

Rule Change #1999(19)
Corrective Order

CHAPTER 29.5 COLORADO RULES FOR COUNTY COURT
TRAFFIC VIOLATIONS BUREAUS

Rule 1. Establishment of Traffic Violations Bureaus

There is hereby established in every county court in this state a traffic violations bureau for the processing of cases as hereinafter provided.

Rule 2. Purpose and Construction

These rules are intended to provide for the just and speedy disposition of minor traffic cases without appearance before a judge. They shall be construed to secure simplicity and uniformity in procedure and to minimize expense and delay while preserving the rights of defendants.

Rule 3. Definitions

Unless otherwise provided, the following definitions shall apply throughout these rules:

- (a) "Process" means to dispose of cases in a traffic violations bureau without appearance before a judge or referee.
- (b) "Clerk" means the clerk or deputy clerk of a county court.

Rule 4. Cases Processed by Traffic Violations Bureaus

(a) A county court traffic violations bureau may process any case involving violations contained in articles 2, 3, and 4 of title 42, C.R.S., as amended, except the following:

- (1) Cases commenced by the issuance of a penalty assessment notice under section 42-4-15701 (~~45~~), C.R.S., as amended;
- (2) Cases involving any violation designated as a class 1 or class 2 traffic offense under article 4 of title 42, C.R.S., as amended;
- (3) Cases involving charges of driving without a valid driver's license or while the driver's license is suspended, denied, or revoked, or while the driver's license has been expired for more than one year;
- (4) Cases involving false, altered, or fraudulent drivers' licenses or false, altered, or fraudulent safety inspection stickers;
- (5) Cases in which the summons indicates that a traffic accident or collision was involved;
- (6) Cases in which the offense charged is a felony;
- (7) Cases involving violations contained in sections 42-2-101(3), 42-2-1056, 42-2-12432, 42-2-12836, 42-2-1319, 42-3-12233

(1) (b) to (1) (~~fh~~), 42-3-1~~31~~42, 42-4-2~~19~~22, 42-4-23~~23~~, ~~42-4-303~~, ~~42-4-304~~, 42-4-507~~606~~, 42-4-613~~1904~~, 42-4-614~~712~~, and 42-4-1109~~1208~~, C.R.S., as amended; and

(8) Cases involving multiple charges, one or more of which is not eligible for processing in a traffic violations bureau, or to one or more of which a defendant desires to enter a plea of not guilty.

(b) In traffic cases not eligible for processing in the traffic violations bureau, and except for penalty assessment notices paid properly and timely to the motor vehicle division of the department of revenue, an appearance before a judge or referee shall be required.

Rule 5. Venue

A traffic violations bureau may process only those summonses issued for return in the county court in which the traffic violations bureau is situated.

Rule 6. Plea Agreements Prohibited

No charge shall be reduced, dismissed, or amended, and no new charge shall be added to any summons or complaint processed by any traffic violations bureau. A traffic violations bureau shall accept only a plea of guilty to each offense stated or charged in the notice or summons and complaint.

Rule 7. Acknowledgment and Waiver of Rights

(a) Before processing any case in a traffic violations bureau, the clerk shall ascertain that the defendant has been advised in writing of each of the following:

- (1) The right to appear before a judge or a referee;
- (2) The right to plead not guilty, and to have a trial by a judge, a referee, or a jury;
- (3) The right to be represented by an attorney, and, if the defendant is indigent, to request the appointment of an attorney;
- (4) The right to remain silent, and that any statement made by the defendant can and may be used against him;
- (5) That any plea entered must be voluntary and not the result of undue influence or coercion on the part of anyone;
- (6) The amount of fines and costs to be imposed, and that penalty points may be assessed against the driving privilege; and
- (7) That if a plea of guilty is entered, the defendant waives the foregoing rights as well as any right of appeal.

(b) A document shall be delivered to the defendant providing a place for the defendant to execute a written acknowledgment and

waiver of the rights set forth above, and to enter a plea of guilty to the offense or offenses charged.

(c) Such advisement, waiver, and plea may be incorporated in either of the following documents:

(1) The summons or notice served upon the defendant; or

(2) A separate document delivered to the defendant by the peace officer serving the summons or notice, or by the clerk at the traffic violations bureau when the defendant appears in person.

Rule 8. Procedure in Traffic Violations Bureaus

(a) Every traffic case shall be filed and indexed in the county court in the same manner, whether eligible or ineligible for processing in the traffic violations bureau.

(b) A traffic violations bureau shall accept guilty pleas and no others.

(c) A traffic violations bureau shall accept pleas of guilty only to the offense or offenses charged in the notice or summons and complaint and to no other offense. Such pleas may be entered in person, by counsel, or by mail.

(d) Every plea entered at a traffic violations bureau shall be in writing. The clerk shall not accept such plea or payment of fines and costs unless and until the defendant, or defendant's counsel, has executed an acknowledgment and waiver of rights as provided in Rule 7.

(e) Every county court shall post in a conspicuous place in the clerk's office a schedule of the fines and costs and the penalty points as provided by law for the offenses eligible for processing in the traffic violations bureau.

(f) After accepting a plea of guilty, the clerk shall assess and collect the appropriate fines as provided in Rule 9, together with costs as provided in Rule 10, and shall enter the plea and the amount of the fines and costs on the register of actions. After completing the foregoing, the clerk shall sign the register of actions. The completed entries and collections as set forth above shall constitute a judgment of conviction.

(g) The clerk shall provide a written receipt to each defendant, or defendant's attorney, who pays any fine or costs in person, or who provides a stamped, self-addressed envelope for such purpose when making payment by mail.

(h) The clerk shall account for moneys received in the traffic violations bureau in the same manner as in other traffic cases.

(i) The clerk shall report each conviction in the traffic violations bureau to the motor vehicle division of the department of revenue pursuant to section 42-2-1214, C.R.S., as amended. |

Rule 9. Amounts of Fines

~~-(a) The amounts of fines which shall be assessed in a traffic violations bureau for those violations set forth in the schedule contained in section 42-4-15701 (34) (a), C.R.S., as amended, shall be the amounts specified in that schedule.~~

~~-(b) The amounts of fines which shall be assessed in a traffic violations bureau for violations other than those set forth in section 42-4-1501 (3) (a), C.R.S., as amended, shall be as follows:~~

~~-(1) For driving with an expired driver's license when such driver's license has been expired less than one year, the sum of \$15.00;~~

~~-(2) For speeding violations, the sum of \$25.00; and~~

~~-(3) For all other violations, the sum of \$10.00.~~

Rule 10. Costs

Each defendant entering a plea of guilty and paying a fine shall be charged the docket fee provided for traffic violations bureaus by section 13-32-105, C.R.S., as amended, in addition to such fine.

Rule 11. Application

These rules shall be uniform in all county courts in this state and shall apply to all traffic cases except as limited by Rule 4 herein.

Rule 12. Effective Date

These rules take effect January 10, 1978, and shall apply to violations alleged to have been committed on or after that date.

Rule 13. Citation

These rules shall be known and cited as the Colorado Rules for County Court Traffic Violations Bureaus, or R.T.V.B.

This Corrective Order is issued to conform these Rules with current statutory references, November 12, 1999, effective immediately.

BY THE COURT:

**Gregory J. Hobbs, Jr.
Justice, Colorado Supreme Court**