

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 19-0950.01 Jacob Baus x2173

SENATE BILL 19-175

SENATE SPONSORSHIP

Foote,

HOUSE SPONSORSHIP

Roberts,

Senate Committees

Judiciary
Finance

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE PENALTIES IMPOSED ON THE DRIVER OF A MOTOR**
102 **VEHICLE WHO CAUSES SERIOUS BODILY INJURY TO A**
103 **VULNERABLE ROAD USER.**

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 makes it a class 1 traffic misdemeanor when careless driving of a motor vehicle causes serious bodily injury to a vulnerable road user. The bill allows the court to require the violator to attend a driver improvement course, and to require the violator to perform useful public service. The bill also subjects a violator to a restitution order and

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.

a license suspension of one year. However, the department of revenue shall consider whether to issue a restricted license to a person convicted of careless driving of a motor vehicle that causes serious bodily injury to a vulnerable road user if the person is required to drive a motor vehicle to and from his or her place of employment or to perform duties within the course of his or her employment.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-2-127, **add**
3 **(5)(e.7)** as follows:

4 **42-2-127. Authority to suspend license - to deny license - type**
5 **of conviction - points.** (5) Point system schedule:

6 <u>Type of conviction</u>	7 <u>Points</u>
8 <u>(e.7) SERIOUS BODILY INJURY TO A VULNERABLE ROAD</u> <u>USER</u>	<u>12</u>

9 **SECTION 2.** In Colorado Revised Statutes, **add** 42-4-1402.5 as
10 follows:

11 **42-4-1402.5. Vulnerable road user - prohibition - violations**
12 **and penalties - definition.** (1) **Definition.** AS USED IN THIS SECTION,
13 UNLESS THE CONTEXT OTHERWISE REQUIRES, "VULNERABLE ROAD USER"
14 MEANS:

- 15 (a) A PEDESTRIAN;
- 16 (b) A PERSON ENGAGED IN WORK UPON A ROADWAY OR UPON
17 UTILITY FACILITIES ALONG A ROADWAY;
- 18 (c) A PERSON PROVIDING EMERGENCY SERVICES WITHIN A
19 RIGHT-OF-WAY;
- 20 (d) A PEACE OFFICER WHO IS OUTSIDE A MOTOR VEHICLE AND
21 PERFORMING THE PEACE OFFICER'S DUTIES IN A RIGHT-OF-WAY;
- 22 (e) A PERSON RIDING OR LEADING AN ANIMAL; OR

1 (f) A PERSON LAWFULLY USING ANY OF THE FOLLOWING ON A
2 PUBLIC RIGHT-OF-WAY, CROSSWALK, OR SHOULDER OF THE ROADWAY:

3 (I) A BICYCLE, ELECTRICAL ASSISTED BICYCLE, TRICYCLE, OR
4 OTHER PEDAL-POWERED VEHICLE;

5 (II) A FARM TRACTOR OR SIMILAR VEHICLE DESIGNED PRIMARILY
6 FOR FARM USE;

7 (III) A SKATEBOARD;

8 (IV) ROLLER SKATES;

9 (V) IN-LINE SKATES;

10 (VI) A SCOOTER;

11 (VII) A MOPED;

12 (VIII) A MOTORCYCLE;

13 (IX) AN ANIMAL-DRAWN, WHEELED VEHICLE;

14 (X) FARM EQUIPMENT;

15 (XI) A SLED;

16 (XII) AN ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE;

17 (XIII) A WHEELCHAIR;

18 (XIV) A BABY STROLLER; OR

19 (XV) A NONMOTORIZED PULL WAGON.

20 (2) **Prohibition.** A PERSON WHO DRIVES A MOTOR VEHICLE IN
21 VIOLATION OF SECTION 42-4-1402 AND WHOSE ACTIONS ARE THE
22 PROXIMATE CAUSE OF SERIOUS BODILY INJURY, AS DEFINED IN SECTION
23 42-4-1601 (4)(b), TO A VULNERABLE ROAD USER COMMITS INFLECTION OF
24 SERIOUS BODILY INJURY TO A VULNERABLE ROAD USER.

25 (3) **Violations and penalties.** (a) INFLECTION OF SERIOUS BODILY
26 INJURY TO A VULNERABLE ROAD USER IS A CLASS 1 TRAFFIC
27 MISDEMEANOR.

1 (b) IN ADDITION TO THE PENALTIES IMPOSED IN SUBSECTIONS (3)(a)
2 AND (3)(c) OF THIS SECTION, THE COURT MAY ORDER THE VIOLATOR TO:

3 (I) ATTEND A DRIVER IMPROVEMENT COURSE IN ACCORDANCE
4 WITH SECTION 42-4-1717; AND

5 (II) PERFORM USEFUL PUBLIC SERVICE FOR A NUMBER OF HOURS,
6 WHICH MUST NOT EXCEED THREE HUNDRED TWENTY HOURS, TO BE
7 DETERMINED BY THE COURT IN ACCORDANCE WITH SECTION 18-1.3-507.

8 (c) IN ADDITION TO THE PENALTIES IMPOSED IN SUBSECTIONS (3)(a)
9 AND (3)(b) OF THIS SECTION, A PERSON WHO IS CONVICTED OF VIOLATING
10 THIS SECTION IS SUBJECT TO:

11 (I) LICENSE SUSPENSION IN ACCORDANCE WITH SECTION 42-2-127;
12 AND

13 (II) AN ORDER OF RESTITUTION UNDER PART 6 OF ARTICLE 1.3 OF
14 TITLE 18.

15 **SECTION 3.** In Colorado Revised Statutes, 42-4-1601, **amend**
16 (4) introductory portion as follows:

17 **42-4-1601. Accidents involving death or personal injuries -**
18 **duties.** (4) As used in this section and sections ~~42-4-1603~~ and ~~42-4-1606~~
19 42-4-1402.5, 42-4-1603, AND 42-4-1606:

20 **SECTION 4. Applicability.** This act applies to offenses
21 committed on or after the effective date of this act.

22 **SECTION 5. Safety clause.** The general assembly hereby finds,
23 determines, and declares that this act is necessary for the immediate
24 preservation of the public peace, health, and safety.