

**NOTE: The governor signed this measure on 5/15/2014.**

# An Act

HOUSE BILL 14-1021

BY REPRESENTATIVE(S) Mitsch Bush and Hamner, Fischer, Tyler, Fields, Ginal, Labuda;  
also SENATOR(S) Schwartz, Guzman, Heath, King, Nicholson, Rivera, Todd.

CONCERNING THE PENALTY FOR VIOLATING A ROAD RESTRICTION FOR VEHICLE COMBINATIONS OVER THIRTY-FIVE FEET IN LENGTH TRAVELING ON INDEPENDENCE PASS.

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

**SECTION 1.** In Colorado Revised Statutes, 42-4-106, **add** (4.5) as follows:

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

(4.5) (a) THE DEPARTMENT OF TRANSPORTATION HAS AUTHORITY TO CLOSE ANY PORTION OF A STATE HIGHWAY TO PUBLIC TRAVEL.

(b) (I) A PERSON WHO OPERATES A MOTOR VEHICLE OR VEHICLE COMBINATION OVER THIRTY-FIVE FEET IN LENGTH ON STATE HIGHWAY 82 BETWEEN MILE MARKERS 47 AND 72 IN VIOLATION OF A CLOSURE UNDER PARAGRAPH (a) OF THIS SUBSECTION (4.5) IS SUBJECT TO AN ENHANCED PENALTY AS SET FORTH IN SECTION 42-4-1701 (4) (a) (I) (F).

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

(II) A PERSON WHO OPERATES A MOTOR VEHICLE OR VEHICLE COMBINATION OVER THIRTY-FIVE FEET IN LENGTH ON STATE HIGHWAY 82 BETWEEN MILE MARKERS 47 AND 72 IN VIOLATION OF A CLOSURE UNDER PARAGRAPH (a) OF THIS SUBSECTION (4.5), WHERE THE RESULT OF THE VIOLATION IS AN INCIDENT THAT CAUSES THE CLOSURE OF A TRAVEL LANE IN ONE OR BOTH DIRECTIONS, IS SUBJECT TO AN ENHANCED PENALTY AS SET FORTH IN SECTION 42-4-1701 (4) (a) (I) (F).

(c) (I) BY OCTOBER 1, 2014, THE DEPARTMENT OF TRANSPORTATION SHALL ERECT SIGNS ON STATE HIGHWAY 82 GIVING NOTICE OF ENHANCED PENALTIES SET FORTH IN SECTION 42-4-1701 (4) (a) (I) (F).

(II) THIS PARAGRAPH (c) IS REPEALED, EFFECTIVE JULY 1, 2016.

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

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

<b>Section Violated</b>	<b>Penalty</b>	<b>Surcharge</b>
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(F) **Size, weight, and load violations:**

42-4-502	\$ 75.00	\$ 24.00
42-4-503	15.00	6.00
42-4-504	75.00	24.00
42-4-505	75.00	24.00
42-4-506	15.00	6.00
42-4-509	50.00	16.00
42-4-510 (12) (a)	35.00	10.00
42-4-106 (1), (3), (4), (6), or (7)	35.00	10.00
42-4-106 (4.5) (b) (I)	1,000.00	156.00
42-4-106 (4.5) (b) (II)	1,500.00	156.00
42-4-106 (5) (a) (I)	100.00	32.00
42-4-106 (5) (a) (II)	500.00	156.00
42-4-106 (5) (a) (III)	500.00	78.00
42-4-106 (5) (a) (IV)	1,000.00	156.00
42-4-512	75.00	24.00
42-8-105 (1) to (5)	50.00	16.00
42-8-106	50.00	16.00

**SECTION 3. Act subject to petition - effective date - applicability.** (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 6, 2014, if adjournment sine die is on May 7, 2014); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2014 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

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

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Mark Ferrandino  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Morgan Carroll  
PRESIDENT OF  
THE SENATE

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Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

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Cindi L. Markwell  
SECRETARY OF  
THE SENATE

APPROVED \_\_\_\_\_

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John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO