

Second Regular Session
Sixty-fifth General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 06-0301.01 Stephen Miller

HOUSE BILL 06-1125

HOUSE SPONSORSHIP

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A BILL FOR AN ACT

101 **CONCERNING THE ENFORCEMENT OF AN OFFENSE INVOLVING FAILURE**
102 **TO USE AN APPROPRIATE MOTOR VEHICLE RESTRAINING DEVICE.**

Bill Summary

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

Makes it a primary offense, punishable as a class B traffic infraction, for a driver to operate a motor vehicle without the driver, certain children, and all front-seat passengers wearing fastened safety belts. Specifies that it is the intent of the general assembly that the statutory prohibition against profiling be strictly observed by each law enforcement officer who stops or contemplates the stop of a motor vehicle driver for an alleged restraining device violation.

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
3rd Reading Unamended
February 15, 2006

HOUSE
Amended 2nd Reading
February 14, 2006

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

2 **SECTION 1.** 42-4-236 (9), Colorado Revised Statutes, is
3 amended to read:

4 **42-4-236. Child restraint systems required - definitions -**
5 **exemptions.** (9) No driver in a motor vehicle shall be cited for a
6 violation of subparagraph (I) of paragraph (b) of subsection (2) of this
7 section unless such driver was stopped by a law enforcement officer ~~for~~
8 ~~an alleged violation of articles 1 to 4 of this title other than a violation of~~
9 ~~this section or section 42-4-237~~ WHO, PRIOR TO THE STOP, CLEARLY
10 OBSERVED THE VIOLATION AND IS ABLE TO ARTICULATE THAT THE
11 RESTRAINING DEVICE WAS UNFASTENED.

12 **SECTION 2.** 42-4-236, Colorado Revised Statutes, is amended
13 BY THE ADDITION OF A NEW SUBSECTION to read:

14 **42-4-236. Child restraint systems required - definitions -**
15 **exemptions.** (9.5) IT IS THE INTENT OF THE GENERAL ASSEMBLY IN
16 REPEALING SUBSECTION (9) OF THIS SECTION THAT THE PROHIBITION
17 AGAINST PROFILING, AS DESCRIBED IN SECTION 24-31-309, C.R.S., BE
18 STRICTLY OBSERVED BY EACH LAW ENFORCEMENT OFFICER WHO STOPS OR
19 CONTEMPLATES THE STOP OF A DRIVER OF A MOTOR VEHICLE FOR AN
20 ALLEGED RESTRAINING DEVICE VIOLATION.

21 **SECTION 3.** 42-4-237 (5), Colorado Revised Statutes, is
22 amended to read:

23 **42-4-237. Safety belt systems - mandatory use - exemptions -**
24 **penalty.** (5) No driver in a motor vehicle shall be cited for a violation
25 of subsection (2) of this section unless such driver was stopped by a law
26 enforcement officer ~~for an alleged violation of articles 1 to 4 of this title~~

1 ~~other than a violation of this section~~ WHO, PRIOR TO THE STOP, CLEARLY
2 OBSERVED THE VIOLATION AND IS ABLE TO ARTICULATE THAT THE
3 RESTRAINING DEVICE WAS UNFASTENED.

4 **SECTION 4.** 42-4-237, Colorado Revised Statutes, is amended
5 BY THE ADDITION OF A NEW SUBSECTION to read:

6 **42-4-237. Safety belt systems - mandatory use - exemptions -**
7 **penalty.** (5.5) IT IS THE INTENT OF THE GENERAL ASSEMBLY IN
8 REPEALING SUBSECTION (5) OF THIS SECTION THAT THE PROHIBITION
9 AGAINST PROFILING, AS DESCRIBED IN SECTION 24-31-309, C.R.S., BE
10 STRICTLY OBSERVED BY EACH LAW ENFORCEMENT OFFICER WHO STOPS OR
11 CONTEMPLATES THE STOP OF A DRIVER OF A MOTOR VEHICLE FOR AN
12 ALLEGED RESTRAINING DEVICE VIOLATION.

13 **SECTION 5. Effective date - applicability.** This act shall take
14 effect July 1, 2006, and shall apply to infractions committed on or after
15 said date.

16 **SECTION 6. Safety clause.** The general assembly hereby finds,
17 determines, and declares that this act is necessary for the immediate
18 preservation of the public peace, health, and safety.