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COLORADO

GENERAL ASSEMBLY

Legislative Council
Research Publication No. 371

Highway Legislation
Review Committee

November 1992

RECOMMENDATIONS FOR 1993

**HIGHWAY LEGISLATION
REVIEW COMMITTEE**

**Report to the
Colorado General Assembly**

**Research Publication No. 371
November 1992**

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November 13, 1992

To Members of the Fifty-Ninth Colorado General Assembly:

Submitted herewith is the final report for the Highway Legislative Review Committee. The committee was reconstituted pursuant to section 43-2-145, C.R.S. (Senate Bill 36, 1986 Session). The purpose of the committee is "to give guidance and direction to the state Department of Highways [now the Department of Transportation] in the development of the state system of highways, and to provide legislative overview of and input into such development..."

At its meeting on October 15, the Legislative Council reviewed this report. A motion to forward the report and the recommendations of the Highway Legislative Review Committee was approved.

Respectfully submitted,

Senator Ted Strickland
Chair
Colorado Legislative Council

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HIGHWAY LEGISLATION REVIEW COMMITTEE

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Representative Jeanne Faatz, Vice Chair
Senator Sam Cassidy
Senator Al Meiklejohn
Representative Guillermo DeHerrera
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HIGHWAY LEGISLATION REVIEW COMMITTEE

Statutory Authority and Responsibility

The Highway Legislation Review Committee (HLRC) was originally established in 1953 as part of the legislative reorganization of the state highway system which restructured the relationship among state highway, county road, and municipal street systems (section 43-2-101, C.R.S.). The committee's original charge was to review the implementation and impact of these new highway systems. Committee members at that time were appointed by the governor every five years and included eight members of the General Assembly and seven non-legislative members "from such highway advisory groups as the governor shall select." Currently, the committee is composed of six members of the General Assembly (three from the House and three from the Senate) and five citizen members appointed by the governor.

The HLRC was reconstituted in 1986 "to give guidance and direction to the state Department of Highways in the development of the state system of highways and to provide legislative overview of and input into such development." This mandate included consultation with experts in highway construction and planning, review of the Department of Highway's (now the Department of Transportation) operations and projects, review of department performance audits, and recommendations concerning the financing of roads and mass transit in the state. The committee's oversight responsibility has been expanded in recent years to include: the activities of public highway authorities (section 43-4-501, C.R.S.); the privatization of bus routes by the Regional Transportation District (RTD) (section 32-9-119.5(8), C.R.S.); and the review and recodification of state traffic laws as required by House Bill 91-1106 (section 43-2-145.5, C.R.S.). The committee also has statutory responsibility to study such diverse topics as: RTD's farebox recovery ratio; utilization of high-occupancy vehicle highway lanes; and the operation of state bicycle safety laws. In 1990, the General Assembly repealed the HLRC sunset provision and added the requirement that the committee meet at least once a year.

Committee Recommendations

The committee met for five days during the 1992 interim. The transportation issues reviewed by the committee were selected due to a statutory charge to HLRC, a relationship to a federal mandate, or the interests of one or more committee members. The following items were considered.

- the impact of the recently enacted federal Intermodal Surface Transportation Efficiency Act on the state of Colorado;
- the current operating budget of the RTD and the status of RTD mass transit planning. Also discussed, were the potential effects of the 1991 Colorado Supreme Court decision in RTD v. Colorado Department of Labor and Employment;
- progress reports from the Traffic Law Advisory Committee on traffic law recodification efforts pursuant to H.B. 91-1106;
- the Annual Report of the E-470 Public Highway Authority and the final Annual Report of the W-470 Public Highway Authority;
- the status report on current and future surface access projects for the Denver International Airport;
- transportation needs created by the establishment of limited gaming in Central City, Black Hawk, and Cripple Creek;
- recommendations from the Joint Legislative Sunrise and Sunset Review Committee for future study by the HLRC; and
- the CDOT Bus Regulatory Study for the State of Colorado (as per H.B. 91-1198).

The HLRC reviewed legislation proposed by the state's Department of Transportation, the Motor Vehicle Division, the Division of Ports of Entry, and the Colorado State Patrol. These agencies submitted the bills summarized below.

Duties of Drivers in Accidents - Bill 1

Bill 1 requires drivers involved in a non-injury accident on a divided highway to move the vehicle to a suitable location before fulfilling the requirements to give notice, information, and aid to other drivers involved in the accident. The bill contains a three-year repeal provision.

Bill 1 is based on a recommendation from the Colorado Incident Management Coalition. The bill will contribute to a reduction of traffic hazards, congestion, and secondary accidents by instructing drivers to move their vehicles from the highway following an accident. This removal of vehicles from the highway will help the State Patrol and the Colorado Department of Transportation (CDOT) maintain steady traffic flow, thereby reducing traffic delays and increasing driver safety.

Removal of Highway Obstructions - Bill 2

Bill 2 authorizes CDOT and the State Patrol to remove from the highway any vehicle, cargo, or personal property involved in an accident, and provides these agencies with immunity from civil damage claims related to executing these duties. A three-year repeal provision is included.

Bill 2 is designed as a companion to Bill 1 and is also a product of the Colorado Incident Management Coalition (CIMC). The expanded authority of CDOT and the State Patrol to clear hazards following a traffic incident (e.g., spilled cargo, overturned vehicles) will result in their improved efficiency when responding to incidents and in a reduction of highway congestion. As noted by the CIMC, traffic incidents are responsible for 50 to 70 percent of all highway motorists' delays, and each additional minute of lane blockage results in an additional 4 to 5 minutes of congestion.

Threshold for Bidding on Public Projects - Bill 3

Bill 3 requires all state government agencies proposing to construct a public project costing in excess of \$150,000 to bid against private contractors. The bill raises the current threshold of \$50,000 beyond which state agencies must prepare cost estimates and competitively bid for public construction projects.

Bill 3 enables CDOT to further utilize its in-house resources for certain highway maintenance and preservation work (e.g., minor asphalt overlays, surface sealing, and restoration). Small scale projects of this nature may not require the full construction capabilities of private contractors, yet since they often cost more than \$50,000, CDOT is required to open such projects to private bidding. Under Bill 3, the state may realize savings because CDOT will not incur the administrative costs of bid preparation for projects costing \$50,000 to \$150,000. According to CDOT, materials and supplies needed for CDOT in-house projects will continue to be purchased from private vendors. (Colorado law provides a similar bidding threshold of \$150,000 for Colorado counties and cities with populations over 30,000.)

Motor Vehicle Division Records - Bill 4

Bill 4 clarifies the procedures used by the Department of Revenue to certify motor vehicle records used in court actions. The bill provides the director of the department with the option of designating an appointee to certify such records. The bill specifies information to be contained on the cover page of certified records and that only the cover page of a record must be certified rather than each page. Bill 4 allows a certified record to include only those pages of a document that are relevant to the trial or hearing.

The purpose of Bill 4 is to promote greater efficiency (i.e., time savings and reduced paperwork) in the certification of motor vehicle records submitted for court action. In addition, the department believes that simplifying the process of record certification will lead to fewer errors, and consequently will result in fewer case dismissals due to technical violations of record certification guidelines.

Port of Entry Weigh Stations - Bill 5

Bill 5 expands current law as it pertains to the authority of port of entry personnel in three manners. First, the bill will allow all port of entry personnel to enforce driver's license statutes. At this time, only port personnel trained as commercial vehicle safety inspectors can enforce commercial driver's license standards. This provision will enable all ports officers to ticket drivers in violation of driver's license statutes. Presently, untrained ports personnel can be required to detain a driver until a trained safety inspector or a state patrol officer can arrive at the port to respond to the driver's violation.

Second, the bill permits the Trinidad Port of Entry, which is operated jointly by Colorado and New Mexico, to display the New Mexico state flag along with the Colorado state flag to denote the Port's joint operating status.

Third, Bill 5 grants port personnel the following police officer duties when responding to an unlawfully loaded vehicle: to stop the vehicle, weigh it, and if not in compliance with the law, detain, unload, and/or impound it. Currently, port personnel have peace officer status, and as peace officers are already authorized to enforce each of these measures except the unloading of vehicles. The Division of Ports of Entry reported to the HLRC that Bill 5 in its current form does not represent the intent of the division. Rather than acquiring police powers for its personnel, the division seeks an expansion of its current peace powers to include the enforcement of vehicle unloading.

Driver's License Restrictions - Bill 6

Bill 6 provides that the Department of Revenue can issue one notice of suspension to a driver whose license has been suspended for multiple offenses, if the multiple sentences are being served concurrently. The bill does not alter the length of sentences.

Bill 6 clarifies department policy for concurrent and consecutive driver's license suspensions imposed for certain motor vehicle violations. A driver's license suspension or denial imposed because of a point accumulation is to run concurrently with a license revocation or denial imposed due to an offense contributing to that point accumulation. The bill stipulates that a license revocation imposed on a habitual offender shall run concurrently with a license revocation for multiple alcohol- or drug-related offenses if

both license revocations are based on the same offense. However, a habitual offender's license revocation shall run consecutively with a license revocation for refusal to submit to alcohol and drug testing.

The purpose of Bill 6 is to reduce the number of notices which the Department of Revenue serves to persons convicted of certain offenses. Presently, the department serves a notice for each offense leading to license suspension which may cause confusion for the offender and create extra expense for the department. The department believes that serving one notice, instead of multiple notices, will reduce paperwork and eliminate duplication of effort.

Municipal Traffic Law Violations - Bill 7

Bill 7 defines "municipalities" and identifies municipal ordinances that, if they substantially conform to the statutory provisions of this state, are to be enforced by the state under its habitual-offender statute. Under current state law, "habitual offenders" are drivers having three or more of the following state convictions within a period of seven years: 1) driving under the influence; 2) reckless driving; 3) driving with a suspended, revoked, or denied license; or 4) knowingly, falsely affirming to a matter required by the motor vehicle law.

Bill 7 will strengthen the state's habitual-offender statute by expanding its jurisdiction to include state and municipal violations. For example, under Bill 7, an individual having two state convictions and one municipal conviction of any of the four noted offenses within seven years would qualify as a habitual-offender. Under current law, this driver would be below the state threshold of three state convictions in a seven-year period and would not be prosecuted as a habitual offender.

Driver's License Revocation Hearings - Bill 8

Bill 8 allows a hearing officer to reschedule hearings involving the charge of driving under the influence (DUI) beyond the sixty-day period during which a hearing must initially be scheduled. In addition, the bill permits law enforcement officers to reschedule hearings if an officer is unavailable due to medical reasons, a law enforcement emergency, a conflict in court or hearing schedules, or any other legitimate cause.

