

## Section 12-2-1. - General

The Pueblo Council enacts this Traffic Code as an exercise of the Pueblo's retained jurisdiction, not expressly excluded by federal law, to regulate the conduct of any person on or using any public road, including conduct occurring within the right-of-way of any state-maintained highways, within the Pueblo that may threaten any legitimate Pueblo interest, including threats to the health and safety of Pueblo members or others within the Pueblo. Failure to abide by provisions of the Traffic Code constitute a threat to the health and safety of Pueblo members and others within the Pueblo. The provisions of this Traffic Code shall be applicable and uniform throughout the jurisdiction of the Pueblo.

### F. Definitions

\* \* \*

*Owner* means a person who holds the legal title of a vehicle, or, who is a party to an agreement to lease a vehicle or for the conditional sale of a vehicle with the right of ownership upon performance of the conditions stated in the agreement, or, who is entitled to possession as a mortgagor of a vehicle.

### H. *Civil assessment fees.*

- (1) It shall be a civil infraction for any person to violate any of the provisions of this Traffic Code.
- (2) Any person violating any provision of this Traffic Code within the jurisdiction of the Pueblo shall be subject to citation and a civil assessment fee as set by the Pueblo Council as amended from time to time.

\* \* \*

### W. *Owner Strict Liability*

Notwithstanding any provision of the Traffic Code imposing liability for violation on the driver, the Owner of a vehicle involved in a violation of the Traffic Code shall be held strictly and vicariously liable for the violation observed by an officer of the Pueblo Police Department in the event that the driver of the vehicle observed violating the Traffic Code fails to stop the vehicle when the officer employs emergency lights or siren, or fails to produce a driver's license, registration, or proof of insurance upon officer request. An Owner may avoid strict and vicarious liability for Traffic Code violation and the responsibility for paying the assessment upon satisfactory proof to the Pueblo Court (or designated hearing officer) of any of the following defenses:

- (1) The Owner was not operating the vehicle at the time of the violation and nominates the actual Driver, including contact information of the Driver, and provided the identified Driver pays the assessment for the violation within 30 days;
- (2) The Owner proves that the vehicle was being operated without Owner's permission and nominates the actual Driver, including contact information of the Driver, and provided the identified Driver pays the assessment for the violation within 30 days;
- (3) The Owner proves that the legal right to possess the vehicle was transferred to another party prior to the date of the cited violation, including contact information of the transferee,

- and provided the identified transferee pays the assessment for the violation within 30 days;  
or
- (4) The Owner proves that the vehicle was stolen prior to the time of the cited violation.

(Res. No. 114-16, Effective 1/1/2017)