

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

INTRODUCED

LLS NO. 23-0651.01 Josh Schultz x5486

SENATE BILL 23-028

SENATE SPONSORSHIP

Gonzales,

HOUSE SPONSORSHIP

Epps and Soper,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE PENALTY FOR COMMITTING ANY OF CERTAIN**
102 **OFFENSES INVOLVING THE OPERATION OF A COMMERCIAL**
103 **VEHICLE.**

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>.)

In 2021, Senate Bill 21-271 adjusted misdemeanor penalties for a variety of offenses described in the Colorado Revised Statutes, including the penalty for certain offenses involving the operation of a commercial vehicle. This penalty was changed from a misdemeanor to a class A traffic infraction. However, despite making this change, Senate Bill

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.*

21-271 retained certain language that describes the punishment for the former misdemeanor offense.

The bill clarifies that the penalty for the described offenses involving a commercial vehicle is \$100, to be accompanied by a \$15 surcharge.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-2-404, **amend** (3)
3 as follows:

4 **42-2-404. Commercial driver's license - limitations - rules.**

5 (3) In addition to any applicable federal penalty concerning commercial
6 motor vehicle operators, any person who violates subsection (1) or (2) of
7 this section, or any rule or regulation promulgated by the department
8 pursuant to this part 4, ~~is guilty of~~ **COMMITTS** a class A traffic infraction.
9 ~~and, upon conviction thereof, shall be punished by a fine of not less than~~
10 ~~twenty-five dollars nor more than one thousand dollars, or by~~
11 ~~imprisonment in the county jail for not more than one year, or by both~~
12 ~~such fine and imprisonment.~~

13 **SECTION 2.** In Colorado Revised Statutes, 42-4-1701, **amend**
14 (4)(a)(I)(A) as follows:

15 **42-4-1701. Traffic offenses and infractions classified -**
16 **penalties - penalty and surcharge schedule - repeal.** (4) (a) (I) Except
17 as provided in subsection (5)(c) of this section, every person who is
18 convicted of, who admits liability for, or against whom a judgment is
19 entered for a violation of this title 42 to which subsection (5)(a) or (5)(b)
20 of this section applies shall be fined or penalized and have a surcharge
21 levied in accordance with sections 24-4.1-119 (1)(f) and 24-4.2-104
22 (1)(b)(I), in accordance with the penalty and surcharge schedule set forth
23 in subsections (4)(a)(I)(A) to (4)(a)(I)(S) of this section; or, if no penalty

1 or surcharge is specified in the schedule, the penalty for class A and class
 2 B traffic infractions is fifteen dollars, and the surcharge is four dollars.
 3 These penalties and surcharges apply whether the defendant
 4 acknowledges the defendant's guilt or liability in accordance with the
 5 procedure set forth by subsection (5)(a) of this section, is found guilty by
 6 a court of competent jurisdiction, or has judgment entered against the
 7 defendant by a county court magistrate. Penalties and surcharges for
 8 violating specific sections are as follows:

9	Section Violated	Penalty	Surcharge
10	(A) Drivers' license violations:		
11	42-2-101	\$ 35.00	\$ 10.00
12	42-2-101 (2), (3), or (5)	15.00	6.00
13	42-2-103	15.00	6.00
14	42-2-105	70.00	10.00
15	42-2-105.5 (4)	65.00	10.00
16	42-2-106	70.00	10.00
17	42-2-115	35.00	10.00
18	42-2-116 (6)(a)	30.00	6.00
19	42-2-119	15.00	6.00
20	42-2-134	35.00	10.00
21	42-2-136	35.00	10.00
22	42-2-138	100.00	15.00
23	42-2-139	35.00	10.00
24	42-2-140	35.00	10.00
25	42-2-141	35.00	10.00
26	42-2-204	70.00	10.00
27	42-2-404	100.00	15.00

1 **SECTION 3. Applicability.** This act applies to offenses
2 committed on or after the effective date of this act.

3 **SECTION 4. 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, or safety.