Bill 8 allows the sixty-day period to begin when a request for a hearing is received by the Motor Vehicle Division central office, rather than on the day it is filed by a respondent. Drivers ticketed for driving under the influence must request a hearing within seven days at any Motor Vehicle Division office. Such requests for hearings are forwarded to the division's central office in Denver.

The purpose of Bill 8 is twofold. First, by permitting an extension of the sixty-day period for DUI hearings, the occurrence of case dismissals caused by the unavailability of officers is reduced. Second, respondents occasionally provide the division with fraudulent addresses which delay the serving of a court notice to appear in court. By authorizing the sixty-day period to begin on the day the division's central office receives the request for hearing, Bill 8 gives the department a complete sixty-day period in which to discover and correct a fraudulent address, serve notice to a respondent, and schedule a hearing.

Traffic Law Recodification - Bill 9

Bill 9 extends the HLRC's traffic law recodification reporting deadline from January 1, 1993, to January 1, 1994. The final report will be based on the recodification effort currently being conducted by the Traffic Law Advisory Committee. The recodification centralizes the traffic code in Title 42, C.R.S. The one-year extension will allow for circulation of the recodification draft legislation (which is over 800 pages in length) to interested persons and agencies for review.

The recodification is authorized by H.B. 91-1106 which specifies:

In addition to any other duties, the committee shall study any necessary revisions to the traffic law. The committee shall consider inconsistencies in the traffic law statutes, technical difficulties in the enforcement of the traffic law, the establishment of consistent and understandable procedures for traffic enforcement, and the formation of a traffic law structure which shall be easily understood and applied by the judiciary, the law enforcement community, and the public. It is the intent of the General Assembly that the committee review the Colorado traffic laws and make recommendations to the General Assembly concerning the recodification of such laws.

The Traffic Law Advisory Committee includes volunteer representation from: the Motor Vehicle Division; the Colorado District Attorneys' Council; County Sheriffs of Colorado; the Colorado Insurance Coalition; the Colorado Municipal League; Colorado Counties, Inc.; the Colorado State Patrol; the Colorado Department of Transportation; the Office of Legislative Legal Services; and the Colorado Judicial Department. The Advisory Committee is coordinated by the Office of the State Court Administrator.

Reclassification of Traffic Offenses - HLRC Bill 10

Bill 10 reclassifies certain misdemeanor traffic offenses, and petty offenses to either class A or class B traffic infractions. By reclassifying these violations as infractions, they become civil offenses instead of criminal offenses. -Civil offenses do

not involve jury trials, nor the issuance of warrants for failure to appear in court or failure to pay a fine. Class A offenses involve fines of \$10 to \$100, class B offenses involve \$5 to \$100 fines. Bill 10 is a partial representation of the Traffic Law Advisory Committee's recodification effort (per H.B. 91-1106), and serves as a preliminary step in simplifying the traffic code and improving its consistency. Bill 10:

- makes all careless driving violations class A traffic infractions, except those resulting in \$1,000 or more property damage, or accidental bodily injury or death;
- reclassifies misdemeanor traffic offenses involving hazardous materials transportation permits to class B traffic infractions;
- reclassifies class 1 misdemeanors for use of noncommercial or recreational vehicles for cargo or passenger transport to class B traffic infractions;
- changes the following class 2 misdemeanor traffic offenses to class B traffic infractions: vehicle registration violations; width, loads, height, and length violations; trailer and towed vehicle violations; highway use restriction violations; liability for highway damage violations; and offenses related to interference with official devices;
- changes class 2 misdemeanor traffic offenses regarding the following to class A traffic infractions: emergency vehicle violations; railroad crossing violations; failure to yield to handicapped persons; following too closely; offenses related to runaway vehicle ramps; air pollution control system violations; and offenses related to persons controlling vehicles;
- reclassifies certain violations involving the use of lights or signals by volunteer firemen and volunteer ambulance attendants from class 3 misdemeanors to class B traffic infractions; and
- changes the class 2 petty offense involving handicapped parking privileges to a class B traffic infraction.

Bill 10 also adds certain of these reclassified violations to the penalties and surcharge schedule. The goal of the advisory committee has been to make the net effect of the bill as revenue neutral as possible, per the requirements of H.B. 91-1106.

Other Committee Activities

Denver International Airport Access Resolution

The Highway Legislation Review Committee issued a resolution to the Colorado Transportation Commission, the Executive Director of the Department of Transportation, and each member of the General Assembly. The resolution states that surface access to the Denver International Airport (DIA) from all geographic areas of the state is of vital importance to the state's economy and to the success of the new airport. The resolution urges the continued efforts of the DIA Access Task Force and the cooperation of all affected local governments in expediting short-, mid-, and long-range surface access projects. The Task Force consists of federal, municipal, and county agencies, and is coordinated by the Colorado Department of Transportation.

Sunrise and Sunset Review Committee Recommendations to the HLRC

Based on the Department of Regulatory Agency's 1992 Sunset Review of the Public Utilities Commission, the Sunrise and Sunset Review Committee issued two recommendations to the HLRC. The first recommendation proposed a study of the consolidation of administrative functions pertaining to transportation regulation as conducted by the Departments of Transportation, Regulatory Agencies, Revenue, and the Division of State Patrol. The HLRC requested that the executive officers of these departments create an ad hoc committee to explore the merits of such a study. It was requested that the committee's findings be reported to the HLRC following the 1993 legislative session.

The second recommendation suggested that the HLRC review the Colorado Nuclear Materials Transportation Act of 1986 to ensure its conformity with the U.S. Hazardous Materials Transportation Act. The HLRC found that the Colorado act may have been preempted by the federal act, and it requested that the Office of Legislative Legal Services draft legislation in anticipation of bringing the Colorado statute into compliance with the federal law.

Materials Available

The materials listed below are available upon request from the Legislative Council staff.

- 1) The four Highway Legislation Review Committee meeting summaries of the 1992 interim (June 23, August 13-14, September 14, and September 28).
- 2) The Legislative Council staff Memorandum 1, dated June 23, 1992, outlining the origin and charge of the HLRC.
- 3) The Regional Transportation District 1992 Budget Report.
- 4) The Annual Report of the E-470 Public Highway Authority and the final Annual Report of the W-470 Public Highway Authority.
- 5) The Greater Denver Chamber of Commerce report Roadway and Transit Access to the New Denver International Airport (DIA).
- 6) Final Report of the Blackhawk/Central City Gaming Transportation Task Group, as presented by CDOT.
- 7) The Colorado State Patrol's Gaming Activity Report: Nine-month Summary.
- 8) The Bus Regulatory Study for the State of Colorado, a statutorily required CDOT report.
- 9) The HLRC Resolution 92-1 concerning access to the Denver International Airport.

BY SENATOR Meiklejohn;
also REPRESENTATIVE Entz.

A BILL FOR AN ACT

101 CONCERNING THE DUTIES OF A DRIVER INVOLVED IN AN ACCIDENT ON A DIVIDED
102 HIGHWAY RESULTING ONLY IN DAMAGE TO A VEHICLE.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Makes an exception to the duty requiring a driver involved in a non-injury accident to remain at the scene of the accident until fulfilling the statutory requirements to give notice, information, and aid. Requires a driver involved in a non-injury accident on a divided highway to move the vehicle to a suitable location to fulfill the statutory requirements to give notice, information, and aid.

Repeals the provision concerning non-injury accidents on divided highways, effective July 1, 1996.

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

SECTION 1. 42-4-1402, Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

42-4-1402. Accident involving damage - duty. (1) The driver of any vehicle directly involved in an accident resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall forthwith IMMEDIATELY return to and in every event shall remain at the scene of such accident, EXCEPT IN

1 THE CIRCUMSTANCES PROVIDED IN SUBSECTION (2) OF THIS SECTION, until he THE
2 DRIVER has fulfilled the requirements of section 42-4-1403. Every such stop shall
3 be made without obstructing traffic more than is necessary. ~~Any person who~~
4 ~~violates any provision of this section commits a class 2 misdemeanor traffic~~
5 ~~offense.~~

6 (2) (a) WHEN AN ACCIDENT OCCURS ON THE TRAVELED PORTION,
7 MEDIAN, OR RAMP OF A DIVIDED HIGHWAY AND EACH VEHICLE INVOLVED CAN BE
8 SAFELY DRIVEN, EACH DRIVER SHALL MOVE SUCH DRIVER'S VEHICLE AS SOON AS
9 PRACTICABLE OFF THE TRAVELED PORTION, MEDIAN, OR RAMP TO A FRONTAGE
10 ROAD, THE NEAREST SUITABLE CROSS STREET, OR OTHER SUITABLE LOCATION TO
11 FULFILL THE REQUIREMENTS OF SECTION 42-4-1403.

(b) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE JULY 1, 1996.

13 (3) ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION
14 COMMITS A CLASS 2 MISDEMEANOR TRAFFIC OFFENSE.

15 SECTION 2. Effective date - applicability. This act shall take effect
16 July 1, 1993, and shall apply to offenses committed on or after said date.

17 SECTION 3. Safety clause. The general assembly hereby finds,
18 determines, and declares that this act is necessary for the immediate preservation
19 of the public peace, health, and safety.

- 11 -

ALRC BILL 1

BY SENATOR Meiklejohn;
also REPRESENTATIVE Entz.

A BILL FOR AN ACT

101 CONCERNING THE REMOVAL OF HIGHWAY OBSTRUCTIONS RESULTING FROM
102 VEHICULAR INCIDENTS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Defines a vehicular incident as any vehicle accident, breakdown, or spill that results in any vehicle, cargo, or personal property blocking or impeding the highway or right-of-way. Authorizes the Colorado department of transportation and the state patrol to remove any vehicle, cargo, or personal property involved in a vehicular incident from the highway or right-of-way, without the consent of the owner thereof, or carrier, if any. Provides immunity to the department and state patrol and the officers and employees thereof from a claim for civil damages as a result of the removal and disposal of any such vehicle, cargo, or personal property or from the failure to exercise any authority for such removal and disposal. Makes certain persons responsible for reimbursing the department and the state patrol for costs of the removal and disposition of any such vehicle, cargo, or personal property.

Provides for the applicability of the emergency response to hazardous substance incidents law under certain circumstances.

Repeals the provisions regarding vehicular management, effective July 1, 1996.

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

2 SECTION 1. Part 1 of article 21 of title 13, Colorado Revised Statutes,

3 1987 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW

4 SECTION to read:

13-21-108.7. Persons rendering assistance relating to vehicular incident management - legislative declaration - exemption from civil liability.

