

Second Regular Session  
Sixty-sixth General Assembly  
STATE OF COLORADO

**REENGROSSED**

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

LLS NO. 08-0737.01 Kate Meyer

**HOUSE BILL 08-1104**

---

**HOUSE SPONSORSHIP**

**Marostica,**

**SENATE SPONSORSHIP**

**Brophy,**

---

**House Committees**  
Judiciary

**Senate Committees**

---

**A BILL FOR AN ACT**

101 **CONCERNING VIOLATIONS OF TRAFFIC RIGHTS-OF-WAY RESULTING IN**  
102 **BODILY INJURY OR DEATH.**

---

**Bill Summary**

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

Creates a new misdemeanor traffic offense, the "aggravated right-of-way offense", to apply when bodily injury or death has been proximately caused by a violation of traffic rights-of-way. Establishes a penalty for committing an aggravated right-of-way offense.

---

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

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.*

HOUSE  
3rd Reading Unamended  
February 27, 2008

HOUSE  
Amended 2nd Reading  
February 25, 2008

1           **SECTION 1.** Part 7 of article 4 of title 42, Colorado Revised  
2 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
3 read:

4           **42-4-713. Aggravated right-of-way offense - violation resulting**  
5 **in death - penalty - repeal.** (1) IF THE VIOLATION OF A RIGHT-OF-WAY  
6 PROVISION OF THIS PART 7 IS THE PROXIMATE CAUSE OF BODILY INJURY OR  
7 DEATH TO ANOTHER PERSON, THE VIOLATOR COMMITS AN AGGRAVATED  
8 RIGHT-OF-WAY OFFENSE.

9           (2) ANY PERSON WHO VIOLATES THIS SECTION COMMITS A CLASS  
10 C TRAFFIC INFRACTION. A SECOND OR SUBSEQUENT CONVICTION SHALL  
11 BE A CLASS 1 MISDEMEANOR TRAFFIC OFFENSE.

12           **SECTION 2.** 42-4-1701 (3) (a) (I), Colorado Revised Statutes, is  
13 amended to read:

14           **42-4-1701. Traffic offenses and infractions classified -**  
15 **penalties - penalty and surcharge schedule.** (3) (a) (I) (A) Except as  
16 provided in subsections (4) and (5) of this section, traffic infractions are  
17 divided into ~~two~~ THREE classes which shall be subject to the following  
18 penalties which are authorized upon entry of judgment against the  
19 defendant:

20	<b>Class</b>	<b>Minimum</b>	<b>Maximum</b>
21		<b>Penalty</b>	<b>Penalty</b>
22	A	\$15 penalty.	\$100 penalty.
23	B	\$15 penalty.	\$100 penalty.

24           (B) IN ADDITION TO THE TRAFFIC INFRACTIONS SET FORTH IN  
25 SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (I), ANY PERSON WHO  
26 VIOLATES SECTION 42-4-713 COMMITS A CLASS C TRAFFIC INFRACTION  
27 WHICH SHALL BE PUNISHED BY A FINE OF FOUR HUNDRED DOLLARS.

1           (3) THIS SECTION IS REPEALED, EFFECTIVE JANUARY 1, 2011.

2           **SECTION 3. Safety clause.** The general assembly hereby finds,  
3 determines, and declares that this act is necessary for the immediate  
4 preservation of the public peace, health, and safety.