

Second Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0052.01 Renee Leone x2695

HOUSE BILL 26-1329

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HOUSE SPONSORSHIP

Clifford and Richardson,

SENATE SPONSORSHIP

(None),

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House Committees  
Judiciary

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING CRIMINALIZING CERTAIN MOTOR VEHICLE ACTIVITIES,  
102 AND, IN CONNECTION THEREWITH, CRIMINALIZING AND  
103 CREATING PENALTIES FOR MOTOR VEHICLE RACING, STREET  
104 TAKEOVERS, AND STUNT DRIVING.

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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>.)*

The bill makes street takeovers, coordinated street takeovers, racing and drag racing, and stunt driving (prohibited motor vehicle activities) illegal on highways and roadways. More specifically, the 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.

states that a person shall not:

- Intentionally engage in a prohibited motor vehicle activity;
- Coordinate or facilitate an event the person should reasonably know is a street takeover, a race or drag race, or stunt driving;
- Ride as a passenger in a motor vehicle the person should reasonably know is participating in a street takeover, a race or drag race, or stunt driving;
- Intentionally cause the movement of traffic to slow, stop, or be impeded in any way because of a street takeover, a race or drag race, or stunt driving;
- Drive a motor vehicle to carry fuel for a motor vehicle the person should reasonably know is involved in a street takeover, a race or drag race, or stunt driving; or
- Knowingly be a spectator to a race, drag race, or street takeover prohibited by the bill.

The bill imposes penalties for a person that engages in a prohibited motor vehicle activity. The bill also imposes penalties for a person that engages in a prohibited motor vehicle activity and then eludes or attempts to elude a peace officer. Lastly, the bill states when and how a peace officer may, or a presiding court may issue an order to, impound, immobilize, or seize a motor vehicle involved in a prohibited motor vehicle activity.

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

2           **SECTION 1.** In Colorado Revised Statutes, 42-4-1105, **amend**  
3 (2) and (5)(a); **repeal** (1), (3), and (5)(d); **add** (2.1); and **add with**  
4 **amended and relocated provisions** (1.1) as follows:

5           **42-4-1105. Racing - drag racing - street takeovers - stunt**  
6 **driving - immobilization, impounding, or seizure of motor vehicle -**  
7 **penalties - definitions.**

8           (1) (a) ~~Except as otherwise provided in subsection (4) of this~~  
9 ~~section, it is unlawful for a person to knowingly engage in a speed contest~~  
10 ~~on a highway.~~

11           (b) ~~For purposes of this section, "speed contest" means the~~  
12 ~~operation of one or more motor vehicles to conduct a race or a time trial;~~

1 including but not limited to rapid acceleration, exceeding reasonable and  
2 prudent speeds for highways and existing traffic conditions, vying for  
3 position, or performing one or more lane changes in an attempt to gain  
4 advantage over one or more of the other race participants.

5 (c) ~~A person who violates any provision of this subsection (1)~~  
6 ~~commits a class 1 misdemeanor traffic offense.~~

7 (1.1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
8 REQUIRES:

9 (a) "BURNOUT" MEANS A MANEUVER PERFORMED BY A DRIVER OF  
10 A MOTOR VEHICLE WHEREBY THE MOTOR VEHICLE IS KEPT STATIONARY,  
11 OR IS IN MOTION, WHILE THE WHEELS ARE SPUN IN A MANNER THAT  
12 DEFEATS FRICTION AND ALLOWS THE TIRES TO SPIN FREELY, WHICH MAY  
13 THEN LEAD TO EXCESSIVE FRICTION AND CAUSE THE TIRES TO MELT.

14 (b) "CONVICTION" HAS THE MEANING SET FORTH IN SECTION  
15 18-1.3-602 (2).

16 (c) "COORDINATED STREET TAKEOVER" MEANS FIVE OR MORE  
17 MOTOR VEHICLES OPERATED BY DRIVERS IN AN ORGANIZED MANNER TO  
18 EFFECT A STREET TAKEOVER.

