

CHAPTER 67

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 96-1055

BY REPRESENTATIVES Sullivant, Tucker, Schwarz, and Taylor;
also SENATORS Mutzebaugh, Pascoe, Perlmutter, and L. Powers.

AN ACT

CONCERNING TRAVEL RESTRICTIONS IMPOSED BY THE DEPARTMENT OF TRANSPORTATION ON PORTIONS OF STATE HIGHWAYS.

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

SECTION 1. 42-4-106 (5), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

42-4-106. Who may restrict right to use highways. (5) (a) (I) The department of transportation shall also have authority to close any portion of a state highway to public travel or to prohibit the use thereof unless motor vehicles using the same are equipped with tire chains, four-wheel drive with adequate tires for the existing conditions, or snow tires WITH A "MUD AND SNOW" OR ALL WEATHER RATING FROM THE MANUFACTURER having a tread of sufficient abrasive or skid-resistant design or composition and depth to provide adequate traction under existing driving conditions during storms or when other dangerous driving conditions exist or during construction or maintenance operations whenever the department considers such closing or restriction of use necessary for the protection and safety of the public. Such prohibition or restriction of use shall be effective when signs, INCLUDING TEMPORARY OR ELECTRONIC SIGNS, giving notice thereof are erected upon such portion of said highway, and it shall be unlawful to proceed in violation of such notice. The Colorado state patrol shall cooperate with the department of transportation in the enforcement of any such closing or restriction of use. "Tire chains", as used in this subsection (5), means metal chains which consist of two circular metal loops, one on each side of the tire, connected by not less than nine evenly spaced chains across the tire tread and any other traction devices differing from such metal chains in construction, material, or design but capable of providing traction equal to or exceeding that of such metal chains under similar conditions. THE OPERATOR OF A

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

COMMERCIAL VEHICLE WITH FOUR OR MORE DRIVE WHEELS OTHER THAN A BUS SHALL AFFIX TIRE CHAINS TO AT LEAST FOUR OF THE DRIVE WHEEL TIRES OF SUCH VEHICLE WHEN SUCH VEHICLE IS REQUIRED TO BE EQUIPPED WITH TIRE CHAINS UNDER THIS SUBSECTION (5). THE OPERATOR OF A BUS SHALL AFFIX TIRE CHAINS TO AT LEAST TWO OF THE DRIVE WHEEL TIRES OF SUCH VEHICLE WHEN SUCH VEHICLE IS REQUIRED TO BE EQUIPPED WITH TIRE CHAINS UNDER THIS SUBSECTION (5).

(II) ANY PERSON WHO OPERATES A MOTOR VEHICLE IN VIOLATION OF RESTRICTIONS IMPOSED BY THE DEPARTMENT OF TRANSPORTATION OR THE STATE PATROL UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH (a), WHERE THE RESULT OF THE VIOLATION IS AN INCIDENT THAT CAUSES THE CLOSURE OF ALL LANES IN ONE OR BOTH DIRECTIONS, SHALL BE SUBJECT TO AN ENHANCED PENALTY AS SET FORTH IN SECTION 42-4-1701 (4) (a) (I) (F).

(b) THE TRANSPORTATION COMMISSION MAY PROMULGATE RULES TO IMPLEMENT THE PROVISIONS OF THIS SUBSECTION (5).

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

SECTION 4. 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 11, 1996