



**Transportation  
Legislation  
Review  
Committee**

**Report to the  
COLORADO  
GENERAL ASSEMBLY**

**Colorado Legislative Council  
Research Publication No. 408  
November 1995**

**RECOMMENDATIONS FOR 1996**

**TRANSPORTATION LEGISLATION  
REVIEW COMMITTEE**

**Report to the  
Colorado General Assembly**

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October 30, 1995

To Members of the Sixtieth General Assembly:

Submitted herewith is the final report for the Transportation Legislation Review Committee. The committee was reconstituted pursuant to Section 43-2-145, C.R.S. (Senate Bill 36, 1986 Session). The purpose of the committee is "to give guidance and direction to the state Department of Transportation in the development of the state system of highways, and to provide legislative overview of and input into such development . . . ."

At its meeting on October 17, the Legislative Council reviewed the report of this committee. A motion to forward this report and the bills therein for consideration in the 1995 session was approved.

Respectfully submitted,

/s/ Senator Tom Norton  
Chairman  
Legislative Council

TN/MW/eg

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# **TRANSPORTATION LEGISLATION REVIEW COMMITTEE**

## **Members of the Committee**

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# STATUTORY AUTHORITY AND RESPONSIBILITIES

The Highway Legislation Review Committee (HLRC) was originally established in 1953 as part of the legislative reorganization of the state highway system that restructured the relationship between state highway, county road, and municipal street systems (Section 43-2-101, C.R.S.). The committee's original charge was to review the implementation and impact of these new highway systems. Currently, the committee is composed of six members of the General Assembly (three from the House and three from the Senate) and five citizen members appointed by the governor. The HLRC was reconstituted in 1986 "to give guidance and direction to the state Department of Highways in the development of the state system of highways and to provide legislative overview of and input into such development."

In 1994, pursuant to the enactment of Senate Bill 94-14, the name was changed to the Transportation Legislation Review Committee (TLRC) to correspond to the committee's oversight responsibilities of the Department of Transportation. The TLRC's statutory duties remained the same as the former HLRC's duties.

In addition to the existing statutory charges, two additional directives were given to the TLRC in 1994. These are statutory charges and require a report on January 1, 1996. They include a review of the driver's license point system and development of a uniform traffic citation document. The committee focused on these charges as well as the Motorist Compliance Financial Responsibility Act as directed by Senate Bill 95-172. The TLRC studied the effectiveness of other insurance enforcement mechanisms, including motorist database systems employed in other compulsory insurance states. This bill also directed the TLRC to examine Colorado's compulsory motor vehicle insurance system to determine whether the system should be maintained or repealed, or whether more effective enforcement mechanisms should be employed. The TLRC is required to recommend to the General Assembly before January 1, 1996 any legislation necessitated by the committee's findings.

# COMMITTEE ACTIVITIES

## Uninsured Motorists

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Senate Bill 95-172 directed the TLRC to study the effectiveness of automobile insurance enforcement mechanisms in other compulsory insurance states including, but not limited to, uninsured motorists database programs. The act also directed the TLRC to examine Colorado's compulsory motor vehicle insurance program to determine whether the system should be maintained or repealed, or whether more effective enforcement mechanisms might be employed.

The August 30 meeting of the TLRC was devoted to consideration of the uninsured motorists issue. The focus of testimony and written materials provided to the committee was on the scope of the uninsured motorists problem, the reasons for the increasing numbers of uninsured motorists, and possible legislative solutions to this problem.

*Scope of problem.* Information provided to the committee indicated there is disagreement regarding the number of uninsured motorists in Colorado. For example, a spokesperson for the Colorado Trial Lawyers Association reviewed statistical data indicating that Colorado has an uninsured motorist rate of 3.5 percent. Data prepared by A.M. Best Company, current as of February 1990, estimated that 17.7 percent of Colorado drivers are uninsured. A representative of State Farm Insurance stated that the insurance industry generally agrees that between 20 and 30 percent of the registered vehicles in Colorado are not insured.

*Reasons for non-compliance.* Testimony from insurance industry representatives included profiles of the socioeconomic status of uninsured motorists. Findings of a report prepared in 1989 by the National Association of Insurance Commissioners were provided to the committee. The report noted that the following sectors of the population do not comply with automobile insurance laws:

- 1) *Poverty sector.* This sector consists of people whose incomes are so low as to make insurance unaffordable at any price.
- 2) *Sector for which cost is too high.* This group of motorists includes persons who could afford insurance coverage but consider the cost of insurance too unreasonable in lieu of other necessary and optional expenses.
- 3) *Sector perceiving no need for insurance.* People in this group either have few or no assets and consider themselves judgement proof, or



they are simply not aware of the risk of being uninsured or of the statutory requirements for insurance.

- 4) **"Scofflaws."** This is the sector of the population that purposely evades the law for whatever reason, regardless of the cost of or the need for insurance.
- 5) **Non-compliance due to no enforcement.** This sector is the population that might otherwise comply with the law, but enforcement is sufficiently weak that other alternatives outweigh the risk of non-compliance.

**Enforcement of compulsory insurance laws.** A significant portion of the August 30 meeting was devoted to consideration of possible legislative solutions to the uninsured motorists problem. Legislators from Utah explained laws recently enacted in that state creating an uninsured motorists database. Enforcement approaches utilized in the states of Arizona, New Mexico, North Carolina, Oregon, Utah, and Virginia were reviewed by the committee. The following is a brief analysis of the enforcement procedures followed in those states.

**Arizona — increased penalty.** Arizona requires proof of insurance when registering a vehicle. If a driver cancels or does not renew a policy, the insurance companies are required to notify the Department of Transportation (DOT). The DOT sends out a notice of intent-to-suspend registration to those drivers and gives them 15 days to respond with proof of insurance. If they do not respond, the offenders are fined a minimum of \$250 and required to apply for a special policy for one year at an increased fee. For a second offense, the vehicle owner loses the privilege of registering the vehicle for one year and is fined \$500. Arizona also has a database in place that records insurance for all registered non-commercial vehicles. Currently, there is an estimated five percent uninsured motorist rate. Before the increased penalties, the rate was 25 to 35 percent.

**New Mexico — removal of plates.** Law enforcement officers are authorized by statute to remove license plates from a vehicle operated by a person who has failed to comply with the Mandatory Financial Responsibility Act, but only when an uninsured vehicle is involved in an accident.

**North Carolina — removal of plates.** North Carolina law requires drivers to maintain liability insurance for their automobiles. The law defines what constitutes a motor vehicle liability policy sufficient to prove financial responsibility for the purpose of registering a vehicle or obtaining a driver's license.

The North Carolina Division of Motor Vehicles (DMV) requires that anyone registering a vehicle or obtaining a driver's license must provide the name of the insurer and the policy number of the liability policy providing coverage to the vehicles

or themselves. After that time, the insurer must notify the DMV when any such coverage terminates within 20 days after the termination is effective. The DMV contacts the driver by mail and provides a form on which information about new coverage must be reported. If the insurance coverage has lapsed, the driver also must remit \$50 at that time. If the driver fails to respond within 10 days, the division mails a follow-up demand to reply within 10 days or forfeit license plates. If this 10-day period elapses without compliance, an order is sent to full-time process officers to pick up the plates. Once the plates are retrieved, the driver must park the vehicle without tags for 30 days, pay a \$50 penalty and a \$50 restoration fee, and purchase new plates. An opportunity is provided for an administrative hearing to contest the revocation of tags.

Compliance with financial responsibility also is monitored by random survey by mail of five percent of the total registrations to confirm uninterrupted financial responsibility. Orders are promptly issued to retrieve the tags of those who fail to reply. The uninsured rate in North Carolina is approximately five percent.

***Oregon — impounding vehicles and suspending licenses.*** Oregon requires that drivers carry proof of insurance forms when driving. Pursuant to a 1993 enactment, in cities with populations greater than 40,000, if the driver is stopped by law enforcement personnel and does not have proof of insurance, the enforcement officer must immediately impound the vehicle. Drivers must show proof of insurance before the vehicle is released. In the event of an accident, all drivers involved in the accident must send proof of insurance with the accident report to the DMV. The DMV sends this report to the insurance company for verification of insurance. If the insurance company denies that the driver is insured, the DMV suspends his or her license for a mandatory one-year period. After one year, the driver must show proof of insurance to be re-licensed and must file proof of insurance for three consecutive years.

The DMV also conducts a random sample of one percent of all registered vehicle owners. A questionnaire is sent regarding the status of a driver's insurance on a particular day. When the questionnaire is returned, the DMV sends it to the insurance company for verification. If the information is false, the DMV sends a 30-day suspension notice to the driver. The driver has 30 days to show proof of insurance, otherwise the license is suspended until the driver shows proof of insurance. The uninsured rate in Oregon is 9.1 percent.

***Utah — uninsured motorist database.*** The DMV uses an insurance company database of information on the insurance status of all registered vehicle owners in Utah. When law enforcement officers stop a vehicle, they access the database to determine whether or not the driver has insurance, is exempt from insurance requirements, or cannot be found on the database. If the information indicates that the driver does not have insurance or cannot be found on the database, the officer writes a citation. The driver has 20 days to show proof of insurance. If the driver does not show proof and is convicted of driving without insurance, his or her license is revoked and fines are assessed. According to a DMV spokesperson, the lack of effective enforcement

provisions allows many of the uninsured drivers who are not convicted to continue driving without insurance. For those who are convicted, proof of insurance is required to obtain a new driver's license. This is a new system for Utah; currently, the uninsured rate is approximately 25 percent.

*Virginia — computer tracking.* The Virginia General Assembly passed legislation during the 1986 session implementing an insurance monitoring system for the DMV. Prior to this legislation, Virginia's uninsured motorists were monitored by citizens filing accident reports with the DMV and the requirement that insurance companies manually report canceled policies.

Monitoring processes were implemented in fiscal year 1992-93 by the Virginia Insurance Monitoring Division of the DMV. These processes attempt to identify uninsured motorists before they are involved in an accident, and allow a citizen to request verification of insurance information following an accident when the citizen believes that the other motorist involved was uninsured.

*Committee recommendations.* In recognition of the need for additional automobile insurance enforcement procedures, the committee requested that three bills be drafted for discussion at the committee's September 27 meeting. The committee considered, but did not take action on the following proposals:

- authorize law enforcement officials to impound the vehicles of persons who are unable to show proof of insurance when asked to do so by law enforcement personnel;
- use window stickers as a means of identifying insured motorists; and
- implement a requirement that in order to receive a refund on automobile insurance premiums paid, the owner must first return his or her license plates to the appropriate county clerk.

The committee recommends Bill A, which establishes an uninsured motorists database. A review of the provisions of that bill is provided on page 13.

### **Traffic Law Advisory Committee**

Pursuant to House Bill 94-1008, the Traffic Law Advisory Committee (TLAC) was directed to develop a uniform traffic ticket for adoption by the General Assembly. The TLAC also was directed to review the current drivers' license point system; to recommend alternatives if advisable; and, if not, to review the current system for the appropriateness of points assessed.

The TLAC (a list of committee members is included as Appendix A on page 19) reported its findings at the September 13 meeting. That committee concluded that it would be more cost effective to encourage the electronic data transfer of traffic tickets among state and local agencies, rather than develop a uniform traffic citation. The TLAC working group concluded that a mandatory uniform ticket designed for state violations may have an adverse impact on municipalities that frequently use the same ticket for both statutory violations filed in county courts and ordinance violations filed in municipal courts. Regarding the electronic data transfer of tickets among agencies, the working group recommended that the Division of Motor Vehicles, the Judicial Department, and the Department of Public Safety be directed to develop and implement standards for data elements for traffic tickets.

The TLAC concluded that the current Colorado point system should be retained. Reasons cited for retention of the current system included the following:

- Colorado drivers understand the system.
- Drivers from most states are familiar with point systems in their home states, an important factor given the mobility of the American population.
- The public finds a sense of equity in a system that relates points to the seriousness of the violation.
- Public safety and individual needs can be balanced through the flexibility permitted by probationary licenses granted to suspended drivers.

*Recommendations.* Although the TLAC concluded that the current division between zero and actual point violations and the points assessed represents a logical and appropriate system, they did question the points assessment for several violations. In response to those concerns, the committee recommends Bills B and C. A review of the provisions of those bills is provided on pages 13 and 14.

### **Activities of the Colorado Department of Transportation**

The Chairman of the Transportation Commission and the Policy Director of the Colorado Department of Transportation (CDOT) provided a status report to the committee on the federal National Highway System Bill and reviewed its favorable implications for Colorado. Some of the implications include designating portions of Colorado highways, such as Interstate-25 south of Denver, under the National Highway System and repealing the sanctions on Colorado for not enacting a motorcycle helmet law.

