

CHAPTER 199

MOTOR VEHICLES AND TRAFFIC REGULATION

SENATE BILL 95-173

BY SENATOR Mutzebaugh;
also REPRESENTATIVES Berry, Acquafresca, and May.

AN ACT

CONCERNING THE CORRECTION OF ERRORS AND OMISSIONS IN THE RECODIFICATION OF THE TRAFFIC CODE.

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

SECTION 1. 22-54-103 (11), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

22-54-103. Definitions. As used in this article, unless the context otherwise requires:

(11) "Specific ownership tax revenue paid to the district" means the amount of specific ownership tax revenue received by the district pursuant to section ~~42-3-106~~ ~~(26)~~ 42-3-107 (23), C.R.S., for the prior budget year that is attributable to all property tax levies made by the district except those property tax levies made for the purpose of satisfying bonded indebtedness obligations, both principal and interest, and those property tax levies authorized at elections held under the provisions of former section 22-53-117 or section 22-54-108.

SECTION 2. 38-12-201 (1), Colorado Revised Statutes, 1982 Repl. Vol., as amended, is amended to read:

38-12-201. Application of part 2. (1) This part 2 shall apply only to manufactured homes as defined in section ~~42-1-102 (82)~~ ~~(b)~~ 42-1-102 (106) (b), C.R.S.

SECTION 3. 42-3-112 (5), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

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

42-3-112. Records of application and registration. (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 42-3-105 (2) or the failure to sign the affirmation clause on the notice for renewal of registration pursuant to ~~section 42-3-112(3)~~ SUBSECTION (3) OF THIS SECTION over and above the actual costs the county has incurred in reprocessing such registration documents.

SECTION 4. 42-3-124 (1) (b), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

42-3-124. Expiration - temporary, new, and old plates - reflectorized plates. (1) (b) Upon application of an owner of EITHER a passenger car OR A TRUCK NOT OVER SIXTEEN THOUSAND POUNDS EMPTY WEIGHT 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 42-3-112 (1) (a), registration plates ~~which~~ THAT 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.

SECTION 5. 42-3-134 (26) (c) and (27), Colorado Revised Statutes, 1993 Repl. Vol., as amended, are amended to read:

42-3-134. Registration fees - passenger and passenger-mile taxes. (26) (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 subaccounts within the AIR account, one for the revenues available for appropriation to the department of PUBLIC health AND ENVIRONMENT pursuant to paragraphs (a) and (b) of this subsection (26) and one for the revenues available for appropriation to the department of revenue pursuant to paragraph (b) of this subsection (26) and 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.

(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 42-4-304 (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 PUBLIC health AND ENVIRONMENT and revenue.

SECTION 6. 42-4-227 (3), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

42-4-227. Windows unobstructed - certain materials prohibited - windshield wiper requirements. (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~~ COMMITS A CLASS B TRAFFIC INFRACTION.

(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 IS GUILTY OF A MISDEMEANOR AND shall be punished by a fine of not less than five hundred dollars nor more than five thousand dollars.

SECTION 7. 42-4-237 (4), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

42-4-237. Safety belt systems - mandatory use - exemptions - penalty. (4) Any person who operates a motor vehicle while 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 ~~42-1-216~~ ~~(1) (e)~~ 42-1-217 (1) (e) and (2).

SECTION 8. 42-4-304 (5) and (9), Colorado Revised Statutes, 1993 Repl. Vol., as amended, are amended to read:

42-4-304. Definitions relating to automobile inspection and readjustment program - repeal. As used in sections 42-4-301 to 42-4-316, unless the context otherwise requires:

(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 42-4-306, to provide inspection services for vehicles required to be inspected pursuant to section 42-4-310 within the enhanced program area, as set forth in ~~paragraph (b) of subsection (20)~~ SUBSECTION (9) 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.

(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~~ PARAGRAPH (c) of subsection (20) of this section.

(b) Effective July 1, 1995, "enhanced emissions program" shall include Boulder county.

SECTION 9. 42-4-306 (11) (b) (II), Colorado Revised Statutes, 1993 Repl. Vol.,

as amended, is amended to read:

42-4-306. Powers and duties of commission - automobile inspection and readjustment program - basic emissions program - enhanced emissions program. (1) (b) (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 ~~42-4-310(1)(c)~~ 42-4-310 (1) (d) 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.

SECTION 10. 42-4-310 (1) (d) (VI), (1) (d) (X), and (3) (b), Colorado Revised Statutes, 1993 Repl. Vol., as amended, are amended to read:

42-4-310. Periodic emissions control inspection required - repeal. (1) (d) (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 42-4-306, 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~~ ~~(e)~~ PARAGRAPH (d) 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.

(X) Subject to the provisions of subparagraph (V) of this ~~paragraph~~ ~~(e)~~ PARAGRAPH (d), 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.

(3) (b) Effective July 1, 1993, notwithstanding the provisions of section 42-4-304 (20), a local government with jurisdiction over an area excluded from the program area pursuant to section 42-4-304 (20) may request inclusion in the program area, and the exclusion under section ~~42-4-304(18)~~ 42-4-304 (20) shall not apply to vehicles registered within such area.

