

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

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 23-0823.01 Josh Schultz x5486

HOUSE BILL 23-1267

HOUSE SPONSORSHIP

McCluskie and Soper,

SENATE SPONSORSHIP

Roberts,

House Committees

Transportation, Housing & Local Government
Appropriations

Senate Committees

A BILL FOR AN ACT

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

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 the department of transportation (department) to establish steep downhill grade zones within the public highways of the state where the downhill grade is 5% or greater and where there are safety concerns related to commercial motor vehicle drivers exceeding the posted speed limits.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

HOUSE
Amended 2nd Reading
April 18, 2023

The bill subjects a commercial motor vehicle driver who commits a speeding violation in a steep downhill grade zone to doubled fines and surcharges. If the department establishes a steep downhill grade zone, the department must erect signs identifying the zone and notifying commercial motor vehicle drivers that increased fines are assessed for speeding in the zone.

The bill creates the mountain highways commercial motor vehicle safety account (account) within the highway users tax fund and requires the state treasurer to credit one-half of the amount of each doubled fine and surcharge to the account for the department 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 state's mountains.

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

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

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

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

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

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

1 corridors; and

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

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

6 **42-4-617. Steep downhill grade zones - increase in penalties**
7 **and surcharges for speeding violations - definitions.** (1) THE
8 DEPARTMENT MAY DESIGNATE A STEEP DOWNHILL GRADE ZONE IN ANY
9 AREA OF ANY STATE HIGHWAY WHERE THE DOWNHILL GRADE IS FIVE
10 PERCENT OR GREATER AND WHERE THE DEPARTMENT DETERMINES THERE
11 ARE SAFETY CONCERNS RELATED TO COMMERCIAL MOTOR VEHICLES
12 EXCEEDING THE POSTED SPEED LIMITS.

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

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

20 (a) BEGINS AT A SIGN THAT:

21 (I) CONFORMS TO THE STATE TRAFFIC CONTROL MANUAL;

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

24 (III) INDICATES THAT A DRIVER IS ABOUT TO ENTER A STEEP
25 DOWNHILL GRADE ZONE; AND

26 (IV) NOTIFIES COMMERCIAL MOTOR VEHICLE DRIVERS THAT
27 INCREASED PENALTIES AND SURCHARGES ARE IN EFFECT AND ASSESSED

1 FOR SPEEDING IN THE ZONE; AND
2 (b) EXTENDS TO:
3 (I) A SIGN THAT:
4 (A) CONFORMS TO THE STATE TRAFFIC CONTROL MANUAL;
5 (B) WAS ERECTED BY THE DEPARTMENT PURSUANT TO
6 SUBSECTION (2) OF THIS SECTION; AND
7 (C) INDICATES THAT A DRIVER IS AT THE END OF THE STEEP
8 DOWNHILL GRADE ZONE; OR
9 (II) IF NO SIGN EXISTS THAT COMPLIES WITH SUBSECTION (3)(b)(I)
10 OF THIS SECTION, A DISTANCE:
11 (A) AS INDICATED ON THE SIGN DESCRIBED IN SUBSECTION (3)(a)
12 OF THIS SECTION; OR
13 (B) OF ONE-HALF OF A MILE BEYOND THE SIGN DESCRIBED IN
14 SUBSECTION (3)(a) OF THIS SECTION; AND
15 (c) IS DESIGNATED AS A STEEP DOWNHILL GRADE ZONE BY THE
16 DEPARTMENT OF TRANSPORTATION PURSUANT TO SUBSECTION (1) OF THIS
17 SECTION.
18 (4) A DRIVER OF A COMMERCIAL MOTOR VEHICLE WHO COMMITS
19 A SPEEDING VIOLATION IN A STEEP DOWNHILL GRADE ZONE IS SUBJECT TO
20 THE INCREASED PENALTIES AND SURCHARGES IMPOSED UNDER SECTION
21 42-4-1701 (4)(d.7).
22 (5) AS USED IN THIS SECTION:
23 (a) "COMMERCIAL MOTOR VEHICLE" HAS THE SAME MEANING AS
24 SET FORTH IN 42-2-402 (4).
25 (b) "DEPARTMENT" MEANS THE DEPARTMENT OF TRANSPORTATION
26 CREATED IN SECTION 43-1-103.

