

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

PREAMENDED

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

LLS NO. 19-0950.01 Jacob Baus x2173

SENATE BILL 19-175

SENATE SPONSORSHIP

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

HOUSE SPONSORSHIP

Roberts,

Senate Committees

Judiciary
Finance
Appropriations

House Committees

Health & Insurance
Finance

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.**

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.

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.

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.