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**MEMORANDUM**

August 1, 2011

**TO:** Transportation Legislation Review Committee  
**FROM:** Kurtis Morrison, Senior Research Assistant, 303-866-3140  
**SUBJECT:** Committee Statutory Authority and History

This memorandum provides the following information regarding the Transportation Legislation Review Committee (TLRC):

- history and membership of the committee;
- the committee's statutory charge and oversight authority;
- required reports for submission to the committee;
- the committee's 2009 interim activities; and
- TLRC proposed legislation from 2003 to 2009.

### **History of the TLRC**

In 1953, the General Assembly restructured the relationship between state highway, county road, and municipal street systems. The Highway Legislation Review Committee was responsible for reviewing the implementation and impact of the newly structured highway systems. In 1987, the General Assembly expanded the committee's charge to include oversight of public highway authorities and projects. In 1989, the General Assembly began requiring the Regional Transportation District (RTD) to respond to the committee's requests for information.

In 1994, the committee's name was changed to the Transportation Legislation Review Committee to correspond with the renaming of the Colorado Department of Highways to the Colorado Department of Transportation (CDOT). With the name change, the scope of the committee's responsibilities expanded to parallel the department's broader focus on all transportation modes. In 1997, the committee's authority changed to include oversight of regional transportation authorities. In 2001, the membership of the committee changed from 11 members appointed by the Governor, Speaker of the House of Representatives, and the President of the Senate, to the members of the House and Senate transportation committees of reference.

In 2007, the General Assembly amended the committee's charge to include oversight over the Department of Revenue (DOR) in the area of driver's licenses and motor vehicle registration, as well as any other state agency or political subdivision of the state regulating motor vehicles or traffic.

## **Committee Membership**

The TLRC is comprised of the members of the Senate and House transportation committees of reference. Pursuant to General Assembly rules, the Senate Transportation Committee has 7 members, and the House Transportation Committee has 13 members. Therefore, the TLRC is comprised of 20 members. The TLRC is chaired by the House Transportation Committee chair in odd-numbered years and by the Senate Transportation Committee chairman in even-numbered years.<sup>1</sup> The Legislative Council Staff provides staff support to the committee members and chairman.<sup>2</sup>

## **Statutory Charge**

Pursuant to state law, the TLRC must meet at least once a year to:<sup>3</sup>

- provide guidance and direction to CDOT on the development of the state transportation system and DOR or any other state agency or political subdivision of the state that regulates motor vehicles or traffic;
- provide legislative oversight of and input into such development; and
- review all transportation, traffic, and motor vehicle legislation, and make recommendations for additional legislation as necessary.

In 1995, the General Assembly also directed the TLRC to examine the problem of uninsured motorists in the state and to recommend legislation relating to uninsured motorists. The committee is also directed to examine the effectiveness of uninsured motorist enforcement mechanisms in use by other states.<sup>4</sup>

## **Oversight Role and Statutory Authority**

State law provides the TLRC with authority over CDOT, driver licensing and vehicle registration functions of the DOR, the Regional Transportation District (RTD), public highway authorities (PHAs), regional transportation authorities (RTAs), and railroads. In its oversight role, the committee is authorized to:

- develop and make state transportation system financing recommendations;
- review the operations of CDOT, RTD, any PHA, and any RTA;

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<sup>1</sup>Section 43-2-145 (2.5), C.R.S.

<sup>2</sup>Section 43-2-145 (5), C.R.S.

<sup>3</sup>Section 42-3-145, C.R.S.

<sup>4</sup>Section 42-7-602, C.R.S.

- review completed highway projects, including whether the projects were completed in the most cost-effective and efficient manner; and
- request financial or performance audits.

Upon completion of the TLRC's review of transportation law, the committee is authorized to make recommendations for legislation deemed necessary by the TLRC. Such legislation recommended by the TLRC is treated as interim committee legislation for the purposes of legislative deadlines imposed by the General Assembly rules.<sup>5</sup>

***Colorado Department of Transportation.*** Under Colorado law, the TLRC is authorized to:<sup>6</sup>

- provide guidance and direction to CDOT in the development of the state transportation system;
- make recommendations on the financing of the state transportation system;
- review all transportation legislation and consult with experts in the field of highway construction and planning or with CDOT personnel;
- review any phase of CDOT operations;
- conduct postoperation reviews to determine cost-effectiveness and efficiency of certain transportation projects;
- require CDOT to prepare and adopt 5-, 10-, and 15-year plans; and
- require financial or performance audits to be conducted.

***Colorado Department of Revenue.*** The TLRC may review the activities of the DOR relating to the licensing of drivers and the registration and titling of motor vehicles.<sup>7</sup>

***Regional Transportation District.*** The TLRC is required to review the RTD's implementation of competitive contracting for its vehicular services. State law authorizes RTD to contract with private businesses to provide up to 58 percent of its vehicular services.<sup>8</sup>

***Public highway authorities and regional transportation authorities.*** The TLRC may review any phase of a PHA's or RTA's operations and may require a PHA or RTA to prepare and adopt long-range plans for the development of public highways. The committee may also require financial or performance audits to be conducted of any PHA or RTA.<sup>9 10</sup>

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<sup>5</sup>Section 43-2-145 (1)(c), C.R.S.

<sup>6</sup>Section 43-2-145 (1), C.R.S.

<sup>7</sup>Section 43-2-145 (1)(a), C.R.S.

<sup>8</sup>Section 32-9-119.5, C.R.S.

<sup>9</sup>Sections 43-2-145 (1.5) and (1.9), C.R.S.

<sup>10</sup>Pursuant to House Bill 11-1118, enacted by the General Assembly during the 2011 regular session, the Legislative audit Committee may direct the State Auditor to initiate a performance audit of any PHA. This authority is only in effect during years in which the TLRC is not authorized to meet.

***Railroads.*** The TLRC is directed to study CDOT recommendations and may hold hearings regarding the acquisition or use of abandoned or proposed to be abandoned railroad rights-of-way and to determine the priority of acquiring or using abandoned or proposed to be abandoned railroad rights-of-way. The TLRC is required to report its findings to the General Assembly regarding the acquisition of abandoned railroad rights-of-way.<sup>11</sup>

***Other agencies.*** The TLRC may require agencies to share information and coordinate efforts for phases of transit system development to avoid overlapping mass transit systems within the state. Such agencies include the Denver Regional Council of Governments (DRCOG), the Intermountain Fixed Guideway Authority, and state, regional, and local authorities or organizations responsible for mass transit.<sup>12</sup>

## **Reporting Requirements**

State law requires that various reports be submitted to the TLRC. Table 1 provides a summary of each report. Upon receipt of reports, copies are made available to TLRC members by staff.

