

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 14-0228.01 Jery Payne x2157

HOUSE BILL 14-1021

HOUSE SPONSORSHIP

Mitsch Bush and Hamner, Fischer, Tyler

SENATE SPONSORSHIP

Schwartz,

House Committees

Transportation & Energy
Appropriations

Senate Committees

A BILL FOR AN ACT

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

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

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.

lane, the fine is increased to \$2,500. In addition, 2 license suspension points are imposed for each of these violations.

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

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

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

5 (4.5) (a) THE DEPARTMENT OF TRANSPORTATION HAS AUTHORITY TO
6 CLOSE ANY PORTION OF A STATE HIGHWAY TO PUBLIC TRAVEL.

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

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

19 (c) (I) BY OCTOBER 1, 2014, THE DEPARTMENT OF
20 TRANSPORTATION SHALL ERECT SIGNS ON STATE HIGHWAY 82 GIVING
21 NOTICE OF ENHANCED PENALTIES SET FORTH IN SECTION
22 42-4-1701 (4) (a) (I) (F).

23 (II) THIS PARAGRAPH (c) IS REPEALED, EFFECTIVE JULY 1, 2016.

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

1 **42-4-1701. Traffic offenses and infractions classified -**
2 **penalties - penalty and surcharge schedule - repeal.** (4) (a) (I) Except
3 as provided in paragraph (c) of subsection (5) of this section, every
4 person who is convicted of, who admits liability for, or against whom a
5 judgment is entered for a violation of any provision of this title to which
6 paragraph (a) or (b) of subsection (5) of this section apply shall be fined
7 or penalized, and have a surcharge levied thereon pursuant to sections
8 24-4.1-119 (1) (f) and 24-4.2-104 (1) (b) (I), C.R.S., in accordance with
9 the penalty and surcharge schedule set forth in sub-subparagraphs (A) to
10 (P) of this subparagraph (I); or, if no penalty or surcharge is specified in
11 the schedule, the penalty for class A and class B traffic infractions ~~shall~~
12 ~~be~~ IS fifteen dollars, and the surcharge ~~shall be~~ IS four dollars. These
13 penalties and surcharges ~~shall~~ apply whether the defendant acknowledges
14 the defendant's guilt or liability in accordance with the procedure set forth
15 by paragraph (a) of subsection (5) of this section, ~~or~~ is found guilty by a
16 court of competent jurisdiction, or has judgment entered against the
17 defendant by a county court magistrate. Penalties and surcharges for
18 violating specific sections ~~shall be~~ ARE as follows:

19	Section Violated	Penalty	Surcharge
20	(F) Size, weight, and load violations:		
21	42-4-502	\$ 75.00	\$ 24.00
22	42-4-503	15.00	6.00
23	42-4-504	75.00	24.00
24	42-4-505	75.00	24.00
25	42-4-506	15.00	6.00
26	42-4-509	50.00	16.00
27	42-4-510 (12)(a)	35.00	10.00

1	42-4-106 (1), (3), (4),		
2	(6), or (7)	35.00	10.00
3	42-4-106 (4.5)(b)(I)	1,000.00	156.00
4	42-4-106 (4.5)(b)(II)	1,500.00	156.00
5	42-4-106 (5)(a)(I)	100.00	32.00
6	42-4-106 (5)(a)(II)	500.00	156.00
7	42-4-106 (5)(a)(III)	500.00	78.00
8	42-4-106 (5)(a)(IV)	1,000.00	156.00
9	■		
10	42-4-512	75.00	24.00
11	42-8-105 (1) to (5)	50.00	16.00
12	42-8-106	50.00	16.00

13 **SECTION 3. Act subject to petition - effective date -**

14 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
15 the expiration of the ninety-day period after final adjournment of the
16 general assembly (August 6, 2014, if adjournment sine die is on May 7,
17 2014); except that, if a referendum petition is filed pursuant to section 1
18 (3) of article V of the state constitution against this act or an item, section,
19 or part of this act within such period, then the act, item, section, or part
20 will not take effect unless approved by the people at the general election
21 to be held in November 2014 and, in such case, will take effect on the
22 date of the official declaration of the vote thereon by the governor.

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