

## CHAPTER 69

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**MOTOR VEHICLES AND TRAFFIC REGULATION**

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**SENATE BILL 04-036**

BY SENATOR(S) Takis, Sandoval, Cairns, Chlouber, Fitz-Gerald, Groff, Hanna, Jones, and May R.;  
also REPRESENTATIVE(S) Garcia, Borodkin, Ragsdale, Williams S., Sinclair, Merrifield, Butcher, Frangas, Hodge, Madden,  
McFadyen, McGihon, Romanoff, Stafford, Tochtrop, Vigil, and Weddig.

**AN ACT**

**CONCERNING THE PREVENTION OF SPILLING OF MATERIAL FROM CERTAIN MOTOR VEHICLES.**

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

**SECTION 1.** 42-4-1407 (3), Colorado Revised Statutes, is amended to read:

**42-4-1407. Spilling loads on highways prohibited - prevention of spilling of aggregate.** (3) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OR (c) OF THIS SUBSECTION (3), any person who violates any provision of this section commits a class B traffic infraction.

(b) ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION WHILE DRIVING OR MOVING A CAR OR PICKUP TRUCK WITHOUT CAUSING BODILY INJURY TO ANOTHER PERSON COMMITS A CLASS A TRAFFIC INFRACTION.

(c) ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION WHILE DRIVING OR MOVING A CAR OR PICKUP TRUCK AND THEREBY PROXIMATELY CAUSES BODILY INJURY TO ANOTHER PERSON COMMITS A CLASS 2 MISDEMEANOR TRAFFIC OFFENSE.

**SECTION 2.** 42-4-1701 (4) (a) (I) (N), Colorado Revised Statutes, is amended to read:

**42-4-1701. Traffic offenses and infractions classified - penalties - penalty and surcharge schedule - repeal.** (4) (a) (I) Except as provided in paragraph (c) of subsection (5) of this section, every person who is convicted of, who admits liability for, or against whom a judgment is entered for a violation of any provision of this title to which the provisions of paragraph (a) or (b) of subsection (5) of this section apply shall be fined or penalized, and have a surcharge levied thereon pursuant to section

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

24-4.2-104 (1) (b) (I), C.R.S., in accordance with the penalty and surcharge schedule set forth in sub-subparagraphs (A) to (P) of this subparagraph (I); or, if no penalty or surcharge is specified in the schedule, the penalty for class A and class B traffic infractions shall be fifteen dollars, and the surcharge shall be two dollars. These penalties and surcharges shall apply whether the defendant acknowledges the defendant's guilt or liability in accordance with the procedure set forth by paragraph (a) of subsection (5) of this section or 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 shall be as follows:

<b>Section Violated</b>	<b>Penalty</b>	<b>Surcharge</b>
<b>(N) Other offenses:</b>		
42-4-1301 (2)(a.5)	\$ 50.00	\$ 7.80
42-4-1402	50.00	\$ 7.80
42-4-1403	15.00	2.60
42-4-1404	15.00	2.60
42-4-1406	35.00	5.20
42-4-1407 (3)(a)	35.00	5.20
42-4-1407 (3)(b)	100.00	15.00
42-4-1407 (3)(c)	500.00	100.00
42-4-314	35.00	5.20
42-4-1408	15.00	2.60
42-4-1414 (2)(a)	500.00	78.00
42-4-1414 (2)(b)	1,000.00	156.00
42-4-1414 (2)(c)	5,000.00	780.00

**SECTION 3. Effective date - applicability.** This act shall take effect July 1, 2004, and shall apply to infractions and 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 5, 2004