

**Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 20-0940.01 Conrad Imel x2313

HOUSE BILL 20-1279

HOUSE SPONSORSHIP

McKean and Roberts,

SENATE SPONSORSHIP

Zenzinger and Scott,

House Committees

Transportation & Local Government
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING FUNDING FOR HIGH-VISIBILITY DRUNK DRIVING LAW**
102 **ENFORCEMENT.**

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 office of transportation safety within the office of the executive director of the department of transportation (department) receives funding from the law enforcement assistance fund (LEAF fund) to provide funding to local governments that have established a qualified drunk driving prevention and law enforcement program. The department receives funding from the first time drunk

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.

driving offender account in the highway users tax fund for high-visibility drunk driving enforcement.

The bill requires the general assembly to annually appropriate \$2 million to the department for allocation to local government programs that implement high-visibility drunk driving enforcement. The bill repeals department funding for high-visibility drunk driving enforcement from the first time drunk driving offender account and repeals office of transportation safety funding from the LEAF fund.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) Colorado is required to provide funding for impaired driving
5 law enforcement pursuant to federal and state law;

6 (b) Existing funding for impaired driving programs is decreasing,
7 and the department of transportation anticipates that funds for impaired
8 driving law enforcement will be nearly nonexistent in two years;

9 (c) Existing funding for impaired driving law enforcement funds
10 programs that provide ignition locks, breathalyzer analysis, blood testing,
11 impaired driving public education, and high-visibility impaired driving
12 enforcement;

13 (d) In Colorado, impaired driving law enforcement includes
14 high-visibility enforcement funding through the department of
15 transportation to pay local governments for 12 enforcement episodes each
16 year, which resulted in more than 9,000 impaired driving arrests in 2019;
17 and

18 (e) Without the existing funding, many local governments would
19 not have the ability to pay for increased high-visibility impaired
20 enforcement during key times of the year, including New Year's Eve,
21 Fourth of July, and Memorial Day.

1 (2) Therefore, it is in the best interest for the safety and welfare
2 of Coloradans to prioritize state funding for impaired driving
3 enforcement.

4 **SECTION 2.** In Colorado Revised Statutes, **amend** 43-4-901 as
5 follows:

6 **43-4-901. High-visibility drunk driving law enforcement.** The
7 department of transportation, in implementing the strategic transportation
8 project investment program, shall, as a priority, increase to twelve
9 episodes annually the number of high-visibility drunk driving law
10 enforcement episodes that the department oversees. ~~The high-visibility
11 drunk driving law enforcement episodes required by this section shall be
12 independent of, and in addition to, the drunk driving prevention and law
13 enforcement program described in part 4 of this article.~~

14 **SECTION 3.** In Colorado Revised Statutes, **add** 43-4-902 as
15 follows:

16 **43-4-902. Local drunk driving law enforcement - qualified
17 program - report - rules.** (1) ANY MUNICIPALITY, CITY AND COUNTY, OR
18 COUNTY THAT ESTABLISHES A QUALIFIED PROGRAM TO COORDINATE
19 EFFORTS TO PREVENT DRUNK DRIVING AND ENFORCE THE LAWS
20 PERTAINING TO ALCOHOL- AND DRUG-RELATED TRAFFIC OFFENSES IS
21 ELIGIBLE TO RECEIVE MONEY PURSUANT TO THIS PART 9 FOR
22 HIGH-VISIBILITY DRUNK DRIVING LAW ENFORCEMENT.

23 (2) (a) THE DEPARTMENT OF TRANSPORTATION SHALL ALLOCATE
24 NOT LESS THAN THIRTY PERCENT AND NOT MORE THAN FIFTY PERCENT OF
25 THE MONEY APPROPRIATED TO THE DEPARTMENT OF TRANSPORTATION
26 PURSUANT TO SECTION 43-4-903 TO COUNTIES THAT HAVE ESTABLISHED
27 A QUALIFIED DRUNK DRIVING PREVENTION AND LAW ENFORCEMENT

1 PROGRAM.

2 (b) THE DEPARTMENT OF TRANSPORTATION SHALL ALLOCATE NOT
3 LESS THAN FIFTY PERCENT AND NOT MORE THAN SEVENTY PERCENT OF THE
4 MONEY APPROPRIATED TO THE DEPARTMENT OF TRANSPORTATION
5 PURSUANT TO SECTION 43-4-903 TO MUNICIPALITIES AND CITY AND
6 COUNTIES THAT HAVE ESTABLISHED A QUALIFIED DRUNK DRIVING
7 PREVENTION AND LAW ENFORCEMENT PROGRAM.