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<sup>11</sup>Section 43-1-1308, C.R.S.

<sup>12</sup>Section 43-2-145 (1.3), C.R.S.

**Table 1**  
**Statutorily Required Departmental Reports**  
**to the Transportation Legislation Review Committee (as of July 1, 2011)**

| Department  | Report Subject/Statute   | Summary   |
|---|--|---|
| Department of Local Affairs (DOLA)                  | Public Highway Authorities<br>Section 43-4-514 (3), C.R.S.                         | The DOLA Division of Local Government is required to provide an annual report to the TLRC regarding public highway authorities. The report must include how many authorities have been created, their boundaries, and information regarding public highways to be constructed and their financing.                                  |
|   | Proposed PHA Boundaries<br>Section 43-4-514 (1), C.R.S.                            | The DOLA Division of Local Government is required to provide copies to the TLRC of any notice containing proposed boundaries or financing of a PHA.   |
| Department of Public Health and Environment (CDPHE) | Waste Tires Recycled<br>Section 25-17-202.7, C.R.S.                                | As of July 1, 2005, the CDPHE is required to report the total number of waste tires recycled in Colorado. Reports are required annually on July 1 through July 1, 2014.   |
|   | Waste Tire Recycling Rules Promulgated<br>Section 25-17-207 (1), C.R.S.            | Once the Solid and Hazardous Waste Commission has promulgated rules administering various waste tire recycling, funding, and enforcement requirements established under House Bill 10-1018, the CDPHE is required to report to the TLRC on the new rules.   |
|   | High Emitter Program<br>Section 42-4-307 (13), C.R.S.                              | The CDPHE is required to brief the TLRC on the cost and effectiveness of the high emitter program, specifically comparing the program's effectiveness with other emissions reduction options. The high emitter program is designed to identify motor vehicles that emit air pollutants substantially higher than acceptable levels. |
| Department of Revenue (DOR)                         | Effectiveness of Emissions Programs<br>Section 42-4-305 (11), C.R.S.               | The DOR is required to report annually to the TLRC on the effectiveness of emissions programs.  |
| Department of Transportation (CDOT)                 | Drunken Driving Prevention and Law Enforcement Program<br>Section 43-4-404, C.R.S. | The CDOT Office of Transportation Safety is required to report annually to the TLRC on the distribution and expenditure of funds for drunk driving enforcement programs.  |
|   | Potential Rail Line Acquisitions<br>Section 43-1-1303 (3), C.R.S.                  | CDOT is required to submit a prioritized list to the TLRC concerning railroad rights-of-way or rail lines proposed to be acquired by the state and their proposed uses.   |
| Regional Transportation District (RTD)              | RTD Annual Budget<br>Section 32-9-119.7 (4) and (7), C.R.S.                        | RTD is required to provide copies of the RTD annual budget to the TLRC. State law also requires the RTD to provide other information, data, testimony, or audits as requested by the TLRC.  |

## 2009 Interim Activities

The TLRC held four meetings during the 2009 interim.<sup>13</sup> The committee heard wide-ranging presentations from agencies of state and local government, and transportation industry associations. Representatives of the Governor's Transportation Finance and Implementation Panel briefed the committee on the completion of the panel's work. The TLRC heard informational briefings regarding highway construction and finance, disposal of waste tires in Colorado, motor vehicle administration, motor vehicle sales tax collection, traffic safety, and energy efficiency. The committee toured the Colorado Energy Recyclers waste tire facility in Midway, Colorado, a concrete plant in Florence, Colorado that is powered in part with waste tires, and a rail transportation test facility (Transportation Technology Center, Inc.) near Pueblo, Colorado.

***Highway toll evasion notice process.*** The TLRC heard testimony from the E-470 Public Highway Authority. The E-470 PHA yields \$120 million in total revenue, 84 percent of which is generated through tolls. E-470 is now an all electronic toll road with approximately 600,000 transponders in use. The E-470 PHA also provided information on toll collections and violations. State law previously provided that two notices regarding nonpayment and penalties be sent to a toll violator. Thirty days were provided to remit payment for toll violations. Substantial postage costs were incurred under the previous penalty and nonpayment collection process. As a result of this testimony, the committee recommended Bill A (SB 10-016) to reduce from two to one the number of notices sent for nonpayment. The bill was signed into law.

***Waste tire recycling and reduction methods.*** The TLRC heard testimony regarding waste tire stockpiles, recycling, and reuse. Studies indicated that approximately 50 million waste tires are located in Colorado. In 2008, approximately 5.7 million new tires were deposited in Colorado waste tire facilities, of which an estimated 447,415 tires were imported from other states. The committee heard from the Department of Local Affairs (DOLA), Division of Local Government, regarding waste tire grant programs. DOLA reported on grants, eligible recipients, and eligible activities. DOLA waste tire grants are supported by a \$1.50 per tire fee assessed at the time of purchase. The committee also heard testimony regarding waste tire reduction methods through fuel and energy development processes. The committee visited two sites to gather additional information on waste tire monofills and reuse: the Colorado Energy Recyclers tire monofill at Midway, Colorado and the Holcim Cement Plant at Florence, Colorado. During the visit to the Holcim plant, the committee received a briefing regarding the use of waste tires as an energy source and toured the plant site. As a result of this testimony, the committee recommended Bill B (HB 10-1018) to overhaul and update waste tire grant programs, fee distributions, and enforcement laws. The bill was signed into law.

***Disabled parking enforcement.*** The committee heard testimony that disabled parking tags were being misused in the state, that current enforcement mechanisms for the proper use of such tags was not sufficient, and that steps should be taken to ensure that disabled persons who are eligible to use disabled parking spaces have access to the spaces. The committee heard that there are 300,000 people with disabilities in Colorado and that one-quarter of these persons have mobility impairments. Since, at the time of testimony, there were 1.2 million disabled parking tags in

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<sup>13</sup> Pursuant to Senate Bill 10-213, the Transportation Legislation Review Committee and other General Assembly interim committees did not meet during 2010. The Transportation Legislation Review Committee last met on October 21, 2009.

circulation, there are more disabled parking tags outstanding than there are disabled persons in the state. As a result of this testimony, the committee recommended Bill C (HB 10-1019) amending laws governing the enforcement of reserved parking for the disabled. The bill was drafted to authorize the confiscation of misused disabled parking placards, and the towing of vehicles in violation of the statute, as well as to prohibit misuse. The bill was signed into law.

