

CHAPTER 126

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 99-1256

BY REPRESENTATIVE Swenson;
also SENATOR Sullivant.**AN ACT**

CONCERNING THE ENFORCEMENT OF TRAFFIC OFFENSES BY COUNTIES.

*Be it enacted by the General Assembly of the State of Colorado:***SECTION 1.** 42-4-110 (1) (b), Colorado Revised Statutes, is amended to read:

42-4-110. Provisions uniform throughout state. (1) The provisions of this article shall be applicable and uniform throughout this state and in all political subdivisions and municipalities therein. Cities and counties, ~~and~~ incorporated cities and towns, AND COUNTIES shall regulate and enforce all traffic and parking restrictions on streets which are state highways as provided in section 43-2-135 (1) (g), C.R.S., and all local authorities may enact and enforce traffic regulations on other roads and streets within their respective jurisdictions. All such regulations shall be subject to the following conditions and limitations:

(b) All local authorities may, in the manner prescribed in article 16 of title 31, C.R.S., OR IN ARTICLE 15 OF TITLE 30, C.R.S., adopt by reference all or any part of a model ~~municipal~~ traffic code which embodies the rules of the road and vehicle requirements set forth in this article and such additional regulations as are provided for in section 42-4-111; except that, in the case of state highways, any such additional regulations shall have the approval of the department of transportation.

SECTION 2. 30-15-402 (1), Colorado Revised Statutes, is amended to read:

30-15-402. Violations - penalty. (1) Any person who violates any county ordinance adopted pursuant to this part 4 commits a class 2 petty offense OR IN THE CASE OF TRAFFIC OFFENSES, COMMITS A TRAFFIC INFRACTION, and, upon conviction thereof, shall be punished by a fine of not more than ~~six hundred~~ ONE THOUSAND

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

dollars for each separate violation. If authorized by the county ordinance, the penalty assessment procedure provided in section 16-2-201, C.R.S., may be followed by any arresting law enforcement officer for any such violation. As part of said county ordinance authorizing the penalty assessment procedure, the board of county commissioners may adopt a graduated fine schedule for such violations. Such graduated fine schedule may provide for increased penalty assessments for repeat offenses by the same individual. IN THE CASE OF COUNTY TRAFFIC ORDINANCE VIOLATIONS, THE PROVISIONS OF SECTIONS 42-4-1701 AND 42-4-1703, C.R.S., AND SECTIONS 42-4-1708 TO 42-4-1718, C.R.S., SHALL APPLY; EXCEPT THAT THE FINE OR PENALTY FOR A VIOLATION CHARGED AND THE SURCHARGE THEREON IF AUTHORIZED BY COUNTY ORDINANCE SHALL BE PAID TO THE COUNTY.

SECTION 3. 30-15-401 (1) (h), Colorado Revised Statutes, is amended to read:

30-15-401. General regulations. (1) In addition to those powers granted by sections 30-11-101 and 30-11-107 and by parts 1, 2, and 3 of this article, the board of county commissioners has the power to adopt ordinances for control or licensing of those matters of purely local concern which are described in the following enumerated powers:

(h) To control and regulate the movement and parking OF VEHICLES and motor vehicles on public property; except that MISDEMEANOR TRAFFIC OFFENSES AND the posted speed limit on any state highway located within the county shall be deemed a matter of statewide interest. The county may establish fire lanes and emergency vehicle access on public or private property zoned commercial or residential and provide for fines and punishment of violators.

SECTION 4. 42-2-127 (5.6), Colorado Revised Statutes, is amended to read:

42-2-127. Authority to suspend license - to deny license - type of conviction - points. (5.6) (a) Any municipality may elect to have the provisions of subsection (5.5) of this section apply to penalty assessment notices issued by the municipality pursuant to counterpart municipal ordinances. Whenever a municipality reduces a traffic offense, the reduced offense and the points assessed for such reduced offense shall conform to the point assessment schedule under section 42-2-127 (5).

(b) ANY COUNTY MAY ELECT TO HAVE THE PROVISIONS OF SUBSECTION (5.5) OF THIS SECTION APPLY TO PENALTY ASSESSMENT NOTICES ISSUED BY THE COUNTY PURSUANT TO COUNTERPART COUNTY ORDINANCES. WHENEVER A COUNTY REDUCES A TRAFFIC OFFENSE, THE REDUCED OFFENSE AND THE POINTS ASSESSED FOR SUCH REDUCED OFFENSE SHALL CONFORM TO THE POINT ASSESSMENT SCHEDULE UNDER SECTION 42-2-127 (5).

SECTION 5. 42-4-1701 (5) (a), Colorado Revised Statutes, is 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, either in person or by postmarking such payment within twenty days from the date the penalty assessment notice is served upon the defendant; EXCEPT THAT THE FINE OR PENALTY CHARGED AND THE SURCHARGE THEREON SHALL BE PAID TO THE COUNTY IF IT RELATES TO A TRAFFIC OFFENSE AUTHORIZED BY COUNTY ORDINANCE. 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.

SECTION 6. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: April 22, 1999