

NOTE: The governor signed this measure on 6/10/2016.

An Act

SENATE BILL 16-030

BY SENATOR(S) Hodge, Baumgardner, Cooke, Grantham, Lambert, Lundberg, Marble, Scheffel, Scott, Sonnenberg, Todd, Woods; also REPRESENTATIVE(S) Tyler, Becker K.

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

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

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

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

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

Excess Weight - Pounds	Penalty	Surcharge
1 - 1,000	\$ 20.00	\$14.00
1,001 - 3,000	25.00	14.00
3,001 - 5,000	0.03 per pound overweight rounded to the nearest dollar	48.00
5,001 - 7,000	0.05 per pound overweight rounded to the nearest dollar	108.00
7,001 - 10,000	0.07 per pound overweight rounded to the nearest dollar	384.00
10,001 - 15,000	0.10 per pound overweight rounded to the nearest dollar	1,892.00
15,001 - 19,750	0.15 per pound rounded to the nearest dollar	2,438.00
Over 19,750	0.25 per pound rounded to the nearest dollar	28.00
		for each 250 pounds additional overweight; plus \$ 492.00

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

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

Excess Weight Above Maximum		
Permitted Weight - Pounds	Penalty	Surcharge
1 - 2,500	\$ 50.00	\$ 46.00
2,501 - 5,000	100.00	96.00
5,001 - 7,500	200.00	192.00
7,501 - 10,000	400.00	384.00
Over 10,000	\$150.00	\$144.00
	for each 1,000 pounds additional	for each 1,000 pounds additional

overweight, plus ~~overweight, plus~~
\$ 400.00 ~~\$ 296.00~~

SECTION 2. Appropriation. (1) For the 2016-17 state fiscal year, \$12,566 is appropriated to the department of revenue. This appropriation is from the general fund. To implement this act, the department may use this appropriation for the purchase of information technology services.

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

SECTION 3. Act subject to petition - effective date - applicability. (1) 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 (August 10, 2016, if adjournment sine die is on May 11, 2016); 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 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

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

Bill L. Cadman
PRESIDENT OF
THE SENATE

Dickey Lee Hullinghorst
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Effie Ameen
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO