

**Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

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

LLS NO. 16-0651.01 Jery Payne x2157

**SENATE BILL 16-030**

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**SENATE SPONSORSHIP**

**Hodge,**

**HOUSE SPONSORSHIP**

**Tyler,**

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**Senate Committees**

Transportation  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING THE SURCHARGES FOR VIOLATING MOTOR VEHICLE**  
102                    **WEIGHT LIMITS, AND, IN CONNECTION THEREWITH, MAKING AN**  
103                    **APPROPRIATION.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/bills summaries>.)*

The bill repeals the statutory surcharges for violating motor vehicle weight limits and substitutes a uniform surcharge of 16% of the base amount of the penalty for each violation.

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Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-4-1701, **amend**  
3 (4) (a) (II) (A) and (4) (a) (III) (A) as follows:

4 **42-4-1701. Traffic offenses and infractions classified -**  
5 **penalties - penalty and surcharge schedule - repeal.** (4) (a) (II) (A) A  
6 person convicted of violating section 42-4-507 or 42-4-508 shall be fined  
7 pursuant to this sub-subparagraph (A), whether the defendant  
8 acknowledges the defendant's guilt pursuant to the procedure set forth in  
9 paragraph (a) of subsection (5) of this section or is found guilty by a court  
10 of competent jurisdiction. A person who violates section 42-4-507 or  
11 42-4-508 shall be punished by ~~a THE FOLLOWING fine and surcharge as~~  
12 ~~follows~~ PLUS A SURCHARGE OF SIXTEEN PERCENT OF THE FINE:

| 13 | <b>Excess Weight - Pounds</b> | <b>Penalty</b>                | <b>Surcharge</b>    |
|----|-------------------------------|-------------------------------|---------------------|
| 14 | 1 - 1,000                     | \$ 20.00                      | <del>\$ 14.00</del> |
| 15 | 1,001 - 3,000                 | 25.00                         | <del>14.00</del>    |
| 16 | 3,001 - 5,000                 | 0.03 per pound overweight     |                     |
| 17 |                               | rounded to the nearest dollar | <del>48.00</del>    |
| 18 | 5,001 - 7,000                 | 0.05 per pound overweight     |                     |
| 19 |                               | rounded to the nearest dollar | <del>108.00</del>   |
| 20 | 7,001 - 10,000                | 0.07 per pound overweight     |                     |
| 21 |                               | rounded to the nearest dollar | <del>384.00</del>   |
| 22 | 10,001 - 15,000               | 0.10 per pound overweight     |                     |
| 23 |                               | rounded to the nearest dollar | <del>1,892.00</del> |
| 24 | 15,001 - 19,750               | 0.15 per pound                |                     |
| 25 |                               | rounded to the nearest dollar | <del>2,438.00</del> |
| 26 | Over 19,750                   | 0.25 per pound rounded        |                     |
| 27 |                               | to the nearest dollar         | <del>28.00</del>    |

1 for each 250 pounds  
 2 additional overweight,  
 3 plus \$ 492.00

4 (III) Any person convicted of violating any of the rules  
 5 promulgated pursuant to section 42-4-510, except section 42-4-510 (2) (b)  
 6 (IV), shall be fined as follows, whether the violator acknowledges the  
 7 violator's guilt pursuant to the procedure set forth in paragraph (a) of  
 8 subsection (5) of this section or is found guilty by a court of competent  
 9 jurisdiction:

10 (A) Except as provided in sub-subparagraph (D) of this  
 11 subparagraph (III), any person who violates the maximum permitted  
 12 weight on an axle or on gross weight shall be punished by a THE  
 13 FOLLOWING fine and surcharge as follows PLUS A SURCHARGE OF SIXTEEN  
 14 PERCENT OF THE FINE:

15 **Excess Weight Above Maximum**

| 16 Permitted Weight - Pounds | Penalty           | Surcharge            |
|------------------------------|-------------------|----------------------|
| 17 1 - 2,500                 | \$ 50.00          | <del>\$ 46.00</del>  |
| 18 2,501 - 5,000             | 100.00            | 96.00                |
| 19 5,001 - 7,500             | 200.00            | <del>192.00</del>    |
| 20 7,501 - 10,000            | 400.00            | 384.00               |
| 21 Over 10,000               | \$150.00          | <del>\$ 144.00</del> |
|                              | for each 1,000    | for each 1,000       |
|                              | pounds additional | pounds additional    |
|                              | overweight, plus  | overweight, plus     |
|                              | \$ 400.00         | <del>\$ 296.00</del> |

26 **SECTION 2. Appropriation.** (1) For the 2016-17 state fiscal  
 27 year, \$12,566 is appropriated to the department of revenue. This

1 appropriation is from the general fund. To implement this act, the  
2 department may use this appropriation for the purchase of information  
3 technology services.

4 (2) For the 2016-17 state fiscal year, \$12,566 is appropriated to  
5 the office of the governor for use by the office of information technology.  
6 This appropriation is from reappropriated funds received from the  
7 department of revenue under subsection (1) of this section. To implement  
8 this act, the office may use this appropriation to provide information  
9 technology services for the department of revenue.

10 **SECTION 3. Act subject to petition - effective date -**  
11 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
12 the expiration of the ninety-day period after final adjournment of the  
13 general assembly (August 10, 2016, if adjournment sine die is on May 11,  
14 2016); except that, if a referendum petition is filed pursuant to section 1  
15 (3) of article V of the state constitution against this act or an item, section,  
16 or part of this act within such period, then the act, item, section, or part  
17 will not take effect unless approved by the people at the general election  
18 to be held in November 2016 and, in such case, will take effect on the  
19 date of the official declaration of the vote thereon by the governor.

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