19 (d) "DOUGHNUT" MEANS A MANEUVER PERFORMED BY A DRIVER  
20 OF A MOTOR VEHICLE WHEREBY THE FRONT OR REAR OF THE MOTOR  
21 VEHICLE IS ROTATED AROUND THE OPPOSITE SET OF WHEELS IN A  
22 CONTINUOUS MOTION, WHICH MAY CAUSE:

23 (I) A CIRCULAR TIRE-MARK PATTERN OF RUBBER ON THE DRIVING  
24 SURFACE; OR

25 (II) THE TIRES OF THE MOTOR VEHICLE TO HEAT UP AND EMIT  
26 SMOKE.

27 (e) "DRAG RACE" MEANS THE OPERATION OF TWO OR MORE MOTOR

1 VEHICLES BY DRIVERS WHO DRIVE:

2 (I) SIDE-BY-SIDE AT ACCELERATING SPEEDS IN A COMPETITIVE  
3 ATTEMPT TO ACCELERATE FASTER OR OUTDISTANCE EACH OTHER; OR

4 (II) OVER A COMMON OR SELECTED COURSE FOR THE PURPOSE OF  
5 COMPARING THE RELATIVE SPEED OR POWER OF ACCELERATION OF THE  
6 MOTOR VEHICLE OR MOTOR VEHICLES WITHIN A CERTAIN DISTANCE OR  
7 TIME LIMIT.

8 (f) (I) "DRIFTING" OR "DRIFT" MEANS A MANEUVER PERFORMED BY  
9 A DRIVER OF A MOTOR VEHICLE, AS PART OF A STREET TAKEOVER OR FOR  
10 EXHIBITION, STUNT, OR PERFORMATIVE REASONS, WHEREBY THE DRIVER  
11 INDUCES AND MAINTAINS AN OVERSTEERING ACTION TO CAUSE THE REAR  
12 WHEELS OF THE MOTOR VEHICLE TO LOSE TRACTION WITH THE DRIVING  
13 SURFACE AND THE MOTOR VEHICLE TO SLIDE SIDEWAYS IN A CONTROLLED  
14 TURN OR ARC WITH THE FRONT WHEELS TURNED IN THE OPPOSITE  
15 DIRECTION OF THE TURN OR ARC.

16 (II) "DRIFTING" OR "DRIFT" DOES NOT INCLUDE A CORRECTIVE  
17 ACTION TAKEN BY A DRIVER TO REGAIN CONTROL OF A MOTOR VEHICLE  
18 AFTER AN UNINTENDED LOSS OF CONTROL OR TRACTION CAUSED BY ROAD  
19 CONDITIONS, WEATHER, OR AN EMERGENCY.

20 (g) [Formerly 42-4-1105 (5)(d)] ~~For purposes of this section,~~  
21 "Immobilization device" means a device locked into place over a wheel  
22 of a motor vehicle that prevents the motor vehicle from being moved.  
23 "Immobilization device" includes but is not limited to a device commonly  
24 referred to as a "traffic boot" or "boot".

25 (h) (I) "MOTOR VEHICLE" HAS THE MEANING SET FORTH IN SECTION  
26 42-1-102 (58).

27 (II) "MOTOR VEHICLE" INCLUDES A MOTORCYCLE, AUTOCYCLE,

1 MOPED, ALL-TERRAIN VEHICLE, OFF-ROAD VEHICLE, OR VEHICLE NOT  
2 LICENSED TO OPERATE ON A HIGHWAY OR ROADWAY.

3 (i) (I) "RACE" MEANS A SPEED OR ACCELERATION CONTEST,  
4 COMPETITION, OR EXHIBITION ON A PUBLIC HIGHWAY OR ROADWAY THAT  
5 INVOLVES TWO OR MORE DRIVERS OF MOTOR VEHICLES WHO ATTEMPT TO  
6 OUTDISTANCE ONE ANOTHER OR OTHERWISE ACHIEVE SUPERIORITY AND  
7 THEREBY DRIVE AT AN UNSAFE OR EXCESSIVE SPEED.

8 (II) A RACE MAY:

9 (A) BE PREARRANGED BY A DRIVER OR OTHER INDIVIDUAL;

10 (B) OCCUR AS THE RESULT OF A SPONTANEOUS COMPETITIVE  
11 CHALLENGE AND RESPONSE MADE BY ONE OR MORE DRIVERS THAT, UNDER  
12 THE CIRCUMSTANCES, CAN REASONABLY BE INTERPRETED AS A  
13 CHALLENGE OR AGREEMENT TO RACE; OR

14 (C) OCCUR AS PART OF A STREET TAKEOVER OR A COORDINATED  
15 STREET TAKEOVER.

