

**First Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 07-0294.01 Stephen Miller

HOUSE BILL 07-1006

HOUSE SPONSORSHIP

Weissmann,

SENATE SPONSORSHIP

(None),

House Committees
Transportation & Energy

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING AN INCREASE IN THE PENALTY FOR A MOVING TRAFFIC**
102 **VIOLATION COMMITTED WHILE THE DRIVER IS DISTRACTED.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Doubles the applicable penalties and surcharges when a motorist commits a moving traffic violation while the motorist is distracted.

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

2 **SECTION 1.** Part 6 of article 4 of title 42, Colorado Revised

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
2 read:

3 **42-4-616. Driving while distracted - increase in penalties for**
4 **moving traffic violations - definition.** (1) ANY PERSON WHO COMMITS
5 A MOVING TRAFFIC VIOLATION WHILE THE PERSON IS KNOWINGLY
6 DISTRACTED IS SUBJECT TO THE INCREASED PENALTIES AND SURCHARGES
7 IMPOSED BY SECTION 42-4-1701 (4) (d).

8 (2) (a) FOR THE PURPOSES OF THIS SECTION, UNLESS THE CONTEXT
9 OTHERWISE REQUIRES, "KNOWINGLY DISTRACTED" MEANS AN ACT OF
10 WILFULLY DIVERTING ATTENTION FROM THE DRIVING OF A VEHICLE TO
11 ANOTHER ACTIVITY TO THE EXTENT THAT THE DIVERSION OF ATTENTION
12 CONTRIBUTES TO THE COMMISSION OF A MOVING TRAFFIC VIOLATION.

13 (b) "KNOWINGLY DISTRACTED" INCLUDES, BUT IS NOT LIMITED TO:
14 CELL PHONE USE; HEADPHONE OR HEADSET USE; USE OF AN ELECTRONIC
15 DEVICE SUCH AS A COMPUTER, RECORDER, OR DIGITAL MUSIC PLAYER;
16 GROOMING; READING; EATING; AND DRINKING.

17 (3) THIS SECTION DOES NOT APPLY IF:

18 (a) THE PERSON COMMITTING THE MOVING TRAFFIC VIOLATION
19 PERFORMS AN ACTIVITY OTHER THAN DRIVING BECAUSE OF AN
20 EMERGENCY; OR

21 (b) THE PENALTY AND SURCHARGE FOR THE APPLICABLE MOVING
22 TRAFFIC VIOLATION ARE DOUBLED PURSUANT TO SECTION 42-4-614 OR
23 42-4-615.

24 (4) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO CREATE A
25 SEPARATE TRAFFIC OFFENSE OR INFRACTION FOR THE COMMISSION OF ANY
26 ACT OR ACTIVITY OTHER THAN DRIVING THAT IS DESCRIBED IN SUBSECTION
27 (2) OF THIS SECTION.

1 **SECTION 2.** 42-4-1701 (4) (d), Colorado Revised Statutes, is
2 amended to read:

3 **42-4-1701. Traffic offenses and infractions classified -**
4 **penalties - penalty and surcharge schedule.** (4) (d) The penalty and
5 surcharge imposed for any moving traffic violation under subparagraph
6 (I) of paragraph (a) of this subsection (4) are doubled if the violation
7 occurs within a school zone pursuant to section 42-4-615 OR IF THE
8 VIOLATION OCCURS WHILE THE DRIVER IS KNOWINGLY DISTRACTED
9 PURSUANT TO SECTION 42-4-616.

10 **SECTION 3. Effective date - applicability.** This act shall take
11 effect July 1, 2007, and shall apply to moving traffic violations committed
12 on or after said date.

13 **SECTION 4. Safety clause.** The general assembly hereby finds,
14 determines, and declares that this act is necessary for the immediate
15 preservation of the public peace, health, and safety.