

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0887.01 Jery Payne x2157

SENATE BILL 18-140

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SENATE SPONSORSHIP

Merrifield, Kerr

HOUSE SPONSORSHIP

(None),

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Senate Committees  
Judiciary

House Committees

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A BILL FOR AN ACT

101 CONCERNING THE PENALTIES IMPOSED ON THE DRIVER OF A MOTOR  
102 VEHICLE WHO CAUSES AT LEAST SERIOUS PHYSICAL INJURIES TO  
103 A VULNERABLE ROAD USER.

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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>.)*

Current law prohibits driving a motor vehicle in a careless manner. The bill makes it a class 1 misdemeanor when this behavior injures or kills a vulnerable road user; requires a violator to attend a driver improvement school and perform community service; and subjects a violator to a restitution order and license suspension.

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.

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

2           **SECTION 1.** In Colorado Revised Statutes, **add** 42-2-128.5 as  
3 follows:

4           **42-2-128.5. Serious physical injury or death to a vulnerable**  
5 **road user - revocation of license.** THE DEPARTMENT SHALL SUSPEND,  
6 FOR SIX MONTHS, THE DRIVER'S LICENSE OF A PERSON CONVICTED OF  
7 INFLICTION OF SERIOUS PHYSICAL INJURY OR DEATH TO A VULNERABLE  
8 ROAD USER IN VIOLATION OF SECTION 42-4-1402.5, INCLUDING THE  
9 DRIVER'S LICENSE OF A JUVENILE WHO HAS BEEN ADJUDICATED A  
10 DELINQUENT UPON CONDUCT THAT WOULD VIOLATE SECTION 42-4-1402.5  
11 IF COMMITTED BY AN ADULT.

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

14           **42-4-1402.5. Vulnerable road user - definition - prohibition -**  
15 **violations and penalties. (1) Definition.** AS USED IN THIS SECTION,  
16 "VULNERABLE ROAD USER" MEANS:

17           (a) A PEDESTRIAN;

18           (b) A PERSON ENGAGED IN WORK UPON A HIGHWAY OR UPON  
19 UTILITY FACILITIES ALONG A HIGHWAY;

20           (c) A PERSON PROVIDING EMERGENCY SERVICES WITHIN A  
21 RIGHT-OF-WAY;

22           (d) A PEACE OFFICER WHO IS OUTSIDE A MOTOR VEHICLE AND  
23 PERFORMING THE PEACE OFFICER'S DUTIES IN A RIGHT-OF-WAY;

24           (e) A PERSON RIDING OR LEADING AN ANIMAL; OR

25           (f) A PERSON LAWFULLY USING ANY OF THE FOLLOWING ON A  
26 PUBLIC RIGHT-OF-WAY, CROSSWALK, OR SHOULDER OF THE HIGHWAY:

- 1 (I) A BICYCLE, TRICYCLE, OR OTHER PEDAL-POWERED VEHICLE;
- 2 (II) A FARM TRACTOR OR SIMILAR VEHICLE DESIGNED PRIMARILY
- 3 FOR FARM USE;
- 4 (III) A SKATEBOARD;
- 5 (IV) ROLLER SKATES;
- 6 (V) IN-LINE SKATES;
- 7 (VI) A SCOOTER;
- 8 (VII) A MOPED;
- 9 (VIII) A MOTORCYCLE;
- 10 (IX) AN ANIMAL-DRAWN, WHEELED VEHICLE;
- 11 (X) FARM EQUIPMENT;
- 12 (XI) A SLED;
- 13 (XII) AN ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE;
- 14 (XIII) A WHEELCHAIR;
- 15 (XIV) A BABY STROLLER; OR
- 16 (XV) A NONMOTORIZED PULL WAGON.

17 (2) **Prohibition.** A PERSON WHO DRIVES A MOTOR VEHICLE IN  
18 VIOLATION OF SECTION 42-4-1402 AND WHO CAUSES SERIOUS PHYSICAL  
19 INJURY OR DEATH TO A VULNERABLE ROAD USER IS GUILTY OF INFLICTION  
20 OF SERIOUS PHYSICAL INJURY OR DEATH TO A VULNERABLE ROAD USER.

21 (3) **Violations and penalties.** (a) INFLICTION OF SERIOUS  
22 PHYSICAL INJURY OR DEATH TO A VULNERABLE ROAD USER IS A CLASS 1  
23 MISDEMEANOR.

24 (b) IN ADDITION TO THE PENALTIES IMPOSED IN SUBSECTIONS (3)(a)  
25 AND (3)(c) OF THIS SECTION, THE COURT SHALL IMPOSE THE FOLLOWING  
26 PENALTIES:

- 27 (I) THE VIOLATOR MUST ATTEND A DRIVER IMPROVEMENT SCHOOL

1 IN ACCORDANCE WITH SECTION 42-4-1717; AND

2 (II) THE VIOLATOR MUST PERFORM COMMUNITY SERVICE FOR A  
3 NUMBER OF HOURS, WHICH MAY NOT EXCEED TWO HUNDRED, TO BE  
4 DETERMINED BY THE COURT IN ACCORDANCE WITH SECTION 18-1.3-507.

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

8 (I) LICENSE SUSPENSION IN ACCORDANCE WITH SECTION  
9 42-2-128.5; AND

10 (II) AN ORDER OF RESTITUTION UNDER PART 6 OF ARTICLE 1.3 OF  
11 TITLE 18.

12 **SECTION 3. Act subject to petition - effective date -**  
13 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
14 the expiration of the ninety-day period after final adjournment of the  
15 general assembly (August 8, 2018, if adjournment sine die is on May 9,  
16 2018); except that, if a referendum petition is filed pursuant to section 1  
17 (3) of article V of the state constitution against this act or an item, section,  
18 or part of this act within such period, then the act, item, section, or part  
19 will not take effect unless approved by the people at the general election  
20 to be held in November 2018 and, in such case, will take effect on the  
21 date of the official declaration of the vote thereon by the governor.

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