

SENATE COMMITTEE OF REFERENCE REPORT

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Chair of Committee

February 15, 2023  
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

SB23-028 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the consent calendar:

1 Amend printed bill, page 2, strike lines 4 through 12 and substitute:

2           **"42-2-404. Commercial driver's license - limitations - rules -**  
3 **penalty.** (3) (a) In addition to any applicable federal penalty concerning  
4 commercial motor vehicle operators, any person who violates subsection  
5 (1) or (2) of this section, or any rule or regulation promulgated by the  
6 department pursuant to this part 4, is guilty of a ~~class A traffic infraction~~  
7 ~~and, upon conviction thereof, shall be punished by a fine of not less than~~  
8 ~~twenty-five dollars nor more than one thousand dollars, or by~~  
9 ~~imprisonment in the county jail for not more than one year, or by both~~  
10 ~~such fine and imprisonment~~ CLASS 1 MISDEMEANOR TRAFFIC OFFENSE.

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

19 Page 2, strike lines 13 through 23.

20 Strike page 3.

21 Renumber succeeding sections accordingly.

