

First Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 13-0086.02 Chuck Brackney x2295

HOUSE BILL 13-1022

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HOUSE SPONSORSHIP

Holbert,

SENATE SPONSORSHIP

Jahn,

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House Committees  
Judiciary

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING PROOF OF MOTOR VEHICLE INSURANCE.

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

The bill makes providing false evidence of proof of motor vehicle insurance a class B traffic infraction punishable by a fine of \$500. The bill also allows a court clerk's office to dismiss a charge of violation of the compulsory auto insurance requirement if it verifies there was a policy in effect at the time of the alleged violation using the uninsured motorist database.

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.*

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

2           **SECTION 1.** In Colorado Revised Statutes, 42-4-1409, **amend**  
3 (6) as follows:

4           **42-4-1409. Compulsory insurance - penalty - legislative intent.**

5 (6) ~~No~~ A person charged with violating subsection (1), (2), or (3) of this  
6 section shall NOT be convicted if the person produces in court a bona fide  
7 complying policy or certificate of self-insurance that was in full force and  
8 effect as required by law at the time of the alleged violation. THE COURT  
9 CLERK'S OFFICE MAY DISMISS THE CHARGE IF IT VERIFIES THAT THE PERSON  
10 HAD A VALID POLICY IN EFFECT AT THE TIME OF THE ALLEGED VIOLATION  
11 USING THE UNINSURED MOTORIST IDENTIFICATION DATABASE CREATED IN  
12 SECTION 42-7-602.

13           **SECTION 2.** In Colorado Revised Statutes, **add** 42-4-1410.5 as  
14 follows:

15           **42-4-1410.5. Providing false evidence of proof of motor vehicle**

16 **insurance - penalty.** IT IS UNLAWFUL FOR ANY PERSON TO OFFER, USE, OR  
17 ATTEMPT TO OFFER OR USE ANY MEANS, MANNER, TYPE OF PAPER,  
18 DOCUMENT, CARD, DIGITAL IMAGE, OR ANY OTHER PROOF OF MOTOR  
19 VEHICLE LIABILITY INSURANCE REQUIRED BY STATE LAW TO A LAW  
20 ENFORCEMENT OFFICER, JUDGE, MAGISTRATE, PROSECUTOR, OR EMPLOYEE  
21 OF A COURT CLERK'S OFFICE TO MISLEAD THAT OFFICIAL REGARDING THE  
22 STATUS OF ANY MOTOR VEHICLE LIABILITY INSURANCE POLICY IN THE  
23 COURSE OF AN OFFICIAL INVESTIGATION, OR FOR PURPOSES OF DISMISSING  
24 ANY CHARGE UNDER SECTION 42-4-1409 OR REDUCING ANY PENALTY  
25 IMPOSED UNDER SECTION 42-4-1409, WHERE SUCH MEANS, MANNER, TYPE,  
26 OR KIND OF PROOF OF INSURANCE OFFERED OR USED, OR THAT IS

1 ATTEMPTED TO BE OFFERED OR USED, IS KNOWN OR SHOULD BE KNOWN BY  
2 THE PERSON TO BE FALSE, FRAUDULENT, OR INCORRECT IN ANY MATERIAL  
3 MANNER OR WAY, OR WHICH IS KNOWN OR SHOULD BE KNOWN BY THE  
4 PERSON TO BE ALTERED, FORGED, DEFACED, OR CHANGED IN ANY  
5 MATERIAL RESPECT, UNLESS SUCH CHANGES ARE REQUIRED OR  
6 AUTHORIZED BY LAW. VIOLATION OF THIS SECTION IS A CLASS B TRAFFIC  
7 INFRACTION, PUNISHABLE BY A FINE OF FIVE HUNDRED DOLLARS.

8 **SECTION 3.** In Colorado Revised Statutes, 42-4-1701, **amend**  
9 (4) (a) (I) introductory portion and (4) (a) (I) (N) as follows:

10 **42-4-1701. Traffic offenses and infractions classified -**  
11 **penalties - penalty and surcharge schedule - repeal.** (4) (a) (I) Except  
12 as provided in paragraph (c) of subsection (5) of this section, every  
13 person who is convicted of, who admits liability for, or against whom a  
14 judgment is entered for a violation of any provision of this title to which  
15 paragraph (a) or (b) of subsection (5) of this section apply shall be fined  
16 or penalized, and have a surcharge levied thereon pursuant to sections  
17 24-4.1-119 (1) (f) and 24-4.2-104 (1) (b) (I), C.R.S., in accordance with  
18 the penalty and surcharge schedule set forth in sub-subparagraphs (A) to  
19 (P) of this subparagraph (I); or, if no penalty or surcharge is specified in  
20 the schedule, the penalty for class A and class B traffic infractions ~~shall~~  
21 ~~be~~ IS fifteen dollars, and the surcharge ~~shall be~~ IS four dollars. These  
22 penalties and surcharges ~~shall~~ apply whether the defendant acknowledges  
23 the defendant's guilt or liability in accordance with the procedure set forth  
24 by paragraph (a) of subsection (5) of this section or is found guilty by a  
25 court of competent jurisdiction or has judgment entered against the  
26 defendant by a county court magistrate. Penalties and surcharges for  
27 violating specific sections ~~shall be~~ ARE as follows:

1	<b>Section Violated</b>	<b>Penalty</b>	<b>Surcharge</b>
2	<b>(N) Other offenses:</b>		
3	42-4-1301 (2)(a.5)	\$ 100.00	\$ 16.00
4	42-4-1305	50.00	16.00
5	42-4-1402	150.00	16.00
6	42-4-1403	30.00	6.00
7	42-4-1404	15.00	6.00
8	42-4-1406	35.00	10.00
9	42-4-1407 (3)(a)	35.00	10.00
10	42-4-1407 (3)(b)	100.00	30.00
11	42-4-1407 (3)(c)	500.00	200.00
12	42-4-314	35.00	10.00
13	42-4-1408	15.00	6.00
14	42-4-1410.5	500.00	4.00
15	42-4-1414 (2)(a)	500.00	156.00
16	42-4-1414 (2)(b)	1,000.00	312.00
17	42-4-1414 (2)(c)	5,000.00	1,560.00
18	42-4-1416 (3)	75.00	4.00
19	42-20-109 (2)	250.00	66.00

20           **SECTION 4. Act subject to petition - effective date.** This act  
21 takes effect at 12:01 a.m. on the day following the expiration of the  
22 ninety-day period after final adjournment of the general assembly (August  
23 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a  
24 referendum petition is filed pursuant to section 1 (3) of article V of the  
25 state constitution against this act or an item, section, or part of this act  
26 within such period, then the act, item, section, or part will not take effect  
27 unless approved by the people at the general election to be held in

- 1 November 2014 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.