

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**

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**HOUSE SPONSORSHIP**

**Marostica,**

**SENATE SPONSORSHIP**

**Brophy,**

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**House Committees**  
Judiciary

**Senate Committees**  
Judiciary

SENATE  
Am ended 3rd Reading  
March 27, 2008

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**A BILL FOR AN ACT**

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

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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

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12           (3) THIS SECTION IS REPEALED, EFFECTIVE JANUARY 1, 2011.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