

CHAPTER 246

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 00-1142

BY REPRESENTATIVES Witwer, Gordon, Lawrence, Mace, Scott, and S. Williams;
also SENATORS Arnold, Hernandez, Matsunaka, Rupert, Sullivant, Tebedo, and Weddig.

AN ACT

CONCERNING THE REQUIREMENT FOR COMMERCIAL VEHICLES THAT ARE EQUIPPED WITH ENGINE
COMPRESSION BRAKE DEVICES TO HAVE MUFFLERS FOR SUCH DEVICES.

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

SECTION 1. 42-4-225 (3), Colorado Revised Statutes, is amended, and the said 42-4-225 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

42-4-225. Mufflers - prevention of noise. (1.5) ANY COMMERCIAL VEHICLE, AS DEFINED IN SECTION 42-4-235 (1) (a), SUBJECT TO REGISTRATION AND OPERATED ON A HIGHWAY, THAT IS EQUIPPED WITH AN ENGINE COMPRESSION BRAKE DEVICE IS REQUIRED TO HAVE A MUFFLER.

(3) Any person who violates ~~any provision~~ SUBSECTION (1) of this section commits a class B traffic infraction. ANY PERSON WHO VIOLATES SUBSECTION (1.5) OF THIS SECTION SHALL, UPON CONVICTION, BE PUNISHED BY A FINE OF FIVE HUNDRED DOLLARS. FIFTY PERCENT OF ANY FINE FOR A VIOLATION OF SUBSECTION (1.5) OF THIS SECTION OCCURRING WITHIN THE CORPORATE LIMITS OF A CITY OR TOWN, OR WITHIN THE UNINCORPORATED AREA OF A COUNTY, SHALL BE TRANSMITTED TO THE TREASURER OR CHIEF FINANCIAL OFFICER OF SAID CITY, TOWN, OR COUNTY, AND THE REMAINING FIFTY PERCENT SHALL BE TRANSMITTED TO THE STATE TREASURER AND CREDITED TO THE HIGHWAY USERS TAX FUND.

SECTION 2. 42-4-1701 (4) (a) (I) (D), Colorado Revised Statutes, 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

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

(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
(D) Equipment violations:		
42-4-201	35.00	\$ 4.00
42-4-202	35.00	4.00
42-4-204	15.00	2.00
42-4-205	15.00	2.00
42-4-206	15.00	2.00
42-4-207	15.00	2.00
42-4-208	15.00	2.00
42-4-209	15.00	2.00
42-4-210	15.00	2.00
42-4-211	15.00	2.00
42-4-212	15.00	2.00
42-4-213	15.00	2.00
42-4-214	15.00	2.00
42-4-215	15.00	2.00
42-4-216	15.00	2.00
42-4-217	15.00	2.00
42-4-218	15.00	2.00
42-4-219	15.00	2.00
42-4-220	15.00	2.00
42-4-221	15.00	2.00
42-4-222 (1)	15.00	2.00
42-4-223	15.00	2.00
42-4-224	15.00	2.00
42-4-225 42-4-225 (1)	15.00	2.00
42-4-226	15.00	2.00
42-4-227 (1)	50.00	6.00
42-4-227 (2)	15.00	2.00
42-4-228 (1), (2), (3), (5), or (6)	15.00	2.00
42-4-229	15.00	2.00
42-4-230	15.00	2.00
42-4-231	15.00	2.00
42-4-232	15.00	2.00

42-4-233	75.00	9.00
42-4-234	15.00	2.00
42-4-235	50.00	6.00
42-4-236	50.00	6.00
42-4-237	15.00	2.00
42-4-141	115.00	2.00
42-4-141	215.00	2.00
42-4-190	135.00	4.00

SECTION 3. 42-8-104 (2), Colorado Revised Statutes, is amended to read:

42-8-104. Powers and duties. (2) The personnel of a port of entry weigh station, during the time that they are actually engaged in performing their duties as such and while acting under proper orders or regulations issued by the executive director of the department of revenue, shall have and exercise all the powers invested in peace officers in connection with the enforcement of the provisions of this article, articles 2 and 20 of this title, part 5 of article 4 of this title, SECTION 42-4-225 (1.5), and section 42-4-235; except that they shall not have the power to serve civil writs and process and, in the exercise of their duties, such personnel shall have the authority to restrain and detain persons or vehicles and may impound any vehicle until any tax or license fee imposed by law is paid or until compliance is had with any tax or regulatory law or regulation issued thereunder.

SECTION 4. Effective date - applicability. (1) 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.

(2) The provisions of this act shall apply to all traffic violations committed on or after the applicable effective date of this act.

Approved: May 26, 2000