

CHAPTER 53

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 22-1150

BY REPRESENTATIVE(S) Bockenfeld and Exum, Snyder, Gray, Kipp, Lindsay, Ricks; also SENATOR(S) Cooke and Fields, Gonzales, Lee.

AN ACT

CONCERNING THE ELIMINATION OF SIGNATURE REQUIREMENTS FOR PERSONS WHO ARE ALLEGED TO HAVE VIOLATED CERTAIN OFFENSES.

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

SECTION 1. In Colorado Revised Statutes, 42-4-1705, amend (1) introductory portion, (1)(e), and (2) as follows:

42-4-1705. Person arrested to be taken before the proper court.

(1) Whenever a person is arrested for any violation of this ~~article~~ ARTICLE 4 punishable as a misdemeanor, the arrested person ~~shall~~ MUST be taken without unnecessary delay before a county judge who has jurisdiction of such offense as provided by law, in any of the following cases:

(e) In any other event when the provisions of section 42-4-1701 (5)(b) and (5)(c) apply, ~~and the person arrested refuses to give a written promise to appear in court as provided in section 42-4-1707.~~

(2) Whenever any person is arrested by a police officer for any violation of this ~~article~~ ARTICLE 4 punishable as a misdemeanor and is not required to be taken before a county judge as provided in subsection (1) of this section, the arrested person ~~shall~~ MUST, in the discretion of the officer, either be given a written notice or summons to appear in court as provided in section 42-4-1707 or be taken without unnecessary delay before a county judge who has jurisdiction of such offense when the arrested person does not furnish satisfactory evidence of identity or when the officer has reasonable and probable grounds to believe the person will ~~disregard a written promise to~~ NOT appear in court. The court shall provide a bail bond schedule and available personnel to accept adequate security for such bail bonds.

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

**SECTION 2.** In Colorado Revised Statutes, 42-4-1707, **amend** (3)(a) and (6) as follows:

**42-4-1707. Summons and complaint or penalty assessment notice for misdemeanors, petty offenses, and misdemeanor traffic offenses - release - registration.** (3) (a) Whenever a penalty assessment notice for a misdemeanor, petty offense, or misdemeanor traffic offense is issued pursuant to section 42-4-1701 (5)(a), the penalty assessment notice that ~~shall be served upon the defendant by the peace officer~~ **shall** SERVES UPON THE DEFENDANT MUST contain the name and address of the defendant, the license number of the vehicle involved, if any, the number of the defendant's driver's license, if any, a citation of the statute alleged to have been violated, a brief description of the offense, the date and approximate location ~~thereof~~ OF THE OFFENSE, the amount of the penalty prescribed for the offense, the amount of the surcharges ~~thereon~~ pursuant to sections 24-4.1-119 (1)(f), 24-4.2-104 (1), and 24-33.5-415.6, C.R.S., the number of points, if any, prescribed for the offense pursuant to section 42-2-127, and the date the penalty assessment notice is served on the defendant; ~~shall~~ **shall** MUST direct the defendant to appear in a specified county court at a specified time and place in the event the penalty and surcharges ~~thereon~~ are not paid; ~~shall~~ **shall** MUST be signed by the peace officer; and ~~shall~~ **shall** MUST contain a place for the defendant to elect to execute a signed acknowledgment of guilt and an agreement to pay the penalty prescribed and surcharges ~~thereon~~ within twenty days, as well as such other information as may be required by law to constitute the penalty assessment notice to be a summons and complaint ~~should~~ IF the prescribed penalty and surcharges ~~thereon~~ ARE not be paid within the time allowed in section 42-4-1701.

(6) If the defendant is otherwise eligible to be issued a summons and complaint or a penalty assessment notice for a violation of this ~~title~~ TITLE 42 punishable as a misdemeanor, petty offense, or misdemeanor traffic offense and if the defendant does not possess a valid Colorado driver's license, the defendant, in order to secure release, ~~as provided in this section, must either consent to be taken by the officer to the nearest mailbox and to mail the amount of the penalty and surcharges thereon to the department or must execute a promise to appear in court on the penalty assessment notice or on the summons and complaint~~ MUST RECEIVE INFORMATION ON THE PENALTY ASSESSMENT NOTICE OR SUMMONS AND COMPLAINT THAT DIRECTS THE DEFENDANT TO APPEAR AT A SPECIFIED COUNTY COURT AT A SPECIFIED TIME AND PLACE IN THE EVENT THE PENALTY AND SURCHARGES ARE NOT PAID, AND OTHER INFORMATION THAT MAY BE REQUIRED BY LAW TO CONSTITUTE THE PENALTY ASSESSMENT TO BE A SUMMONS AND COMPLAINT IF THE PRESCRIBED PENALTY AND SURCHARGES ARE NOT PAID WITHIN THE TIME ALLOWED IN SECTION 42-4-1701. If the defendant does possess a valid Colorado driver's license, the defendant ~~shall~~ **shall** MUST not be required to execute a promise to appear on the penalty assessment notice or on the summons and complaint. The peace officer shall not require any person who is eligible to be issued a summons and complaint or a penalty assessment notice for a violation of this ~~title~~ TITLE 42 to produce or divulge such person's social security number.

**SECTION 3.** In Colorado Revised Statutes, 42-4-1709, **amend** (1) as follows:

**42-4-1709. Penalty assessment notice for traffic infractions - violations of provisions by officer - driver's license - definition.** (1) Whenever a penalty

assessment notice for a traffic infraction is issued pursuant to section 42-4-1701 (5)(a), the penalty assessment notice that ~~shall be served upon the defendant~~ by the peace officer ~~shall~~ SERVES UPON THE DEFENDANT MUST contain the name and address of the defendant, the license number of the vehicle involved, if any, the number of the defendant's driver's license, if any, a citation of the statute alleged to have been violated, a brief description of the traffic infraction, the date and approximate location ~~thereof~~ OF THE OFFENSE, the amount of the penalty prescribed for the traffic infraction, the amount of the surcharges ~~thereon~~ pursuant to sections 24-4.1-119 (1)(f), 24-4.2-104 (1), and 24-33.5-415.6, C.R.S., the number of points, if any, prescribed for the traffic infraction pursuant to section 42-2-127, and the date the penalty assessment notice is served on the defendant; ~~shall~~ MUST direct the defendant to appear in a specified county court at a specified time and place in the event the penalty and surcharges ~~thereon~~ are not paid; ~~shall~~ MUST be signed by the peace officer; and ~~shall~~ MUST contain a place for the defendant to elect to execute a signed acknowledgment of liability and an agreement to pay the penalty prescribed and surcharges ~~thereon~~ within twenty days, as well as such other information as may be required by law to constitute the penalty assessment notice to be a summons and complaint ~~should~~ IF the prescribed penalty and surcharges ~~thereon~~ ARE not be paid within the time allowed in section 42-4-1701.

**SECTION 4.** In Colorado Revised Statutes, **amend** 42-4-1711 as follows:

**42-4-1711. Compliance with appearance.** ~~A written promise to appear~~ A DEFENDANT MAY COMPLY WITH A REQUIREMENT TO APPEAR in court ~~may be complied with by~~ THROUGH an appearance by counsel.

**SECTION 5. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: March 30, 2022