

**First Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO**

**REVISED**

*This Version Includes All Amendments Adopted  
on Second Reading in the Second House*

LLS NO. 19-0950.01 Jacob Baus x2173

**SENATE BILL 19-175**

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**SENATE SPONSORSHIP**

**Foote,** Court, Crowder, Fields, Gardner, Ginal, Priola, Tate

**HOUSE SPONSORSHIP**

**Roberts,**

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**Senate Committees**

Judiciary  
Finance  
Appropriations

**House Committees**

Health & Insurance  
Finance  
Appropriations

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**A BILL FOR AN ACT**

101      **CONCERNING THE PENALTIES IMPOSED ON THE DRIVER OF A MOTOR**  
102              **VEHICLE WHO CAUSES SERIOUS BODILY INJURY TO A**  
103              **VULNERABLE ROAD USER, AND, IN CONNECTION THEREWITH,**  
104              **MAKING AN APPROPRIATION.**

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**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://leg.colorado.gov>.)*

The bill makes it a class 1 traffic misdemeanor when careless driving of a motor vehicle causes serious bodily injury to a vulnerable road user. The bill allows the court to require the violator to attend a

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

HOUSE  
Amended 2nd Reading  
April 29, 2019

SENATE  
3rd Reading Unamended  
April 22, 2019

SENATE  
Amended 2nd Reading  
April 18, 2019

driver improvement course, and to require the violator to perform useful public service. The bill also subjects a violator to a restitution order and a license suspension of one year. However, the department of revenue shall consider whether to issue a restricted license to a person convicted of careless driving of a motor vehicle that causes serious bodily injury to a vulnerable road user if the person is required to drive a motor vehicle to and from his or her place of employment or to perform duties within the course of his or her employment.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-2-127, **add**  
3 **(5)(e.7)** as follows:

4 **42-2-127. Authority to suspend license - to deny license - type**  
5 **of conviction - points.** (5) **Point system schedule:**

<u>Type of conviction</u>	<u>Points</u>
<u>(e.7) SERIOUS BODILY INJURY TO A VULNERABLE ROAD</u> <u>USER .....</u>	<u>12</u>

9 **SECTION 2.** In Colorado Revised Statutes, **add** 42-4-1402.5 as  
10 follows:

11 **42-4-1402.5. Vulnerable road user - prohibition - violations**  
12 **and penalties - definition.** (1) **Definition.** AS USED IN THIS SECTION,  
13 UNLESS THE CONTEXT OTHERWISE REQUIRES, "VULNERABLE ROAD USER"  
14 MEANS:

- 15 (a) A PEDESTRIAN;
- 16 (b) A PERSON ENGAGED IN WORK UPON A ROADWAY OR UPON  
17 UTILITY FACILITIES ALONG A ROADWAY;
- 18 (c) A PERSON PROVIDING EMERGENCY SERVICES WITHIN A  
19 RIGHT-OF-WAY;
- 20 (d) A PEACE OFFICER WHO IS OUTSIDE A MOTOR VEHICLE AND  
21 PERFORMING THE PEACE OFFICER'S DUTIES IN A RIGHT-OF-WAY;

- 1 (e) A PERSON RIDING OR LEADING AN ANIMAL; OR
- 2 (f) A PERSON LAWFULLY USING ANY OF THE FOLLOWING ON A
- 3 PUBLIC RIGHT-OF-WAY, CROSSWALK, OR SHOULDER OF THE ROADWAY:
- 4 (I) A BICYCLE, ELECTRICAL ASSISTED BICYCLE, TRICYCLE, OR
- 5 OTHER PEDAL-POWERED VEHICLE;
- 6 (II) A FARM TRACTOR OR SIMILAR VEHICLE DESIGNED PRIMARILY
- 7 FOR FARM USE;
- 8 (III) A SKATEBOARD;
- 9 (IV) ROLLER SKATES;
- 10 (V) IN-LINE SKATES;
- 11 (VI) A SCOOTER;
- 12 (VII) A MOPED;
- 13 (VIII) A MOTORCYCLE;
- 14 (IX) AN OFF-HIGHWAY VEHICLE;
- 15 (X) AN ANIMAL-DRAWN, WHEELED VEHICLE;
- 16 (XI) FARM EQUIPMENT;
- 17 (XII) A SLED;
- 18 (XIII) AN ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE;
- 19 (XIV) A WHEELCHAIR;
- 20 (XV) A BABY STROLLER; OR
- 21 (XVI) A NONMOTORIZED PULL WAGON.

22 (2) **Prohibition.** A PERSON WHO DRIVES A MOTOR VEHICLE IN  
23 VIOLATION OF SECTION 42-4-1402 AND WHOSE ACTIONS ARE THE  
24 PROXIMATE CAUSE OF SERIOUS BODILY INJURY, AS DEFINED IN SECTION  
25 42-4-1601 (4)(b), TO A VULNERABLE ROAD USER COMMITS INFLECTION OF  
26 SERIOUS BODILY INJURY TO A VULNERABLE ROAD USER.

27 (3) **Violations and penalties.** (a) INFLECTION OF SERIOUS BODILY

1 INJURY TO A VULNERABLE ROAD USER IS A CLASS 1 TRAFFIC  
2 MISDEMEANOR.

3 (b) IN ADDITION TO THE PENALTIES IMPOSED IN SUBSECTIONS (3)(a)  
4 AND (3)(c) OF THIS SECTION, THE COURT MAY ORDER THE VIOLATOR TO:

5 (I) ATTEND A DRIVER IMPROVEMENT COURSE IN ACCORDANCE  
6 WITH SECTION 42-4-1717; AND

7 (II) PERFORM USEFUL PUBLIC SERVICE FOR A NUMBER OF HOURS,  
8 WHICH MUST NOT EXCEED THREE HUNDRED TWENTY HOURS, TO BE  
9 DETERMINED BY THE COURT IN ACCORDANCE WITH SECTION 18-1.3-507.

10 (c) IN ADDITION TO THE PENALTIES IMPOSED IN SUBSECTIONS (3)(a)  
11 AND (3)(b) OF THIS SECTION, A PERSON WHO IS CONVICTED OF VIOLATING  
12 THIS SECTION IS SUBJECT TO:

13 (I) LICENSE SUSPENSION IN ACCORDANCE WITH SECTION 42-2-127;  
14 AND

15 (II) AN ORDER OF RESTITUTION UNDER PART 6 OF ARTICLE 1.3 OF  
16 TITLE 18.

17 **SECTION 3.** In Colorado Revised Statutes, 42-4-1601, **amend**  
18 (4) introductory portion as follows:

19 **42-4-1601. Accidents involving death or personal injuries -**  
20 **duties.** (4) As used in this section and sections ~~42-4-1603~~ and ~~42-4-1606~~  
21 ~~42-4-1402.5~~, 42-4-1603, AND 42-4-1606:

22 **SECTION 4. Appropriation.** For the 2019-20 state fiscal year,  
23 \$1,575 is appropriated to the department of revenue for use by the  
24 division of motor vehicles. This appropriation is from the licensing  
25 services cash fund created in section 42-2-114.5 (1), C.R.S. To implement  
26 this act, the division may use this appropriation for DRIVES maintenance  
27 and support.

1           **SECTION 5. Applicability.** This act applies to offenses  
2 committed on or after the effective date of this act.

3           **SECTION 6. Safety clause.** The general assembly hereby finds,  
4 determines, and declares that this act is necessary for the immediate  
5 preservation of the public peace, health, and safety.