obligation of submitting a report to the executive director setting forth all information required on the prescribed report form. The report shall contain or be accompanied by a written declaration that it is made under the penalties of perjury in the second degree, as defined in section 18-8-503, C.R.S.

(b) From the tax due, an authorized user may claim credit for tax paid on purchases of special fuel from vendors within this state. Any credit in excess of the tax due from a user under this part 2 may be claimed on a consolidated report authorized under paragraph (c) of this subsection (2) as a credit against the taxes imposed under ~~section 42-3-123, C.R.S. 1973~~ SECTION 42-3-134, C.R.S. Otherwise, such credit is refundable under the provisions of section 39-27-203 and such rules and procedures as the executive director may adopt.

(c) The executive director may authorize, under rules and procedures established by him OR HER, the consolidation of the report required by this subsection (2) and the report required by ~~section 42-3-125~~ SECTION 42-3-136, C.R.S., into a single report.

SECTION 92. 40-1.1-106 (1), Colorado Revised Statutes, 1993 Repl. Vol., is amended to read:

40-1.1-106. Safety and insurance regulation. (1) The provisions of ~~parts 2 to 4~~ PARTS 2, 3, AND 5 of article 4 of title 42, C.R.S., shall be applicable to motor vehicles used in people service transportation or volunteer transportation.

SECTION 93. 40-2-109, Colorado Revised Statutes, 1993 Repl. Vol., is amended to read:

40-2-109. Report to executive director of the department

of revenue. On March 1 of each year, the public utilities commission shall furnish the executive director of the department of revenue with a list of those public utilities subject to its jurisdiction, supervision, and regulation on January 1 of each year, excepting those motor vehicle carriers subject to the passenger-mile tax imposed by the provisions of ~~section 42-3-123~~ SECTION 42-3-134, C.R.S., (but only so long as the cost of regulation of such motor vehicle carriers shall be defrayed from the proceeds of such passenger-mile tax).

SECTION 94. 40-7-112 (2), Colorado Revised Statutes, 1993 Repl. Vol., is amended to read:

40-7-112. Carriers subject to civil penalties. (2) The civil penalties provided in sections 40-7-113 and 40-7-114 shall not apply to persons transporting nuclear materials who commit violations of ~~section 43-6-406 (3), 43-6-407, or 43-6-505~~ SECTION 42-20-406 (3), 42-20-407, OR 42-20-505, C.R.S., or to persons transporting hazardous materials who commit violations of ~~section 43-6-204~~ SECTION 42-20-204, C.R.S.

SECTION 95. 40-10-104 (3), Colorado Revised Statutes, 1993 Repl. Vol., is amended to read:

40-10-104. Certificate required - exemptions - temporary certificate. (3) This article shall not apply to motor vehicles designed and used for the nonemergency transportation of individuals with disabilities as defined in ~~section 42-7-510 (1.5) (b)~~ SECTION 42-7-510 (2) (b), C.R.S., nor to motor vehicles transporting sand, gravel, rock, dirt, stone, insulrock, road surfacing materials used in the construction of roads and highways except such road surfacing materials as are transported in tank vehicles, houses or other buildings excluding manufactured housing, timber, rough lumber, logs, or wooden poles. For the purposes of this subsection (3), "manufactured housing" means housing which is in part or entirely manufactured in a factory. This type of housing is built in single or multiple sections on a chassis which enables it to be transported to its occupancy site or is built in single or multiple sections for assembly at the site, and includes mobile homes, modular homes, and panelized homes.

SECTION 96. 40-11-102 (2), Colorado Revised Statutes, 1993 Repl. Vol., is amended to read:

40-11-102. Compliance required - exceptions. (2) Nothing in this article shall apply to any motor vehicle carrier as defined by section 40-10-101 (4) (a), nor to a private individual who carries a neighbor or a friend on a trip, nor to motor vehicles especially constructed for towing, wrecking, and repairing and not otherwise used in transporting property, nor to hearses or ambulances or other emergency vehicles, nor to motor

vehicles transporting sand, gravel, rock, dirt, stone, insulrock, road surfacing materials used in the construction of roads and highways except such road surfacing materials as are transported in tank vehicles, houses or other buildings excluding manufactured housing as defined in section 40-10-104 (3), timber, rough lumber, logs, or wooden poles, nor to motor vehicles designed and used for the nonemergency transportation of individuals with disabilities as defined in ~~section 42-7-510 (1.5) (b)~~ SECTION 42-7-510 (2) (b), C.R.S.; but this article shall apply to motor vehicles used for transporting sludge and fly ash.

