

Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 08-0737.01 Kate Meyer

HOUSE BILL 08-1104

HOUSE SPONSORSHIP

Marostica,

SENATE SPONSORSHIP

Brophy,

House Committees
Judiciary

Senate Committees
Judiciary

SENATE
Am ended 3rd Reading
March 27, 2008

A BILL FOR AN ACT

101 **CONCERNING VIOLATIONS OF TRAFFIC RIGHTS-OF-WAY RESULTING IN**
102 **BODILY INJURY OR DEATH.**

SENATE
Am ended 2nd Reading
March 26, 2008

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Creates a new misdemeanor traffic offense, the "aggravated right-of-way offense", to apply when bodily injury or death has been proximately caused by a violation of traffic rights-of-way. Establishes a penalty for committing an aggravated right-of-way offense.

HOUSE
3rd Reading Unam ended
February 27, 2008

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

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

HOUSE
Am ended 2nd Reading
February 25, 2008

1 **SECTION 1.** Part 7 of article 4 of title 42, Colorado Revised
2 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
3 read:

4 **42-4-713. Aggravated right-of-way offense - violation resulting**
5 **in death - penalty - repeal.** (1) IF THE VIOLATION OF A RIGHT-OF-WAY
6 PROVISION OF THIS PART 7 IS THE PROXIMATE CAUSE OF SERIOUS BODILY
7 INJURY OR DEATH TO ANOTHER PERSON, THE VIOLATOR COMMITS AN
8 AGGRAVATED RIGHT-OF-WAY OFFENSE.

9 (2) ANY PERSON WHO VIOLATES THIS SECTION COMMITS A CLASS
10 C TRAFFIC INFRACTION. A SECOND OR SUBSEQUENT CONVICTION SHALL
11 BE A CLASS 1 MISDEMEANOR TRAFFIC OFFENSE.

12 (3) THIS SECTION IS REPEALED, EFFECTIVE JANUARY 1, 2011.

13 **SECTION 2.** 42-4-1701 (3) (a) (I), Colorado Revised Statutes, is
14 amended to read:

15 **42-4-1701. Traffic offenses and infractions classified -**
16 **penalties - penalty and surcharge schedule.** (3) (a) (I) (A) Except as
17 provided in subsections (4) and (5) of this section, traffic infractions are
18 divided into ~~two~~ THREE classes which shall be subject to the following
19 penalties which are authorized upon entry of judgment against the
20 defendant:

<u>Class</u>	<u>Minimum</u>	<u>Maximum</u>
	<u>Penalty</u>	<u>Penalty</u>
<u>A</u>	<u>\$15 penalty.</u>	<u>\$100 penalty.</u>
<u>B</u>	<u>\$15 penalty.</u>	<u>\$100 penalty.</u>

25 (B) IN ADDITION TO THE TRAFFIC INFRACTIONS SET FORTH IN
26 SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (I), ANY PERSON WHO
27 VIOLATES SECTION 42-4-713 COMMITS A CLASS C TRAFFIC INFRACTION

1 WHICH SHALL BE PUNISHED BY A FINE OF FOUR HUNDRED DOLLARS.

2 **SECTION 3. Safety clause.** The general assembly hereby finds,
3 determines, and declares that this act is necessary for the immediate
4 preservation of the public peace, health, and safety.