

First Regular Session  
Sixty-third General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 01-0019.01 Julie Hoerner

SENATE BILL 01-018

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SENATE SPONSORSHIP

Evans

HOUSE SPONSORSHIP

Hefley

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Senate Committees

Government, Veterans and Military Relations,  
and Transportation

House Committees

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A BILL FOR AN ACT

101 CONCERNING THE REGULATION OF AGGRESSIVE DRIVING.

Bill Summary

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

Declares that aggressive driving is becoming a problem among Colorado drivers. Finds that an additional enforcement tool for law enforcement would assist law enforcement officers with addressing aggressive driving and ultimately reduce the behavior.

Creates the traffic offense of aggressive driving, which is the commission of 2 or more of the following offenses in or about the same event:

- Speeding 10 miles per hour over the posted speed limit;
- Following too closely;

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.*

- Failing to obey a traffic control device;
- Improper passing;
- Passing on the shoulder;
- Failing to give an appropriate signal;
- Failing to yield the right-of-way;
- Making an unsafe lane change;
- Impeding traffic; or
- Operating a motor vehicle in a manner intended or designed to harass, annoy, or alarm another driver.

Provides that a conviction of aggressive driving is a class 2 misdemeanor traffic offense. Assesses 6 points against a driver's license upon conviction of a charge of aggressive driving. Provides enhanced penalties for a second or subsequent violation.

Creates the aggressive driving cash fund, which shall receive the fines collected from persons convicted of aggressive driving. Requires the executive director of the department of public safety to make grants to law enforcement agencies for educational and awareness programs about aggressive driving.

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

2           **SECTION 1. Legislative declaration.** Some drivers in Colorado  
3 operate their motor vehicles in an aggressive manner by speeding,  
4 following too closely to another vehicle, passing on the shoulder of the  
5 roadway, and cutting off other drivers in traffic. Law enforcement and the  
6 Colorado community face a serious problem with aggressive drivers. Law  
7 enforcement would benefit from an additional tool to address aggressive  
8 driving behaviors. Therefore, the general assembly finds, determines, and  
9 declares that it is in the best interests of the state to create an additional  
10 traffic offense to address aggressive driving behaviors and thus encourage  
11 drivers to be more careful and less antagonistic while driving. Such traffic  
12 offense for aggressive driving would ensure uniform enforcement  
13 throughout the state. Also, law enforcement would be able to track  
14 aggressive driving and then target resources and educational programs to  
15 areas with the greatest number of aggressive drivers to cultivate safer

1 driving behaviors.

2 **SECTION 2.** Part 14 of article 4 of title 42, Colorado Revised  
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

4 **42-4-1415. Aggressive driving - cash fund.** (1) ANY PERSON  
5 WHO COMMITS TWO OR MORE OF THE FOLLOWING OFFENSES IN A SINGLE  
6 ACT OR SERIES OF ACTS IN A SINGLE EPISODE AND THAT CREATES A RISK TO  
7 ANOTHER MOTOR VEHICLE MAY BE CITED WITH AGGRESSIVE DRIVING:

8 (a) EXCEEDING THE SPEED LIMIT BY TEN OR MORE MILES PER HOUR  
9 OVER THE POSTED SPEED LIMIT, AS SET FORTH IN SECTION 42-4-1101;

10 (b) FOLLOWING TOO CLOSELY, AS SET FORTH IN SECTION  
11 42-4-1008;

12 (c) FAILING TO OBEY A TRAFFIC CONTROL DEVICE, AS SET FORTH IN  
13 SECTIONS 42-4-603 AND 42-4-1007;

14 (d) IMPROPER PASSING ON THE SHOULDER OF THE ROAD, AS SET  
15 FORTH IN SECTIONS 42-4-1004 AND 42-4-1005;

16 (e) FAILING TO GIVE AN APPROPRIATE SIGNAL, AS SET FORTH IN  
17 SECTION 42-4-903;

18 (f) FAILING TO YIELD THE RIGHT-OF-WAY, AS SET FORTH IN  
19 SECTIONS 42-4-701 TO 42-4-704;

20 (g) MAKING AN UNSAFE LANE CHANGE, AS SET FORTH IN SECTIONS  
21 42-4-903 AND 42-4-1007;

22 (h) IMPEDING TRAFFIC, AS SET FORTH IN SECTION 42-4-1103; OR

23 (i) (I) OPERATING A MOTOR VEHICLE IN A MANNER INTENDED TO  
24 HARASS, ANNOY, OR ALARM ANOTHER DRIVER, INCLUDING BUT NOT  
25 LIMITED TO:

26 (A) HONKING THE HORN OF A MOTOR VEHICLE;

27 (B) FLASHING THE HEADLIGHTS OF A MOTOR VEHICLE; OR

1 (C) MAKING OBSCENE GESTURES.

2 (II) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
3 REQUIRES, "OBSCENE" MEANS A PATENTLY OFFENSIVE DESCRIPTION OF  
4 ULTIMATE SEXUAL ACTS OR SOLICITATION TO COMMIT ULTIMATE SEXUAL  
5 ACTS, WHETHER OR NOT SAID ULTIMATE SEXUAL ACTS ARE NORMAL OR  
6 PERVERTED, ACTUAL OR SIMULATED, INCLUDING MASTURBATION,  
7 CUNNILINGUS, FELLATIO, ANILINGUS, OR EXCRETORY FUNCTIONS.