SECTION 11. 42-4-406 (1) (a), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

42-4-406. 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 THIS 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.

SECTION 12. 42-4-412 (1) (a), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

42-4-412. Air pollution violations. (1) (a) A person commits a class 2 petty offense, as specified in section 18-1-107, C.R.S., if 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)~~ 25-7-103 (1.5), C.R.S.;

(II) Any diesel-powered motor vehicle, of any visible air pollutant, as defined in section ~~25-7-103(1)~~ 25-7-103 (1.5), C.R.S., which creates an unreasonable nuisance or danger to the public health, safety, or welfare.

SECTION 13. 42-4-511.2 (2)(c) (I), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

42-4-511.2. Authority for cooperative agreements with regional states on excess size or weight vehicles - regulations. (2) **Authority.** (c) For the purposes of a regional permit agreement, the department of transportation is authorized to:

(I) Delegate to other states its authority under section ~~42-4-409(1)~~ 42-4-510 (1) to issue permits for nondivisible oversize or overweight vehicles to operate on Colorado state highways; except that any such issuance by another state shall conform, at a minimum, to the applicable Colorado permit standards and legal requirements as described in this ~~part 4~~ PART 5 and to the regulations implementing this ~~part 4~~ PART 5. The department of transportation may also impose additional standards concerning such regional permits as it deems appropriate.

SECTION 14. 42-4-706 (1) (b), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

42-4-706. Obedience to railroad signal. (1) 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:

(b) 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.

SECTION 15. 42-4-707 (1), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

42-4-707. 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 hazardous materials which is required to be placarded in accordance with regulations issued pursuant to ~~subsection (5) of this section~~ SECTION 42-20-108, 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 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.

SECTION 16. 42-4-1102 (3), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

42-4-1102. Altering of speed limits. (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 42-4-1101 (2) (a) or (2) (b)~~ 42-4-1101 (2) (b) OR (2) (c). 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.

SECTION 17. 42-4-1301 (9) (a) and (9) (b), Colorado Revised Statutes, 1993 Repl. Vol., as amended, are amended to read:

42-4-1301. Driving under the influence - driving while impaired - driving with excessive alcoholic content - tests - penalties - useful public service program - alcohol and drug driving safety program. (9) (a) (I) Every person who is convicted of a violation of paragraph (a) or (c) of subsection (1) or 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)~~ PARAGRAPH (f) of this 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 (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 (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 (e)~~ PARAGRAPH (f) of this 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 (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 (e)~~ PARAGRAPH (f) of this 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 (e)~~ PARAGRAPH (f) of this 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 (e)~~ PARAGRAPH (f) of this 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 (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)~~ PARAGRAPH (f) of this 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.

SECTION 18. 42-4-1701 (1), (4) (a) (I) (A), (4) (a) (I) (D), and (4) (a) (I) (M), Colorado Revised Statutes, 1993 Repl. Vol., as amended, are amended to read:

42-4-1701. 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 THIS 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 THIS 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.

(4) (a) (I) Except as provided in paragraph (c) of 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 (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); or, if no penalty or surcharge is specified in the schedule, the penalty for class A and class B traffic infractions shall be fifteen dollars, and the surcharge shall be two dollars. These penalties and surcharges shall apply whether the defendant acknowledges the defendant's guilt or liability in accordance with the procedure set forth by paragraph (a) of subsection (5) of this section or is found guilty by a court of competent jurisdiction or has judgment entered against the defendant by a county court magistrate. Penalties and surcharges for violating specific sections shall be as follows:

Section Violated	Penalty	Surcharge
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(A) Drivers' license violations:

42-2-101 (1) or (4)	\$ 35.00	\$ 4.00
42-2-101 (2), (3), or (5)	15.00	2.00
42-2-103	15.00	2.00
42-2-105	35.00	4.00
42-2-106	35.00	4.00
42-2-116	15.00	2.00
42-2-119	15.00	2.00
42-2-133 42-2-134	35.00	4.00
42-2-135 42-2-136	35.00	4.00
42-2-138 42-2-139	35.00	4.00
42-2-139 42-2-140	35.00	4.00
42-2-141	35.00	4.00

(D) Equipment violations:

42-4-201	\$ 35.00	\$ 4.00
42-4-202	35.00	4.00
42-4-204	15.00	2.00
42-4-205	15.00	2.00
42-4-206	15.00	2.00
42-4-207	15.00	2.00
42-4-208	15.00	2.00
42-4-209	15.00	2.00
42-4-210	15.00	2.00
42-4-211	15.00	2.00
42-4-212	15.00	2.00
42-4-213	15.00	2.00
42-4-214	15.00	2.00
42-4-215	15.00	2.00
42-4-216	15.00	2.00
42-4-217	15.00	2.00
42-4-218	15.00	2.00
42-4-219	15.00	2.00
42-4-220	15.00	2.00
42-4-221	15.00	2.00
42-4-222 (1) or (2)	15.00	2.00
42-4-223	15.00	2.00
42-4-224	15.00	2.00
42-4-225	15.00	2.00
42-4-226	15.00	2.00
42-4-227 (1)	50.00	6.00
42-4-227 (2)	15.00	2.00
42-4-228 (1), (2), (3), (5), or (6)	15.00	2.00
42-4-229	15.00	2.00
42-4-230	15.00	2.00
42-4-231	15.00	2.00
42-4-232	15.00	2.00
42-4-233	75.00	9.00

