

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

INTRODUCED

LLS NO. 19-0950.01 Jacob Baus x2173

SENATE BILL 19-175

SENATE SPONSORSHIP

Foote,

HOUSE SPONSORSHIP

Roberts,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE PENALTIES IMPOSED ON THE DRIVER OF A MOTOR**
102 **VEHICLE WHO CAUSES SERIOUS BODILY INJURY TO A**
103 **VULNERABLE ROAD USER.**

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 it a class 1 traffic misdemeanor when careless driving of a motor vehicle causes serious bodily injury to a vulnerable road user. The bill allows the court to require the violator to attend a driver improvement course, and to require the violator to perform useful public service. The bill also subjects a violator to a restitution order and

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

a license suspension of one year. However, the department of revenue shall consider whether to issue a restricted license to a person convicted of careless driving of a motor vehicle that causes serious bodily injury to a vulnerable road user if the person is required to drive a motor vehicle to and from his or her place of employment or to perform duties within the course of his or her employment.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 42-2-128.5 as
3 follows:

4 **42-2-128.5. Serious bodily injury to a vulnerable road user -**
5 **suspension of license.** (1) THE DEPARTMENT SHALL SUSPEND THE
6 DRIVER'S LICENSE OF A PERSON CONVICTED OF SECTION 42-4-1402.5 FOR
7 ONE YEAR.

8 (2) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, THE
9 DEPARTMENT SHALL CONSIDER WHETHER TO ISSUE A RESTRICTED LICENSE,
10 PURSUANT TO SECTION 42-2-116, TO A PERSON CONVICTED OF SECTION
11 42-4-1402.5 IF THE PERSON IS REQUIRED TO DRIVE A MOTOR VEHICLE TO
12 AND FROM HIS OR HER PLACE OF EMPLOYMENT OR TO PERFORM DUTIES
13 WITHIN THE COURSE OF HIS OR HER EMPLOYMENT.

14 **SECTION 2.** In Colorado Revised Statutes, **add** 42-4-1402.5 as
15 follows:

16 **42-4-1402.5. Vulnerable road user - prohibition - violations**
17 **and penalties - definition.** (1) **Definition.** AS USED IN THIS SECTION,
18 UNLESS THE CONTEXT OTHERWISE REQUIRES, "VULNERABLE ROAD USER"
19 MEANS:

- 20 (a) A PEDESTRIAN;
- 21 (b) A PERSON ENGAGED IN WORK UPON A ROADWAY OR UPON
22 UTILITY FACILITIES ALONG A ROADWAY;

1 (c) A PERSON PROVIDING EMERGENCY SERVICES WITHIN A
2 RIGHT-OF-WAY;

3 (d) A PEACE OFFICER WHO IS OUTSIDE A MOTOR VEHICLE AND
4 PERFORMING THE PEACE OFFICER'S DUTIES IN A RIGHT-OF-WAY;

5 (e) A PERSON RIDING OR LEADING AN ANIMAL; OR

6 (f) A PERSON LAWFULLY USING ANY OF THE FOLLOWING ON A
7 PUBLIC RIGHT-OF-WAY, CROSSWALK, OR SHOULDER OF THE ROADWAY:

8 (I) A BICYCLE, ELECTRICAL ASSISTED BICYCLE, TRICYCLE, OR
9 OTHER PEDAL-POWERED VEHICLE;

10 (II) A FARM TRACTOR OR SIMILAR VEHICLE DESIGNED PRIMARILY
11 FOR FARM USE;

12 (III) A SKATEBOARD;

13 (IV) ROLLER SKATES;

14 (V) IN-LINE SKATES;

15 (VI) A SCOOTER;

16 (VII) A MOPED;

17 (VIII) A MOTORCYCLE;

18 (IX) AN ANIMAL-DRAWN, WHEELED VEHICLE;

19 (X) FARM EQUIPMENT;

20 (XI) A SLED;

21 (XII) AN ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE;

22 (XIII) A WHEELCHAIR;

23 (XIV) A BABY STROLLER; OR

24 (XV) A NONMOTORIZED PULL WAGON.

25 (2) **Prohibition.** A PERSON WHO DRIVES A MOTOR VEHICLE IN
26 VIOLATION OF SECTION 42-4-1402 AND WHO CAUSES SERIOUS BODILY
27 INJURY, AS DEFINED IN SECTION 42-4-1601 (4)(b), TO A VULNERABLE

1 ROAD USER COMMITS INFLICTION OF SERIOUS BODILY INJURY TO A
2 VULNERABLE ROAD USER.

3 (3) **Violations and penalties.** (a) INFLICTION OF SERIOUS BODILY
4 INJURY TO A VULNERABLE ROAD USER IS A CLASS 1 TRAFFIC
5 MISDEMEANOR.

6 (b) IN ADDITION TO THE PENALTIES IMPOSED IN SUBSECTIONS (3)(a)
7 AND (3)(c) OF THIS SECTION, THE COURT MAY ORDER THE VIOLATOR TO:

8 (I) ATTEND A DRIVER IMPROVEMENT COURSE IN ACCORDANCE
9 WITH SECTION 42-4-1717; AND

10 (II) PERFORM USEFUL PUBLIC SERVICE FOR A NUMBER OF HOURS,
11 WHICH MUST NOT EXCEED THREE HUNDRED TWENTY HOURS, TO BE
12 DETERMINED BY THE COURT IN ACCORDANCE WITH SECTION 18-1.3-507.

13 (c) IN ADDITION TO THE PENALTIES IMPOSED IN SUBSECTIONS (3)(a)
14 AND (3)(b) OF THIS SECTION, A PERSON WHO IS CONVICTED OF VIOLATING
15 THIS SECTION IS SUBJECT TO:

16 (I) LICENSE SUSPENSION IN ACCORDANCE WITH SECTION
17 42-2-128.5; AND

18 (II) AN ORDER OF RESTITUTION UNDER PART 6 OF ARTICLE 1.3 OF
19 TITLE 18.

20 **SECTION 3.** In Colorado Revised Statutes, 42-4-1601, **amend**
21 (4) introductory portion as follows:

22 **42-4-1601. Accidents involving death or personal injuries -**
23 **duties.** (4) As used in this section and sections ~~42-4-1603~~ and ~~42-4-1606~~
24 42-4-1402.5, 42-4-1603, AND 42-4-1606:

25 **SECTION 4. Applicability.** This act applies to offenses
26 committed on or after the effective date of this act.

27 **SECTION 5. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.