

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-1286.01 Jerry Barry x4341

HOUSE BILL 18-1439

HOUSE SPONSORSHIP

Winkler,

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING A PROHIBITION ON DISPLAYING A SIGN ON A VEHICLE
102 DENYING LIABILITY FOR ITEMS ESCAPING FROM THE VEHICLE.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill prohibits an owner from displaying a sign stating that the owner or driver is not liable for any damage or injury caused by an item falling out of or escaping from the vehicle. The violation is a class B traffic offense subject to a fine of \$100 and a surcharge of \$30.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 42-4-1407.3 as
3 follows:

4 **42-4-1407.3. Misleading denial of liability.** NO OWNER SHALL
5 DISPLAY ON ANY PART OF THE OWNER'S VEHICLE A SIGN THAT STATES
6 THAT THE OWNER OR DRIVER OF THE VEHICLE IS NOT LIABLE FOR ANY
7 DAMAGE OR INJURY CAUSED BY ANY ITEM BLOWING, DROPPING, SHIFTING,
8 LEAKING, FALLING OUT, OR OTHERWISE ESCAPING FROM THE VEHICLE.
9 ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION COMMITS A
10 CLASS B TRAFFIC OFFENSE.

11 **SECTION 2.** In Colorado Revised Statutes, 42-4-1701, **amend**
12 (4)(a)(I)(N) as follows:

13 **42-4-1701. Traffic offenses and infractions classified -**
14 **penalties - penalty and surcharge schedule - repeal.** (4) (a) (I) Except
15 as provided in subsection (5)(c) of this section, every person who is
16 convicted of, who admits liability for, or against whom a judgment is
17 entered for a violation of this title 42 to which subsection (5)(a) or (5)(b)
18 of this section applies shall be fined or penalized and have a surcharge
19 levied in accordance with sections 24-4.1-119 (1)(f) and 24-4.2-104
20 (1)(b)(I), in accordance with the penalty and surcharge schedule set forth
21 in subsections (4)(a)(I)(A) to (4)(a)(I)(P) of this section; or, if no penalty
22 or surcharge is specified in the schedule, the penalty for class A and class
23 B traffic infractions is fifteen dollars, and the surcharge is four dollars.
24 These penalties and surcharges apply whether the defendant
25 acknowledges the defendant's guilt or liability in accordance with the
26 procedure set forth by subsection (5)(a) of this section, is found guilty by
27 a court of competent jurisdiction, or has judgment entered against the

1 defendant by a county court magistrate. Penalties and surcharges for
 2 violating specific sections are as follows:

3	Section Violated	Penalty	Surcharge
4	(N) Other offenses:		
5	42-4-1301 (2)(d)	\$ 100.00	\$ 16.00
6	42-4-1305	50.00	16.00
7	42-4-1305.5 (2)	50.00	7.80
8	42-4-1402	150.00	16.00
9	42-4-1403	30.00	6.00
10	42-4-1404	15.00	6.00
11	42-4-1406	35.00	10.00
12	42-4-1407 (3)(a)	35.00	10.00
13	42-4-1407 (3)(b)	100.00	30.00
14	42-4-1407 (3)(c)	500.00	200.00
15	<i>42-4-1407.3</i>	<i>100.00</i>	<i>30.00</i>
16	42-4-314 (1) and (2)	35.00	10.00
17	42-4-314 (6)(a)	100.00	10.00
18	42-4-1408	15.00	6.00
19	42-4-1414 (2)(a)	500.00	156.00
20	42-4-1414 (2)(b)	1,000.00	312.00
21	42-4-1414 (2)(c)	5,000.00	1,560.00
22	42-4-1416 (3)	75.00	4.00
23	42-20-109 (2)	250.00	66.00

24 **SECTION 3. Act subject to petition - effective date -**
 25 **applicability.** (1) This act takes effect September 1, 2018; except that,
 26 if a referendum petition is filed pursuant to section 1 (3) of article V of
 27 the state constitution against this act or an item, section, or part of this act

1 within the ninety-day period after final adjournment of the general
2 assembly, then the act, item, section, or part will not take effect unless
3 approved by the people at the general election to be held in November
4 2018 and, in such case, will take effect on the date of the official
5 declaration of the vote thereon by the governor.

6 (2) This act applies to offenses committed on or after the
7 applicable effective date of this act.