

CHAPTER 194

TRANSPORTATION

HOUSE BILL 03-1044

BY REPRESENTATIVE(S) Williams S., Coleman, and Stafford;
also SENATOR(S) May R.

AN ACT

CONCERNING THE ENFORCEMENT OF PENALTIES FOR TOLL EVASION, AND, IN CONNECTION THEREWITH, REQUIRING COURTS TO REPORT OUTSTANDING JUDGMENTS AND WARRANTS AND DEFAULT JUDGMENTS FOR TOLL EVASION TO THE DEPARTMENT OF REVENUE, PROHIBITING A PERSON WHO HAS AN OUTSTANDING JUDGMENT OR WARRANT OR A DEFAULT JUDGMENT FOR TOLL EVASION FROM OBTAINING OR RENEWING A DRIVER'S LICENSE, AND ALLOWING CIVIL PENALTY ASSESSMENT NOTICES FOR TOLL EVASION THAT IS EVIDENCED BY MEANS THAT DO NOT INVOLVE A PEACE OFFICER TO BE SENT TO SUSPECTED VIOLATORS BY MAIL DELIVERY SERVICES OTHER THAN THE UNITED STATES POSTAL SERVICE.

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

SECTION 1. 42-4-1709 (7) (a), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

42-4-1709. Penalty assessment notice for traffic infractions - violations of provisions by officer - driver's license. (7) (a) No person shall be allowed or permitted to obtain or renew a permanent driver's, minor driver's, or probationary license if such person has, at the time of making application for obtaining or renewing such driver's license:

(VII) AN OUTSTANDING JUDGMENT OR WARRANT OR A DEFAULT JUDGMENT FOR TOLL EVASION PURSUANT TO SECTION 43-4-506.5, C.R.S.

SECTION 2. 43-4-506.5 (6) (a), (6) (b), and (7), Colorado Revised Statutes, are amended to read:

43-4-506.5. Traffic laws - toll collection. (6) (a) In addition to the penalty assessment procedure provided for in subsection (3) of this section, where an instance of toll evasion is evidenced by automatic vehicle identification photography, or other technology not involving a peace officer, a civil penalty assessment notice may be

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

issued and sent by first-class mail, OR BY ANY MAIL DELIVERY SERVICE OFFERED BY AN ENTITY OTHER THAN THE UNITED STATES POSTAL SERVICE THAT IS EQUIVALENT TO OR SUPERIOR TO FIRST-CLASS MAIL WITH RESPECT TO DELIVERY SPEED, RELIABILITY, AND PRICE, by the public highway authority to the registered owner of the motor vehicle involved. Such notice shall contain the name and address of the registered owner of the vehicle involved, the license number of the vehicle involved, the time and location of the violation, the amount of the penalty prescribed for the violation, 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.

(b) Should the prescribed penalty not be paid within twenty days, in order to ensure that adequate notice has been given, the public highway authority shall send a second penalty assessment notice by certified mail, return receipt requested, OR BY ANY MAIL DELIVERY SERVICE OFFERED BY AN ENTITY OTHER THAN THE UNITED STATES POSTAL SERVICE THAT IS EQUIVALENT TO OR SUPERIOR TO CERTIFIED MAIL, RETURN RECEIPT REQUESTED, WITH RESPECT TO RECEIPT VERIFICATION AND DELIVERY SPEED, RELIABILITY, AND PRICE, containing the same information as set forth in paragraph (a) of this subsection (6). Such notice shall specify that the alleged violator may pay the same penalty assessment at any time prior to the scheduled hearing.

~~(7) No authority nor any A court shall report to the department of revenue any conviction or entry of judgment nor any outstanding judgment or warrant OR ANY DEFAULT JUDGMENT for purposes of section 42-2-107 (5), C.R.S., for any toll evasion, INCLUDING THE DRIVER'S LICENSE NUMBER AND THE DATE OF BIRTH OF THE CITED PERSON. The department of revenue has no authority to assess any points against a license under section 42-2-127, C.R.S., upon entry of a conviction or judgment for any toll evasion. The department of revenue may not keep any record of such violation in the official records maintained by the department of revenue under section 42-2-121, C.R.S.~~

SECTION 3. 43-4-811 (6) (a) and (6) (b), Colorado Revised Statutes, are amended to read:

43-4-811. Traffic laws - toll collection. (6) (a) In addition to the penalty assessment procedure provided for in subsection (3) of this section, where an instance of toll evasion is evidenced by automatic vehicle identification photography or other technology not involving a peace officer, a civil penalty assessment notice may be issued and sent by first-class mail, OR BY ANY MAIL DELIVERY SERVICE OFFERED BY AN ENTITY OTHER THAN THE UNITED STATES POSTAL SERVICE THAT IS EQUIVALENT TO OR SUPERIOR TO FIRST-CLASS MAIL WITH RESPECT TO DELIVERY SPEED, RELIABILITY, AND PRICE, by the enterprise to the registered owner of the motor vehicle involved. Such notice shall contain the name and address of the registered owner of the vehicle involved, the license number of the vehicle involved, the date of the notice, the time and location of the violation, the amount of the penalty prescribed for the violation, 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 the notice as a complaint to appear in court.

(b) Should the prescribed penalty not be paid within twenty days of the notice, in

order to ensure that adequate notice has been given, the enterprise shall send a second penalty assessment notice by certified mail, return receipt requested, OR BY ANY MAIL DELIVERY SERVICE OFFERED BY AN ENTITY OTHER THAN THE UNITED STATES POSTAL SERVICE THAT IS EQUIVALENT TO OR SUPERIOR TO CERTIFIED MAIL, RETURN RECEIPT REQUESTED, WITH RESPECT TO RECEIPT VERIFICATION AND DELIVERY SPEED, RELIABILITY, AND PRICE, containing the same information as set forth in paragraph (a) of this subsection (6). Such notice shall specify that the alleged violator may pay the same penalty assessment at any time prior to the scheduled hearing.

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 any outstanding judgment or warrant or any default judgment for any instance of toll evasion evidenced by automatic vehicle identification photography or other technology not involving a peace officer for which the cited person has been identified that occurs on or after the applicable effective date of this act.

Approved: April 29, 2003