

## CHAPTER 65

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**MOTOR VEHICLES AND TRAFFIC REGULATION**

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HOUSE BILL 96-1133

BY REPRESENTATIVES Tucker, June, and Swenson;  
also SENATORS R. Powers and Thiebaut.**AN ACT****CONCERNING RESTRICTION OF DRIVERS' LICENSES BECAUSE OF DRUG OR ALCOHOL VIOLATIONS.***Be it enacted by the General Assembly of the State of Colorado:***SECTION 1.** 42-2-126 (7) (a) (I), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:**42-2-126. Revocation of license based on administrative determination.**

(7) (a) The periods of revocation specified by subsection (6) of this section are intended to be minimum periods of revocation for the described conduct. No license shall be restored under any circumstances, and no probationary license shall be issued during the revocation period; except that:

(I) A person whose privilege to drive a commercial motor vehicle has been revoked because the person drove a commercial motor vehicle when the person's blood alcohol content was 0.04 or greater, but less than 0.10, grams of alcohol per hundred milliliters of blood or per two hundred ten liters of breath may apply for a ~~probationary~~ DRIVER'S license of another class or type ~~for the period during which the privilege to drive a commercial motor vehicle is revoked~~, as long as there is no other statutory reason to deny the person a license. ~~SUCH PERSON MAY NOT OPERATE ANY COMMERCIAL MOTOR VEHICLE DURING THE PERIOD OF REVOCATION OF SUCH PERSON'S PRIVILEGE TO OPERATE COMMERCIAL MOTOR VEHICLES. THE DEPARTMENT MAY NOT ISSUE SUCH PERSON A PROBATIONARY LICENSE THAT WOULD AUTHORIZE SUCH PERSON TO OPERATE ANY COMMERCIAL MOTOR VEHICLE.~~

**SECTION 2.** 42-2-405 (2), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

**42-2-405. Driver's license disciplinary actions - cancellations - denials.** (2) In addition to applicable penalties imposed under the sections listed in subsection (1) of this section:

(a) A person who drives, operates, or is in physical control of a commercial motor vehicle while having any alcohol in his or her system, or who refuses to submit to a test to determine the alcoholic content of the driver's blood or breath while driving a commercial motor vehicle, shall be placed out of service as defined in section 42-2-402 (8).

(b) (I) IF ANY PERSON POSSESSES OR KNOWINGLY TRANSPORTS A SCHEDULE I DRUG OR OTHER SUBSTANCE IDENTIFIED IN 49 C.F.R. CHAPTER III, SUBCHAPTER B, APPENDIX D, AN AMPHETAMINE, A NARCOTIC DRUG, A FORMULATION OF AN AMPHETAMINE, OR A DERIVATIVE OF A NARCOTIC DRUG WHILE OPERATING A COMMERCIAL VEHICLE DURING ON-DUTY TIME, THE DEPARTMENT SHALL CANCEL SUCH PERSON'S COMMERCIAL DRIVER'S LICENSE FOR A PERIOD OF SIX MONTHS OR, IF SUCH PERSON DOES NOT HAVE A COMMERCIAL DRIVER'S LICENSE, THE DEPARTMENT SHALL NOT ISSUE A COMMERCIAL DRIVER'S LICENSE TO SUCH PERSON UNTIL AT LEAST SIX MONTHS HAVE ELAPSED SINCE THE DATE OF THE LATEST SUCH OCCURRENCE.

(II) IF ANY PERSON MAKES UNLAWFUL USE OF A SCHEDULE I DRUG OR OTHER SUBSTANCE IDENTIFIED IN 49 C.F.R. CHAPTER III, SUBCHAPTER B, APPENDIX D, AN AMPHETAMINE, A NARCOTIC DRUG, A FORMULATION OF AN AMPHETAMINE, OR A DERIVATIVE OF A NARCOTIC DRUG WHILE OPERATING A COMMERCIAL VEHICLE DURING ON-DUTY TIME, THE DEPARTMENT SHALL CANCEL SUCH PERSON'S COMMERCIAL DRIVER'S LICENSE FOR A PERIOD OF ONE YEAR OR, IF SUCH PERSON DOES NOT HAVE A COMMERCIAL DRIVER'S LICENSE, THE DEPARTMENT SHALL NOT ISSUE A COMMERCIAL DRIVER'S LICENSE TO SUCH PERSON UNTIL AT LEAST ONE YEAR HAS ELAPSED SINCE THE DATE OF THE LATEST SUCH OCCURRENCE.

**SECTION 3. Effective date - applicability.** This act shall take effect upon passage, and shall apply to offenses committed on or after said date and driver's license applications received on or after said date.

**SECTION 4. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 8, 1996