The CDOT Director of the Office of Finance and Budget, explained the financial allocations for intermodal facilities under the federal Intermodal Surface Transportation and Efficiency Act of 1991 (ISTEA). Colorado receives \$1.17 for each dollar contributed to ISTEA. Colorado's ISTEA Surface Transportation Program budget for fiscal year 1996 is \$60.1 million and will be allocated for projects such as highway safety and enhancement.

In addition, communities in the state with populations less than 5,000 will receive \$10.1 million for highway projects, while cities with populations greater than 200,000 will receive \$17.8 million. The Transportation Commission will be allocated \$30.3 million to address priority projects statewide, Colorado Springs will receive \$3.4 million, and the Denver Regional Council of Governments will be allotted \$14.4 million to address highway funding needs.

The CDOT utilized federal discretionary funding to finance specific highway projects such as the Mousetrap project on Interstate-25 and Interstate-70 in the Denver metropolitan area and the Glenwood Canyon project on Interstate-70. While the Glenwood Canyon project is complete, the Mousetrap project will require another eight years and \$80 million to finish. Both federal and state matching grants are committed to complete this project.

The director reported what specific projects will be addressed under the \$75 million allocated pursuant to House Bill 95-1174, "Improvement of Public Roads." All six transportation regions will have at least one project funded under this bill. Some of the projects include Interstate-70, from Cedar Point to Limon; State Highway 9, Breckenridge to Frisco; and State Highway 82, east of Basalt to Buttermilk.

The director also noted the reasons why 64 percent of Colorado's roads are rated in poor condition. The CDOT currently surfaces roads with materials that last for a shorter period, in an effort to reduce the initial cost. The more expensive road materials are, the longer the road surface upholds. On average, these less expensive materials last from three to five years.

### **Activities of the Regional Transportation District (RTD)**

Representatives of the Regional Transportation District (RTD) provided a status report on the Downtown Express project, consisting of the Southwest corridor of the light rail project and the high occupancy vehicle (HOV) lanes on Interstate-25. The RTD was denied federal funding for the light rail project. As a result, the Board of Directors will vote on whether to seek alternative financing methods to complete the project. If the board decides to proceed, construction on the Southwest corridor will begin in June 1997, and will probably be operational by December 1999. This 8.7-mile corridor will extend south from the central business district of Denver, paralleling Santa

Fe Drive through the cities of Englewood, Sheridan, and Littleton. The estimated cost of construction is \$126.6 million.

The Downtown Express project in the north corridor consists of 6.6 miles of bus/carpool HOV lanes in the middle of Interstate-25 from downtown Denver to 70th Avenue. Future plans include expansion of the HOV lanes to 120th Avenue. The project is being constructed in three phases. Phase I opened to buses only as a two-way bus route from 53rd Avenue to Market Street Station in September 1994. Phase II extended the bus/HOV lanes to 70th Avenue. The 53rd Avenue access point is now permanently closed and two new access points were opened at 58th and 70th Avenues. Phase III, which opened in October 1995, includes changeable signs, traffic gates, closed-circuit television, and provides these major safety features to the barrier-separated lanes. Carpools and vanpools with two or more passengers also have begun using the lanes. The HOV lanes also are one-way reversible lanes with vehicles moving southbound in the morning rush hours, and northbound in the evening rush hours. The Downtown Express is the largest construction project ever undertaken by RTD and is the first project constructed in conjunction with CDOT, the City and County of Denver, the Federal Transit Administration, and the Federal Highway Administration.

### **Activities of the E-470 Public Highway Authority**

The Executive Director of the E-470 Public Highway Authority presented an update on its status. The authority's efforts to begin construction on Segments 2 and 3 of the corridor (approximately 30 miles of highway between Parker Road and 120th Avenue west of Tower Road) were delayed due to litigation in the Colorado Supreme Court that challenged the constitutionality of alignment powers of the authority and the validity of the finance plan under the "Taxpayer Bill of Rights" (TABOR) amendment.

In May 1995, the Colorado Supreme Court held that the authority controls its alignment and the use of the 1986 bonds originally issued by Arapahoe County for the benefit of E-470. The court also determined the authority is not an enterprise under TABOR due to certain taxing powers, but that, despite the non-enterprise status, the 1986 bonds may be remarketed as planned without a TABOR vote. The court also ruled that the governmental loan portion of the Plan of Finance would be a problem for the authority to repay, unless TABOR provisions were met.

As a result of the ruling, the authority proceeded in its implementation of the Plan of Finance and closed on the remarketing of the bonds in August 1995. When the closing was completed, the authority began construction on the next 30 miles of roadway. The Morrison Knudsen Corporation will oversee the road construction, while another contractor, not yet selected, will assume responsibility for the installation of the electronic toll collection system, referred to as the Toll Beltway Management System. Once segments 2 and 3 are completed, construction on Segment 4 will begin as soon

as possible. Segment 4 of the corridor is an extension of the northern part of Segment 2 and is proposed to extend from approximately 120th Avenue to Interstate-25. Segment 4 may not be completed before 2000 without a financial commitment from the state.

## **Federal National Highway System Legislation**

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Testimony was provided concerning the National Highway System Bill of 1995 (S. 440). This bill defines the National Highway System (NHS) as the map submitted by the Federal Highway Administration and provides \$6.5 billion for states in 1996 and 1997 to improve approximately 160,000 miles of roads designated in the NHS. If Congress does not adopt this bill, the states will be barred from accessing the \$6.5 billion in highway funds.

The major provisions of the bill include the following:

- ***Repeals the national speed limit for automobiles; but maintains the limit for trucks.*** Each state decides what speed limit to impose on automobiles. The Senate version requires states to maintain the national speed limit for commercial motor vehicles, while the House version repeals the law for all vehicles.
- ***Removes crumb rubber modifier requirements.*** States will no longer be required to use crumb rubber from scrap tires to modify asphalt pavements. Instead, the Administrator of the Federal Highway Administration (FHWA) will distribute grants, up to \$500,000 per state, for states to develop programs to use crumb rubber.
- ***Eliminates the penalties for noncompliance with the motorcycle helmet use requirement.*** States will not have sanctions imposed if a motorcycle helmet requirement law is not enacted.
- ***Removes penalties for failure to adopt management systems.*** States will no longer be required to implement highway management systems. The Secretary of Transportation will not be able to impose sanctions on or withhold any benefits from states which choose not to implement these systems.
- ***Allows states to continue receiving Congestion Mitigation and Air Quality Improvement Program funds after achieving attainment.*** States may continue to receive funds for areas that were designated as nonattainment areas under the Clean Air Act and later designated by the Environmental Protection Agency as attainment areas.

- ***Provides contract authority for the National Recreational Trails Program.*** The federal share of the cost of projects under this section will be 50 percent. A state will be eligible to receive funding if the following requirements are implemented: the governor of the state has designated a state agency to be responsible for administering allocations; the state proposes to obligate any allocations received in accordance with the proposed guidelines of the law; and a recreational trail advisory board has been formed that includes representatives from both motorized and nonmotorized trail users in the state.
- ***Allows private sector contributions to be used as matching funds.*** Allows a person to donate funds, materials, or services in connection with an activity eligible for federal assistance. In the case of a project in which the federal government and the state share in paying the cost, any donated funds, or the fair market value of any donated materials or services, that are accepted and incorporated into the activity by the state highway agency will be credited against the state share.
- ***Provides the states with design flexibility for non-interstate NHS routes.*** The Secretary of the FHWA may approve a project for the National Highway System if the project is designed to allow for the preservation of environmental, scenic, or historic values; to ensure safe use of the road; to adequately serve the existing and planned future traffic of a highway in a manner conducive to safety, durability, and economy of maintenance; and is designed and constructed in accordance with the particular needs of each locality.
- ***Extends the deadline for metric conversion from 1996 to 2000.*** The Secretary of Transportation will waive, with respect to the states, any requirements that the state must use the metric system with respect to designing, preparing plans, specifications and estimates, or advertising until the year 2000.
- ***Authorization is given to the Secretary of Transportation.*** The Secretary of Transportation is authorized to change or amend the NHS.



# SUMMARY OF RECOMMENDATIONS

As a result of the committee's activities, the following bills are recommended to the Colorado General Assembly.

## **Bill A — Uninsured Motorist Database**

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Bill A creates the "Motorist Insurance Identification Database Program Act" for the purpose of establishing a computer database to help law enforcement officials verify owner compliance with the motor vehicle financial security requirements. The program will be administered by the Division of Motor Vehicles under contract with a third party, cited in the bill as the "designated agent." The bill requires insurers to submit information on a monthly basis to the designated agent who will update the information in the database to ensure compliance with the statutory compulsory insurance requirement.

Insurers issuing motor vehicle insurance are required to report the following information each month to the designated agent:

- name, date of birth, and driver's license number of each named insured;
- make, year, and vehicle identification number of the insured vehicle; and
- policy number effective date and expiration date.

Bill A requires the Division of Motor Vehicles to assess a fine not to exceed \$250 per day for each day an insurer fails to report such information. The program is sunsetted July 1, 2000.

## **Bill B — Uniform Violation Data**

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Pursuant to House Bill 94-1008, the Traffic Law Advisory Committee (TLAC) was directed to consider the feasibility of a uniform traffic ticket. The TLAC concluded that it would be more cost effective to encourage the electronic data transfer of tickets among state and local agencies than to develop a uniform traffic citation. The committee recommends Bill B to implement the electronic data transfer.

Bill B authorizes the Department of Revenue to accept electronic transmission of information for direct recording in the department's records and systems. The Division of Motor Vehicles, the Judicial Department, and the Department of Public Safety are directed to cooperate in the development and implementation of standards for the data elements for traffic tickets. The bill requests that such departments consult

with county sheriffs, municipal police departments and courts, and the Office of Transportation Safety in the Department of Transportation in developing the standards.

Since the Division of Motor Vehicles is moving to Lakewood, Colorado, the bill deletes statutory references to Denver as the division's address.

### **Bill C — Classification of Traffic Infractions**

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Bill C provides for a strengthening of penalties for certain traffic infractions. Sections 42-2-105, C.R.S., (special restrictions on underage drivers), 42-2-106 (restrictions on temporary instruction permit), and 42-2-116 (restrictions in driver's license) state that violations are currently Class B infractions. Said infractions are exempt from point assessment. The bill reclassifies these sections to Class A traffic infractions, comparable to other driver's license violations that result in three point assessments.

Testimony by a representative from the Colorado Department of Transportation indicated that drivers may be deterred from violating the two-passenger minimum on the High Occupancy Vehicle (HOV) lanes if the amount of the fines is increased. Currently, four points and a \$35 fine are assessed for this violation. Bill C reduces the number of points assessed against a driver's license for failure to observe the HOV lane restrictions from four points to a total yet to be determined, but increases the fine from \$35 to \$50 for a first offense, and to \$100 for a third or subsequent offense within a 12-month period.

The bill also provides that the points assessed against a driver's license for the offense of driving on the wrong side of a divided or controlled-access highway are the same as the points assessed for driving on the wrong side of the road.

### **Bill D — Probationary Drivers' Licenses**

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This bill repeals the statutory provision providing that driver's license renewal applicants do not need to complete written examinations if such person has not incurred more than two moving violations totaling less than seven points during the period of the license. Eyesight tests and other examinations of physical limitations will still be required of every driver.

The bill prohibits the Department of Revenue from issuing or renewing a probationary driver's license for an individual unless the individual has a valid driver's privilege and has no outstanding judgments or warrants for motor vehicle or traffic violations. Bill D also requires that probationary licenses be subject to the same restrictions and procedures regarding outstanding judgments or warrants as other drivers' licenses, and prohibits issuance for a term exceeding one year.

## **Bill E — Commercial Driver's License Revocation**

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Bill E clarifies language of Section 42-2-126 (7) (a), C.R.S., which authorizes issuance of a probationary driver's license to a commercial driver whose license had previously been revoked because of a blood alcohol content between 0.04 and 0.10. This statute directly conflicts with the federal law which prohibits issuance of a probationary commercial driver's license to a person whose license was revoked because of operating a commercial vehicle while having a blood alcohol content between 0.04 and 0.09. This bill allows such persons to apply for a driver's license of another class or type instead of a probationary license and prohibits the department from issuing such person a probationary license that would authorize operation of any commercial vehicle.

According to a representative from the Department of Revenue, the federal regulation requires a six-month suspension of a driver's license for commercial drivers who are found to transport, possess, or unlawfully use specified drugs; however, Colorado needs a conforming state statute to support this disqualification. Bill E requires the Department of Revenue to cancel or deny issuance of a commercial driver's license for six months if the person transports, possesses, or makes unlawful use of specified drugs while operating a commercial vehicle during on-duty time.

