

**First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 11-0013.01 Gregg Fraser

HOUSE BILL 11-1059

HOUSE SPONSORSHIP

Swalm,

SENATE SPONSORSHIP

(None),

House Committees
Local Government

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A RESTRICTION ON FEES CHARGED BY LOCAL**
102 **GOVERNMENTS FOR COSTS INCURRED IN CONNECTION WITH**
103 **RESPONDING TO MOTOR VEHICLE ACCIDENTS.**

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>.)

The bill prohibits local governments from imposing a fee or seeking reimbursement for costs incurred by police officers, firefighters, and other first responders in connection with responding to a motor

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.

HOUSE
Am ended 2nd Reading
February 28, 2011

vehicle accident, with exceptions for certain costs for cleaning up hazardous materials and costs incurred in connection with providing ambulance service.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) The cost of responding to motor vehicle accidents has
5 traditionally been borne by the city, county, or other local government
6 within which the accident occurs;

7 (b) A number of cities, counties, and special districts have begun
8 to impose or consider imposing accident fees upon nonresidents to pay for
9 the cost of responding to motor vehicle accidents;

10 (c) These accident fees constitute a new, nontraditional method of
11 regulating drivers in the state;

12 (d) Given the nature of metropolitan areas, a driver could pass
13 through multiple jurisdictions in a single, short trip to work, home, or
14 shopping;

15 (e) As traffic on roadways in the state and between municipalities
16 becomes more and more integrated, it becomes even more necessary to
17 have uniform laws regulating the responsibilities of drivers;

18 (f) The use of accident fees changes the nature of the enforcement
19 of laws in a fundamental way and alters Colorado citizens' basic
20 expectations about their responsibilities in the event of an accident;

21 (g) The use of accident fees by a city has a significant impact on
22 Colorado residents living outside the city and directly implicates the
23 expectations of Colorado citizens;

24 (h) Allowing a variety of accident fees in a multitude of

1 jurisdictions will increase the potential for driver confusion;

2 (i) If some cities adopt accident fees, others may adopt similar or
3 escalating fees in order to extract compensation from residents of
4 neighboring communities;

5 (j) Restricting accident fees will effectuate increased cooperation
6 among local governments;

7 (k) Article XX of the state constitution does not specifically
8 commit the regulation of fees charged for motor vehicle accidents to local
9 regulation; and

10 (l) The regulation of accident fees is a matter of statewide
11 concern.

12 **SECTION 2.** Part 10 of article 1 of title 29, Colorado Revised
13 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
14 read:

15 **29-1-1003. Prohibition of fees for first-responder services -**
16 **exceptions.** (1) ON AND AFTER DECEMBER 31, 2011, NOTWITHSTANDING
17 ANY LAW TO THE CONTRARY, A LOCAL GOVERNMENT SHALL NOT IMPOSE
18 A FEE OR SEEK REIMBURSEMENT FROM A NONRESIDENT OF THE LOCAL
19 GOVERNMENT FOR ANY COSTS OR EXPENSES THAT MAY BE INCURRED FOR
20 SERVICES PROVIDED WITHIN THE BOUNDARIES OF AN URBAN MUNICIPALITY
21 BY A LAW ENFORCEMENT OFFICER, FIREFIGHTER, EMERGENCY MEDICAL
22 TECHNICIAN, PARAMEDIC, OR OTHER FIRST RESPONDER WHO IS EMPLOYED
23 BY A PUBLIC ENTITY, INCLUDING COSTS OR EXPENSES RELATED TO
24 PERSONNEL, SUPPLIES, MOTOR VEHICLES, OR EQUIPMENT IN RESPONSE TO
25 A MOTOR VEHICLE ACCIDENT, EXCEPT FOR COSTS TO CONTAIN OR CLEAN
26 UP HAZARDOUS MATERIALS WHERE SPECIFICALLY PROVIDED FOR BY LAW
27 OR FOR TRANSPORTATION AND TREATMENT PROVIDED IN CONNECTION

