

## CHAPTER 413

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**MOTOR VEHICLES AND TRAFFIC REGULATION**

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**HOUSE BILL 08-1010**

BY REPRESENTATIVE(S) McFadyen, Merrifield, Casso, Labuda, and Vaad;  
also SENATOR(S) Takis.

**AN ACT**

**CONCERNING THE FINES IMPOSED FOR VIOLATIONS INVOLVING MOTOR VEHICLES, AND MAKING AN  
APPROPRIATION IN CONNECTION THEREWITH.**

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

**SECTION 1.** 18-9-116.5, Colorado Revised Statutes, is amended to read:

**18-9-116.5. Vehicular eluding.** (1) Any person who, while operating a motor vehicle, knowingly eludes or attempts to elude a peace officer also operating a motor vehicle, and who knows or reasonably should know that he or she is being pursued by said peace officer, and who operates his or her vehicle in a reckless manner, commits vehicular eluding.

(2) (a) Vehicular eluding is a class 5 felony; except that vehicular eluding ~~which~~ THAT results in bodily injury to another person is a class 4 felony and vehicular eluding ~~which~~ THAT results in death to another person is a class 3 felony.

(b) NOTWITHSTANDING SECTION 18-1.3-401, THE MINIMUM SENTENCE WITHIN THE PRESUMPTIVE RANGE FOR A VIOLATION OF THIS SECTION SHALL BE INCREASED AS FOLLOWS:

(I) FOR A CLASS 5 FELONY, THE MINIMUM FINE SHALL BE TWO THOUSAND DOLLARS;

(II) FOR A CLASS 4 FELONY, THE MINIMUM FINE SHALL BE FOUR THOUSAND DOLLARS; AND

(III) FOR A CLASS 3 FELONY, THE MINIMUM FINE SHALL BE SIX THOUSAND DOLLARS.

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

**SECTION 2.** The introductory portion to 42-1-217 (1) and 42-1-217 (1) (b), (1) (d), (1) (e), and (2), Colorado Revised Statutes, are amended to read:

**42-1-217. Disposition of fines and surcharges - repeal.** (1) All judges, clerks of a court of record, or other officers imposing or receiving fines, penalties, or forfeitures, except those moneys received pursuant to sections 42-4-313 (3), 42-4-413, 42-4-1409, 42-4-1701 (5) (a), 42-8-105, and 42-8-106, collected pursuant to or as a result of a conviction of any persons for a violation of ~~any of the provisions of~~ articles 1 to 4 (except part 3 of article 2) of this title, shall transmit, within ten days after the date of receipt of any such fine, penalty, or forfeiture, all such moneys so collected in the following manner:

(b) Fifty percent of any fine, penalty, or forfeiture for a violation of section 42-4-1301 occurring within the corporate limits of a city or town shall be transmitted to the treasurer or chief financial officer of said city or town, and the remaining fifty percent shall be transmitted to the state treasurer, credited to the highway users tax fund, and allocated and expended as specified in section 43-4-205 (5.5) (a), C.R.S.; EXCEPT THAT TWENTY-FIVE PERCENT OF ANY FINE, PENALTY, OR FORFEITURE FOR A VIOLATION OF SECTION 42-4-1301 OCCURRING ON A STATE OR FEDERAL HIGHWAY SHALL BE TRANSMITTED TO THE TREASURER OR CHIEF FINANCIAL OFFICER OF SAID CITY OR TOWN, AND THE REMAINING SEVENTY-FIVE PERCENT SHALL BE TRANSMITTED TO THE STATE TREASURER, CREDITED TO THE HIGHWAY USERS TAX FUND, AND ALLOCATED AND EXPENDED AS SPECIFIED IN SECTION 43-4-205 (5.5) (a), C.R.S.

