

MOTOR VEHICLES AND TRAFFIC REGULATION

Titling/ Registration/ Permits

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Setting Fees for License Plates

HB 09-1318 (Enacted)
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*Increase Motor Vehicle Fee for
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*Transportation System Planning
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SB 09-014 (Enacted)
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*Surcharge Colorado Traumatic Brain
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Driver's License Suspension Hearing

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*Court-ordered Defensive Driving
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Special License Plates

HB 09-1100 (Enacted)
Alive At 25 Special License Plates

HB 09-1164 (Enacted)
*Surcharge Breast Cancer
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HB 09-1347 (Enacted)
Donate Life Special License Plate

SB 09-161 (Enacted)
Ski Country Special License Plates

SB 09-175 (Enacted)
*Group Special License Plate
Retirement*

Titling/ Registration/ Permits

The General Assembly enacted four bills pertaining to motor vehicle titling, registration, and permits. Three enacted bills were to amend motor vehicle registration and licensing statutes, and one bill modifies motor vehicle permitting statutes.

Registration. The General Assembly passed three bills to establish, adjust, or repeal motor vehicle registration or licensing fees. The first bill, **House Bill 09-1133**, repeals license plate, decal, and tab fees set in statute. The Division of Correctional Industries, Department of Corrections, oversees the manufacture of motor vehicle license plates, decals, and tabs. State law sets fee amounts to recover the cost of production. The bill removed the statutorily set fees and authorized the director of the Division of Correctional Industries, with consultation from the Department of Revenue and the Governor's Office of State Planning and Budgeting, to set the fee amounts.

The second bill, **Senate Bill 09-002**, increases the Emergency Medical Services Account vehicle registration fee from \$1 to \$2. The Emergency Medical Services Account, a subaccount of the Highway Users Trust Fund, supports the state's emergency medical network and statewide highway safety. Additional revenues generated by the fee increase will support funding for replacement of antiquated and inadequate emergency services equipment and systems, technical assistance for designated trauma centers and facilities, and ambulance services assistance. Approximately \$4.9 million in additional fund revenues is expected to be generated by the fee increase.

The third bill, **Senate Bill 09-108**, also known as the Funding Advancements for Surface Transportation and Economic Recovery Act of 2009, established a new motor vehicle safety surcharge to generate new revenues for transportation infrastructure. The surcharge, remitted along with annual vehicle registration fees, is set according to the following fee schedule:

- \$16 – vehicles weighing 2,000 pounds or less, motorcycles, motorscooters, and motorbicycles;
- \$23 – vehicles weighing 2,000 to 5,000 pounds;
- \$28 – vehicles weighing 5,000 to 10,000 pounds;
- \$37 – vehicles weighing 10,000 to 16,000 pounds, and passenger buses; and
- \$39 – vehicles weighing more than 16,000 pounds.

The bill also establishes a new fee of \$2 per day applied to automobile rentals. A Statewide Bridge Enterprise was also created under the bill to finance, repair, and maintain certain designated bridges in the state highway system. Lastly, the bill established a High-Performance Transportation Enterprise to generate participation in public-private partnerships to support transportation infrastructure projects. Overall, the bill is expected to raise approximately \$450 million within the first two fiscal years following enactment.

Permits. The General Assembly addressed permitting requirements and related fees for overweight motor vehicles. State law provides weight limits for vehicles operated on state roads. **House Bill 09-1318** provides for weight limit increases for vehicles operating on non-interstate roads. The bill also creates a new permit for overweight vehicles up to 97,000 pounds that are operated with a trailer or semitrailer with a tandem or triple axle grouping. Fee options for the new permit are:

- Annual permit - \$500;
- Six-month permit - \$250; or
- Single trip permit - \$15 plus \$10 per axle.

Traffic Regulation

The General Assembly passed six bills to modify state traffic laws. One bill, proposed to permit greater enforcement of seat-belt requirements, was postponed indefinitely.

