

**NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.**

# An Act

SENATE BILL 23-028

BY SENATOR(S) Gonzales, Gardner, Priola;  
also REPRESENTATIVE(S) Epps and Soper, Brown, Garcia, Herod,  
Jodeh, Lindsay, Lynch, Mabrey, Ricks, Amabile, Sirota.

CONCERNING THE PENALTY FOR COMMITTING ANY OF CERTAIN OFFENSES  
INVOLVING THE OPERATION OF A COMMERCIAL VEHICLE.

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

**SECTION 1.** In Colorado Revised Statutes, 42-2-404, **amend** (3)  
as follows:

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

*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

**SECTION 2.** In Colorado Revised Statutes, 42-4-1701, **amend** (4)(a)(I)(A) as follows:

**42-4-1701. Traffic offenses and infractions classified - penalties - penalty and surcharge schedule - repeal.** (4) (a) (I) Except as provided in subsection (5)(c) of this section, every person who is convicted of, who admits liability for, or against whom a judgment is entered for a violation of this title 42 to which subsection (5)(a) or (5)(b) of this section applies shall be fined or penalized and have a surcharge levied in accordance with sections 24-4.1-119 (1)(f) and 24-4.2-104 (1)(b)(I), in accordance with the penalty and surcharge schedule set forth in subsections (4)(a)(I)(A) to (4)(a)(I)(S) of this section; or, if no penalty or surcharge is specified in the schedule, the penalty for class A and class B traffic infractions is fifteen dollars, and the surcharge is four dollars. These penalties and surcharges apply whether the defendant acknowledges the defendant's guilt or liability in accordance with the procedure set forth by subsection (5)(a) of this section, is found guilty by a court of competent jurisdiction, or has judgment entered against the defendant by a county court magistrate. Penalties and surcharges for violating specific sections are as follows:

<b>Section Violated</b>	<b>Penalty</b>	<b>Surcharge</b>
<b>(A) Drivers' license violations:</b>		
42-2-101	\$ 35.00	\$ 10.00
42-2-101 (2), (3), or (5)	15.00	6.00
42-2-103	15.00	6.00
42-2-105	70.00	10.00
42-2-105.5 (4)	65.00	10.00
42-2-106	70.00	10.00
42-2-115	35.00	10.00
42-2-116 (6)(a)	30.00	6.00
42-2-119	15.00	6.00
42-2-134	35.00	10.00
42-2-136	35.00	10.00
42-2-138	100.00	15.00
42-2-139	35.00	10.00
42-2-140	35.00	10.00
42-2-141	35.00	10.00
42-2-204	70.00	10.00
<b>42-2-404</b>	<b>100.00</b>	<b>15.00</b>

**SECTION 3. Applicability.** This act applies to offenses committed on or after the effective date of this act.

**SECTION 4. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

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Steve Fenberg  
PRESIDENT OF  
THE SENATE

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Julie McCluskie  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Cindi L. Markwell  
SECRETARY OF  
THE SENATE

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Robin Jones  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED \_\_\_\_\_

(Date and Time)

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Jared S. Polis  
GOVERNOR OF THE STATE OF COLORADO