## **Bill F — Proof of Financial Responsibility Requirements**

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In connection with the requirements imposed on persons who have had their driving privileges interrupted for violating the motor vehicle code, the committee recommends Bill F. The bill specifies that the three-year requirement for maintenance of proof of financial responsibility begins at the date of the conviction and allows the Department of Revenue to rely on insurance or bond information contained in a police report filed in connection with an accident.

In order to be more administratively efficient, Bill F changes the requirement that an insurance carrier issue to the department a 10-day notice before canceling a motor vehicle liability policy, a period in which many policy holders are renewing premiums, to a requirement that such notice be issued within 10 days after the cancellation.

This bill also requires the Director of the Department of Revenue to suspend the driving privileges, for as long as the license is suspended but no longer than three years, of a person required to file and maintain proof of financial responsibility if such person fails to file and maintain the required proof.

### **Bill G — Blue Dot Motor Vehicle Lamps**

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Bill G directs the Department of Revenue to furnish one license plate instead of two to the owner of any street rod vehicle. Since a majority of these custom-made vehicles do not have brackets available for the installation of front license plates, the bill eliminates the requirement of a front license plate. Bill G also authorizes the usage of the widely used red lamps containing a blue or purple insert for street rod vehicles and custom motor vehicles for stop lamps, rear turning indicator lamps, rear hazard lamps, and rear reflectors.

### **Bill H — Penalties for Speeding Violations**

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This bill provides for a reduction in the number of points that are assessed against a driver's license for the first speeding offense committed by an individual during a 12-month period. The existing point schedule is continued for a second or subsequent speeding offense committed within a 12-month period.

### **Bill I — Highway Users Tax Fund (HUTF)**

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Bill I amends Section 39-26-123, C.R.S., to provide that, effective July 1, 1996, 85 percent of all sales and use tax revenues be credited to the Old Age Pension Fund, 10 percent of such revenues be allocated to the Highway Users Tax Fund, and the remaining 5 percent to the General Fund. The bill does not amend the existing statutory formula for the distribution of HUTF proceeds to the state, counties, and municipalities. For fiscal year 1996-97, the HUTF amount is projected to be \$130.4 million. The amount will be allocated in the following manner: \$78.2 million to the state (60 percent); \$28.7 million to the counties (22 percent); and \$23.5 million to the cities (18 percent).

The bill states that the General Assembly does not intend to provide additional HUTF revenues to a city or county that would be in excess of the spending limitations set forth in Section 20 of Article X of the Colorado Constitution.

# MATERIALS AVAILABLE

The materials listed below are available upon request from the Legislative Council staff.

<b>Meeting Summaries</b>	<b>Topics Discussed</b>
July 13, 1995	Driver's license point system; uniform traffic citations; Intermodal Surface Transportation Efficiency Act; and the National Highway System Bill
August 7, 1995	RTD light rail program; RTD budget and farebox recovery rates; Denver Regional Council of Governments projects; and the E-470 annual budget
August 30, 1995	Uninsured motorist issue
September 13, 1995	Legislative bill request proposals; federal legislation and impacts on Colorado; and Coalition for Mobility and Air Quality on financing requirements
September 27, 1995	Final action on legislative bill requests

## **Memoranda and Reports**

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Legislative Council staff memoranda titles:

The Transportation Legislation Review Committee, June 1995

Legislative Options Concerning the Uninsured Motorist Problem, August 1995

Colorado Law Concerning Uninsured Motorists, August 1995

Uninsured Motorist Information, August 1995

Proposals Relating to the Uninsured Motorist Problem, September 1995

Summary of the National Highway System Bill, September 1995

**Reports provided to the committee:**

*E-470 Public Highway Authority Annual Report to the Transportation Legislation Review Committee, August 1995*

*1995 Adopted Budget of the Regional Transportation District, November 1994*

*Regional Transportation District Report to the Transportation Legislation Review Committee, August 7, 1995*

*1995 Annual Budget Summary and Comparison, Denver Regional Council of Governments, August 1995*

*1995-2000 List of Projects, Denver Regional Council of Governments, July 19, 1995*

## APPENDIX A

### Traffic Law Advisory Committee to the Transportation Legislation Review Committee

<b>Name</b>	<b>Agency /Address</b>	<b>Telephone/Fax No.</b>
Peg Ackerman	County Sheriffs of Colorado 1453 Downing Street Denver, CO 80218	Phone: 832-5456 Fax: 831-0164
David Broadwell	Colorado Municipal League 1660 Lincoln St., Suite 2100 Denver, CO 80264	Phone: 831-6411 Fax: 860-8175
John Duncan	Division of Motor Vehicles Department of Revenue 140 West 6th Avenue Denver, CO 80204	Phone 572-5652 Fax: 620-4962
Hayne Hutchinson	Staff Traffic and Safety Branch (CDOT) 4201 East Arkansas Denver, CO 80222	Phone: 757-9268 Fax: 757-9149
Larry Tolar	Colorado State Patrol 700 Kipling Street Lakewood, CO 80215	Phone: 239-4532 Fax: 239-4523
John Conger	Office of Transportation Safety (CDOT) 4201 East Arkansas Denver, CO 80222	Phone: 757-9381 Fax: 757-9439
Marty Engelhoff	Colorado District Attorneys Council County Court Division Denver District Attorneys Office 303 W. Colfax Avenue, Suite 1500 Denver, CO 80204	Phone: 640-5155 Fax: 640-3587
Danny L. Tomlinson	Colorado Insurance Coalition 7535 Yorkshire Drive Castle Rock, CO 80104	Phone: 660-6036 Fax: 660-6038
Ed Zimny (Chair)	Colorado Judicial Branch 1301 Pennsylvania St., Suite 300 Denver, CO 80203	Phone: 837-3674 Fax: 831-1814

**BILL A**

**A BILL FOR AN ACT**

CONCERNING THE ESTABLISHMENT OF A MOTORIST INSURANCE IDENTIFICATION PROGRAM, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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**Bill Summary**

**"Motorist Insurance ID Database"**

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

Transportation Legislation Review Committee. Establishes a computer database to help law enforcement officials verify owner compliance with the motor vehicle financial security requirements. States that the program shall be administered by the motor vehicle division in the department of revenue. Requires the division to contract with a third party, the "designated agent", to monitor such compliance by owners and operators. Requires the designated agent to develop and maintain the database using its own computer network through information provided by insurers and the division. Requires the designated agent to update the database monthly and compare then-current registrations against the database.

Requires insurers that issue motor vehicle insurance to report the following information each month to the designated agent:

- Name, date of birth, and driver's license number of each named insured;
- Make, year, and vehicle identification number of the insured vehicle;
- Policy number, effective date, and expiration date.

Requires the division to provide the designated agent with the name, birth date, address, and driver's license number of every individual in its computer database, as well as the make, year, and vehicle identification number of all registered vehicles.

Requires the motor vehicle division to assess a fine, not to exceed \$250 per day, for each day an insurer fails to report such information.

Provides that a person charged with not having the required proof of financial security may establish compliance with such requirements by faxing or mailing to the court clerk a letter from an insurer verifying that the required coverage existed on the date in question.

States that information included in the database is the property of the provider. Describes the instances in which database information may be disclosed. Provides that if such information is knowingly disclosed for any other purpose, the party making the disclosure commits a class 3 felony. Provides immunity to the state, the designated agent, and insurers when complying with the requirements of this act.

Repeals the program July 1, 2000, subject to review by the joint sunrise and sunset legislation review committee.

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

**SECTION 1.** Part 6 of article 4 of title 10, Colorado Revised Statutes, 1994 Repl. Vol., is amended BY THE ADDITION OF A NEW SECTION to read:

**10-4-614. Uninsured motorist identification database program - reporting required - fine.** (1) BEFORE THE SEVENTH DAY OF EACH CALENDAR MONTH, EACH INSURER THAT ISSUES A POLICY PURSUANT TO THIS PART 6 OR PART 7 OF THIS ARTICLE, OR BOTH, SHALL PROVIDE THE DESIGNATED AGENT FOR THE MOTOR VEHICLE DIVISION IN THE DEPARTMENT OF REVENUE, SELECTED IN ACCORDANCE WITH SECTION 42-7-604 (2), C.R.S., WITH A RECORD OF EACH POLICY ISSUED. SUCH RECORD SHALL COMPLY WITH THE REQUIREMENTS OF SUBSECTIONS (2) AND (3) OF THIS SECTION. THIS SUBSECTION (1) DOES NOT PROHIBIT MORE FREQUENT REPORTING.

(2) THE RECORD DESCRIBED IN SUBSECTION (1) OF THIS SECTION SHALL INCLUDE:



(a) THE NAME, DATE OF BIRTH, DRIVER'S LICENSE NUMBER, AND ADDRESS OF EACH NAMED INSURED OWNER OR OPERATOR;

(b) THE MAKE, YEAR, AND VEHICLE IDENTIFICATION NUMBER OF EACH INSURED MOTOR VEHICLE; AND

(c) THE POLICY NUMBER, EFFECTIVE DATE, AND EXPIRATION DATE OF EACH POLICY.

(3) EACH INSURER SHALL PROVIDE THE REQUIRED INFORMATION BY MEANS OF COMPUTER DISKS, MAGNETIC TAPE, OR ANY OTHER FORM OR METHOD THE DESIGNATED AGENT AGREES TO ACCEPT.

(4) (a) THE MOTOR VEHICLE DIVISION IN THE DEPARTMENT OF REVENUE SHALL ASSESS A FINE OF NOT MORE THAN TWO HUNDRED FIFTY DOLLARS AGAINST AN INSURER FOR EACH DAY SUCH INSURER FAILS TO COMPLY WITH THIS SECTION.

(b) THE COMMISSIONER SHALL EXCUSE THE FINE IF AN INSURER PROVIDES PROOF THAT ITS FAILURE TO COMPLY WAS INADVERTENT, ACCIDENTAL, OR THE RESULT OF EXCUSABLE NEGLIGENCE.

**SECTION 2.** Part 3 of article 7 of title 42, Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

**42-7-301.5. Proof of financial responsibility - defense.** FOR PURPOSES OF SECTION 42-7-301, IT IS A DEFENSE TO A CHARGE THAT A PERSON DOES NOT HAVE THE REQUIRED SECURITY OR PROOF OF FINANCIAL SECURITY FOR SUCH PERSON TO PRODUCE IN COURT PROOF THAT SUCH REQUIRED SECURITY WAS IN EFFECT FOR THE VEHICLE BEING OPERATED AT THE TIME OF THE CITATION OR ARREST OF THE OWNER OR OPERATOR. A LETTER FROM AN INSURANCE

COMPANY OR AGENT VERIFYING THAT THE OWNER OR OPERATOR HAD THE REQUIRED MOTOR VEHICLE INSURANCE COVERAGE ON THE DATE SPECIFIED SHALL BE CONSIDERED PROOF OF FINANCIAL SECURITY FOR PURPOSES OF THIS ARTICLE. A COURT SHALL ALLOW SUCH LETTER TO BE FAXED OR MAILED TO THE CLERK OF THE COURT.

**SECTION 3.** Part 6 of article 7 of title 42, Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

**42-7-601. Short title.** This part 6 shall be known and may be cited as the "~~Uninsured~~ Motorist INSURANCE Identification Database Program Act".

**42-7-602. Motorist insurance identification database program - creation.** The general assembly hereby directs the transportation legislation review committee to conduct an examination of the problem of uninsured motorists in this state and to propose legislation which shall alleviate if not eliminate the problem. The general assembly further directs the transportation legislation review committee to examine Colorado's compulsory motor vehicle insurance system. Such examination shall include a review of whether such system should be maintained or repealed and whether there are more effective enforcement mechanisms that might be employed. The committee shall also study the effectiveness of other enforcement mechanisms including, but not limited to, ~~uninsured~~ motorist INSURANCE database programs that have been employed in other compulsory insurance states.

**42-7-603. Definitions.** AS USED IN THIS PART 6, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "DATABASE" MEANS THE MOTORIST INSURANCE IDENTIFICATION DATABASE, CREATED IN SECTION 42-7-604 (3).

(2) "DEPARTMENT" MEANS THE DEPARTMENT OF REVENUE.

(3) "DESIGNATED AGENT" MEANS THE THIRD PARTY WITH WHICH THE DIVISION CONTRACTS UNDER SECTION 42-7-604.

(4) "DIVISION" MEANS THE MOTOR VEHICLE DIVISION IN THE DEPARTMENT OF REVENUE, CREATED IN SECTION 24-1-117, C.R.S.

(5) "PROGRAM" MEANS THE MOTORIST INSURANCE IDENTIFICATION DATABASE PROGRAM, CREATED IN SECTION 42-7-604.

