

Second Regular Session  
Sixty-fifth General Assembly  
STATE OF COLORADO

**REREVISED**

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

LLS NO. 06-0301.01 Stephen Miller

**HOUSE BILL 06-1125**

**HOUSE SPONSORSHIP**

**Coleman**, Larson, Riesberg, Ragsdale, Pommer, Frangas, Gallegos, Green, Judd, Lindstrom, Merrifield, and Vigil

**SENATE SPONSORSHIP**

**Groff**, Williams, and Grossman

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**House Committees**

Transportation & Energy

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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.**

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**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.*

SENATE  
3rd Reading Unamended  
March 10, 2006

SENATE  
Amended 2nd Reading  
March 9, 2006

HOUSE  
3rd Reading Unamended  
February 15, 2006

HOUSE  
Amended 2nd Reading  
February 14, 2006

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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 (3) (d) and(5), Colorado Revised  
22 Statutes, are amended to read:

23 **42-4-237. Safety belt systems - mandatory use - exemptions -**  
24 **penalty.** (3) Except as provided in section 42-2-105.5, the requirement  
25 of subsection (2) of this section shall not apply to:

26 (d) A person with a physically or psychologically disabling

1 condition whose physical or psychological disability prevents appropriate  
2 restraint by a safety belt system if such person possesses a written  
3 statement by a physician OR CHIROPRACTOR certifying the condition, as  
4 well as stating the reason why such restraint is inappropriate;

5 (5) No driver in a motor vehicle shall be cited for a violation of  
6 subsection (2) of this section unless such driver was stopped by a law  
7 enforcement officer for an alleged violation of articles 1 to 4 of this title  
8 other than a violation of this section WHO, PRIOR TO THE STOP, CLEARLY  
9 OBSERVED THE VIOLATION AND IS ABLE TO ARTICULATE THAT THE  
10 RESTRAINING DEVICE WAS UNFASTENED.

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

13 **42-4-237. Safety belt systems - mandatory use - exemptions -**  
14 **penalty.** (5.5) IT IS THE INTENT OF THE GENERAL ASSEMBLY IN  
15 REPEALING SUBSECTION (5) OF THIS SECTION THAT THE PROHIBITION  
16 AGAINST PROFILING, AS DESCRIBED IN SECTION 24-31-309, C.R.S., BE  
17 STRICTLY OBSERVED BY EACH LAW ENFORCEMENT OFFICER WHO STOPS OR  
18 CONTEMPLATES THE STOP OF A DRIVER OF A MOTOR VEHICLE FOR AN  
19 ALLEGED RESTRAINING DEVICE VIOLATION.

20 **SECTION 5.** 42-4-1701 (4) (a) (I) (D), Colorado Revised  
21 Statutes, is amended to read:

22 **42-4-1701. Traffic offenses and infractions classified -**  
23 **penalties - penalty and surcharge schedule - repeal.** (4) (a) (I) Except  
24 as provided in paragraph (c) of subsection (5) of this section, every  
25 person who is convicted of, who admits liability for, or against whom a  
26 judgment is entered for a violation of any provision of this title to which  
27 the provisions of paragraph (a) or (b) of subsection (5) of this section

1 apply shall be fined or penalized, and have a surcharge levied thereon  
2 pursuant to section 24-4.2-104 (1) (b) (I), C.R.S., in accordance with the  
3 penalty and surcharge schedule set forth in sub-subparagraphs (A) to (P)  
4 of this subparagraph (I); or, if no penalty or surcharge is specified in the  
5 schedule, the penalty for class A and class B traffic infractions shall be  
6 fifteen dollars, and the surcharge shall be two dollars. These penalties  
7 and surcharges shall apply whether the defendant acknowledges the  
8 defendant's guilt or liability in accordance with the procedure set forth by  
9 paragraph (a) of subsection (5) of this section or is found guilty by a court  
10 of competent jurisdiction or has judgment entered against the defendant  
11 by a county court magistrate. Penalties and surcharges for violating  
12 specific sections shall be as follows:

<u>Section Violated</u>	<u>Penalty</u>	<u>Surcharge</u>
<u>(D) Equipment violations:</u>		
<u>42-4-201</u>	<u>\$ 35.00</u>	<u>\$ 5.20</u>
<u>42-4-202</u>	<u>35.00</u>	<u>5.20</u>
<u>42-4-204</u>	<u>15.00</u>	<u>2.60</u>
<u>42-4-205</u>	<u>15.00</u>	<u>2.60</u>
<u>42-4-206</u>	<u>15.00</u>	<u>2.60</u>
<u>42-4-207</u>	<u>15.00</u>	<u>2.60</u>
<u>42-4-208</u>	<u>15.00</u>	<u>2.60</u>
<u>42-4-209</u>	<u>15.00</u>	<u>2.60</u>
<u>42-4-210</u>	<u>15.00</u>	<u>2.60</u>
<u>42-4-211</u>	<u>15.00</u>	<u>2.60</u>
<u>42-4-212</u>	<u>15.00</u>	<u>2.60</u>
<u>42-4-213</u>	<u>15.00</u>	<u>2.60</u>
<u>42-4-214</u>	<u>15.00</u>	<u>2.60</u>

1	<u>42-4-215</u>	<u>15.00</u>	<u>2.60</u>
2	<u>42-4-216</u>	<u>15.00</u>	<u>2.60</u>
3	<u>42-4-217</u>	<u>15.00</u>	<u>2.60</u>
4	<u>42-4-218</u>	<u>15.00</u>	<u>2.60</u>
5	<u>42-4-219</u>	<u>15.00</u>	<u>2.60</u>
6	<u>42-4-220</u>	<u>15.00</u>	<u>2.60</u>
7	<u>42-4-221</u>	<u>15.00</u>	<u>2.60</u>
8	<u>42-4-222 (1)</u>	<u>15.00</u>	<u>2.60</u>
9	<u>42-4-223</u>	<u>15.00</u>	<u>2.60</u>
10	<u>42-4-224</u>	<u>15.00</u>	<u>2.60</u>
11	<u>42-4-225 (1)</u>	<u>15.00</u>	<u>2.60</u>
12	<u>42-4-226</u>	<u>15.00</u>	<u>2.60</u>
13	<u>42-4-227 (1)</u>	<u>50.00</u>	<u>7.80</u>
14	<u>42-4-227 (2)</u>	<u>15.00</u>	<u>2.60</u>
15	<u>42-4-228 (1), (2), (3), (5), or (6)</u>	<u>15.00</u>	<u>2.60</u>
16	<u>42-4-229</u>	<u>15.00</u>	<u>2.60</u>
17	<u>42-4-230</u>	<u>15.00</u>	<u>2.60</u>
18	<u>42-4-231</u>	<u>15.00</u>	<u>2.60</u>
19	<u>42-4-232</u>	<u>15.00</u>	<u>2.60</u>
20	<u>42-4-233</u>	<u>75.00</u>	<u>11.70</u>
21	<u>42-4-234</u>	<u>15.00</u>	<u>2.60</u>
22	<u>42-4-235</u>	<u>50.00</u>	<u>7.80</u>
23	<u>42-4-236</u>	<del>50.00</del> <u>75.00</u>	<del>7.80</del> <u>11.70</u>
24	<u>42-4-237</u>	<del>15.00</del> <u>25.00</u>	<del>2.60</del> <u>3.50</u>
25	<u>42-4-1411</u>	<u>15.00</u>	<u>2.60</u>
26	<u>42-4-1412</u>	<u>15.00</u>	<u>2.60</u>
27	<u>42-4-1901</u>	<u>35.00</u>	<u>5.20</u>

1           **SECTION 6. Effective date - applicability.** This act shall take  
2 effect July 1, 2006, and shall apply to infractions committed on or after  
3 said date.

4           **SECTION 7. Safety clause.** The general assembly hereby finds,  
5 determines, and declares that this act is necessary for the immediate  
6 preservation of the public peace, health, and safety.