8 (3) THE DEPARTMENT OF TRANSPORTATION SHALL PROMULGATE
9 RULES FOR THE ADMINISTRATION OF THIS SECTION. AT A MINIMUM, THE
10 RULES MUST:

11 (a) ESTABLISH THE MINIMUM REQUIREMENTS FOR A QUALIFIED
12 PROGRAM;

13 (b) ESTABLISH THE PROCESS FOR DISTRIBUTING MONEY TO
14 COUNTIES, CITIES AND COUNTIES, AND MUNICIPALITIES PURSUANT TO THIS
15 SECTION; AND

16 (c) PERMIT QUALIFIED PROGRAMS TO USE MONEY RECEIVED
17 PURSUANT TO THIS SECTION TO EDUCATE THE PUBLIC REGARDING
18 ALCOHOL- AND DRUG-RELATED TRAFFIC OFFENSES.

19 **SECTION 4.** In Colorado Revised Statutes, **add** 43-4-903 as
20 follows:

21 **43-4-903. Drunk driving law enforcement funding.** THE
22 GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE FROM THE GENERAL
23 FUND TWO MILLION DOLLARS TO THE DEPARTMENT OF TRANSPORTATION
24 FOR DRUNK DRIVING ENFORCEMENT DESCRIBED IN THIS PART 9.

25 **SECTION 5.** In Colorado Revised Statutes, 43-4-402, **amend**
26 (2)(a) as follows:

27 **43-4-402. Source of revenues - allocation of money.** (2) (a) The

1 general assembly shall make an annual appropriation out of the money in
2 the fund to the department of public health and environment in an amount
3 sufficient to pay for the costs of evidential breath alcohol testing,
4 including any education needs associated with testing, and implied
5 consent specialists, the costs of which were previously paid out of the
6 highway users tax fund. The general assembly shall also make an annual
7 appropriation out of the money in the fund to the Colorado bureau of
8 investigation to pay for the costs of toxicology laboratory services,
9 including any education needs associated with the services. ~~Of the money~~
10 ~~remaining in the fund, eighty percent shall be deposited in a special~~
11 ~~drunken driving account in the fund, which account is created, and be~~
12 ~~available immediately, without further appropriation, for allocation by the~~
13 ~~transportation commission to the office of transportation safety. The~~
14 ~~office of transportation safety shall allocate the money in accordance with~~
15 ~~the provisions of section 43-4-404 (1) and (2). The remaining twenty~~
16 ~~percent shall be appropriated by~~ The general assembly SHALL
17 APPROPRIATE THE REMAINING MONEY IN THE FUND to the office of
18 behavioral health in the department of human services, which shall use
19 the money for the purposes stated in section 43-4-404 (3). ~~The office of~~
20 ~~transportation safety and the office of behavioral health in the department~~
21 ~~of human services may use amounts from the money allocated or~~
22 ~~appropriated to them by~~ IT PURSUANT TO this subsection (2) as necessary
23 for the purpose of paying the costs incurred by ~~the office of transportation~~
24 ~~safety and the office of behavioral health in administering the programs~~
25 ~~established pursuant to this part 4; except that neither the office of~~
26 ~~transportation safety nor the office of behavioral health may NOT use for~~
27 the purposes of this part 4 an amount exceeding eight percent of the

1 money allocated or appropriated.

2 **SECTION 6.** In Colorado Revised Statutes, **repeal** 43-4-403 as
3 follows:

4 **43-4-403. Drunken driving prevention and law enforcement**
5 **program - minimum requirements.** Any municipality, city and county,
6 or county which establishes a qualified program to coordinate efforts to
7 prevent drunken driving and enforce the laws pertaining to alcohol- and
8 drug-related traffic offenses shall be eligible to receive moneys from the
9 fund. The minimum requirements for such a qualified program shall be
10 established by rules and regulations promulgated by the office of
11 transportation safety in the department of transportation, which rules and
12 regulations shall provide for programs, including but not limited to,
13 programs to educate the public regarding alcohol- and drug-related traffic
14 offenses.