**42-7-604. Motorist insurance identification database program - created - administration - selection of designated agent.** (1) THE MOTORIST INSURANCE IDENTIFICATION DATABASE PROGRAM IS HEREBY CREATED FOR THE PURPOSE OF ESTABLISHING A DATABASE TO BE USED TO VERIFY COMPLIANCE WITH THE MOTOR VEHICLE SECURITY REQUIREMENTS IN THIS ARTICLE. THE PROGRAM SHALL BE ADMINISTERED BY THE DIVISION.

(2) THE DIVISION SHALL CONTRACT WITH A THIRD PARTY, REFERRED TO IN THIS PART 6 AS THE "DESIGNATED AGENT", TO MONITOR COMPLIANCE WITH THE FINANCIAL SECURITY REQUIREMENTS STATED IN THIS ARTICLE.

(3) (a) THE DESIGNATED AGENT, USING ITS OWN COMPUTER NETWORK, SHALL DEVELOP AND MAINTAIN A COMPUTER DATABASE WITH INFORMATION PROVIDED BY:

(I) INSURERS, PURSUANT TO SECTION 10-4-614, C.R.S.; AND

(II) THE DIVISION, WHICH SHALL PROVIDE THE DESIGNATED AGENT WITH THE NAME, DATE OF BIRTH, ADDRESS, AND DRIVER'S LICENSE NUMBER OF ALL PERSONS IN ITS COMPUTER DATABASE, AND THE MAKE, YEAR, AND VEHICLE IDENTIFICATION NUMBER OF ALL REGISTERED VEHICLES.

(b) THE DATABASE SHALL BE DEVELOPED AND MAINTAINED IN ACCORDANCE WITH GUIDELINES ESTABLISHED BY THE DIVISION SO THAT IT

SHALL BE EASILY ACCESSED BY STATE AND LOCAL LAW ENFORCEMENT AGENCIES. ACCESS SHALL BE WITHIN PROCEDURES ALREADY ESTABLISHED AND SHALL NOT REQUIRE ADDITIONAL COMPUTER KEYSTROKES BY DISPATCH OR LAW ENFORCEMENT PERSONNEL OR ANY OTHER ADDITIONAL PROCEDURES. VERIFICATION OF INSURANCE SHALL BE SUPPLIED AT THE TIME OF REGISTRATION OR DURING ROUTINE TRAFFIC STOPS WHEN THE OWNER'S OR OPERATOR'S DRIVER'S LICENSE IS REQUESTED.

(4) THE DESIGNATED AGENT SHALL, AT LEAST MONTHLY:

(a) UPDATE THE DATABASE WITH THE MOTOR VEHICLE INSURANCE INFORMATION PROVIDED BY INSURERS IN ACCORDANCE WITH SECTION 10-4-614, C.R.S.; AND

(b) COMPARE ALL THEN-CURRENT MOTOR VEHICLE REGISTRATIONS AGAINST THE DATABASE.

(5) THE DEPARTMENT, IN COOPERATION WITH THE DIVISION, SHALL MAKE RULES AND DEVELOP PROCEDURES FOR ADMINISTERING AND ENFORCING THIS PART 6.

**42-7-605. Disclosure of insurance information - penalty.**

(1) INFORMATION PROVIDED BY ANY PERSON TO THE DESIGNATED AGENT FOR INCLUSION IN THE DATABASE ESTABLISHED PURSUANT TO SECTION 42-7-604 IS THE PROPERTY OF SUCH PERSON AND MAY NOT BE DISCLOSED EXCEPT AS FOLLOWS:

(a) FOR THE PURPOSE OF INVESTIGATING, LITIGATING, OR ENFORCING COMPLIANCE WITH THE FINANCIAL SECURITY REQUIREMENTS, THE DESIGNATED AGENT SHALL VERIFY A PERSON'S INSURANCE COVERAGE FOR A STATE OR LOCAL GOVERNMENT AGENCY AND, UPON REQUEST, SHALL ISSUE TO ANY SUCH

STATE OR LOCAL GOVERNMENT AGENCY A CERTIFICATE DOCUMENTING SUCH PERSON'S INSURANCE STATUS FOR THE PERIOD DESIGNATED; AND

(b) UPON REQUEST, THE DIVISION SHALL DISCLOSE WHETHER AN INDIVIDUAL HAS THE REQUIRED INSURANCE COVERAGE FOR:

(I) THE INDIVIDUAL;

(II) THE PARENT OR LEGAL GUARDIAN OF THE INDIVIDUAL, IF THE INDIVIDUAL IS AN UNEMANCIPATED MINOR;

(III) THE LEGAL GUARDIAN OF THE INDIVIDUAL, IF THE INDIVIDUAL IS LEGALLY INCAPACITATED;

(IV) A PERSON WHO HAS POWER OF ATTORNEY FROM THE INDIVIDUAL;

(V) A PERSON WHO SUBMITS A NOTARIZED RELEASE FROM THE INDIVIDUAL THAT IS DATED NO MORE THAN NINETY DAYS BEFORE THE DATE THE REQUEST IS MADE; OR

(VI) A PERSON SUFFERING LOSS OR INJURY IN A MOTOR VEHICLE ACCIDENT IN WHICH THE INDIVIDUAL IS INVOLVED, BUT ONLY AS PART OF AN ACCIDENT REPORT AS AUTHORIZED IN PART 16 OF ARTICLE 4 OF THIS TITLE.

(2) ANY PERSON WHO KNOWINGLY DISCLOSES INFORMATION FROM THE DATABASE FOR A PURPOSE OR TO A PERSON OTHER THAN IS AUTHORIZED IN THIS SECTION COMMITS A CLASS 3 FELONY AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1-105, C.R.S.

(3) AN INSURER IS NOT LIABLE TO ANY PERSON FOR COMPLYING WITH SECTION 10-4-614, C.R.S.

(4) NEITHER THE STATE NOR THE DESIGNATED AGENT IS LIABLE TO ANY PERSON FOR GATHERING, MANAGING, OR USING INFORMATION IN THE DATABASE PURSUANT TO THIS PART 6.

**42-7-606. Part 6 not to supersede other provisions.** THIS PART 6 DOES NOT SUPERSEDE OTHER ACTIONS OR PENALTIES THAT MAY BE TAKEN OR IMPOSED FOR VIOLATION OF THE FINANCIAL SECURITY REQUIREMENTS OF THIS ARTICLE.

**42-7-607. Repeal - review.** (1) THE PROVISIONS OF SECTION 24-34-104, C.R.S., CONCERNING THE TERMINATION SCHEDULE FOR FUNCTIONS OF STATE AGENCIES UNLESS EXTENDED AS PROVIDED IN THAT SECTION ARE APPLICABLE TO THE MOTORIST INSURANCE IDENTIFICATION DATABASE PROGRAM AS CONDUCTED BY THE DESIGNATED AGENT AND ADMINISTERED BY THE DEPARTMENT OF REVENUE THROUGH THE DIVISION OF MOTOR VEHICLES.

(2) THIS ARTICLE IS REPEALED, EFFECTIVE JULY 1, 2000.

**SECTION 4.** 24-34-104 (29.1), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment.** (29.1) The following functions of the specified agencies shall terminate on July 1, 2000:

(c) THE MOTORIST INSURANCE IDENTIFICATION DATABASE PROGRAM AS ADMINISTERED BY THE DEPARTMENT OF REVENUE THROUGH THE DIVISION OF MOTOR VEHICLES PURSUANT TO PART 6 OF ARTICLE 7 OF TITLE 42, C.R.S.

**SECTION 5. Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of revenue, for allocation to the motor vehicle division, for the fiscal year beginning July 1, 1996, the sum of

\_\_\_\_\_ dollars ( \$     ) and \_\_\_ FTE, or so much thereof as may be necessary, for the implementation of this act.

**SECTION 6. Effective date.** This act shall take effect July 1, 1996.

**SECTION 7. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

**BILL B**

**A BILL FOR AN ACT**

**CONCERNING TRAFFIC VIOLATION DATA.**

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**Bill Summary**

**"Traffic Violation Data"**

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

Transportation Legislation Review Committee. Authorizes the department of revenue to accept electronic transmission of information for direct recording in the department's records and systems. Provides that information transmitted by an electronic means approved by the department of revenue constitutes an official department record whether or not an original source document for such information exists or ever existed.

Directs the department of revenue, the judicial department, and the department of public safety to develop standards for electronic transmission of any traffic violation penalty assessment notice or summons and complaint. Directs such departments to consult with county sheriffs, municipal police departments, municipal courts, and the office of transportation safety in the department of transportation in the development of such standards. Prohibits any interpretation of the provisions regarding development of such standards that would require any municipality, county, or other government entity to transmit traffic data electronically.

Deletes Denver, Colorado, from division of motor vehicles address references.

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

**SECTION 1.** 42-2-121 (2) (c) (III), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

**42-2-121. Records to be kept by the department - admission of records in court.** (2) (c) (III) For purposes of subparagraph (II) of this paragraph (c), "official records and documents" shall include any mechanically or electronically reproduced copy, photograph, or printout of any record or document or any portion of any record or document filed with, maintained by, or prepared by the department pursuant to this paragraph (c). THE DEPARTMENT MAY ALSO PERMIT THE ELECTRONIC TRANSMISSION OF INFORMATION FOR DIRECT RECORDING IN THE DEPARTMENT'S RECORDS AND SYSTEMS. INFORMATION TRANSMITTED BY AN ELECTRONIC MEANS THAT IS APPROVED BY THE DEPARTMENT CONSTITUTES AN OFFICIAL RECORD FOR THE PURPOSES OF THIS SECTION WHETHER OR NOT AN ORIGINAL SOURCE DOCUMENT FOR SUCH INFORMATION EXISTS OR EVER EXISTED.

**SECTION 2.** Part 17 of article 4 of title 42, Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

**42-4-1718. Electronic transmission of data - standards.** THE DEPARTMENT, THE JUDICIAL DEPARTMENT, AND THE DEPARTMENT OF PUBLIC SAFETY SHALL JOINTLY DEVELOP STANDARDS FOR THE ELECTRONIC TRANSMISSION OF ANY PENALTY ASSESSMENT NOTICE OR SUMMONS AND COMPLAINT ISSUED PURSUANT TO THE PROVISIONS OF THIS ARTICLE OR ISSUED PURSUANT TO ANY COUNTY ORDINANCE ADOPTED UNDER SECTION 30-15-401 (1) (h), C.R.S. SUCH AGENCIES SHALL CONSULT WITH COUNTY SHERIFFS, MUNICIPAL POLICE DEPARTMENTS, MUNICIPAL COURTS, AND THE OFFICE OF TRANSPORTATION SAFETY IN THE DEPARTMENT OF TRANSPORTATION IN DEVELOPING SUCH STANDARDS. SUCH STANDARDS SHALL BE CONSISTENT WITH REQUIREMENTS OF THE DEPARTMENT FOR REPORTING CONVICTIONS UNDER THE

PROVISIONS OF THIS ARTICLE AND WITH THE REQUIREMENTS OF THE DEPARTMENT OF PUBLIC SAFETY FOR REPORTING CRIMINAL INFORMATION UNDER ARTICLE 21 OF TITLE 16, C.R.S. THE PROVISIONS OF THIS SECTION SHALL NOT BE INTERPRETED TO REQUIRE ANY MUNICIPALITY, COUNTY, OR OTHER GOVERNMENT ENTITY TO TRANSMIT TRAFFIC DATA ELECTRONICALLY.

**SECTION 3.** 42-4-1701 (5) (a) and (6), Colorado Revised Statutes, 1993 Repl. Vol., as amended, are amended to read:

**42-4-1701. Traffic offenses and infractions classified - penalties - penalty and surcharge schedule.** (5) (a) At the time that any person is arrested for the commission of any misdemeanors, petty offenses, or misdemeanor traffic offenses set forth in subsection (4) of this section, the arresting officer may, except when the provisions of paragraph (c) of this subsection (5) prohibit it, offer to give a penalty assessment notice to the defendant. At any time that a person is charged with the commission of any traffic infraction, the peace officer shall, except when the provisions of paragraph (c) of this subsection (5) prohibit it, give a penalty assessment notice to the defendant. Such penalty assessment notice shall contain all the information required by section 42-4-1707 (3) or by section 42-4-1709, whichever is applicable. The fine or penalty specified in subsection (4) of this section for the violation charged and the surcharge thereon may be paid at the office of the department of revenue, motor vehicle division, ~~Denver, Colorado,~~ either in person or by postmarking such payment within twenty days from the date the penalty assessment notice is served upon the defendant. The motor vehicle division of the department of revenue shall accept late payment of any penalty assessment up to twenty days after such payment becomes due. In the

case of an offense other than a traffic infraction, a defendant who otherwise would be eligible to be issued a penalty assessment notice but who does not furnish satisfactory evidence of identity or who the officer has reasonable and probable grounds to believe will disregard the summons portion of such notice may be issued a penalty assessment notice if the defendant consents to be taken by the officer to the nearest mailbox and to mail the amount of the fine or penalty and surcharge thereon to the department. The peace officer shall advise the person arrested or cited of the points to be assessed in accordance with section 42-2-127. Acceptance of a penalty assessment notice and payment of the prescribed fine or penalty and surcharge thereon to the department shall be deemed a complete satisfaction for the violation, and the defendant shall be given a receipt which so states when such fine or penalty and surcharge thereon is paid in currency or other form of legal tender. Checks tendered by the defendant to and accepted by the department and on which payment is received by the department shall be deemed sufficient receipt.