(d) Fifty percent of any fine, penalty, or forfeiture for a violation of section 42-4-1301 occurring outside the corporate limits of a city or town shall be transmitted to the treasurer of the county in which the city or town is located, and the remaining fifty percent shall be transmitted to the state treasurer, credited to the highway users tax fund, and allocated and expended as specified in section 43-4-205 (5.5) (a), C.R.S.; EXCEPT THAT TWENTY-FIVE PERCENT OF ANY FINE, PENALTY, OR FORFEITURE FOR A VIOLATION OF SECTION 42-4-1301 OCCURRING ON A STATE OR FEDERAL HIGHWAY SHALL BE TRANSMITTED TO THE TREASURER OF THE COUNTY IN WHICH THE CITY OR TOWN IS LOCATED, AND THE REMAINING SEVENTY-FIVE PERCENT SHALL BE TRANSMITTED TO THE STATE TREASURER, CREDITED TO THE HIGHWAY USERS TAX FUND, AND ALLOCATED AND EXPENDED AS SPECIFIED IN SECTION 43-4-205 (5.5) (a), C.R.S.

(e) Any fine, penalty, or forfeiture collected for a violation of section 42-4-237 shall be transmitted to the treasurer of the local jurisdiction in which the violation occurred; except that:

(I) If the citing officer was an officer of the Colorado state patrol, the fine, penalty, or forfeiture shall be transmitted to the state treasurer, credited to the highway users tax fund, and allocated and expended as specified in section 43-4-205 (5.5) (a), C.R.S.; OR

(II) IF THE VIOLATION OCCURRED ON A STATE OR FEDERAL HIGHWAY, FIFTY PERCENT OF THE FINE, PENALTY, OR FORFEITURE SHALL BE TRANSMITTED TO THE TREASURER OF THE LOCAL JURISDICTION IN WHICH THE VIOLATION OCCURRED AND

THE REMAINING FIFTY PERCENT SHALL BE TRANSMITTED TO THE STATE TREASURER, CREDITED TO THE HIGHWAY USERS TAX FUND, AND ALLOCATED AND EXPENDED AS SPECIFIED IN SECTION 43-4-205 (5.5) (a), C.R.S.

(2) Except for the first fifty cents of any penalty for a traffic infraction, which shall be retained by the department and used for administrative purposes, moneys collected by the department pursuant to ~~the provisions of~~ section 42-4-1701 (5) (a) shall be transmitted to the state treasurer, who shall credit the same to the highway users tax fund for allocation and expenditure as specified in section 43-4-205 (5.5) (a), C.R.S.; except that moneys collected pursuant to section 42-4-1701 (5) (a) for a violation of section 42-4-237 shall ~~only be transmitted to the state treasurer if the citing officer was an officer of the Colorado state patrol and in all other cases shall be transmitted to the treasurer of the local jurisdiction in which the violation occurred~~ ALLOCATED PURSUANT TO PARAGRAPH (e) OF SUBSECTION (1) OF THIS SECTION.

**SECTION 3.** 42-2-105.5 (5) (b) (II), Colorado Revised Statutes, is amended to read:

**42-2-105.5. Restrictions on minor drivers under eighteen years of age - penalties - legislative declaration.** (5) (b) A violation of subsection (3) of this section is a traffic infraction, and, notwithstanding the provisions of section 42-4-1701 (4) (a) (I) (D), a person convicted of violating subsection (3) of this section shall be punished as follows:

(II) By the levying of a fine of not more than ~~fifty~~ SIXTY-FIVE dollars for a first offense, a fine of not more than one hundred THIRTY dollars for a second offense, and a fine of one hundred ~~fifty~~ NINETY-FIVE dollars for a subsequent offense; and

**SECTION 4.** 42-4-1301 (7) (a) (I) (B), (7) (a) (II) (B), (7) (a) (IV) (B), (7) (b) (I) (B), (7) (b) (II) (B), and (7) (b) (III) (B), Colorado Revised Statutes, are amended to read:

