

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0799.01 Conrad Imel x2313

HOUSE BILL 18-1406

HOUSE SPONSORSHIP

Foote and Weissman,

SENATE SPONSORSHIP

(None),

House Committees
Transportation & Energy

Senate Committees

A BILL FOR AN ACT

101 CONCERNING ACTION THAT CAN BE TAKEN AGAINST AN INDIVIDUAL'S
102 DRIVER'S LICENSE BASED ON THE PERSON'S FAILURE TO PAY FOR
103 TRAFFIC VIOLATIONS.

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 existing law, the department of revenue (department) may not issue or renew, or may cancel, a driver's license if the applicant or license holder has outstanding warrants or has failed to pay certain monetary judgments relating to traffic violations. The bill prohibits the department from denying or canceling a driver's license when the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

applicant or license holder has failed to pay a monetary judgment relating to a traffic violation or has used public transportation without paying the fare.

Under existing law, an outstanding judgment or warrant relating to any municipal violation committed when the applicant or license holder was under 18 years of age must result in the denial or cancellation of the driver's license. The bill limits such denials or cancellations to when the outstanding warrant is for a traffic violation that occurred when the applicant or license holder was under 18 years of age.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-4-1709, **amend**
3 (7)(a)(V); and **repeal** (7)(a)(I), (7)(a)(II), (7)(a)(IV), and (7)(a)(VIII) as
4 follows:

5 **42-4-1709. Penalty assessment notice for traffic infractions -**
6 **violations of provisions by officer - driver's license.** (7) (a) A person
7 shall not be allowed or permitted to obtain or renew a permanent driver's,
8 minor driver's, or probationary license if such person has, at the time of
9 making application for obtaining or renewing such driver's license:

10 (I) ~~An outstanding judgment entered against such person on and~~
11 ~~after January 1, 1983, pursuant to section 42-4-1710 (2) or (3);~~

12 (II) ~~An outstanding judgment entered against such person by a~~
13 ~~county or municipal court for a violation of a statute or ordinance relating~~
14 ~~to the regulation of motor vehicles or traffic, excluding traffic infractions~~
15 ~~defined by state statute or ordinance and violations relating to parking;~~

16 (IV) ~~An outstanding judgment entered against such person by a~~
17 ~~municipal court for a violation of any municipal ordinance which~~
18 ~~occurred when such person was under eighteen years of age, excluding~~
19 ~~traffic infractions defined by state statute or ordinance and violations~~
20 ~~related to parking;~~

1 (V) A bench warrant issued against such person by a municipal
2 court for failure to appear to answer a ~~summons or summons and~~
3 ~~complaint for an alleged violation of any municipal ordinance~~ CITATION
4 FOR AN ALLEGED VIOLATION OF A STATUTE OR ORDINANCE RELATING TO
5 THE REGULATION OF MOTOR VEHICLES OR TRAFFIC that occurred when
6 such person was under eighteen years of age, excluding traffic infractions
7 defined by state statute or ordinance and violations relating to parking;

8 (VIII) ~~An outstanding judgment entered against such person by a~~
9 ~~county or municipal court for a violation of section 42-4-1416.~~

10 **SECTION 2.** In Colorado Revised Statutes, 42-2-107, **amend** (5)
11 as follows:

12 **42-2-107. Application for license or instruction permit -**
13 **anatomical gifts - donations to Emily Keyes - John W. Buckner organ**
14 **and tissue donation awareness fund - legislative declaration - rules -**
15 **annual report - repeal.** (5) (a) (I) Prior to the issuance OR
16 REINSTATEMENT of a driver's or minor driver's license, the department
17 shall determine if there are any outstanding ~~judgments or~~ warrants entered
18 or issued against the applicant pursuant to section 42-4-1709 (7).

19 (II) For the purposes of this subsection (5), "outstanding
20 ~~judgments or~~ warrants" does not include any ~~judgment or~~ warrant
21 reported to the department in violation of the provisions of section
22 42-4-110.5 (2)(c) OR ANY WARRANT ISSUED FOR FAILURE TO PAY MONEY,
23 FAILURE TO APPEAR TO PAY MONEY, OR FAILURE TO APPEAR AT ANY
24 POSTSENTENCING COURT APPEARANCE WHEREIN THE DEFENDANT WAS
25 REQUIRED TO APPEAR IF HE OR SHE FAILED TO PAY A MONETARY AMOUNT,
26 UNLESS THE WARRANT WAS ISSUED FOR CONTEMPT OF COURT PURSUANT
27 TO SECTION 18-1.3-702 (3).