(6) An officer coming upon an unattended vehicle which is in apparent violation of any provision of the state motor vehicle law may place upon the vehicle a penalty assessment notice indicating the offense or infraction and directing the owner or operator of the vehicle to remit the penalty assessment provided for by subsection (4) of this section and the surcharge thereon pursuant to section 24-4.2-104 (1), C.R.S., to the Colorado department of revenue, motor vehicle division, ~~Denver, Colorado,~~ within ten days. If the penalty assessment and surcharge thereon is not paid within ten days of the issuance of such notice, the department shall mail a notice to the registered owner of the vehicle, setting forth the offense or infraction and the time and place where it occurred and directing the payment of the penalty assessment and surcharge thereon within

twenty days from the issuance of the notice. If the penalty assessment and surcharge thereon is not paid within such twenty days from the date of mailing of such notice, the department shall request the police officer who issued the original penalty assessment notice to file a complaint with a court having jurisdiction and issue and serve upon the registered owner of the vehicle a summons to appear in court at a time and place specified therein as in the case of other offenses or infractions.

**SECTION 4.** 42-20-406 (2), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

**42-20-406. Violations - civil penalties - motor vehicles.** (2) Any person who commits any of the acts enumerated in subsection (3) of this section shall be subject to the civil penalty listed in said subsection (3). Ports of entry personnel, investigative personnel of the commission, and officers of the Colorado state patrol shall have the authority to issue civil penalty assessments for the enumerated violations. At any time that a person is cited for a violation enumerated in subsection (3) of this section, the person in charge of or operating the motor vehicle involved shall be given a notice in the form of a civil penalty assessment notice. Such notice shall be tendered by the enforcement official and shall contain the name and address of such person, the license number of the motor vehicle involved, if any, the number of such person's driver's license, the nature of the violation, the amount of the penalty prescribed for such violation, the date of the notice, a place for such person to execute a signed acknowledgment of his or her receipt of the civil penalty assessment notice, a place for such person to execute a signed acknowledgment of liability for the cited violation, and such other information as may be required by law to

constitute such notice as a complaint to appear in court should the prescribed penalty not be paid within ten days. Every cited person shall execute the signed acknowledgment of his or her receipt of the civil penalty assessment notice. The acknowledgment of liability shall be executed at the time the cited person pays the prescribed penalty. The person cited shall pay the civil penalty specified in subsection (3) of this section for the violation involved at the office of the department of revenue, motor vehicle division, ~~Denver, Colorado~~, either in person or by postmarking such payment within ten days of the citation. The motor vehicle division of the department of revenue shall accept late payment of any penalty assessment up to twenty days after such payment becomes due. If the person cited does not pay the prescribed penalty within ten days of the notice, the civil penalty assessment notice shall constitute a complaint to appear in court unless payment for such penalty assessment has been accepted by the motor vehicle division of the department of revenue as evidenced by receipt, and the person cited shall, within the time specified in the civil penalty assessment notice, file an answer to this complaint with the county court for the county in which the penalty assessment was issued. The attorney general shall represent the state agency which issued the civil penalty assessment notice if so requested by the agency.

**SECTION 5. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

licensed driver, twenty-one years of age or over, authorized under this article to drive a motorcycle or a motor-driven cycle. Any such instruction permit may be extended for an additional period of sixty days.

(b) Any minor of the age of fifteen years, within nine months prior to such person's sixteenth birthday, who is enrolled in a driver education course approved by the department of education may apply for a minor's instruction permit, pursuant to the provisions of sections 42-2-107 and 42-2-108. Upon the presentation of a written or printed statement signed by the parent or guardian and the instructor of the driver education course that such minor is enrolled in an approved driver education course, the department shall issue such permit entitling the applicant, while having such permit in such applicant's immediate possession, to drive any motor vehicle, excluding a motorcycle or motor-driven cycle, under the supervision of the parent or guardian who cosigned the application for the minor's instruction permit, providing such parent or guardian holds a valid driver's license. Such permit shall also entitle the applicant to drive any motor vehicle, including a motorcycle or motor-driven cycle, which is marked so as to indicate that it is a motor vehicle used for instruction and which is properly equipped for such instruction upon the highways when accompanied by or under the supervision of an approved driver education instructor who holds a valid driver's license. Driver education instructors giving instruction in motorcycle safety must have a valid motorcycle driver's license and must have successfully completed an instruction program in motorcycle safety approved by the department. Such permit shall expire twenty days after the applicant's sixteenth birthday.

(c) Any person of the age of sixteen years or more who, except for such applicant's lack of instruction in operating a motorcycle or motor-driven cycle,

would otherwise be qualified to obtain a driver's license under this article to drive a motorcycle or motor-driven cycle may apply for a temporary instruction permit, pursuant to sections 42-2-107 and 42-2-108. The department shall issue such permit entitling the applicant, while having such permit in such applicant's immediate possession, to drive a motorcycle or motor-driven cycle upon the highways for a period of six months while under the immediate supervision of a licensed driver, twenty-one years of age or over, authorized under this article to drive a motorcycle or motor-driven cycle.

(2) The department, in its discretion, may issue a temporary driver's license to an applicant for a minor driver's, provisional driver's, or driver's license which will permit such applicant to operate a motor vehicle while the department completes its investigation and determination of all facts relative to such applicant's right to receive a minor driver's, provisional driver's, or driver's license. Such temporary license is valid for only ninety days, unless extended by the department, and must be in such applicant's immediate possession while operating a motor vehicle. It shall be invalid when the permanent license has been issued or has been refused for good cause.

(3) ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION COMMITS A CLASS A TRAFFIC INFRACTION.

SECTION 3. 42-2-116 (6), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

42-2-116. Restricted license. (6) Any person who violates any provision of this section commits a ~~class-B~~ CLASS A traffic infraction.



**BILL C**

**A BILL FOR AN ACT**

CONCERNING STRENGTHENING THE PENALTIES FOR CERTAIN TRAFFIC  
INFRACTIONS.

**Bill Summary**

**"Penalties For Traffic Infractions"**

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

Transportation Legislation Review Committee. Classifies certain traffic infractions as class A traffic infractions, and changes certain driver's license restriction violations from class B to class A traffic infractions.

Provides that the points assessed against a driver's license for the offense of driving on the wrong side of a divided or controlled-access highway are the same as the points assessed for driving on the wrong side of the road.

Reduces the number of points assessed against a driver's license for failure to observe high occupancy vehicle lane restrictions from four points to \_\_\_\_\_ points. Increases the fine for such offense from thirty-five dollars to fifty dollars. Sets a fine of one hundred dollars for a third or subsequent offense committed within a twelve-month period.

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

**SECTION 1.** 42-2-105, Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

**42-2-105. Special restrictions on certain drivers.** (1) No person under the age of eighteen years shall drive any motor vehicle used to transport explosives or inflammable material or ANY MOTOR VEHICLE USED as a school bus for the transportation of pupils to or from school. ~~nor shall any~~ NO person

under the age of eighteen years SHALL drive a motor vehicle used as a commercial, private, or common carrier of persons or property unless such person has experience in operating motor vehicles and has been examined on such person's qualifications in operating such vehicles. The examination shall include safety regulations of commodity hauling, and the driver shall be licensed as a driver or provisional driver.

(2) Notwithstanding the provisions of subsection (1) of this section, no person under the age of twenty-one years shall drive a commercial motor vehicle as defined in section 42-2-402 (4) except as provided in section 42-2-404 (4).

(3) ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION COMMITS A CLASS A TRAFFIC INFRACTION.

**SECTION 2.** 42-2-106, Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

**42-2-106. Instruction permits and temporary licenses.** (1) (a) Any minor of the age of fifteen years, within six months prior to such minor's sixteenth birthday, or any person who, except for such person's lack of instruction in operating a motor vehicle, a motorcycle, or a motor-driven cycle, would otherwise be qualified to obtain a license under this article may apply for a temporary instruction permit, in accordance with sections 42-2-107 and 42-2-108. The department shall issue such permit entitling the applicant, while having such permit in such applicant's immediate possession, to drive a motor vehicle, a motorcycle, or a motor-driven cycle upon the highways for a period of six months when accompanied by a licensed driver, twenty-one years of age or over, who is actually occupying the seat beside the driver or, in the case of a motorcycle or a motor-driven cycle, under the immediate supervision of a

**SECTION 4.** 42-2-127 (5) (h) and (5) (l), Colorado Revised Statutes, 1993 Repl. Vol., as amended, are amended, and the said 42-2-127 (5) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

**42-2-127. Authority to suspend license - to deny license - type of conviction - points.** (5) Point system schedule:

Type of conviction	Points
(h) Driving on wrong side of road OR DRIVING ON WRONG SIDE OF DIVIDED OR CONTROLLED-ACCESS HIGHWAY IN VIOLATION OF SECTION 42-4-1010	4
(l) Failure to observe traffic sign or signal, EXCEPT AS PROVIDED IN PARAGRAPH (ff) OF THIS SUBSECTION (5)	4
(ff) FAILURE TO OBSERVE HIGH OCCUPANCY VEHICLE LANE RESTRICTIONS PURSUANT TO SECTION 42-4-1012	—

**SECTION 5.** 42-4-1701 (4) (a) (I) (K), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

**42-4-1701. Traffic offenses and infractions classified - penalties - penalty and surcharge schedule.** (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 the provisions of paragraph (a) or (b) of subsection (5) of this section apply shall be fined or penalized, and have a surcharge levied thereon pursuant to section 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 fifteen dollars, and the surcharge shall be two 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 as follows:

Section Violated	Penalty	Surcharge
<b>(K) Driving, overtaking, and passing violations:</b>		
42-4-1001	\$ 35.00	\$ 4.00
42-4-1002	35.00	4.00
42-4-1003	35.00	4.00
42-4-1004	35.00	4.00
42-4-1005	35.00	4.00
42-4-1006	35.00	4.00
42-4-1007	35.00	4.00
42-4-1008	35.00	4.00
42-4-1009	35.00	4.00
42-4-1010	35.00	4.00
42-4-1011	100.00	12.00
42-4-1012 (3) (a)	<del>35.00</del> 50.00	<del>4.00</del> 6.00
42-4-1012 (3) (b)	100.00	12.00

**SECTION 6.** 42-4-1012 (3), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

**42-4-1012. High occupancy vehicle lanes.** (3) (a) Any person who uses a high occupancy vehicle lane in violation of restrictions imposed by the

department of transportation or local authorities commits a class A traffic infraction.

(b) ANY PERSON CONVICTED OF A THIRD OR SUBSEQUENT OFFENSE OF PARAGRAPH (a) OF THIS SUBSECTION (3) COMMITTED WITHIN A TWELVE-MONTH PERIOD SHALL BE SUBJECT TO AN INCREASED PENALTY PURSUANT TO SECTION 42-4-1701 (4) (a) (I) (K).

**SECTION 7. Effective date - applicability.** This act shall take effect July 1, 1996, and shall apply to offenses committed on or after said date.

**SECTION 8. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

**BILL D**

**A BILL FOR AN ACT**

CONCERNING ISSUANCE OF DRIVERS' LICENSES.

**Bill Summary**

"Issuance Of Drivers' Licenses"

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

Transportation Legislation Review Committee. Repeals the statutory provision providing that an applicant for renewal of a driver's license who has incurred not more than two moving violations totalling not more than seven points during the period of the license need not be reexamined except for eyesight tests and other examinations of the applicant's physical limitations.

Prohibits the department of revenue from issuing or renewing a probationary driver's license for an individual unless at the time of license restraint such individual has a valid driver's privilege and has no outstanding judgments or warrants for motor vehicle or traffic violations. Makes probationary licenses subject to the same restrictions and procedures regarding outstanding judgments or warrants as other drivers' licenses.

Prohibits issuance of any probationary license for a term exceeding one year.

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

**SECTION 1.** 42-2-111 (2), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is repealed as follows:

**42-2-111. Examination of applicants and drivers - when required.**

~~(2) Applicants for renewal of drivers' licenses who have not, during the period of the expiring license, incurred more than two moving violations of the traffic~~

~~laws totaling not more than seven points under the penalty schedule of section 42-2-127, need not be reexamined for such renewal other than tests of eyesight or such other examinations as the applicant's physical limitations indicate to be desirable.~~

**SECTION 2.** 42-2-118 (3) (a), (3) (b), and (3) (c), Colorado Revised Statutes, 1993 Repl. Vol., as amended, are amended to read:

**42-2-118. Renewal of license - issuance of probationary license.**

(3) (a) Prior to the renewal of a permanent driver's license OR THE ISSUANCE OR RENEWAL OF A PROBATIONARY LICENSE, the department shall determine if the applicant has any outstanding judgments or warrants entered or issued against the applicant as set forth in section 42-4-1709 (7).

