

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

**PREAMENDED**

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

LLS NO. 25-1020.02 Renee Leone x2695

**SENATE BILL 25-281**

---

**SENATE SPONSORSHIP**

**Carson and Snyder,**

**HOUSE SPONSORSHIP**

**(None),**

---

**Senate Committees**

Judiciary  
Appropriations

**House Committees**

---

**A BILL FOR AN ACT**

101 **CONCERNING CARELESS DRIVING RESULTING IN SERIOUS BODILY**  
102 **INJURY.**

---

**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>.)*

Current law states that a person who commits careless driving and thereby causes bodily injury to another commits a class 1 misdemeanor. The bill adds that, in addition to the class 1 misdemeanor, a person who commits careless driving and thereby causes serious bodily injury to another may also be subject to driver's license suspension for up to one year.

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.*

The bill increases the penalty for a person who commits careless driving and thereby causes the death of another by:

- Increasing the penalty from a class 1 misdemeanor traffic offense to a class 6 felony; and
- Adding the possibility of driver's license suspension for up to one year.

Additionally, if a person commits careless driving and thereby causes the death of more than one other person, each person killed is a separate offense.

The bill requires that, if a person commits careless driving and thereby causes the death of another, a law enforcement agent shall administer testing to determine the drug or alcohol content within the person's system. A refusal to submit to the test is evidence of a violation.

---

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

2           **SECTION 1.** In Colorado Revised Statutes, **amend** 42-2-128 as  
3 follows:

4           **42-2-128. Vehicular homicide - careless driving resulting in ==**  
5 **death - revocation or suspension of license.** (1) The department shall  
6 revoke the driver's license of any person convicted of vehicular homicide,  
7 including the driver's license of any juvenile who has been adjudicated a  
8 delinquent upon conduct which would establish the crime of vehicular  
9 homicide if committed by an adult.

10           (2) THE DEPARTMENT MAY SUSPEND FOR UP TO ONE YEAR THE  
11 DRIVER'S LICENSE OF A PERSON CONVICTED OF CARELESS DRIVING  
12 RESULTING IN THE == DEATH OF AN INDIVIDUAL IN VIOLATION OF SECTION  
13 42-4-1402 == (2)(c).

14           **SECTION 2.** In Colorado Revised Statutes, 42-4-1402, **amend**  
15 (2); and **add** (3) as follows:

16           **42-4-1402. Careless driving - penalty.** (2) (a) Except as  
17 otherwise provided in paragraphs (b) and (c) of this subsection (2), any  
18 SUBSECTION (2)(b) AND (2)(c) OF THIS SECTION, A person who violates

1 any provision of this section commits a class 2 misdemeanor traffic  
2 offense.

3 (b) (I) If the person's actions are the proximate cause of bodily  
4 injury to another, such THE person:

5 (A) Commits a class 1 misdemeanor traffic offense; AND

6 (B) RECEIVES FOUR LICENSE SUSPENSION POINTS IN ACCORDANCE  
7 WITH SECTION 42-2-127 (5)(e).

8 (II) IF THE PERSON'S ACTIONS ARE THE PROXIMATE CAUSE OF  
9 SERIOUS BODILY INJURY TO ANOTHER, AS DEFINED IN SECTION 18-1-901  
10 (3)(p), THE PERSON:

11 (A) COMMITS A CLASS 1 MISDEMEANOR TRAFFIC OFFENSE; AND

12 (B) RECEIVES EIGHT LICENSE SUSPENSION POINTS IN ACCORDANCE  
13 WITH SECTION 42-2-127 (5)(e.4).

14 (c) (I) If the person's actions are the proximate cause of death to  
15 another, such AN INDIVIDUAL, THE person commits a class 1 misdemeanor  
16 traffic offense. RECEIVES TWELVE LICENSE SUSPENSION POINTS IN  
17 ACCORDANCE WITH SECTION 42-2-127 (5)(e.5) AND IS SUBJECT TO A  
18 SUSPENSION OF THEIR DRIVER'S LICENSE FOR A PERIOD OF UP TO ONE YEAR  
19 IN ACCORDANCE WITH SECTION 42-2-127 (1)(a) AND 42-2-128 (2) AND:

20 (A) COMMITS A CLASS 1 MISDEMEANOR TRAFFIC OFFENSE UNLESS  
21 SUBSECTION (2)(c)(I)(B) OR (2)(c)(I)(C) OF THIS SECTION APPLIES;

22 (B) COMMITS A CLASS 6 FELONY IF THE PERSON HAS A PRIOR  
23 CONVICTION OF VEHICULAR HOMICIDE PURSUANT TO SECTION 18-3-106,  
24 CRIMINAL NEGLIGENT HOMICIDE PURSUANT TO SECTION 18-3-105 IN  
25 WHICH THE COMMISSION OF THE ACT INCLUDED DRIVING A MOTOR  
26 VEHICLE, VEHICULAR ASSAULT PURSUANT TO SECTION 18-3-205 (1)(b), OR  
27 CARELESS DRIVING RESULTING IN SERIOUS BODILY INJURY OR DEATH

