

First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

CORRECTED ENGROSSED

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

LLS NO. 13-0086.02 Chuck Brackney x2295

HOUSE BILL 13-1022

HOUSE SPONSORSHIP

Holbert,

SENATE SPONSORSHIP

Jahn,

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING PROOF OF MOTOR VEHICLE INSURANCE, AND, IN**
102 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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://www.leg.state.co.us/billsummaries>.)

The bill makes providing false evidence of proof of motor vehicle insurance a class B traffic infraction punishable by a fine of \$500. The bill also allows a court clerk's office to dismiss a charge of violation of the compulsory auto insurance requirement if it verifies there was a policy in effect at the time of the alleged violation using the uninsured motorist

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
Amended 2nd Reading
March 8, 2013

database.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-4-1409, **amend**
3 (6) as follows:

4 **42-4-1409. Compulsory insurance - penalty - legislative intent.**
5 (6) ~~No~~ A person charged with violating subsection (1), (2), or (3) of this
6 section shall NOT be convicted if the person produces in court a bona fide
7 complying policy or certificate of self-insurance that was in full force and
8 effect as required by law at the time of the alleged violation. THE COURT
9 CLERK'S OFFICE MAY DISMISS THE CHARGE IF IT VERIFIES THAT THE PERSON
10 HAD A VALID POLICY IN EFFECT AT THE TIME OF THE ALLEGED VIOLATION
11 USING THE UNINSURED MOTORIST IDENTIFICATION DATABASE CREATED IN
12 SECTION 42-7-602.

13 **SECTION 2.** In Colorado Revised Statutes, **add** 42-4-1410.5 as
14 follows:

15 **42-4-1410.5. Providing false evidence of proof of motor vehicle**
16 **insurance - penalty.** (1) IT IS UNLAWFUL FOR ANY PERSON TO OFFER, USE,
17 OR ATTEMPT TO OFFER OR USE ANY MEANS, MANNER, TYPE OF PAPER,
18 DOCUMENT, CARD, DIGITAL IMAGE, OR ANY OTHER PROOF OF MOTOR
19 VEHICLE LIABILITY INSURANCE REQUIRED BY STATE LAW TO A LAW
20 ENFORCEMENT OFFICER, JUDGE, MAGISTRATE, PROSECUTOR, OR EMPLOYEE
21 OF A COURT CLERK'S OFFICE **WITH THE INTENT** TO MISLEAD THAT OFFICIAL
22 REGARDING THE STATUS OF ANY MOTOR VEHICLE LIABILITY INSURANCE
23 POLICY IN THE COURSE OF AN OFFICIAL INVESTIGATION, OR FOR PURPOSES
24 OF DISMISSING ANY CHARGE UNDER SECTION 42-4-1409 OR REDUCING ANY
25 PENALTY IMPOSED UNDER SECTION 42-4-1409, WHERE SUCH MEANS,

1 MANNER, TYPE, OR KIND OF PROOF OF INSURANCE OFFERED OR USED, OR
2 THAT IS ATTEMPTED TO BE OFFERED OR USED, IS KNOWN OR SHOULD BE
3 KNOWN BY THE PERSON TO BE FALSE, FRAUDULENT, OR INCORRECT IN ANY
4 MATERIAL MANNER OR WAY, OR WHICH IS KNOWN OR SHOULD BE KNOWN
5 BY THE PERSON TO BE ALTERED, FORGED, DEFACED, OR CHANGED IN ANY
6 MATERIAL RESPECT, UNLESS SUCH CHANGES ARE REQUIRED OR
7 AUTHORIZED BY LAW. ■

8 (2) VIOLATION OF THIS SECTION IS A CLASS B TRAFFIC INFRACTION,
9 PUNISHABLE BY A FINE OF UP TO FIVE HUNDRED DOLLARS.

10 (3) A PERSON WHO IS CONVICTED OF, WHO ADMITS LIABILITY FOR,
11 OR AGAINST WHOM A JUDGMENT IS ENTERED FOR A VIOLATION OF THIS
12 SECTION SHALL BE DEEMED, BUT ONLY FOR PURPOSES OF SECTION
13 18-1-408, C.R.S., TO HAVE BEEN CONVICTED OF A CRIMINAL OFFENSE.

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15 **SECTION 3. Appropriation.** In addition to any other
16 appropriation, there is hereby appropriated, out of any moneys in the
17 motorist insurance identification account of the highway users tax fund
18 created in section 42-3-304 (18) (d) (I), Colorado Revised Statutes, not
19 otherwise appropriated, to the department of revenue, for the fiscal year
20 beginning July 1, 2013, the sum of \$5,000, or so much thereof as may be
21 necessary, for allocation to division of motor vehicles for computer
22 programming services related to the implementation of this act.

23 **SECTION 4. Act subject to petition - effective date.** This act
24 takes effect at 12:01 a.m. on the day following the expiration of the
25 ninety-day period after final adjournment of the general assembly (August
26 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a
27 referendum petition is filed pursuant to section 1 (3) of article V of the

1 state constitution against this act or an item, section, or part of this act
2 within such period, then the act, item, section, or part will not take effect
3 unless approved by the people at the general election to be held in
4 November 2014 and, in such case, will take effect on the date of the
5 official declaration of the vote thereon by the governor.