

CHAPTER 50

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 97-1140

BY REPRESENTATIVES Nichol, Allen, and June;
also SENATORS Mutzebaugh, Ament, Arnold, Coffman, Congrove, and Powers.

AN ACT

CONCERNING THE ESTABLISHMENT OF TIME LIMITS FOR THE REEXAMINATION OF HOLDERS OF DRIVERS' LICENSES.

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

SECTION 1. 42-2-111 (3), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

42-2-111. Examination of applicants and drivers - when required. (3) (a) If the department has evidence ~~which~~ THAT indicates that a licensed driver, minor driver, or provisional driver is incompetent or otherwise not qualified to be licensed, it may, upon written notice of at least ten days to the licensee, require such driver to submit to an examination.

(b) IF A FATAL MOTOR VEHICLE ACCIDENT INVOLVING ONE OR MORE LICENSED DRIVERS, MINOR DRIVERS, OR PROVISIONAL DRIVERS OCCURS, THE DEPARTMENT, IF DEEMED APPROPRIATE, SHALL MAIL A WRITTEN NOTICE TO ALL SUCH DRIVERS INVOLVED IN THE ACCIDENT REQUIRING SUCH DRIVERS TO SUBMIT TO EXAMINATION. IF THE DEPARTMENT HAS NOT MAILED A WRITTEN NOTICE TO ANY DRIVER INVOLVED IN A FATAL ACCIDENT WITHIN NINETY DAYS AFTER THE DEPARTMENT RECEIVES NOTICE REGARDING SUCH ACCIDENT, THE DEPARTMENT SHALL NOT REQUIRE AN EXAMINATION OF SUCH DRIVER BASED UPON SUCH ACCIDENT.

(c) Upon the conclusion of ~~such~~ AN examination REQUIRED UNDER THIS SUBSECTION (3), the department shall take such action as it deems appropriate and may deny, cancel, suspend, or revoke the license of such person or permit that person to retain such license subject to the restrictions under section 42-2-116. Refusal or failure of the licensee to submit to such examination shall be grounds for suspension or revocation of such person's license. Such decision of the department shall be

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

reviewed by a court of record upon appeal to that court by the party aggrieved.

SECTION 2. Effective date - applicability. This act shall take effect January 1, 1998, and shall apply to the notification of a motor vehicle accident made to the department of revenue on or after said date.

Approved: March 28, 1997