42-4-234	15.00	2.00
42-4-235	50.00	6.00
42-4-236	50.00	6.00
42-4-237	15.00	2.00
42-4-1411	15.00	2.00
42-4-1412	15.00	2.00
42-4-1901	35.00	4.00

(M) Parking violations:

42-4-1201	\$ 15.00	\$ 2.00	
42-4-1202	15.00	2.00	
42-4-1204	15.00		2.00
42-4-1205	15.00		2.00
42-4-1206	15.00		2.00
42-4-1207	15.00		2.00
42-4-1208 (4) or (5) (6)			
OR (7)	50.00		6.00

SECTION 19. 42-4-1901 (1) (b), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

42-4-1901. School buses - equipped with supplementary brake retarders.

(1) (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~~ DEPARTMENT OF TRANSPORTATION has designated as being located on mountainous terrain.

SECTION 20. 42-4-1903 (1) (a), (2) (b) (II), and (5), Colorado Revised Statutes, 1993 Repl. Vol., as amended, are amended to read:

42-4-1903. 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 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~~ FIFTEEN, no such visual signal lights need be displayed or actuated.

(2) (b) (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~~ OFF the roadway as possible to reduce obstruction to traffic.

(5) Every school bus shall stop as far to the right off the ~~highway, road, or street~~ ROADWAY 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.

SECTION 21. 42-5-206 (1), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

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 the peace officer has been certified by the peace officers standards and training board pursuant to section ~~24-31-303 (1) (d)~~ 24-31-303 (1) (e), 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.

SECTION 22. 42-7-301 (3) (d), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

42-7-301. Security and proof of financial responsibility for the future required under certain circumstances. (3) The notice specified in paragraph (b) of subsection (2) of this section shall state that:

(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 PARAGRAPHS (a) AND (b) of subsection (1) of this section.

SECTION 23. 42-7-510 (1), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

42-7-510. Insurance or bond required. (1) Every owner of a truck which is subject to the registration fee imposed pursuant to section 42-3-134 (13) (b) ~~(13) (e)~~; 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.

SECTION 24. 42-8-105 (1), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

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 42-3-134 (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 the owner or operator secures a clearance from the first port of entry weigh station located within five road miles of the route which the owner or operator would normally follow from the point of departure to the point of destination. An owner or operator shall not be required to seek out a port of entry weigh station not located on the route such owner or operator is following if 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 42-3-134 (4) (c) (I) or (21) (a) shall not be required to secure a clearance certificate pursuant to this section.

SECTION 25. 42-20-109 (3), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

42-20-109. Penalty for violations. (3) No conviction pursuant to this section shall bar enforcement by the PUBLIC UTILITIES commission of any provision of title 40, C.R.S., with respect to violations by persons subject to said title.

SECTION 26. 42-20-301 (3), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

42-20-301. Route designation. (3) Notwithstanding any other provision of THIS PART 3 OR part 1 OR 2 ~~or 3~~ of this article to the contrary, the PUBLIC UTILITIES commission may regulate hours of operation of the Eisenhower-Johnson tunnels, structure numbers F13Y and F13X, respectively, on interstate 70.

SECTION 27. 42-20-401, Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

42-20-401. 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~~ THIS PART 4 AND PART 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.

SECTION 28. The introductory portion to 42-20-402, Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

42-20-402. Definitions. As used in ~~parts 4 and 5~~ THIS PART 4 AND PART 5 of this article, unless the context otherwise requires:

SECTION 29. 42-20-404, Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

42-20-404. 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 sections 42-4-235, ~~42-20-108 (1)~~ 42-20-108 (2), and 42-20-403.

SECTION 30. 42-20-405 (1), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

42-20-405. Violations - criminal penalties. (1) Notwithstanding the provisions of section 40-7-107, C.R.S., any person who violates any provision of THIS part 4 or PART 5 of this article or rule or regulation promulgated by the chief pursuant to ~~parts 4 and 5~~ THIS PART 4 AND PART 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.

SECTION 31. 42-20-406 (1), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

42-20-406. Violations - civil penalties - motor vehicles. (1) Any person who violates any provision of THIS part 4 or PART 5 of this article or a rule or regulation promulgated by the chief pursuant to ~~parts 4 and 5~~ THIS PART 4 AND PART 5 of this article, except for the violations enumerated in subsection (3) of this section and 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.

SECTION 32. Effective date - applicability. This act shall take effect upon passage and shall apply to offenses committed on or after said date.

SECTION 33. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 25, 1995