

CHAPTER 344

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 07-1117

BY REPRESENTATIVE(S) Primavera, Borodkin, Gibbs, Green, Kerr A., Labuda, Levy, Marshall, McGihon, Merrifield, Peniston, and Todd;
also SENATOR(S) Gordon, Groff, Shaffer, Tupa, and Windels.

AN ACT

CONCERNING THE REQUIREMENT THAT A PROTECTIVE HELMET BE WORN BY A PERSON UNDER EIGHTEEN YEARS OF AGE DURING THE OPERATION OF CERTAIN VEHICLES.

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

SECTION 1. 42-4-1502, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

42-4-1502. Riding on motorcycles - protective helmet. (4.5) (a) A PERSON UNDER EIGHTEEN YEARS OF AGE MAY NOT OPERATE OR CARRY A PASSENGER WHO IS UNDER EIGHTEEN YEARS OF AGE ON A MOTORCYCLE ON A HIGHWAY IN THIS STATE UNLESS:

(I) THE PERSON AND THE PASSENGER ARE WEARING PROTECTIVE HELMETS OF A TYPE AND DESIGN MANUFACTURED FOR USE BY OPERATORS OF MOTORCYCLES;

(II) THE PROTECTIVE HELMET CONFORMS TO THE DESIGN AND SPECIFICATIONS SET FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (4.5); AND

(III) THE PROTECTIVE HELMET IS SECURED PROPERLY ON THE PERSON'S HEAD WITH A CHIN STRAP WHILE THE MOTORCYCLE IS IN MOTION.

(b) A PROTECTIVE HELMET REQUIRED TO BE WORN BY THIS SUBSECTION (4.5) SHALL:

(I) BE DESIGNED TO REDUCE INJURIES TO THE USER RESULTING FROM HEAD IMPACTS AND TO PROTECT THE USER BY REMAINING ON THE USER'S HEAD, DEFLECTING BLOWS, RESISTING PENETRATION, AND SPREADING THE FORCE OF

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

IMPACT;

(II) CONSIST OF LINING, PADDING, AND CHIN STRAP; AND

(III) MEET OR EXCEED THE STANDARDS ESTABLISHED IN THE UNITED STATES DEPARTMENT OF TRANSPORTATION FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 218, 49 CFR 571.218, FOR MOTORCYCLE HELMETS.

SECTION 2. 42-4-109 (13), Colorado Revised Statutes, is amended, and the said 42-4-109 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

42-4-109. Motorized bicycles, animals, skis, skates, and toy vehicles on highways. (6.5) A PERSON UNDER THE AGE OF EIGHTEEN YEARS MAY NOT OPERATE OR CARRY A PASSENGER WHO IS UNDER EIGHTEEN YEARS OF AGE ON A MOTORIZED BICYCLE ON A HIGHWAY IN THIS STATE UNLESS THE PERSON AND THE PASSENGER ARE WEARING PROTECTIVE HELMETS IN ACCORDANCE WITH THE PROVISIONS OF SECTION 42-4-1502 (4.5).

(13) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (13), any person who violates ~~any~~ A provision of this section commits a class B traffic infraction.

(b) ANY PERSON WHO VIOLATES SUBSECTION (6.5) OF THIS SECTION COMMITS A CLASS A TRAFFIC INFRACTION.

SECTION 3. 42-4-1701 (4) (a) (I) (C) and (4) (a) (I) (O), Colorado Revised Statutes, are amended to read:

42-4-1701. Traffic offenses and infractions classified - penalties - penalty and surcharge schedule. (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 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:

Section Violated	Penalty	Surcharge
(C) Traffic regulation generally:		
42-4-1412	\$ 15.00	\$ 2.60

42-4-109 (13) (a)	15.00	2.60
42-4-109 (13) (b)	100.00	15.00
42-4-1211	15.00	2.60
42-4-1405	15.00	2.60

(O) Motorcycle violations:

42-4-1502 (1), (2), (3), OR (4)	\$ 15.00	\$ 2.60
42-4-1502 (4.5)	100.00	15.00
42-4-1503	15.00	2.60
42-4-1504	15.00	2.60

SECTION 4. 42-4-1701 (4) (e), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

42-4-1701. Traffic offenses and infractions classified - penalties - penalty and surcharge schedule. (4) (e) (III) AN ADDITIONAL TEN DOLLARS SHALL BE ASSESSED FOR A VIOLATION OF A TRAFFIC REGULATION UNDER SUB-SUBPARAGRAPH (C) OF SUBPARAGRAPH (I) OF PARAGRAPH (a) OF THIS SUBSECTION (4) FOR A VIOLATION OF SECTION 42-4-109 (13) (b), IN ADDITION TO THE PENALTIES STATED IN SUB-SUBPARAGRAPH (C). AN ADDITIONAL TEN DOLLARS SHALL BE ASSESSED FOR A MOTORCYCLE VIOLATION UNDER SUB-SUBPARAGRAPH (O) OF SUBPARAGRAPH (I) OF PARAGRAPH (a) OF THIS SUBSECTION (4) FOR A VIOLATION OF SECTION 42-4-1502 (4.5), IN ADDITION TO THE PENALTIES STATED IN SUB-SUBPARAGRAPH (O). MONEYS COLLECTED PURSUANT TO THIS SUBPARAGRAPH (III) SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL DEPOSIT THE MONEYS IN THE COLORADO TRAUMATIC BRAIN INJURY TRUST FUND CREATED PURSUANT TO SECTION 26-1-309, C.R.S., TO BE USED FOR THE PURPOSES SET FORTH IN SECTIONS 26-1-301 TO 26-1-310, C.R.S.

SECTION 5. Effective date - applicability. This act shall take effect July 1, 2007, and shall apply to traffic infractions committed on or after said date.

SECTION 6. 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: May 31, 2007