

Second Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

DRAFT  
9.30.11

**BILL 6**

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LLS NO. 12-0155.01 Richard Sweetman x4333

**COMMITTEE BILL**

**Transportation Legislation Review Committee**

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**SHORT TITLE: "Penalty For No Chains Or Snow Tires"**

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**A BILL FOR AN ACT**

101 **CONCERNING INCREASING THE PENALTY FOR A PERSON WHO**  
102 **OPERATES A MOTOR VEHICLE IN VIOLATION OF RESTRICTIONS**  
103 **IMPOSED BY TRAFFIC ENFORCEMENT OFFICIALS, WHERE THE**  
104 **RESULT OF THE VIOLATION IS AN INCIDENT THAT CAUSES THE**  
105 **CLOSURE OF A TRAFFIC LANE ON AN INTERSTATE HIGHWAY.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

**Transportation Legislation Review Committee.** For any person

*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

who operates a motor vehicle in violation of restrictions imposed by the department of transportation or the state patrol, where the result of the violation is an incident that causes the closure of a travel lane in one or both directions on interstate highway 25 or interstate highway 70, the penalty is increased from \$1,000 to \$1,500 for commercial drivers and from \$500 to \$750 for noncommercial drivers.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-4-106, **amend** (5)

3 (a) (II) and (5) (a) (IV) as follows:

4 **42-4-106. Who may restrict right to use highways.**

5 (5) (a) (II) (A) Any person who operates a motor vehicle in violation of  
6 restrictions imposed by the department of transportation or the state patrol  
7 under subparagraph (I) of this paragraph (a) ~~where the result of the~~  
8 ~~violation is an incident that causes the closure of a travel lane in one or~~  
9 ~~both directions~~, shall be subject to an enhanced penalty as set forth in  
10 section 42-4-1701 (4) (a) (I) (F) IF THE RESULT OF THE VIOLATION IS AN  
11 INCIDENT THAT CAUSES THE CLOSURE OF A TRAVEL LANE IN ONE OR BOTH  
12 DIRECTIONS.

13 (B) ANY PERSON WHO OPERATES A MOTOR VEHICLE IN VIOLATION  
14 OF RESTRICTIONS IMPOSED BY THE DEPARTMENT OF TRANSPORTATION OR  
15 THE STATE PATROL UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH (a)  
16 SHALL BE SUBJECT TO AN ENHANCED PENALTY AS SET FORTH IN SECTION  
17 42-4-1701 (4) (a) (I) (F) IF THE RESULT OF THE VIOLATION IS AN INCIDENT  
18 THAT CAUSES THE CLOSURE OF A TRAVEL LANE IN ONE OR BOTH  
19 DIRECTIONS ON INTERSTATE HIGHWAY 25 OR INTERSTATE HIGHWAY 70.

20 (IV) (A) A person who violates subparagraph (I) of this paragraph  
21 (a) while operating a commercial vehicle ~~and the violation causes a~~  
22 ~~closure in a travel lane~~ shall be subject to an enhanced penalty as set forth

1 in section 42-4-1701 (4) (a) (I) (F) IF THE RESULT OF THE VIOLATION IS AN  
2 INCIDENT THAT CAUSES THE CLOSURE OF A TRAVEL LANE.

3 (B) A PERSON WHO VIOLATES SUBPARAGRAPH (I) OF THIS  
4 PARAGRAPH (a) WHILE OPERATING A COMMERCIAL VEHICLE SHALL BE  
5 SUBJECT TO AN ENHANCED PENALTY AS SET FORTH IN SECTION 42-4-1701  
6 (4) (a) (I) (F) IF THE RESULT OF THE VIOLATION IS AN INCIDENT THAT  
7 CAUSES THE CLOSURE OF A TRAVEL LANE ON INTERSTATE HIGHWAY 25 OR  
8 INTERSTATE HIGHWAY 70.

9 **SECTION 2.** In Colorado Revised Statutes, 42-4-1701, **amend**  
10 (4) (a) (I) (F) as follows:

11 **42-4-1701. Traffic offenses and infractions classified -**  
12 **penalties - penalty and surcharge schedule - repeal.** (4) (a) (I) Except  
13 as provided in paragraph (c) of subsection (5) of this section, every  
14 person who is convicted of, who admits liability for, or against whom a  
15 judgment is entered for a violation of any provision of this title to which  
16 paragraph (a) or (b) of subsection (5) of this section apply shall be fined  
17 or penalized, and have a surcharge levied thereon pursuant to sections  
18 24-4.1-119 (1) (f) and 24-4.2-104 (1) (b) (I), C.R.S., in accordance with  
19 the penalty and surcharge schedule set forth in sub-subparagraphs (A) to  
20 (P) of this subparagraph (I); or, if no penalty or surcharge is specified in  
21 the schedule, the penalty for class A and class B traffic infractions shall  
22 be fifteen dollars, and the surcharge shall be four dollars. These penalties  
23 and surcharges shall apply whether the defendant acknowledges the  
24 defendant's guilt or liability in accordance with the procedure set forth by  
25 paragraph (a) of subsection (5) of this section or is found guilty by a court  
26 of competent jurisdiction or has judgment entered against the defendant  
27 by a county court magistrate. Penalties and surcharges for violating

1 specific sections shall be as follows:

2	<b>Section Violated</b>	<b>Penalty</b>	<b>Surcharge</b>
3	<b>(F) Size, weight, and load violations:</b>		
4	42-4-502	\$ 75.00	\$ 24.00
5	42-4-503	15.00	6.00
6	42-4-504	75.00	24.00
7	42-4-505	75.00	24.00
8	42-4-506	15.00	6.00
9	42-4-509	50.00	16.00
10	42-4-510 (12)(a)	35.00	10.00
11	42-4-106 (1), (3), (4),		
12	(6), or (7)	35.00	10.00
13	42-4-106 (5)(a)(I)	100.00	32.00
14	<del>42-4-106 (5)(a)(II)</del>	<del>500.00</del>	<del>156.00</del>
15	42-4-106 (5)(a)(II)(A)	500.00	156.00
16	42-4-106 (5)(a)(II)(B)	750.00	156.00
17	42-4-106 (5)(a)(III)	500.00	78.00
18	<del>42-4-106 (5)(a)(IV)</del>	<del>1,000.00</del>	<del>156.00</del>
19	42-4-106 (5)(a)(IV)(A)	1,000.00	156.00
20	42-4-106 (5)(a)(IV)(B)	1,500.00	156.00
21	42-4-512	75.00	24.00
22	42-8-105 (1) to (5)	50.00	16.00
23	42-8-106	50.00	16.00

24           **SECTION 3. Act subject to petition - effective date.** This act  
 25 shall take effect at 12:01 a.m. on the day following the expiration of the  
 26 ninety-day period after final adjournment of the general assembly  
 27 (August 7, 2012, if adjournment sine die is on May 9, 2012); except that,

1 if a referendum petition is filed pursuant to section 1 (3) of article V of  
2 the state constitution against this act or an item, section, or part of this act  
3 within such period, then the act, item, section, or part shall not take effect  
4 unless approved by the people at the general election to be held in  
5 November 2012 and shall take effect on the date of the official  
6 declaration of the vote thereon by the governor.