16 (j) (I) "SPECTATOR" MEANS AN INDIVIDUAL WHO KNOWINGLY AND  
17 VOLUNTARILY ATTENDS OR REMAINS PRESENT AT A RACE, DRAG RACE,  
18 STREET TAKEOVER, OR COORDINATED STREET TAKEOVER ON A PUBLIC  
19 HIGHWAY OR ROADWAY FOR THE PURPOSE OF VIEWING, ENCOURAGING, OR  
20 OTHERWISE PARTICIPATING IN THE EVENT, WHEN THE INDIVIDUAL'S  
21 PRESENCE IS THE RESULT OF AN AFFIRMATIVE CHOICE TO SUPPORT OR  
22 ENGAGE WITH THE RACE, DRAG RACE, STREET TAKEOVER, OR  
23 COORDINATED STREET TAKEOVER AND IS NOT MERELY THE RESULT OF  
24 INCIDENTAL LAWFUL PRESENCE IN THE AREA.

25 (II) FOR THE PURPOSE OF DETERMINING WHETHER AN INDIVIDUAL  
26 IS A SPECTATOR, A FINDER OF FACT MAY CONSIDER:

27 (A) THE RELATIONSHIP BETWEEN THE INDIVIDUAL AND A DRIVER

1 PARTICIPATING IN THE RACE, DRAG RACE, STREET TAKEOVER, OR  
2 COORDINATED STREET TAKEOVER;

3 (B) WHETHER THE INDIVIDUAL IS ENGAGED IN GAMBLING OR  
4 BETTING ON THE OUTCOME OF THE RACE, DRAG RACE, STREET TAKEOVER,  
5 OR COORDINATED STREET TAKEOVER;

6 (C) THAT THE INDIVIDUAL PHOTOGRAPHED, FILMED, OR RECORDED  
7 THE EVENT AND WHETHER THE INDIVIDUAL POSTED THE CONTENT TO  
8 SOCIAL MEDIA; AND

9 (D) ANY OTHER EVIDENCE THAT MAY SHOW THAT THE INDIVIDUAL  
10 AFFIRMATIVELY AND KNOWINGLY CHOSE TO ATTEND, VIEW, OR  
11 PARTICIPATE IN THE RACE, DRAG RACE, STREET TAKEOVER, OR  
12 COORDINATED STREET TAKEOVER.

13 (k) "STREET TAKEOVER" MEANS THE INTENTIONAL ACT BY ONE OR  
14 MORE DRIVERS OF MOTOR VEHICLES TO OCCUPY OR BLOCK AN OPEN  
15 PUBLIC HIGHWAY OR ROADWAY FOR THE PURPOSE OF CONDUCTING A  
16 RACE, A DRAG RACE, STUNT DRIVING, OR ANOTHER MOTOR VEHICLE  
17 PERFORMANCE, CONTEST, EXHIBITION, OR DISPLAY, AND WHICH ACT  
18 THEREBY SLOWS, STOPS, OR OTHERWISE IMPEDES THE NORMAL MOVEMENT  
19 OF OTHER MOTOR VEHICLES.

20 (l) "STUNT DRIVING" MEANS TO, ON A HIGHWAY OR ROADWAY OR  
21 AS PART OF A STREET TAKEOVER, PERFORM OR ENGAGE IN:

22 (I) A BURNOUT;

23 (II) A DOUGHNUT;

24 (III) DRIFTING; OR

25 (IV) A WHEELIE.

26 (m) "WHEELIE" MEANS A MANEUVER PERFORMED BY A DRIVER OF  
27 A MOTOR VEHICLE WHEREBY THE DRIVER INTENTIONALLY CAUSES ONE OR

1 MORE WHEELS, IN ANY COMBINATION OF FRONT, REAR, OR SIDE WHEELS,  
2 TO BE RAISED OFF OF THE DRIVING SURFACE WHILE DRIVING.

