

Second Regular Session
Sixty-fifth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 06-0297.01 Richard Sweetman

SENATE BILL 06-072

SENATE SPONSORSHIP

Tochtrop,

HOUSE SPONSORSHIP

(None),

Senate Committees

Judiciary
Appropriations

House Committees

Transportation & Energy
Appropriations

A BILL FOR AN ACT

101 **CONCERNING INCREASING PENALTIES FOR CARELESS DRIVING, AND**
102 **MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**

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

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.

SENATE
3rd Reading Unamended
April 19, 2006

SENATE
Amended 2nd Reading
April 18, 2006

motorists to share the road with other road users and beware of potential road hazards.

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 serious bodily injury or death to another person.

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

13 **42-4-1402. Careless driving - penalty.** (1) Any person who
14 drives any motor vehicle, bicycle, or motorized bicycle in a careless and
15 imprudent manner, without due regard for the width, grade, curves,
16 corners, traffic, and use of the streets and highways and all other attendant
17 circumstances, is guilty of careless driving. A person convicted of
18 careless driving of a bicycle or motorized bicycle shall not be subject to
19 the provisions of section 42-2-127.

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

24 (a) ~~A CLASS 2 MISDEMEANOR TRAFFIC OFFENSE IF THE VIOLATION~~
25 ~~DID NOT RESULT IN INJURY TO ANY PERSON;~~

1 (b) A CLASS 1 MISDEMEANOR TRAFFIC OFFENSE IF THE VIOLATION
2 WAS THE PROXIMATE CAUSE OF INJURY TO ANY PERSON;

3 (c) A CLASS 1 MISDEMEANOR TRAFFIC OFFENSE IF THE VIOLATION
4 WAS THE PROXIMATE CAUSE OF SERIOUS BODILY INJURY TO ANY PERSON,
5 AS "SERIOUS BODILY INJURY" IS DEFINED IN SECTION 42-4-1601 (4) (b);

6 (d) A CLASS 1 MISDEMEANOR TRAFFIC OFFENSE IF THE VIOLATION
7 WAS THE PROXIMATE CAUSE OF DEATH TO ANY PERSON.

8 (3) IF A VIOLATION OF THIS SECTION WAS THE PROXIMATE CAUSE
9 OF _____ SERIOUS BODILY INJURY TO ANOTHER PERSON, AS "SERIOUS
10 BODILY INJURY" IS DEFINED IN SECTION 42-4-1601 (4) (b), THE COURT MAY
11 IMPOSE, IN ADDITION TO THE PROVISIONS OF SECTION 42-4-1701 (3) (a) (II)
12 (A), A FINE OF NOT LESS THAN FIVE HUNDRED DOLLARS.

13 (4) IF A VIOLATION OF THIS SECTION WAS THE PROXIMATE CAUSE
14 OF ___ DEATH TO ANOTHER PERSON, THE COURT MAY IMPOSE, IN ADDITION
15 TO THE PROVISIONS OF SECTION 42-4-1701 (3) (a) (II) (A), A FINE OF NOT
16 LESS THAN ONE THOUSAND DOLLARS.

17
18 **SECTION 3.** 42-2-127 (5) is amended BY THE ADDITION OF
19 THE FOLLOWING NEW PARAGRAPHS to read:

20 **42-2-127. Authority to suspend license - to deny license - type**
21 **of conviction - points.** (5) Point system schedule:

| Type of conviction | Points |
|--|--------|
| (e.2) CARELESS DRIVING RESULTING IN BODILY INJURY..... | 6 |
| (e.4) CARELESS DRIVING RESULTING IN SERIOUS BODILY INJURY..... | 8 |
| (e.6) CARELESS DRIVING RESULTING IN DEATH..... | 12 |

27 **SECTION 4.** 42-4-1701 (4) (a) (I) (N), Colorado Revised

1 Statutes, is amended to read:

2 **42-4-1701. Traffic offenses and infractions classified -**
3 **penalties - penalty and surcharge schedule - repeal.** (4)(a)(I) Except
4 as provided in paragraph (c) of subsection (5) of this section, every
5 person who is convicted of, who admits liability for, or against whom a
6 judgment is entered for a violation of any provision of this title to which
7 the provisions of paragraph (a) or (b) of subsection (5) of this section
8 apply shall be fined or penalized, and have a surcharge levied thereon
9 pursuant to section 24-4.2-104 (1) (b) (I), C.R.S., in accordance with the
10 penalty and surcharge schedule set forth in sub-subparagraphs (A) to (P)
11 of this subparagraph (I); or, if no penalty or surcharge is specified in the
12 schedule, the penalty for class A and class B traffic infractions shall be
13 fifteen dollars, and the surcharge shall be two dollars. These penalties
14 and surcharges shall apply whether the defendant acknowledges the
15 defendant's guilt or liability in accordance with the procedure set forth by
16 paragraph (a) of subsection (5) of this section or is found guilty by a
17 court of competent jurisdiction or has judgment entered against the
18 defendant by a county court magistrate. Penalties and surcharges for
19 violating specific sections shall be as follows:

| <u>Section Violated</u> | <u>Penalty</u> | <u>Surcharge</u> |
|--------------------------------|-----------------|------------------|
| (N) <u>Other offenses:</u> | | |
| <u>42-4-1301 (2) (a.5)</u> | <u>\$ 50.00</u> | <u>\$ 7.80</u> |
| <u>42-4-1305</u> | <u>50.00</u> | <u>7.80</u> |
| <u>42-4-1402 (1) 42-4-1402</u> | <u>50.00</u> | <u>7.80</u> |
| (2) (a) | | |
| <u>42-4-1403</u> | <u>15.00</u> | <u>2.60</u> |
| <u>42-4-1404</u> | <u>15.00</u> | <u>2.60</u> |

| | | | |
|---|--------------------------|-----------------|---------------|
| 1 | <u>42-4-1406</u> | <u>35.00</u> | <u>5.20</u> |
| 2 | <u>42-4-1407 (3) (a)</u> | <u>35.00</u> | <u>5.20</u> |
| 3 | <u>42-4-1407 (3) (b)</u> | <u>100.00</u> | <u>15.00</u> |
| 4 | <u>42-4-1407 (3) (c)</u> | <u>500.00</u> | <u>100.00</u> |
| 5 | <u>42-4-314</u> | <u>35.00</u> | <u>5.20</u> |
| 6 | <u>42-4-1408</u> | <u>15.00</u> | <u>2.60</u> |
| 7 | <u>42-4-1414 (2) (a)</u> | <u>500.00</u> | <u>78.00</u> |
| 8 | <u>42-4-1414 (2) (b)</u> | <u>1,000.00</u> | <u>156.00</u> |
| 9 | <u>42-4-1414 (2) (c)</u> | <u>5,000.00</u> | <u>780.00</u> |

10 **SECTION 5.** 42-1-217 (1) (a), Colorado Revised Statutes, is
11 amended, and the said 42-1-217 (1) is further amended BY THE
12 ADDITION OF A NEW PARAGRAPH, to read:

13 **42-1-217. Disposition of fines and surcharges - highway safety**
14 **sign account - creation.** (1) All judges, clerks of a court of record, or
15 other officers imposing or receiving fines, penalties, or forfeitures, except
16 those moneys received pursuant to sections 42-4-313 (3), 42-4-413,
17 42-4-1409, 42-4-1701 (5) (a), 42-8-105, and 42-8-106, collected pursuant
18 to or as a result of a conviction of any persons for a violation of any of the
19 provisions of articles 1 to 4 (except part 3 of article 2) of this title, shall
20 transmit, within ten days after the date of receipt of any such fine, penalty,
21 or forfeiture, all such moneys so collected in the following manner:

22 (a) The aggregate amount of such fines, penalties, or forfeitures,
23 except for a violation of section 42-4-1301 or 42-4-237, OR A VIOLATION
24 OF SECTION 42-4-1402 WHEN THE VIOLATION RESULTS IN SERIOUS
25 BODILY INJURY OR DEATH TO ANOTHER PERSON AS PROVIDED IN
26 SECTION 42-4-1402 (3) AND (4), shall be transmitted to the state treasurer,
27 credited to the highway users tax fund, and allocated and expended as

1 specified in section 43-4-205 (5.5) (a), C.R.S.

2 (f) ALL MONEYS COLLECTED PURSUANT TO SECTION 42-4-1402 (3)
3 OR (4) SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL
4 CREDIT THE SAME TO THE HIGHWAY USERS TAX FUND CREATED IN
5 SECTION 42-2-132 (4) (b). THE MONEYS SHALL BE ALLOCATED PURSUANT
6 TO SECTION 43-4-205 (5.5) (a), C.R.S.

7 **SECTION 6.** 43-4-205 (5.5) (a), Colorado Revised Statutes, is
8 amended to read:

9 **43-4-205. Allocation of fund.** (5.5) The following highway
10 users tax fund revenues shall be allocated and expended in accordance
11 with the formula specified in subsection (5) of this section:

12 (a) Revenues from fines, penalties, or forfeitures that are credited
13 to the fund pursuant to sections 18-4-509 (2) (a), 39-27-102 (9) (c),
14 39-27-104 (1) (g) (III), 42-1-217 (1) (a), (1) (b), (1) (d), (1) (e), and (2),
15 42-4-225 (3), and 42-4-235 (2) (a), C.R.S. AND 42-4-1402 (3) AND (4),
16 C.R.S.:

17 **SECTION 7. Appropriation.** In addition to any other
18 appropriation, there is hereby appropriated, out of any moneys in the
19 highway safety sign account created in section 42-1-217 (1) (f), Colorado
20 Revised Statutes, not otherwise appropriated, to the department of
21 transportation, for the direct and indirect costs of implementing this
22 legislation, for the fiscal year beginning July 1, 2006, the sum of
23 twenty-nine thousand one hundred eighty-five dollars (\$29,185), or so
24 much thereof as may be necessary, for the implementation of this act.

1 **SECTION 8. Effective date.** (1) This act shall take effect July
2 1, 2006.
3 (2) However, if a referendum petition is filed against this act or
4 an item, section, or part of this act during the 90-day period after final
5 adjournment of the general assembly that is allowed for submitting a
6 referendum petition pursuant to article V, section 1 (3) of the state
7 constitution, then the act, item, section, or part, shall not take effect unless
8 approved by the people at a biennial regular general election and shall
9 take effect on the date specified in subsection (1) or on the date of the
10 official declaration of the vote thereon by proclamation of the governor,
11 whichever is later.