27 **SECTION 3.** In Colorado Revised Statutes, 42-4-1701, **add**

1 (4)(d.7) as follows:

2 **42-4-1701. Traffic offenses and infractions classified -**
3 **penalties - penalty and surcharge schedule - repeal.** (4) (d.7) (I) THE
4 PENALTY AND SURCHARGE IMPOSED FOR A VIOLATION UNDER SUBSECTION
5 (4)(a)(I)(L) OF THIS SECTION IS DOUBLED IF THE VIOLATION IS COMMITTED
6 BY A DRIVER OF A COMMERCIAL MOTOR VEHICLE WITHIN AN AREA OF A
7 STATE HIGHWAY THAT THE DEPARTMENT OF TRANSPORTATION HAS
8 DESIGNATED AS A STEEP DOWNHILL GRADE ZONE PURSUANT TO SECTION
9 42-4-617.

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

14 (B) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
15 CONTRARY, FOR EACH FINE COLLECTED PURSUANT TO SECTION 42-4-617
16 (4) AND SUBSECTION (4)(d.7)(I) OF THIS SECTION, THE STATE TREASURER
17 SHALL CREDIT ONE-HALF OF THE AMOUNT OF THE FINE TO THE ACCOUNT.
18 ALL MONEY CREDITED TO THE ACCOUNT IS CONTINUOUSLY APPROPRIATED
19 TO THE DEPARTMENT OF TRANSPORTATION AND TO THE FREIGHT MOBILITY
20 AND SAFETY BRANCH CREATED WITHIN THE TRANSPORTATION
21 DEVELOPMENT DIVISION OF THE DEPARTMENT OF TRANSPORTATION
22 PURSUANT TO SECTION 43-1-117 TO PAY COSTS ASSOCIATED WITH THE
23 PROVISION OF EDUCATIONAL OUTREACH AND PUBLIC INFORMATION ABOUT
24 RUNAWAY TRUCK EVENTS, THE PURCHASE AND IMPLEMENTATION OF
25 EQUIPMENT FOR THE PURPOSE OF REDUCING THE FREQUENCY OF RUNAWAY
26 TRUCK EVENTS, AND THE COMPLETION OF STUDIES OF MEANS BY WHICH
27 THE STATE MAY REDUCE THE FREQUENCY OF RUNAWAY TRUCK EVENTS

1 AND IMPROVE OVERALL COMMERCIAL MOTOR VEHICLE SAFETY ON STATE
2 HIGHWAYS THAT PASS THROUGH THE MOUNTAINS OF THE STATE.

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

- 8 (a) \$46,648 for DRIVES maintenance and support; and
- 9 (b) \$ 7,425 for the purchase of information technology services.

10 (2) For the 2023-24 state fiscal year, \$7,425 is appropriated to the
11 office of the governor for use by the office of information technology.
12 This appropriation is from reappropriated funds received from the
13 department of revenue under subsection (1)(b) of this section. To
14 implement this act, the office may use this appropriation to provide
15 information technology services for the department of revenue.

16 **SECTION 5. Act subject to petition - effective date -**
17 **applicability.** (1) This act takes effect January 1, 2024; except that, if a
18 referendum petition is filed pursuant to section 1 (3) of article V of the
19 state constitution against this act or an item, section, or part of this act
20 within the ninety-day period after final adjournment of the general
21 assembly, then the act, item, section, or part will not take effect unless
22 approved by the people at the general election to be held in November
23 2024 and, in such case, will take effect on the date of the official
24 declaration of the vote thereon by the governor.

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