

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

BILL D

LLS NO. 14-0228.01 Jery Payne

HOUSE BILL

HOUSE SPONSORSHIP

Mitsch Bush and Fischer, Tyler

SENATE SPONSORSHIP

(None),

House Committees

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE PENALTY FOR VIOLATING A ROAD RESTRICTION.**

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. The bill raises the fine for the operator of a commercial vehicle who violates a road closure or road restriction from \$500 to \$2,000, and, when the violation of a restriction (e.g., chains required) results in the closure of a travel lane, the fine is increased to \$2,500. In addition, two license suspension points are imposed for each of these violations.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-4-106, **add** (5) (a)
3 (IV.5) as follows:

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

5 (5) (a) (IV.5) A PERSON WHO VIOLATES SUBPARAGRAPH (I) OF THIS
6 PARAGRAPH (a) WHILE OPERATING A COMMERCIAL VEHICLE ON STATE
7 HIGHWAY 82 BETWEEN US ROUTE 24 AND THE CITY OF ASPEN IS SUBJECT
8 TO AN ENHANCED PENALTY AS SET FORTH IN SECTION 42-4-1701 (4) (a) (I)
9 (F).

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

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

1 defendant by a county court magistrate. Penalties and surcharges for
2 violating specific sections shall be ARE as follows:

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

22 **SECTION 3. Act subject to petition - effective date -**
23 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
24 the expiration of the ninety-day period after final adjournment of the
25 general assembly (August 6, 2014, if adjournment sine die is on May 7,
26 2014); except that, if a referendum petition is filed pursuant to section 1
27 (3) of article V of the state constitution against this act or an item, section,

1 or part of this act within such period, then the act, item, section, or part
2 will not take effect unless approved by the people at the general election
3 to be held in November 2014 and, in such case, will take effect on the
4 date of the official declaration of the vote thereon by the governor.

5 (2) This act applies to offenses committed on or after the
6 applicable effective date of this act.