

CHAPTER 230

GOVERNMENT - STATE

SENATE BILL 03-271

BY SENATOR(S) Owen, Reeves, and Teck;
also REPRESENTATIVE(S) Young, Plant, and Witwer.

AN ACT

CONCERNING THE AUGMENTATION OF THE GENERAL FUND THROUGH TRANSFERS OF CERTAIN MONEYS.

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

SECTION 1. 24-4.2-103, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

24-4.2-103. Victims and witnesses assistance and law enforcement fund - control of fund. (6) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, ON JUNE 30, 2004, THE STATE TREASURER SHALL TRANSFER UP TO ONE MILLION DOLLARS OF LOCALLY UNENCUMBERED MONEYS IN THE FUND TO THE GENERAL FUND.

SECTION 2. 24-4.2-104 (1) (a) (I), (1) (a) (II) (A), and (1) (b) (I), Colorado Revised Statutes, are amended to read:

24-4.2-104. Surcharges levied on criminal actions and traffic offenses. (1) (a) (I) A surcharge equal to thirty-seven percent of the fine imposed for each felony, misdemeanor, or class 1 or class 2 misdemeanor traffic offense, or a surcharge of ~~one hundred twenty-five~~ ONE HUNDRED SIXTY-TWO dollars AND FIFTY CENTS for felonies, ~~sixty~~ SEVENTY-EIGHT dollars for misdemeanors, ~~thirty-five~~ FORTY-FIVE dollars AND FIFTY CENTS for class 1 misdemeanor traffic offenses, and ~~twenty-five~~ THIRTY-TWO dollars AND FIFTY CENTS for class 2 misdemeanor traffic offenses, whichever amount is greater, except as otherwise provided in paragraph (b) of this subsection (1), is hereby levied on each criminal action resulting in a conviction or in a deferred judgment and sentence, as provided in section 18-1.3-102, C.R.S., which criminal action is charged pursuant to state statute, or upon each petition alleging that a child is delinquent that results in a finding of guilty pursuant to part

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

8 of article 2 of title 19, C.R.S., or a deferral of adjudication pursuant to section 19-2-709, C.R.S. These surcharges shall be paid to the clerk of the court by the defendant. Each clerk shall transmit the moneys to the court administrator of the judicial district in which the offense occurred for credit to the victims and witnesses assistance and law enforcement fund established in that judicial district; EXCEPT THAT, ON AND AFTER THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (I), AS AMENDED, EACH CLERK SHALL TRANSMIT THE PORTION OF THE SURCHARGE ATTRIBUTABLE TO THE INCREASE IN THE SURCHARGE ENACTED DURING THE FIRST REGULAR SESSION OF THE SIXTY-FOURTH GENERAL ASSEMBLY TO THE STATE TREASURER WHO SHALL CREDIT SUCH SUM TO THE GENERAL FUND.

(II) (A) In addition to any other surcharge provided for in this section, a surcharge of one thousand THREE HUNDRED dollars shall be levied on each criminal action resulting in a conviction or in a deferred judgment and sentence, as provided in section 18-1.3-102, C.R.S., which criminal action is charged pursuant to the statutes listed in sub-subparagraph (B) of this subparagraph (II). These surcharges shall be paid to the clerk of the court by the defendant. Any moneys collected by the clerk pursuant to this subparagraph (II) shall be transmitted to the court administrator of the judicial district in which the offense occurred for credit to the victims and witnesses assistance and law enforcement fund established in that judicial district; EXCEPT THAT, ON AND AFTER THE EFFECTIVE DATE OF THIS SUB-SUBPARAGRAPH (A), AS AMENDED, THE PORTION OF THE SURCHARGE ATTRIBUTABLE TO THE INCREASE IN THE SURCHARGE ENACTED DURING THE FIRST REGULAR SESSION OF THE SIXTY-FOURTH GENERAL ASSEMBLY SHALL BE TRANSMITTED TO THE STATE TREASURER WHO SHALL CREDIT SUCH SUM TO THE GENERAL FUND.

