

**TOWN OF FREDERICK, COLORADO  
ORDINANCE NO. 1153**

**AN ORDINANCE OF THE TOWN OF FREDERICK, COLORADO, ENACTING CHAPTER 8, "VEHICLES AND TRAFFIC," ARTICLE III, "MISCELLANEOUS PROVISIONS," SECTION 8-44 "PROVIDING FALSE EVIDENCE OF PROOF OF MOTOR VEHICLE INSURANCE, PENALTY," OF THE MUNICIPAL CODE OF THE TOWN OF FREDERICK; AND, AMENDING MODEL TRAFFIC CODE, 2010 EDITION, SECTION 1409, "COMPULSORY INSURANCE – PENALTY –LEGISLATIVE INTENT", AND SETTING FORTH DETAILS IN RELATION THERETO.**

**WHEREAS**, House Bill 13-1022 enacted C.R.S. 42-4-1405.5, "Providing false evidence of proof of motor vehicle insurance – penalty," and

**WHEREAS**, House Bill 13-1159 modified specific provisions of C.R.S. Title 42, related to compulsory motor vehicle insurance, and such provisions relate to Section 1409, Model Traffic Code, 2010 edition, as previously adopted by reference by the Town of Frederick, and

**WHEREAS**, the Board of Trustees of the Town of Frederick believes it is in the best interest of the Town to amend the Town of Frederick Municipal Code as set forth herein below, and the Model Traffic Code, 2010 edition, and

**WHEREAS**, the Board of Trustees of the Town of Frederick determines that such amendments are necessary for the preservation of the public property, health, safety, and welfare of the Town.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF FREDERICK, COLORADO, AS FOLLOWS:**

Section 1. Chapter 8, "Vehicles and Traffic," Article III, "Miscellaneous Provisions," Section 8-44 of the Municipal Code of the Town of Frederick, entitled "Providing false evidence of proof of motor vehicle insurance, penalty," is hereby enacted to read as follows:

**Sec. 8-44. Providing false evidence of proof of motor vehicle insurance, penalty.**

(a) It is unlawful for any person to offer, use or attempt to offer or use any means, manner, type of paper, document, card, digital image, or any other proof of motor vehicle insurance required by state and local law to a law enforcement officer, judge, prosecutor, or employee of the court clerk's office with the intent to mislead that official regarding the status of any motor vehicle liability insurance policy in the course of an official investigation, or for the purposes of dismissing the charge under Model Traffic Code, Sec. 1409, where such means, manner, type or kind of proof of insurance offered or used, or that is attempted to be offered or used, is known or should be known by the person to be false,

fraudulent, or incorrect in any material manner or way, or which is known or should be known by the person to be altered, forged, defaced, or changed in any material respect, unless such changes are required or authorized by law.

(b) This section is designated a noncriminal violation, subject to the penalties set forth at Frederick Municipal Code Sec. 1-72(a) upon conviction.

Section 2. Model Traffic Code, 2010 edition, Sec. 1409, “Compulsory insurance – penalty – legislative intent,” is hereby revised as follows:

**1409. Compulsory insurance – penalty – legislative intent.**

(3)(a) When an accident occurs, or when requested to do so following any lawful traffic contact or during any traffic investigation by a peace officer, an owner or operator of a motor vehicle or low-power scooter shall 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.

(b) As used in this section, “evidence of a complying policy or certificate of self-insurance in full force and effect” includes the presentation of such a policy or certificate upon a cell phone or other electronic device.

(6) A person charged with violating subsection (1), (2) or (3) of this section shall not 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. The Court Clerk’s office may dismiss the charge if it verifies that the person had a valid policy in effect at the time of the alleged violation using the uninsured motorist identification database, or by means of other verification. No pending charge shall be dismissed until the person so charged has paid in full the insurance dismissal fee set forth at Frederick Municipal Code §10-10.

(8.5) If an operator of a motor vehicle or low-power scooter uses a cell phone or other electronic device to present evidence of a complying policy or certificate of self-insurance in full force and effect, as described in paragraph (b) of subsection (3) of this section:

(a) The law enforcement officer to whom the operator presents the device shall not explore the contents of the cell phone or other electronic device other than to examine the operator’s policy or certificate of self-insurance; and

(b) The law enforcement officer to whom the operator presents the device, and any law enforcement agency that employs the officer, are immune from any

civil damages resulting from the officer dropping or otherwise unintentionally damaging the cell phone or other electronic device.

Section 3.      Effective Date. This ordinance shall be published and become effective as provided by law.

Section 4.      Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Town Board hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases are declared invalid.

Section 5. Repealer. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED THIS  
24<sup>th</sup> day of September, 2013.

TOWN OF FREDERICK

By: 

Tony Carey, Mayor

ATTEST:

By: 

Meghan Martinez, Town Clerk