(b) (I) If there are no outstanding judgments or warrants entered or issued against the applicant AS SET FORTH IN SECTION 42-4-1709 (7) and if all other conditions for renewal pursuant to articles 1 to 4 of this title are met, the department shall renew the applicant's PERMANENT driver's license.

(II) IF THERE ARE NO OUTSTANDING JUDGMENTS OR WARRANTS ENTERED OR ISSUED AGAINST THE APPLICANT AS SET FORTH IN SECTION 42-4-1709 (7) AND IF ALL OTHER CONDITIONS FOR RENEWAL PURSUANT TO ARTICLES 1 TO 4 OF THIS TITLE ARE MET, THE DEPARTMENT MAY ISSUE OR RENEW THE APPLICANT'S PROBATIONARY LICENSE.

(c) If the department determines that the applicant is subject to the requirements of section 42-4-1709 (7), the PERMANENT DRIVER'S license shall not be renewed OR THE PROBATIONARY LICENSE MAY NOT BE ISSUED OR RENEWED until such applicant has complied with said section. Any person who pays any outstanding judgments or who has any warrants entered pursuant to section 42-4-1709 (7) shall pay to the court a thirty-dollar administrative

processing cost for each such judgment or warrant in addition to all other penalties, costs, or forfeitures. The court shall remit fifty percent of the administrative processing fee to the department of revenue, and the other fifty percent of that fee is to be retained by the issuing court.

**SECTION 3.** The introductory portion to 42-2-126.1 (2), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended, and the said 42-2-126.1 (2) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

**42-2-126.1. Probationary licenses for persons convicted of alcohol-related driving offenses - ignition interlock devices - fees - interlock fund - violations of probationary license - repeal.** (2) The hearing officer shall have the authority to hear an application by any person for a probationary license under the provisions of this section at a probationary license hearing. A PROBATIONARY DRIVER'S LICENSE ISSUED PURSUANT TO THIS SECTION MAY NOT HAVE A TERM LONGER THAN ONE YEAR. SUCH PROBATIONARY DRIVER'S LICENSE MAY BE RENEWED FOR ADDITIONAL TERMS DURING THE PERIOD THAT AN APPROVED IGNITION INTERLOCK DEVICE IS USED PURSUANT TO THE REQUIREMENTS OF THIS SECTION. The hearing officer may approve the application if:

(a.5) AT THE TIME OF LICENSE RESTRAINT, SUCH PERSON HAS A VALID DRIVER'S PRIVILEGE AND HAS NO OUTSTANDING JUDGMENTS OR WARRANTS ISSUED AGAINST SUCH PERSON PURSUANT TO THE REQUIREMENTS OF SECTION 42-2-118 (3).

**SECTION 4.** 42-2-127 (14) (a), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

**42-2-127. Authority to suspend license - to deny license - type of conviction - points.** (14) (a) If there is no other statutory reason for denial of a probationary license, any individual who has had a license suspended by the department because of, at least in part, a conviction of an offense specified in paragraph (b) of subsection (5) of this section may be entitled to a probationary license pursuant to subsection (12) of this section for the purpose of driving for reasons of employment, education, health, or alcohol and drug education or treatment; but such individual, if ordered by the court which convicted the individual, must be enrolled in a program of alcohol and drug traffic driving education or treatment certified by the division of alcohol and drug abuse in the department of human services. Such a probationary license shall contain any other restrictions as the department deems reasonable and necessary, shall be subject to cancellation for violation of any such restrictions, including absences from alcohol and drug education or treatment sessions or failure to complete alcohol and drug education or treatment programs, and shall be issued for the entire period of suspension. ~~No individual issued a probationary license in accordance with this subsection (14) shall be issued a second such probationary license within a five year period.~~ THE DEPARTMENT MAY NOT ISSUE A PROBATIONARY LICENSE TO AN INDIVIDUAL UNLESS AT THE TIME OF LICENSE RESTRAINT SUCH INDIVIDUAL HAS A VALID DRIVER'S PRIVILEGE AND HAS NO OUTSTANDING JUDGMENTS OR WARRANTS ISSUED AGAINST SUCH INDIVIDUAL PURSUANT TO THE REQUIREMENTS OF SECTION 42-2-118 (3). A PROBATIONARY DRIVER'S LICENSE ISSUED PURSUANT TO THIS SECTION MAY NOT HAVE A TERM LONGER THAN ONE YEAR.

**SECTION 5.** 42-2-127.5 (4), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

**42-2-127.5. Authority to suspend license - violation of child support order - repeal.** (4) In the event that a driver's license is suspended pursuant to subsection (3) of this section, the department may issue a probationary license for a period not to exceed ninety days from the date of issuance, which probationary license shall restrict the driver to driving to and from the place of employment or to performing duties within the course of the driver's employment. The department is authorized to charge a fee for such probationary license that covers the direct and indirect costs of issuing the license. THE DEPARTMENT MAY NOT ISSUE A PROBATIONARY LICENSE TO AN INDIVIDUAL UNLESS AT THE TIME OF LICENSE RESTRAINT SUCH INDIVIDUAL HAS A VALID DRIVER'S PRIVILEGE AND HAS NO OUTSTANDING JUDGMENTS OR WARRANTS ISSUED AGAINST SUCH INDIVIDUAL PURSUANT TO THE REQUIREMENTS OF SECTION 42-2-118 (3).

**SECTION 6.** The introductory portion to 42-4-1709 (7) (a), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

**42-4-1709. Penalty assessment notice for traffic infractions - violations of provisions by officer - driver's license.** (7) (a) No person shall be allowed or permitted to obtain or renew a permanent driver's, minor driver's, or provisional driver's, OR PROBATIONARY license if such person has, at the time of making application for obtaining or renewing such driver's license:

**SECTION 7. Effective date - applicability.** This act shall take effect July 1, 1996, and shall apply to driver's license applications received on or after said date.

**SECTION 8. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

**BILL E**

**A BILL FOR AN ACT**

CONCERNING RESTRICTION OF DRIVERS' LICENSES BECAUSE OF DRUG OR ALCOHOL VIOLATIONS.

**Bill Summary**

**"Driver's License Restriction"**

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

Transportation Legislation Review Committee. If a person's commercial driver's license has been revoked because the person drove a commercial motor vehicle with a blood alcohol content above the legal limit for commercial drivers, but such level was less than the level requiring revocation of other drivers' licenses, allows such person to apply for a driver's license of another class or type instead of a probationary license. Prohibits such person from operating any commercial motor vehicle during the period of revocation. Prohibits the department of revenue from issuing such person a probationary license that would authorize operation of any commercial motor vehicle.

Requires that the department of revenue cancel or deny issuance of a commercial driver's license for a period of six months if a person transports, possesses, or makes unlawful use of specified drugs while operating a commercial vehicle during on-duty time.

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

**SECTION 1.** 42-2-126 (7) (a) (I), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

**42-2-126. Revocation of license based on administrative determination.**  
(7) (a) The periods of revocation specified by subsection (6) of this section are intended to be minimum periods of revocation for the described conduct. No

license shall be restored under any circumstances, and no probationary license shall be issued during the revocation period; except that:

(I) A person whose privilege to drive a commercial motor vehicle has been revoked because the person drove a commercial motor vehicle when the person's blood alcohol content was 0.04 or greater, but less than 0.10, grams of alcohol per hundred milliliters of blood or per two hundred ten liters of breath may apply for a ~~probationary~~ DRIVER'S license of another class or type ~~for the period during which the privilege to drive a commercial motor vehicle is revoked,~~ as long as there is no other statutory reason to deny the person a license. SUCH PERSON MAY NOT OPERATE ANY COMMERCIAL MOTOR VEHICLE DURING THE PERIOD OF REVOCATION OF SUCH PERSON'S PRIVILEGE TO OPERATE COMMERCIAL MOTOR VEHICLES. THE DEPARTMENT MAY NOT ISSUE SUCH PERSON A PROBATIONARY LICENSE THAT WOULD AUTHORIZE SUCH PERSON TO OPERATE ANY COMMERCIAL MOTOR VEHICLE.

**SECTION 2.** 42-2-405 (2), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

**42-2-405. Driver's license disciplinary actions - cancellations - denials.**

(2) In addition to applicable penalties imposed under the sections listed in subsection (1) of this section:

(a) A person who drives, operates, or is in physical control of a commercial motor vehicle while having any alcohol in his or her system, or who refuses to submit to a test to determine the alcoholic content of the driver's blood or breath while driving a commercial motor vehicle, shall be placed out of service as defined in section 42-2-402 (8).

(b) IF ANY PERSON TRANSPORTS, POSSESSES, OR MAKES UNLAWFUL USE OF A SCHEDULE I DRUG OR OTHER SUBSTANCE IDENTIFIED IN 49 C.F.R. CHAPTER III,

SUBCHAPTER B, APPENDIX D, AN AMPHETAMINE, A NARCOTIC DRUG, A FORMULATION OF AN AMPHETAMINE, OR A DERIVATIVE OF A NARCOTIC DRUG WHILE OPERATING A COMMERCIAL VEHICLE DURING ON-DUTY TIME, THE DEPARTMENT SHALL CANCEL SUCH PERSON'S COMMERCIAL DRIVER'S LICENSE FOR A PERIOD OF SIX MONTHS OR, IF SUCH PERSON DOES NOT HAVE A COMMERCIAL DRIVER'S LICENSE, THE DEPARTMENT SHALL NOT ISSUE A COMMERCIAL DRIVER'S LICENSE TO SUCH PERSON UNTIL AT LEAST SIX MONTHS HAVE ELAPSED SINCE THE DATE OF THE LATEST SUCH OCCURRENCE.

**SECTION 3. Effective date - applicability.** This act shall take effect upon passage, and shall apply to offenses committed on or after said date and driver's license applications received on or after said date.

**SECTION 4. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.



**BILL F**

**A BILL FOR AN ACT**

CONCERNING CERTAIN REQUIREMENTS IMPOSED BY THE DIVISION OF MOTOR VEHICLES ON PERSONS WHOSE DRIVING PRIVILEGES ARE AFFECTED BY THE "MOTOR VEHICLE FINANCIAL RESPONSIBILITY ACT".

**Bill Summary**

**"Proof Of Fin Responsibility Requirements"**

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

Transportation Legislation Review Committee. In connection with requirements imposed on persons who have had their driving privileges affected by the "Motor Vehicle Financial Responsibility Act":

Specifies that the 3-year requirement for maintenance of proof of financial responsibility runs from the date of conviction. Creates a rebuttable presumption that the driver was not insured at the time of the accident if the police report or a driver's report states that the driver was not insured at the time of the accident. Allows the director of the department of revenue to take action against the driver for being uninsured based upon such report unless proof of insurance is subsequently given.

Changes the requirement that an insurance carrier give the director a 10-day notice before cancelling a motor vehicle liability policy to a requirement that such notice be given within 10 days after cancellation.

Allows a driver who did not cause damage in the accident to file future proof of financial responsibility to prevent a suspension or to quickly reinstate the driving privilege. Requires the director to suspend the driving privileges of a person required to file and maintain proof of financial responsibility if such person fails to file and maintain the required proof. Specifies that the time period for the exception to the 3-year requirement for maintaining proof of financial responsibility by a driver whose driving privilege has been restrained

under certain circumstances shall be for as long as such driver's privilege is under restraint but no longer than 3 years.

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

**SECTION 1.** 42-2-125 (1) (j), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

**42-2-125. Mandatory revocation of license and permit.** (1) The department shall immediately revoke the license or permit of any driver, minor driver, or provisional driver upon receiving a record showing that such driver has:

(j) Been required to FILE AND maintain proof of financial responsibility for the future as provided by section 42-4-1410 or article 7 of this title and who, at the time of a violation of any provision of this title, HAD NOT FILED OR was not maintaining such proof;

**SECTION 2.** 42-4-1410, Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

**42-4-1410. Proof of financial responsibility required - suspension of license.** (1) Any person convicted of violating section 42-4-1409 (1) shall file and maintain proof of financial responsibility for the future as prescribed in sections 42-7-408 to 42-7-412. Said proof of insurance shall be maintained for a period of three years FROM THE DATE OF CONVICTION.