(b) (I) A surcharge shall be levied against a penalty assessment imposed for a violation of a class A or class B traffic infraction or class 1 or class 2 misdemeanor traffic offense pursuant to section 42-4-1701, C.R.S. The amount of such surcharge shall be the amount specified in the penalty and surcharge schedule in section 42-4-1701 (4), C.R.S., or, if no amount is specified, thirty-seven percent of the penalty imposed. All moneys collected by the department of revenue pursuant to this subparagraph (I) shall be transmitted to the court administrator of the judicial district in which the infraction occurred for credit to the victims and witnesses assistance and law enforcement fund established in that judicial district as provided in section 42-1-217, C.R.S.; EXCEPT THAT, ON AND AFTER THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (I), AS AMENDED, THE PORTION OF THE SURCHARGE ATTRIBUTABLE TO THE INCREASE IN THE SURCHARGE ENACTED DURING THE FIRST REGULAR SESSION OF THE SIXTY-FOURTH GENERAL ASSEMBLY SHALL BE TRANSMITTED TO THE STATE TREASURER WHO SHALL CREDIT SUCH SUM TO THE GENERAL FUND. Surcharges paid to the clerk of the court pursuant to this subparagraph (I) shall be transmitted to the court administrator of the judicial district in which the offense was committed for credit to the victims and witnesses assistance and law enforcement fund established in that judicial district; EXCEPT THAT, ON AND AFTER THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (I), AS AMENDED, THE PORTION OF THE SURCHARGE ATTRIBUTABLE TO THE INCREASE IN THE SURCHARGE ENACTED DURING THE FIRST REGULAR SESSION OF THE SIXTY-FOURTH GENERAL ASSEMBLY SHALL BE TRANSMITTED TO THE STATE TREASURER WHO SHALL CREDIT SUCH SUM TO THE GENERAL FUND.

SECTION 3. 25-4-1708, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

25-4-1708. Fund created. (4) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, ON JULY 1, 2003, THE STATE TREASURER SHALL DEDUCT TWO HUNDRED FORTY THOUSAND DOLLARS FROM THE INFANT IMMUNIZATION FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

SECTION 4. 25-17-202 (3) (b) (II), Colorado Revised Statutes, is amended to read:

25-17-202. Waste tire recycling development fee - cash fund created - repeal. (3) (b) On and after July 1, 2000, the remaining moneys in the fund shall be subject to annual appropriation or transfer by the general assembly as follows:

(II) (A) The remaining funds shall be transferred to the advanced technology fund on a quarterly basis, for the purposes described in section 23-1-106.5 (9), C.R.S. The transfer of funds shall be made on June 1, 2001, and at the end of each quarter of each successive fiscal year. Such additional transfers as may be necessary to bring the waste tire recycling development cash fund into compliance with the limit on uncommitted cash fund reserves, as specified in section 24-75-402, C.R.S., may also be made during the fiscal year.

(B) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, ON JUNE 1, 2003, AND AT THE END OF EACH QUARTER FOR FISCAL YEAR 2003-04, THE STATE TREASURER SHALL TRANSFER THE BALANCE OF MONEYS IN THE ADVANCED TECHNOLOGY FUND TO THE GENERAL FUND.

SECTION 5. 33-14.5-106, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

33-14.5-106. Off-highway vehicle recreation fund - creation - use of moneys. (3) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, ON JANUARY 1, 2004, THE STATE TREASURER SHALL DEDUCT SEVEN HUNDRED THOUSAND DOLLARS FROM THE OFF-HIGHWAY VEHICLE RECREATION FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

SECTION 6. 34-32-122 (3) (a), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

34-32-122. Fees, civil penalties, and forfeitures - deposit - emergency response cash fund - created. (3) (a) (IV) NOTWITHSTANDING ANY PROVISION OF THIS SUBSECTION (3) TO THE CONTRARY, ON JULY 1, 2003, THE STATE TREASURER SHALL DEDUCT FOUR HUNDRED EIGHTY-SIX THOUSAND SIX HUNDRED THIRTEEN DOLLARS FROM THE EMERGENCY RESPONSE CASH FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

SECTION 7. 39-29-109 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

39-29-109. Severance tax trust fund - created - administration - use of moneys. (1) (h) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION TO THE CONTRARY, ON JUNE 30, 2004, THE STATE TREASURER SHALL DEDUCT FOUR MILLION SIX HUNDRED THOUSAND DOLLARS FROM THE OPERATIONAL ACCOUNT OF THE

SEVERANCE TAX TRUST FUND CREATED IN SUBPARAGRAPH (II) OF PARAGRAPH (a) OF THIS SUBSECTION (1) AND TRANSFER SUCH SUM TO THE GENERAL FUND.

