

CHAPTER 275

CRIMINAL LAW AND PROCEDURE

SENATE BILL 07-055

BY SENATOR(S) Boyd, Groff, Morse, Schwartz, and Williams;
also REPRESENTATIVE(S) Green, Borodkin, Kerr A., and Primavera.**AN ACT****CONCERNING SURCHARGES CREATED IN TITLE 24, COLORADO REVISED STATUTES, FOR THE BENEFIT OF PERSONS AFFECTED BY CRIME, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.***Be it enacted by the General Assembly of the State of Colorado:*

SECTION 1. 24-4.1-119 (1) (a) and (1) (c), Colorado Revised Statutes, are amended, and the said 24-4.1-119 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

24-4.1-119. Costs and surcharges levied on criminal actions and traffic offenses. (1) (a) Except as provided in paragraphs (c) and (d) of this subsection (1), a cost of ~~one hundred twenty-five dollars~~ ONE HUNDRED SIXTY-THREE DOLLARS for felonies, ~~sixty dollars~~ SEVENTY-EIGHT DOLLARS for misdemeanors, ~~and thirty-five dollars~~ FORTY-SIX DOLLARS for a class 1 misdemeanor traffic offense OFFENSES, and ~~twenty-five dollars~~ THIRTY-THREE DOLLARS for a class 2 misdemeanor traffic offense OFFENSES is hereby levied on each criminal action resulting in a conviction or in a deferred judgment and sentence, as provided for in section 18-1.3-102, C.R.S., which criminal action is charged pursuant to state statute. These costs shall be paid to the clerk of the court by the defendant. Each clerk shall transmit the costs so received to the court administrator of the judicial district in which the offense occurred for credit to the crime victim compensation fund established in that judicial district.

(c) A cost of ~~twenty-five dollars~~ THIRTY-THREE DOLLARS is hereby levied on ~~every~~ EACH criminal action resulting in a conviction or in a deferred judgment and sentence, as provided for in section 18-1.3-102, C.R.S., of a violation of section 42-4-1301 (1) or (2), C.R.S. This cost shall be paid to the clerk of the court, who shall deposit same in the CRIME victim compensation fund established in section 24-4.1-117.

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

(f) (I) A SURCHARGE IS HEREBY LEVIED AGAINST EACH 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 THE SURCHARGE SHALL BE ONE HALF OF THE AMOUNT SPECIFIED IN THE PENALTY AND SURCHARGE SCHEDULE IN SECTION 42-4-1701 (4), C.R.S., OR, IF NO SURCHARGE AMOUNT IS SPECIFIED, THE SURCHARGE SHALL BE CALCULATED AS THIRTY-SEVEN PERCENT OF THE PENALTY IMPOSED. ALL MONEYS COLLECTED BY THE DEPARTMENT OF REVENUE PURSUANT TO THIS PARAGRAPH (f) SHALL BE TRANSMITTED TO THE COURT ADMINISTRATOR OF THE JUDICIAL DISTRICT IN WHICH THE INFRACTION OCCURRED FOR CREDIT TO THE CRIME VICTIM COMPENSATION FUND ESTABLISHED IN THAT JUDICIAL DISTRICT AS PROVIDED IN SECTION 42-1-217, C.R.S.

(II) ALL CALCULATED SURCHARGE AMOUNTS PURSUANT TO THIS PARAGRAPH (f) RESULTING IN DOLLARS AND CENTS SHALL BE ROUNDED DOWN TO THE NEAREST WHOLE DOLLAR. A SURCHARGE LEVIED PURSUANT TO THIS PARAGRAPH (f) MAY NOT BE SUSPENDED OR WAIVED BY THE COURT UNLESS THE COURT DETERMINES THAT THE DEFENDANT AGAINST WHOM THE SURCHARGE IS LEVIED IS INDIGENT.

(III) THE SURCHARGES LEVIED PURSUANT TO THIS PARAGRAPH (f) ARE SEPARATE AND DISTINCT FROM SURCHARGES LEVIED PURSUANT TO SECTION 24-4.2-104 FOR THE VICTIMS AND WITNESSES ASSISTANCE AND LAW ENFORCEMENT FUND.

SECTION 2. 24-4.1-117 (2), Colorado Revised Statutes, is amended to read:

24-4.1-117. Fund created - control of fund. (2) The fund shall consist of all moneys paid as a cost OR SURCHARGE levied on criminal actions, as provided in section 24-4.1-119; any federal moneys available to state or local governments for victim compensation; all moneys received from any action or suit to recover damages from an assailant for a compensable crime which was the basis for an award of, and limited to, compensation received under this part 1; and any restitution paid by an assailant to a victim for damages for a compensable crime which was the basis for an award received under this part 1 and for damages for which the victim has received an award of, and limited to, compensation received under this part 1.

SECTION 3. 24-4.2-104 (1) (a) (I), (1) (a) (II) (A), and (1) (b) (I), Colorado Revised Statutes, are amended, and the said 24-4.2-104 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

24-4.2-104. Surcharges levied on criminal actions and traffic offenses - repeal. (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 sixty-two dollars and fifty cents~~ ONE HUNDRED SIXTY-THREE DOLLARS for felonies, ~~seventy-eight dollars~~ FORTY-SIX DOLLARS for class 1 misdemeanor traffic offenses, and ~~thirty-two dollars and fifty cents~~ THIRTY-THREE DOLLARS 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 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 May 1, 2003, 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 May 1, 2003, 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 ONE HALF OF 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 May 1, 2003, 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 May 1, 2003, 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.~~

(1.5) (a) BEGINNING JULY 1, 2007, NOTWITHSTANDING THE PROVISIONS OF PARAGRAPHS (a) AND (b) OF SUBSECTION (1) OF THIS SECTION, FIFTY PERCENT OF THE PORTION OF THE SURCHARGES COLLECTED PURSUANT TO PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION AND SUBPARAGRAPH (I) OF PARAGRAPH (b) OF

SUBSECTION (1) OF THIS SECTION THAT ARE ATTRIBUTABLE TO THE INCREASE IN THE SURCHARGES 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) THIS SUBSECTION (1.5) IS REPEALED, EFFECTIVE JULY 1, 2008.

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

42-1-217. Disposition of fines and surcharges - repeal. (4) (a) 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~~ AND CREDITED FIFTY PERCENT TO THE VICTIMS AND WITNESSES ASSISTANCE AND LAW ENFORCEMENT FUND ESTABLISHED IN THAT JUDICIAL DISTRICT ~~except that, on and after May 1, 2003, 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~~ AND FIFTY PERCENT TO THE CRIME VICTIM COMPENSATION FUND ESTABLISHED IN THAT JUDICIAL DISTRICT.

(b) (I) BEGINNING JULY 1, 2007, FIFTY PERCENT OF 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.

(II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2008.

SECTION 5. 42-4-1701 (4) (a) (I), (4) (a) (II), (4) (a) (III) (A), (4) (a) (IV) (A), and (6), Colorado Revised Statutes, are 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 (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~~ SECTIONS 24-4.1-119 (1) (f) AND 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~~ FOUR 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	Surchage
(A) Drivers' license violations:		
42-2-101 (1) or (4)	\$ 35.00	\$ 5.20 10.00
42-2-101 (2), (3), or (5)	15.00	2.60 6.00
42-2-103	15.00	2.60 6.00
42-2-105	35.00	5.20 10.00
42-2-105.5 (5) (a)	35.00	5.20 10.00
42-2-106	35.00	5.20 10.00
42-2-116 (6) (a)	15.00	2.60 6.00
42-2-119	15.00	2.60 6.00
42-2-134	35.00	5.20 10.00
42-2-136	35.00	5.20 10.00
42-2-139	35.00	5.20 10.00
42-2-140	35.00	5.20 10.00
42-2-141	35.00	5.20 10.00
(B) Registration and taxation violations:		
42-3-103	\$ 50.00	\$ 7.80 16.00
42-3-113	15.00	2.60 6.00
42-3-202	15.00	2.60 6.00
42-3-116	50.00	7.80 16.00
42-3-121 (1) (a)	75.00	11.70 24.00
42-3-121 (1) (c)	35.00	5.20 10.00
42-3-121 (1) (f), (1) (g), and (1) (h)	75.00	11.70 24.00
42-3-304 to 42-3-306	50.00	7.80 16.00
(C) Traffic regulation generally:		
42-4-1412	\$ 15.00	\$ 2.60 6.00
42-4-109	15.00	2.60 6.00
42-4-1211	15.00	2.60 6.00
42-4-1405	15.00	2.60 6.00
(D) Equipment violations:		
42-4-201	\$ 35.00	\$ 5.20 10.00
42-4-202	35.00	5.20 10.00
42-4-204	15.00	2.60 6.00
42-4-205	15.00	2.60 6.00
42-4-206	15.00	2.60 6.00
42-4-207	15.00	2.60 6.00
42-4-208	15.00	2.60 6.00
42-4-209	15.00	2.60 6.00
42-4-210	15.00	2.60 6.00

