Second Regular Session Sixty-sixth General Assembly STATE OF COLORADO

INTRODUCED

LLS NO. 08-0261.01 Jery Payne

HOUSE BILL 08-1010

HOUSE SPONSORSHIP

McFadyen, and Merrifield

SENATE SPONSORSHIP

Takis,

House Committees

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Senate Committees

Transportation & Energy

A BILL FOR AN ACT

CONCERNING THE FINES IMPOSED FOR VIOLATIONS INVOLVING MOTOR

102 VEHICLES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Transportation Legislation Review Committee. Raises the minimum fine for a class 2 traffic misdemeanor from \$10 to \$150. Increases the minimum fine for a class 1 traffic misdemeanor from \$100 to \$300. Raises the fines for the following motor vehicle traffic infractions:

- Careless driving violation;
- Child restraint violation;

- Clinging to other vehicle from motorcycle violation;
- Coasting violation;
- Commercial restrictions on young driver violation;
- Divided or controlled access highway violation;
- Drive on right side violation;
- Driving through safety zone violation;
- Emerging or entering alley violation;
- Failure of certain vehicles to stop at railroad crossing violation;
- Failure to exercise due care violation;
- Failure to stop or yield at intersection violation;
- Failure to yield for emergency vehicle violation;
- Failure to yield to person with disability violation;
- Failure to yield to right at intersection violation;
- Failure to yield when entering roadway violation;
- Flashing signal violation;
- Following fire vehicle violation;
- Following too closely violation;
- Highway work area violation;
- Improper backing violation;
- Improper motorcycle riding violation;
- Improper overtaking on right violation;
- Improper signaling violation;
- Instruction permit violation;
- Lane violation;
- Left turn violation;
- License condition or restriction violation:
- Minimum speed and impeding traffic violation;
- Minor driver restriction violation;
- Motorcycle lane violation;
- Mountain driving violation;
- Obstruction of traffic in intersection violation;
- One-way roads and rotary traffic island violation;
- Overtaking vehicle on left violation;
- Passing lane violation;
- Passing violation;
- Pedestrian right-of-way violation;
- Railroad signal violation;
- Runaway vehicle ramp violation;
- Seat belt violation;
- Speeding and speed limit violation;
- Starting parked vehicle violation;
- Stopping or abandoning vehicle on highway violation;
- Traffic control signal violation;
- Turning around violation; and

• Turning violation.

Reduces, from 100% to 50%, the portion of seat belt violation fines that are kept by a local jurisdiction for violations occurring on state and federal highways if a peace officer employed by the local jurisdiction writes the citation. Credits the remaining amount of the fine revenue to the highway users tax fund.

Doubles the minimum fine for DUI, DWAI, UDD, and habitual user driving. Changes the percentage of the fine for such offenses that is transmitted to the highway users tax fund from 50% to 75% if the violation occurred on a state or federal highway. Doubles the minimum fines for vehicular eluding.

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

2 **SECTION 1.** 18-9-116.5, Colorado Revised Statutes, is amended

3 to read:

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18-9-116.5. Vehicular eluding. (1) Any person who, while operating a motor vehicle, knowingly eludes or attempts to elude a peace officer also operating a motor vehicle, and who knows or reasonably should know that he or she is being pursued by said peace officer, and who operates his or her vehicle in a reckless manner, commits vehicular eluding.

- (2) (a) Vehicular eluding is a class 5 felony; except that vehicular eluding which THAT results in bodily injury to another person is a class 4 felony and vehicular eluding which THAT results in death to another person is a class 3 felony.
- (b) NOTWITHSTANDING SECTION 18-1.3-401, THE MINIMUM SENTENCE WITHIN THE PRESUMPTIVE RANGE FOR A VIOLATION OF THIS SECTION SHALL BE INCREASED AS FOLLOWS:
- 17 (I) FOR A CLASS 5 FELONY, THE MINIMUM FINE SHALL BE TWO THOUSAND DOLLARS;
- 19 (II) FOR A CLASS 4 FELONY, THE MINIMUM FINE SHALL BE FOUR

