

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 21-0562.01 Jacob Baus x2173

HOUSE BILL 21-1039

HOUSE SPONSORSHIP

Larson and Titone,

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

Senate 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 ANOTHER
103 PERSON.

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 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 changes serious bodily injury to a vulnerable road user to serious bodily injury to anyone.

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.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-2-127, **amend**
3 (5)(e.7) as follows:

4 **42-2-127. Authority to suspend license - to deny license - type**
5 **of conviction - points.** (5) Point system schedule:

6 Type of conviction	Points
7 (e.7) CARELESS DRIVING RESULTING IN serious	
8 bodily injury to a vulnerable road user	12

9 **SECTION 2.** In Colorado Revised Statutes, **amend** 42-4-1402.5
10 as follows:

11 **42-4-1402.5. Careless driving resulting in serious bodily injury**
12 **- prohibition - violations and penalties.** ~~(1) **Definition.** As used in this~~
13 ~~section, unless the context otherwise requires, "vulnerable road user"~~
14 ~~means:~~

- 15 ~~(a) A pedestrian;~~
- 16 ~~(b) A person engaged in work upon a roadway or upon utility~~
17 ~~facilities along a roadway;~~
- 18 ~~(c) A person providing emergency services within a right-of-way;~~
- 19 ~~(d) A peace officer who is outside a motor vehicle and performing~~
20 ~~the peace officer's duties in a right-of-way;~~
- 21 ~~(e) A person riding or leading an animal; or~~
- 22 ~~(f) A person lawfully using any of the following on a public~~
23 ~~right-of-way, crosswalk, or shoulder of the roadway:~~
 - 24 ~~(I) A bicycle, electrical assisted bicycle, tricycle, or other~~
25 ~~pedal-powered vehicle;~~
 - 26 ~~(II) A farm tractor or similar vehicle designed primarily for farm~~

1 use;

2 ~~(III) A skateboard;~~

3 ~~(IV) Roller skates;~~

4 ~~(V) In-line skates;~~

5 ~~(VI) A scooter;~~

6 ~~(VII) A moped;~~

7 ~~(VIII) A motorcycle;~~

8 ~~(IX) An off-highway vehicle;~~

9 ~~(X) An animal-drawn, wheeled vehicle;~~

10 ~~(XI) Farm equipment;~~

11 ~~(XII) A sled;~~

12 ~~(XIII) An electric personal assistive mobility device;~~

13 ~~(XIV) A wheelchair;~~

14 ~~(XV) A baby stroller; or~~

15 ~~(XVI) A nonmotorized pull wagon.~~

16 ~~(2) (1) **Prohibition.** A person who drives a motor vehicle in~~
17 ~~violation of section 42-4-1402 and whose actions are the proximate cause~~
18 ~~of serious bodily injury, as defined in section 42-4-1601 (4)(b), to a~~
19 ~~vulnerable road user ANOTHER PERSON commits infliction of CARELESS~~
20 ~~DRIVING RESULTING IN serious bodily injury. to a vulnerable road user.~~

21 ~~(3) (2) **Violations and penalties.** (a) Infliction of CARELESS~~
22 ~~DRIVING RESULTING IN serious bodily injury to a vulnerable road user is~~
23 ~~a class 1 traffic misdemeanor.~~

24 (b) In addition to the penalties imposed in subsections ~~(3)(a) and~~
25 ~~(3)(c)~~ SUBSECTIONS (2)(a) AND (2)(c) of this section, the court may order
26 the violator to:

27 (I) Attend a driver improvement course in accordance with section

1 42-4-1717; and

2 (II) Perform useful public service for a number of hours, which
3 must not exceed three hundred twenty hours, to be determined by the
4 court in accordance with section 18-1.3-507.

5 (c) In addition to the penalties imposed in ~~subsections (3)(a) and~~
6 ~~(3)(b)~~ SUBSECTIONS (2)(a) AND (2)(b) of this section, a person who is
7 convicted of violating this section is subject to:

8 (I) License suspension in accordance with section 42-2-127; and

9 (II) An order of restitution ~~under~~ PURSUANT TO part 6 of article
10 1.3 of title 18.

11 **SECTION 3. Act subject to petition - effective date -**
12 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
13 the expiration of the ninety-day period after final adjournment of the
14 general assembly; except that, if a referendum petition is filed pursuant
15 to section 1 (3) of article V of the state constitution against this act or an
16 item, section, or part of this act within such period, then the act, item,
17 section, or part will not take effect unless approved by the people at the
18 general election to be held in November 2022 and, in such case, will take
19 effect on the date of the official declaration of the vote thereon by the
20 governor.

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