

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

PREAMENDED

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

LLS NO. 23-0651.01 Josh Schultz x5486

SENATE BILL 23-028

SENATE SPONSORSHIP

Gonzales, Gardner, Priola

HOUSE SPONSORSHIP

Epps and Soper,

Senate Committees
Judiciary

House Committees
Judiciary

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 law.
Dashes through the words or numbers indicate deletions from existing law.

SENATE
3rd Reading Unamended
February 22, 2023

SENATE
Amended 2nd Reading
February 21, 2023

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

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

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