

CHAPTER 221

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 08-1194

BY REPRESENTATIVE(S) Judd, Fischer, Todd, Borodkin, Casso, Frangas, Green, King, Looper, McFadyen, Middleton, Mitchell V., Peniston, Rice, Roberts, Rose, Scanlan, Stafford, Summers, Buescher, Kerr A., Labuda, Riesberg, and Romanoff; also SENATOR(S) Veiga, Shaffer, Groff, Morse, Tochtrop, and Williams.

AN ACT

CONCERNING MEASURES BY EXECUTIVE BRANCH AGENCIES TO REDUCE THE INCIDENTS OF DRUNK DRIVING, AND, IN CONNECTION THEREWITH, EXTENDING THE LENGTH OF SUSPENSION OF DRIVING PRIVILEGES FOR CERTAIN OFFENDERS, REQUIRING CERTAIN OFFENDERS TO USE AN IGNITION INTERLOCK DEVICE, INCREASING THE COST TO REINSTATE A DRIVER'S LICENSE, PROVIDING FOR HIGH-VISIBILITY DRUNK DRIVING LAW ENFORCEMENT EPISODES, AND MAKING AN APPROPRIATION.

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

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

(a) Drunk driving is a pervasive problem that affects all citizens of Colorado because it increases traffic accident injuries and deaths, health care costs, and motor vehicle insurance rates; and

(b) Drunk driving recidivists substantially compound the drunk driving problem by further increasing these consequences of drunk driving and by burdening the judicial system.

(2) The general assembly, therefore, determines that encouraging drunk driving offenders to use ignition interlock devices for specified periods of time will help those offenders learn to modify their behaviors to drive only while sober and will, therefore, reduce drunk driving recidivism. The general assembly further determines that the desired result and benefit of this act will be to reduce drunk driving recidivism.

SECTION 2. 42-2-125 (1) (g) (I) and (2), Colorado Revised Statutes, are

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

amended, and the said 42-2-125 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

42-2-125. Mandatory revocation of license and permit. (1) The department shall immediately revoke the license or permit of any driver or minor driver upon receiving a record showing that such driver has:

(b.5) IN THE CASE OF A DRIVER TWENTY-ONE YEARS OF AGE OR OLDER, BEEN CONVICTED OF AN OFFENSE DESCRIBED IN SECTION 42-4-1301 (1) (a) OR (2) (a). EXCEPT AS PROVIDED IN SECTION 42-2-132.5, THE PERIOD OF REVOCATION BASED UPON THIS PARAGRAPH (b.5) SHALL BE NINE MONTHS. THE PROVISIONS OF THIS PARAGRAPH (b.5) SHALL NOT APPLY TO A PERSON WHOSE DRIVING PRIVILEGE WAS REVOKED PURSUANT TO SECTION 42-2-126 (3) (a) (I) FOR A FIRST OFFENSE BASED ON THE SAME DRIVING INCIDENT.

(g) (I) Been twice convicted of any ~~offense provided for in section 42-4-1301 (1) or (2) (a)~~ COMBINATION OF DUI, DUI PER SE, DWAI, OR HABITUAL USER for acts committed within a period of five years;

(2) Unless otherwise provided in this section, the period of revocation shall be not less than one year; except that the period of revocation based on ~~paragraphs (b), (c), and (k)~~ PARAGRAPHS (b) AND (c) of subsection (1) of this section involving a commercial motor vehicle transporting hazardous materials as defined under section 42-2-402 (7) shall result in a revocation period of three years.

SECTION 3. 42-2-126 (3) (a) and (3) (c), Colorado Revised Statutes, as amended by House Bill 08-1166, enacted at the Second Regular Session of the Sixty-sixth General Assembly, are amended to read:

42-2-126. Revocation of license based on administrative determination.
(3) **Revocation of license.** (a) **Excess BAC 0.08.** (I) The department shall revoke the license of a person for excess BAC 0.08 for:

(A) ~~three~~ NINE months for a first violation COMMITTED ON OR AFTER JANUARY 1, 2009 EXCEPT THAT SUCH A PERSON MAY APPLY FOR A RESTRICTED LICENSE PURSUANT TO THE PROVISIONS OF SECTION 42-2-132.5; ~~and~~

(B) ~~For~~ One year for a second ~~or subsequent~~ violation; and

(C) TWO YEARS FOR A THIRD OR SUBSEQUENT VIOLATION OCCURRING ON OR AFTER JANUARY 1, 2009, REGARDLESS OF WHEN THE PRIOR VIOLATIONS OCCURRED; EXCEPT THAT SUCH A PERSON MAY APPLY FOR A RESTRICTED LICENSE PURSUANT TO THE PROVISIONS OF SECTION 42-2-132.5.

(II) (A) ~~Notwithstanding the provisions of subparagraph (I) of this paragraph (a), a person twenty-one years of age or older at the time of the violation whose license is revoked for a first offense under subparagraph (I) of this paragraph (a) may request that, in lieu of the three-month revocation, the person's license be revoked for a period of not less than thirty days, to be followed by a suspension period of such length that the total period of revocation and suspension equals six months. If the hearing officer approves the request, the hearing officer may grant the person~~

~~a probationary license that may be used only for the reasons provided in section 42-2-127 (14) (a). If the person is a persistent drunk driver, as defined in section 42-1-102 (68.5), the probationary license shall be conditioned on the use of an approved ignition interlock device, as defined in section 42-2-132.5 (7) (a). The time served under a probationary license shall not be credited against any mandatory interlock restriction imposed pursuant to section 42-2-132.5.~~

~~(B) The hearing to consider a request under this subparagraph (H) may be held at the same time as the hearing held under subsection (8) of this section; except that a probationary license may not become effective until at least thirty days have elapsed since the beginning of the revocation period.~~

(c) **Refusal.** (I) The department shall revoke the license of a person for refusal for one year for a first violation, two years for a second violation and three years for a third or subsequent violation; except that the period of revocation shall be at least three years if the person was driving a commercial motor vehicle that was transporting hazardous materials as defined in section 42-2-402 (7).

(II) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (c), SUCH A PERSON WHOSE LICENSE HAS BEEN REVOKED FOR TWO YEARS FOR A SECOND VIOLATION OR FOR THREE YEARS FOR A THIRD OR SUBSEQUENT VIOLATION MAY APPLY FOR A RESTRICTED LICENSE PURSUANT TO THE PROVISIONS OF SECTION 42-2-132.5.

SECTION 4. Repeal. 42-2-127 (9), Colorado Revised Statutes, is repealed as follows:

42-2-127. Authority to suspend license - to deny license - type of conviction - points. (9) (a) ~~Whenever the department receives notice that a person has pled guilty to, or been found guilty by a court or a jury of, a violation of section 42-4-1301 (1) (a), (1) (c), or (2) (a) and receives the license surrendered by the person to the court pursuant to section 42-2-129, the department shall immediately suspend the license of the person for a period of not less than one year. If the department is also required to enter a license revocation for a period of one year or longer under any provision of this title based on the same conviction, the suspension shall not be entered.~~

~~(b) Upon suspending the license of any person as required by this subsection (9), the department shall immediately notify the licensee as provided in section 42-2-119 (2).~~

~~(c) Upon receipt of the notice of suspension, the licensee or the licensee's attorney may request a hearing in writing. The department, upon notice to the licensee as provided in section 42-2-119 (2), shall hold a hearing not less than thirty days after receiving such request through a hearing commissioner appointed by the executive director of the department, which hearing shall be conducted in accordance with the provisions of section 24-4-105, C.R.S. The hearing shall be held at the district office of the department closest to the residence of the licensee; except that all or part of the hearing may, at the discretion of the department, be conducted in real time, by telephone or other electronic means in accordance with section 42-1-218.5. After such hearing, the licensee may appeal the decision of the~~

~~department to the district court as provided in section 42-2-135. Should a driver who has had a license suspended under this subsection (9) be subsequently acquitted of such charge by a court of record, the department shall immediately, in any event not later than ten days after the receipt of such notice of acquittal, reinstate said license to the driver affected.~~

SECTION 5. 42-2-132 (1), (2) (a) (I), and (2) (a) (II) (A), Colorado Revised Statutes, are amended, and the said 42-2-132 (2) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

42-2-132. Period of suspension or revocation. (1) The department shall not suspend a driver's or minor driver's license to drive a motor vehicle on the public highways for a period of more than one year, except as permitted under ~~sections 42-2-127 (9) and 42-2-138~~ SECTION 42-2-138 and except for noncompliance with the provisions of subsection (4) of this section or section 42-7-406, or both.

(2) (a) (I) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked is not entitled to apply for a probationary license, and, except as provided ~~in paragraph (b) of this subsection (2) and~~ in sections 42-2-125, 42-2-126, 42-2-132.5, 42-2-138, 42-2-205, and 42-7-406, ~~such~~ THE person is not entitled to make application for a new license until the expiration of one year from the ~~date on which the revoked license was surrendered to and received by the department~~ EFFECTIVE DATE OF THE REVOCATION; then ~~such~~ THE person may make application for a new license as provided by law.