3 (2) (a) Except as otherwise provided in subsection (4) of this  
4 section, ~~it is unlawful for a person to knowingly engage in a speed~~  
5 ~~exhibition on a highway.~~ A PERSON SHALL NOT:

6 (I) INTENTIONALLY DRIVE A MOTOR VEHICLE IN A STREET  
7 TAKEOVER, A COORDINATED STREET TAKEOVER, OR A RACE OR DRAG RACE  
8 ON A HIGHWAY OR ROADWAY;

9 (II) INTENTIONALLY STUNT DRIVE ON A HIGHWAY OR ROADWAY;

10 (III) COORDINATE, FACILITATE, COLLECT MONEY FOR, OR  
11 PARTICIPATE IN, IN ANY MANNER, AN EVENT THE PERSON SHOULD  
12 REASONABLY KNOW IS A STREET TAKEOVER, A COORDINATED STREET  
13 TAKEOVER, A RACE OR DRAG RACE, OR STUNT DRIVING;

14 (IV) RIDE AS A PASSENGER IN A MOTOR VEHICLE THE PERSON  
15 SHOULD REASONABLY KNOW, WHEN THE PERSON MAKES THE DECISION TO  
16 RIDE AS A PASSENGER, IS PARTICIPATING IN A STREET TAKEOVER, A  
17 COORDINATED STREET TAKEOVER, A RACE OR DRAG RACE, OR STUNT  
18 DRIVING;

19 (V) INTENTIONALLY CAUSE THE MOVEMENT OF TRAFFIC,  
20 INCLUDING PEDESTRIAN TRAFFIC, TO SLOW, STOP, OR BE IMPEDED IN ANY  
21 WAY BECAUSE OF A STREET TAKEOVER, A COORDINATED STREET  
22 TAKEOVER, A RACE OR DRAG RACE, OR STUNT DRIVING; OR

23 (VI) DRIVE A MOTOR VEHICLE FOR THE PURPOSE OF PROVIDING  
24 FUEL FOR A MOTOR VEHICLE THE PERSON SHOULD REASONABLY KNOW IS  
25 INVOLVED IN A STREET TAKEOVER, A COORDINATED STREET TAKEOVER, A  
26 RACE OR DRAG RACE, OR STUNT DRIVING.

27 (b) ~~For purposes of this section, "speed exhibition" means the~~

1 ~~operation of a motor vehicle to present a display of speed or power.~~  
2 ~~"Speed exhibition" includes, but is not limited to, squealing the tires of a~~  
3 ~~motor vehicle while it is stationary or in motion, rapid acceleration, rapid~~  
4 ~~swerving or weaving in and out of traffic, producing smoke from tire~~  
5 ~~slippage, or leaving visible tire acceleration marks on the surface of the~~  
6 ~~highway or ground.~~

7 (c) EXCEPT AS PROVIDED IN SUBSECTION (2)(d) OF THIS SECTION,  
8 a person ~~who violates any provision of this subsection (2)~~ THAT VIOLATES  
9 SUBSECTION (2)(a) OF THIS SECTION commits ~~a class 2 misdemeanor~~  
10 ~~traffic offense~~ AN UNLAWFUL EXHIBITION OF RACING OR STUNT DRIVING.  
11 UNLAWFUL EXHIBITION OF RACING OR STUNT DRIVING IS A CLASS 1  
12 MISDEMEANOR TRAFFIC OFFENSE AND, UPON CONVICTION, SHALL BE  
13 PUNISHED AS PROVIDED IN SECTION 42-4-1701 (3)(a)(II), AND THE  
14 EXECUTIVE DIRECTOR OF THE DEPARTMENT SHALL REVOKE THE PERSON'S  
15 DRIVER'S LICENSE IN ACCORDANCE WITH SECTION 42-2-127 FOR UP TO ONE  
16 YEAR; EXCEPT THAT:

17 (I) A SECOND VIOLATION WITHIN ONE YEAR AFTER THE DATE OF  
18 THE FIRST VIOLATION THAT RESULTED IN A CONVICTION IS A CLASS 6  
19 FELONY AND, UPON CONVICTION, SHALL BE PUNISHED AS PROVIDED IN  
20 SECTION 18-1.3-401, AND THE EXECUTIVE DIRECTOR OF THE DEPARTMENT  
21 SHALL REVOKE THE PERSON'S DRIVER'S LICENSE IN ACCORDANCE WITH  
22 SECTION 42-2-127 FOR UP TO AN ADDITIONAL TWO YEARS; AND