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1	THOUSAND DOLLARS; AND
2	(III) FOR A CLASS 3 FELONY, THE MINIMUM FINE SHALL BE SIX
3	THOUSAND DOLLARS.
4	SECTION 2. The introductory portion to 42-1-217 (1) and
5	42-1-217 (1) (b), (1) (d), (1) (e), and (2), Colorado Revised Statutes, are
6	amended to read:
7	42-1-217. Disposition of fines and surcharges - repeal. (1) All
8	judges, clerks of a court of record, or other officers imposing or receiving
9	fines, penalties, or forfeitures, except those moneys received pursuant to
10	sections 42-4-313 (3), 42-4-413, 42-4-1409, 42-4-1701 (5) (a), 42-8-105,
11	and 42-8-106, collected pursuant to or as a result of a conviction of any
12	persons for a violation of any of the provisions of articles 1 to 4 (except
13	part 3 of article 2) of this title, shall transmit, within ten days after the
14	date of receipt of any such fine, penalty, or forfeiture, all such moneys so
15	collected in the following manner:
16	(b) Fifty percent of any fine, penalty, or forfeiture for a violation
17	of section 42-4-1301 occurring within the corporate limits of a city or
18	town shall be transmitted to the treasurer or chief financial officer of said
19	city or town, and the remaining fifty percent shall be transmitted to the
20	state treasurer, credited to the highway users tax fund, and allocated and
21	expended as specified in section 43-4-205 (5.5) (a), C.R.S.; EXCEPT THAT
22	TWENTY-FIVE PERCENT OF ANY FINE, PENALTY, OR FORFEITURE FOR A
23	VIOLATION OF SECTION 42-4-1301 OCCURRING ON A STATE OR FEDERAL
24	HIGHWAY SHALL BE TRANSMITTED TO THE TREASURER OR CHIEF
25	FINANCIAL OFFICER OF SAID CITY OR TOWN, AND THE REMAINING

SEVENTY-FIVE PERCENT SHALL BE TRANSMITTED TO THE STATE

TREASURER, CREDITED TO THE HIGHWAY USERS TAX FUND, AND

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1	ALLOCATED AND EXPENDED AS SPECIFIED IN SECTION 43-4-205 (5.5) (a),
2	C.R.S.
3	(d) Fifty percent of any fine, penalty, or forfeiture for a violation
4	of section 42-4-1301 occurring outside the corporate limits of a city or
5	town shall be transmitted to the treasurer of the county in which the city
6	or town is located, and the remaining fifty percent shall be transmitted to
7	the state treasurer, credited to the highway users tax fund, and allocated
8	and expended as specified in section 43-4-205 (5.5) (a), C.R.S.; EXCEPT
9	THAT TWENTY-FIVE PERCENT OF ANY FINE, PENALTY, OR FORFEITURE FOR
10	A VIOLATION OF SECTION 42-4-1301 OCCURRING ON A STATE OR FEDERAL
11	HIGHWAY SHALL BE TRANSMITTED TO THE TREASURER OF THE COUNTY IN
12	WHICH THE CITY OR TOWN IS LOCATED, AND THE REMAINING
13	SEVENTY-FIVE PERCENT SHALL BE TRANSMITTED TO THE STATE
14	TREASURER, CREDITED TO THE HIGHWAY USERS TAX FUND, AND
15	ALLOCATED AND EXPENDED AS SPECIFIED IN SECTION 43-4-205 (5.5) (a),
16	C.R.S.
17	(e) Any fine, penalty, or forfeiture collected for a violation of
18	section 42-4-237 shall be transmitted to the treasurer of the local
19	jurisdiction in which the violation occurred; except that:
20	(I) If the citing officer was an officer of the Colorado state patrol,
21	the fine, penalty, or forfeiture shall be transmitted to the state treasurer,
22	credited to the highway users tax fund, and allocated and expended as
23	specified in section 43-4-205 (5.5) (a), C.R.S.; OR