**42-4-1301. Driving under the influence - driving while impaired - driving with excessive alcoholic content - definitions - penalties. (7) Penalties.** (a) (I) Except as otherwise provided in subparagraphs (II) and (IV) of this paragraph (a), every person who is convicted of DUI, DUI per se, or habitual user shall be punished by:

(B) In the court's discretion, a fine of not less than ~~three~~ SIX hundred dollars nor more than one thousand dollars; and

(II) Upon conviction of a violation described in sub-subparagraph (A) or (B) of subparagraph (III) of this paragraph (a), an offender shall be punished by:

(B) In the court's discretion, a fine of not less than ~~five hundred~~ ONE THOUSAND dollars nor more than one thousand five hundred dollars; and

(IV) Upon a conviction for DUI, DUI per se, or habitual user, which violation occurred at any time after the date of a previous violation, for which there has been a conviction, for DWAI, an offender shall be punished by:

(B) In the court's discretion, a fine of not less than ~~four~~ NINE hundred ~~fifty~~ dollars nor more than one thousand five hundred dollars; and

(b) (I) Except as otherwise provided in subparagraphs (II) and (III) of this paragraph (b), every person who is convicted of DWAI shall be punished by:

(B) In the court's discretion, a fine of not less than ~~one~~ TWO hundred dollars nor more than five hundred dollars; and

(II) Upon conviction of a second or subsequent offense of DWAI, an offender shall be punished by:

(B) In the court's discretion, a fine of not less than ~~three~~ SIX hundred dollars nor more than one thousand dollars; and

(III) Upon conviction for DWAI, which violation occurred at any time after the date of a previous violation, for which there has been a conviction, for DUI, DUI per se, or habitual user, or vehicular homicide pursuant to section 18-3-106 (1) (b) (I), C.R.S., or vehicular assault pursuant to section 18-3-205 (1) (b) (I), C.R.S., or of driving while such person's driver's license was under restraint as described in section 42-2-138 (4) (b), an offender shall be punished by:

(B) In the court's discretion, a fine of not less than ~~four~~ EIGHT hundred dollars nor more than one thousand two hundred dollars; and

**SECTION 5.** 42-4-1701 (3) (a) (II) (A), (4) (a) (I) (A), (4) (a) (I) (C), (4) (a) (I) (D), (4) (a) (I) (G), (4) (a) (I) (H), (4) (a) (I) (I), (4) (a) (I) (J), (4) (a) (I) (K), (4) (a) (I) (L), (4) (a) (I) (M), (4) (a) (I) (N), and (4) (a) (I) (O), Colorado Revised Statutes, are amended to read:

**42-4-1701. Traffic offenses and infractions classified - penalties - penalty and surcharge schedule.** (3) (a) (II) (A) Except as OTHERWISE provided in SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (II), subsections (4) and (5) of this section, and ~~in~~ sections 42-4-1301 (7), 42-4-1301.2 (2), 42-4-1301.3, and 42-4-1301.4, misdemeanor traffic offenses are divided into two classes ~~which~~ THAT are distinguished from one another by the following penalties ~~which~~ THAT are authorized upon conviction:

Class	Minimum Sentence	Maximum Sentence
1	Ten days imprisonment, or <del>\$100</del> \$300 fine, or both.	One year imprisonment, or \$1000 fine, or both.
2	Ten days imprisonment, or <del>\$10</del> \$150 fine, or both.	Ninety days imprisonment, or \$300 fine, or both.