23 (II) A THIRD OR SUBSEQUENT VIOLATION WITHIN A FIVE-YEAR  
24 PERIOD IS A CLASS 5 FELONY AND, UPON CONVICTION, SHALL BE PUNISHED  
25 AS PROVIDED IN SECTION 18-1.3-401, AND THE EXECUTIVE DIRECTOR OF  
26 THE DEPARTMENT SHALL REVOKE THE PERSON'S DRIVER'S LICENSE IN  
27 ACCORDANCE WITH SECTION 42-2-127 FOR UP TO AN ADDITIONAL THREE

1 YEARS.

2 (d) (I) A PERSON THAT VIOLATES SUBSECTION (2)(a)(I), (2)(a)(II),  
3 (2)(a)(V), OR (2)(a)(VI) OF THIS SECTION WHILE ENGAGED IN A  
4 COORDINATED STREET TAKEOVER COMMITS AN UNLAWFUL COORDINATED  
5 STREET TAKEOVER. UNLAWFUL COORDINATED STREET TAKEOVER IS A  
6 CLASS 6 FELONY AND, UPON CONVICTION, SHALL BE PUNISHED AS  
7 PROVIDED IN SECTION 18-1.3-401; EXCEPT THAT THE COURT SHALL IMPOSE  
8 A FINE OF NOT LESS THAN TWO THOUSAND FIVE HUNDRED DOLLARS AND  
9 NOT MORE THAN FOUR THOUSAND DOLLARS, AND THE EXECUTIVE  
10 DIRECTOR OF THE DEPARTMENT SHALL REVOKE THE PERSON'S DRIVER'S  
11 LICENSE IN ACCORDANCE WITH SECTION 42-2-127 FOR UP TO TWO YEARS.

12 (II) A SECOND VIOLATION WITHIN ONE YEAR AFTER THE DATE OF  
13 THE FIRST VIOLATION THAT RESULTED IN A CONVICTION IS A CLASS 6  
14 FELONY IF BOTH VIOLATIONS ARE UNLAWFUL COORDINATED STREET  
15 TAKEOVERS AS DESCRIBED IN SUBSECTION (2)(d)(I) OF THIS SECTION AND,  
16 UPON CONVICTION, SHALL BE PUNISHED AS PROVIDED IN SECTION  
17 18-1.3-401; EXCEPT THAT THE COURT SHALL IMPOSE A FINE OF NOT LESS  
18 THAN THREE THOUSAND FIVE HUNDRED DOLLARS AND NOT MORE THAN  
19 FIVE THOUSAND DOLLARS, AND THE EXECUTIVE DIRECTOR OF THE  
20 DEPARTMENT SHALL REVOKE THE PERSON'S DRIVER'S LICENSE IN  
21 ACCORDANCE WITH SECTION 42-2-127 FOR UP TO AN ADDITIONAL TWO  
22 YEARS.

23 (III) A THIRD OR SUBSEQUENT VIOLATION WITHIN A FIVE-YEAR  
24 PERIOD AFTER THE DATE OF THE FIRST VIOLATION IS A CLASS 5 FELONY IF  
25 ALL VIOLATIONS ARE UNLAWFUL COORDINATED STREET TAKEOVERS AS  
26 DESCRIBED IN SUBSECTION (2)(d)(I) OF THIS SECTION AND, UPON  
27 CONVICTION, SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-401;

1 EXCEPT THAT THE COURT SHALL IMPOSE A FINE OF NOT LESS THAN FOUR  
2 THOUSAND FIVE HUNDRED DOLLARS AND NOT MORE THAN SIX THOUSAND  
3 DOLLARS, AND THE EXECUTIVE DIRECTOR OF THE DEPARTMENT SHALL  
4 REVOKE THE PERSON'S DRIVER'S LICENSE IN ACCORDANCE WITH SECTION  
5 42-2-127 FOR UP TO AN ADDITIONAL THREE YEARS.

6 (e) (I) A PERSON SHALL NOT KNOWINGLY BE A SPECTATOR TO A  
7 RACE, DRAG RACE, STREET TAKEOVER, OR COORDINATED STREET  
8 TAKEOVER PROHIBITED PURSUANT TO THIS SECTION.