WHICH THE VIOLATION OCCURRED AND THE REMAINING FIFTY PERCENT

HIGHWAY, FIFTY PERCENT OF THE FINE, PENALTY, OR FORFEITURE SHALL

BE TRANSMITTED TO THE TREASURER OF THE LOCAL JURISDICTION IN

(II) IF THE VIOLATION OCCURRED ON A STATE OR FEDERAL

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1	SHALL BE TRANSMITTED TO THE STATE TREASURER, CREDITED TO THE
2	HIGHWAY USERS TAX FUND, AND ALLOCATED AND EXPENDED AS SPECIFIED
3	IN SECTION 43-4-205 (5.5) (a), C.R.S.
4	(2) Except for the first fifty cents of any penalty for a traffic
5	infraction, which shall be retained by the department and used for
6	administrative purposes, moneys collected by the department pursuant to
7	the provisions of section 42-4-1701 (5) (a) shall be transmitted to the state
8	treasurer, who shall credit the same to the highway users tax fund for
9	allocation and expenditure as specified in section 43-4-205 (5.5) (a),
10	C.R.S.; except that moneys collected pursuant to section 42-4-1701 (5) (a)
11	for a violation of section 42-4-237 shall only be transmitted to the state
12	treasurer if the citing officer was an officer of the Colorado state patrol
13	and in all other cases shall be transmitted to the treasurer of the local
14	jurisdiction in which the violation occurred ALLOCATED PURSUANT TO
15	PARAGRAPH (e) OF SUBSECTION (1) OF THIS SECTION.
16	SECTION 3. 42-2-105.5 (5) (b) (II), Colorado Revised Statutes,
17	is amended to read:
18	42-2-105.5. Restrictions on minor drivers under eighteen years
19	of age - penalties - legislative declaration. (5) (b) A violation of
20	subsection (3) of this section is a traffic infraction, and, notwithstanding
21	the provisions of section 42-4-1701 (4) (a) (I) (D), a person convicted of
22	violating subsection (3) of this section shall be punished as follows:
23	(II) By the levying of a fine of not more than fifty SIXTY-FIVE
24	dollars for a first offense, a fine of not more than one hundred THIRTY
25	dollars for a second offense, and a fine of one hundred fifty NINETY-FIVE
26	dollars for a subsequent offense; and
27	SECTION 4. 42-4-1301 (7) (a) (I) (B), (7) (a) (II) (B), (7) (a)

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1	(IV) (B), (/) (b) (I) (B), (/) (b) (II) (B), and (/) (b) (III) (B), Colorado
2	Revised Statutes, are amended to read:
3	42-4-1301. Driving under the influence - driving while
4	impaired - driving with excessive alcoholic content - definitions -
5	penalties. (7) Penalties. (a) (I) Except as otherwise provided in
6	subparagraphs (II) and (IV) of this paragraph (a), every person who is
7	convicted of DUI, DUI per se, or habitual user shall be punished by:
8	(B) In the court's discretion, a fine of not less than three SIX
9	hundred dollars nor more than one thousand dollars; and
10	(II) Upon conviction of a violation described in sub-subparagraph
11	(A) or (B) of subparagraph (III) of this paragraph (a), an offender shall be
12	punished by:
13	(B) In the court's discretion, a fine of not less than five hundred
14	ONE THOUSAND dollars nor more than one thousand five hundred dollars;
15	and
16	(IV) Upon a conviction for DUI, DUI per se, or habitual user,
17	which violation occurred at any time after the date of a previous violation,
18	for which there has been a conviction, for DWAI, an offender shall be
19	punished by:
20	(B) In the court's discretion, a fine of not less than four NINE
21	hundred fifty dollars nor more than one thousand five hundred dollars;
22	and
23	(b) (I) Except as otherwise provided in subparagraphs (II) and
24	(III) of this paragraph (b), every person who is convicted of DWAI shall
25	be punished by:
26	(B) In the court's discretion, a fine of not less than one TWO
27	hundred dollars nor more than five hundred dollars; and

