

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

INTRODUCED

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

House Committees

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A BILL FOR AN ACT

101 CONCERNING THE SURCHARGES FOR VIOLATING MOTOR VEHICLE  
102 WEIGHT LIMITS.

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

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

3           **42-4-1701. Traffic offenses and infractions classified -**  
 4 **penalties - penalty and surcharge schedule - repeal.** (4) (a) (II) (A) A  
 5 person convicted of violating section 42-4-507 or 42-4-508 shall be fined  
 6 pursuant to this sub-subparagraph (A), whether the defendant  
 7 acknowledges the defendant's guilt pursuant to the procedure set forth in  
 8 paragraph (a) of subsection (5) of this section or is found guilty by a court  
 9 of competent jurisdiction. A person who violates section 42-4-507 or  
 10 42-4-508 shall be punished by ~~a THE FOLLOWING fine and surcharge as~~  
 11 ~~follows~~ PLUS A SURCHARGE OF SIXTEEN PERCENT OF THE FINE:

<b>Excess Weight - Pounds</b>	<b>Penalty</b>	<b>Surcharge</b>
13           1 - 1,000	\$ 20.00	<del>\$ 14.00</del>
14           1,001 - 3,000	25.00	<del>14.00</del>
15           3,001 - 5,000	0.03 per pound overweight rounded to the nearest dollar	<del>48.00</del>
17           5,001 - 7,000	0.05 per pound overweight rounded to the nearest dollar	<del>108.00</del>
19           7,001 - 10,000	0.07 per pound overweight rounded to the nearest dollar	<del>384.00</del>
21           10,001 - 15,000	0.10 per pound overweight rounded to the nearest dollar	<del>1,892.00</del>
23           15,001 - 19,750	0.15 per pound rounded to the nearest dollar	<del>2,438.00</del>
25           Over 19,750	0.25 per pound rounded to the nearest dollar	<del>28.00</del>
27		<del>for each 250 pounds</del>

1 additional ~~overweight,~~  
2 plus ~~\$ 492.00~~

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

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

14 **Excess Weight Above Maximum**

15 Permitted Weight - Pounds	Penalty	Surcharge
16 1 - 2,500	\$ 50.00	<del>\$ 46.00</del>
17 2,501 - 5,000	100.00	<del>96.00</del>
18 5,001 - 7,500	200.00	<del>192.00</del>
19 7,501 - 10,000	400.00	<del>384.00</del>
20 Over 10,000	\$150.00	<del>\$ 144.00</del>
21	for each 1,000	<del>for each 1,000</del>
22	pounds additional	<del>pounds additional</del>
23	overweight, plus	<del>overweight, plus</del>
24	\$ 400.00	<del>\$ 296.00</del>

25 **SECTION 2. Act subject to petition - effective date -**  
26 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
27 the expiration of the ninety-day period after final adjournment of the

1 general assembly (August 10, 2016, if adjournment sine die is on May 11,  
2 2016); except that, if a referendum petition is filed pursuant to section 1  
3 (3) of article V of the state constitution against this act or an item, section,  
4 or part of this act within such period, then the act, item, section, or part  
5 will not take effect unless approved by the people at the general election  
6 to be held in November 2016 and, in such case, will take effect on the  
7 date of the official declaration of the vote thereon by the governor.

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