***Driver's license and permit education.*** The TLRC learned that an existing loophole in state law can serve as an obstacle to minors applying for a driver's license. Minors, age 15 to 16, who apply for a permit yet do not finish behind-the-wheel training requirements are held to fulfill those requirements until age 18 in order to receive a license. For minor drivers who began, but did not finish, behind-the-wheel training, this requirement prevented such drivers from holding a license even after passing age thresholds that do not carry such requirements. As a result of this testimony, the committee recommended Bill D (SB 10-015) to change the age at which a minor is required to complete behind-the-wheel training in order to obtain a driver's license from 18 years to 16 and one-half years, and ensure that persons, who are eligible to receive a license due to age, who start but do not finish behind-the-wheel training receive identical treatment under the law. The bill was signed into law.

***Highway work zone accident reporting.*** The committee heard an overview of CDOT measures that have been implemented regarding transportation project work zone safety, including policies that have been implemented subsequent to recent work zone fatalities. A CDOT representative testified that the department was in compliance with federal safety standards for work zones and that the department had received feedback from workers and contractors relating to work zone safety. The committee also received testimony relating to:

- upgrading of work zone safety devices;
- CDOT processes to record contractor accidents and the impact of these accidents on future project contract bidding and selection;
- CDOT lane and road closure strategies, and the enhanced safety of working at night for CDOT crews due to lower traffic volumes;
- visibility of apparel worn by employees in work zones, including reflective clothing;
- signage to raise the public's awareness relating to transportation worker safety;
- departmental procedures for employee entrance to and exit from work zones;
- CDOT efforts to coordinate safety measures with the Colorado State Patrol, and the fact that active law enforcement is the most effective means of ensuring worker safety; and
- implementation of mandatory traffic control supervisor training, training for employees who design work zones, and certification of law enforcement officers who work in work zones.

Committee discussions resulted in the recommendation of Bill E (HB 10-1014) requiring CDOT to provide an annual report to the House and Senate transportation committees addressing fatal accidents in CDOT work zones and measures to prevent such fatalities. The bill was signed into law.

*Additional committee discussion.* House Bill 09-1230 required that the TLRC review the accuracy and availability of state approved sales tax databases used by automobile dealers and county clerks for the assessment and collection of sales taxes due on automobile purchases. The committee heard testimony from stake holders involved in this process, including representatives of automobile dealers, county clerks, and the DOR. As a result of these discussions the committee considered legislation addressing the problem of database accuracy. However, the committee determined that legislation ultimately addressing this problem will differ from the proposed draft legislation. Accordingly, the committee declined to recommend the draft legislation for introduction.

### **TLRC Proposed Legislation — 2003 to 2009**

Legislation recommended by the TLRC is treated as legislation recommended by an interim committee for purposes of introduction deadlines or bill limitations imposed by the General Assembly's joint rules. From the 2003 interim to the 2009 interim, the TLRC proposed 41 bills that were approved by the Legislative Council. Of the 41 bills, 37 became law.

Table 2 provides legislation approved by the Legislative Council. Table 3 provides legislation not approved by the Legislative Council. Bills are identified according to identifier (Bill A, Bill B, Bill C, etc.) used in the final TLRC report provided to the Legislative Council and bill numbers assigned upon introduction during session.

**Table 2**  
**Transportation Legislation Review Committee**  
**Bills Approved by the Legislative Council - Interim Sessions 2003-2009**

| Bill Letter /Number  | Bill Title                         | Brief Description of Bill  | Became Law |
|--|------------------------------------|--|------------|
| <b>Interim Session 2009 for Introduction During the 2010 Legislative Session</b> |                                    |  |            |
| SB 10-016<br>Bill A  | Modify Toll Evasion Notice Process | <p>This bill modified how civil penalty notices of camera-detected toll evasion are provided to the vehicle's registered owner. Under previous law, if the first penalty notice of toll evasion was unpaid or not responded to within 20 days, a second penalty notice was generated and sent by certified mail, return receipt requested. If the registered owner failed to pay or respond to the second penalty notice within 20 days, the notice constituted a complaint to appear for adjudication of a toll evasion in a court or administrative toll enforcement proceeding. The bill:</p> <ul style="list-style-type: none"> <li>• eliminated the second penalty notice requirement;</li> <li>• extended the time frame for payment or response to 30 days from the penalty notice;</li> <li>• required a final order of liability be entered against a registered owner who fails to respond to the penalty notice; and</li> <li>• clarified that administrative toll enforcement proceedings may be appealed in the county court where the violation occurred as a de novo (new) hearing.</li> </ul>  | Yes        |
| HB 10-1018<br>Bill B   | Reduce Waste Tire Stockpile Risks  | <p>Several state departments previously administered waste tire reduction and recycling programs funded by a \$1.50 per tire fee. The bill consolidated all waste tire programs under the Department of Public Health and Environment (CDPHE) and established new education and outreach requirements, fire planning and prevention requirements, and waste tire hauler and facility regulations.</p> <p><i>Funds.</i> The bill created the Waste Tire Fire Prevention Fund and Waste Tire Market Fund, repealed the Advanced Technology Fund, and updated state law on the Processors and End Users Fund and the Waste Tire Cleanup Fund. It redistributed waste tire fee revenue among existing funds and three new funds.</p> <p><i>Grants and reimbursements.</i> The bill increased maximum reimbursements to processors and end users from \$50 to \$65 per ton of waste tires and repealed administration of the Waste Tire Cleanup Fund by DOLA.</p> <p><i>Waste tire haulers and facilities.</i> The bill established new regulations governing waste tire haulers, specifically requiring the display of decals and retention of travel log manifests and prohibiting haulers from transporting more than a set number of waste tires.</p> <p><i>Tire vendors' fee and sales tax.</i> Under previous law, sales tax was applied to the \$1.50 per tire fee. Tire vendors submitted fee and sales tax revenue to the DOR and retained 3.33 percent of fees for compliance costs. The bill repealed the vendors' fee and specified that sales tax is not assessed upon tire fees paid upon new tire sales.</p> <p><i>Advisory committee.</i> The bill created a nine-member Waste Tire Advisory Committee to provide feedback and assessment of the Waste Tire Cleanup Program, propose new rules, and make recommendations. The committee is repealed on July 1, 2020, following a sunset review.</p> | Yes        |