1 (b) If the department determines that there are no outstanding
2 ~~judgments or warrants entered or issued against the applicant~~ and if all
3 other conditions for issuance required by articles 1 to 4 of this ~~title~~ TITLE
4 42 are met, the department shall issue OR REINSTATE the license.

5 (c) If the department determines that ~~there are outstanding~~
6 ~~judgments or warrants entered or issued against the applicant~~ and the
7 applicant is subject to the provisions of section 42-4-1709 (7), the license
8 shall not be issued OR REINSTATED until the applicant has complied with
9 the requirements of that section. Any person who ~~satisfies an outstanding~~
10 ~~judgment or warrant~~ HAS ANY WARRANTS entered pursuant to section
11 42-4-1709 (7) shall pay to the court a thirty-dollar administrative
12 processing fee for each ~~such judgment or warrant in addition to all other~~
13 ~~penalties, costs, or forfeitures~~ CASE IN WHICH A WARRANT WAS ISSUED.
14 The court shall remit fifty percent of the administrative processing fee to
15 the department, ~~of revenue~~, and the other fifty percent shall be retained
16 by the issuing court.

17 **SECTION 3.** In Colorado Revised Statutes, 42-2-118, **amend**
18 (3)(a), (3)(b), and (3)(c) as follows:

19 **42-2-118. Renewal of license in person or by mail - donations**
20 **to Emily Keyes - John W. Buckner organ and tissue donation**
21 **awareness fund - repeal.** (3) (a) (I) Prior to the renewal of a permanent
22 driver's license or the issuance or renewal of a probationary license, the
23 department shall determine if the applicant has any outstanding ~~judgments~~
24 ~~or warrants entered or issued against the applicant~~ or if the applicant has
25 issued a check or order to the department for the payment of a penalty
26 assessment and such check or order was returned for insufficient funds or
27 a closed account and remains unpaid as set forth in section 42-4-1709 (7).

1 (II) For the purposes of this subsection (3), "outstanding
2 ~~judgments or warrants~~" does not include any ~~judgment or warrant~~
3 reported to the department in violation of the provisions of section
4 42-4-110.5 (2)(c) OR ANY WARRANT ISSUED FOR FAILURE TO PAY MONEY,
5 FAILURE TO APPEAR TO PAY MONEY, OR FAILURE TO APPEAR AT ANY
6 POSTSENTENCING COURT APPEARANCE WHEREIN THE DEFENDANT WAS
7 REQUIRED TO APPEAR IF HE OR SHE FAILED TO PAY A MONETARY AMOUNT,
8 UNLESS THE WARRANT WAS ISSUED FOR CONTEMPT OF COURT PURSUANT
9 TO SECTION 18-1.3-702 (3).

10 (b) (I) If there are no outstanding ~~judgments or warrants~~ entered
11 or issued against the applicant and the applicant has not issued a check or
12 order to the department that was returned for insufficient funds or a
13 closed account and that remains unpaid as set forth in section 42-4-1709
14 (7) and if all other conditions for renewal pursuant to articles 1 to 4 of this
15 ~~title~~ TITLE 42 are met, the department shall renew the applicant's
16 permanent driver's license.

17 (II) If there are no outstanding ~~judgments or warrants~~ entered or
18 issued against the applicant and the defendant has not issued a check or
19 order to the department that was returned for insufficient funds or a
20 closed account and that remains unpaid as set forth in section 42-4-1709
21 (7) and if all other conditions for renewal pursuant to articles 1 to 4 of this
22 ~~title~~ TITLE 42 are met, the department may issue or renew the applicant's
23 probationary license.

