

First Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 25-1020.02 Renee Leone x2695

SENATE BILL 25-281

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SENATE SPONSORSHIP

Carson and Snyder,

HOUSE SPONSORSHIP

(None),

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Senate Committees  
Judiciary

House Committees

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A BILL FOR AN ACT

101 CONCERNING CARELESS DRIVING RESULTING IN SERIOUS BODILY  
102 INJURY.

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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.

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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 **serious bodily injury or death - revocation or suspension of license.**

6 (1) The department shall revoke the driver's license of any person  
7 convicted of vehicular homicide, including the driver's license of any  
8 juvenile who has been adjudicated a delinquent upon conduct which  
9 would establish the crime of vehicular 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 SERIOUS BODILY INJURY OR DEATH OF AN INDIVIDUAL  
13 IN VIOLATION OF SECTION 42-4-1402 (2)(b)(II) OR (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 commits a class 1 misdemeanor traffic  
5 offense.

6 (II) IF THE PERSON'S ACTIONS ARE THE PROXIMATE CAUSE OF  
7 SERIOUS BODILY INJURY TO ANOTHER, AS DEFINED IN SECTION 18-1-901

8 (3)(p), THE PERSON:

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

10 (B) IS SUBJECT TO A SUSPENSION OF THEIR DRIVER'S LICENSE FOR  
11 A PERIOD OF UP TO ONE YEAR IN ACCORDANCE WITH SECTION 42-2-128 (2).

12 (c) (I) If the person's actions are the proximate cause of death to  
13 ~~another, such~~ AN INDIVIDUAL, THE person: ~~commits a class 1~~  
14 ~~misdemeanor traffic offense.~~

15 (A) COMMITS A CLASS 6 FELONY; AND

16 (B) IS SUBJECT TO A SUSPENSION OF THEIR DRIVER'S LICENSE FOR  
17 A PERIOD OF UP TO ONE YEAR IN ACCORDANCE WITH SECTION 42-2-128 (2).

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

21 (3) (a) IF A LAW ENFORCEMENT OFFICER HAS PROBABLE CAUSE TO  
22 BELIEVE THAT A PERSON HAS VIOLATED THIS SECTION AND THAT THE  
23 PERSON'S ACTIONS ARE THE PROXIMATE CAUSE OF DEATH TO ANOTHER, A  
24 LAW ENFORCEMENT OFFICER SHALL ADMINISTER A TEST OF THE PERSON'S  
25 BLOOD, BREATH, SALIVA, OR URINE FOR THE PURPOSE OF DETERMINING  
26 THE ALCOHOLIC OR DRUG CONTENT WITHIN THE PERSON'S SYSTEM. THE  
27 TYPE OF TEST AND THE NUMBER OF TESTS MAY BE DETERMINED BY THE

1 LAW ENFORCEMENT OFFICER REQUIRING THE TESTING.

2 (b) A TEST CONDUCTED PURSUANT TO SUBSECTION (3)(a) OF THIS  
3 SECTION MUST BE CONDUCTED AS SOON AS POSSIBLE FOLLOWING THE  
4 VIOLATION OF THIS SECTION. IF THE LAW ENFORCEMENT OFFICER IS NOT  
5 ABLE TO ADMINISTER THE TEST WITHIN A REASONABLE AMOUNT OF TIME  
6 AFTER THE EVENT THAT CAUSES THE DEATH OF AN INDIVIDUAL, THE LAW  
7 ENFORCEMENT OFFICER NEED NOT PERFORM ANY TESTING IN ACCORDANCE  
8 WITH THIS SECTION.

9 (c) IF A PERSON REFUSES TO TAKE, COMPLETE, OR COOPERATE IN  
10 THE COMPLETING OF A TEST PURSUANT TO SUBSECTION (3)(a) OF THIS  
11 SECTION, THE REFUSAL IS ADMISSIBLE INTO EVIDENCE AT THE TRIAL, AND  
12 A PERSON MAY NOT CLAIM THE PRIVILEGE AGAINST SELF-INCRIMINATION  
13 WITH REGARD TO ADMISSION OF REFUSAL TO TAKE OR TO COMPLETE OR TO  
14 COOPERATE WITH THE COMPLETING OF THE REQUIRED TEST.

15 **SECTION 3.** In Colorado Revised Statutes, **amend** 42-4-807 as  
16 follows:

17 **42-4-807. Drivers to exercise due care.** (1) (a) ~~Notwithstanding~~  
18 ~~any of the provisions of this article, every~~ A driver of a vehicle shall:

19 (I) Exercise due care to avoid colliding with ~~any pedestrian~~ A  
20 VULNERABLE ROAD USER, AS DEFINED IN SECTION 42-4-1402.5 (1), upon  
21 ~~any~~ A roadway; and

22 (II) ~~shall~~ Give warning by sounding the horn when necessary and  
23 ~~shall~~ exercise proper precaution upon observing ~~any child or any~~  
24 ~~obviously confused or incapacitated person~~ A VULNERABLE ROAD USER,  
25 AS DEFINED IN SECTION 42-4-1402.5 (1), upon a roadway. ~~Any person who~~  
26 ~~violates any provision of this section commits a class A traffic infraction.~~

27 (b) A PERSON THAT VIOLATES SUBSECTION (1)(a) OF THIS SECTION

1       COMMITTS A CLASS A TRAFFIC INFRACTION.

2               (2) IF A PERSON VIOLATES SUBSECTION (1)(a) OF THIS SECTION AND  
3       THE PERSON'S ACTIONS ARE THE PROXIMATE CAUSE OF BODILY INJURY TO  
4       ANOTHER, THE PERSON VIOLATES SECTION 42-4-1402 (2)(b)(I).

5               (3) IF A PERSON VIOLATES SUBSECTION (1)(a) OF THIS SECTION AND  
6       THE PERSON'S ACTIONS ARE THE PROXIMATE CAUSE OF SERIOUS BODILY  
7       INJURY TO ANOTHER, AS DEFINED IN SECTION 18-1-901 (3)(p), THE PERSON  
8       VIOLATES SECTION 42-4-1402 (2)(b)(II).

9               (4) IF A PERSON VIOLATES SUBSECTION (1)(a) OF THIS SECTION AND  
10       THE PERSON'S ACTIONS ARE THE PROXIMATE CAUSE OF DEATH TO  
11       ANOTHER, THE PERSON VIOLATES SECTION 42-4-1402 (2)(c).

12               **SECTION 4.** In Colorado Revised Statutes, 42-4-1301.1, **amend**  
13       (1) as follows:

14               **42-4-1301.1. Expressed consent for the taking of blood, breath,**  
15       **urine, or saliva sample - testing - fund - rules - repeal.** (1) ~~Any~~ A  
16       person who drives ~~any~~ A motor vehicle upon the streets and highways and  
17       elsewhere throughout this state ~~shall be~~ IS deemed to have expressed ~~such~~  
18       ~~person's~~ THEIR consent to ~~the provisions of~~ this section AND SECTION  
19       42-4-1402 (3).

20               **SECTION 5.** In Colorado Revised Statutes, 42-2-127, **repeal**  
21       (5)(e.5) as follows:

22               **42-2-127. Authority to suspend license - to deny license - type**  
23       **of conviction - points.** (5) Point system schedule:

24       Type of conviction	Points
25       (e.5) <del>Careless driving resulting in death.</del> . . . . .	+2

26               **SECTION 6. Act subject to petition - effective date -**  
27       **applicability.** (1) This act takes effect at 12:01 a.m. on the day following

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

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