**Table 2**  
**Transportation Legislation Review Committee**  
**Bills Approved by the Legislative Council - Interim Sessions 2003-2009 (Cont.)**

| Bill Letter /Number  | Bill Title                            | Brief Description of Bill   | Became Law |
|--|---------------------------------------|---|------------|
| <b>Interim Session 2009 for Introduction During the 2010 Legislative Session (Cont.)</b> |                                       |   |            |
| HB 10-1019<br>Bill C   | Reserved Disabled Parking Enforcement | <p>This bill made changes regarding the reserved parking program for the disabled and placards for persons with disabilities. Placard applications must include documentation from a doctor or other authorized professional certifying the disability under penalty of perjury. Confirmation of a disability is only required once every three years for a three-year placard. Placards are changed to have a "punch-out" system to identify expiration dates and have a sticker applied to it, much like a license plate. Fines are changed for illegal use of a placard or use of a parking space reserved for persons who are disabled.</p> <p>The bill also created a new cash fund, the Disabled Parking Education and Enforcement Fund, to provide moneys for a grant program or an education program about the eligibility standards, appropriate use of parking privileges, violations, and the advantages of a volunteer enforcement program. The fund receives one-half of reserved parking program ticket revenue. The grant and training programs are carried out by the Colorado Advisory Council for Persons with Disabilities in the Governor's Office.</p> | Yes        |
| SB 10-015<br>Bill D  | Graduated Drivers Education Licensing | If a minor, under age 18, qualified for his or her permit by taking the 30-hour driver's education course, he or she must complete the additional behind-the-wheel requirements to qualify for a driver's license. In certain cases, this behind-the-wheel requirement was more stringent than is required of the person's peers (who received their permits under less rigorous requirements). This bill eliminates any differences by making the age cut-off for the additional behind the wheel training 16 years and 6 months.  | Yes        |
| HB 10-1014<br>Bill E   | Work Zone Accident Reporting          | <p>This bill directed CDOT and Colorado State Patrol to present a joint annual report on fatal accidents in state highway work areas to the transportation committees of the state House of Representatives and Senate. The report is to be delivered on or before February 15 of each year beginning in 2011, and, at a minimum, must include:</p> <ul style="list-style-type: none"> <li>• the total number of fatal accidents and individuals killed;</li> <li>• a breakdown of individuals killed to include CDOT workers, CDOT contractors and subcontractors, and others;</li> <li>• copies of all related accident reporting forms; and</li> <li>• information about ongoing and newly implemented measures taken by CDOT to prevent fatal accidents in state highway work areas.</li> </ul>   | Yes        |

**Table 2**  
**Transportation Legislation Review Committee**  
**Bills Approved by the Legislative Council - Interim Sessions 2003-2009 (Cont.)**

| Bill Letter /Number  | Bill Title                            | Brief Description of Bill  | Became Law |
|--|---------------------------------------|--|------------|
| <b>Interim Session 2008 for Introduction During the 2009 Legislative Session</b> |                                       |  |            |
| HB 09-1029<br>Bill A   | Mobile Machinery Vehicle Registration | Mobile machinery is machinery commonly used in the construction industry. The equipment may or may not be attached to a truck chassis, and may or may not be self-propelled. Examples of these vehicles (registered as Class F vehicles in Colorado) include concrete mixers, backhoes, bulldozers, and trucks with large generators attached. Class A vehicles are interstate commercial carriers. Most of Colorado's neighboring states register mobile machinery vehicles as Class A vehicles, and do not have a Class F category. This forces Colorado operators of Class F vehicles to purchase trip permits upon entering other states. Out-of-state mobile machinery vehicles entering Colorado are required to pay additional taxes and registration fees on their mobile machinery resulting in expense and delays at ports of entry. The bill would have addressed these issues by designating Colorado mobile machinery vehicles (Class F) <i>operated in interstate commerce</i> as Class A vehicles for purposes of imposing the graduated annual specific ownership tax, and specifying the same rate structure as is currently imposed on Class F personal property. Under the bill, out-of-state mobile machinery vehicles operating in Colorado would have been exempted from payment for the mounted equipment portion of the vehicle if that portion was already taxed by the registering base state, and would have been able to purchase a tab to cover the mounted equipment portion of the vehicle if taxes were due. | No         |
| HB 09-1027<br>Bill B   | Yield to Transit Bus Entering Traffic | House Bill 09-1027 requires persons who are driving behind a transit bus to yield the right-of-way if the bus, after stopping to allow passengers to board or exit, signals an intention to enter traffic and if a yield sign on the back of the bus is illuminated. The bill did not require the installation of yield signs on transit buses, and did not relieve bus drivers of their duty to drive with due regard for the safety of other motorists.  | Yes        |
| SB 09-014<br>Bill C  | Mud Flaps Vehicle Remain In Service   | Senate Bill 09-014 allows commercial vehicles with damaged or missing splash guards to remain in service until the first reasonable opportunity to replace them. A splash guard is a device designed to minimize the spray of water and other substances to the rear of the commercial vehicle. Current Colorado law requires trucks with an empty weight that exceeds 10,000 pounds to be equipped with splash guards, and that a splash guard be at least as wide as the tire it covers.   | Yes        |