9 (II) A PERSON THAT VIOLATES SUBSECTION (2)(e)(I) OF THIS  
10 SECTION COMMITS A CLASS B TRAFFIC INFRACTION AND SHALL BE SUBJECT  
11 TO PENALTIES AS PROVIDED IN SECTION 42-4-1701 (3)(a).

12 (2.1) (a) IN ACCORDANCE WITH SECTION 16-3-102 (1), A PEACE  
13 OFFICER MAY ARREST AND TAKE INTO CUSTODY A PERSON THAT VIOLATES  
14 SUBSECTION (2)(a) OF THIS SECTION.

15 (b) WHEN A COURT HEARS A CASE IN WHICH A PERSON IS CHARGED  
16 WITH A VIOLATION OF SUBSECTION (2)(a) OF THIS SECTION:

17 (I) THE ARRESTING OFFICER OR PROSECUTOR SHALL PROVIDE THE  
18 COURT A COPY OF THE DRIVING RECORD OF THE PERSON CHARGED; AND

19 (II) THE COURT SHALL OBTAIN ANY RECORDS NECESSARY TO  
20 DETERMINE IF THE PERSON CHARGED HAS ONE OR MORE PRIOR  
21 CONVICTIONS FOR VIOLATING SUBSECTION (2)(a) OF THIS SECTION.

22 (c) (I) A COURT THAT HEARS A CASE IN WHICH A PERSON IS  
23 CHARGED WITH A VIOLATION OF SUBSECTION (2)(a) OF THIS SECTION MAY  
24 ENTER AN ORDER OF IMPOUNDMENT OR IMMOBILIZATION OF THE MOTOR  
25 VEHICLE THE PERSON WAS DRIVING DURING THE VIOLATION AS PART OF  
26 SENTENCING THE PERSON TO INCARCERATION OR AS A CONDITION OF  
27 PROBATION.

1           (II) WITHIN SEVEN BUSINESS DAYS AFTER THE DATE THE COURT  
2 ISSUES AN ORDER OF IMPOUNDMENT OR IMMOBILIZATION PURSUANT TO  
3 SUBSECTION (2.1)(c)(I) OF THIS SECTION, THE CLERK OF THE COURT SHALL  
4 SEND NOTICE OF THE ORDER BY CERTIFIED MAIL WITH RETURN RECEIPT  
5 REQUESTED TO:

6           (A) THE REGISTERED OWNER OF THE MOTOR VEHICLE IF THE  
7 REGISTERED OWNER IS NOT THE PERSON THAT WAS ARRESTED; AND

8           (B) A PERSON OF RECORD CLAIMING A LIEN AGAINST THE MOTOR  
9 VEHICLE.

10          (III) (A) AN IMPOUNDING AGENCY SHALL RELEASE A MOTOR  
11 VEHICLE THAT WAS IMPOUNDED OR IMMOBILIZED PURSUANT TO  
12 SUBSECTION (2.1)(c)(I) OF THIS SECTION TO THE OWNER OR PERSON  
13 ENTITLED TO POSSESSION UNDER THE CONDITIONS SET FORTH IN SECTION  
14 42-13-106.

15          (B) UNLESS THE COURT DISMISSES THE ORDER OF IMPOUNDMENT  
16 OR IMMOBILIZATION, ALL COSTS AND FEES ASSOCIATED WITH THE  
17 IMPOUNDMENT OR IMMOBILIZATION ORDERED PURSUANT TO SUBSECTION  
18 (2.1)(c)(I) OF THIS SECTION, INCLUDING THE COST OF THE NOTICE, SHALL  
19 BE PAID BY THE PERSON CHARGED PURSUANT TO THIS SECTION.

20          (d) NOTWITHSTANDING SUBSECTION (2.1)(c) OF THIS SECTION, IF  
21 A PEACE OFFICER ARRESTS AND TAKES INTO CUSTODY A PERSON DRIVING  
22 A MOTOR VEHICLE IN VIOLATION OF SUBSECTION (2)(a) OF THIS SECTION,  
23 THE MOTOR VEHICLE MAY BE IMPOUNDED IMMEDIATELY TO STORE THE  
24 VEHICLE AS EVIDENCE OR TO BEGIN ASSET FORFEITURE PROCEEDINGS AS  
25 PERMITTED BY LAW.

