

CHAPTER 257

MOTOR VEHICLES AND TRAFFIC REGULATION

SENATE BILL 96-029

BY SENATOR Mutzebaugh;
also REPRESENTATIVES May and Tucker.

AN ACT

CONCERNING STRENGTHENING THE PENALTIES FOR CERTAIN TRAFFIC INFRACTIONS.

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

SECTION 1. 42-2-105, Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

42-2-105. 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 ANY MOTOR VEHICLE USED as a school bus for the transportation of pupils to or from school. ~~nor shall any~~ NO person under the age of eighteen years SHALL drive a motor vehicle used as a commercial, private, or common carrier of persons or property unless such person has experience in operating motor vehicles and has been examined on 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 42-2-402 (4) except as provided in section 42-2-404 (4).

(3) ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION COMMITS A CLASS A TRAFFIC INFRACTION.

SECTION 2. 42-2-106, Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

42-2-106. Instruction permits and temporary licenses. (1) (a) Any minor of

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

the age of fifteen years, within six months prior to such minor's sixteenth birthday, or any person who, except for 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 42-2-107 and 42-2-108. The department shall issue such permit entitling the applicant, while having such permit in 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 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 42-2-107 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 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 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 42-2-107 and 42-2-108. The department shall issue such permit entitling the applicant, while having such permit in 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 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 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.

(3) ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION COMMITS A CLASS A TRAFFIC INFRACTION.

SECTION 3. 42-2-116 (6), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

42-2-116. Restricted license. (6) Any person who violates any provision of this section commits a ~~class B~~ CLASS A traffic infraction.

SECTION 4. 42-2-127 (5) (h) and (5) (l), Colorado Revised Statutes, 1993 Repl. Vol., as amended, are amended, and the said 42-2-127 (5) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

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

Type of conviction Points

(h) Driving on wrong side of road OR DRIVING ON WRONG SIDE OF DIVIDED OR CONTROLLED-ACCESS HIGHWAY IN VIOLATION OF SECTION 42-4-1010 4

(l) Failure to observe traffic sign or signal, EXCEPT AS PROVIDED IN PARAGRAPH (ff) OF THIS SUBSECTION (5) 4

(ff) FAILURE TO OBSERVE HIGH OCCUPANCY VEHICLE LANE RESTRICTIONS PURSUANT TO SECTION 42-4-1012 0

SECTION 5. 42-4-1701 (4) (a) (I) (F), Colorado Revised Statutes, 1993 Repl. Vol., as amended by House Bill 96-1055, enacted at the Second Regular Session of the Sixtieth General Assembly, 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 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 (1), (3), (4), (6), or (7)	35.00	4.00
42-4-106 (5) (a) (I)	100.00	12.00
42-4-106 (5) (a) (II)	500.00	60.00
42-4-512	75.00	9.00

SECTION 6. 42-4-1701 (4) (a) (I) (K), 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 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
(K) Driving, overtaking, and passing violations:		
42-4-1001	\$ 35.00	\$ 4.00
42-4-1002	35.00	4.00
42-4-1003	35.00	4.00
42-4-1004	35.00	4.00
42-4-1005	35.00	4.00
42-4-1006	35.00	4.00
42-4-1007	35.00	4.00
42-4-1008	35.00	4.00
42-4-1009	35.00	4.00
42-4-1010	35.00	4.00
42-4-1011	100.00	12.00

42-4-1012 (3) (a)	35.00 50.00	4.00 6.00
42-4-1012 (3) (b)	100.00	12.00

SECTION 7. 42-4-1012 (3), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

42-4-1012. High occupancy vehicle lanes. (3) (a) 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.

(b) ANY PERSON CONVICTED OF A THIRD OR SUBSEQUENT OFFENSE OF PARAGRAPH (a) OF THIS SUBSECTION (3) COMMITTED WITHIN A TWELVE-MONTH PERIOD SHALL BE SUBJECT TO AN INCREASED PENALTY PURSUANT TO SECTION 42-4-1701 (4) (a) (I) (K).

SECTION 8. Effective date - applicability. This act shall take effect July 1, 1996, and shall apply to offenses committed on or after said date.

SECTION 9. 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: June 1, 1996