

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 13

DATE: August 19, 2003

FROM: Jeff O'Brien

SUBJECT:

Second Reading of Ordinance No. 101, 2003, Amending Section 1409 of the Fort Collins Traffic Code Relating to Compulsory Insurance.

RECOMMENDATION:

Staff recommends adoption of the Ordinance on Second Reading.

EXECUTIVE SUMMARY:

The Colorado General Assembly, in Senate Bill 03-239, amended the State law pertaining to compulsory insurance by repealing and reenacting in a new section. Current citations to Colorado Revised Statutes contained in the FCTC are therefore no longer correct and need to be updated consistent with the State statutes. This Ordinance was unanimously adopted on First Reading on July 15, 2003.

ORDINANCE NO. 101, 2003
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING SECTION 1409 OF THE FORT COLLINS
TRAFFIC CODE RELATING TO COMPULSORY INSURANCE

WHEREAS, on February 18, 2003, by Ordinance No. 16, 2003, the Council of the City of Fort Collins adopted the Fort Collins Traffic Code (the "Traffic Code"); and

WHEREAS, at the time of the adoption of the Traffic Code, it was the understanding of staff and Council that the Traffic Code would most likely be subject to future amendments, not only for the purpose of clarification and correction of errors, but also for the purpose of ensuring that the Traffic Code remains consistent with State traffic laws; and

WHEREAS, the General Assembly, in Senate Bill 03-239, has repealed and reenacted in a new location, certain State provisions relating to compulsory motor vehicle insurance; and

WHEREAS, the Council has determined that the Traffic Code amendments which have been proposed are in the best interest of the City and its citizens; and

WHEREAS, it is Councils' desire to amend the compulsory insurance provisions of the Traffic Code to reflect the changes made by the General Assembly.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that Section 1409 of the Fort Collins Traffic Code is hereby amended to read as follows:

- (1) No owner of a motor vehicle required to be registered in this State shall operate the vehicle or permit it to be operated on the public streets or highways in the City when the owner has failed to have a complying policy or certificate of self-insurance in full force and effect as required by law.
- (2) No person shall operate a motor vehicle on the public street or highways in the City without a complying policy or certificate of self-insurance in full force and effect as required by law.
- (3) When an accident occurs, or when requested to do so following any lawful traffic contact or during any traffic investigation by a peace officer, no owner or operator of a motor vehicle shall fail to present to the requesting officer immediate evidence of a complying policy or certificate of self-insurance in full force and effect as required by law.

- (4) Any person who violates the provisions of Subsection (1), (2) or (3) of this Section commits a violation of this Traffic Code.
- (5) Testimony of the failure of any owner or operator of a motor vehicle to present immediate evidence of a complying policy or certificate of self-insurance in full force and effect as required by law, when requested to do so by a peace officer, shall constitute *prima facie* evidence, at a trial concerning a violation charged under Subsection (1) or (2) of this Section, that such owner or operator of a motor vehicle violated Subsection (1) or (2) of this Section.
- (6) No person charged with violating Subsection (1), (2) or (3) of this Section shall be convicted if such person produces in court a bona fide complying policy or certificate of self-insurance which was in full force and effect, as required by law, at the time of the alleged violation.

Introduced and considered favorably on first reading and ordered published this 15th day of July, A.D. 2003, and to be presented for final passage on the 19th day of August, A.D. 2003.



Mayor

ATTEST:



City Clerk

Passed and adopted on final reading this 19th day of August, A.D. 2003.

Mayor

ATTEST:

City Clerk

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 15

DATE: July 15, 2003

FROM: Jeff O'Brien

SUBJECT:

First Reading of Ordinance No. 101, 2003, Amending Section 1409 of the Fort Collins Traffic Code Relating to Compulsory Insurance.

RECOMMENDATION:

Staff recommends adoption of the Ordinance on First Reading.

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EXECUTIVE SUMMARY:

The Colorado General Assembly, in Senate Bill 03-239, amended the State law pertaining to compulsory insurance by repealing and reenacting in a new section. Current citations to Colorado Revised Statutes contained in the FCIC are therefore no longer correct and need to be updated consistent with the State statutes. There are no substantive changes to the compulsory insurance section of the Fort Collins Traffic Code by this amendment.

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