SECTION 97. 41-2-102 (7) (h) and (8), Colorado Revised Statutes, 1993 Repl. Vol., are amended to read:

41-2-102. Operating an aircraft under the influence - operating an aircraft with excessive alcoholic content - tests - penalties - useful public service program. (7) (h) The provisions of ~~section 42-4-1202 (4) (g)~~ SECTION 42-4-1301 (9) (i), C.R.S., shall apply to this article.

(8) The division of alcohol and drug abuse in the department of human services shall provide presentence alcohol and drug evaluations on all persons convicted of a violation of subsection (1) or (2) of this section, in the same manner as described in ~~section 42-4-1202 (5)~~ SECTION 42-4-1301 (10), C.R.S.

SECTION 98. 43-2-146 (2), Colorado Revised Statutes, 1993 Repl. Vol., is amended to read:

43-2-146. Highway bypasses - public policy - when. (2) In all cases where such relocation has been authorized as a part of the national system of interstate and defense highways, the original state highway may be retained as part of the state system or a new and more direct approach road may be constructed to maintain service to such incorporated city, town, or unincorporated business community. In the event a new and more direct approach road is constructed, such approach road shall be placed on the state highway system and the original state highway may be deleted from the state system as provided in section 43-2-106. The markings of the relocated system of highways shall be accomplished in accordance with the practice established under ~~section 42-4-501~~ SECTION 42-4-104, C.R.S.

SECTION 99. 43-2-147 (1) (a), Colorado Revised Statutes, 1993 Repl. Vol., is amended to read:

43-2-147. Access to public highways. (1) (a) The department of transportation and local governments are authorized to regulate vehicular access to or from any public highway under their respective jurisdiction from or to property adjoining a public highway in order to protect the public health, safety, and welfare, to maintain smooth traffic flow, to maintain highway

right-of-way drainage, and to protect the functional level of public highways. In furtherance of these purposes, all state highways are hereby declared to be controlled-access highways, as defined in ~~section 42-1-102 (13)~~ SECTION 42-1-102 (18), C.R.S.

SECTION 100. 43-4-402 (1), Colorado Revised Statutes, 1993 Repl. Vol., is amended to read:

43-4-402. Source of revenues - allocation of moneys. (1) The general assembly shall appropriate moneys annually to the fund in the general appropriation bill. In addition to any other penalty imposed pursuant to ~~section 42-4-1202~~ SECTION 42-4-1301, C.R.S., every person who is convicted of, pleads guilty to, or receives a deferred sentence pursuant to section 16-7-403, C.R.S., for a violation of any of the offenses specified in ~~section 42-4-1202 (1) or (1.5)~~ SECTION 42-4-1301 (1) OR (2), C.R.S., shall be required to pay seventy-five dollars which shall be deposited into the fund and fifteen dollars which shall be deposited into the county treasury of the county in which the conviction occurred.

SECTION 101. 43-4-506.5 (3) and (6), Colorado Revised Statutes, 1993 Repl. Vol., are amended to read:

43-4-506.5. Traffic laws - toll collection. (3) (a) Any person who evades a toll established by an authority shall be subject to the civil penalty established by that authority for toll evasion. Any peace officer, level I, as defined in section 18-1-901 (3) (l) (I), C.R.S., shall have the authority to issue civil penalty assessments, or municipal summons and complaints if authorized pursuant to a municipal ordinance, for such toll evasion.

(b) At any time that a person is cited for toll evasion, the person operating the motor vehicle involved shall be given either a notice in the form of a civil penalty assessment notice or a municipal summons and complaint. If a civil penalty assessment is issued, such notice shall be tendered by a peace officer, level I, and shall contain the name and address of such person, the license number of the motor vehicle involved, the number of such person's driver's license, the nature of the violation, the amount of the penalty prescribed for the violation, the date of the notice, a place for such person to execute a signed acknowledgment of ~~his~~ SUCH PERSON'S receipt of the civil penalty assessment notice, a place for such person to execute a signed acknowledgment of liability for the cited violation, and such other information as may be required by law to constitute such notice as a complaint to appear in court should the prescribed penalty not be paid within ~~ten~~ TWENTY days. Every cited person shall execute the signed acknowledgment of ~~his~~ THE PERSON'S receipt of the civil penalty assessment notice.