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1	(II) Upon conviction of a second of subsequent offense of Dw Af				
2	an offender shall be punished by:				
3	(B) In the	court's discretion	n, a fine of n	ot less than	three SIX
4	hundred dollars no	or more than one	thousand dolla	ars; and	
5	(III) Upon	conviction for DV	WAI, which vi	olation occuri	red at any
6	time after the date	e of a previous v	iolation, for v	which there ha	as been a
7	conviction, for DU	I, DUI per se, or	habitual user,	or vehicular	homicide
8	pursuant to sectio	n 18-3-106 (1)	(b) (I), C.R.S	., or vehicula	ır assault
9	pursuant to section	n 18-3-205 (1) (b)	(I), C.R.S., o	r of driving w	hile such
10	person's driver's l	icense was und	er restraint as	described in	n section
11	42-2-138 (4) (b), a	n offender shall	be punished by	y:	
12	(B) In the	court's discretion	n, a fine of no	ot less than fo	ur EIGHT
13	hundred dollars no	or more than one	thousand two	hundred dolla	ers; and
14	SECTION	5. 42-4-1701 (3)	(a) (II) (A), (a	4) (a) (I) (A),	(4) (a) (I)
15	(C), (4) (a) (I) (D) .	(4) (a) (I) (G), (4)	4) (a) (I) (H), ((4) (a) (I) (I), ((4) (a) (I)
16	(J), (4) (a) (I) (K),	(4)(a)(I)(L),(4)	(a) (I) (M), $(4$) (a) (I) (N), a	nd (4) (a)
17	(I) (O), Colorado l	Revised Statutes,	are amended	to read:	
18	42-4-1701.	Traffic offer	ses and inf	ractions cla	ssified -
19	penalties - penalt	y and surcharge	schedule. (3)	(a) (II) (A) I	Except as
20	OTHERWISE provid	ed in SUB-SUBPAI	RAGRAPH(B)	FTHIS SUBPAI	RAGRAPH
21	(II), subsections (4	and (5) of this s	ection, and in s	sections 42-4-	1301 (7)
22	42-4-1301.2 (2),	42-4-1301.3, and	1 42-4-1301.4	, misdemean	or traffic
23	offenses are divided into two classes which THAT are distinguished from				
24	one another by the	following penal	ties which THA	AT are authori	zed upon
25	conviction:				
26	Class Min	imum	Maxim	um	
27	Sen	tence	Senter	ice	

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1	1 Ten days imprisonment, One year imprisonment,
2	or \$100 \$300 fine, or both. or \$1000 fine, or both.
3	2 Ten days imprisonment, Ninety days imprisonment,
4	or \$10 \$150 fine, or both. or \$300 fine, or both.
5	(4) (a) (I) Except as provided in paragraph (c) of subsection (5) of
6	this section, every person who is convicted of, who admits liability for,
7	or against whom a judgment is entered for a violation of any provision of
8	this title to which the provisions of paragraph (a) or (b) of subsection (5)
9	of this section apply shall be fined or penalized, and have a surcharge
10	levied thereon pursuant to sections 24-4.1-119 (1) (f) and 24-4.2-104 (1)
11	(b) (I), C.R.S., in accordance with the penalty and surcharge schedule set
12	forth in sub-subparagraphs (A) to (P) of this subparagraph (I); or, if no
13	penalty or surcharge is specified in the schedule, the penalty for class A
14	and class B traffic infractions shall be fifteen dollars, and the surcharge
15	shall be four dollars. These penalties and surcharges shall apply whether
16	the defendant acknowledges the defendant's guilt or liability in
17	accordance with the procedure set forth by paragraph (a) of subsection (5)
18	of this section or is found guilty by a court of competent jurisdiction or
19	has judgment entered against the defendant by a county court magistrate.
20	Penalties and surcharges for violating specific sections shall be as
21	follows:
22	Section Violated Penalty Surcharge
23	(A) Drivers' license violations:
24	42-2-101 (1) or (4) \$ 35.00 \$ 10.00

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42-2-101 (2), (3), or (5)