26          (e) A MOTOR VEHICLE USED IN VIOLATION OF SUBSECTION (2)(a)  
27 OF THIS SECTION MAY BE IMPOUNDED FOR SAFEKEEPING, AS EVIDENCE, OR

1 FOR ASSET FORFEITURE IF:

2 (I) THE OWNER OF THE MOTOR VEHICLE CANNOT BE VERIFIED; OR

3 (II) THE MOTOR VEHICLE IS NOT REGISTERED WITH THE  
4 DEPARTMENT.

5 ~~(3) (a) Except as otherwise provided in subsection (4) of this~~  
6 ~~section, a person shall not, for the purpose of facilitating or aiding or as~~  
7 ~~an incident to any speed contest or speed exhibition upon a highway, in~~  
8 ~~any manner obstruct or place a barricade or obstruction, or assist or~~  
9 ~~participate in placing any such barricade or obstruction, upon a highway.~~

10 ~~(b) A person who violates any provision of this subsection (3)~~  
11 ~~commits, pursuant to section 42-4-1703, the offense that the person aided~~  
12 ~~in or facilitated the commission of. Nothing in this subsection (3) shall be~~  
13 ~~construed to preclude charging a person under section 42-4-1703 for~~  
14 ~~otherwise being a party to the crime of engaging in a speed contest or~~  
15 ~~engaging in a speed exhibition.~~

16 (5) (a) In addition to a sentence imposed pursuant to this section  
17 or pursuant to any other provision of law:

18 (I) Upon the second conviction for an offense specified in  
19 subsection ~~(1) or (2)~~ **(2)(a)** of this section, or any other crime, the  
20 underlying factual basis of which has been found by the court to include  
21 an act of operating a motor vehicle in violation of subsection ~~(1) or (2)~~  
22 **(2)(a)** of this section, the court may, in its discretion, order the primary  
23 law enforcement agency involved with the case to place an  
24 immobilization device on the motor vehicle or motor vehicles so operated  
25 for a period of up to fourteen days.

26 (II) (A) ~~Upon the third or subsequent conviction for an offense~~  
27 ~~specified in subsection (1) or (2) of this section, or any other crime, the~~

1 ~~underlying factual basis of which has been found by the court to include~~  
2 ~~an act of operating a motor vehicle in violation of subsection (1) or (2) of~~  
3 ~~this section, the court may, in its discretion, order the primary law~~  
4 ~~enforcement agency involved with the case to place an immobilization~~  
5 ~~device on the motor vehicle or motor vehicles so operated for a period of~~  
6 ~~up to thirty days but more than fourteen days~~ A MOTOR VEHICLE MAY BE  
7 SUBJECT TO THE PROCEDURES APPLIED TO SEIZED PROPERTY SET FORTH IN  
8 SECTIONS 16-13-505 TO 16-13-510 IF THE MOTOR VEHICLE IS USED IN  
9 VIOLATION OF SUBSECTION (2)(a) OF THIS SECTION BY A PERSON THAT HAS  
10 TWO OR MORE PRIOR CONVICTIONS FOR VIOLATIONS OF SUBSECTION (2)(a)  
11 OF THIS SECTION WITHIN THE FIVE YEARS BEFORE THE VIOLATION THAT  
12 RESULTED IN A CONVICTION.

13 (B) SUBSECTION (5)(a)(II)(A) OF THIS SECTION APPLIES TO A  
14 PERSON CONVICTED OF THE VIOLATIONS OF SUBSECTION (2)(a) OF THIS  
15 SECTION WITHIN THE FIVE YEARS BEFORE THE VIOLATION THAT RESULTED  
16 IN A CONVICTION ONLY IF THE PERSON IS THE REGISTERED OWNER OF THE  
17 MOTOR VEHICLE TO BE SEIZED.

