

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 23-1267

BY REPRESENTATIVE(S) McCluskie and Soper, Bird, Duran, Lindstedt, McLachlan, Ricks, Sharbini, Taggart;
also SENATOR(S) Roberts and Will, Hansen, Hinrichsen, Liston, Moreno, Mullica, Priola.

CONCERNING INCREASED PENALTIES FOR SPEEDING VIOLATIONS ON HIGHWAYS WITH STEEP DOWNHILL GRADES, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

(a) Trucks move the majority of the freight within our state, and more than 75% of our communities' freight needs are served solely by trucks;

(b) Due to Colorado's mountainous terrain, our state highways traverse many mountain passes with steep downhill grades that result in runaway truck incidents and truck fires associated with overheated brakes;

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.

(c) These incidents often result in serious injuries, substantial property damage, and lane and road closures that create significant travel delays;

(d) The majority of these incidents occur on or after sections of highways with downhill grades of 5% or greater and are often associated with truck drivers exceeding the posted, safe speed limits for those corridors; and

(e) It is necessary to address these problems by increasing the penalties and surcharges associated with speeding in these areas.

SECTION 2. In Colorado Revised Statutes, **add** 42-4-617 as follows:

42-4-617. Steep downhill grade zones - increase in penalties and surcharges for speeding violations - definitions. (1) THE DEPARTMENT MAY DESIGNATE A STEEP DOWNHILL GRADE ZONE IN ANY AREA OF ANY STATE HIGHWAY WHERE THE DOWNHILL GRADE IS FIVE PERCENT OR GREATER AND WHERE THE DEPARTMENT DETERMINES THERE ARE SAFETY CONCERNS RELATED TO COMMERCIAL MOTOR VEHICLES EXCEEDING THE POSTED SPEED LIMITS.

(2) THE DEPARTMENT SHALL ERECT, WHERE APPLICABLE, SIGNS CONSISTENT WITH SUBSECTION (3) OF THIS SECTION NOTIFYING DRIVERS OF EACH AREA OF THE STATE HIGHWAYS THAT THE DEPARTMENT HAS DESIGNATED AS A STEEP DOWNHILL GRADE ZONE.

(3) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "STEEP DOWNHILL GRADE ZONE" MEANS AN AREA OF A STATE HIGHWAY THAT:

(a) BEGINS AT A SIGN THAT:

(I) CONFORMS TO THE STATE TRAFFIC CONTROL MANUAL;

(II) WAS ERECTED BY THE DEPARTMENT PURSUANT TO SUBSECTION (2) OF THIS SECTION;

(III) INDICATES THAT A DRIVER IS ABOUT TO ENTER A STEEP

DOWNHILL GRADE ZONE; AND

(IV) NOTIFIES COMMERCIAL MOTOR VEHICLE DRIVERS THAT INCREASED PENALTIES AND SURCHARGES ARE IN EFFECT AND ASSESSED FOR SPEEDING IN THE ZONE; AND

(b) EXTENDS TO:

(I) A SIGN THAT:

(A) CONFORMS TO THE STATE TRAFFIC CONTROL MANUAL;

(B) WAS ERECTED BY THE DEPARTMENT PURSUANT TO SUBSECTION (2) OF THIS SECTION; AND

(C) INDICATES THAT A DRIVER IS AT THE END OF THE STEEP DOWNHILL GRADE ZONE; OR

(II) IF NO SIGN EXISTS THAT COMPLIES WITH SUBSECTION (3)(b)(I) OF THIS SECTION, A DISTANCE:

(A) AS INDICATED ON THE SIGN DESCRIBED IN SUBSECTION (3)(a) OF THIS SECTION; OR

(B) OF ONE-HALF OF A MILE BEYOND THE SIGN DESCRIBED IN SUBSECTION (3)(a) OF THIS SECTION; AND

(c) IS DESIGNATED AS A STEEP DOWNHILL GRADE ZONE BY THE DEPARTMENT OF TRANSPORTATION PURSUANT TO SUBSECTION (1) OF THIS SECTION.