42-4-211	15.00	2.60	6.00
42-4-212	15.00	2.60	6.00
42-4-213	15.00	2.60	6.00
42-4-214	15.00	2.60	6.00
42-4-215	15.00	2.60	6.00
42-4-216	15.00	2.60	6.00
42-4-217	15.00	2.60	6.00
42-4-218	15.00	2.60	6.00
42-4-219	15.00	2.60	6.00
42-4-220	15.00	2.60	6.00
42-4-221	15.00	2.60	6.00
42-4-222 (1)	15.00	2.60	6.00
42-4-223	15.00	2.60	6.00
42-4-224	15.00	2.60	6.00
42-4-225 (1)	15.00	2.60	6.00
42-4-226	15.00	2.60	6.00
42-4-227 (1)	50.00	7.80	16.00
42-4-227 (2)	15.00	2.60	6.00
42-4-228 (1), (2), (3), (5), or (6)	15.00	2.60	6.00
42-4-229	15.00	2.60	6.00
42-4-230	15.00	2.60	6.00
42-4-231	15.00	2.60	6.00
42-4-232	15.00	2.60	6.00
42-4-233	75.00	11.70	24.00
42-4-234	15.00	2.60	6.00
42-4-235	50.00	7.80	16.00
42-4-236	50.00	7.80	16.00
42-4-237	15.00	2.60	6.00
42-4-1411	15.00	2.60	6.00
42-4-1412	15.00	2.60	6.00
42-4-1901	35.00	5.20	10.00

(E) Emissions inspections:

42-4-313 (3) (c)	\$ 50.00	\$ 7.80	16.00
42-4-313 (3) (d)	15.00	2.60	6.00

(F) Size, weight, and load violations:

42-4-502	\$ 75.00	\$11.70	24.00
42-4-503	15.00	2.60	6.00
42-4-504	75.00	11.70	24.00
42-4-505	75.00	11.70	24.00
42-4-506	15.00	2.60	6.00
42-4-509	50.00	7.80	16.00
42-4-510 (12) (a)	35.00	5.20	10.00
42-4-106 (1), (3), (4), (6), or (7)	35.00	5.20	10.00
42-4-106 (5) (a) (I)	100.00	15.60	32.00
42-4-106 (5) (a) (II)	500.00	78.00	156.00

42-4-512	75.00	11.70	24.00
42-8-105 (1) to (5)	50.00	7.80	16.00
42-8-106	50.00	7.80	16.00

(G) Signals, signs, and markings violations:

42-4-603	\$ 35.00	\$ 5.20	10.00
42-4-604	35.00	5.20	10.00
42-4-605	35.00	5.20	10.00
42-4-606	15.00	2.60	6.00
42-4-607 (1)	50.00	7.80	16.00
42-4-607 (2) (a)	100.00	15.60	32.00
42-4-608	15.00	2.60	6.00
42-4-609	15.00	2.60	6.00
42-4-610	15.00	2.60	6.00
42-4-612	35.00	5.20	10.00
42-4-613	35.00	5.20	10.00

(H) Rights-of-way violations:

42-4-701	\$ 35.00	\$ 5.20	10.00
42-4-702	35.00	5.20	10.00
42-4-703	35.00	5.20	10.00
42-4-704	35.00	5.20	10.00
42-4-705	50.00	7.80	16.00
42-4-706	35.00	5.20	10.00
42-4-707	35.00	5.20	10.00
42-4-708	35.00	5.20	10.00
42-4-709	35.00	5.20	10.00
42-4-710	35.00	5.20	10.00
42-4-711	35.00	5.20	10.00
42-4-712	35.00	5.20	10.00

(I) Pedestrian violations:

42-4-801	\$ 15.00	\$ 2.60	6.00
42-4-802	15.00	2.60	6.00
42-4-803	15.00	2.60	6.00
42-4-805	15.00	2.60	6.00
42-4-806	35.00	5.20	10.00
42-4-807	35.00	5.20	10.00
42-4-808	35.00	5.20	10.00

(J) Turning and stopping violations:

42-4-901	\$ 35.00	\$ 5.20	10.00
42-4-902	35.00	5.20	10.00
42-4-903	35.00	5.20	10.00

(K) Driving, overtaking, and passing violations:

42-4-1001	\$ 35.00	\$ 5.20	10.00
42-4-1002	35.00	5.20	10.00
42-4-1003	35.00	5.20	10.00
42-4-1004	35.00	5.20	10.00
42-4-1005	35.00	5.20	10.00
42-4-1006	35.00	5.20	10.00
42-4-1007	35.00	5.20	10.00
42-4-1008	35.00	5.20	10.00
42-4-1009	35.00	5.20	10.00
42-4-1010	35.00	5.20	10.00
42-4-1011	100.00	15.60	32.00
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	\$ 2.60	6.00
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	5.20	10.00
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	7.80	16.00
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	15.60	32.00
42-4-1101 (3)	35.00	5.20	10.00
42-4-1103	15.00	2.60	6.00
42-4-1104	15.00	2.60	6.00

(M) Parking violations:

42-4-1201	\$ 15.00	\$ 2.60	6.00
42-4-1202	15.00	2.60	6.00
42-4-1204	15.00	2.60	6.00
42-4-1205	15.00	2.60	6.00
42-4-1206	15.00	2.60	6.00

42-4-1207	15.00	2.60	6.00
42-4-1208 (6) or (9)	100.00	15.60	32.00

(N) Other offenses:

42-4-1301 (2) (a.5)	\$ 50.00	\$ 7.80	16.00
42-4-1305	50.00	7.80	16.00
42-4-1402	50.00	7.80	16.00
42-4-1403	15.00	2.60	6.00
42-4-1404	15.00	2.60	6.00
42-4-1406	35.00	5.20	10.00
42-4-1407 (3) (a)	35.00	5.20	10.00
42-4-1407 (3) (b)	100.00	15.00	30.00
42-4-1407 (3) (c)	500.00	100.00	200.00
42-4-314	35.00	5.20	10.00
42-4-1408	15.00	2.60	6.00
42-4-1414 (2) (a)	500.00	78.00	156.00
42-4-1414 (2) (b)	1,000.00	156.00	312.00
42-4-1414 (2) (c)	5,000.00	780.00	1,560.00
42-20-109 (2)	250.00	33.30	66.00

(O) Motorcycle violations:

42-4-1502	\$ 15.00	\$ 2.60	6.00
42-4-1503	15.00	2.60	6.00
42-4-1504	15.00	2.60	6.00

(P) Offenses by persons controlling vehicles:

42-4-1704	\$ 15.00	\$ 2.60	6.00
-----------	----------	--------------------	------