3 (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT IT IS
4 IMPORTANT TO THE PUBLIC SAFETY OF PERSONS UTILIZING THE STATE HIGHWAY
5 SYSTEM THAT CERTAIN INCIDENTS INVOLVING VEHICLE ACCIDENTS, CARGO SPILLS,
6 AND BREAKDOWNS OCCURRING ON HIGHWAYS AND RIGHTS-OF-WAY BE MANAGED
7 IN AS EFFICIENT AND EXPEDITIOUS A MANNER AS IS POSSIBLE IN ORDER TO
8 SIGNIFICANTLY REDUCE THE OCCURRENCE OF DELAYS AND SECONDARY ACCIDENTS
9 RESULTING EITHER DIRECTLY FROM OR ATTRIBUTABLE TO THE SLOWING OR
10 STOPPING OF TRAFFIC FROM SUCH INCIDENTS. THE GENERAL ASSEMBLY FINDS
11 THAT KNOWLEDGEABLE INDIVIDUALS AND ORGANIZATIONS SHOULD BE
12 ENCOURAGED TO LEND EXPERT ASSISTANCE IN THE REMOVAL FROM THE STATE
13 HIGHWAYS AND RIGHTS-OF-WAY OF ALL VEHICLES, CARGO, AND PERSONAL
14 PROPERTY INVOLVED IN SUCH INCIDENTS WHICH AFFECT OR DELAY OTHER
15 PERSONS TRAVELING THEREON. THE PURPOSE OF THIS SECTION IS TO ENCOURAGE
16 INDIVIDUALS AND ORGANIZATIONS TO LEND ASSISTANCE TO THE EFFICIENT AND
17 EXPEDITIOUS REMOVAL OF SUCH INCIDENTS FROM THE STATE HIGHWAY SYSTEM
18 BY PROVIDING THEM WITH LIMITED IMMUNITY FROM CIVIL LIABILITY.

19 (2) AS USED IN THIS SECTION:

20 (a) "HIGHWAY" MEANS THE ENTIRE WIDTH BETWEEN THE BOUNDARY
21 LINES OF EVERY WAY PUBLICLY MAINTAINED WHEN ANY PART THEREOF IS OPEN
22 TO THE USE OF THE PUBLIC FOR PURPOSES OF VEHICULAR TRAVEL OR THE ENTIRE
23 WIDTH OF EVERY WAY DECLARED TO BE A PUBLIC HIGHWAY BY ANY LAW OF THIS

1 STATE.

2 (b) "VEHICULAR INCIDENT" MEANS ANY VEHICLE ACCIDENT,
3 BREAKDOWN, OR SPILL THAT RESULTS IN ANY VEHICLE, CARGO, OR PERSONAL
4 PROPERTY BLOCKING OR IMPEDING THE HIGHWAY OR RIGHT-OF-WAY.

5 (3) THE COLORADO DEPARTMENT OF TRANSPORTATION AND THE
6 COLORADO STATE PATROL MAY, WITHOUT THE CONSENT OF THE OWNER OF ANY
7 VEHICLE, CARGO, OR OTHER PERSONAL PROPERTY INVOLVED IN A VEHICULAR
8 INCIDENT, OR THE CARRIER, IF ANY, REMOVE SUCH VEHICLE, CARGO, OR
9 PERSONAL PROPERTY FROM THE HIGHWAY OR RIGHT-OF-WAY UNDER
10 CIRCUMSTANCES IN WHICH, AS DETERMINED BY THE DEPARTMENT OR THE STATE
11 PATROL, SUCH VEHICLE, CARGO, OR PERSONAL PROPERTY IS BLOCKING THE
12 HIGHWAY OR RIGHT-OF-WAY, OR MAY OTHERWISE BE ENDANGERING PUBLIC
13 SAFETY.

14 (4) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE
15 COLORADO DEPARTMENT OF TRANSPORTATION AND ITS OFFICERS AND EMPLOYEES
16 AND THE COLORADO STATE PATROL AND ITS OFFICERS AND EMPLOYEES SHALL
17 NOT BE LIABLE FOR ANY CIVIL DAMAGES FOR ACTS OR OMISSIONS MADE IN GOOD
18 FAITH AS A RESULT OF THE REMOVAL OR DISPOSAL OF ANY VEHICLE, CARGO, OR
19 PERSONAL PROPERTY INVOLVED IN A VEHICULAR INCIDENT FROM A HIGHWAY OR
20 RIGHT-OF-WAY, UNLESS SUCH REMOVAL OR DISPOSAL WAS CARRIED OUT IN A
21 WILLFUL AND WANTON MANNER.

22 (5) THE COLORADO DEPARTMENT OF TRANSPORTATION AND ITS
23 OFFICERS AND EMPLOYEES AND THE COLORADO STATE PATROL AND ITS OFFICERS

1 AND EMPLOYEES SHALL NOT BE LIABLE FOR ANY CIVIL DAMAGES AS A RESULT OF
2 THE FAILURE TO EXERCISE ANY AUTHORITY GRANTED UNDER THIS SECTION.

3 (6) THE OWNER OF ANY VEHICLE, CARGO, OR PERSONAL PROPERTY
4 SUBJECT TO THIS SECTION, AND THE CARRIER, IF ANY, SHALL BE RESPONSIBLE FOR
5 REIMBURSING THE DEPARTMENT AND THE STATE PATROL FOR THE COSTS OF THE
6 REMOVAL AND SUBSEQUENT DISPOSITION OF SUCH VEHICLE, CARGO, OR PERSONAL
7 PROPERTY.

8 (7) ANY VEHICLE, CARGO, OR PERSONAL PROPERTY INVOLVED IN A
9 VEHICULAR INCIDENT WHICH IS BELIEVED OR KNOWN TO CONTAIN HAZARDOUS
10 SUBSTANCES SHALL BE SUBJECT TO THE PROVISIONS GOVERNING EMERGENCY
11 RESPONSE TO HAZARDOUS SUBSTANCE INCIDENTS UNDER PART 1 OF ARTICLE 22
12 OF TITLE 29, C.R.S.

13 (8) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO ABROGATE OR
14 LIMIT THE SOVEREIGN IMMUNITY GRANTED TO PUBLIC ENTITIES PURSUANT TO
15 ARTICLE 10 OF TITLE 24, C.R.S., THE "COLORADO GOVERNMENTAL IMMUNITY
16 ACT".

17 (9) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 1996.

18 **SECTION 2.** 24-10-106 (1) (d) (I), Colorado Revised Statutes, 1988
19 Repl. Vol., as amended, is amended to read:

20 **24-10-106. Immunity and partial waiver.** (1) A public entity shall be
21 immune from liability in all claims for injury which lie in tort or could lie in tort
22 regardless of whether that may be the type of action or the form of relief chosen
23 by the claimant except as provided otherwise in this section. Sovereign immunity

1 is waived by a public entity in an action for injuries resulting from:
2 (d) (I) A dangerous condition of a public highway, road, or street which
3 physically interferes with the movement of traffic on the paved portion, if paved,
4 or on the portion customarily used for travel by motor vehicles, if unpaved, of any
5 public highway, road, street, or sidewalk within the corporate limits of any
6 municipality, or of any highway which is a part of the federal interstate highway
7 system or the federal primary highway system, or of any highway which is a part
8 of the federal secondary highway system, or of any highway which is a part of the
9 state highway system on that portion of such highway, road, street, or sidewalk
10 which was designed and intended for public travel or parking thereon; EXCEPT
11 THAT A DANGEROUS CONDITION DOES NOT INCLUDE THE ACTION OR INACTION OF
12 PUBLIC EMPLOYEES ENGAGING IN THE REMOVAL OF VEHICULAR INCIDENTS
13 PURSUANT TO THE PROVISIONS OF SECTION 13-21-108.7, C.R.S. As used in this
14 section, the phrase "physically interferes with the movement of traffic" shall not
15 include traffic signs, signals, or markings, or the lack thereof. Nothing in this
16 subparagraph (I) shall preclude a particular dangerous accumulation of snow, ice,
17 sand, or gravel from being found to constitute a dangerous condition in the surface
18 of a public roadway when the entity fails to use existing means available to it for
19 removal or mitigation of such accumulation and when the public entity had actual
20 notice through the proper public official responsible for the roadway and had a
21 reasonable time to act.

1 SECTION 3. Safety clause. The general assembly hereby finds,
2 determines, and declares that this act is necessary for the immediate preservation
3 of the public peace, health, and safety.

BY Highway Legislation Review Committee

A BILL FOR AN ACT

101 CONCERNING AN INCREASE IN THE ESTIMATED DOLLAR THRESHOLD BEYOND
102 WHICH GOVERNMENT AGENCIES MUST BID FOR WORK ON PUBLIC
103 PROJECTS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Increases from \$50,000 to \$150,000 the estimated dollar threshold beyond which government agencies are required to prepare cost estimates and bid against private bidders for work on public projects.

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

2 SECTION 1. 24-92-102 (8), Colorado Revised Statutes, 1988 Repl.

3 Vol., is amended to read:

4 24-92-102. Definitions. (8) "Public project" means any construction,
5 alteration, repair, demolition, or improvement of any land, building, structure,
6 facility, road, highway, bridge, or other public improvement suitable for and
7 intended for use in the promotion of the public health, welfare, or safety and any
8 maintenance programs for the upkeep of such projects; except that "public project"
9 does not include any project for which appropriation or expenditure of funds may

1 be reasonably expected not to exceed ONE HUNDRED fifty thousand dollars in the
2 aggregate for any fiscal year.

3 SECTION 2. 24-92-109 (1), Colorado Revised Statutes, 1988 Repl.
4 Vol., is amended to read:

5 24-92-109. Agency of government to submit cost estimate.

6 (1) Whenever an agency of government proposes to undertake the construction of
7 a public project, reasonably expected to cost in excess of ONE HUNDRED fifty
8 thousand dollars, by any means or method other than by a contract awarded by
9 competitive bid, it shall prepare and submit a cost estimate in the same manner as
10 other bidders. Such agency of government itself may not undertake the proposed
11 project unless it shows the lowest cost estimate.

12 SECTION 3. Effective date. This act shall take effect July 1, 1993.

13 SECTION 4. Safety clause. The general assembly hereby finds,
14 determines, and declares that this act is necessary for the immediate preservation
15 of the public peace, health, and safety.

BY REPRESENTATIVE Faatz;
also SENATOR Cassidy.