**Table 2**  
**Transportation Legislation Review Committee**  
**Bills Approved by the Legislative Council - Interim Sessions 2003-2009 (Cont.)**

| Bill Letter /Number  | Bill Title                        | Brief Description of Bill  | Became Law |
|--|-----------------------------------|--|------------|
| <b>Interim Session 2008 for Introduction During the 2009 Legislative Session (Cont.)</b> |                                   |  |            |
| HB 09-1026<br>Bill D   | Low-power Self-propelled Vehicles | <p>House Bill 09-1026 simplifies Colorado's statutory definitions applicable to low-power self-propelled vehicles (scooters), creates a category of speeding penalties specific to the vehicles, imposes a requirement for the purchase of liability insurance, and mandates the licensure of companies selling the vehicles. Specifically, the bill:</p> <ul style="list-style-type: none"> <li>• replaces several categories of self-propelled vehicles in Colorado law, including "motor-driven cycle," "motor scooter," and motorized bicycle" with the two categories "motorcycle" and "low-power scooter";</li> <li>• defines "low-power scooter" as a vehicle with not more than three wheels, no manual clutch, and a power capacity under 50 cubic centimeters or 4,476 watts;</li> <li>• puts new speeding penalties in place for scooter operators who exceed 40 miles per hour, specifically: <ul style="list-style-type: none"> <li>• a fine of \$56 for traveling 41 to 44 miles per hour;</li> <li>• a fine of \$85 and 2 points for traveling 45 to 49 miles per hour; and</li> <li>• a fine of \$116 and 4 points for traveling 50 or more miles per hour;</li> </ul> </li> <li>• applies compulsory liability insurance laws to operators of low-power scooters, effective July 1, 2010;</li> <li>• requires persons selling low-power scooters to obtain a powersports vehicle distributor license from the Colorado Department of Revenue; and</li> <li>• specifies that drug and alcohol driving offenses apply to operators of low-power scooters, farm tractors, and off-highway vehicles, but not to bicycle operators.</li> </ul> | Yes        |
| <b>Interim Session 2007 for Introduction During the 2008 Legislative Session</b>         |                                   |  |            |
| SB 08-014<br>Bill A  | Toll Enforcement Process          | <p>State law requires toll evasion cases to be considered by the courts in the municipality or county where the violation occurred. For some municipalities and counties, this has resulted in a backlog of toll evasion cases in the court system. The act directs the Colorado Tolling Enterprise (CTE) to consider establishing an administrative toll enforcement process for toll evasion cases. If the CTE establishes an administrative toll enforcement process, no municipal, county, or city and county court will have the jurisdiction to hear toll evasion cases arising on a toll highway operated by the CTE. The act authorizes the CTE to utilize every remedy available under the law to enforce unpaid tolls and fees as debts owed to the enterprise, and authorizes the CTE to report to the state Department of Revenue (DOR) any outstanding judgement or warrant or failure to pay the toll, fee, and civil penalty for any toll evasion. Upon receipt of notice, the bill prohibits the DOR from renewing the registration of the vehicle associated with the toll evasion until the toll, fee, and civil penalty are paid in full.</p>   | Yes        |

**Table 2**  
**Transportation Legislation Review Committee**  
**Bills Approved by the Legislative Council - Interim Sessions 2003-2009 (Cont.)**

| Bill Letter /Number  | Bill Title                                    | Brief Description of Bill   | Became Law |
|--|---|---|------------|
| <b>Interim Session 2007 for Introduction During the 2008 Legislative Session (Cont.)</b> |   |   |            |
| SB 08-012<br>Bill B  | Transportation Commission Qualifications      | Current law requires the Governor to consider appointing one or more individuals with knowledge or experience in aviation and one or more individuals with knowledge or experience in engineering to the state Transportation Commission. Senate Bill 08-012 eliminates the aviation consideration. The 11 members of the Transportation Commission serve four-year terms and make state transportation policy recommendations to the Governor and General Assembly. Each commission member must reside in the district he or she represents.   | Yes        |
| HB 08-1057<br>Bill C   | Tourist-Oriented Signs Along Rural Highways   | House Bill 08-1057 authorizes the Department of Transportation to issue permits and adopt rules allowing tourist-oriented directional signs (TODS) along expressways and freeways in rural areas. Prior to the act, the state only permitted TODS on non-interstate highways in rural areas. The bill also expands the types of signs that may be authorized along interstate highways pursuant to federal law. TODS are signs identifying nearby businesses for tourists traveling along state roadways.   | Yes        |
| HB 08-1074<br>Bill D   | Nonconforming Advertising Devices on Highways | House Bill 08-1074 amends state law to authorize a nonconforming advertising device that was legally erected to be maintained at the same location. Prior to the act, only nonconforming advertising devices erected prior to January 1, 1971, were authorized to remain erected. The act eliminates the date references in statute.  | Yes        |
| HB 08-1036<br>Bill E   | Charles Mather Safety Act                     | House Bill 08-1036 allows both the Colorado Department of Transportation (CDOT) and local governments to designate areas as maintenance, repair, or construction zones where such activities are occurring. The bill also: <ul style="list-style-type: none"> <li>• repeals the \$40 maximum fine limit for violations occurring in these zones when an automated vehicle identification system, "photo radar," is used;</li> <li>• doubles the fines for specified moving traffic violations, including speeding, within the zones designated by local governments;</li> <li>• requires the Department of Public Safety, upon CDOT's request, to use photo radar to detect speeding violations while maintenance, repair, or construction is occurring in these zones;</li> <li>• requires CDOT to reimburse the Department of Public Safety for the use of photo radar; and</li> <li>• requires drivers approaching these zones to exhibit due care and yield the right-of-way to maintenance, repair, or construction vehicles.</li> </ul> | Yes        |

**Table 2**  
**Transportation Legislation Review Committee**  
**Bills Approved by the Legislative Council - Interim Sessions 2003-2009 (Cont.)**

