

CHAPTER 135

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 96-1136

BY REPRESENTATIVES May, Chlouber, Dean, Lamm, Lyle, Paschall, Sullivant, Tucker, and Young;
also SENATORS Mutzebaugh, R. Powers, and Thiebaut.

AN ACT

CONCERNING TRAFFIC VIOLATION DATA.

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

SECTION 1. 42-2-121 (2) (c) (III), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

42-2-121. Records to be kept by the department - admission of records in court. (2) (c) (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). THE DEPARTMENT MAY ALSO PERMIT THE ELECTRONIC TRANSMISSION OF INFORMATION FOR DIRECT RECORDING IN THE DEPARTMENT'S RECORDS AND SYSTEMS. INFORMATION TRANSMITTED BY AN ELECTRONIC MEANS THAT IS APPROVED BY THE DEPARTMENT CONSTITUTES AN OFFICIAL RECORD FOR THE PURPOSES OF THIS SECTION WHETHER OR NOT AN ORIGINAL SOURCE DOCUMENT FOR SUCH INFORMATION EXISTS OR EVER EXISTED.

SECTION 2. 42-2-127 (5) (f) (I), Colorado Revised Statutes, 1993 Repl. Vol., as amended by House Bill 96-1069, enacted at the Second Regular Session of the Sixtieth General Assembly, is 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**

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

(f) Speeding:

(I) One to four miles per hour over the reasonable and prudent speed or over the maximum lawful speed limit of seventy-five miles per hour †0

SECTION 3. Part 17 of article 4 of title 42, Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

42-4-1718. Electronic transmission of data - standards. THE DEPARTMENT, THE JUDICIAL DEPARTMENT, AND THE DEPARTMENT OF PUBLIC SAFETY SHALL JOINTLY DEVELOP STANDARDS FOR THE ELECTRONIC TRANSMISSION OF ANY PENALTY ASSESSMENT NOTICE OR SUMMONS AND COMPLAINT ISSUED PURSUANT TO THE PROVISIONS OF THIS ARTICLE OR ISSUED PURSUANT TO ANY COUNTY ORDINANCE ADOPTED UNDER SECTION 30-15-401 (1) (h), C.R.S. SUCH AGENCIES SHALL CONSULT WITH COUNTY SHERIFFS, MUNICIPAL POLICE DEPARTMENTS, MUNICIPAL COURTS, AND THE OFFICE OF TRANSPORTATION SAFETY IN THE DEPARTMENT OF TRANSPORTATION IN DEVELOPING SUCH STANDARDS. SUCH STANDARDS SHALL BE CONSISTENT WITH REQUIREMENTS OF THE DEPARTMENT FOR REPORTING CONVICTIONS UNDER THE PROVISIONS OF THIS ARTICLE AND WITH THE REQUIREMENTS OF THE DEPARTMENT OF PUBLIC SAFETY FOR REPORTING CRIMINAL INFORMATION UNDER ARTICLE 21 OF TITLE 16, C.R.S. THE PROVISIONS OF THIS SECTION SHALL NOT BE INTERPRETED TO REQUIRE ANY MUNICIPALITY, COUNTY, OR OTHER GOVERNMENT ENTITY TO TRANSMIT TRAFFIC DATA ELECTRONICALLY.

SECTION 4. 42-4-1701 (5) (a) and (6), 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. (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 (4) of this section, the arresting officer may, except when the provisions of paragraph (c) of this 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 (5) prohibit it, give a penalty assessment notice to the defendant. Such penalty assessment notice shall contain all the information required by section 42-4-1707 (3) or by section 42-4-1709, whichever is applicable. The fine or penalty specified in 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 42-2-127. 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.

(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 (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.

SECTION 5. 42-20-406 (2), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

42-20-406. Violations - civil penalties - motor vehicles. (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.

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: May 1, 1996