Traffic law. Current law does not mandate that drivers accommodate mass transit buses seeking to merge into traffic after stopping for passengers to board. **House Bill 09-1027** establishes new requirements for motorists driving alongside a transit bus to permit the bus to enter into traffic after routine stops. Under the bill, a driver is required to yield the right-of-way to any bus with an illuminated turn signal and yield sign. However, the bill does not impose requirements that public mass transit buses be equipped with yield signs, nor does the bill relieve bus drivers from basic safety standards and respect toward other motorists.

State traffic law requires that motor vehicles approaching a stopped school bus, either behind or in oncoming lanes, stop to allow school children to exit safely. **House Bill 09-1236** establishes a set distance at which a motor vehicle must stop prior to reaching a school bus once the bus has deployed its stop signal. The bill requires that drivers stop at a minimum distance of 20 feet behind any school bus once the bus has signaled its intent to stop.

Senate Bill 09-222 updated state law regarding photo traffic enforcement signs alerting motorists in advance of automated traffic enforcement systems. Existing state law requires that an automated traffic system be preceded by a conspicuously posted sign at a reasonable distance to alert drivers to its presence. The bill establishes more defined requirements for such signs regarding location and lettering. Specifically, photo traffic enforcement signs must be placed in a conspicuous location 200 to 500 feet in advance of the automated system and located on the right side of the roadway, and utilize lettering typeface that is a minimum 4.0 inches high for upper case letters and 2.9 inches high for lower case letters.

Motor vehicle safety and operation. **House Bill 09-1094** imposes new statutory restrictions regarding the use of a cellular phone device while operating a motor vehicle. For drivers 18 years of age and older, wireless telephones may not be used for text messaging or other similar forms of manual data entry or transmission. Drivers under 18 years of age may not use wireless telephones for any purpose. Exceptions are provided for persons using a phone during an emergency or to contact a public safety entity. Violations of this law are punishable by a class A traffic infraction and a \$50 fine. Subsequent violations incur a class A traffic infraction and a \$100 fine. The bill takes effect on December 1, 2009.

Senate Bill 09-014 eases time frame requirements for motor carriers to replace damaged mud flaps. Mud flaps, referred to in statute as "splash guards," minimize the spray of water, mud, and other projectiles from tire treads while a vehicle is in motion. State law requires that certain categories of vehicles, specifically motor carriers and large trucks, have splash guards affixed. Failure to have properly installed and functioning mud flaps, as specified in statute, results in a class B traffic

infraction. The bill alters current state law to allow vehicles and motor vehicles in need of new mud flaps to remain on the road until the first reasonable opportunity to replace the flaps. The bill also permits drivers to use best judgement in determining the safest and timeliest opportunity to pull off the road.

Senate Bill 09-296, which was postponed indefinitely in committee, would have permitted law enforcement officials to pull over motorists for failure to wear seatbelts. As introduced, the bill would have made it a primary offense to operate a vehicle in which the driver, front-seat passengers, and certain children were not wearing fastened seatbelts. The bill would have authorized law enforcement officials to stop a driver for such an offense after clearly observing the violation. Lastly, the bill would have altered age and height requirements for children required to wear a child restraint system while in a moving vehicle.

Bicycle and vehicle interactions. **Senate Bill 09-148** updates state laws on interactions between motorists and bicyclists on the road. The bill implements the following new restrictions and requirements.

- Drivers passing a bicyclist must provide a minimum of three-feet clearance between his or her automobile and the bicycle. Violations incur a class A traffic infraction.
- Carelessly driving a motor vehicle unnecessarily close to, toward, or near a bicyclist is prohibited. Violations are treated as careless driving offenses which incur a class 2 misdemeanor traffic offense or, if such driving results in bodily injury or death, a class 1 misdemeanor traffic offense.
- Throwing or projecting objects at a bicyclist is prohibited. Violations are a class 2 misdemeanor offense.

The bill also expands upon existing statutes governing the operation of bicycles upon roadways. Specifically, the bill addresses: appropriate lanes and locations for bicycles to be operated within; procedures for bicyclists making turns; avoidance of road obstructions and hazards; appropriate conditions for overtaking slower vehicles; and persons bicycling two abreast.