18 (d) ~~For purposes of this section, "immobilization device" means~~  
19 ~~a device locked into place over a wheel of a motor vehicle that prevents~~  
20 ~~the motor vehicle from being moved. "Immobilization device" includes~~  
21 ~~but is not limited to a device commonly referred to as a "traffic boot" or~~  
22 ~~"boot".~~

23 **SECTION 2.** In Colorado Revised Statutes, 42-2-127, **amend**  
24 (5)(c) as follows:

25 **42-2-127. Authority to suspend license - to deny license - type**  
26 **of conviction - points.**

27 (5) Point system schedule:

1	<b>Type of conviction</b>	<b>Points</b>
2	(c) (I) <del>Engaging in a speed contest in violation of section</del>	
3	<del>42-4-1105 (1) INTENTIONALLY DRIVING A MOTOR VEHICLE IN A STREET</del>	
4	<del>TAKEOVER, A COORDINATED STREET TAKEOVER, OR A RACE OR DRAG RACE</del>	
5	<del>IN VIOLATION OF SECTION 42-4-1105 (2)(a)(I) . . . . .</del>	12
6	(II) <del>Aiding or facilitating engaging in a speed contest in violation</del>	
7	<del>of section 42-4-1105 (3) INTENTIONALLY STUNT DRIVING IN VIOLATION OF</del>	
8	<del>SECTION 42-4-1105 (2)(a)(II) . . . . .</del>	12
9	(III) <del>Engaging in a speed exhibition in violation of section</del>	
10	<del>42-4-1105 (2) . . . . .</del>	5
11	(IV) <del>Aiding or facilitating engaging in a speed exhibition in</del>	
12	<del>violation of section 42-4-1105 (3) DRIVING A MOTOR VEHICLE FOR THE</del>	
13	<del>PURPOSE OF PROVIDING FUEL FOR A MOTOR VEHICLE THE PERSON SHOULD</del>	
14	<del>REASONABLY KNOW IS INVOLVED IN A STREET TAKEOVER, A COORDINATED</del>	
15	<del>STREET TAKEOVER, A RACE OR DRAG RACE, OR STUNT DRIVING IN</del>	
16	<del>VIOLATION OF SECTION 42-4-1105 (2)(a)(VI) . . . . .</del>	5 12

17           **SECTION 3.** In Colorado Revised Statutes, 18-9-116.5, **amend**  
18 (1) and (2)(a) as follows:

19           **18-9-116.5. Vehicular eluding.**

20           (1) ~~Any~~ A person who, while operating a motor vehicle,  
21 knowingly eludes or attempts to elude a peace officer also operating a  
22 motor vehicle, and who knows or reasonably should know that ~~he or she~~  
23 ~~is~~ THEY ARE being pursued by ~~said~~ A peace officer, and who operates ~~his~~  
24 ~~or her~~ THEIR vehicle in a reckless manner, commits vehicular eluding.

25           (2) (a) Vehicular eluding is a class 5 felony; except that:

26           (I) Vehicular eluding that results in bodily injury to another person  
27 is a class 4 felony; ~~and~~

1 (II) Vehicular eluding that results in death to another person is a  
2 class 3 felony; AND

3 (III) VEHICULAR ELUDING COMMITTED BY A DRIVER OF A MOTOR  
4 VEHICLE IN CONNECTION WITH OR IMMEDIATELY AFTER A VIOLATION OF  
5 SECTION 42-4-1105 (2)(a)(I), (2)(a)(II), (2)(a)(III), (2)(a)(V), OR  
6 (2)(a)(VI) IS A CLASS 4 FELONY.

7 **SECTION 4.** In Colorado Revised Statutes, 42-4-110.5, **add** (9)  
8 as follows:

9 **42-4-110.5. Automated vehicle identification systems - school**  
10 **buses - exceptions to liability - penalty - contracting - limits on use of**  
11 **photographs and video - rules - legislative declaration - definitions.**

12 (9) AN AUTOMATED VEHICLE IDENTIFICATION SYSTEM INSTALLED  
13 AND UTILIZED PURSUANT TO THIS SECTION MAY BE USED TO ASSIST IN AN  
14 INVESTIGATION TO IDENTIFY A MOTOR VEHICLE USED IN VIOLATION OF  
15 SECTION 42-4-1105.

16 **SECTION 5. Effective date - applicability.** This act takes effect  
17 June 15, 2026, and applies to offenses committed on or after said date.

18 **SECTION 6. Safety clause.** The general assembly finds,  
19 determines, and declares that this act is necessary for the immediate  
20 preservation of the public peace, health, or safety or for appropriations for  
21 the support and maintenance of the departments of the state and state  
22 institutions.