A BILL FOR AN ACT

101 CONCERNING THE REQUIREMENTS FOR RECORDS OF THE MOTOR VEHICLE DIVISION
102 TO QUALIFY AS EXCEPTIONS TO THE HEARSAY RULE OF EVIDENCE WHEN
103 INTRODUCED AS EVIDENCE IN CERTAIN COLORADO COURTS OF LAW.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Clarifies the procedures to be used by the motor vehicle division in certifying the authenticity of motor vehicle records. Provides that such records may be certified by the executive director of the department of revenue or the executive director's "appointee", rather than the executive director or the executive director's "deputy". Requires that such certified records be accompanied by a cover page that provides specified information. Provides that a certified record need not include the entire document if the portion certified includes all material relevant to the trial or hearing for which it is prepared.

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

2 SECTION 1. 42-2-118 (2) (c) (II), Colorado Revised Statutes, 1984

3 Repl. Vol., as amended, is amended, and the said 42-2-118 (2) (c) is further
4 amended BY THE ADDITION OF THE FOLLOWING NEW

5 SUBPARAGRAPHS, to read:

6 42-2-118. Records to be kept by the department - admission of
7 records in court. (2) (c) (II) In any trial or hearing, all official records and

1 documents of the state of Colorado, as defined in subparagraph (I) of this
2 paragraph (c), attested by the executive director of the department or his deputy
3 and accompanied by a certificate bearing the official seal for the department that
4 the executive director or his deputy has custody of said records or which records
5 and documents each contain a stamp of such attestation and bear the official seal
6 of the department or a stamped or printed facsimile of such seal, including any
7 mechanically or electronically reproduced copy of any such record or document,
8 shall be admissible in all municipal, county, and district courts within the state of
9 Colorado without further foundation, and shall be a statutory exception EXCEPTIONS
10 to rule 802 of the Colorado rules of evidence, and shall constitute prima facie proof
11 of the information contained therein, IF SUCH RECORD OR DOCUMENT IS
12 ACCOMPANIED BY A CERTIFICATE STATING THAT THE EXECUTIVE DIRECTOR OF THE
13 DEPARTMENT OR THE EXECUTIVE DIRECTOR'S APPOINTEE HAS CUSTODY OF SUCH
14 RECORD OR DOCUMENT AND IS ACCOMPANIED BY AND ATTACHED TO A COVER
15 PAGE WHICH:
16 (A) SPECIFIES THE NUMBER OF PAGES, EXCLUSIVE OF SUCH COVER
17 PAGE, WHICH CONSTITUTES THE RECORD OR DOCUMENT BEING SUBMITTED; AND
18 (B) BEARS THE SIGNATURE OF THE EXECUTIVE DIRECTOR OF THE
19 DEPARTMENT OR THE EXECUTIVE DIRECTOR'S APPOINTEE ATTESTING TO THE
20 GENUINENESS OF SUCH RECORD OR DOCUMENT; AND
21 (C) BEARS THE OFFICIAL SEAL OF THE DEPARTMENT OR A STAMPED OR
22 PRINTED FACSIMILE OF SUCH SEAL.
23 (III) FOR PURPOSES OF SUBPARAGRAPH (II) OF THIS PARAGRAPH (c),

1 "OFFICIAL RECORDS AND DOCUMENTS" SHALL INCLUDE ANY MECHANICALLY OR
2 ELECTRONICALLY REPRODUCED COPY, PHOTOGRAPH, OR PRINTOUT OF ANY
3 RECORD OR DOCUMENT OR ANY PORTION OF ANY RECORD OR DOCUMENT FILED
4 WITH, MAINTAINED BY, OR PREPARED BY THE DEPARTMENT PURSUANT TO THIS
5 PARAGRAPH (c).

6 (IV) FOR PURPOSES OF SUBPARAGRAPH (II) OF THIS PARAGRAPH (c), A
7 RECORD OR DOCUMENT SHALL NOT BE REQUIRED TO INCLUDE EVERY PAGE OF A
8 RECORD OR DOCUMENT FILED WITH, MAINTAINED BY, OR PREPARED BY THE
9 DEPARTMENT PURSUANT TO THIS PARAGRAPH (c) TO BE AN OFFICIAL RECORD OR
10 DOCUMENT, IF SUCH OFFICIAL RECORD OR DOCUMENT INCLUDES ALL OF THOSE
11 PORTIONS OF SUCH RECORD OR DOCUMENT RELEVANT TO THE TRIAL OR HEARING
12 FOR WHICH IT IS PREPARED.

13 **SECTION 2. Effective date.** This act shall take effect July 1, 1993.

14 **SECTION 3. Safety clause.** The general assembly hereby finds,
15 determines, and declares that this act is necessary for the immediate preservation
16 of the public peace, health, and safety.

BY REPRESENTATIVE Entz;
also SENATOR Meiklejohn.

A BILL FOR AN ACT

CONCERNING PORT OF ENTRY WEIGH STATIONS.

101

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Clarifies that port of entry personnel have the same authority as police officers in enforcing the statute regarding vehicles at port of entry weigh stations. Gives port of entry personnel authority to enforce the statutes regarding drivers' licenses. Permits the flag of the state of New Mexico to be displayed at the Trinidad port of entry, which is jointly operated by Colorado and New Mexico.

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

SECTION 1. 42-4-408, Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

42-4-408. Vehicles weighed - excess removed. (4) THE PERSONNEL OF A PORT OF ENTRY WEIGH STATION, DURING THE TIME THAT THEY ARE ACTUALLY ENGAGED IN PERFORMING THEIR DUTIES AS SUCH AND WHILE ACTING UNDER PROPER ORDERS OR REGULATIONS ISSUED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE PURSUANT TO ARTICLE 8 OF THIS TITLE, SHALL HAVE AND EXERCISE ALL THE POWERS INVESTED IN POLICE OFFICERS IN CONNECTION WITH THE ENFORCEMENT OF THE PROVISIONS OF THIS SECTION, EXCEPT THAT

10

1 THEY SHALL NOT HAVE THE POWER TO SERVE CIVIL WRITS AND PROCESS AND, IN
2 THE EXERCISE OF THEIR DUTIES, SUCH PERSONNEL SHALL HAVE THE AUTHORITY
3 TO RESTRAIN AND DETAIN PERSONS OR VEHICLES AND MAY IMPOUND ANY VEHICLE
4 UNTIL ANY TAX OR LICENSE FEE IMPOSED BY LAW IS PAID OR UNTIL COMPLIANCE
5 IS HAD WITH ANY TAX OR REGULATORY LAW OR REGULATION ISSUED
6 THEREUNDER.

7 SECTION 2. 42-8-104 (2), Colorado Revised Statutes, 1984 Repl. Vol.,

8 as amended, is amended to read:

9 42-8-104. Powers and duties. (2) The personnel of a port of entry
10 weigh station, during the time that they are actually engaged in performing their
11 duties as such and while acting under proper orders or regulations issued by the
12 executive director of the department of revenue, shall have and exercise all the
13 powers invested in peace officers in connection with the enforcement of the
14 provisions of this article, ARTICLE 2 OF THIS TITLE, part 4 of article 4 of this title,
15 and section 42-4-234 and article 6 of title 43, C.R.S.; except that they shall not
16 have the power to serve civil writs and process and, in the exercise of their duties,
17 such personnel shall have the authority to restrain and detain persons or vehicles
18 and may impound any vehicle until any tax or license fee imposed by law is paid
19 or until compliance is had with any tax or regulatory law or regulation issued
20 thereunder.

21 SECTION 3. 18-11-205 (4), Colorado Revised Statutes, 1986 Repl.

22 Vol., is amended to read:

23 18-11-205. Unlawful to display flag - exceptions. (4) This section does

1 not apply to display of the flag of the United Nations or the flag of a foreign nation
2 displayed to identify persons officially representing such foreign nation or the
3 property or premises of the person or nation. Neither does it apply to the display
4 of an appropriate flag upon ceremonial or commemorative occasions proclaimed
5 by the president of the United States, the governor of the state of Colorado, the
6 board of county commissioners of any county, or the mayor or other chief
7 executive officer of a city or town within this state. NEITHER DOES IT APPLY TO
8 THE DISPLAY OF THE FLAG OF THE STATE OF NEW MEXICO WITH THE FLAG OF
9 THE STATE OF COLORADO AT THE TRINIDAD PORT OF ENTRY WEIGH STATION, IN
10 RECOGNITION OF THE JOINT STATE PORT OPERATION. This subsection (4) shall be
11 an affirmative defense.

12 SECTION 4. Effective date. This act shall take effect July 1, 1993.

13 SECTION 5. Safety clause. The general assembly hereby finds,
14 determines, and declares that this act is necessary for the immediate preservation
15 of the public peace, health, and safety.

BY SENATOR Cassidy

A BILL FOR AN ACT

101 CONCERNING THE TIME PERIODS DURING WHICH CERTAIN DRIVER'S LICENSE
102 RESTRICTIONS ARE IMPOSED.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Directs that a driver's license suspension or denial imposed because of the accumulation of a sufficient number of points shall run concurrently with any driver's license revocation or denial that is based upon any offense that contributed to the point suspension. Directs that any license revocation imposed on an habitual offender shall run concurrently with a revocation for multiple alcohol- or drug-related offenses if both revocations are based on the same convictions. Directs that an habitual offender revocation shall run consecutively with a revocation for refusal to submit to alcohol and drug testing.

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

SECTION 1. 42-2-123 (8), Colorado Revised Statutes, 1984 Repl. Vol., is amended to read:

42-2-123. Authority to suspend license - to deny license - type of conviction - points. (8) (a) Except as otherwise provided in PARAGRAPH (b) OF THIS SUBSECTION (8) OR IN subsection (8.5) of this section, whenever the department's records show that a licensee has accumulated a sufficient number of points to be subject to license suspension, the department shall notify such licensee

1 that a hearing will be held not less than twenty days after the date of such notice
2 to determine whether his THE LICENSEE'S driver's license should be suspended.
3 Such notification shall be given to the licensee in writing by regular mail,
4 addressed to the address of the licensee as shown by the records of the department.