42-2-103

42-2-105

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6.00

6.00

10.00

15.00

15.00

35.00 70.00

1	42-2-105.5 (5) (a) (4)	35.00 65.00	10.00
2	42-2-106	35.00 70.00	10.00
3	42-2-116 (6) (a)	15.00 30.00	6.00
4	42-2-119	15.00	6.00
5	42-2-134	35.00	10.00
6	42-2-136	35.00	10.00
7	42-2-139	35.00	10.00
8	42-2-140	35.00	10.00
9	42-2-141	35.00	10.00
10	(C) Traffic regul	lation generally:	
11	42-4-1412	\$ 15.00	\$ 6.00
12	42-4-109 (13) (a)	15.00	6.00
13	42-4-109 (13) (b)	100.00	15.00
14	42-4-1211	15.00 30.00	6.00
15	42-4-1405	15.00	6.00
16	(D) Equipment	violations:	
17	42-4-201	\$ 35.00	\$ 10.00
18	42-4-202	35.00	10.00
19	42-4-204	15.00	6.00
20	42-4-205	15.00	6.00
21	42-4-206	15.00	6.00
22	42-4-207	15.00	6.00
23	42-4-208	15.00	6.00
24	42-4-209	15.00	6.00
25	42-4-210	15.00	6.00
26	42-4-211	15.00	6.00
27	42-4-212	15.00	6.00

1	42-4-213	15.00	6.00
2	42-4-214	15.00	6.00
3	42-4-215	15.00	6.00
4	42-4-216	15.00	6.00
5	42-4-217	15.00	6.00
6	42-4-218	15.00	6.00
7	42-4-219	15.00	6.00
8	42-4-220	15.00	6.00
9	42-4-221	15.00	6.00
10	42-4-222 (1)	15.00	6.00
11	42-4-223	15.00	6.00
12	42-4-224	15.00	6.00
13	42-4-225 (1)	15.00	6.00
14	42-4-226	15.00	6.00
15	42-4-227 (1)	50.00	16.00
16	42-4-227 (2)	15.00	6.00
17	42-4-228 (1), (2), (3),		
18	(5), or (6)	15.00	6.00
19	42-4-229	15.00	6.00
20	42-4-230	15.00	6.00
21	42-4-231	15.00	6.00
22	42-4-232	15.00	6.00
23	42-4-233	75.00	24.00
24	42-4-234	15.00	6.00
25	42-4-235	50.00	16.00
26	42-4-236	50.00 65.00	16.00
27	42-4-237	15.00 65.00	6.00

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1	42-4-1411	15.00	6.00
2	42-4-1412	15.00	6.00
3	42-4-1901	35.00	10.00
4	(G) Signals, si	gns, and markings violations:	
5	42-4-603	\$ 35.00 100.00	\$ 10.00
6	42-4-604	35.00 100.00	10.00
7	42-4-605	35.00 70.00	10.00
8	42-4-606	15.00	6.00
9	42-4-607 (1)	50.00	16.00
10	42-4-607 (2) (a)	100.00	32.00
11	42-4-608 (1)	15.00 70.00	6.00
12	42-4-608 (2)	15.00	6.00
13	42-4-609	15.00	6.00
14	42-4-610	15.00	6.00
15	42-4-612	35.00 70.00	10.00
16	42-4-613	35.00	10.00
17	(H) Rights-of-	way violations:	
18	42-4-701	\$ 35.00 70.00	\$ 10.00
19	42-4-702	35.00 70.00	10.00
20	42-4-703	35.00 70.00	10.00
21	42-4-704	35.00 70.00	10.00
22	42-4-705	50.00 70.00	16.00
23	42-4-706	35.00 70.00	10.00
24	42-4-707	35.00 70.00	10.00
25	42-4-708	35.00	10.00
26	42-4-709	35.00 70.00	10.00
27	42-4-710	35.00 70.00	10.00

