

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 21-0418.01 Yelana Love x2295

HOUSE BILL 21-1175

HOUSE SPONSORSHIP

Williams, Hanks, Neville, Van Winkle

SENATE SPONSORSHIP

(None),

House Committees

State, Civic, Military, & Veterans Affairs
Finance

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE ABILITY OF A PERSON TO RESOLVE A TRAFFIC FINE**
102 **BY MAKING A DONATION TO A NONPROFIT ENTITY.**

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://leg.colorado.gov>.)

The bill allows a person who has been issued a penalty assessment for or has been convicted of a traffic infraction or traffic misdemeanor to make a donation of money or time to a nonprofit organization in lieu of paying the fine. The amount of fine that may be offset by a donation is limited to \$500.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers 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, 42-4-1710, **amend**
3 (1)(a); and **add** (1)(c) as follows:

4 **42-4-1710. Failure to pay penalty for traffic infractions -**
5 **donation in lieu of penalty - failure of parent or guardian to sign**
6 **penalty assessment notice - procedures - repeal.** (1) (a) Unless a
7 person who has been cited for a traffic infraction pays the penalty
8 assessment as provided in this ~~article~~ ARTICLE 4 and surcharge thereon
9 pursuant to sections 24-4.1-119 (1)(f) and 24-4.2-104 (1), ~~C.R.S.~~ OR
10 DONATES TIME OR MONEY IN AN AMOUNT EQUAL TO OR GREATER THAN
11 THE PENALTY ASSESSMENT AND SURCHARGE TO A NONPROFIT
12 ORGANIZATION AS PROVIDED IN SUBSECTION (1)(c) OF THIS SECTION, the
13 person shall appear at a hearing on the date and time specified in the
14 citation and answer the complaint against ~~such~~ THE person.

15 ■ ■ ■
16 **(c) (I)** NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE 4 TO
17 THE CONTRARY, IN LIEU OF PAYING ALL OR A PORTION OF A PENALTY
18 ASSESSMENT AS PROVIDED IN THIS ARTICLE 4, A PERSON WHO HAS BEEN
19 CITED FOR OR CONVICTED OF A TRAFFIC INFRACTION OR A TRAFFIC
20 MISDEMEANOR MAY MAKE A DONATION OF TIME OR MONEY TO AN ENTITY
21 THAT IS AN ELIGIBLE CHARITABLE ORGANIZATION AS DETERMINED BY THE
22 SECRETARY OF STATE PURSUANT TO SECTION 39-22-5103.

23 **(II)** A PERSON WHO WISHES TO RESOLVE A PENALTY ASSESSMENT
24 THROUGH A DONATION MUST FIRST CONTACT THE COURT WITH
25 JURISDICTION OVER THE PENALTY ASSESSMENT TO PAY THE PORTION OF
26 THE FINE AND SURCHARGE THAT IS REQUIRED TO BE CREDITED TO A STATE

1 FUND. THE AMOUNT OF THE PENALTY ASSESSMENT AND SURCHARGE THAT
2 REMAINS AFTER PAYING THE MONEY REQUIRED TO SUPPORT A FUND MAY
3 BE RESOLVED AS PROVIDED IN SUBSECTIONS (1)(c)(II)(C) AND
4 (1)(c)(II)(D) OF THIS SECTION.

5 (III) TO MAKE A MONETARY DONATION IN LIEU OF PAYING ALL OR
6 A PORTION OF A PENALTY ASSESSMENT UNDER THIS SUBSECTION (1)(c), A
7 PERSON MUST PROVIDE PROOF OF THE MONETARY DONATION IN AN
8 AMOUNT THAT IS EQUAL TO OR GREATER THAN THE AMOUNT OF THE
9 PENALTY ASSESSMENT AND SURCHARGE TO THE COURT WITH JURISDICTION
10 OVER THE PENALTY ASSESSMENT.

