

CHAPTER 292

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 03-1223

BY REPRESENTATIVE(S) Veiga, Borodkin, Carroll, Coleman, Frangas, Jahn, Merrifield, Miller, Paccione, Romanoff, Salazar, and Williams S.;
also SENATOR(S) Chlouber.

AN ACT

CONCERNING THE PENALTIES FOR FAILURE TO MAINTAIN FINANCIAL RESPONSIBILITY FOR A MOTOR VEHICLE.

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

SECTION 1. 42-7-605, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

42-7-605. Notice of lack of financial responsibility. (5) PRIOR TO THE REINSTATEMENT OF ANY MOTOR VEHICLE REGISTRATION THAT HAS BEEN SUSPENDED PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE OWNER OF SUCH MOTOR VEHICLE SHALL PROVIDE TO THE DEPARTMENT PROOF OF INSURANCE COVERAGE IN ACCORDANCE WITH SECTION 10-4-705, C.R.S., PROOF OF SELF-INSURANCE IN ACCORDANCE WITH SECTION 10-4-716, C.R.S., OR PROOF OF AN EXEMPTION FROM ANY SUCH FINANCIAL SECURITY REQUIREMENTS.

SECTION 2. 42-4-1409 (4) (a) and (4) (b), Colorado Revised Statutes, are amended to read:

42-4-1409. Compulsory insurance - penalty - repeal. (4) (a) Any person who violates the provisions of subsection (1), (2), or (3) of this section commits a class 1 misdemeanor traffic offense. The minimum fine imposed by section 42-4-1701 (3) (a) (II) (A) shall be mandatory, and the court shall not suspend such minimum fine. ~~in whole or in part, unless it is established that appropriate insurance as required under sections 10-4-705 and 10-4-716, C.R.S., has been obtained.~~ Nothing in this paragraph (a) shall be construed to prevent the court from imposing a fine greater than the minimum mandatory fine.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(b) Upon a second or subsequent conviction under this section within a period of two years following a prior conviction under this section, in addition to any imprisonment imposed pursuant to section 42-4-1701 (3) (a) (II) (A), the defendant shall be punished by a minimum mandatory fine of not less than two hundred dollars, and the court shall not suspend such minimum fine. ~~in whole or in part, unless it is established that appropriate insurance as required under sections 10-4-705 and 10-4-716, C.R.S., has been obtained.~~ Nothing in this paragraph (b) shall be construed to prevent the court from imposing a fine greater than the minimum mandatory fine.

SECTION 3. 42-3-112 (3) (a), Colorado Revised Statutes, is amended to read:

42-3-112. Records of application and registration. (3) (a) Any notice for renewal of registration shall include a notice, in type ~~which~~ THAT is larger than the other information contained in the notice, which specifies that motor vehicle insurance coverage is compulsory in Colorado, that noncompliance is a misdemeanor traffic offense, that the minimum penalty for such offense is a one-hundred-dollar fine and that the maximum penalty for such offense is one year's imprisonment and a one-thousand-dollar fine. ~~and that such owner shall be required as a condition of obtaining a renewed registration card and upon receipt of the registration card to sign the affirmation clause on such card which states "I swear or affirm under penalty of perjury that I now have in effect a complying policy of motor vehicle insurance pursuant to the "Colorado Auto Accident Reparations Act", part 7 of article 4 of title 10, C.R.S., or a certificate of self-insurance to cover the vehicle for which this registration is issued, and I understand that such insurance must be renewed so that coverage is continuous. Signature _____, Date _____."~~

SECTION 4. Applicability. This act shall apply to motor vehicle registrations suspended and fees related to suspensions imposed on or after the effective date of this act.

SECTION 5. 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 22, 2003