(4) A DRIVER OF A COMMERCIAL MOTOR VEHICLE WHO COMMITS A SPEEDING VIOLATION IN A STEEP DOWNHILL GRADE ZONE IS SUBJECT TO THE INCREASED PENALTIES AND SURCHARGES IMPOSED UNDER SECTION 42-4-1701 (4)(d.7).

(5) AS USED IN THIS SECTION:

(a) "COMMERCIAL MOTOR VEHICLE" HAS THE SAME MEANING AS SET FORTH IN 42-2-402 (4).

(b) "DEPARTMENT" MEANS THE DEPARTMENT OF TRANSPORTATION CREATED IN SECTION 43-1-103.

SECTION 3. In Colorado Revised Statutes, 42-4-1701, **add** (4)(d.7) as follows:

42-4-1701. Traffic offenses and infractions classified - penalties - penalty and surcharge schedule - repeal. (4) (d.7) (I) THE PENALTY AND SURCHARGE IMPOSED FOR A VIOLATION UNDER SUBSECTION (4)(a)(I)(L) OF THIS SECTION IS DOUBLED IF THE VIOLATION IS COMMITTED BY A DRIVER OF A COMMERCIAL MOTOR VEHICLE WITHIN AN AREA OF A STATE HIGHWAY THAT THE DEPARTMENT OF TRANSPORTATION HAS DESIGNATED AS A STEEP DOWNHILL GRADE ZONE PURSUANT TO SECTION 42-4-617.

(II) (A) THERE IS CREATED, WITHIN THE HIGHWAY USERS TAX FUND, THE MOUNTAIN HIGHWAYS COMMERCIAL MOTOR VEHICLE SAFETY ACCOUNT, REFERRED TO WITHIN THIS SUBSECTION (4)(d.7) AS THE "ACCOUNT".

(B) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, FOR EACH FINE COLLECTED PURSUANT TO SECTION 42-4-617 (4) AND SUBSECTION (4)(d.7)(I) OF THIS SECTION, THE STATE TREASURER SHALL CREDIT ONE-HALF OF THE AMOUNT OF THE FINE TO THE ACCOUNT. ALL MONEY CREDITED TO THE ACCOUNT IS CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT OF TRANSPORTATION AND TO THE FREIGHT MOBILITY AND SAFETY BRANCH CREATED WITHIN THE TRANSPORTATION DEVELOPMENT DIVISION OF THE DEPARTMENT OF TRANSPORTATION PURSUANT TO SECTION 43-1-117 TO PAY COSTS ASSOCIATED WITH THE PROVISION OF EDUCATIONAL OUTREACH AND PUBLIC INFORMATION ABOUT RUNAWAY TRUCK EVENTS, THE PURCHASE AND IMPLEMENTATION OF EQUIPMENT FOR THE PURPOSE OF REDUCING THE FREQUENCY OF RUNAWAY TRUCK EVENTS, AND THE COMPLETION OF STUDIES OF MEANS BY WHICH THE STATE MAY REDUCE THE FREQUENCY OF RUNAWAY TRUCK EVENTS AND IMPROVE OVERALL COMMERCIAL MOTOR VEHICLE SAFETY ON STATE HIGHWAYS THAT PASS THROUGH THE MOUNTAINS OF THE STATE.

SECTION 4. Appropriation. (1) For the 2023-24 state fiscal year, \$54,073 is appropriated to the department of revenue. This appropriation is from the Colorado DRIVES vehicle services account in the highway users tax fund created in section 42-1-211 (2), C.R.S. To implement this act, the department may use this appropriation as follows:

(a) \$46,648 for DRIVES maintenance and support; and

(b) \$7,425 for the purchase of information technology services.

(2) For the 2023-24 state fiscal year, \$7,425 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)(b) of this section. To implement this act, the office may use this appropriation to provide information technology services for the department of revenue.

SECTION 5. Act subject to petition - effective date - applicability. (1) This act takes effect January 1, 2024; 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 the ninety-day period after final adjournment of the general assembly, 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 2024 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.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Steve Fenberg
PRESIDENT OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO