

CHAPTER 126

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 96-1069

BY REPRESENTATIVES May, Kaufman, Salaz, Schwarz, Tucker, Agler, Chlouber, Dean, Lamm, Mace, Prinzler, and Young; also SENATORS R. Powers, Mutzebaugh, Alexander, Johnson, Rizzuto, Tebedo, Wattenberg, and Weissmann.

AN ACT

CONCERNING ESTABLISHMENT OF SPEED LIMITS FOR VEHICLES OPERATING ON HIGHWAYS, AND, IN CONNECTION THEREWITH, INCREASING THE MAXIMUM SPEED LIMIT THAT MAY BE DETERMINED TO BE A REASONABLE AND SAFE LIMIT FOR VEHICLES.

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

SECTION 1. 42-2-127 (5) (f) (I), (5) (f) (II), (5) (f) (III), and (5) (f) (IV), Colorado Revised Statutes, 1993 Repl. Vol., as amended, are amended to read:

42-2-127. Authority to suspend license - to deny license - type of conviction - points. (5) Point system schedule:

Type of conviction Points

(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~~ SEVENTY-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~~ SEVENTY-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~~ SEVENTY-FIVE miles per hour ~~or over the maximum lawful speed limit of sixty-five miles per hour~~ 4

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

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

SECTION 2. 42-4-1101 (2) (f), (2) (g), (8) (a), (8) (b), (8) (c), (8) (d), (8) (f), and (12), Colorado Revised Statutes, 1993 Repl. Vol., as amended, are amended to read:

42-4-1101. Speed limits. (2) Except when a special hazard exists that requires a lower speed, the following speeds shall be lawful:

(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., AND ARE NOT SURFACED, FOUR-LANE FREEWAYS OR EXPRESSWAYS;

(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~~ OR ARE FREEWAYS OR EXPRESSWAYS;

(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 SEVENTY-FIVE miles per hour.~~

(c) ~~The speed limits LIMIT set forth in paragraphs PARAGRAPH (a) and (b) of this subsection (8) are IS THE maximum lawful speed limits LIMIT and are IS 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~~ SEVENTY-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.~~

(f) In every charge of a violation of paragraph ~~(a)~~ or (b) of this 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~~ SEVENTY-FIVE miles per hour. ~~or sixty-five miles per hour, whichever is applicable.~~

(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~~ SEVENTY-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 SEVENTY-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.~~

SECTION 3. 42-4-1102 (1), (2), and (3), Colorado Revised Statutes, 1993 Repl. Vol., as amended, are amended to read:

42-4-1102. Altering of speed limits. (1) (a) 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 42-4-1101 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 SEVENTY-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 42-4-1101.~~

(b) (I) THE DEPARTMENT OF TRANSPORTATION SHALL CONDUCT AN EXAMINATION OF THE SPEED LIMITS FOR ALL EXISTING HIGHWAYS IN THE STATE HIGHWAY SYSTEM PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1) TO DETERMINE WHICH SPEED LIMITS SHOULD BE ALTERED. THE DEPARTMENT SHALL COMPLETE SUCH EXAMINATION AND SHALL COMPLETE THE IMPLEMENTATION OF ANY SPEED LIMIT CHANGES, INCLUDING THE PLACEMENT OR MODIFICATION OF ANY NECESSARY SPEED LIMIT SIGNS, ON OR BEFORE ONE YEAR AFTER THE EFFECTIVE DATE OF THIS ACT.

(II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 1998.

(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 42-4-1101 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 42-4-1101 (1) or in any event to authorize by resolution or ordinance a speed in excess of ~~fifty-five SEVENTY-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 42-4-1101.~~

(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 42-4-1101 (2) (b) or (2) (c). Such speed limit shall not exceed ~~fifty-five~~ SEVENTY-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 4. 42-4-1701 (4) (a) (I) (L), (5) (c) (I) (A), and (5) (c) (I) (B), 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. (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
------------------	---------	-----------

(L) Speeding violations:

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 75 miles per hour)	\$ 15.00	\$ 2.00
--	----------	---------

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 75 miles per hour)	35.00	4.00
--	-------	------

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 75 miles per hour)	50.00	6.00
42-4-1101 (8)(a) (10 to 14 miles per hour over maximum lawful speed limit of 65 miles per hour)	50.00	6.00
42-4-1101 (8)(a) (15 to 19 miles per hour over maximum lawful speed limit of 65 miles per hour)	75.00	9.00
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 75 miles per hour)	100.00	12.00
42-4-1101 (3)	35.00	4.00
42-4-1103	15.00	2.00
42-4-1104	15.00	2.00

(5) (c) (I) The penalty and surcharge schedules of subsection (4) of this section and the penalty assessment notice provisions of paragraphs (a) and (b) of this subsection (5) shall not apply to violations constituting misdemeanors, petty offenses, or misdemeanor traffic offenses not specified in said 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 (4) of this section when it appears that:

(A) ~~In a violation of 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;~~

(B) In a violation of section 42-4-1101 (1) or (8) (b), the defendant exceeded the reasonable and prudent speed or the maximum lawful speed of ~~fifty-five~~ SEVENTY-FIVE miles per hour by more than twenty-four miles per hour;

SECTION 5. Effective date - applicability. This act shall take effect thirty days after passage, and shall apply to offenses 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 25, 1996