SECTION 8. 42-4-1701 (4) (a) (I), (4) (a) (II), and (4) (a) (III) (A), Colorado Revised Statutes, are amended to read:

42-4-1701. Traffic offenses and infractions classified - penalties - penalty and surcharge schedule - repeal. (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
(A) Drivers' license violations:		
42-2-101 (1) or (4)	\$ 35.00	\$ 4.00 5.20
42-2-101 (2), (3), or (5)	15.00	2.00 2.60
42-2-103	15.00	2.00 2.60
42-2-105	35.00	4.00 5.20
42-2-105.5	35.00	4.00 5.20
42-2-106	35.00	4.00 5.20
42-2-116	15.00	2.00 2.60
42-2-119	15.00	2.00 2.60
42-2-134	35.00	4.00 5.20
42-2-136	35.00	4.00 5.20
42-2-139	35.00	4.00 5.20
42-2-140	35.00	4.00 5.20
42-2-141	35.00	4.00 5.20
(B) Registration and taxation violations:		
42-3-103	\$ 50.00	\$ 6.00 7.80
42-3-112	15.00	2.00 2.60
42-3-123	15.00	2.00 2.60
42-3-127	50.00	6.00 7.80
42-3-133 (1)(a)	75.00	9.00 11.70
42-3-133 (1)(c)	35.00	4.00 5.20
42-3-133 (1)(f), (1)(g), and (1)(h)	75.00	9.00 11.70
42-3-134	50.00	6.00 7.80

(C) Traffic regulation generally:

42-4-1412	\$ 15.00	\$ 2.00 2.60
42-4-109	15.00	2.00 2.60
42-4-1211	15.00	2.00 2.60
42-4-1405	15.00	2.00 2.60

(D) Equipment violations:

42-4-201	\$ 35.00	\$ 4.00 5.20
42-4-202	35.00	4.00 5.20
42-4-204	15.00	2.00 2.60
42-4-205	15.00	2.00 2.60
42-4-206	15.00	2.00 2.60
42-4-207	15.00	2.00 2.60
42-4-208	15.00	2.00 2.60
42-4-209	15.00	2.00 2.60
42-4-210	15.00	2.00 2.60
42-4-211	15.00	2.00 2.60
42-4-212	15.00	2.00 2.60
42-4-213	15.00	2.00 2.60
42-4-214	15.00	2.00 2.60
42-4-215	15.00	2.00 2.60
42-4-216	15.00	2.00 2.60
42-4-217	15.00	2.00 2.60
42-4-218	15.00	2.00 2.60
42-4-219	15.00	2.00 2.60
42-4-220	15.00	2.00 2.60
42-4-221	15.00	2.00 2.60
42-4-222 (1)	15.00	2.00 2.60
42-4-223	15.00	2.00 2.60
42-4-224	15.00	2.00 2.60
42-4-225 (1)	15.00	2.00 2.60
42-4-226	15.00	2.00 2.60
42-4-227 (1)	50.00	6.00 7.80
42-4-227 (2)	15.00	2.00 2.60
42-4-228 (1), (2), (3), (5), or (6)	15.00	2.00 2.60
42-4-229	15.00	2.00 2.60
42-4-230	15.00	2.00 2.60
42-4-231	15.00	2.00 2.60
42-4-232	15.00	2.00 2.60
42-4-233	75.00	9.00 11.70
42-4-234	15.00	2.00 2.60
42-4-235	50.00	6.00 7.80
42-4-236	50.00	6.00 7.80
42-4-237	15.00	2.00 2.60
42-4-1411	15.00	2.00 2.60
42-4-1412	15.00	2.00 2.60
42-4-1901	35.00	4.00 5.20

(E) Emissions inspections:

42-4-313 (3)(c)	\$ 50.00	\$ 6.00 7.80
42-4-313 (3)(d)	15.00	2.00 2.60

(F) Size, weight, and load violations:

42-4-502	\$ 75.00	\$9.00 11.70
42-4-503	15.00	2.00 2.60
42-4-504	75.00	9.00 11.70
42-4-505	75.00	9.00 11.70
42-4-506	15.00	2.00 2.60
42-4-509	50.00	6.00 7.80
42-4-510 (12)(a)	35.00	4.00 5.20
42-4-106 (1), (3), (4), (6), or (7)	35.00	4.00 5.20
42-4-106 (5)(a)(I)	100.00	12.00 15.60
42-4-106 (5)(a)(II)	500.00	60.00 78.00
42-4-51275.00		9.00 11.70
42-8-105 (1) to (5)	50.00	6.00 7.80
42-8-106	50.00	6.00 7.80

(G) Signals, signs, and markings violations:

42-4-603	\$ 35.00	\$ 4.00 5.20
42-4-604	35.00	4.00 5.20
42-4-605	35.00	4.00 5.20
42-4-606	15.00	2.00 2.60
42-4-607	50.00	6.00 7.80
42-4-608	15.00	2.00 2.60
42-4-609	15.00	2.00 2.60
42-4-610	15.00	2.00 2.60
42-4-612	35.00	4.00 5.20
42-4-613	35.00	4.00 5.20

(H) Rights-of-way violations:

42-4-701	\$ 35.00	\$ 4.00 5.20
42-4-702	35.00	4.00 5.20
42-4-703	35.00	4.00 5.20
42-4-704	35.00	4.00 5.20
42-4-705	50.00	6.00 7.80
42-4-706	35.00	4.00 5.20
42-4-707	35.00	4.00 5.20
42-4-708	35.00	4.00 5.20
42-4-709	35.00	4.00 5.20
42-4-710	35.00	4.00 5.20
42-4-711	35.00	4.00 5.20
42-4-712	35.00	4.00 5.20

(I) Pedestrian violations:

42-4-801	\$ 15.00	\$ 2.00 2.60
42-4-802	15.00	2.00 2.60
42-4-803	15.00	2.00 2.60
42-4-805	15.00	2.00 2.60
42-4-806	35.00	4.00 5.20
42-4-807	35.00	4.00 5.20
42-4-808	35.00	4.00 5.20

(J) Turning and stopping violations:

42-4-901	\$ 35.00	\$ 4.00 5.20
42-4-902	35.00	4.00 5.20
42-4-903	35.00	4.00 5.20

(K) Driving, overtaking, and passing violations:

42-4-1001	\$ 35.00	\$ 4.00 5.20
42-4-1002	35.00	4.00 5.20
42-4-1003	35.00	4.00 5.20
42-4-1004	35.00	4.00 5.20
42-4-1005	35.00	4.00 5.20
42-4-1006	35.00	4.00 5.20
42-4-1007	35.00	4.00 5.20
42-4-1008	35.00	4.00 5.20
42-4-1009	35.00	4.00 5.20
42-4-1010	35.00	4.00 5.20
42-4-1011	100.00	12.00 15.60
42-4-1012 (3)(a)	65.00	(NONE)
42-4-1012 (3)(b)	125.00	(NONE)

(L) Speeding violations:

42-4-1101 (1) or (8)(b) (1 to 4 miles per hour over the reasonable and prudent speed or over the maximum lawful speed limit of 75 miles per hour)	\$ 15.00	\$ 2.00 2.60
42-4-1101 (1) or (8)(b) (5 to 9 miles per hour over the reasonable and prudent speed or over the maximum lawful speed limit of 75 miles per hour)	35.00	4.00 5.20
42-4-1101 (1) or (8)(b) (10 to 19 miles per hour over the reasonable and prudent speed or over the maximum lawful speed limit of 75 miles per hour)	50.00	6.00 7.80
42-4-1101 (1) or (8)(b) (20 to 24 miles per hour over the reasonable and prudent speed or over the maximum lawful speed limit of 75 miles per hour)	100.00	12.00 15.60
42-4-1101 (3)	35.00	4.00 5.20
42-4-1103	15.00	2.00 2.60
42-4-1104	15.00	2.00 2.60

(M) Parking violations:

42-4-1201	\$ 15.00	\$ 2.00 2.60
42-4-1202	15.00	2.00 2.60
42-4-1204	15.00	2.00 2.60
42-4-1205	15.00	2.00 2.60
42-4-1206	15.00	2.00 2.60

42-4-1207	15.00	2.00 2.60
42-4-1208 (6) or (9)	100.00	12.00 15.60

(N) Other offenses:

42-4-1301 (2)(a.5)	\$ 50.00	\$ 6.00 7.80
42-4-1402	50.00	6.00 7.80
42-4-1403	15.00	2.00 2.60
42-4-1404	15.00	2.00 2.60
42-4-1406	35.00	4.00 5.20
42-4-1407	35.00	4.00 5.20
42-4-314	35.00	4.00 5.20
42-4-1408	15.00	2.00 2.60
42-4-1414 (2)(a)	500.00	60.00 78.00
42-4-1414 (2)(b)	1,000.00	120.00 156.00
42-4-1414 (2)(c)	5,000.00	600.00 780.00

(O) Motorcycle violations:

42-4-1502	\$ 15.00	\$ 2.00 2.60
42-4-1503	15.00	2.00 2.60
42-4-1504	15.00	2.00 2.60

(P) Offenses by persons controlling vehicles:

