

Second Regular Session  
Sixty-fifth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 06-0297.01 Richard Sweetman

SENATE BILL 06-072

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SENATE SPONSORSHIP

Tochtrop,

HOUSE SPONSORSHIP

(None),

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Senate Committees  
Judiciary

House Committees

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A BILL FOR AN ACT

101 CONCERNING INCREASING PENALTIES FOR CARELESS DRIVING.

Bill Summary

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

Establishes minimum mandatory fines and provides for mandatory license revocation for drivers convicted of careless driving when it is the proximate cause of unintentional serious bodily injury or unintentional death to another person.

Takes away the discretion of the court to reduce, suspend, or waive the minimum fines for these offenses.

Creates the highway safety sign account to fund signs alerting motorists to share the road with other road users and beware of potential road hazards.

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. Legislative declaration.** The general assembly is  
3 aware of the human suffering and loss of life, limb, and property caused  
4 by negligence in the operation of motor vehicles in our state. Although  
5 the general assembly recognizes that this issue can be, and is being, dealt  
6 with by direct measures designed to discourage such negligent behavior  
7 through imposition of fines and penalties for violation of traffic laws, it  
8 also recognizes that more severe penalties and higher fines are  
9 appropriate when violations of section 42-4-1402, Colorado Revised  
10 Statutes, result in unintentional serious bodily injury or unintentional  
11 death to another person.

12           **SECTION 2.** 42-4-1402, Colorado Revised Statutes, is amended  
13 to read:

14           **42-4-1402. Careless driving - penalty.** (1) Any person who  
15 drives any motor vehicle, bicycle, or motorized bicycle in a careless and  
16 imprudent manner, without due regard for the width, grade, curves,  
17 corners, traffic, and use of the streets and highways and all other attendant  
18 circumstances, is guilty of careless driving. A person convicted of  
19 careless driving of a bicycle or motorized bicycle shall not be subject to  
20 the provisions of ~~section~~ SECTIONS 42-2-125 AND 42-2-127.

21           (2) Any person who violates any provision of this section commits  
22 a class 2 misdemeanor traffic offense, but, if the person's actions are the  
23 proximate cause of bodily injury or death to another, such person commits  
24 a class 1 misdemeanor traffic offense.

25           (3) IF A VIOLATION OF THIS SECTION WAS THE PROXIMATE CAUSE  
26 OF UNINTENTIONAL SERIOUS BODILY INJURY TO ANOTHER PERSON, AS

1 "SERIOUS BODILY INJURY" IS DEFINED IN SECTION 42-4-1601 (4) (b), THE  
2 COURT SHALL IMPOSE, IN ADDITION TO THE PROVISIONS OF SECTION  
3 42-4-1701 (3) (a) (II) (A), A FINE OF NOT LESS THAN FIVE HUNDRED  
4 DOLLARS.

5 (4) IF A VIOLATION OF THIS SECTION WAS THE PROXIMATE CAUSE  
6 OF UNINTENTIONAL DEATH TO ANOTHER PERSON, THE COURT SHALL  
7 IMPOSE, IN ADDITION TO THE PROVISIONS OF SECTION 42-4-1701 (3) (a) (II)  
8 (A), A FINE OF NOT LESS THAN ONE THOUSAND DOLLARS.

9 (5) THE COURT SHALL HAVE NO DISCRETION TO REDUCE, SUSPEND,  
10 OR WAIVE THE MANDATORY MINIMUM FINES ESTABLISHED BY  
11 SUBSECTIONS (3) AND (4) OF THIS SECTION.

12 **SECTION 3.** 42-2-125 (1), Colorado Revised Statutes, is  
13 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

14 **42-2-125. Mandatory revocation of license and permit.**

15 (1) The department shall immediately revoke the license or permit of any  
16 driver or minor driver upon receiving a record showing that such driver  
17 has:

18 (p) BEEN CONVICTED OF CARELESS DRIVING RESULTING IN  
19 UNINTENTIONAL SERIOUS BODILY INJURY OR UNINTENTIONAL DEATH TO  
20 ANOTHER, AS DESCRIBED IN SECTION 42-4-1402 (3) AND (4), THE PERIOD  
21 OF REVOCATION FOR WHICH SHALL BE AS FOLLOWS:

22 (I) FOR A VIOLATION RESULTING IN UNINTENTIONAL SERIOUS  
23 BODILY INJURY TO ANOTHER PERSON, NOT LESS THAN SIX MONTHS;

24 (II) FOR A VIOLATION RESULTING IN UNINTENTIONAL DEATH TO  
25 ANOTHER PERSON, NOT LESS THAN ONE YEAR.