| Bill Letter /Number  | Bill Title                                     | Brief Description of Bill  | Became Law |
|--|--|--|------------|
| <b>Interim Session 2007 for Introduction During the 2008 Legislative Session (Cont.)</b> |  |  |            |
| HB 08-1010<br>Bill F   | Motor Vehicle<br>Traffic Fines                 | House Bill 08-1010 amends motor vehicle violation fines by: <ul style="list-style-type: none"> <li>• increasing the minimum fine for a class 2 traffic misdemeanor from \$10 to \$150;</li> <li>• increasing the minimum fine for a class 1 traffic misdemeanor from \$100 to \$300;</li> <li>• reducing the distribution of seat belt violation fine revenue to local jurisdictions from 100 percent to 50 percent for violations occurring on state and federal highways, with the remaining 50 percent going to the Highway Users Tax Fund;</li> <li>• doubling the minimum fines for driving under the influence (DUI), driving while ability impaired (DWAI), under age drinking and driving (UDD), and habitual user driving;</li> <li>• specifying that fine revenue from DUI, DWAI, UDD, and habitual user driving for violations occurring on a state or federal highway is credited 25 percent to the local governments and 75 percent to the Highway Users Tax Fund; and</li> <li>• doubling the minimum fine for vehicle eluding.</li> </ul> | Yes        |
| <b>Interim Session 2006 for Introduction During the 2007 Legislative Session</b>         |  |  |            |
| HB 07-1065<br>Bill A   | Passenger<br>Carrier Criminal<br>History Check | House Bill 07-1065 requires any individual seeking employment or already employed as a charter or scenic bus, fire crew transport, luxury limousine, off-road scenic charter, or children's activity bus motor vehicle driver to comply with a criminal history record check. Individuals convicted in this state or any other of a violent crime within the last ten years of the background check or of driving under the influence, driving with excessive alcoholic content, driving while ability impaired, or driving while an habitual user within the last two years are disqualified and prohibited from driving a motor vehicle for the aforementioned services.   | Yes        |
| SB 07-006<br>Bill B  | Redundant<br>Railroad<br>Crossings             | Senate Bill 07-006 authorizes a railroad corporation, the state Transportation Commission, CDOT, or a local government responsible for supervising and maintaining the intersecting public highway or road to abolish any railroad crossing if: <ul style="list-style-type: none"> <li>• the crossing is without gates, signals, alarm bells, or warning personnel and is located within a quarter-mile of a crossing with gates, signals, alarm bells, or warning personnel;</li> <li>• the crossing is not the only crossing that provides access to property;</li> <li>• proper notification of the proposed abolition is posted; and</li> <li>• no entity that was provided notice or any other interested party files an objection to the abolition.</li> </ul>   | Yes        |
| HB 07-1020<br>Bill D   | Motor Vehicle<br>Temporary Tag<br>Fraud        | House Bill 07-1020 prohibits the Department of Revenue (DOR) from issuing more than two temporary registration number plates, tags, or certificates per year to any Class A or Class B motor vehicle. The bill authorizes the DOR to promulgate rules authorizing the issuance of more than two temporary registration number plates, tags, or certificates if the motor vehicle title work or lien perfection necessitate such issuance. The bill also increased penalties for failure to register a vehicle from a class B traffic infraction to a class 1 misdemeanor for failing to register two or more times within a five-year period.  | Yes        |

**Table 2**  
**Transportation Legislation Review Committee**  
**Bills Approved by the Legislative Council - Interim Sessions 2003-2009 (Cont.)**

| Bill Letter /Number  | Bill Title   | Brief Description of Bill   | Became Law |
|--|--|---|------------|
| <b>Interim Session 2006 for Introduction During the 2007 Legislative Session (Cont.)</b> |  |   |            |
| HB 07-1019<br>Bill E   | Carrier Exempt Public Utilities                    | House Bill 07-1019 removes the current definition of a luxury limousine from state law and transfers the responsibility of defining a luxury limousine from the legislature to the Public Utilities Commission.   | Yes        |
| HB 07-1018<br>Bill F   | Transportation Legislation Review Committee        | House Bill 07-1018 expands the statutory charge of the TLRC to include oversight of the DOR's licensing of drivers and registration and titling of motor vehicles. The bill also expands the charge to include oversight over any state agency or political subdivision of the state that regulates motor vehicles or traffic.  | Yes        |
| <b>Interim Session 2005 for Introduction During the 2006 Legislative Session</b>         |  |   |            |
| HB 06-1003<br>Bill A   | Requirements for Private Toll Roads                | House Bill 06-1003 requires a corporation formed for the purpose of constructing a private toll road to meet specified requirements before the toll road may be constructed or approved.  | Yes        |
| SB 06-078<br>Bill B  | Prohibit Eminent Domain for Private Toll Roads     | Senate Bill 06-078 specifies that a private corporation formed for the purpose of constructing a private toll road may not have the power to use eminent domain, but may enter into an agreement with a public entity to enable the construction of a private toll road.  | Yes        |
| HB 06-1039<br>Bill C   | Roadside Advertising at Comprehensive Developments | House Bill 06-1039 allows a specified on-premise advertising device located within a comprehensive development to advertise any activity conducted in the comprehensive development. The bill defines a comprehensive development as a group of two or more lots used for commercial or industrial activities that: <ul style="list-style-type: none"> <li>• is located on one side of a highway;</li> <li>• consists of contiguous lots or parcels, with the exception of access roadways;</li> <li>• has an approved public and private improvement plan;</li> <li>• has common areas such as parking and landscaping; and</li> <li>• has an approved common ownership plan.</li> </ul> | Yes        |

**Table 2**  
**Transportation Legislation Review Committee**  
**Bills Approved by the Legislative Council - Interim Sessions 2003-2009 (Cont.)**

| Bill Letter /Number  | Bill Title                               | Brief Description of Bill  | Became Law |
|--|--|--|------------|
| <b>Interim Session 2005 for Introduction During the 2006 Legislative Session (Cont.)</b> |  |  |            |
| SB 06-010<br>Bill E  | Commercial Vehicle Owner's Documentation | <p>Senate Bill 06-010 authorizes a company to file an express consent waiver enabling the company to designate a company representative to be party of interest in court for violation of the following:</p> <ul style="list-style-type: none"> <li>• permits for longer vehicle combinations;</li> <li>• permits for excess size and weight vehicle combinations; and</li> <li>• permits for transporting hazardous materials.</li> </ul> <p>The bill also clarifies that the appearance of the company representative in court covering the matter does not constitute the practice of law in violation of state law.</p>  | Yes        |
| HB 06-1035<br>Bill F   | Passenger Vehicles Railroad Crossings    | House Bill 06-1035 requires a commercial vehicle transporting passengers, a school bus, or a vehicle carrying hazardous materials to stop before crossing street-grade railroad tracks within a residential area.  | Yes        |
| SB 06-008<br>Bill G  | Hazardous Materials Commercial Vehicles  | <p>Senate Bill 06-008 requires motor vehicles that weigh less than 10,000 pounds and transport hazardous materials to meet the minimum standards for commercial vehicles. The bill also:</p> <ul style="list-style-type: none"> <li>• repeals a provision prohibiting a peace officer who has not attained Level I inspection certification from enforcing the "Hazardous Materials Transportation Act of 1987;"</li> <li>• changes the penalty for violating certain hazardous materials rules from a Class 3 misdemeanor criminal offense to a Class 2 misdemeanor traffic offense; and</li> <li>• sets the penalty for such violation at \$250 with a \$33.30 surcharge and doubles the penalty for a repeat offense that occurs within 12 months.</li> </ul> | Yes        |