15 **SECTION 7.** In Colorado Revised Statutes, 43-4-404, **repeal** (1)
16 and (2) as follows:

17 **43-4-404. Formula for allocation of money - rules.** (1) The
18 office of transportation safety shall allocate not less than thirty percent
19 and not more than fifty percent of the moneys allocated to the office
20 pursuant to section 43-4-402 (2) to counties that have established a
21 qualified drunken driving prevention and law enforcement program. The
22 intent of the general assembly is that these moneys be expended in a
23 manner that will improve enforcement of drunken driving laws. To this
24 end, rules for the distribution of these moneys shall be developed by the
25 office of transportation safety. All moneys appropriated hereunder shall
26 be used for drunken driving prevention and law enforcement
27 improvement by counties and not for statewide programs.

1 (2) ~~The office of transportation safety shall allocate not less than~~
2 ~~fifty percent and not more than seventy percent of the moneys to~~
3 ~~municipalities and city and counties that have established a qualified~~
4 ~~drunken driving prevention and law enforcement program. The intent of~~
5 ~~the general assembly is that these moneys be expended in a manner that~~
6 ~~will improve enforcement of drunken driving laws. To this end, rules for~~
7 ~~the distribution of these moneys shall be developed by the office of~~
8 ~~transportation safety. The office shall report annually to the transportation~~
9 ~~legislation review committee on the distribution and expenditure of these~~
10 ~~funds and the nature and purpose of the programs. All moneys~~
11 ~~appropriated hereunder shall be used for drunken driving prevention and~~
12 ~~law enforcement improvement by municipalities and city and counties~~
13 ~~and not for statewide programs.~~

14 **SECTION 8.** In Colorado Revised Statutes, 42-2-132, **amend**
15 (4)(b)(II)(B) as follows:

16 **42-2-132. Period of suspension or revocation.** (4) (b) The
17 department shall transmit the restoration fees collected under this
18 subsection (4) to the state treasurer, who shall credit:

19 (II) (B) The ~~moneys~~ MONEY in the account ~~shall be~~ IS subject to
20 annual appropriation by the general assembly on and after January 1,
21 2009, first to the department of revenue to pay its costs associated with
22 the implementation of House Bill 08-1194, as enacted in 2008, and to pay
23 its costs associated with the implementation of House Bill 13-1240,
24 enacted in 2013; second, to the department of revenue to pay a portion of
25 the costs for an ignition interlock device as described by section
26 42-2-132.5 (4)(a)(II)(C) for a first time drunk driving offender who is
27 unable to pay the costs of the device; AND third, to the department of

1 revenue to pay a portion of the costs for an ignition interlock device for
2 a persistent drunk driver who is unable to pay the costs of the device and
3 who installs the ignition interlock device on his or her vehicle on or after
4 January 1, 2014. ~~and then to provide two million dollars to the department~~
5 ~~of transportation for high visibility drunk driving enforcement pursuant~~
6 ~~to section 43-4-901, C.R.S.~~ Any ~~moneys~~ MONEY in the account not
7 expended for these purposes may be invested by the state treasurer as
8 provided by law. All interest and income derived from the investment and
9 deposit of ~~moneys~~ MONEY in the account shall be credited to the account.
10 At the end of each fiscal year, any unexpended and unencumbered
11 ~~moneys~~ MONEY remaining in the account shall remain in the account and
12 shall not be credited or transferred to the general fund, the highway users
13 tax fund, or another fund.

14 **SECTION 9. Act subject to petition - effective date.** This act
15 takes effect at 12:01 a.m. on the day following the expiration of the
16 ninety-day period after final adjournment of the general assembly (August
17 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
18 referendum petition is filed pursuant to section 1 (3) of article V of the
19 state constitution against this act or an item, section, or part of this act
20 within such period, then the act, item, section, or part will not take effect
21 unless approved by the people at the general election to be held in
22 November 2020 and, in such case, will take effect on the date of the
23 official declaration of the vote thereon by the governor.