5 (b) WHEN THE DEPARTMENT'S RECORDS INDICATE THAT A DRIVER HAS
6 ACCUMULATED SUFFICIENT POINTS TO CAUSE A POINT SUSPENSION OR DENIAL
7 PURSUANT TO THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (8) AND
8 THE DRIVER'S DRIVING PRIVILEGE HAS BEEN REVOKED OR DENIED IN LIEU OF
9 REVOCATION BASED UPON ANY OFFENSE THAT CONTRIBUTES TO THE POINT
10 SUSPENSION OR DENIAL, THE DEPARTMENT SHALL ORDER THE POINTS SUSPENSION
11 OR DENIAL IMMEDIATELY WITHOUT PROVIDING NOTICE TO THE DRIVER OF SUCH
12 SUSPENSION OR DENIAL. UNDER SUCH CIRCUMSTANCES, THE POINTS SUSPENSION
13 OR DENIAL SHALL RUN CONCURRENTLY WITH THE RELATED REVOCATION OR
14 DENIAL; EXCEPT THAT IN NO CASE SHALL SUCH POINTS SUSPENSION OR DENIAL
15 RUN FOR A PERIOD THAT IS LONGER THAN THE PERIOD OF THE RELATED
16 REVOCATION OR DENIAL. IF THE DRIVER HAS BEEN REINSTATED FROM THE
17 RELATED REVOCATION OR DENIAL WHEN THE POINTS SUSPENSION OR DENIAL IS
18 IMPOSED, THE POINTS SUSPENSION OR DENIAL MAY BE ENTERED ON THE DRIVER'S
19 RECORD; EXCEPT THAT NO ADDITIONAL PERIOD OF SUSPENSION OR DENIAL SHALL
20 BE IMPOSED AND NO ADDITIONAL REINSTATEMENT FEES OR REQUIREMENTS SHALL
21 BE ASSESSED. FOR ANY DRIVER'S LICENSE RESTRICTIONS IMPOSED PURSUANT TO
22 THIS PARAGRAPH (b), A HEARING SHALL BE GRANTED ONLY IF THE DEPARTMENT
23 RECEIVES A WRITTEN REQUEST FOR A HEARING FROM THE DRIVER.

1 SECTION 2. 42-2-205 (1) (a), Colorado Revised Statutes, 1984 Repl.
2 Vol., is amended, and the said 42-2-205 is further amended BY THE ADDITION
3 OF A NEW SUBSECTION, to read:

4 42-2-205. Prohibition. (1) No license to operate motor vehicles in this
5 state shall be issued to an habitual offender, nor shall an habitual offender operate
6 a motor vehicle in this state:

7 (a) EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, for a
8 period of five years from the date of the order of the department finding such
9 person to be an habitual offender; and

10 (2) (a) ANY REVOCATION ENTERED PURSUANT TO THE PROVISIONS OF
11 SUBSECTION (1) OF THIS SECTION SHALL RUN CONCURRENTLY WITH ANY
12 REVOCATION IMPOSED PURSUANT TO SECTION 42-4-122 (1) (i) IF BOTH
13 REVOCATIONS ARE FOUNDED UPON THE SAME THREE CONVICTIONS.

14 (b) ANY REVOCATION IMPOSED PURSUANT TO THE PROVISIONS OF
15 SUBSECTION (1) OF THIS SECTION SHALL RUN CONSECUTIVELY WITH ANY
16 REVOCATION IMPOSED PURSUANT TO SECTION 42-2-122.1 (1.5) (a) (II).

17 SECTION 3. Effective date - applicability. This act shall take effect
18 July 1, 1993, and shall apply to offenses committed on or after said date.

19 SECTION 4. Safety clause. The general assembly hereby finds,
20 determines, and declares that this act is necessary for the immediate preservation
21 of the public peace, health, and safety.

BY SENATOR Cassidy;
also REPRESENTATIVE Faatz.

A BILL FOR AN ACT

101 CONCERNING MAKING THE VIOLATION OF CERTAIN TRAFFIC LAWS AN OFFENSE
102 THAT IS TAKEN INTO ACCOUNT FOR PURPOSES OF THE STATE'S HABITUAL
103 TRAFFIC OFFENDER STATUTE.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Adds offenses for driving a motor vehicle in a reckless manner to those offenses that, for purposes of the habitual traffic offender statute, include convictions under certain laws and ordinances that conform to state motor vehicle statutes.

Amends a provision that currently provides that violations of certain "town or city ordinances" shall be taken into account for purposes of the habitual traffic offender statute, by providing instead that violations of certain "ordinances of a municipality" shall be taken into account, and defines "municipality" to include any home rule or statutory city or town, a territorial charter city, or a city and county.

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

2 SECTION 1. 42-2-202 (2) (b), Colorado Revised Statutes, 1984 Repl.

3 Vol., is amended to read:

4 42-2-202. Habitual offenders - frequency and type of violations.

5 (2) (b) The offenses included in subparagraphs (I), (II), and (V) SUBPARAGRAPHS

6 (I), (II), (III), AND (IV) of paragraph (a) of this subsection (2) shall be deemed to

1 include convictions under any federal law, any law of another state, or any valid
2 ~~town or city~~ ordinance OF A MUNICIPALITY THAT substantially conforming
3 CONFORMS to the statutory provisions of this state regulating the operation of motor
4 vehicles. FOR PURPOSES OF THIS PARAGRAPH (b), THE TERM "MUNICIPALITY"
5 MEANS ANY HOME RULE OR STATUTORY CITY OR TOWN, A TERRITORIAL CHARTER
6 CITY, OR A CITY AND COUNTY.

7 SECTION 2. Effective date - applicability. This act shall take effect
8 July 1, 1993, and shall apply to offenses committed on or after said date.

9 SECTION 3. Safety clause. The general assembly hereby finds,
10 determines, and declares that this act is necessary for the immediate preservation
11 of the public peace, health, and safety.

BY REPRESENTATIVE Entz;
also SENATOR Meiklejohn.

A BILL FOR AN ACT

101 CONCERNING THE SCHEDULING OF A DRIVER'S LICENSE REVOCATION HEARING
102 UNDER THE EXPRESS CONSENT LAW.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Allows an express consent hearing to be scheduled beyond the 60-day limit when the hearing officer is unavailable because of medical reasons, a law enforcement emergency, another court or administrative hearing, or any other legitimate just cause. Provides that the 60 days begins running when the request for a hearing is received by the department of revenue, rather than on the day of "filing". Makes the address the respondent stated on the hearing request form the last known address of the respondent for purposes of notice for an express consent hearing. Relocates existing provisions within the express consent statute.

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

2 SECTION 1. 42-2-122.1 (7) (e), (7) (f), and (8) (c) (II), Colorado
3 Revised Statutes, 1984 Repl. Vol., as amended, are amended to read:

4 42-2-122.1. Revocation of license based on administrative
5 determination. (7) (e) (I) The hearing shall be scheduled to be held as quickly as
6 practicable but not more than sixty days after the day of the filing of THAT the
7 request for a hearing IS RECEIVED BY THE DEPARTMENT; ~~unless such hearing is~~

1 ~~rescheduled pursuant to subparagraph (II) of paragraph (e) of subsection (8) of this~~
2 ~~section~~ EXCEPT THAT, IF A HEARING IS RESCHEDULED BECAUSE OF THE
3 UNAVAILABILITY OF A LAW ENFORCEMENT OFFICER OR THE HEARING OFFICER IN
4 ACCORDANCE WITH SUBPARAGRAPHS (III) OR (IV) OF THIS PARAGRAPH (e), THE
5 HEARING MAY BE RESCHEDULED MORE THAN SIXTY DAYS AFTER THE DAY THAT
6 THE REQUEST FOR THE HEARING IS RECEIVED BY THE DEPARTMENT, AND THE
7 DEPARTMENT SHALL CONTINUE ANY TEMPORARY DRIVING PRIVILEGES HELD BY
8 THE RESPONDENT UNTIL THE DATE THAT SUCH HEARING IS RESCHEDULED. The
9 department shall provide a written notice of the time and place of the hearing to
10 the party requesting the hearing in the manner provided in section 42-2-117 (2) at
11 least ten days prior to the scheduled or rescheduled hearing, unless the parties
12 agree to waive this requirement. NOTWITHSTANDING THE PROVISIONS OF SECTION
13 42-2-117, THE LAST KNOWN ADDRESS OF THE RESPONDENT FOR PURPOSES OF
14 NOTICE FOR ANY HEARING PURSUANT TO THIS SECTION SHALL BE THE ADDRESS
15 STATED ON THE HEARING REQUEST FORM.

16 (II) THE LAW ENFORCEMENT OFFICER WHO SUBMITS THE DOCUMENTS
17 AND AFFIDAVIT REQUIRED BY SUBSECTION (2) OF THIS SECTION NEED NOT BE
18 PRESENT AT THE HEARING UNLESS THE PRESIDING HEARING OFFICER REQUIRES
19 THAT THE LAW ENFORCEMENT OFFICER BE PRESENT AND THE HEARING OFFICER
20 ISSUES A WRITTEN NOTICE FOR THE LAW ENFORCEMENT OFFICER'S APPEARANCE
21 OR UNLESS THE RESPONDENT OR ATTORNEY FOR THE RESPONDENT DETERMINES
22 THAT THE LAW ENFORCEMENT OFFICER SHOULD BE PRESENT AND SERVES A
23 TIMELY SUBPOENA UPON SUCH OFFICER AT LEAST FIVE DAYS BEFORE THE DAY OF

1 THE HEARING. IF THE RESPONDENT NOTIFIES THE DEPARTMENT IN WRITING AT
2 THE TIME THAT THE HEARING IS REQUESTED THAT THE RESPONDENT DESIRES THE
3 LAW ENFORCEMENT OFFICER'S PRESENCE AT THE HEARING, THE DEPARTMENT
4 SHALL ISSUE A WRITTEN NOTICE FOR THE OFFICER TO APPEAR AT THE HEARING.
5 (III) IF THE OFFICER, AFTER RECEIVING A NOTICE OR SUBPOENA TO
6 APPEAR FROM EITHER THE DEPARTMENT OR THE RESPONDENT, HAS A CONFLICT
7 WITH ANY ORIGINAL OR RESCHEDULED HEARING DATE SET BY THE DEPARTMENT,
8 THE OFFICER OR THE OFFICER'S SUPERVISOR MAY CONTACT THE DEPARTMENT AND
9 RESCHEDULE THE HEARING TO A TIME WHEN THE OFFICER WILL BE AVAILABLE.
10 IF THE LAW ENFORCEMENT OFFICER CANNOT APPEAR AT ANY ORIGINAL OR
11 RESCHEDULED HEARING BECAUSE OF MEDICAL REASONS, A LAW ENFORCEMENT
12 EMERGENCY, ANOTHER COURT OR ADMINISTRATIVE HEARING, OR ANY OTHER
13 LEGITIMATE JUST CAUSE AS DETERMINED BY THE DEPARTMENT AND THE OFFICER
14 OR THE OFFICER'S SUPERVISOR GIVES NOTICE OF SUCH OFFICER'S INABILITY TO
15 APPEAR TO THE DEPARTMENT PRIOR TO THE DISMISSAL OF THE REVOCATION
16 PROCEEDING, THE DEPARTMENT SHALL RESCHEDULE THE HEARING FOLLOWING
17 CONSULTATION WITH THE OFFICER OR THE OFFICER'S SUPERVISOR AT THE
18 EARLIEST POSSIBLE TIME WHEN THE OFFICER AND THE HEARING OFFICER WILL BE
19 AVAILABLE.
20 (IV) IF A HEARING OFFICER CANNOT APPEAR AT ANY ORIGINAL OR
21 RESCHEDULED HEARING BECAUSE OF MEDICAL REASONS, A LAW ENFORCEMENT
22 EMERGENCY, ANOTHER COURT OR ADMINISTRATIVE HEARING, OR ANY OTHER
23 LEGITIMATE JUST CAUSE, SUCH HEARING OFFICER OR THE DEPARTMENT MAY