**Table 2**  
**Transportation Legislation Review Committee**  
**Bills Approved by the Legislative Council - Interim Sessions 2003-2009 (Cont.)**

| Bill Letter /Number  | Bill Title                                   | Brief Description of Bill   | Became Law |
|--|--|---|------------|
| <b>Interim Session 2004 for Introduction During the 2005 Legislative Session</b> |  |   |            |
| SB 05-036<br>Bill A  | Minor Passengers<br>Minor Drivers            | <p>Senate Bill 05-036 prohibits a minor driver who has held a license less than six months from transporting a passenger who is under 21 years of age. The bill also prohibits a minor driver who has held a license for less than one year from transporting more than one person under 21 years of age, with the following exceptions:</p> <ul style="list-style-type: none"> <li>• if the motor vehicle also contains the minor's parent, legal guardian, or other responsible adult;</li> <li>• if the motor vehicle also contains a 21-year-old driver;</li> <li>• if the passenger is in the vehicle on account of a medical emergency; or</li> <li>• if all the passengers are members of the driver's immediate family.</li> </ul> <p>Further, the bill prohibits a minor driver who has held a license for less than one year from driving between 12 midnight and 5 a.m., with the following exceptions:</p> <ul style="list-style-type: none"> <li>• if the motor vehicle contains the minor's parent, legal guardian, or other responsible adult;</li> <li>• if the motor vehicle contains a 21-year-old driver;</li> <li>• if the driving is on account of a medical emergency;</li> <li>• if the driving is on account of school or a school-authorized activity when the school does not provide adequate transportation;</li> <li>• if the driving is on account of employment when necessary; or</li> <li>• if the minor is emancipated.</li> </ul> <p>Finally, the bill imposes punishments for violating such prohibitions, including community service, fines, and license suspension points.</p> | Yes        |
| HB 05-1247<br>Bill B   | Breast Cancer Awareness License Plate        | House Bill 05-1247 creates the Breast Cancer Awareness special license plate, and sets requirements for the issuance of the plate.  | Yes        |
| HB 05-1004<br>Bill C   | Good Samaritan Law for Employers of Truckers | House Bill 05-1004 would have exempted an employer from civil liability for acts or omissions made by an employee while rendering emergency care or assistance.   | No         |
| SB 05-009<br>Bill D  | Increase Fine for Human Waste Dumping        | Senate Bill 05-009 increases the fine for illicit disposal of containers of human waste upon or along a state highway from a fine of \$35 plus a \$2.50 surcharge to a flat fine of \$500.  | Yes        |

**Table 2**  
**Transportation Legislation Review Committee**  
**Bills Approved by the Legislative Council - Interim Sessions 2003-2009 (Cont.)**

| Bill Letter /Number  | Bill Title                                   | Brief Description of Bill  | Became Law |
|--|--|--|------------|
| <b>Interim Session 2003 for Introduction During the 2004 Legislative Session</b> |  |  |            |
| HB 04-1036<br>Bill D   | Restrictions on Minor Passengers in Vehicles | House Bill 04-1036 would have prohibited minor drivers from driving with minor passengers with specified exemptions.   | No         |
| HB 04-1025<br>Bill E   | New Diesel Vehicle Emissions Inspections     | House Bill 04-1025 exempts a new diesel vehicle from an emissions inspection when sold, unless the current emissions certificate expires within 12 months.   | Yes        |
| HB 04-1019<br>Bill F   | Public Airport Authority Contracts           | House Bill 04-1019 requires a public airport authority to invite bids and award a contract for the construction of works, structures, or equipment or the performance or furnishing of labor, materials, or supplies to the lowest bidder if the value of the contract is \$50,000 or more.  | Yes        |
| HB 04-1021<br>Bill G   | Concerning the Consumption of Alcohol        | House Bill 04-1021 lowers the presumptive blood alcohol content limit for driving under the influence from 0.10 grams to 0.08 grams. The bill also permits local governments to adopt an ordinance or resolution authorizing tastings subject to certain limitations; increases to \$1,000 the amount of malt, vinous, and spiritous liquors that a hotel and restaurant licensee may annually purchase from a retail liquor store; and authorizes a hotel or restaurant to permit a customer to reseal and remove from the premises one opened container of partially consumed vinous liquor. | Yes        |
| SB 04-004<br>Bill I  | Statewide Tolling Enterprise                 | Senate Bill 04-004 clarifies the division of responsibilities between the Board of the Statewide Tolling Enterprise and the Transportation Commission with respect to the operation of the tolling enterprise.   | Yes        |
| HB 04-1033<br>Bill J   | Logo Signs on Interstate Highways            | House Bill 04-1033 allows CDOT to erect, maintain, and administer information signs within a populated area except in a federally defined "transportation management area." Such areas are designated by the U.S. Department of Transportation to establish comprehensive transportation programming and planning.   | Yes        |

**Table 2**  
**Transportation Legislation Review Committee**  
**Bills Approved by the Legislative Council - Interim Sessions 2003-2009 (Cont.)**