1 WITH THE PROVISION OF AMBULANCE SERVICE. NOTHING IN THIS SECTION
2 SHALL BE CONSTRUED TO AFFECT THE ABILITY OF ANY LOCAL
3 GOVERNMENT TO IMPOSE A FEE OR SEEK REIMBURSEMENT FOR COSTS
4 RELATED TO AN EMERGENCY INCIDENT INVOLVING AN AIRCRAFT, TO A
5 RAIL TRANSPORTATION INCIDENT, TO OPEN WATER RESCUE, OR TO OPEN
6 WATER RECOVERY ACTIVITIES.

7 (2) FOR PURPOSES OF THIS SECTION, UNLESS THE CONTEXT
8 OTHERWISE REQUIRES:

9 (a) "LOCAL GOVERNMENT" SHALL HAVE THE SAME MEANING AS
10 SET FORTH IN SECTION 29-1-602.

11 (b) "URBAN MUNICIPALITY" MEANS THE CITY AND COUNTIES OF
12 BROOMFIELD AND DENVER; THE CITIES OF ARVADA, AURORA, BOULDER,
13 BRIGHTON, CASTLE PINES NORTH, CENTENNIAL, CHERRY HILLS VILLAGE,
14 COLORADO SPRINGS, COMMERCE CITY, DACONO, EDGEWATER,
15 ENGLEWOOD, EVANS, FEDERAL HEIGHTS, FORT COLLINS, FORT LUPTON,
16 FOUNTAIN, GLENDALE, GOLDEN, GREELEY, GREENWOOD VILLAGE,
17 LAFAYETTE, LAKEWOOD, LITTLETON, LONE TREE, LONGMONT,
18 LOUISVILLE, LOVELAND, MANITOU SPRINGS, NORTHGLENN, SHERIDAN,
19 THORNTON, WESTMINSTER, AND WHEAT RIDGE; AND THE TOWNS OF
20 BERTHOUD, BOW MAR, COLUMBINE VALLEY, ERIE, FIRESTONE,
21 FOXFIELD, FREDERICK, GILCREST, HUDSON, JOHNSTOWN, LA SALLE,
22 LAKESIDE, LOCHBUIE, MILLIKEN, MORRISON, MOUNTAIN VIEW,
23 SUPERIOR, TIMNATH, AND WINDSOR.

24 **SECTION 3.** 32-1-1002 (1) (e) (I), Colorado Revised Statutes, is
25 amended to read:

26 **32-1-1002. Fire protection districts - additional powers and**
27 **duties.** (1) In addition to the powers specified in section 32-1-1001, the

1 board of any fire protection district has the following powers for and on
2 behalf of such district:

3 (e) To fix and from time to time increase or decrease fees and
4 charges as follows, and the board may pledge such revenue for the
5 payment of any indebtedness of the district:

6 (I) For ambulance or emergency medical services and, SUBJECT TO
7 THE RESTRICTIONS SET FORTH IN SECTION 29-1-1003, C.R.S., FOR
8 extrication, rescue, or safety services provided in furtherance of
9 ambulance or emergency medical services. "Extrication, rescue, or safety
10 services" includes but is not limited to any:

11 (A) Services provided prior to the arrival of an ambulance;

12 (B) Rescue or extrication of trapped or injured parties at the scene
13 of a motor vehicle accident; and

14 (C) Lane safety or blocking provided by district equipment.

15 **SECTION 4. Act subject to petition - effective date.** This act
16 shall take effect at 12:01 a.m. on the day following the expiration of the
17 ninety-day period after final adjournment of the general assembly (August
18 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a
19 referendum petition is filed pursuant to section 1 (3) of article V of the
20 state constitution against this act or an item, section, or part of this act
21 within such period, then the act, item, section, or part shall not take effect
22 unless approved by the people at the general election to be held in
23 November 2012 and shall take effect on the date of the official
24 declaration of the vote thereon by the governor.