

CHAPTER 190

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 04-1054

BY REPRESENTATIVE(S) Brophy, Borodkin, Frangas, Garcia, Harvey, May M., McFadyen, Merrifield, Spence, Weddig, Williams S., Smith, and Stafford;
also SENATOR(S) Hillman, Arnold, Cairns, Chlouber, Entz, Groff, Grossman, Hanna, Johnson S., Jones, Lamborn, May R., Nichol, Tapia, Teck, and Windels.

AN ACT**CONCERNING THE DUTIES OF OCCUPANTS OF VEHICLES INVOLVED IN ACCIDENTS RESULTING IN PERSONAL HARM.**

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

SECTION 1. 42-4-1601 (1), Colorado Revised Statutes, is amended, and the said 42-4-1601 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

42-4-1601. Accidents involving death or personal injuries - duties. (1) The driver of any vehicle directly involved in an accident resulting in injury to, serious bodily injury to, or death of any person shall immediately stop such vehicle at the scene of such accident or as close to the scene as possible but shall immediately return to and in every event shall remain at the scene of the accident until the driver has fulfilled the requirements of section 42-4-1603 (1). Every such stop shall be made without obstructing traffic more than is necessary.

(1.5) IT SHALL NOT BE AN OFFENSE UNDER THIS SECTION IF A DRIVER, AFTER FULFILLING THE REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION AND OF SECTION 42-4-1603 (1), LEAVES THE SCENE OF THE ACCIDENT FOR THE PURPOSE OF REPORTING THE ACCIDENT IN ACCORDANCE WITH THE PROVISIONS OF SECTIONS 42-4-1603 (2) AND 42-4-1606.

SECTION 2. 42-4-1607 (1), Colorado Revised Statutes, is amended, and the said 42-4-1607 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

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

42-4-1607. When driver unable to give notice or make written report.

(1) Whenever the driver of a vehicle is physically incapable of giving an immediate notice of an accident as required in section 42-4-1606 (1) and there was another occupant in the vehicle at the time of the accident capable of doing so, such occupant shall give or cause to be given the notice not given by the driver.

(3) ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION COMMITS A CLASS 2 MISDEMEANOR TRAFFIC OFFENSE.

SECTION 3. Effective date - applicability. This act shall take effect July 1, 2004, and shall apply to offenses committed on or after said date.

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, and safety.

Approved: April 23, 2004