| Bill Letter /Number  | Bill Title                            | Brief Description of Bill  | Became Law |
|--|---------------------------------------|--|------------|
| <b>Interim Session 2003 for Introduction During the 2004 Legislative Session (Cont.)</b> |                                       |  |            |
| HB 04-1017<br>Bill L   | Graduated Driver's Licenses           | <p>House Bill 04-1017 addresses graduated driver's licenses. Specifically, the bill:</p> <ul style="list-style-type: none"> <li>• raises from 6 months to 1 year the required holding period for an instruction permit before a minor may obtain a driver's license;</li> <li>• raises from 15 and 1/2 years to 16 years old the age when a person may obtain an instruction permit without first meeting any driver's educational requirements; and</li> <li>• authorizes a person who is 15 and 1/2 years old to obtain an instruction permit if such person has completed a pre-qualification driver awareness program.</li> </ul> <p>The bill also:</p> <ul style="list-style-type: none"> <li>• authorizes stepparents to assume liability for minor drivers, sign for instruction permits, and accompany certain minors with instruction permits; and</li> <li>• instructs the Commissioner of Insurance to report to the General Assembly the effect of graduated driver's licenses on insurance premiums.</li> </ul> | Yes        |
| SB 04-027<br>Bill M  | Recodify Motor Vehicle Statutes       | Senate Bill 04-027 would have recodified Articles 3 and 6 of Title 42, regarding motor vehicle titling, registration, and licensing, and amended provisions in Articles 2 and 4 of Title 42, regarding driver's licensing and traffic law, of the Colorado Revised Statutes.   | No         |
| HB 04-1034<br>Bill N   | Internet Renewal of Drivers' Licenses | <p>House Bill 04-1034 allows drivers to renew a driver's license through the Internet. Specifically, the bill:</p> <ul style="list-style-type: none"> <li>• allows a driver to renew his or her driver's license via the Internet when the driver is at least 21 years of age, but under 61 years of age;</li> <li>• allows the (DOR) to promulgate rules to implement Internet renewals;</li> <li>• requires the DOR to submit to the Commission on Information and Technology the DOR's plan for implementing Internet renewal of driver's licenses;</li> <li>• requires the DOR to develop and implement information security programs; and</li> <li>• requires the DOR to report to the Transportation Legislation Review Committee the steps taken to accomplish Internet renewals.</li> </ul>  | Yes        |
| SB 04-012<br>Bill O  | Interlock Devices Driver's Licenses   | Senate Bill 04-012 removes the requirement that a court or peace officer provide information that authorizes the DOR to revoke a driver's license for tampering with a required interlock device.  | Yes        |

**Table 2**  
**Transportation Legislation Review Committee**  
**Bills Approved by the Legislative Council - Interim Sessions 2003-2009 (Cont.)**

| Bill Letter /Number  | Bill Title                              | Brief Description of Bill  | Became Law |
|--|---|--|------------|
| <b>Interim Session 2003 for Introduction During the 2004 Legislative Session (Cont.)</b> |   |  |            |
| HB 04-1231<br>Bill P   | Commercial Driver's License Act Updates | <p>House Bill 04-1231 addresses commercial driver's licenses by directing the DOR to adopt any licensing sanction imposed by federal statutes or rules governing commercial motor vehicle safety.</p> <p>The bill also requires the DOR to maintain for at least three years records of a commercial driver's license application, convictions, disqualifications, and licensing actions affecting commercial driving privileges. The DOR must share the information with law enforcement authorities, the federal Secretary of Transportation, prospective employers, and the applicant upon request.</p> <p>Finally, the bill prohibits the issuance of a commercial driver's license to any person who is subject to a federal disqualification order; allows fingerprinting of an applicant for a hazardous materials endorsement; and prohibits the holder of a commercial driving learner's permit from obtaining a hazardous materials endorsement.</p> | Yes        |

**Table 3  
Transportation Legislation Review Committee Bills Not Approved by the Legislative Council 2003 to 2009**

| <b>Bill Letter</b>          | <b>Title</b>                             | <b>Brief Description of the bill as Presented to the Legislative Council</b>   |
|-----------------------------|--|--|
| <b>Interim Session 2009</b> |  |  |
| All bills approved.         |  |  |
| <b>Interim Session 2008</b> |  |  |
| All bills approved.         |  |  |
| <b>Interim Session 2007</b> |  |  |
| Bill G                      | Heavy-Duty Diesel Vehicle Emissions Test | The TLRC recommended Bill G to repeal the requirement for emissions testing of newer heavy-duty diesel vehicles for introduction during the 2008 legislative session; however, at the request of the bill's sponsor, the chair withdrew the bill from consideration at the Legislative Council Committee meeting. No motion was made to approve the bill for the 2008 legislative session.   |
| <b>Interim Session 2006</b> |  |  |
| Bill C                      | Repeal CDOT Full-time Employee Cap       | Bill C was not approved by the Legislative Council Committee as an interim committee bill. However the bill was introduced as a regular bill and signed into law. The bill eliminates CDOT's statutory full-time employee cap, which was set at 3,316.   |
| <b>Interim Session 2005</b> |  |  |
| Bill D                      | Driver's License Persistent Drunk Driver | Bill D would have required that the driver's license held by a persistent drunk driver indicate for a five-year period that the holder is a persistent drunk driver.   |
| <b>Interim Session 2004</b> |  |  |
| Bill E                      | Driver's Licenses                        | <p>Bill E would have addressed minor drivers, motorcycle instruction permits, and renewing driver's licenses by mail. Specifically, the bill would have:</p> <ul style="list-style-type: none"> <li>• standardized the periods of license revocation so that minors without licenses received the same revocation as licensed drivers;</li> <li>• authorized a grandparent to sign a statement certifying that the minor was enrolled in a driver education course, supervise the minor driver on the road, and sign an application for the minor to receive a minor's instruction permit;</li> <li>• specified that a motorcycle instruction permit was valid for three years;</li> <li>• clarified that a sworn statement of a person's social security number was made under penalty of perjury;</li> <li>• lowered the age limit from 66 to 61 years of age when a person could no longer renew a driver's license by mail; and</li> <li>• authorized the Department of Revenue to return a driver's license if it determined the license was erroneously canceled.</li> </ul> |

**Table 3**  
**Transportation Legislation Review Committee Bills Not Approved by the Legislative Council 2003 to 2009 (Cont.)**

| Bill Letter                 | Title  | Brief Description of the bill as Presented to the Legislative Council   |
|-----------------------------|--|---|
| <b>Interim Session 2003</b> |  |   |
| Bill A                      | Prevention of Spilling of Material from Vehicles       | Bill A would have increased the penalty for the violation of illegally spilling material from a vehicle.  |
| Bill B                      | Abandoned Motor Vehicles at Motor Vehicle Repair Shops | Bill B would have established a process governing how a motor vehicle repair shop handles abandoned motor vehicles valued at \$2,000 or less.   |
| Bill C                      | Driver's License Fee Distribution                      | Bill C would have changed the distribution amounts allotted to counties and to the state from driver's license fees.  |
| Bill H                      | Motor Vehicle Open Container                           | Bill H would have made it a Class A traffic infraction for a person to knowingly possess or drink an open alcoholic beverage in the passenger area of a motor vehicle.  |
| Bill K                      | Safety Belt Violations Fines                           | Bill K would have raised the fine for driving without a safety belt or for failing to use an appropriate child restraint; required the Colorado Department of Transportation (CDOT) to expend additional collected moneys on programs that encourage the use of motor vehicle safety belts and appropriate child restraints; and required CDOT to annually report expenditures to the Joint Budget Committee. |