

**First Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO**

**ENGROSSED**

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

LLS NO. 17-0429.01 Yelana Love x2295

**HOUSE BILL 17-1162**

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**HOUSE SPONSORSHIP**

**Gray,**

**SENATE SPONSORSHIP**

**Gardner,**

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**House Committees**

Judiciary  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING ACTION THAT CAN BE TAKEN AGAINST AN INDIVIDUAL**  
102              **BASED ON THE INDIVIDUAL'S FAILURE TO PAY FOR A TRAFFIC**  
103              **VIOLATION, AND, IN CONNECTION THEREWITH, MAKING AN**  
104              **APPROPRIATION.**

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**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://leg.colorado.gov/>.)*

Under current law, an individual who is cited for certain traffic infractions must either pay the penalty assessment or appear in court for a hearing. If the individual neither pays the infraction nor appears for a

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  
April 28, 2017

hearing, the court must issue a judgment against the individual. An individual who has an outstanding judgment:

- ! May have their driver's license canceled;
- ! May not receive a new driver's license; and
- ! May not renew a current driver's license.

The bill repeals these penalties and provides courts with the option of withholding a driver's state income tax refund in order to satisfy the outstanding judgment.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-2-138, **amend**  
3 (1)(a) and (3); and **add** (1.5) and (2.5) as follows:

4 **42-2-138. Driving under restraint - penalty.** (1) (a) EXCEPT AS  
5 PROVIDED IN SUBSECTION (1.5) OF THIS SECTION, any person who drives  
6 a motor vehicle or off-highway vehicle upon any highway of this state  
7 with knowledge that the person's license or privilege to drive, either as a  
8 resident or a nonresident, is under restraint for any reason other than  
9 conviction of DUI, DUI per se, DWAI, or UDD is guilty of a  
10 misdemeanor. A court may sentence a person convicted of this  
11 misdemeanor to imprisonment in the county jail for a period of not more  
12 than six months and may impose a fine of not more than five hundred  
13 dollars.

14 (1.5) ANY PERSON WHO DRIVES A MOTOR VEHICLE OR  
15 OFF-HIGHWAY VEHICLE UPON ANY HIGHWAY OF THIS STATE WITH  
16 KNOWLEDGE THAT THE PERSON'S LICENSE OR PRIVILEGE TO DRIVE, EITHER  
17 AS A RESIDENT OR A NONRESIDENT, IS UNDER RESTRAINT FOR AN  
18 OUTSTANDING JUDGMENT IS GUILTY OF A CLASS A TRAFFIC INFRACTION AS  
19 DEFINED IN SECTION 42-4-1701 (3).

20 (2.5) A MUNICIPALITY MAY ENFORCE VIOLATIONS OF SUBSECTION  
21 (1.5) OF THIS SECTION IN MUNICIPAL COURT. A MUNICIPAL COURT SHALL

1 NOT WAIVE OR REDUCE THE THREE-POINT PENALTY.

2 (3) The department, upon receiving a record of conviction or

3 accident report of any person for an offense committed while operating

4 a motor vehicle, shall immediately examine its files to determine if the

5 license or operating privilege of such person has been restrained. If it

6 appears that said offense was committed while the license or operating

7 privilege of such person was restrained FOR A REASON OTHER THAN AN

8 OUTSTANDING JUDGMENT, except as permitted by section 42-2-132.5, the

9 department shall not issue a new license or grant any driving privileges

10 for an additional period of one year after the date such person would

11 otherwise have been entitled to apply for a new license or for

12 reinstatement of a suspended license and shall notify the district attorney

13 in the county where such violation occurred and request prosecution of

14 such person under subsection (1) of this section.

15 **SECTION 2.** In Colorado Revised Statutes, 42-2-127, **add** (5)(II)

16 as follows:

17 **42-2-127. Authority to suspend license - to deny license - type**

18 **of conviction - points.** (5) Point system schedule:

Type of conviction	Points
(II) DRIVING UNDER RESTRAINT IN VIOLATION OF SECTION	
42-2-138 (1.5) .....	3

22 **SECTION 3.** In Colorado Revised Statutes, 42-2-202, **amend**

23 (2)(a)(III) as follows:

24 **42-2-202. Habitual offenders - frequency and type of**

25 **violations.** (2) (a) An habitual offender is a person having three or more

26 convictions of any of the following separate and distinct offenses arising

27 out of separate acts committed within a period of seven years:

1 (III) Driving a motor vehicle upon a highway while such person's  
2 license or privilege to drive a motor vehicle has been denied, suspended,  
3 or revoked, in violation of section ~~42-2-138~~ 42-2-138 (1);

4 **SECTION 4. Appropriation.** For the 2017-18 state fiscal year,  
5 \$108,000 is appropriated to the department of revenue. This appropriation  
6 is from the licensing services cash fund created in section 42-2-114.5 (1),  
7 C.R.S. To implement this act, the department may use this appropriation  
8 for DMV IT system (DRIVES) support.

9 **SECTION 5. Act subject to petition - effective date -**  
10 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
11 the expiration of the ninety-day period after final adjournment of the  
12 general assembly (August 9, 2017, if adjournment sine die is on May 10,  
13 2017); except that, if a referendum petition is filed pursuant to section 1  
14 (3) of article V of the state constitution against this act or an item, section,  
15 or part of this act within such period, then the act, item, section, or part  
16 will not take effect unless approved by the people at the general election  
17 to be held in November 2018 and, in such case, will take effect on the  
18 date of the official declaration of the vote thereon by the governor.

19 (2) This act applies to offenses committed on or after the  
20 applicable effective date of this act.