

CHAPTER 331

MOTOR VEHICLES AND TRAFFIC REGULATION

SENATE BILL 19-175

BY SENATOR(S) Foote, Court, Crowder, Fields, Gardner, Ginal, Priola, Tate;
also REPRESENTATIVE(S) Roberts, Arndt, Bird, Duran, Exum, Gray, Herod, Hooton, Jaquez Lewis, Lontine, McCluskie, Singer,
Sirota, Snyder, Sullivan, Tipper, Titone, Valdez D., Weissman, Becker.

AN ACT

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

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

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

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

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

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

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

- (a) A PEDESTRIAN;
- (b) A PERSON ENGAGED IN WORK UPON A ROADWAY OR UPON UTILITY FACILITIES ALONG A ROADWAY;
- (c) A PERSON PROVIDING EMERGENCY SERVICES WITHIN A RIGHT-OF-WAY;

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(d) A PEACE OFFICER WHO IS OUTSIDE A MOTOR VEHICLE AND PERFORMING THE PEACE OFFICER'S DUTIES IN A RIGHT-OF-WAY;

(e) A PERSON RIDING OR LEADING AN ANIMAL; OR

(f) A PERSON LAWFULLY USING ANY OF THE FOLLOWING ON A PUBLIC RIGHT-OF-WAY, CROSSWALK, OR SHOULDER OF THE ROADWAY:

(I) A BICYCLE, ELECTRICAL ASSISTED BICYCLE, TRICYCLE, OR OTHER PEDAL-POWERED VEHICLE;

(II) A FARM TRACTOR OR SIMILAR VEHICLE DESIGNED PRIMARILY FOR FARM USE;

(III) A SKATEBOARD;

(IV) ROLLER SKATES;

(V) IN-LINE SKATES;

(VI) A SCOOTER;

(VII) A MOPED;

(VIII) A MOTORCYCLE;

(IX) AN OFF-HIGHWAY VEHICLE;

(X) AN ANIMAL-DRAWN, WHEELED VEHICLE;

(XI) FARM EQUIPMENT;

(XII) A SLED;

(XIII) AN ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE;

(XIV) A WHEELCHAIR;

(XV) A BABY STROLLER; OR

(XVI) A NONMOTORIZED PULL WAGON.

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

(3) **Violations and penalties.** (a) INFLECTION OF SERIOUS BODILY INJURY TO A VULNERABLE ROAD USER IS A CLASS 1 TRAFFIC MISDEMEANOR.

(b) IN ADDITION TO THE PENALTIES IMPOSED IN SUBSECTIONS (3)(a) AND (3)(c) OF

THIS SECTION, THE COURT MAY ORDER THE VIOLATOR TO:

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

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

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

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

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

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

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

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

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

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

Approved: May 29, 2019