

## CHAPTER 35

---

**MOTOR VEHICLES AND TRAFFIC REGULATION**

---

**SENATE BILL 05-009**

BY SENATOR(S) Isgar, May R., Spence, Takis, and Williams;  
also REPRESENTATIVE(S) Stafford, Borodkin, Larson, Pommer, Ragsdale, Boyd, and Todd.

**AN ACT**

**CONCERNING AN INCREASE IN THE AMOUNT OF THE FINE IMPOSED AS PUNISHMENT FOR ILLICIT DISPOSAL OF CONTAINERS OF HUMAN WASTE UPON OR ALONG A STATE HIGHWAY.**

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

**SECTION 1.** 42-4-1406 (1) (a) and (5) (b), Colorado Revised Statutes, are amended, and the said 42-4-1406 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

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

(5) (b) (I) 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.

(II) ANY PERSON WHO VIOLATES PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION BY THROWING OR DEPOSITING A CONTAINER OF HUMAN WASTE UPON OR ALONG ANY HIGHWAY SHALL BE PUNISHED BY A FINE OF FIVE HUNDRED DOLLARS IN LIEU OF THE PENALTY AND SURCHARGE PRESCRIBED IN SECTION 42-4-1701 (4) (a) (I) (N).

(6) AS USED IN THIS SECTION:

(a) "CONTAINER" INCLUDES, BUT IS NOT LIMITED TO, A BOTTLE, A CAN, A BOX, OR A DIAPER.

---

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

(b) "HUMAN WASTE" MEANS URINE OR FECES PRODUCED BY A HUMAN.

**SECTION 2. Applicability.** This act shall apply to offenses committed on or after the effective date of this act.

**SECTION 3. 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, 2005