(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	\$ 6.50	14.00
3,001 - 4,250	25.00	11.70	24.00
4,251 - 4,500	50.00	23.40	46.00
4,501 - 4,750	55.00	26.00	52.00
4,751 - 5,000	60.00	28.60	58.00
5,001 - 5,250	65.00	31.20	62.00
5,251 - 5,500	75.00	35.10	70.00
5,501 - 5,750	85.00	40.30	80.00
5,751 - 6,000	95.00	45.50	92.00
6,001 - 6,250	105.00	49.40	98.00
6,251 - 6,500	125.00	59.80	120.00

6,501 - 6,750	145.00	68.90	138.00
6,751 - 7,000	165.00	79.30	158.00
7,001 - 7,250	185.00	88.40	176.00
7,251 - 7,500	215.00	104.00	208.00
7,501 - 7,750	245.00	117.00	234.00
7,751 - 8,000	275.00	131.30	262.00
8,001 - 8,250	305.00	145.60	292.00
8,251 - 8,500	345.00	165.10	330.00
8,501 - 8,750	385.00	184.60	370.00
8,751 - 9,000	425.00	204.10	408.00
9,001 - 9,250	465.00	223.60	448.00
9,251 - 9,500	515.00	247.00	494.00
9,501 - 9,750	565.00	271.70	544.00
9,751 - 10,000	615.00	295.10	590.00
10,001 - 10,250	665.00	319.80	640.00
Over 10,250	\$ 30.00	\$ 14.30	28.00
	for each 250 pounds additional overweight, plus \$ 665.00	for each 250 pounds additional overweight, plus \$ 246.00	492.00

(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	\$ 23.40 46.00
2,501 - 5,000	100.00	48.10 96.00
5,001 - 7,500	200.00	96.20 192.00
7,501 - 10,000	400.00	192.40 384.00
Over 10,000	\$150.00	\$ 71.50 144.00
	for each 1,000 pounds additional overweight, plus \$ 400.00	for each 1,000 pounds additional overweight, plus \$ 148.00 296.00

(IV) (A) Any person convicted of violating section 42-3-114 who has not been convicted of a violation of section 42-3-114 in the twelve months preceding such conviction shall be fined as follows, 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:

**Number of days beyond renewal
period that registration has**

been expired	Penalty	Surcharge
1 - 29	\$ 35.00	\$ 4.00 8.00
30 - 59	50.00	6.00 12.00
60 and over	75.00	9.00 18.00

(6) An officer coming upon an unattended vehicle that is in apparent violation of any provision of the state motor vehicle law may place upon the vehicle a penalty assessment notice indicating the offense or infraction and directing the owner or operator of the vehicle to remit the penalty assessment provided for by subsection (4) of this section and the ~~surcharge~~ thereon pursuant to ~~section~~ SECTIONS 24-4.1-119 (1) (f) AND 24-4.2-104 (1), C.R.S., to the Colorado department of revenue within ten days. If the penalty assessment and surcharge thereon is not paid within ten days of the issuance of ~~such~~ THE notice, the department shall mail a notice to the registered owner of the vehicle, setting forth the offense or infraction and the time and place where it occurred and directing the payment of the penalty assessment and surcharge thereon within twenty days from the issuance of the notice. If the penalty assessment and surcharge thereon is not paid within ~~such~~ THE twenty days from the date of mailing of such notice, the department shall request the police officer who issued the original penalty assessment notice to file a complaint with a court having jurisdiction and issue and serve upon the registered owner of the vehicle a summons to appear in court at a time and place specified therein as in the case of other offenses or infractions.

SECTION 6. 42-4-1707 (3) (a), Colorado Revised Statutes, is amended to read:

