

CHAPTER 7

CRIMINAL LAW AND PROCEDURE

SENATE BILL 02S-012

BY SENATOR(S) Gordon, Chlouber, Hanna, Hernandez, Isgar, Linkhart, McElhany, Phillips, Teck, and Windels;
also REPRESENTATIVE(S) Hefley, Coleman, Daniel, Garcia, Groff, Grossman, Madden, Marshall, Plant, Romanoff, Saliman,
Stafford, Tapia, Veiga, Vigil, Weddig, and Williams S.

AN ACT**CONCERNING INCREASED PENALTIES FOR EXPELLING BURNING MATERIALS FROM A MOTOR VEHICLE.**

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

SECTION 1. 42-4-1406, Colorado Revised Statutes, is amended to read:

42-4-1406. Foreign matter on highway prohibited. (1) (a) No person shall throw or deposit upon any highway any glass bottle, glass, stones, nails, tacks, wire, cans, or other substance likely to injure any person, animal, or vehicle upon such highway.

(b) NO PERSON SHALL THROW, DROP, OR OTHERWISE EXPEL A LIGHTED CIGARETTE, CIGAR, MATCH, OR OTHER BURNING MATERIAL FROM A MOTOR VEHICLE UPON ANY HIGHWAY.

(2) Any person who drops, or permits to be dropped or thrown, upon any highway or structure any destructive or injurious material or lighted or burning substance shall immediately remove the same or cause it to be removed.

(3) Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

(4) No person shall excavate a ditch or other aqueduct, or construct any flume or pipeline or any steam, electric, or other railway, or construct any approach to a public highway without written consent of the authority responsible for the maintenance of that highway.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(5) (a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (5), any person who violates any provision of this section commits a class B traffic infraction.

(b) ANY PERSON WHO VIOLATES ANY PROVISION OF PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION COMMITS A CLASS 2 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN TITLE 18, C.R.S.

SECTION 2. 33-15-108, Colorado Revised Statutes, is amended to read:

33-15-108. Littering. (1) It is unlawful for any person to litter any land or water under the control of the division. EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS SECTION, any person who violates this section commits a class 2 petty offense and, upon conviction thereof, shall be punished as provided in section 18-4-511, C.R.S.

(2) ANY PERSON WHO THROWS, DROPS, OR OTHERWISE EXPELS A LIGHTED CIGARETTE, CIGAR, MATCH, OR OTHER BURNING MATERIAL FROM A MOTOR VEHICLE UPON LAND UNDER THE CONTROL OF THE DIVISION COMMITS A CLASS 2 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN TITLE 18, C.R.S.

SECTION 3. 18-4-511 (4), Colorado Revised Statutes, is amended to read:

18-4-511. Littering of public or private property. (4) EXCEPT AS OTHERWISE PROVIDED IN SECTIONS 33-15-108 (2) AND 42-4-1406, C.R.S., littering is a class 2 petty offense punishable, upon conviction, by a mandatory fine of not less than twenty dollars nor more than five hundred dollars upon a first conviction, by a mandatory fine of not less than fifty dollars nor more than one thousand dollars upon a second conviction, and by a mandatory fine of not less than one hundred dollars nor more than one thousand dollars upon a third or subsequent conviction.

SECTION 4. Effective date - applicability. This act shall take effect upon passage and shall apply to offenses committed on or after said date.

SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: July 18, 2002