1 RESCHEDULE THE HEARING AT THE EARLIEST POSSIBLE TIME WHEN THE LAW
2 ENFORCEMENT OFFICER AND THE HEARING OFFICER WILL BE AVAILABLE.
3 (V) AT THE TIME THAT A RESPONDENT REQUESTS A HEARING, WRITTEN
4 NOTICE SHALL BE GIVEN TO THE RESPONDENT ADVISING SUCH RESPONDENT OF THE
5 RIGHT TO SUBPOENA THE LAW ENFORCEMENT OFFICER FOR THE HEARING, THAT
6 SUCH SUBPOENA MUST BE SERVED UPON THE OFFICER AT LEAST FIVE DAYS BEFORE
7 THE DAY OF THE HEARING, AND OF THE RESPONDENT'S RIGHT, AT THE TIME THAT
8 THE RESPONDENT REQUESTS THE HEARING, TO NOTIFY THE DEPARTMENT IN
9 WRITING THAT THE RESPONDENT DESIRES THE OFFICER'S PRESENCE AT THE
10 HEARING, AND THAT, UPON SUCH NOTIFICATION, THE DEPARTMENT SHALL ISSUE
11 A WRITTEN NOTICE FOR THE OFFICER TO APPEAR AT THE HEARING. THE WRITTEN
12 NOTICE SHALL ALSO STATE THAT, IF THE LAW ENFORCEMENT OFFICER DOES NOT
13 APPEAR AT THE HEARING, DOCUMENTS AND AN AFFIDAVIT PREPARED AND
14 SUBMITTED BY THE LAW ENFORCEMENT OFFICER WILL BE USED AT THE HEARING.
15 THE WRITTEN NOTICE SHALL FURTHER STATE THAT THE AFFIDAVIT AND
16 DOCUMENTS SUBMITTED BY THE LAW ENFORCEMENT OFFICER MAY BE REVIEWED
17 BY THE RESPONDENT PRIOR TO THE HEARING.
18 (f) If a hearing is held pursuant to this subsection (7), the department
19 shall review the matter and make a final determination on the basis of the
20 documents and affidavits submitted to the department pursuant to subsections (1.5)
21 and (2) of this section. Except as provided in ~~subparagraph (f) of paragraph (e)~~
22 ~~of subsection (b) of this section~~ PARAGRAPH (e) OF THIS SUBSECTION (7), the law
23 enforcement officer who submitted the affidavit required by subsection (2) of this

1 section need not be present at the hearing. The department shall consider all other
2 relevant evidence at the hearing, including the testimony of law enforcement
3 officers and the reports of such officers which are submitted to the department.
4 The reports of law enforcement officers shall not be required to be made under
5 oath, but such reports shall identify the officers making the reports. The
6 department may consider evidence contained in affidavits from persons other than
7 the respondent, so long as such affidavits include the affiant's home or work
8 address and phone number and are dated, signed, and sworn to by the affiant under
9 penalty of perjury. The affidavit need not be notarized or sworn to before any
10 other person. The respondent must present his evidence in person.
11 (B) (c) (II) The law enforcement officer who submits the documents and
12 affidavit required by subsection (2) of this section need not be present at the
13 hearing unless the presiding hearing officer requires that the law enforcement
14 officer be present and the hearing officer issues a written notice for his appearance
15 or unless the respondent or attorney for the respondent determines that the law
16 enforcement officer should be present and serves a timely subpoena upon such
17 officer at least five days before the day of the hearing. If the respondent notifies
18 the department in writing at the time that the hearing is requested that the
19 respondent desires the law enforcement officer's presence at the hearing, the
20 department shall issue a written notice for the officer to appear at the hearing. If
21 the officer, after receiving a notice or subpoena to appear from either the
22 department or the respondent, has a conflict with any original or rescheduled
23 hearing date set by the department, the officer or his supervisor may contact the

1 department and reschedule the hearing to a time when the officer will be available,
2 if the law enforcement officer cannot appear at any original or rescheduled hearing
3 because of medical reasons, a law enforcement emergency, another court or
4 administrative hearing, or any other legitimate just cause as determined by the
5 department and the officer or his supervisor gives notice of his inability to appear
6 to the department prior to the dismissal of the revocation proceeding, the
7 department shall reschedule the hearing following consultation with the officer or
8 his supervisor at the earliest possible time when the officer and the hearing officer
9 will be available. If a hearing officer cannot appear at any original or rescheduled
10 hearing because of medical reasons, a law enforcement emergency, another court
11 or administrative hearing, or any other legitimate just cause, such hearing officer
12 or the department may reschedule the hearing at the earliest possible time when the
13 law enforcement officer and the hearing officer will be available. Notwithstanding
14 the sixty-day requirement in paragraph (e) of subsection (7) of this section, if a
15 hearing is rescheduled because of the unavailability of a law enforcement officer,
16 the hearing may be rescheduled more than sixty days after the filing of the request
17 for the hearing, and the department shall continue any temporary driving privileges
18 held by the respondent until the date that such hearing is rescheduled. At the time
19 that a respondent requests a hearing, written notice shall be given to the respondent
20 advising him of his right to subpoena the law enforcement officer for the hearing,
21 that such subpoenas must be served upon the officer at least five days before the day
22 of the hearing, and of his right, at the time that he requests the hearing, to notify
23 the department in writing that he desires the officer's presence at the hearing, and

1 ~~that, upon such notification, the department shall issue a written notice for the~~
2 ~~officer to appear at the hearing. The written notice shall also state that, if the law~~
3 ~~enforcement officer does not appear at the hearing, documents and an affidavit~~
4 ~~prepared and submitted by the law enforcement officer will be used at the hearing.~~
5 ~~The written notice shall further state that the affidavit and documents submitted by~~
6 ~~the law enforcement officer may be reviewed by the respondent prior to the~~
7 ~~hearing.~~

8 **SECTION 2. Safety clause.** The general assembly hereby finds,
9 determines, and declares that this act is necessary for the immediate preservation
10 of the public peace, health, and safety.

Highway Legislation Review Committee

A BILL FOR AN ACT

101 CONCERNING AN EXTENSION OF THE DEADLINE FOR PRESENTATION OF THE

102 HIGHWAY LEGISLATION REVIEW COMMITTEE'S FINAL REPORT ON ITS

103 RECOMMENDATIONS FOR LEGISLATION CONCERNING THE TRAFFIC LAW.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Extends the deadline for presentation of the final report of the highway legislation review committee on its recommendations for legislation concerning the traffic law from January 1, 1993, to January 1, 1994. Changes the repeal date for the provisions concerning the highway legislation review committee's study of revisions to the traffic law from July 1, 1993, to July 1, 1994.

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

2 SECTION 1. 43-2-145.5 (4) and (6), Colorado Revised Statutes, 1984

3 Repl. Vol., as amended, are amended to read:

4 43-2-145.5. Highway legislation review committee - study of revisions

5 to the traffic law - compulsory insurance. (4) The committee shall present its

6 final report to the general assembly on its recommendations for legislation

7 concerning the traffic law on or before ~~January 1, 1993~~ JANUARY 1, 1994.

8 (6) This section is repealed, effective ~~July 1, 1993~~ JULY 1, 1994.

BY REPRESENTATIVE Faatz;
also SENATOR Cassidy.

A BILL FOR AN ACT

101 CONCERNING THE RECLASSIFICATION OF CERTAIN TRAFFIC OFFENSES AS TRAFFIC
102 INFRACTIONS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Makes all careless driving violations, other than those resulting in \$1000 damage or more to another's property or in the accidental death of or injury to another, class A traffic infractions. (Section 1.)

Reclassifies a misdemeanor traffic offense involving a hazardous materials transportation permit to a class B traffic infraction and a violation of the provisions on the use of noncommercial or recreational vehicles for cargo or passenger transport from a class 1 misdemeanor to a class B traffic infraction. (Sections 2 and 5.)

Changes class 2 misdemeanor traffic offenses concerning vehicle registration, width, loads, height and length, trailers and towed vehicles, highway use restrictions, liability for highway damage, and interference with official devices to class B traffic infractions. (Sections 6 through 14.) Makes other class 2 misdemeanor traffic offenses class A traffic infractions that involve emergency vehicles, railroad crossings, yielding to handicapped persons, following too closely, runaway vehicle ramps, air pollution control systems, and persons controlling vehicles. (Sections 15 through 21.) Reclassifies certain violations involving the use of lights or signals by volunteer firemen and volunteer ambulance attendants from a class 3 misdemeanor to a class B traffic infraction. (Section 22.)

Changes the class 2 petty offense involving handicapped parking privileges to a class B traffic infraction. (Section 23.)

Adds certain of these reclassified violations to the penalties and surcharge schedule.

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

1 SECTION 1. 42-4-1204 (2), Colorado Revised Statutes, 1984 Repl.
2 Vol., as amended, is amended, and the said 42-4-1204 is further amended BY THE
3 ADDITION OF A NEW SUBSECTION, to read:

4 42-4-1204. Careless driving - penalty. (2) Any person who violates
5 any provision of this section commits a class 2 misdemeanor traffic offense IF THE
6 PERSON'S ACTIONS ARE THE PROXIMATE CAUSE OF DAMAGE TO THE REAL OR
7 PERSONAL PROPERTY OF ANOTHER IN THE AMOUNT OF ONE THOUSAND DOLLARS
8 OR MORE, but, if the person's actions are the proximate cause of bodily injury or
9 death to another, such person commits a class 1 misdemeanor traffic offense.