42-4-1707. Summons and complaint or penalty assessment notice for misdemeanors, petty offenses, and misdemeanor traffic offenses - release - registration. (3) (a) Whenever a penalty assessment notice for a misdemeanor, petty offense, or misdemeanor traffic offense is issued pursuant to section 42-4-1701 (5) (a), the penalty assessment notice which shall be served upon the defendant by the peace officer shall contain the name and address of the defendant, the license number of the vehicle involved, if any, the number of the defendant's driver's license, if any, a citation of the statute alleged to have been violated, a brief description of the offense, the date and approximate location thereof, the amount of the penalty prescribed for ~~such~~ THE offense, the amount of the surcharge thereon pursuant to ~~section~~ SECTIONS 24-4.1-119 (1) (f) AND 24-4.2-104 (1), C.R.S., the number of points, if any, prescribed for ~~such~~ THE offense pursuant to section 42-2-127, and the date the penalty assessment notice is served on the defendant; shall direct the defendant to appear in a specified county court at a specified time and place in the event ~~such~~ THE penalty and surcharge thereon are not paid; shall be signed by the peace officer; and shall contain a place for ~~such~~ THE defendant to elect to execute a signed acknowledgment of guilt and an agreement to pay the penalty prescribed and surcharge thereon within twenty days, as well as such other information as may be required by law to constitute ~~such~~ THE penalty assessment notice to be a summons and complaint, should the prescribed penalty and surcharge thereon not be paid within the time allowed in section 42-4-1701.

SECTION 7. 42-4-1709 (1), Colorado Revised Statutes, is amended to read:

42-4-1709. Penalty assessment notice for traffic infractions - violations of

provisions by officer - driver's license. (1) Whenever a penalty assessment notice for a traffic infraction is issued pursuant to section 42-4-1701 (5) (a), the penalty assessment notice which shall be served upon the defendant by the peace officer shall contain the name and address of the defendant, the license number of the vehicle involved, if any, the number of the defendant's driver's license, if any, a citation of the statute alleged to have been violated, a brief description of the traffic infraction, the date and approximate location thereof, the amount of the penalty prescribed for ~~such~~ THE traffic infraction, the amount of the surcharge thereon pursuant to ~~section~~ SECTIONS 24-4.1-119 (1) (f) AND 24-4.2-104 (1), C.R.S., the number of points, if any, prescribed for ~~such~~ THE traffic infraction pursuant to section 42-2-127, and the date the penalty assessment notice is served on the defendant; shall direct the defendant to appear in a specified county court at a specified time and place in the event ~~such~~ THE penalty and surcharge thereon is not paid; shall be signed by the peace officer; and shall contain a place for the defendant to elect to execute a signed acknowledgment of liability and an agreement to pay the penalty prescribed and surcharge thereon within twenty days, as well as such other information as may be required by law to constitute ~~such~~ THE penalty assessment notice to be a summons and complaint, should the prescribed penalty and surcharge thereon not be paid within the time allowed in section 42-4-1701.

SECTION 8. 42-4-1710 (1) (a), Colorado Revised Statutes, is amended to read:

42-4-1710. Failure to pay penalty for traffic infractions - failure of parent or guardian to sign penalty assessment notice - procedures. (1) (a) Unless a person who has been cited for a traffic infraction pays the penalty assessment as provided in this article and surcharge thereon pursuant to ~~section~~ SECTIONS 24-4.1-119 (1) (f) AND 24-4.2-104 (1), C.R.S., the person shall appear at a hearing on the date and time specified in the citation and answer the complaint against such person.

SECTION 9. Appropriation. In addition to any other appropriation, there is hereby appropriated, from cash funds not otherwise appropriated, to the judicial department, for the fiscal year beginning July 1, 2007, the sum of four million one hundred eighty-six thousand seventy-one dollars (\$4,186,071), or so much thereof as may be necessary, for the implementation of this act. Of said sum, two million nine hundred one thousand three hundred nineteen dollars (\$2,901,319) shall be from the Crime Victim Compensation Fund established in the office of the court administrator of each judicial district pursuant to Section 24-4.1-117, Colorado Revised Statutes, and one million two hundred eighty-four thousand seven hundred fifty-two dollars (\$1,284,752) shall be from the Victims and Witnesses Assistance and Law Enforcement Fund established in the office of the court administrator of each judicial district pursuant to Section 24-4.2-103 (1), Colorado Revised Statutes.

SECTION 10. Effective date - applicability. This act shall take effect July 1, 2007, and shall apply to offenses or infractions committed on or after said date.

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 23, 2007