(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 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 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	Surcharge
<b>(A) Drivers' license violations:</b>		
42-2-101 (1) or (4)	\$ 35.00	\$ 10.00
42-2-101 (2), (3), or (5)	15.00	6.00
42-2-103	15.00	6.00
42-2-105	<del>35.00</del> 70.00	10.00
42-2-105.5 <del>(5)</del> (4)	<del>35.00</del> 65.00	10.00
42-2-106	<del>35.00</del> 70.00	10.00
42-2-116 (6) (a)	<del>15.00</del> 30.00	6.00
42-2-119	15.00	6.00
42-2-134	35.00	10.00
42-2-136	35.00	10.00
42-2-139	35.00	10.00
42-2-140	35.00	10.00
42-2-141	35.00	10.00
<b>(C) Traffic regulation generally:</b>		
42-4-1412	\$ 15.00	\$ 6.00
42-4-109 (13) (a)	15.00	6.00
42-4-109 (13) (b)	100.00	15.00
42-4-1211	<del>15.00</del> 30.00	6.00
42-4-1405	15.00	6.00
<b>(D) Equipment violations:</b>		
42-4-201	\$ 35.00	\$ 10.00
42-4-202	35.00	10.00
42-4-204	15.00	6.00
42-4-205	15.00	6.00
42-4-206	15.00	6.00
42-4-207	15.00	6.00
42-4-208	15.00	6.00
42-4-209	15.00	6.00
42-4-210	15.00	6.00
42-4-211	15.00	6.00
42-4-212	15.00	6.00
42-4-213	15.00	6.00

42-4-214	15.00	6.00
42-4-215	15.00	6.00
42-4-216	15.00	6.00
42-4-217	15.00	6.00
42-4-218	15.00	6.00
42-4-219	15.00	6.00
42-4-220	15.00	6.00
42-4-221	15.00	6.00
42-4-222 (1)	15.00	6.00
42-4-223	15.00	6.00
42-4-224	15.00	6.00
42-4-225 (1)	15.00	6.00
42-4-226	15.00	6.00
42-4-227 (1)	50.00	16.00
42-4-227 (2)	15.00	6.00
42-4-228 (1), (2), (3), (5), or (6)	15.00	6.00
42-4-229	15.00	6.00
42-4-230	15.00	6.00
42-4-231	15.00	6.00
42-4-232	15.00	6.00
42-4-233	75.00	24.00
42-4-234	15.00	6.00
42-4-235	50.00	16.00
42-4-236	<del>50.00</del> 65.00	16.00
42-4-237	<del>15.00</del> 65.00	6.00
42-4-1411	15.00	6.00
42-4-1412	15.00	6.00
42-4-1901	35.00	10.00

**(G) Signals, signs, and markings violations:**

42-4-603	\$ <del>35.00</del> 100.00	\$ 10.00
42-4-604	<del>35.00</del> 100.00	10.00
42-4-605	<del>35.00</del> 70.00	10.00
42-4-606	15.00	6.00
42-4-607 (1)	50.00	16.00
42-4-607 (2) (a)	100.00	32.00
42-4-608 (1)	<del>15.00</del> 70.00	6.00
42-4-608 (2)	15.00	6.00
42-4-609	15.00	6.00
42-4-610	15.00	6.00
42-4-612	<del>35.00</del> 70.00	10.00
42-4-613	35.00	10.00

**(H) Rights-of-way violations:**

42-4-701	\$ <del>35.00</del> 70.00	\$ 10.00
42-4-702	<del>35.00</del> 70.00	10.00
42-4-703	<del>35.00</del> 70.00	10.00
42-4-704	<del>35.00</del> 70.00	10.00

42-4-705	<del>50.00</del> 70.00	16.00
42-4-706	<del>35.00</del> 70.00	10.00
42-4-707	<del>35.00</del> 70.00	10.00
42-4-708	35.00	10.00
42-4-709	<del>35.00</del> 70.00	10.00
42-4-710	<del>35.00</del> 70.00	10.00
42-4-711	<del>35.00</del> 100.00	10.00
42-4-712	<del>35.00</del> 70.00	10.00

**(I) Pedestrian violations:**

42-4-801	\$ 15.00	\$ 6.00
42-4-802 (1)	<del>15.00</del> 30.00	6.00
42-4-802 (3)	15.00	6.00
42-4-802 (4)	30.00	6.00
42-4-802 (5)	30.00	6.00
42-4-803	15.00	6.00
42-4-805	15.00	6.00
42-4-806	<del>35.00</del> 70.00	10.00
42-4-807	<del>35.00</del> 70.00	10.00
42-4-808	<del>35.00</del> 70.00	10.00