42-4-1704	\$ 15.00	\$ 2.00 2.60
-----------	----------	-------------------------

(II) Any person convicted of violating section 42-4-507 or 42-4-508 shall be fined pursuant to this subparagraph (II), whether the defendant acknowledges the defendant's guilt pursuant to the procedure set forth in paragraph (a) of subsection (5) of this section or is found guilty by a court of competent jurisdiction. Any violation of section 42-4-507 or 42-4-508 shall be punished by a fine and surcharge as follows:

**Excess Weight
- Pounds**

	Penalty	Surcharge
1 - 3,000	\$ 15.00	\$ 5.00 6.50
3,001 - 4,250	25.00	9.00 11.70
4,251 - 4,500	50.00	18.00 23.40
4,501 - 4,750	55.00	20.00 26.00
4,751 - 5,000	60.00	22.00 28.60
5,001 - 5,250	65.00	24.00 31.20
5,251 - 5,500	75.00	27.00 35.10
5,501 - 5,750	85.00	31.00 40.30
5,751 - 6,000	95.00	35.00 45.50
6,001 - 6,250	105.00	38.00 49.40
6,251 - 6,500	125.00	46.00 59.80
6,501 - 6,750	145.00	53.00 68.90
6,751 - 7,000	165.00	61.00 79.30
7,001 - 7,250	185.00	68.00 88.40
7,251 - 7,500	215.00	80.00 104.00
7,501 - 7,750	245.00	90.00 117.00
7,751 - 8,000	275.00	101.00 131.30
8,001 - 8,250	305.00	112.00 145.60
8,251 - 8,500	345.00	127.00 165.10

8,501 - 8,750	385.00	142.00 184.60
8,751 - 9,000	425.00	157.00 204.10
9,001 - 9,250	465.00	172.00 223.60
9,251 - 9,500	515.00	190.00 247.00
9,501 - 9,750	565.00	209.00 271.70
9,751 - 10,000	615.00	227.00 295.10
10,001 - 10,250	665.00	246.00 319.80
Over 10,250	\$ 30.00	\$ 11.00 14.30
	for each	for each
	250 pounds	250 pounds
	additional	additional
	overweight,	overweight,
	plus \$ 665.00	plus \$ 246.00

(III) Any person convicted of violating any of the rules and regulations promulgated pursuant to section 42-4-510, except section 42-4-510 (2) (b) (IV), shall be fined as follows, whether the violator acknowledges the violator's guilt pursuant to the procedure set forth in paragraph (a) of subsection (5) of this section or is found guilty by a court of competent jurisdiction:

(A) Any person who violates the maximum permitted weight on an axle or on gross weight shall be punished by a fine and surcharge as follows:

Excess Weight Above Maximum

Permitted Weight - Pounds	Penalty	Surcharge
1 - 2,500	\$ 50.00	\$ 18.00 23.40
2,501 - 5,000	100.00	37.00 48.10
5,001 - 7,500	200.00	74.00 96.20
7,501 - 10,000	400.00	148.00 192.40
Over 10,000	\$150.00	\$ 55.00 71.50
	for each 1,000	for each 1,000
	pounds additional	pounds additional
	overweight, plus	overweight, plus
	\$400.00	\$148.00

SECTION 9. 42-1-217 (4), Colorado Revised Statutes, is amended to read:

42-1-217. Disposition of fines and surcharges. (4) All moneys collected by the department as surcharges on penalty assessments issued for violations of a class A or a class B traffic infraction or a class 1 or a class 2 misdemeanor traffic offense, pursuant to section 42-4-1701, shall be transmitted to the court administrator of the judicial district in which the offense or infraction was committed for credit to the victims and witnesses assistance and law enforcement fund established in that judicial district; EXCEPT THAT, ON AND AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (4), AS AMENDED, THE PORTION OF THE SURCHARGE ATTRIBUTABLE TO THE INCREASE IN THE SURCHARGE ON PENALTY ASSESSMENTS ISSUED FOR VIOLATIONS OF A CLASS A OR A CLASS B TRAFFIC INFRACTION OR A CLASS 1 OR A CLASS 2 MISDEMEANOR TRAFFIC OFFENSE, PURSUANT TO SECTION 42-4-1701, ENACTED DURING THE FIRST REGULAR SESSION OF THE SIXTY-FOURTH GENERAL ASSEMBLY SHALL BE TRANSMITTED TO THE STATE TREASURER WHO SHALL CREDIT SUCH SUM TO THE GENERAL FUND.

SECTION 10. Applicability. This act shall apply to class A or class B traffic infractions or class 1 or class 2 misdemeanor traffic offenses committed on or after the effective date of this act.

SECTION 11. 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: May 1, 2003