

CHAPTER 127

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 06-1162

BY REPRESENTATIVE(S) May M., Benefield, Berens, Harvey, Todd, Coleman, Romanoff, and Sullivan;
also SENATOR(S) Williams.

AN ACT**CONCERNING RESTRICTIONS ON MINOR DRIVERS UNDER EIGHTEEN YEARS OF AGE.**

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

SECTION 1. 42-2-105.5 (1) (c), (1) (d), (3), (4), and (5), Colorado Revised Statutes, are amended to read:

42-2-105.5. Restrictions on minor drivers under eighteen years of age - penalties - legislative declaration. (1) The general assembly finds, determines, and declares that:

(c) Once a teenage driver begins to drive without a parent, guardian, or other responsible adult in the vehicle, it is necessary to place restrictions on a teenage driver who holds a minor driver's license until such driver turns ~~seventeen~~ EIGHTEEN years of age in order to give that driver time to exercise good judgement in the operation of a vehicle while keeping that driver, his or her passengers, and the public safe;

(d) Penalties for the violation of these restrictions on minor drivers under ~~seventeen~~ EIGHTEEN years of age, including the assessment of points where they may not otherwise be assessed, should be sufficient to ensure that chronic violations would result in swift and severe repercussions to reinforce the importance of obeying the driving laws in order to keep the minor driver, his or her passengers, and the public safe.

(3) Occupants in motor vehicles driven by persons under ~~seventeen~~ EIGHTEEN years of age shall BE PROPERLY RESTRAINED OR wear seat belts ~~or be secured in a child restraint system~~ as required in ~~section~~ SECTIONS 42-4-236 (2) (a) and pursuant

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

~~to section 42-4-237.~~

(4) No more than one passenger shall occupy the front seat of the motor vehicle driven by a person under ~~seventeen~~ EIGHTEEN years of age, and the number of passengers in the back seat of such vehicle shall not exceed the number of seat belts.

(5) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (5), any person who violates this section commits a class A traffic infraction.

(b) A VIOLATION OF SUBSECTION (3) OF THIS SECTION IS A TRAFFIC INFRACTION, AND, NOTWITHSTANDING THE PROVISIONS OF SECTION 42-4-1701 (4) (a) (I) (D), A PERSON CONVICTED OF VIOLATING SUBSECTION (3) OF THIS SECTION SHALL BE PUNISHED AS FOLLOWS:

(I) BY THE IMPOSITION OF NOT LESS THAN EIGHT HOURS NOR MORE THAN TWENTY-FOUR HOURS OF COMMUNITY SERVICE FOR A FIRST OFFENSE AND NOT LESS THAN SIXTEEN HOURS NOR MORE THAN FORTY HOURS OF COMMUNITY SERVICE FOR A SUBSEQUENT OFFENSE;

(II) BY THE LEVYING OF A FINE OF NOT MORE THAN FIFTY DOLLARS FOR A FIRST OFFENSE, A FINE OF NOT MORE THAN ONE HUNDRED DOLLARS FOR A SECOND OFFENSE, AND A FINE OF ONE HUNDRED FIFTY DOLLARS FOR A SUBSEQUENT OFFENSE; AND

(III) BY AN ASSESSMENT OF TWO LICENSE SUSPENSION POINTS PURSUANT TO SECTION 42-2-127 (5) (hh).

SECTION 2. 42-4-236 (7), Colorado Revised Statutes, is amended to read:

42-4-236. Child restraint systems required - definitions - exemptions.

(7) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (7), any person who violates any provision of this section commits a class B traffic infraction.

(b) A MINOR DRIVER UNDER EIGHTEEN YEARS OF AGE WHO VIOLATES THIS SECTION SHALL BE PUNISHED IN ACCORDANCE WITH SECTION 42-2-105.5 (5) (b).

SECTION 3. 42-4-237 (4), Colorado Revised Statutes, is amended to read:

42-4-237. Safety belt systems - mandatory use - exemptions - penalty.

(4) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (4), any person who operates a motor vehicle while such person or any passenger is in violation of the requirement of subsection (2) of this section commits a class B traffic infraction. Penalties collected pursuant to this subsection (4) shall be transmitted to the appropriate authority pursuant to the provisions of section 42-1-217 (1) (e) and (2).

(b) A MINOR DRIVER UNDER EIGHTEEN YEARS OF AGE WHO VIOLATES THIS SECTION SHALL BE PUNISHED IN ACCORDANCE WITH SECTION 42-2-105.5 (5) (b).

SECTION 4. 42-4-1701 (4) (a) (I) (A), Colorado Revised Statutes, is amended

to read:

42-4-1701. Traffic offenses and infractions classified - penalties - penalty and surcharge schedule - repeal. (4) (a) (I) Except as provided in paragraph (c) of subsection (5) of this section, every person who is convicted of, who admits liability for, or against whom a judgment is entered for a violation of any provision of this title to which the provisions of paragraph (a) or (b) of subsection (5) of this section apply shall be fined or penalized, and have a surcharge levied thereon pursuant to section 24-4.2-104 (1) (b) (I), C.R.S., in accordance with the penalty and surcharge schedule set forth in sub-subparagraphs (A) to (P) of this subparagraph (I); or, if no penalty or surcharge is specified in the schedule, the penalty for class A and class B traffic infractions shall be fifteen dollars, and the surcharge shall be two dollars. These penalties and surcharges shall apply whether the defendant acknowledges the defendant's guilt or liability in accordance with the procedure set forth by paragraph (a) of subsection (5) of this section or is found guilty by a court of competent jurisdiction or has judgment entered against the defendant by a county court magistrate. Penalties and surcharges for violating specific sections shall be as follows:

Section Violated	Penalty	Surcharge
(A) Drivers' license violations:		
42-2-101 (1) or (4)	\$ 35.00	\$ 5.20
42-2-101 (2), (3), or (5)	15.00	2.60
42-2-103	15.00	2.60
42-2-105	35.00	5.20
42-2-105.5	35.00	5.20
42-2-105.5 (5) (a)	35.00	5.20
42-2-106	35.00	5.20
42-2-116	15.00	2.60
42-2-119	15.00	2.60
42-2-134	35.00	5.20
42-2-136	35.00	5.20
42-2-139	35.00	5.20
42-2-140	35.00	5.20
42-2-141	35.00	5.20

SECTION 5. Effective date - applicability. This act shall take effect July 1, 2006, and shall apply to infractions committed on or after said date.

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: April 13, 2006