**(J) Turning and stopping violations:**

42-4-901	\$ <del>35.00</del> 70.00	\$ 10.00
42-4-902	<del>35.00</del> 70.00	10.00
42-4-903	<del>35.00</del> 70.00	10.00

**(K) Driving, overtaking, and passing violations:**

42-4-1001	\$ <del>35.00</del> 70.00	\$ 10.00
42-4-1002	<del>35.00</del> 100.00	10.00
42-4-1003	<del>35.00</del> 100.00	10.00
42-4-1004	<del>35.00</del> 100.00	10.00
42-4-1005	<del>35.00</del> 100.00	10.00
42-4-1006	<del>35.00</del> 70.00	10.00
42-4-1007	<del>35.00</del> 100.00	10.00
42-4-1008	<del>35.00</del> 100.00	10.00
42-4-1009	<del>35.00</del> 70.00	10.00
42-4-1010	<del>35.00</del> 70.00	10.00
42-4-1011	<del>100.00</del> 200.00	32.00
42-4-1012 (3) (a)	65.00	(NONE)
42-4-1012 (3) (b)	125.00	(NONE)
42-4-1013	100.00	(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)	\$ <del>15.00</del> 30.00	\$ 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)	<del>35.00</del> 70.00	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)	<del>50.00</del> 135.00	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)	<del>100.00</del> 200.00	32.00
42-4-1101 (3)	<del>35.00</del> 100.00	10.00
42-4-1103	<del>15.00</del> 50.00	6.00
42-4-1104	<del>15.00</del> 30.00	6.00

**(M) Parking violations:**

42-4-1201	\$ <del>15.00</del> 30.00	\$ 6.00
42-4-1202	<del>15.00</del> 30.00	6.00
42-4-1204	15.00	6.00
42-4-1205	15.00	6.00
42-4-1206	15.00	6.00
42-4-1207	15.00	6.00
42-4-1208 (6) or (9)	100.00	32.00

**(N) Other offenses:**

42-4-1301 (2) (a.5)	\$ <del>50.00</del> 100.00	\$ 16.00
42-4-1305	50.00	16.00
42-4-1402	<del>50.00</del> 150.00	16.00
42-4-1403	<del>15.00</del> 30.00	6.00
42-4-1404	15.00	6.00
42-4-1406	35.00	10.00
42-4-1407 (3) (a)	35.00	10.00
42-4-1407 (3) (b)	100.00	30.00
42-4-1407 (3) (c)	500.00	200.00
42-4-314	35.00	10.00
42-4-1408	15.00	6.00
42-4-1414 (2) (a)	500.00	156.00
42-4-1414 (2) (b)	1,000.00	312.00
42-4-1414 (2) (c)	5,000.00	1,560.00
42-20-109 (2)	250.00	66.00

**(O) Motorcycle violations:**

42-4-1502 (1), (2), (3), or (4)	\$ <del>15.00</del> 30.00	\$ 6.00
42-4-1502 (4.5)	100.00	15.00
42-4-1503	<del>15.00</del> 30.00	6.00
42-4-1504	<del>15.00</del> 30.00	6.00

**SECTION 6. Appropriation - adjustments to the 2008 long bill.** (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the judicial department, for courts administration, for the fiscal year beginning July 1, 2008, the sum of thirty-three thousand six hundred dollars (\$33,600), or so much thereof as may be necessary, for the implementation of this act.

(2) For the implementation of this act, the general fund appropriation to the controlled maintenance trust fund made in section 23 of the annual general appropriation act, for the fiscal year beginning July 1, 2008, shall be decreased by thirty-three thousand six hundred dollars (\$33,600).

**SECTION 7. Effective date.** This act shall take effect July 1, 2008.

**SECTION 8. 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: June 3, 2008