10 (3) EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, ANY
11 PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION COMMITS A CLASS A
12 TRAFFIC INFRACTION.

13 SECTION 2. 43-6-204 (2), Colorado Revised Statutes, 1984 Repl. Vol.,
14 as amended, is amended to read:

15 43-6-204. Permit violations - penalties. (2) Any person who has
16 obtained an annual or a single trip hazardous materials transportation permit but
17 fails to have a copy of said permit in the cab of the motor vehicle while
18 transporting hazardous materials in, to, from, or through this state commits a
19 ~~misdemeanor traffic offense~~ CLASS B TRAFFIC INFRACTION and shall be assessed
20 a penalty of twenty-five dollars in accordance with the procedure set forth in
21 section ~~43-6-105 (2)~~ 42-4-1501 (3) (a) (V).

22 SECTION 3. 43-6-105 (2), Colorado Revised Statutes, 1984 Repl. Vol.,
23 as amended, is amended to read:

1 **43-6-105. Enforcement.** (2) Any enforcement official shall have the
2 authority to issue penalty assessments for the misdemeanor traffic offenses specified
3 in section 43-6-204 (1) ~~and (2)~~ and section 43-6-305 (2). At any time that a person
4 is cited for a violation of any of the offenses specified, the person in charge of or
5 operating the motor vehicle involved shall be given a notice in the form of a
6 penalty assessment notice. Such notice shall be tendered by the enforcement
7 official and shall contain the name and address of such person, the license number
8 of the motor vehicle involved, if any, the number of such person's driver's license,
9 the nature of the violation, the amount of the penalty prescribed for such violation,
10 the date of the notice, a place for such person to execute a signed acknowledgment
11 of his receipt of the penalty assessment notice, a place for such person to execute
12 a signed acknowledgment of guilt for the cited violation, and such other
13 information as may be required by law to constitute such notice as a summons and
14 complaint to appear in court should the prescribed penalty not be paid within
15 twenty days. Every cited person shall execute the signed acknowledgment of his
16 receipt of the penalty assessment notice. The acknowledgment of guilt shall be
17 executed at the time the cited person pays the prescribed penalty. The person cited
18 shall pay the specified penalty at the office of the department of revenue, either in
19 person or by postmarking such payment within twenty days after the citation. The
20 motor vehicle division of the department of revenue shall accept late payment of
21 any penalty assessment up to twenty days after such payment becomes due. If the
22 person cited does not pay the prescribed penalty within twenty days of the notice,
23 the penalty assessment notice shall constitute a summons and complaint to appear

1 in the county court of the county in which the penalty assessment was issued at a
2 time and place specified by the notice, unless payment for such penalty assessment
3 has been accepted by the motor vehicle division of the department of revenue as
4 evidenced by receipt.

5 **SECTION 4.** 42-4-1501 (3) (a), Colorado Revised Statutes, 1984 Repl.
6 Vol., as amended, is amended BY THE ADDITION OF A NEW
7 SUBPARAGRAPH to read:

8 **42-4-1501. Traffic offenses and infractions classified - penalties -**
9 **penalty and surcharge schedule.** (3) (a) (V) ANY PERSON CONVICTED OF
10 VIOLATING SECTION 43-6-204 (2), C.R.S., SHALL BE FINED TWENTY-FIVE
11 DOLLARS, WHETHER THE VIOLATOR ACKNOWLEDGES GUILT PURSUANT TO THE
12 PROCEDURE SET FORTH IN PARAGRAPH (a) OF SUBSECTION (4) OF THIS SECTION OR
13 IS FOUND GUILTY BY A COURT OF COMPETENT JURISDICTION.

14 **SECTION 5.** 42-3-122 (2) (c), Colorado Revised Statutes, 1984 Repl.
15 Vol., as amended, is amended to read:

16 **42-3-122. Violation of registration provisions - penalty.** (2) (c) Any
17 person who violates paragraph (f) of subsection (1) of this section commits a ~~class~~
18 ~~1-misdemeanor-traffic-offense~~ CLASS B TRAFFIC INFRACTION. In addition to the
19 penalties prescribed for a violation of paragraph (f) of subsection (1) of this
20 section, the department shall cancel the registration of any noncommercial or
21 recreational vehicle which has been used to transport cargo or passengers for profit
22 or hire or in any business or commercial enterprise.

23 **SECTION 6.** 42-3-114 (1) (a), Colorado Revised Statutes, 1984 Repl.

1 Vol., as amended, is amended to read:

2 **42-3-114. Expiration - temporary, new, and old plates - reflectorized**

3 **plates. (1) (a) Every vehicle registration under this article shall expire on the last**

4 **day of the month at the end of each twelve-month registration period and shall be**

5 **renewed, upon application by the owner, the payment of the fees required by law,**

6 **and in accordance with section 42-3-111 (2.5), not later than thirty days after the**

7 **date of expiration. No license plates other than those of the registration period to**

8 **which they pertain shall be displayed on a motor vehicle operated on the highways**

9 **of Colorado. Any person who violates any provision of this paragraph (a), commits**

10 **a ~~class 2-misdemeanor-traffic-offense~~ CLASS B TRAFFIC INFRACTION.**

11 **SECTION 7. 42-4-402 (6), Colorado Revised Statutes, 1984 Repl. Vol.,**

12 **as amended, is amended to read:**

13 **42-4-402. Width of vehicles. (6) Any person who violates any**

14 **provision of this section commits a ~~class 2-misdemeanor-traffic-offense~~ CLASS B**

15 **TRAFFIC INFRACTION.**

16 **SECTION 8. 42-4-403, Colorado Revised Statutes, 1984 Repl. Vol., as**

17 **amended, is amended to read:**

18 **42-4-403. Projecting loads on passenger vehicles. No passenger-type**

19 **vehicle, except a bicycle, shall be operated on any highway with any load carried**

20 **thereon extending beyond the line of the fenders on the left side of such vehicle nor**

21 **extending more than six inches beyond the line of the fenders on the right side**

22 **thereof. Any person who violates any provision of this section commits a ~~class 2-~~**

23 **~~misdemeanor-traffic-offense~~ CLASS B TRAFFIC INFRACTION.**

1 **SECTION 9. 42-4-404 (7), Colorado Revised Statutes, 1984 Repl. Vol.,**

2 **as amended, is amended to read:**

3 **42-4-404. Height and length of vehicles. (7) Any person who violates**

4 **any provision of this section commits a ~~class 2-misdemeanor-traffic-offense~~ CLASS**

5 **B TRAFFIC INFRACTION.**

6 **SECTION 10. 42-4-404.5, Colorado Revised Statutes, 1984 Repl. Vol.,**

7 **as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:**

8 **42-4-404.5. Longer vehicle combinations. (5) ANY PERSON WHO**

9 **VIOLATES ANY PROVISION OF THIS SECTION COMMITS A CLASS B INFRACTION.**

10 **SECTION 11. 42-4-405 (4), Colorado Revised Statutes, 1984 Repl.**

11 **Vol., as amended, is amended to read:**

12 **42-4-405. Trailers and towed vehicles. (4) Any person who violates**

13 **any provision of this section commits a ~~class 2-misdemeanor-traffic-offense~~ CLASS**

14 **B TRAFFIC INFRACTION.**

15 **SECTION 12. 42-4-410 (8), Colorado Revised Statutes, 1984 Repl.**

16 **Vol., as amended, is amended to read:**

17 **42-4-410. Who may restrict right to use highways. (8) Any person**

18 **who violates any provision of this section commits a ~~class 2-misdemeanor-traffic-~~**

19 **~~offense~~ CLASS B TRAFFIC INFRACTION.**

20 **SECTION 13. 42-4-411 (3), Colorado Revised Statutes, 1984 Repl.**

21 **Vol., as amended, is amended to read:**

22 **42-4-411. Liability for damage to highway. (3) Any person who**

23 **violates any provision of this section commits a ~~class 2-misdemeanor-traffic-offense~~**

1 CLASS B TRAFFIC INFRACTION.

2 SECTION 14. 42-4-508, Colorado Revised Statutes, 1984 Repl. Vol.,
3 as amended, is amended to read:

4 42-4-508. Interference with official devices. No person shall, without
5 lawful authority, attempt to or in fact alter, deface, injure, knock down, remove,
6 or interfere with the effective operation of any official traffic control device or any
7 railroad sign or signal or any inscription, shield, or insignia thereon or any other
8 part thereof. Any person who violates any provision of this section commits a
9 ~~class 2 misdemeanor traffic offense~~ CLASS B TRAFFIC INFRACTION.

10 SECTION 15. 42-4-605, Colorado Revised Statutes, 1984 Repl. Vol.,
11 as amended, is amended to read:

12 42-4-605. Operation on approach of emergency vehicles. Upon the
13 immediate approach of an authorized emergency vehicle making use of audible or
14 visual signals meeting the requirements of section 42-4-212 or 42-4-219, the driver
15 of every other vehicle shall yield the right-of-way and where possible shall
16 immediately clear the farthest left-hand lane lawfully available to through traffic
17 and shall drive to a position parallel to, and as close as possible to, the right-hand
18 edge, or curb of a roadway clear of any intersection and shall stop and remain in
19 that position until the authorized emergency vehicle has passed, except when
20 otherwise directed by a police officer. Any person who violates any provision of
21 this section commits a ~~class 2 misdemeanor traffic offense~~ CLASS A TRAFFIC
22 INFRACTION.

23 SECTION 16. 42-4-608 (6), Colorado Revised Statutes, 1984 Repl.

1 Vol., as amended, is amended to read:

2 42-4-608. Certain vehicles must stop at railroad grade crossings.

3 (6) Any person who violates any provision of this section commits a ~~class 2~~
4 ~~misdemeanor traffic offense~~ CLASS A TRAFFIC INFRACTION.

5 SECTION 17. 42-4-709 (1), Colorado Revised Statutes, 1984 Repl.

6 Vol., as amended, is amended to read:

7 42-4-709. Drivers and pedestrians to yield to handicapped person.

8 (1) Any pedestrian or any driver of a vehicle who approaches a person who has
9 an obviously apparent handicap of blindness, deafness, or mobility impairment shall
10 immediately come to a full stop and take such precautions before proceeding as are
11 necessary to avoid an accident or injury to said person. A handicap shall be
12 deemed to be obviously apparent if, by way of example and without limitation, the
13 person is using a cane or crutches, is assisted by a guide dog, service dog, or
14 hearing dog, is being assisted by another person, is in a wheelchair, or is walking
15 with an obvious physical impairment. Any person who violates any provision of
16 this section commits a ~~class 2 misdemeanor traffic offense~~ CLASS A TRAFFIC
17 INFRACTION.