11 (IV) TO MAKE A DONATION OF TIME IN LIEU OF PAYING ALL OR A
12 PORTION OF A PENALTY ASSESSMENT UNDER THIS SUBSECTION (1)(c), A
13 PERSON MUST PROVIDE THE COURT WITH JURISDICTION OVER THE PENALTY
14 ASSESSMENT WITH A NOTARIZED STATEMENT FROM A REPRESENTATIVE OF
15 THE NONPROFIT ENTITY THAT CONVERTS THE AMOUNT OF TIME INTO A
16 MONETARY VALUE, USING THE STATEWIDE MINIMUM WAGE AS
17 ESTABLISHED IN SECTION 15 OF ARTICLE XVIII OF THE STATE
18 CONSTITUTION, THAT IS EQUAL TO OR GREATER THAN THE AMOUNT OF THE
19 PENALTY ASSESSMENT AND SURCHARGE.

20 (V) IF A PERSON FAILS TO NOTIFY THE COURT THAT THE PERSON
21 MADE A DONATION OF TIME OR MONEY THAT IS EQUAL TO OR GREATER
22 THAN THE AMOUNT OF THE PENALTY ASSESSMENT AND SURCHARGE PRIOR
23 TO THE HEARING DATE AND TIME SPECIFIED IN THE CITATION, THE PERSON
24 SHALL APPEAR AT THE HEARING TO ANSWER THE COMPLAINT. IF THE
25 PERSON NOTIFIES THE COURT OF A DONATION IN ACCORDANCE WITH THIS
26 SUBSECTION (1)(c), THE COURT SHALL DEDUCT THE DONATION AMOUNT,
27 UP TO FIVE HUNDRED DOLLARS, FROM THE PENALTY ASSESSMENT AND

1 SURCHARGE.

2 (VI) THE OPTION TO MAKE A DONATION IN LIEU OF PAYING ALL OR
3 A PORTION OF A PENALTY ASSESSMENT AND SURCHARGE IN ACCORDANCE
4 WITH THIS SUBSECTION (1)(c) APPLIES TO A CITATION ISSUED BY THE
5 STATE OR A LOCAL AUTHORITY.

6 (VII) THIS SUBSECTION (1)(c) DOES NOT CREATE ANY DUTY ON A
7 COURT TO AFFIRMATIVELY MONITOR OR INVESTIGATE A PERSON'S
8 DONATION AFTER RECEIVING PROOF OF THE PERSON'S DONATION OF TIME
9 OR MONEY PURSUANT TO SUBSECTION (1)(c)(II) OF THIS SECTION.

10 (VIII) BY DECEMBER 1, 2024, THE JUDICIAL DEPARTMENT SHALL
11 SUBMIT A REPORT TO THE JUDICIARY COMMITTEES OF THE SENATE AND
12 THE HOUSE OF REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES,
13 DETAILING:

14 (A) THE NUMBER OF PEOPLE WHO RESOLVED A PENALTY
15 ASSESSMENT THROUGH THE DONATION OF TIME OR MONEY TO A
16 NONPROFIT ENTITY , AS PROVIDED IN SUBSECTION (1)(c)(II) OF THIS
17 SECTION; AND

18 (B) THE EXTENT TO WHICH THIS SUBSECTION (1)(c) HAS AFFECTED
19 THE REVENUE RAISED BY LAW ENFORCEMENT OFFICES AND THE COURTS.

20 (IX) THIS SUBSECTION (1)(c) IS REPEALED, EFFECTIVE SEPTEMBER
21 1, 2025.

22 **SECTION 2. Act subject to petition - effective date -**
23 **applicability.** (1) This act takes effect July 1, 2022; except that, if a
24 referendum petition is filed pursuant to section 1 (3) of article V of the
25 state constitution against this act or an item, section, or part of this act
26 within the ninety-day period after final adjournment of the general
27 assembly, then the act, item, section, or part will not take effect unless

1 approved by the people at the general election to be held in November
2 2022 and, in such case, will take effect on the date of the official
3 declaration of the vote thereon by the governor.

4 (2) This act applies to penalty assessments issued on or after the
5 applicable effective date of this act.