

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

**REENGROSSED**

*This Version Includes All Amendments  
Adopted in the House of Introduction*

LLS NO. 23-0651.01 Josh Schultz x5486

**SENATE BILL 23-028**

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**SENATE SPONSORSHIP**

**Gonzales, Gardner, Priola**

**HOUSE SPONSORSHIP**

**Epps and Soper,**

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**Senate Committees**  
Judiciary

**House Committees**

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**A BILL FOR AN ACT**

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

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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>.)*

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.

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

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

4           **42-2-404. Commercial driver's license - limitations - rules -**  
5 **penalty.** (3) (a) In addition to any applicable federal penalty concerning  
6 commercial motor vehicle operators, any person who violates subsection  
7 (1) or (2) of this section, or any rule or regulation promulgated by the  
8 department pursuant to this part 4, is guilty of 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 CLASS 1 MISDEMEANOR TRAFFIC OFFENSE.

13           (b) AN EMPLOYER OR OFFICER OF OR AGENT OF AN EMPLOYER WHO  
14 KNOWINGLY AUTHORIZES OR PERMITS AN EMPLOYEE TO VIOLATE  
15 SUBSECTION (1) OF THIS SECTION COMMITS UNLAWFUL DIRECTION TO  
16 OPERATE A COMMERCIAL MOTOR VEHICLE. UNLAWFUL DIRECTION TO  
17 OPERATE A COMMERCIAL MOTOR VEHICLE IS A CLASS 1 MISDEMEANOR AND  
18 SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-501; EXCEPT THAT A  
19 SECOND OR SUBSEQUENT OFFENSE IS A CLASS 5 FELONY AND SHALL BE  
20 PUNISHED AS PROVIDED IN SECTION 18-1.3-401.

21           — ———  
22           **SECTION 2. Applicability.** This act applies to offenses  
23 committed on or after the effective date of this act.

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