(2) The clerk of a court or the judge of a court which has no clerk shall forward to the executive director of the department of revenue a certified record of any conviction under section 42-4-1409 (1). Upon receipt of any such certified record, the director shall give written notice to the person convicted that such person shall be required to provide proof of financial responsibility for

the future for a period of three years FROM THE DATE OF CONVICTION and advising such person of the manner in which proof is to be provided. If no proof as required is provided to the director within a period of twenty days from the time notice is given or if at any time when proof is required to be maintained it is not so maintained or becomes invalid, the director shall suspend the driver's license of the person from whom proof is required and shall not reinstate the license of such person until proof of financial responsibility is provided.

**SECTION 3.** 42-4-1606 (2) and (4), Colorado Revised Statutes, 1993 Repl. Vol., as amended, are amended to read:

**42-4-1606. Duty to report accidents.** (2) (a) IN ACCORDANCE WITH SECTION 42-7-202, the driver of a vehicle which is in any manner involved in an accident resulting in bodily injury to, serious bodily injury to, or death of any person or total damage to all property ~~to the extent specified in section 42-7-202,~~ shall, within ten days after such accident, submit to the department on the form provided a written report of such accident. ~~as provided in section 42-7-202.~~

(b) Except when supplemental reports are required as provided in subsection (3) of this section, ~~this~~ THE REPORT SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (1) shall be the only written report required of the driver for any of the purposes specified in this article and in article 7 of this title, and said report shall be required of the driver whether or not the accident was investigated by the police authority.

(c) (I) IF A REPORT FILED BY A DRIVER PURSUANT TO THIS SECTION SPECIFIES THAT THE DRIVER WAS NOT INSURED AT THE TIME OF THE ACCIDENT,

SUCH REPORT SHALL CREATE A REBUTTABLE PRESUMPTION THAT SUCH DRIVER WAS NOT INSURED AT THE TIME OF THE ACCIDENT.

(II) UNTIL THE STATUS OF THE DRIVER AS UNINSURED IS SUCCESSFULLY REBUTTED, THE DIRECTOR MAY TAKE APPROPRIATE ACTION AGAINST SUCH DRIVER IN ACCORDANCE WITH THE PROVISIONS OF THIS TITLE.

(d) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT ANY PERSON AFFECTED BY AN ACCIDENT FROM FILING A REPORT IN CONNECTION WITH SUCH ACCIDENT.

(4) (a) (I) It is the duty of all law enforcement officers who receive notification of traffic accidents within their respective jurisdictions or who investigate such accidents either at the time of or at the scene of the accident or thereafter by interviewing participants or witnesses to submit reports of all such accidents to the department on the form provided within five days of the time they receive such information or complete their investigation.

(II) IF A REPORT FILED BY A LAW ENFORCEMENT OFFICER PURSUANT TO THIS SECTION SPECIFIES THAT THE DRIVER WAS NOT INSURED AT THE TIME OF THE ACCIDENT, SUCH REPORT SHALL CREATE A REBUTTABLE PRESUMPTION THAT SUCH DRIVER WAS NOT INSURED AT THE TIME OF THE ACCIDENT.

(III) UNTIL THE STATUS OF THE DRIVER AS UNINSURED IS SUCCESSFULLY REBUTTED, THE DIRECTOR MAY TAKE APPROPRIATE ACTION AGAINST SUCH DRIVER IN ACCORDANCE WITH THE PROVISIONS OF THIS TITLE.

(b) THE LAW ENFORCEMENT OFFICER SHALL NOT BE REQUIRED TO COMPLETE AN INVESTIGATION OR FILE AN ACCIDENT REPORT:

(I) In the case of a traffic accident involving a motor vehicle, if a THE law enforcement officer has a reasonable basis to believe that damage to the property of any one person does not exceed one thousand dollars and if the traffic

accident does not involve injury to or death of any person; ~~the law enforcement officer shall not be required to complete an investigation or submit a report of such traffic accident unless~~ EXCEPT THAT THE OFFICER SHALL COMPLETE AN INVESTIGATION AND FILE A REPORT IF specifically requested to do so by one of the participants or ~~unless~~ IF one of the participants cannot show proof of insurance; OR

(II) In the case of a traffic accident not involving a motor vehicle, if the traffic accident does not involve serious bodily injury to or death of any person. ~~the law enforcement officer shall not be required to complete an investigation or submit a report of such traffic accident.~~

**SECTION 4.** 42-7-202 (3), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

**42-7-202. Report of accident required.** (3) The director may rely upon the accuracy of information as to insurance or bond contained in written statements required under part 3 of this article OR UNDER SECTION 42-4-1606 unless and until the director has reason to believe that such information is erroneous.

**SECTION 5.** The introductory portion to 42-7-301 (1) and the introductory portion to 42-7-301 (2), Colorado Revised Statutes, 1993 Repl. Vol., as amended, are amended to read:

**42-7-301. Security and proof of financial responsibility for the future required under certain circumstances.** (1) Unless exempt under section 42-7-302, an operator or owner named in an accident report required to be filed pursuant to section 42-7-202 OR SECTION 42-4-1606 shall file with the director, according to the procedure provided by this section, both:

(2) BASED UPON A REPORT FILED PURSUANT TO SECTION 42-4-1606, the director shall determine whether an operator or owner is required to comply with the provisions of this article and, if so, shall:

**SECTION 6.** 42-7-302 (1) (e), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is repealed as follows:

**42-7-302. Exemptions from requirement of filing security and proof of financial responsibility for the future.** (1) The requirement of filing security and proof of financial responsibility for the future pursuant to section 42-7-301 shall not apply:

(e) ~~To the operator or owner, if the operator or owner:~~

(I) ~~Was involved in an accident but no injury or damage was caused to the person or property of anyone other than such operator or owner;~~

(II) ~~Was legally parked at the time of the accident;~~

(III) ~~Is found by the director to be free from fault for such accident;~~

**SECTION 7.** 42-7-303, Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**42-7-303. Duration of suspension.** (2) IF THE DIRECTOR DETERMINES THAT THE DRIVER IS NOT RESPONSIBLE FOR ANY DAMAGES TO ANY OTHER PARTY AS A RESULT OF THE ACCIDENT, THE DRIVER MAY:

(a) PREVENT A SUSPENSION FROM OCCURRING BY FILING FUTURE PROOF OF LIABILITY INSURANCE PURSUANT TO SECTION 42-7-408; OR

(b) REINSTATE A LICENSE, IF A SUSPENSION HAS ALREADY OCCURRED, BY FILING FUTURE PROOF OF LIABILITY INSURANCE PURSUANT TO SECTION 42-7-408 AND PAYING THE REINSTATEMENT FEE.

SECTION 8. 42-7-408 (1) (c), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended, and the said 42-7-408 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**42-7-408. Proof of financial responsibility - methods of giving proof - duration - exception.** (1) (c) Notwithstanding the three-year requirement in paragraph (b) of this subsection (1), ~~if an insured has been found guilty of a driving offense pursuant to section 42-4-1301 (1) or (2)~~ IF THE INSURED'S LICENSE HAS BEEN REVOKED PURSUANT TO SECTION 42-2-125 (1) (m) OR 42-2-126 only one time and no accident was involved in such offense, proof of financial responsibility for the future shall be required to be maintained only for as long as the insured's ~~license has been under restraint~~ DRIVING PRIVILEGE IS ORDERED TO BE UNDER RESTRAINT, UP TO A MAXIMUM OF THREE YEARS. THE TIME PERIOD FOR MAINTAINING THE FUTURE PROOF OF LIABILITY INSURANCE SHALL BEGIN AT THE TIME THE DRIVER REINSTATES HIS OR HER DRIVING PRIVILEGE.

(4) IF AT ANY TIME WHEN INSURANCE IS REQUIRED TO BE MAINTAINED IN ACCORDANCE WITH SECTION 42-4-1409 OR THIS ARTICLE IT IS NOT SO MAINTAINED OR BECOMES INVALID, THE DIRECTOR SHALL SUSPEND THE DRIVER'S LICENSE OF THE PERSON WHO HAS NOT MAINTAINED THE REQUIRED INSURANCE AND SHALL NOT REINSTATE THE LICENSE OF SUCH PERSON UNTIL FUTURE PROOF OF FINANCIAL RESPONSIBILITY IS PROVIDED IN ACCORDANCE WITH SECTION 42-7-406 (1).

SECTION 9. 42-7-410 (1), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

**42-7-410. Certificate for insurance policy.** (1) Proof of financial responsibility may be made by filing with the director the written certificate of any insurance carrier duly authorized to do business in this state, certifying that it has issued to or for the benefit of the person furnishing such proof and named as the insured a motor vehicle liability policy or in certain events an operator's policy, meeting the requirements of this article, and that said policy is then in full force and effect. Such certificate shall give the dates of issuance and expiration of such policy ~~and certify that the same shall not be cancelled unless ten days' prior written notice thereof is given to the director~~ and shall explicitly describe all motor vehicles covered thereby, unless the policy is issued to a person who is not the owner of a motor vehicle.

SECTION 10. 42-7-416, Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

**42-7-416. Notice required upon cancellation.** When an insurance carrier has certified a motor vehicle liability policy under this article, it shall give ~~ten~~ **ten** days' written notice to the director ~~before~~ DURING THE TEN-DAY-PERIOD IMMEDIATELY FOLLOWING THE EFFECTIVE DATE OF THE cancellation of such policy ~~and the policy shall continue in full force and effect until the date of cancellation specified in such notice or until its expiration; except that such a policy subsequently procured and certified shall, on the effective date of its certification, operate as a cancellation of any policy previously certified with respect to any motor vehicle designated in both certificates.~~ STATING THAT THE POLICY HAS BEEN CANCELLED.

SECTION 11. **Effective date - applicability.** This act shall take effect July 1, 1996, and shall apply to acts committed on or after said date.

**SECTION 12. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

**BILL G**

**A BILL FOR AN ACT**

**CONCERNING EQUIPMENT REQUIREMENTS FOR STREET ROD VEHICLES.**

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**Bill Summary**

**"Motor Vehicle Equipment"**

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

Transportation Legislation Review Committee. Directs that the department of revenue furnish one license plate, rather than two license plates, to the owner of any street rod vehicle. Eliminates the requirement that a street rod vehicle have a front license plate attached.

Authorizes the usage of red lamps containing a blue or purple insert. Authorizes the use of such blue dot tail lamps in street rod vehicles for stop lamps, rear turning indicator lamps, rear hazard lamps, and rear reflectors.

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

**SECTION 1.** 42-3-113 (1) (a), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

**42-3-113. Number plates furnished - style.** (1) (a) (I) The department shall also furnish to every owner whose vehicle is registered one number plate for a motorcycle, STREET ROD VEHICLE, trailer, or semitrailer, any other vehicle drawn by a motor vehicle, or any item of mobile machinery or self-propelled construction equipment and two number plates, or, at the discretion of the executive director of the department, one number plate for every other vehicle, except as otherwise provided in this article. The department has the authority

to require the return to the department of all number plates upon termination of the lawful use thereof by the owner.

(II) FOR THE PURPOSES OF THIS PARAGRAPH (a), "STREET ROD VEHICLE" HAS THE SAME MEANING AS PROVIDED IN SECTION 42-3-114 (3) (b).

**SECTION 2.** 42-3-123 (1), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

**42-3-123. Number plates to be attached.** (1) (a) Number plates assigned to a self-propelled vehicle other than a motorcycle OR STREET ROD VEHICLE shall be attached thereto, one in the front and the other in the rear. The number plate assigned to a motorcycle, STREET ROD VEHICLE, trailer, or semitrailer, any other vehicle drawn by a motor vehicle, or any item of mobile machinery or self-propelled construction equipment shall be attached to the rear thereof. Number plates shall be so displayed during the current registration year, except as otherwise provided in this article.

(b) FOR THE PURPOSES OF THIS SUBSECTION (1), "STREET ROD VEHICLE" HAS THE SAME MEANING AS PROVIDED IN SECTION 42-3-114 (3) (b).

**SECTION 3.** 42-4-206 (1) and (4), Colorado Revised Statutes, 1993 Repl. Vol., as amended, are amended to read:

**42-4-206. Tail lamps and reflectors.** (1) Every motor vehicle, trailer, semitrailer, and pole trailer and any other vehicle which is being drawn at the end of a train of vehicles shall be equipped with at least one tail lamp mounted on the rear, which, when lighted as required in section 42-4-204, shall emit a red light plainly visible from a distance of five hundred feet to the rear; ~~but~~ EXCEPT THAT, in the case of a train of vehicles, only the tail lamp on the rear-most vehicle need actually be seen from the distance specified, AND EXCEPT

AS PROVIDED IN SECTION 42-4-215.5. Furthermore, every such vehicle registered in this state and manufactured or assembled after January 1, 1958, shall be equipped with at least two tail lamps mounted on the rear, on the same level and as widely spaced laterally as practicable, which, when lighted as required in section 42-4-204, shall comply with the provisions of this section.