1 PURSUANT TO SUBSECTION (2)(b)(II) OF THIS SECTION OR THIS SUBSECTION  
2 (2)(c); OR

3 (C) COMMITS A CLASS 6 FELONY IF THE PERSON IS DRIVING  
4 WITHOUT A CURRENTLY VALID DRIVER'S LICENSE, MINOR DRIVER'S  
5 LICENSE, OR INSTRUCTION PERMIT IN VIOLATION OF SECTION 42-2-101 OR  
6 WITHOUT A COMPLYING INSURANCE POLICY OR SELF-INSURANCE IN  
7 VIOLATION OF SECTION 42-4-1409 AND IF THE PERSON HAS A PRIOR  
8 CONVICTION WITHIN THE LAST FIVE YEARS OF DUI, DUI PER SE, DWAI,  
9 AGGRAVATED DRIVING WITH A REVOKED A LICENSE PURSUANT TO SECTION  
10 42-2-206 (1)(b)(I), CARELESS DRIVING RESULTING IN BODILY INJURY  
11 PURSUANT TO SUBSECTION (2)(b)(I) OF THIS SECTION, OR DRIVING WHILE  
12 THE PERSON'S DRIVER'S LICENSE WAS UNDER RESTRAINT PURSUANT TO  
13 SECTION 42-2-138 (1)(d).

14 (II) IF THE PERSON'S ACTIONS ARE THE PROXIMATE CAUSE OF  
15 DEATH TO MORE THAN ONE INDIVIDUAL, EACH PERSON KILLED IS A  
16 SEPARATE VIOLATION OF THIS SECTION.

17 (3) (a) A LAW ENFORCEMENT OFFICER INVESTIGATING  
18 WHETHER A PERSON HAS VIOLATED SUBSECTION (2)(c) OF THIS SECTION  
19 SHALL USE DILIGENCE IN DETERMINING WHETHER THERE IS PROBABLE  
20 CAUSE TO BELIEVE THE PERSON WAS DRIVING A MOTOR VEHICLE IN  
21 VIOLATION OF THE PROHIBITIONS AGAINST DUI, DUI PER SE, DWAI, OR  
22 UDD.

23 (b) IF PROBABLE CAUSE EXISTS THAT THE PERSON WAS DRIVING A  
24 MOTOR VEHICLE IN VIOLATION OF THE PROHIBITIONS AGAINST DUI, DUI  
25 PER SE, DWAI, OR UDD, THE OFFICER SHALL:

26 (I) IN ACCORDANCE WITH SECTION 42-4-1301.1, TEST THE PERSON  
27 FOR DRUGS OR ALCOHOL AS SOON AS PRACTICABLE; AND

1           (II) OBTAIN AND PRESERVE ANY RELEVANT EVIDENCE RELATED TO  
2           WHETHER THE DRIVER IS IMPAIRED BY ALCOHOL OR DRUGS WHEN THE  
3           OFFICER HAS PROBABLE CAUSE TO BELIEVE THE PERSON WAS DRIVING A  
4           MOTOR VEHICLE IN VIOLATION OF THE PROHIBITIONS AGAINST DUI, DUI  
5           PER SE, DWAI, OR UDD. \_\_\_

6           **SECTION 3.** In Colorado Revised Statutes, 42-4-1301.1, **amend**  
7           (1) as follows:

8           **42-4-1301.1. Expressed consent for the taking of blood, breath,**  
9           **urine, or saliva sample - testing - fund - rules - repeal.** (1) ~~Any~~ A  
10          person who drives ~~any~~ A motor vehicle upon the streets and highways and  
11          elsewhere throughout this state ~~shall be~~ IS deemed to have expressed ~~such~~  
12          ~~person's~~ THEIR consent to ~~the provisions of~~ this section AND SECTION  
13          42-4-1402 (3).

14          **SECTION 4.** In Colorado Revised Statutes, 42-2-127, **add**  
15          (5)(e.4) as follows:

16          **42-2-127. Authority to suspend license - to deny license - type**  
17          **of conviction - points.** (5) Point system schedule:

Type of conviction	Points
<u>(e.4) CARELESS DRIVING RESULTING IN SERIOUS BODILY</u>	
<u>INJURY . . . . .</u>	<u>8</u>

21          **SECTION 5.** In Colorado Revised Statutes, 24-4.1-302, **amend**  
22          (1)(cc.5) as follows:

23          24-4.1-302. Definitions. As used in this part 3, and for no other  
24          purpose, including the expansion of the rights of any defendant:

25          (1) "Crime" means any of the following offenses, acts, and  
26          violations as defined by the statutes of the state of Colorado, whether  
27          committed by an adult or a juvenile:

1           (cc.5) Careless driving, in violation of section 42-4-1402 (2)(b)(II)  
2           OR (2)(c), C.R.S., that results in the SERIOUS BODILY INJURY OR death of  
3           another person;

4           SECTION 6. Act subject to petition - effective date -  
5           applicability. (1) This act takes effect April 1, 2027; except that, if a  
6           referendum petition is filed pursuant to section 1 (3) of article V of the  
7           state constitution against this act or an item, section, or part of this act  
8           within the ninety-day period after final adjournment of the general  
9           assembly, then the act, item, section, or part will not take effect unless  
10           approved by the people at the general election to be held in November  
11           2026 and, in such case, will take effect April 1, 2027, or on the date of the  
12           official declaration of the vote thereon by the governor, whichever is  
13           later.

14           (2) This act applies to offenses committed on or after the  
15           applicable effective date of this act.