






Colorado Revised Statutes

-  **Colorado Revised Statutes**
-  **TITLE 42 VEHICLES AND TRAFFIC**
-  **REGULATION OF VEHICLES AND TRAFFIC**
-  **ARTICLE 4 Regulation of Vehicles and Traffic**
-  **PART 14 OTHER OFFENSES**

42-4-1409. Compulsory insurance – penalty – legislative intent.

(1) No owner of a motor vehicle or low-power scooter required to be registered in this state shall operate the vehicle or permit it to be operated on the public highways of this state when the owner has failed to have a complying policy or certificate of self-insurance in full force and effect as required by law.

(2) No person shall operate a motor vehicle or low-power scooter on the public highways of this state without a complying policy or certificate of self-insurance in full force and effect as required by law.

(3) When an accident occurs, or when requested to do so following any lawful traffic contact or during any traffic investigation by a peace officer, no owner or operator of a motor vehicle or low-power scooter shall fail to present to the requesting officer immediate evidence of a complying policy or certificate of self-insurance in full force and effect as required by law.

(4)(a) Any person who violates the provisions of subsection (1), (2), or (3) of this section commits a class 1 misdemeanor traffic offense. The minimum fine imposed by section [42-4-1701](#)(3)(a) (II) (A) shall be mandatory, and the defendant shall be punished by a minimum mandatory fine of not less than five hundred dollars. The court may suspend up to one half of the fine upon a showing that appropriate insurance as required pursuant to section [10-4-619](#) or [10-4-624](#), C.R.S., has been obtained. Nothing in this paragraph (a) shall be construed to prevent the court from imposing a fine greater than the minimum mandatory fine.

(b) Upon a second or subsequent conviction under this section within a period of five years following a prior conviction under this section, in addition to any imprisonment imposed pursuant to section [42-4-1701](#)(3)(a) (II) (A), the defendant shall be punished by a minimum mandatory fine of not less than one thousand dollars, and the court shall not suspend such minimum fine. The court or the court collections' investigator may establish a payment schedule for a person convicted of the provisions of subsection (1), (2), or (3) of this section, and the provisions of section [16-11-101.6](#), C.R.S., shall apply. The court may suspend up to one half of the fine upon a showing that appropriate insurance as required pursuant to section [10-4-619](#) or [10-4-624](#), C.R.S., has been obtained.

(c) In addition to the penalties prescribed in paragraphs (a) and (b) of this subsection (4), any person convicted pursuant to this section may, at the discretion of the court, be sentenced to perform not less than forty hours of community service, subject to the provisions of section [18-1.3-507](#), C.R.S.

(5) Testimony of the failure of any owner or operator of a motor vehicle or low-power scooter to present immediate evidence of a complying policy or certificate of self-insurance in full force and effect as required by law, when requested to do so by a peace officer, shall constitute prima facie evidence, at a trial concerning a violation charged under subsection (1) or (2) of this section, that such owner or operator of a motor vehicle violated subsection (1) or (2) of this section.

(6) No person charged with violating subsection (1), (2), or (3) of this section shall be convicted if the person produces in court a bona fide complying policy or certificate of self-insurance that was in full force and effect as required by law at the time of the alleged violation.

(7) The owner of a motor vehicle or low-power scooter, upon receipt of an affirmation of insurance as described in section [42-3-113](#)(2) and (3), shall sign and date such affirmation in the space provided.

(8) (Deleted by amendment, L. 2003, p. 2648, § 7, effective July 1, 2003.)

(9) It is the intent of the general assembly that the moneys collected as fines imposed pursuant to paragraphs (a) and (b) of subsection (4) of this section are to be used for the supervision of the public highways. The general assembly determines that law enforcement agencies that patrol and maintain the public safety on public highways are supervising the public highways. The general assembly further determines that a clerk and recorder for a county is supervising the public highways through his or her enforcement of the requirements for demonstration of proof of motor vehicle insurance pursuant to section [42-3-105](#)(1)(d). Therefore, of the moneys collected from fines pursuant to paragraphs (a) and (b) of subsection (4) of this section, fifty percent of these moneys shall be transferred to the law enforcement agency that issued the ticket for a violation of this section. The remaining fifty percent of the moneys collected from fines for violations of paragraph (a) or (b) of subsection (4) of this section shall be transmitted to the clerk and recorder for the county in which the violation occurred.

Source: L. 94: Entire title amended with relocations, p. 2394, § 1, effective January 1, 1995. L. 95: (4)(c) amended, p. 315, § 4, effective July 1. L. 97: (8) added by revision, p. 1452, § 8. L. 2001: (8) amended, p. 525, § 12, effective May 22. L. 2002: (4)(c) amended, p. 1562, § 369, effective October 1. L. 2003: (4)(a) and (4)(b) amended, p. 1885, § 2, effective May 22; (1), (2), (3), (4)(a), (4)(b), (5), and (6) amended, p. 1575, § 16, effective July 1; (1), (2), (3), (4), (5), (6), and (8) amended, p. 2648, § 7, effective July 1. L. 2004: (4)(a) and (4)(b) amended and (9) added, p. 793, § 3, effective January 1, 2005. L. 2005: (7) amended, p. 1177, § 18, effective August 8. L. 2006: (9) amended, p. 1512, § 76, effective June 1. L. 2009: (1), (2), (3), (5), and (7) amended, (HB 09-1026), ch. 281, p. 1280, § 60, effective July 1, 2010.

Editor's note: (1) This section is similar to former § 42-4-1213 as it existed prior to 1994, and the former § [42-4-1409](#) was relocated to § [42-4-1609](#).

(2) Amendments to subsections (1), (2), (3), (5), and (6) by House Bill

03-1188 and Senate Bill 03-239 were harmonized.

(3) Amendments to subsections (4)(a) and (4)(b) by House Bill 03-1188, House Bill 03-1223, and Senate Bill 03-239 were harmonized.

(4) Section 137 of Senate Bill 09-292 changed the effective date of subsections (1), (2), (3), (5), and (7) from October 1, 2009, to July 1, 2010.

Cross references: For the legislative declaration contained in the 2002 act amending subsection (4)(c), see section 1 of chapter [318](#), Session Laws of Colorado 2002.