24 (c) If the department determines that the applicant is subject to ~~the~~
25 ~~requirements of~~ section 42-4-1709 (7), the permanent driver's license
26 shall not be renewed or the probationary license may not be issued or
27 renewed until ~~such~~ THE applicant has complied with said section. Any

1 person ~~who pays any outstanding judgments~~, who has any warrants
2 entered or who makes payment for a check or order to the department that
3 had been returned for insufficient funds or a closed account pursuant to
4 section 42-4-1709 (7) shall pay to the court or to the department a
5 thirty-dollar administrative processing cost for each ~~such judgment,~~
6 ~~warrant~~ CASE IN WHICH A WARRANT WAS ISSUED, check, or order. ~~in~~
7 ~~addition to all other penalties, costs, or forfeitures.~~ If the court collects an
8 administrative processing fee, the court shall remit fifty percent of the
9 administrative processing fee to the department, ~~of revenue~~, and the other
10 fifty percent of that fee is to be retained by the issuing court. If the
11 department collects an administrative processing fee, the department shall
12 retain the fee.

13 **SECTION 4.** In Colorado Revised Statutes, 42-2-122, **amend**
14 (1)(h)(I), (1)(h)(II), and (1)(h)(III) as follows:

15 **42-2-122. Department may cancel license - limited license for**
16 **physical or mental limitations.** (1) The department has the authority to
17 cancel, deny, or deny the reissuance of any driver's or minor driver's
18 license upon determining that the licensee was not entitled to the issuance
19 for any of the following reasons:

20 (h) (I) The person has an outstanding ~~judgment or~~ warrant referred
21 to in section 42-4-1709 (7) issued against such person; except that, as
22 used in this ~~paragraph (h), "judgment or~~ SUBSECTION (1)(h), "warrant"
23 ~~shall~~ DOES not include any ~~judgment or~~ warrant reported to the
24 department in violation of section 42-4-110.5 (2)(c) OR ANY WARRANT
25 ISSUED FOR FAILURE TO PAY MONEY, FAILURE TO APPEAR TO PAY MONEY,
26 OR FAILURE TO APPEAR AT ANY POSTSENTENCING COURT APPEARANCE
27 WHEREIN THE DEFENDANT WAS REQUIRED TO APPEAR IF HE OR SHE FAILED

1 TO PAY A MONETARY AMOUNT, UNLESS THE WARRANT WAS ISSUED FOR
2 CONTEMPT OF COURT PURSUANT TO SECTION 18-1.3-702 (3).

3 (II) Upon receipt of a ~~judgment or~~ warrant from a court clerk on
4 or after September 1, 2000, the department shall send written notice to the
5 person identified in the court order that such person is required to provide
6 the department with proof that the ~~judgment or~~ warrant is no longer
7 outstanding within thirty days after the date such notice is sent or such
8 person's driver's license ~~shall~~ MUST be canceled or any application for a
9 new license ~~shall~~ MUST be denied. Proof that the ~~judgment or~~ warrant is
10 no longer outstanding ~~shall~~ MUST be in the form of a certificate issued by
11 the clerk of the court ~~entering the judgment or~~ issuing the warrant in a
12 form approved by the executive director OF THE DEPARTMENT.

13 (III) If acceptable proof is not received by the department within
14 thirty days after notice was sent, the department shall cancel the driver's
15 license or deny any application for a license of the person against whom
16 ~~the judgment was entered or~~ the warrant was issued.

17 **SECTION 5.** In Colorado Revised Statutes, 42-2-127.5, **amend**
18 (4) as follows:

19 **42-2-127.5. Authority to suspend license - violation of child**
20 **support order.** (4) ~~In the event that~~ IF a driver's license is suspended
21 pursuant to subsection (3) of this section, the department may issue a
22 probationary license for a period not to exceed ninety days from the date
23 of issuance, which probationary license ~~shall~~ MUST restrict the driver to
24 driving to and from the place of employment or to performing duties
25 within the course of the driver's employment. The department is
26 authorized to charge a fee for such probationary license that covers the
27 direct and indirect costs of issuing the license. The department may not

1 issue a probationary license to an individual unless at the time of license
2 restraint such individual has a valid driver's privilege and has no
3 outstanding ~~judgments~~ or warrants issued against such individual
4 pursuant to the requirements of section 42-2-118 (3).

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