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1	42-4-711	35.00 100.00	10.00
2	42-4-712	35.00 70.00	10.00
3	(I) Pedestriai	n violations:	
4	42-4-801	\$ 15.00	\$ 6.00
5	42-4-802 (1)	15.00 30.00	6.00
6	42-4-802 (3)	15.00	6.00
7	42-4-802 (4)	30.00	6.00
8	42-4-802 (5)	30.00	6.00
9	42-4-803	15.00	6.00
10	42-4-805	15.00	6.00
11	42-4-806	35.00 70.00	10.00
12	42-4-807	35.00 70.00	10.00
13	42-4-808	35.00 70.00	10.00
14	(J) Turning a	and stopping violations:	
15	42-4-901	\$ 35.00 70.00	\$ 10.00
16	42-4-902	35.00 70.00	10.00
17	42-4-903	35.00 70.00	10.00
18	(K) Driving,	overtaking, and passing violations:	
19	42-4-1001	\$ 35.00 70.00	\$ 10.00
20	42-4-1002	35.00 100.00	10.00
21	42-4-1003	35.00 100.00	10.00
22	42-4-1004	35.00 100.00	10.00
23	42-4-1005	35.00 100.00	10.00
24	42-4-1006	35.00 70.00	10.00
25	42-4-1007	35.00 100.00	10.00
26	42-4-1008	35.00 100.00	10.00
27	42-4-1009	35.00 70.00	10.00

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1	42-4-1010	35.00 70.00	10.00
2	42-4-1011	100.00 200.00	32.00
3	42-4-1012 (3) (a)	65.00	(NONE)
4	42-4-1012 (3) (b)	125.00	(NONE)
5	42-4-1013	100.00	(NONE)
6	(L) Speeding violations:		
7	42-4-1101 (1) or (8) (b) (1 to 4 miles		
8	per hour over the reasonable and		
9	prudent speed or over the maximum		
10	lawful speed limit of 75 miles		
11	per hour)	\$ 15.00 30.00	\$ 6.00
12	42-4-1101 (1) or (8) (b) (5 to 9 miles		
13	per hour over the reasonable and		
14	prudent speed or over the maximum		
15	lawful speed limit of 75 miles		
16	per hour)	35.00 70.00	10.00
17	42-4-1101 (1) or (8) (b) (10 to 19 miles		
18	per hour over the reasonable and		
19	prudent speed or over the maximum		
20	lawful speed limit of 75 miles		
21	per hour)	50.00 135.00	16.00
22	42-4-1101 (1) or (8) (b) (20 to 24 miles		
23	per hour over the reasonable and		
24	prudent speed or over the maximum		
25	lawful speed limit of 75 miles		
26	per hour)	100.00 200.00	32.00
27	42-4-1101 (3)	35.00 100.00	10.00

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27	(O) Motorcycle violations	:	
26	42-20-109 (2)	250.00	66.00
25	42-4-1414 (2) (c)	5,000.00	1,560.00
24	42-4-1414 (2) (b)	1,000.00	312.00
23	42-4-1414 (2) (a)	500.00	156.00
22	42-4-1408	15.00	6.00
21	42-4-314	35.00	10.00
20	42-4-1407 (3) (c)	500.00	200.00
19	42-4-1407 (3) (b)	100.00	30.00
18	42-4-1407 (3) (a)	35.00	10.00
17	42-4-1406	35.00	10.00
16	42-4-1404	15.00	6.00
15	42-4-1403	15.00 30.00	6.00
14	42-4-1402	50.00 150.00	16.00
13	42-4-1305	50.00	16.00
12	42-4-1301 (2) (a.5)	\$ 50.00 100.00	\$ 16.00
11	(N) Other offenses:		
10	42-4-1208 (6) or (9)	100.00	32.00
9	42-4-1207	15.00	6.00
8	42-4-1206	15.00	6.00
7	42-4-1205	15.00	6.00
6	42-4-1204	15.00	6.00
5	42-4-1202	15.00 30.00	6.00
4	42-4-1201	\$ 15.00 30.00	\$ 6.00
3	(M) Parking violations:		
2	42-4-1104	15.00 30.00	6.00
1	42-4-1103	15.00 50.00	6.00

1	42-4-1502 (1), (2), (3), or (4)	\$ 15.00 30.00	\$ 6.00
2	42-4-1502 (4.5)	100.00	15.00
3	42-4-1503	15.00 30.00	6.00
4	42-4-1504	15.00 30.00	6.00
5	SECTION 6. Effective date. This act shall take effect July1,		
6	2008.		
7	SECTION 7. Safety clause. The general assembly hereby finds,		
8	determines, and declares that this act is necessary for the immediate		
9	preservation of the public peace, health, and safety.		