26 **SECTION 4.** 42-1-217 (1) (a), Colorado Revised Statutes, is  
27 amended, and the said 42-1-217 (1) is further amended BY THE

1 ADDITION OF A NEW PARAGRAPH, to read:

2 **42-1-217. Disposition of fines and surcharges - highway safety**  
3 **sign account - creation.** (1) All judges, clerks of a court of record, or  
4 other officers imposing or receiving fines, penalties, or forfeitures, except  
5 those moneys received pursuant to sections 42-4-313 (3), 42-4-413,  
6 42-4-1409, 42-4-1701 (5) (a), 42-8-105, and 42-8-106, collected pursuant  
7 to or as a result of a conviction of any persons for a violation of any of the  
8 provisions of articles 1 to 4 (except part 3 of article 2) of this title, shall  
9 transmit, within ten days after the date of receipt of any such fine, penalty,  
10 or forfeiture, all such moneys so collected in the following manner:

11 (a) The aggregate amount of such fines, penalties, or forfeitures,  
12 except for a violation of section 42-4-1301 or 42-4-237, OR A VIOLATION  
13 OF SECTION 42-4-1402 WHEN THE VIOLATION RESULTS IN UNINTENTIONAL  
14 SERIOUS BODILY INJURY OR UNINTENTIONAL DEATH TO ANOTHER PERSON  
15 AS PROVIDED IN SECTION 42-4-1402 (3) AND (4), shall be transmitted to the  
16 state treasurer, credited to the highway users tax fund, and allocated and  
17 expended as specified in section 43-4-205 (5.5) (a), C.R.S.

18 (f) THE FIRST SIXTY DOLLARS OF ALL MONEYS COLLECTED  
19 PURSUANT TO SECTION 42-4-1402 (3) OR (4) SHALL BE CREDITED TO THE  
20 DRIVER'S LICENSE ADMINISTRATIVE REVOCATION ACCOUNT IN THE  
21 HIGHWAY USERS TAX FUND CREATED IN SECTION 42-2-132 (4) (b). THE  
22 REMAINDER OF ALL MONEYS COLLECTED PURSUANT TO SECTION 42-4-1402  
23 (3) OR (4) SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL  
24 CREDIT THE SAME TO THE HIGHWAY SAFETY SIGN ACCOUNT IN THE  
25 HIGHWAY USERS TAX FUND, WHICH ACCOUNT IS HEREBY CREATED. THE  
26 MONEYS IN THE ACCOUNT SHALL BE SUBJECT TO ANNUAL APPROPRIATION  
27 BY THE GENERAL ASSEMBLY FOR THE DIRECT AND INDIRECT COSTS OF

1 PRODUCTION AND PLACEMENT OF SIGNS TO ALERT MOTORISTS OF THEIR  
2 RESPONSIBILITY TO SHARE THE ROAD WITH OTHER ROAD USERS,  
3 INCLUDING BUT NOT LIMITED TO TRUCKS, BUSES, CARS, MOTORCYCLES,  
4 SCOOTERS, BICYCLES, PEDESTRIANS, AND FARM EQUIPMENT, AND TO  
5 ALERT MOTORISTS OF POTENTIAL ROAD HAZARDS, INCLUDING BUT NOT  
6 LIMITED TO MILLING OPERATIONS, LOOSE GRAVEL, UNEVEN LANES, AND  
7 GROOVED PAVEMENT. AT THE END OF EACH FISCAL YEAR, ANY  
8 UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE ACCOUNT  
9 SHALL BE TRANSFERRED OUT OF THE ACCOUNT AND CREDITED TO THE  
10 HIGHWAY USERS TAX FUND.

11 **SECTION 5. Safety clause.** The general assembly hereby finds,  
12 determines, and declares that this act is necessary for the immediate  
13 preservation of the public peace, health, and safety.