18 SECTION 18. 42-4-908 (4), Colorado Revised Statutes, 1984 Repl.

19 Vol., as amended, is amended to read:

20 42-4-908. Following too closely. (4) Any person who violates any
21 provision of ~~subsection (1) of this section~~ commits a ~~class 2 misdemeanor traffic~~
22 ~~offense, and any person who violates any provision of subsection (2) or (3) of this~~
23 section commits a class A traffic infraction.

1 SECTION 19. 42-4-911 (3), Colorado Revised Statutes, 1984 Repl.

2 Vol., as amended, is amended to read:

3 42-4-911. Use of runaway vehicle ramps. (3) Any person who violates
4 any provision of this section commits a ~~class-3 misdemeanor-traffic-offense~~ CLASS
5 A TRAFFIC INFRACTION.

6 SECTION 20. 42-4-1210 (3), Colorado Revised Statutes, 1984 Repl.

7 Vol., as amended, is amended to read:

8 42-4-1210. Automobile air pollution control systems - tampering -
9 operation of vehicle - penalty. (3) Any person who violates any provision of this
10 section commits a ~~class-3 misdemeanor-traffic-offense~~ CLASS A TRAFFIC
11 INFRACTION. The department shall not assess any points under section 42-2-123
12 for a conviction pursuant to this section.

13 SECTION 21. 42-4-1503, Colorado Revised Statutes, 1984 Repl. Vol.,

14 as amended, is amended to read:

15 42-4-1503. Offenses by persons controlling vehicles. It is unlawful for
16 the owner or any other person employing or otherwise directing the driver of any
17 vehicle to require or knowingly to permit the operation of such vehicle upon a
18 highway in any manner contrary to law. Any person who violates any provision
19 of this section commits a ~~class-3 misdemeanor-traffic-offense~~ CLASS A TRAFFIC
20 INFRACTION.

21 SECTION 22. 42-4-219 (1) and (2) (d), Colorado Revised Statutes,

22 1984 Repl. Vol., as amended, are amended to read:

23 42-4-219. Volunteer firemen - volunteer ambulance attendants -

1 special lights and alarm systems. (1) All members of volunteer fire departments
2 regularly attached to the fire departments organized within incorporated towns and
3 cities and fire protection districts may have their private automobiles identified by
4 red lights installed, two in number, in the front portion of said automobiles so that
5 they can be readily seen by the public. Such lights may have a red glass lens with
6 the word "Fire" across the face, and said word "Fire" shall be cast into the glass;
7 or said automobiles may be equipped with a signal lamp or a combination of signal
8 lamps capable of displaying flashing, oscillating, or rotating red or white lights, or
9 a combination thereof, visible to the front and rear at five hundred feet in normal
10 sunlight. Such signal lamp or combination of signal lamps may be mounted on the
11 top of the automobile. Said automobiles may be equipped with audible signal
12 systems such as sirens, whistles, or bells. Said lights, together with any signal
13 systems authorized by this subsection (1), may be used only when a member of any
14 such department is responding to or attending a fire alarm or other emergency.
15 Neither such lights nor such signals shall be used for any other purpose than those
16 set forth in this subsection (1). If used for any other purpose, such use shall
17 constitute a violation of this subsection (1), and the violator commits a ~~class-3~~
18 ~~misdemeanor and shall be punished as provided in section 18-1-106, C.R.S.~~ CLASS
19 B TRAFFIC INFRACTION.

20 (2) (d) The lights and signals shall not be used for any other purpose
21 than the one set forth in this subsection (2). If used for any other purpose, the
22 violator is ~~guilty of a class-3 misdemeanor and, upon conviction thereof, shall be~~
23 ~~punished as provided in section 18-1-106, C.R.S.~~ COMMITS A CLASS B TRAFFIC

1 INFRACTION.

2 SECTION 23. 42-4-1109 (4) and (5), Colorado Revised Statutes, 1984
3 Repl. Vol., as amended, are amended to read:

4 42-4-1109. Parking privileges for the handicapped. (4) Any person
5 who is not a handicapped person and who exercises the privilege defined in
6 subsection (3) of this section or who violates the provisions of subsection (3.7) of
7 this section ~~is guilty of a class 2 petty offense and, upon conviction thereof, shall~~
8 ~~be punished by a fine of fifty dollars~~ COMMITS A CLASS B TRAFFIC INFRACTION.
9 ~~The penalty assessment procedure of section 16-2-201, C.R.S., is available for the~~
10 ~~payment of the fine imposed by this section.~~

11 (5) Any person who is not a handicapped person and who uses a license
12 plate or placard issued to a handicapped person pursuant to subsection (2) of this
13 section in order to receive the benefits or privileges available to a handicapped
14 person under this section ~~is guilty of a class 2 petty offense and, upon conviction~~
15 ~~thereof, shall be punished by a fine of up to fifty dollars~~ COMMITS A CLASS B
16 TRAFFIC INFRACTION.

17 SECTION 24. 42-4-1501 (3) (a) (I.1) (B), (3) (a) (I.1) (D), (3) (a) (I.1)
18 (F), (3) (a) (I.1) (I), (3) (a) (I.1) (M), and (3) (a) (I.1) (N), Colorado Revised
19 Statutes, 1984 Repl. Vol., as amended, are amended to read:

20 42-4-1501. Traffic offenses and infractions classified - penalties -
21 penalty and surcharge schedule. (3) (a) (I.1) Except as provided in paragraph
22 (c) of subsection (4) of this section, every person who is convicted of, who admits
23 liability for, or against whom a judgment is entered for a violation of any provision

1 of this title to which the provisions of paragraph (a) or (b) of subsection (4) of this
2 section apply shall be fined or penalized, and have a surcharge levied thereon
3 pursuant to section 24-4.2-104 (1) (b) (I), C.R.S., in accordance with the penalty
4 and surcharge schedule set forth in sub-subparagraphs (A) to (P) of this
5 subparagraph (I.1); or, if no penalty or surcharge is specified in the schedule, the
6 penalty for a class A traffic infraction shall be ten dollars, the penalty for a class
7 B traffic infraction shall be five dollars, and the surcharge shall be calculated
8 pursuant to section 24-4.2-104 (1) (b) (I), C.R.S. These penalties and surcharges
9 shall apply whether the defendant acknowledges his guilt or liability in accordance
10 with the procedure set forth by paragraph (a) of subsection (4) of this section or
11 is found guilty by a court of competent jurisdiction or has judgment entered against
12 him by a county court magistrate. Penalties and surcharges for violating specific
13 sections shall be as follows:

14	Section Violated	Penalty	Surcharge
15	(B) Registration and taxation violations:		
16	42-3-102	\$ 40.00	\$ 3.00
17	42-3-113	10.00	3.00
18	42-3-116	50.00	3.00
19	42-3-122 (1)(a)	150.00	56.00
20	42-3-122 (1)(c)	25.00	3.00

1	42-3-122 (1)(f)	75.00	3.00
2	42-3-123	20.00	3.00
3	(D) Equipment violations:		
4	42-4-201	\$ 35.00	\$ 1.00
5	42-4-202	40.00	1.00
6	42-4-203	15.00	3.00
7	42-4-204	15.00	1.00
8	42-4-205	15.00	1.00
9	42-4-206	10.00	1.00
10	42-4-207	15.00	1.00
11	42-4-208	15.00	1.00
12	42-4-209	15.00	1.00
13	42-4-210	15.00	1.00
14	42-4-211	10.00	1.00
15	42-4-212	15.00	1.00
16	42-4-212.5	15.00	1.00
17	42-4-213	15.00	1.00
18	42-4-214	10.00	1.00
19	42-4-215	15.00	1.00
20	42-4-216	10.00	1.00
21	42-4-217	10.00	1.00

1	42-4-218	15.00	1.00
2	42-4-218.5	15.00	1.00
3	42-4-219 (1) OR (2)	15.00	1.00
4	42-4-220	15.00	1.00
5	42-4-221	15.00	1.00
6	42-4-222	15.00	1.00
7	42-4-223	10.00	1.00
8	42-4-224	50.00	1.00
9	42-4-225 (1), (2), (3), (6), or (7)	15.00	1.00
10	42-4-226	15.00	1.00
11	42-4-227	15.00	1.00
12	42-4-228	50.00	18.00
13	42-4-229	15.00	1.00
14	42-4-231	15.00	3.00
15	42-4-232	100.00	37.00
16	42-4-233	15.00	3.00
17	42-4-234	50.00	18.00
18	42-4-235	50.00	9.00
19	42-4-236	10.00	1.00
20	42-4-237	15.00	3.00
21	42-4-238	35.00	3.00

22 **(F) Size, weight, and load violations:**

1	42-4-402	\$ 75.00	\$ 2.00
2	42-4-403	20.00	2.00
3	42-4-404	75.00	2.00
4	42-4-405	15.00	1.00
5	42-4-404.5	75.00	2.00
6	42-4-408	50.00	7.00
7	42-4-409 (12) (a)	35.00	3.00
8	42-4-410	20.00	3.00
9	42-4-411	85.00	2.00

10 (I) Pedestrian violations:

11	42-4-701	\$ 20.00	\$ 1.00
12	42-4-702	20.00	2.00
13	42-4-703	10.00	1.00
14	42-4-704	10.00	1.00
15	42-4-705	10.00	1.00
16	42-4-706	20.00	3.00
17	42-4-707	20.00	3.00
18	42-4-709	35.00	3.00

19 (M) Parking violations:

1	42-4-1101	\$ 15.00	\$ 1.00
2	42-4-1102	15.00	1.00
3	42-4-1104	10.00	1.00
4	42-4-1105	10.00	1.00
5	42-4-1106	10.00	1.00
6	42-4-1107	15.00	3.00
7	42-4-1109 (4) OR (5)	50.00	0.00

8 (N) Other offenses:

9	42-4-1204 (3)	\$ 50.00	\$ 7.00
10	42-4-1205	15.00	3.00
11	42-4-1206	15.00	3.00
12	42-4-1207	40.00	2.00
13	42-4-1208	40.00	1.00
14	42-4-1210	35.00	3.00
15	42-4-1212	15.00	3.00

16 SECTION 25. Effective date - applicability. This act shall take effect
 17 _____, and shall apply to traffic infractions committed on or after said date.

18 SECTION 26. Safety clause. The general assembly hereby finds,
 19 determines, and declares that this act is necessary for the immediate preservation
 20 of the public peace, health, and safety.