8 (2) ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION  
9 COMMITS A CLASS 2 MISDEMEANOR TRAFFIC OFFENSE. UPON A SECOND OR  
10 SUBSEQUENT CONVICTION, SUCH PERSON SHALL BE PUNISHED BY A FINE OF  
11 NOT LESS THAN THREE HUNDRED DOLLARS NOR MORE THAN THREE  
12 THOUSAND DOLLARS, OR BY IMPRISONMENT IN THE COUNTY JAIL FOR NOT  
13 LESS THAN TEN DAYS NOR MORE THAN SIX MONTHS, OR BY BOTH SUCH FINE  
14 AND IMPRISONMENT.

15 (3) (a) (I) FINES COLLECTED FOR AGGRESSIVE DRIVING SHALL BE  
16 TRANSFERRED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO  
17 THE AGGRESSIVE DRIVING CASH FUND, WHICH FUND IS HEREBY CREATED.  
18 THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY OR THE  
19 EXECUTIVE DIRECTOR'S DESIGNEE SHALL MAKE GRANTS CONSISTENT WITH  
20 THIS SECTION. MONEYS IN THE AGGRESSIVE DRIVING CASH FUND SHALL BE  
21 USED TO PROVIDE GRANTS TO LAW ENFORCEMENT AGENCIES OR NONPROFIT  
22 COMMUNITY ORGANIZATIONS FOR EDUCATION AND AWARENESS PROGRAMS  
23 CONCERNING AGGRESSIVE DRIVING. ANY MONEYS NOT PROVIDED AS  
24 GRANTS TO LAW ENFORCEMENT AGENCIES OR NONPROFIT COMMUNITY  
25 ORGANIZATIONS MAY BE INVESTED BY THE STATE TREASURER AS PROVIDED  
26 IN SECTION 24-36-113, C.R.S. ALL INTEREST DERIVED FROM THE DEPOSIT  
27 AND INVESTMENT OF MONEYS IN THE AGGRESSIVE DRIVING CASH FUND

1 SHALL BE CREDITED TO THE FUND. ANY AMOUNT REMAINING IN THE  
2 AGGRESSIVE DRIVING CASH FUND AT THE END OF ANY FISCAL YEAR SHALL  
3 REMAIN IN THE AGGRESSIVE DRIVING CASH FUND AND SHALL NOT BE  
4 CREDITED OR TRANSFERRED TO THE GENERAL FUND OR TO ANY OTHER  
5 FUND.

6 (II) UP TO ONE PERCENT ANNUALLY OF THE MONEYS IN THE  
7 AGGRESSIVE DRIVING CASH FUND MAY BE USED FOR THE EXPENSES  
8 INCURRED BY THE DEPARTMENT OF PUBLIC SAFETY IN ADMINISTERING THIS  
9 SECTION.

10 (b) BEGINNING WITH THE 2001-02 FISCAL YEAR, AND FOR EACH  
11 FISCAL YEAR THEREAFTER SO LONG AS THE STATE RECEIVES MONEYS FROM  
12 FINES FOR AGGRESSIVE DRIVING, MONEYS IN THE AGGRESSIVE DRIVING  
13 CASH FUND SHALL BE CONTINUOUSLY APPROPRIATED TO THE EXECUTIVE  
14 DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY, WHO SHALL MAKE  
15 GRANTS TO LAW ENFORCEMENT AGENCIES OR NONPROFIT COMMUNITY  
16 BASED ORGANIZATIONS FOR EDUCATION AND AWARENESS PROGRAMS  
17 PERTAINING TO AGGRESSIVE DRIVING. THE EXECUTIVE DIRECTOR OF THE  
18 DEPARTMENT OF PUBLIC SAFETY SHALL ESTABLISH REASONABLE CRITERIA  
19 FOR THE AWARDING OF GRANTS AND FOR THE CONTENT OF GRANT  
20 APPLICATIONS FOR AGGRESSIVE DRIVING AWARENESS AND EDUCATION  
21 PROGRAMS.

22 **SECTION 3.** 42-2-127 (5), Colorado Revised Statutes, is  
23 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24 **42-2-127. Authority to suspend license - to deny license - type**  
25 **of conviction - points.** (5) Point system schedule:

Type of conviction	Points
(jj) AGGRESSIVE DRIVING PURSUANT TO SECTION 42-4-1415 . .	6

1           **SECTION 4. Effective date - applicability.** (1) This act shall  
2 take effect at 12:01 a.m. on the day following the expiration of the  
3 ninety-day period after final adjournment of the general assembly that is  
4 allowed for submitting a referendum petition pursuant to article V, section  
5 1 (3) of the state constitution; except that, if a referendum petition is filed  
6 against this act or an item, section, or part of this act within such period,  
7 then the act, item, section, or part, if approved by the people, shall take  
8 effect on the date of the official declaration of the vote thereon by  
9 proclamation of the governor.

10           (2) This act shall apply to offenses committed on or after the  
11 applicable effective date.