Regulation of Drug and Alcohol Related Driving Offenses

The General Assembly enacted two bills specific to drug- and alcohol-related driving offenses. The first bill relaxes driver license revocation requirements in state law. **House Bill 09-1266** repeals required driver's license revocations for:

- marijuana-related offenses;
- minor in possession of alcohol;
- controlled substance offenses;
- forgery of a traffic ticket issued to a minor;
- defacing property; and
- criminal mischief.

The second bill, **Senate Bill 09-133**, increased the traffic violation surcharges benefitting the Colorado Traumatic Brain Injury Trust Fund. The fund is supported by a \$10 surcharge for speeding and a \$15 surcharge for driving under the influence (DUI), driving while ability impaired (DWAI), DUI per se, habitual user, or underage drinking and driving (UDD). State law requires that the fund support services for individuals with traumatic brain injuries, treatment research, and education. The bill increases the surcharge by \$5 to \$15 for speeding convictions, and to \$20 for DUI, DUI per se, DWAI, habitual user, and UDD convictions.

Driver Education and Licensing

The General Assembly enacted two bills to change state laws pertaining to driver's licenses and driver education. **House Bill 09-1234** requires immediate driver's license suspensions or denials for an individual that fails to appear for a hearing. Current state law provides a schedule of traffic offenses and points which may lead to one's license being suspended. However, with the exception of certain drug and alcohol offenses, no such suspension may be made until a hearing has been held. Failing to appear for a hearing results in a license suspension. The suspension goes into effect 20 days upon receiving notification of the suspension. The bill repeals the required notification and 20-day period for the suspension to go into effect.

House Bill 09-1246 directs the Department of Revenue to employ a private contractor by July 1, 2010, to monitor and evaluate the quality of driver improvement schools. These schools provide classes for those required to attend due to court order. Within three months of an evaluation, the contractor is required to provide a report to the court regarding the curriculum, quality, and effectiveness of the program. The bill also establishes a Defensive Driving School Fund supported by fees paid by persons ordered to attend a driving school by a court. Fund revenues will be used to monitor and evaluate driving schools. The fee amount is to be determined by rules promulgated by the Department of Revenue.

Special License Plates

The General Assembly passed five bills pertaining to special license plates, three of which establish new special license plates.

House Bill 09-1164 adds an additional \$25 surcharge to obtain a new or replacement Breast Cancer Awareness special license plate. Currently, obtaining a Breast Cancer Awareness special license plate requires the payment of all necessary fees, taxes, and a \$25 special license plate fee credited to the Highway Users Trust Fund. The bill establishes an additional \$25 fee, with revenues credited to the Eligibility Expansion Account of the Breast and Cervical Cancer Prevention and Treatment Fund. The fee is optional until July 1, 2012, at which time it becomes mandatory.

Senate Bill 09-175 extends the phase-out date for six special license plates. Under current law, special license plates are phased out and the authorizing statute is repealed if fewer than 3,000 plates are issued. The bill permits the following special license plates, none of which have met the 3,000 plate threshold, to be extended to July 1, 2011: Colorado Carbon Fund, Colorado Horse Development Authority, Colorado "Kids First," Italian American Heritage, Share the Road, and Support Public Education.

The following three new special license plates were established by the General Assembly during the 2009 session.

Alive at 25 special license plate. **House Bill 09-1100** authorizes the creation of an Alive at 25 special license plate. Alive at 25 is a driver safety and education program focused on teens and young adults. To be issued a plate, applicants must donate \$30 to the Colorado State Patrol Family Foundation, provide proof of such donation at the time of application, pay \$50 in fees, and remit all other necessary taxes and fees.

Donate Life special license plate. **House Bill 09-1347** authorizes the creation of a Donate Life special license plate. Applicants must pay \$50 in fees credited to the Highway Users Tax Fund and the Licensing Services Cash Fund, as well as all other necessary taxes and fees. The bill authorizes the American Transplant Foundation, Inc., to develop the plate design.

Ski Country special license plate. **Senate Bill 09-161** authorizes the creation of a Ski Country special license plate. Applicants must pay \$50 in fees credited to the Highway Users Tax Fund and the Licensing Services Cash Fund, as well as all other necessary taxes and fees. The bill requires that the design of the special license plate feature the tag line "Ski Country USA."