

CHAPTER 100

MOTOR VEHICLES AND TRAFFIC REGULATION

SENATE BILL 96-084

BY SENATORS R. Powers, Bishop, Thiebaut, and Tebedo;
also REPRESENTATIVES Friednash, Acquafresca, Anderson, and Schwarz.**AN ACT****CONCERNING THE PORTS OF ENTRY DIVISION.***Be it enacted by the General Assembly of the State of Colorado:*

SECTION 1. The introductory portion to 42-1-217 (1), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

42-1-217. 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 42-4-313 (3), 42-4-413, ~~and~~ 42-4-1701 (5) (a), 42-8-105, AND 42-8-106, 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 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:

SECTION 2. 42-4-1701 (4) (a) (I) (F), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

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

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

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
(F) Size, weight, and load violations:		
42-4-502	\$ 75.00	\$ 9.00
42-4-503	15.00	2.00
42-4-504	75.00	9.00
42-4-505	75.00	9.00
42-4-506	15.00	2.00
42-4-509	50.00	6.00
42-4-510 (12)(a)	35.00	4.00
42-4-106	35.00	4.00
42-4-512	75.00	9.00
42-8-105 (1) through (5)	50.00	6.00
42-8-106	50.00	6.00

SECTION 3. 42-8-103, Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

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 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.

SECTION 4. 42-8-109, Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

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.~~ ANY PERSON WHO DRIVES A VEHICLE OR OWNS A VEHICLE IN VIOLATION OF THE PROVISIONS OF SECTION 42-8-105 (1) TO (5) OR 42-8-106 COMMITS A CLASS 2 MISDEMEANOR TRAFFIC OFFENSE.

(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. NOTWITHSTANDING THE PROVISIONS OF SECTION 42-1-217, ALL FINES AND PENALTIES IMPOSED UNDER THIS ARTICLE SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE STATE HIGHWAY FUND; EXCEPT THAT, FIFTY PERCENT OF ANY FINE OR PENALTY IMPOSED UNDER THIS ARTICLE FOR A VIOLATION OCCURRING WITHIN THE CORPORATE LIMITS OF A CITY, TOWN, OR CITY AND COUNTY OR OUTSIDE THE CORPORATE LIMITS OF A CITY, TOWN, OR CITY AND COUNTY, WHICH VIOLATION IS CITED BY A LAW ENFORCEMENT OFFICER OF SUCH CITY, TOWN, COUNTY, OR CITY AND COUNTY, SHALL BE TRANSMITTED TO THE TREASURER OR CHIEF FINANCIAL OFFICER OF SUCH CITY, TOWN, COUNTY, OR CITY AND COUNTY, AND THE REMAINING FIFTY PERCENT SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE STATE HIGHWAY FUND.~~

(3) In addition to the penalties ~~stated in subsection (2)~~ IMPOSED PURSUANT TO SUBSECTION (1) 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 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.~~

SECTION 5. Effective date - applicability. This act shall take effect upon passage, and shall apply to acts committed on or after said date.

SECTION 6. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 17, 1996