(4) Every motor vehicle operated on and after January 1, 1958, upon a highway in the state of Colorado shall carry on the rear, either as part of a tail lamp or separately, one red reflector meeting the requirements of this section; except that vehicles of the type mentioned in section 42-4-207 shall be equipped with reflectors as required in those sections applicable thereto AND EXCEPT AS PROVIDED IN SECTION 42-4-215.5.

**SECTION 4.** 42-4-215 (1), (2), and (7.5), Colorado Revised Statutes, 1993 Repl. Vol., as amended, are amended to read:

**42-4-215. Signal lamps and devices - additional lighting equipment.**

(1) Any motor vehicle may be equipped, and when required under this article shall be equipped, with a stop lamp or lamps on the rear of the vehicle which, EXCEPT AS PROVIDED IN SECTION 42-4-215.5, shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than one hundred feet to the rear in normal sunlight, and which shall be actuated upon application of the service (foot) brake, and which may but need not be incorporated with one or more other rear lamps. Such stop lamp or lamps may also be automatically actuated by a mechanical device when the vehicle is reducing speed or stopping. If two or more stop lamps are installed on any motor vehicle, any device actuating such lamps shall be so designed and installed that all stop lamps are actuated by such device.

(2) Any motor vehicle may be equipped, and when required under this article shall be equipped, with lamps showing to the front and rear for the purpose of indicating an intention to turn either to the right or to the left. Such lamps showing to the front shall be located on the same level and as widely spaced laterally as practicable and when in use shall display a white or amber light, or any shade of color between white and amber, visible from a distance of not less than one hundred feet to the front in normal sunlight, and the lamps showing to the rear shall be located at the same level and as widely spaced laterally as practicable and, EXCEPT AS PROVIDED IN SECTION 42-4-215.5, when in use shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than one hundred feet to the rear in normal sunlight. When actuated, such lamps shall indicate the intended direction of turning by flashing the light showing to the front and rear on the side toward which the turn is made.

(7) Any vehicle may be equipped with lamps which may be used for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking, or passing and, when so equipped and when the said vehicle is not in motion or is being operated at a speed of twenty-five miles per hour or less and at no other time, may display such warning in addition to any other warning signals required by this article. The lamps used to display such warning to the front shall be mounted at the same level and as widely spaced laterally as practicable and shall display simultaneously flashing white or amber lights, or any shade of color between white and amber. The lamps used to display such warning to the rear shall be mounted at the same level and as widely spaced laterally as practicable and, EXCEPT AS PROVIDED IN SECTION 42-4-215.5, shall show

simultaneously flashing amber or red lights, or any shade of color between amber and red. These warning lights shall be visible from a distance of not less than five hundred feet under normal atmospheric conditions at night.

**SECTION 5.** Part 2 of article 4 of title 42, Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

**42-4-215.5. Signal lamps and devices - street rod vehicles and custom motor vehicles.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "BLUE DOT TAIL LIGHT" MEANS A RED LAMP INSTALLED IN THE REAR OF A MOTOR VEHICLE CONTAINING A BLUE OR PURPLE INSERT THAT IS NOT MORE THAN ONE INCH IN DIAMETER.

(b) "STREET ROD VEHICLE" HAS THE SAME MEANING AS PROVIDED IN SECTION 42-3-114 (3) (b).

(2) A STREET ROD VEHICLE OR CUSTOM MOTOR VEHICLE MAY USE BLUE DOT TAIL LIGHTS FOR STOP LAMPS, REAR TURNING INDICATOR LAMPS, REAR HAZARD LAMPS, AND REAR REFLECTORS. SUCH LAMPS SHALL COMPLY WITH ALL REQUIREMENTS PROVIDED IN THIS ARTICLE OTHER THAN COLOR REQUIREMENTS.

**SECTION 6. Effective date - applicability.** Sections 1 and 2 of this act shall take effect July 1, 1996, and shall apply to registration applications or renewals received on or after said date. The remainder of this act shall take effect upon passage.

**SECTION 7. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.



**BILL H**

**A BILL FOR AN ACT**

CONCERNING POINTS ASSESSED AGAINST DRIVERS' LICENSES FOR SPEEDING VIOLATIONS.

**Bill Summary**

**"Penalties For Speeding Violations"**

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

Transportation Legislation Review Committee. Reduces the number of points that are assessed against a driver's license for the first speeding offense committed by an individual during a twelve-month period. Continues the existing point schedule for a second or subsequent speeding offense committed within a twelve-month period.

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

**SECTION 1.** 42-2-127 (5) (f) (I), (5) (f) (II), (5) (f) (III), and (5) (f) (IV), Colorado Revised Statutes, 1993 Repl. Vol., as amended, are amended to read:

**42-2-127. Authority to suspend license - to deny license - type of conviction - points.** (5) Point system schedule:

**Type of conviction . . . . . Points**

(f) Speeding:

(I) One to four miles per hour over the reasonable and prudent speed or over the maximum lawful speed limit of fifty-five miles per hour or over the maximum lawful speed limit of sixty-five miles per hour:

(A) FIRST SPEEDING OFFENSE COMMITTED WITHIN A TWELVE-MONTH PERIOD . . . . . 1 0

(B) SECOND OR SUBSEQUENT SPEEDING OFFENSE COMMITTED WITHIN A TWELVE-MONTH PERIOD . . . . . 1

(II) Five to nine miles per hour over the reasonable and prudent speed or over the maximum lawful speed limit of fifty-five miles per hour or over the maximum lawful speed limit of sixty-five miles per hour:

(A) FIRST SPEEDING OFFENSE COMMITTED WITHIN A TWELVE-MONTH PERIOD . . . . . 3 0

(B) SECOND OR SUBSEQUENT SPEEDING OFFENSE COMMITTED WITHIN A TWELVE-MONTH PERIOD . . . . . 3

(III) Ten to nineteen miles per hour over the reasonable and prudent speed or over the maximum lawful speed limit of fifty-five miles per hour or over the maximum lawful speed limit of sixty-five miles per hour:

(A) FIRST SPEEDING OFFENSE COMMITTED WITHIN A TWELVE-MONTH PERIOD . . . . . 4 2

(B) SECOND OR SUBSEQUENT SPEEDING OFFENSE COMMITTED WITHIN A TWELVE-MONTH PERIOD . . . . . 4

(IV) Twenty or more miles per hour over the reasonable and prudent speed or over the maximum lawful speed limit of fifty-five miles per hour or over the maximum lawful speed limit of sixty-five miles per hour:

(A) FIRST SPEEDING OFFENSE COMMITTED WITHIN A TWELVE-MONTH PERIOD . . . . . 6 4

(B) SECOND OR SUBSEQUENT SPEEDING OFFENSE COMMITTED WITHIN A TWELVE-MONTH PERIOD . . . . . 6

**SECTION 2. Effective date - applicability.** This act shall take effect July 1, 1996, and shall apply to offenses committed on or after said date.

**SECTION 3. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

**BILL I**

**A BILL FOR AN ACT**

CONCERNING THE ALLOCATION OF SALES AND USE TAX REVENUES ATTRIBUTABLE TO SALES OR USE TAX OF VEHICLES AND RELATED ITEMS TO THE HIGHWAY USERS TAX FUND.

**Bill Summary**

**"Vehicle Sales & Use Tax Proceeds"**

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

Transportation Legislation Review Committee. Beginning with the 1996-97 fiscal year, allocates a percentage of the proceeds of sales and use taxes attributable to sales or use of vehicles and related items to the highway users tax fund. Provides for the method of distribution of such proceeds to the state, counties, and cities.

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

**SECTION 1.** 39-26-123, Colorado Revised Statutes, 1994 Repl. Vol., is amended to read:

**39-26-123. Receipts - disposition.** (1) Eighty-five percent of all receipts collected under the provisions of this article shall be credited to the old age pension fund. FOR THE FISCAL YEAR COMMENCING JULY 1, 1996, AND FOR EACH SUCCEEDING FISCAL YEAR, the remaining fifteen percent shall be ALLOCATED BETWEEN AND credited to the general fund ~~and the general assembly shall make appropriations therefrom for the expenses of the administration of this article~~ AND THE HIGHWAY USERS TAX FUND (AS A PORTION OF THE SALES AND USE

TAXES ATTRIBUTABLE TO SALES OR USE OF VEHICLES AND RELATED ITEMS) AS FOLLOWS: TEN PERCENT OF NET REVENUE FROM SALES AND USE TAX TO THE HIGHWAY USERS TAX FUND AND FIVE PERCENT THEREOF TO THE GENERAL FUND.

(2) AS USED IN SUBSECTION (1) OF THIS SECTION:

(a) "SALES AND USE TAXES ATTRIBUTABLE TO SALES OR USE OF VEHICLES AND RELATED ITEMS" MEANS THE REVENUE RAISED FROM THE STATE SALES AND USE TAXES IMPOSED PURSUANT TO THIS ARTICLE ON THE SALES OR USE OF NEW OR USED MOTOR VEHICLES, INCLUDING MOTOR HOMES, MOTOR VEHICLE BATTERIES, TIRES, PARTS, OR ACCESSORIES, UTILITY TRAILERS, CAMPER COACHES, OR CAMPER TRAILERS;

(b) WITH RESPECT TO SALES TAX, "RELATED ITEMS" INCLUDES ONLY ITEMS SOLD BY PERSONS WHOSE PRIMARY BUSINESS ACTIVITY IS THE SALE OR SERVICE OF MOTOR VEHICLES OR RELATED ITEMS.

(3) FOR THE FISCAL YEAR COMMENCING JULY 1, 1996, AND FOR EACH SUCCEEDING FISCAL YEAR, THE STATE TREASURER SHALL CREDIT AN AMOUNT OF SALES AND USE TAXES ATTRIBUTABLE TO SALES OR USE OF VEHICLES AND RELATED ITEMS TO THE HIGHWAY USERS TAX FUND AS PROVIDED IN SUBSECTION (1) OF THIS SECTION.

**SECTION 2.** 43-4-205, Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**43-4-205. Allocation of fund.** (6.5) (a) SUBJECT TO THE PROVISIONS OF PARAGRAPH (b) OF THIS SUBSECTION (6.5), REVENUES CREDITED TO THE HIGHWAY USERS TAX FUND PURSUANT TO SECTION 39-26-123 (1), C.R.S., SHALL BE ALLOCATED IN ACCORDANCE WITH THE PROVISIONS OF PARAGRAPH (b) OF SUBSECTION (6) OF THIS SECTION.

(b) IT IS NOT THE INTENT OF THE GENERAL ASSEMBLY TO PROVIDE ADDITIONAL REVENUE UNDER THE PROVISIONS OF THIS SUBSECTION (6.5) TO A CITY OR COUNTY THAT WOULD BE IN EXCESS OF THE CITY'S OR COUNTY'S ALLOWABLE FISCAL YEAR SPENDING UNDER SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION AND THAT MIGHT RESULT IN A REFUND OF EXCESS REVENUE UNDER SAID SECTION 20. THEREFORE, THE ADDITIONAL REVENUE AVAILABLE TO A CITY OR COUNTY PURSUANT TO THIS SUBSECTION (6.5) SHALL ONLY BE PAID UNDER ONE OF THE FOLLOWING CIRCUMSTANCES:

(I) THE CITY OR COUNTY CERTIFIES TO THE STATE TREASURER THAT THE RECEIPT OF ITS ESTIMATED SHARE OF ADDITIONAL REVENUE PURSUANT TO THIS SUBSECTION (6.5) IS NOT ANTICIPATED TO RESULT IN THE CITY OR COUNTY EXCEEDING ITS ALLOWABLE FISCAL YEAR SPENDING; OR

(II) THE CITY OR COUNTY CERTIFIES TO THE STATE TREASURER THAT THE CITY OR COUNTY RECEIVED VOTER APPROVAL AT A GENERAL ELECTION TO AUTHORIZE THE SPENDING OF REVENUE IN EXCESS OF THE CITY OR COUNTY'S ALLOWABLE FISCAL YEAR SPENDING IN AN AMOUNT EQUAL TO OR GREATER THAN ITS ESTIMATED SHARE OF THE ADDITIONAL REVENUE PURSUANT TO THIS SUBSECTION (6.5).

(c) IF ADDITIONAL REVENUE CANNOT BE RECEIVED BY A CITY OR COUNTY IN ANY FISCAL YEAR DUE TO THE PROVISIONS OF PARAGRAPH (b) OF THIS SUBSECTION (6.5), SUCH REVENUE SHALL BE TRANSFERRED BY THE STATE TREASURER TO THE STATE HIGHWAY FUND AND SHALL BE EXPENDED BY THE DEPARTMENT AS PROVIDED IN SECTION 43-4-206.

**SECTION 3. Effective date.** This act shall take effect July 1, 1996.

**SECTION 4. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.