

CHAPTER 276

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 05-1151

BY REPRESENTATIVE(S) Frangas, McFadyen, Borodkin, Coleman, Garcia, Hoppe, Knoedler, Stafford, and Kerr;
also SENATOR(S) Veiga, and Williams.

AN ACT

**CONCERNING INCREASED PENALTIES FOR PERSONS WHO VIOLATE CERTAIN LAWS WITHIN THE
GENERAL AREA OF A HIGHWAY.**

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

SECTION 1. Short title. This act shall be known and may be cited as the "Lopez-Forrester Act".

SECTION 2. Legislative declaration. The general assembly hereby determines that, in 2002, two thousand three hundred eighteen motor vehicle accidents occurred in Colorado construction zones. This caused one thousand two hundred thirty-eight injuries and twenty deaths. Recently, the number of construction zone injuries and deaths has doubled.

SECTION 3. 42-4-1701 (4) (c), Colorado Revised Statutes, is amended to read:

42-4-1701. Traffic offenses and infractions classified - penalties - penalty and surcharge schedule - fund - repeal. (4) (c) (I) The penalties and surcharges imposed for speeding violations under subsection (4) (a) (I) (L) of this section ~~are~~ SHALL BE DOUBLED if a speeding violation occurs within a maintenance, repair, or construction zone that is designated by the department of transportation pursuant to ~~the requirements of~~ section 42-4-614.

(II) (A) THE PENALTIES AND SURCHARGES IMPOSED FOR VIOLATIONS UNDER SUBSECTIONS (4) (a) (I) (C), (4) (a) (I) (G), (4) (a) (I) (H), (4) (a) (I) (I), (4) (a) (I) (J), (4) (a) (I) (K), (4) (a) (I) (N), AND (4) (a) (I) (O) OF THIS SECTION SHALL BE DOUBLED IF A VIOLATION OCCURS WITHIN A MAINTENANCE, REPAIR, OR CONSTRUCTION ZONE THAT IS DESIGNATED BY THE DEPARTMENT OF TRANSPORTATION PURSUANT TO SECTION 42-4-614; EXCEPT THAT THE FINES FOR VIOLATING SECTIONS

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

42-4-314, 42-4-610, 42-4-613, 42-4-706, 42-4-707, 42-4-708, 42-4-709, 42-4-710, 42-4-1011, 42-4-1012, 42-4-1404, 42-4-1408, AND 42-4-1414, SHALL NOT BE DOUBLED UNDER THIS SUBPARAGRAPH (II).

(B) THERE IS HEREBY CREATED, WITHIN THE HIGHWAY USERS TAX FUND, THE HIGHWAY CONSTRUCTION WORKERS' SAFETY ACCOUNT.

(C) IF A FINE IS DOUBLED UNDER THIS PARAGRAPH (c), ONE-HALF OF THE FINE ALLOCATED TO THE STATE BY SECTIONS 42-1-217 AND 43-4-205, C.R.S., SHALL BE TRANSFERRED TO THE STATE TREASURER, WHO SHALL DEPOSIT IT IN THE HIGHWAY CONSTRUCTION WORKERS' SAFETY ACCOUNT WITHIN THE HIGHWAY USERS TAX FUND TO BE CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT OF TRANSPORTATION FOR WORK ZONE SAFETY EQUIPMENT, SIGNS, AND LAW ENFORCEMENT.

(D) THIS SUBPARAGRAPH (II) IS EFFECTIVE JULY 1, 2006.

SECTION 4. 42-4-614 (1) and (2), Colorado Revised Statutes, are amended to read:

42-4-614. Designation of highway maintenance, repair, or construction zones - signs - increase in penalties for speeding violations. (1) If maintenance, repair, or construction activities are occurring or will be occurring within four hours on a portion of a state highway, the department of transportation may designate such portion of the highway as a highway maintenance, repair, or construction zone. Any person who commits ~~a speeding violation~~ CERTAIN VIOLATIONS LISTED IN SECTION 42-4-1701 (4) in a maintenance, repair, or construction zone that is designated pursuant to the provisions of this section is subject to the increased penalties and surcharges imposed by section 42-4-1701 (4) (c).

(2) The department of transportation shall designate a maintenance, repair, or construction zone by erecting or placing an appropriate sign in a conspicuous place before the area where the maintenance, repair, or construction activity is taking place or will be taking place within four hours. Such sign shall notify the public that increased penalties for ~~speeding~~ CERTAIN TRAFFIC violations are in effect in such zone. The department of transportation shall erect or place a second sign after such zone indicating that the increased penalties for ~~speeding~~ CERTAIN TRAFFIC violations are no longer in effect. A maintenance, repair, or construction zone begins at the location of the sign indicating that increased penalties are in effect and ends at the location of the sign indicating that the increased penalties are no longer in effect.

SECTION 5. 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 (August 10, 2005, if adjournment sine die is on May 11, 2005); 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 offenses committed on or after the applicable effective date of this act.

Approved: June 3, 2005