(c) The acknowledgment of liability shall be executed at the time the cited person pays the prescribed penalty. The person cited shall pay the civil penalty authorized by the authority involved at the office of such authority, either in person or by postmarking such payment within ~~ten~~ TWENTY days of the citation. If the person cited does not pay the prescribed penalty within ~~ten~~ TWENTY days of the notice, the civil penalty assessment notice shall constitute a complaint to appear in court, and the person cited shall, within the time specified in the civil penalty assessment notice, file an answer to this complaint with the county court for the county in which the civil penalty assessment was issued.

(d) If a municipal summons and complaint is issued, the adjudication of the violation shall be conducted and the format of the summons and complaint shall be determined pursuant to the terms of the municipal ordinance authorizing issuance of such a summons and complaint. In no case shall the penalty upon conviction for violation of a municipal ordinance for toll evasion exceed the limit established in subsection (2) of this section.

(6) (a) In addition to the penalty assessment procedure provided for in subsection (3) of this section, where an instance of toll evasion is evidenced by automatic vehicle identification photography, or other technology not involving a peace officer, a civil penalty assessment notice may be issued and sent ~~certified mail, return receipt requested,~~ BY FIRST CLASS MAIL by the public highway authority to the registered owner of the motor vehicle involved. Such notice shall contain the name and address of the registered owner of the vehicle involved, the license number of the vehicle involved, the time and location of the violation, the amount of the penalty prescribed for the violation, a place for such person to execute a signed acknowledgement of liability for the cited violation, and such other information as may be required by law to constitute such notice as a complaint to appear in court. ~~should the prescribed penalty not be paid within ten days. The provision of subsection (3) of this section relating to payment of the prescribed penalty, and failure to pay, shall apply to penalty assessment notices mailed by the public highway authority.~~

(b) SHOULD THE PRESCRIBED PENALTY NOT BE PAID WITHIN TWENTY DAYS, IN ORDER TO ENSURE THAT ADEQUATE NOTICE HAS BEEN GIVEN, THE PUBLIC HIGHWAY AUTHORITY SHALL SEND A SECOND PENALTY ASSESSMENT NOTICE BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, CONTAINING THE SAME INFORMATION AS SET FORTH IN PARAGRAPH (a) OF THIS SUBSECTION (6). SUCH NOTICE SHALL SPECIFY THAT THE ALLEGED VIOLATOR MAY PAY THE SAME PENALTY ASSESSMENT AT ANY TIME PRIOR TO THE SCHEDULED HEARING.

(c) THE PROVISION OF PARAGRAPH (c) OF SUBSECTION (3) OF THIS SECTION RELATING TO PAYMENT OF THE PRESCRIBED PENALTY, AND

FAILURE TO PAY, SHALL APPLY TO PENALTY ASSESSMENT NOTICES MAILED BY THE PUBLIC HIGHWAY AUTHORITY.

SECTION 102. Effective date - applicability. This act shall take effect January 1, 1995, and shall apply to offenses committed on or after said date.

SECTION 103. 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.

Tom Norton
PRESIDENT OF
THE SENATE

Charles E. Berry
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Joan M. Albi
SECRETARY OF
THE SENATE

Judith M. Rodrigue
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED June 3, 1994 at 4:05 P.M.

Roy Romer
GOVERNOR OF THE STATE OF COLORADO

Form 73
12/93/1000

State of Colorado

SENATE BILL NO. 94-1.

By Senator Mutzebaugh;

also Representatives Fleming, Allen, Benavidez, et al.;

An Act

CONCERNING THE RECODIFICATION OF TITLE 42, COLORADO REVISED STATUTES, AND, IN CONNECTION THEREWITH, AMENDING CERTAIN LAWS PERTAINING TO VEHICLES AND TRAFFIC.

STATE OF COLORADO, ss.

THIS ACT ORIGINATED IN THE SENATE.

Joan M Albi
Secretary of the Senate.

STATE OF COLORADO,
GOVERNOR'S OFFICE } ss.

This Act was filed in my office this 2ND *day of* June
*A. D. 19*94, *at* 2:50 *o'clock* P *M.*

Roy Romer
Governor

By Anthony R. Aragon

STATE OF COLORADO,
SECRETARY'S OFFICE } ss.

This Act was filed in my office this 6th *day of* June
*A. D. 19*94, *at* 9:10 *o'clock* A *M.*

Natalie Meyer
Secretary of State.

By Evelyn Ledner
Deputy Secretary

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