

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

PREAMENDED

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

LLS NO. 16-0590.02 Jason Gelender x4330

SENATE BILL 16-123

SENATE SPONSORSHIP

Lundberg, Marble, Baumgardner, Scheffel, Holbert, Newell, Hill, Woods, Cooke, Crowder,
Grantham, Lambert

HOUSE SPONSORSHIP

Singer, Saine, Ransom, Lebsock, Wilson, Melton, Winter, Lontine, Sias

Senate Committees
Transportation

House Committees

A BILL FOR AN ACT

101 **CONCERNING FREE ACCESS FOR HIGH OCCUPANCY VEHICLES TO HIGH**
102 **OCCUPANCY VEHICLE AND HIGH OCCUPANCY TOLL LANES ON**
103 **STATE HIGHWAYS, AND, IN CONNECTION THEREWITH,**
104 **PROHIBITING THE DEPARTMENT OF TRANSPORTATION AND THE**
105 **HIGH-PERFORMANCE TRANSPORTATION ENTERPRISE FROM**
106 **REQUIRING A VEHICLE OWNER TO USE A SWITCHABLE**
107 **TRANSPONDER OR OTHER DEVICE IN ORDER TO TRAVEL IN A**
108 **HIGH OCCUPANCY VEHICLE ON SUCH A LANE WITHOUT PAYING**
109 **A TOLL.**

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

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.*

applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/bills/summaries>.)

The bill prohibits the department of transportation or the high-performance transportation enterprise from requiring a vehicle owner to use a switchable transponder or other device in order to travel in a high occupancy vehicle on either a high occupancy vehicle lane or a high occupancy toll lane on a toll-free basis.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-4-1012, **add** (1)
3 (e) as follows:

4 **42-4-1012. High occupancy vehicle (HOV) and high occupancy**
5 **toll (HOT) lanes.** (1) (e) NOTWITHSTANDING THE AUTHORIZATION
6 GRANTED IN SUBPARAGRAPH (II) OF PARAGRAPH (d) OF THIS SUBSECTION
7 (1) FOR THE SPECIFICATIONS AND STANDARDS DEVELOPED AND ADOPTED
8 BY THE DEPARTMENT PURSUANT TO SAID PARAGRAPH (d) TO INCLUDE A
9 REQUIREMENT THAT A VEHICLE OWNER PURCHASE UP TO ONE DEVICE TO
10 USE ON ALL TOLL FACILITIES, ON AND AFTER THE EFFECTIVE DATE OF THIS
11 PARAGRAPH (e), THE DEPARTMENT SHALL NOT REQUIRE A VEHICLE OWNER,
12 INCLUDING, IN ACCORDANCE WITH 23 U.S.C. SEC. 166 (b) (2), A
13 MOTORCYCLE OWNER, TO USE A SWITCHABLE TRANSPONDER OR OTHER
14 DEVICE IN ORDER TO TRAVEL IN A HIGH OCCUPANCY VEHICLE ON EITHER
15 A HIGH OCCUPANCY VEHICLE LANE OR A HIGH OCCUPANCY TOLL LANE
16 THAT IS ON A HIGHWAY UNDER THE JURISDICTION OF THE DEPARTMENT OF
17 TRANSPORTATION ON A TOLL-FREE BASIS.

18 **SECTION 2.** In Colorado Revised Statutes, 43-4-808, **amend** (2)
19 (b) as follows:

20 **43-4-808. Toll highways - special provisions - limitations.**
21 (2) (b) The transportation enterprise may adopt, by resolution of the

1 transportation enterprise board, rules pertaining to the enforcement of toll
2 collection and providing a civil penalty for toll evasion. The civil penalty
3 established by the transportation enterprise for any toll evasion shall be
4 not less than ten dollars nor more than two hundred fifty dollars in
5 addition to any costs imposed by a court. The transportation enterprise
6 may use state-of-the-art technology, including, but not limited to,
7 automatic vehicle identification photography, to aid in the collection of
8 tolls and enforcement of toll violations; EXCEPT THAT, ON AND AFTER THE
9 EFFECTIVE DATE OF THIS PARAGRAPH (b), AS AMENDED, THE
10 TRANSPORTATION ENTERPRISE SHALL NOT REQUIRE A VEHICLE OWNER,
11 INCLUDING, IN ACCORDANCE WITH 23 U.S.C. SEC. 166 (b) (2), A
12 MOTORCYCLE OWNER, TO USE A SWITCHABLE TRANSPONDER OR OTHER
13 DEVICE IN ORDER TO TRAVEL IN A HIGH OCCUPANCY VEHICLE ON EITHER
14 A HIGH OCCUPANCY VEHICLE LANE OR A HIGH OCCUPANCY TOLL LANE ON
15 A TOLL-FREE BASIS. The use of state-of-the-art technology to aid in
16 enforcement of toll violations shall be IS governed solely by this section.

17 **SECTION 3. Act subject to petition - effective date.** This act
18 takes effect at 12:01 a.m. on the day following the expiration of the
19 ninety-day period after final adjournment of the general assembly (August
20 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
21 referendum petition is filed pursuant to section 1 (3) of article V of the
22 state constitution against this act or an item, section, or part of this act
23 within such period, then the act, item, section, or part will not take effect
24 unless approved by the people at the general election to be held in
25 November 2016 and, in such case, will take effect on the date of the
26 official declaration of the vote thereon by the governor.