(II) (A) Following the period of revocation set forth in this subsection (2), the department shall not issue a new license unless and until it is satisfied that ~~such~~ THE person has demonstrated knowledge of the laws and driving ability through the appropriate motor vehicle testing process and that ~~such~~ THE person whose license was revoked pursuant to section 42-2-125 for ~~an~~ A SECOND OR SUBSEQUENT alcohol- or drug-related driving offense has completed not less than a level II alcohol and drug education and treatment program certified by the division of alcohol and drug abuse pursuant to section 42-4-1301.3.

(c) A PERSON WHOSE DRIVING PRIVILEGE IS RESTORED PRIOR TO A HEARING ON THE MERITS OF ANY DRIVING RESTRAINT WAIVES THE PERSON'S RIGHT TO A HEARING ON THE MERITS OF THE DRIVING RESTRAINT.

SECTION 6. 42-2-132.5 (1.5) (a) and (3) (a), Colorado Revised Statutes, are amended to read:

42-2-132.5. Mandatory and voluntary restricted licenses following alcohol convictions - rules. (1.5) (a) (I) A person whose privilege to drive has been revoked for more than one year because of a violation of any provision of section 42-4-1301 (1) (a), (1) (b), or (2) or has been revoked for more than one year under any provision of section 42-2-126 may voluntarily apply for an early reinstatement with a restricted license under the provisions of this section after the person's privilege to drive has been revoked for one year. EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (a) OR SUBSECTION (1.7) OF THIS SECTION, the restrictions imposed pursuant to this section shall remain in effect for the longer of one year or the total time period remaining on the license restraint prior to early

reinstatement.

(II) (A) FOR REVOCATIONS UNDER SECTION 42-2-125 (1) (b.5) OR SECTION 42-2-126 (3) (a) (I) FOR A FIRST VIOLATION THAT REQUIRES ONLY A NINE-MONTH REVOCATION, A PERSON TWENTY-ONE YEARS OF AGE OR OLDER AT THE TIME OF THE OFFENSE MAY VOLUNTARILY APPLY FOR AN EARLY REINSTATEMENT WITH A RESTRICTED LICENSE UNDER THE PROVISIONS OF THIS SECTION AFTER THE PERSON'S PRIVILEGE TO DRIVE HAS BEEN REVOKED FOR AT LEAST ONE MONTH. EXCEPT AS PROVIDED IN PARAGRAPH (b.5) OF SUBSECTION (1) OF THIS SECTION, SUBSECTION (1.7) OF THIS SECTION, AND SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (II), THE RESTRICTIONS IMPOSED PURSUANT TO THIS SUBPARAGRAPH (II) SHALL REMAIN IN EFFECT FOR EIGHT MONTHS.

(B) FOR A PERSON WITH A RESTRICTED LICENSE ISSUED PURSUANT TO SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (II), IF THE DEPARTMENT'S MONTHLY MONITORING REPORTS REQUIRED BY PARAGRAPH (c) OF SUBSECTION (4) OF THIS SECTION SHOW THAT, FOR FOUR CONSECUTIVE MONTHLY REPORTING PERIODS, THE APPROVED IGNITION INTERLOCK DEVICE DID NOT PREVENT THE OPERATION OF THE MOTOR VEHICLE DUE TO AN EXCESSIVE BLOOD ALCOHOL CONTENT OR DID NOT DETECT THAT THERE HAS BEEN TAMPERING WITH THE DEVICE, THERE HAVE BEEN NO OTHER REPORTS OF CIRCUMVENTION OR TAMPERING, AND THERE ARE NO GROUNDS TO EXTEND THE RESTRICTION PURSUANT TO PARAGRAPH (a) OF SUBSECTION (5) OF THIS SECTION, THEN THE PERSON SHALL BE ELIGIBLE FOR A LICENSE WITHOUT THE RESTRICTION REQUIRED BY THIS SECTION. IF THE DEPARTMENT DETERMINES THAT A PERSON IS ELIGIBLE FOR A LICENSE WITHOUT THE RESTRICTION REQUIRED BY THIS SECTION PURSUANT TO THIS SUB-SUBPARAGRAPH (B), THE DEPARTMENT SHALL SERVE UPON THE PERSON A NOTICE OF SUCH ELIGIBILITY. A PERSON ELIGIBLE FOR A LICENSE WITHOUT THE RESTRICTION REQUIRED BY THIS SECTION PURSUANT TO THIS SUB-SUBPARAGRAPH (B) MAY REQUEST A HEARING ON THE PERSON'S ELIGIBILITY. THE PROVISIONS OF THIS SUB-SUBPARAGRAPH (B) SHALL NOT APPLY TO A PERSON COVERED BY SUBSECTION (1.7) OF THIS SECTION.

(C) THE DEPARTMENT SHALL ESTABLISH A PROGRAM TO ASSIST PERSONS WHO APPLY FOR A RESTRICTED LICENSE UNDER THIS SUBPARAGRAPH (II) WHO ARE UNABLE TO PAY THE FULL COST OF AN IGNITION INTERLOCK DEVICE. THE PROGRAM SHALL BE FUNDED FROM THE FIRST TIME DRUNK DRIVING OFFENDER ACCOUNT IN THE HIGHWAY USERS TAX FUND ESTABLISHED PURSUANT TO SECTION 42-2-132 (4) (b) (II). THE EXECUTIVE DIRECTOR OF THE DEPARTMENT MAY PROMULGATE RULES GOVERNING THE PROGRAM.

(3) (a) (I) The department shall issue a restricted license under this section if the department receives from a person described in subsection (1), (1.5), or (1.7) of this section an affidavit stating that the person has obtained:

(A) ~~at the person's own expense~~ A signed lease agreement for the installation and use of an approved ignition interlock device in each motor vehicle on which the person's name appears on the registration and any other vehicle that the person may drive during the period of the restricted license; AND

(B) THE WRITTEN CONSENT OF ALL OTHER OWNERS, IF ANY, OF EACH MOTOR

VEHICLE IN WHICH THE APPROVED IGNITION INTERLOCK DEVICE IS INSTALLED.

(II) A copy of each signed lease agreement shall be attached to the affidavit.

SECTION 7. 42-2-132 (4) (a) (I) and (4) (b), Colorado Revised Statutes, are amended to read:

42-2-132. Period of suspension or revocation. (4) (a) (I) Any person whose license or other privilege to operate a motor vehicle in this state has been suspended, cancelled, or revoked, pursuant to either this article or article 4 or 7 of this title, shall pay a restoration fee of ~~sixty~~ NINETY-FIVE dollars to the executive director of the department prior to the issuance to ~~such~~ THE person of a new license or the restoration of ~~such~~ THE license or privilege.

(b) All restoration fees collected pursuant to this subsection (4) shall be transmitted to the state treasurer, who shall credit: ~~the same~~

(I) (A) SIXTY DOLLARS to the driver's license administrative revocation account in the highway users tax fund, which account is hereby created AND REFERRED TO IN THIS SUBPARAGRAPH (I) AS THE "ACCOUNT".

(B) The moneys in the account shall be subject to annual appropriation by the general assembly for the direct and indirect costs incurred by the department in the administration of ~~drivers'~~ DRIVER'S license restraints pursuant to either this article or article 4 or article 7 of this title, including, but not limited to, the direct and indirect costs of providing administrative hearings under this title, without the use of moneys from the general fund. At the end of each fiscal year, any unexpended and unencumbered moneys remaining in the account shall be transferred out of the account, credited to the highway users tax fund, and allocated and expended as specified in section 43-4-205 (5.5) (c), C.R.S.; AND

(II) (A) THIRTY-FIVE DOLLARS TO THE FIRST TIME DRUNK DRIVING OFFENDER ACCOUNT IN THE HIGHWAY USERS TAX FUND, WHICH ACCOUNT IS HEREBY CREATED AND REFERRED TO IN THIS SUBPARAGRAPH (II) AS THE "ACCOUNT".

(B) THE MONEYS IN THE ACCOUNT SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY ON AND AFTER JANUARY 1, 2009, FIRST TO THE DEPARTMENT OF REVENUE TO PAY ITS COSTS ASSOCIATED WITH THE IMPLEMENTATION OF HOUSE BILL 08-1194, AS ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-SIXTH GENERAL ASSEMBLY; SECOND, TO THE DEPARTMENT OF REVENUE TO PAY A PORTION OF THE COSTS FOR AN IGNITION INTERLOCK DEVICE AS REQUIRED BY SECTION 42-2-132.5 (1.5) (a) (II) FOR A FIRST TIME DRUNK DRIVING OFFENDER WHO IS UNABLE PAY THE COSTS OF THE DEVICE; AND THEN TO PROVIDE TWO MILLION DOLLARS TO THE DEPARTMENT OF TRANSPORTATION FOR HIGH VISIBILITY DRUNK DRIVING ENFORCEMENT PURSUANT TO SECTION 43-4-901, C.R.S. ANY MONEYS IN THE ACCOUNT NOT EXPENDED FOR THESE PURPOSES MAY BE INVESTED BY THE STATE TREASURER AS PROVIDED BY LAW. ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE ACCOUNT SHALL BE CREDITED TO THE ACCOUNT. AT THE END OF EACH FISCAL YEAR, ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE ACCOUNT SHALL REMAIN IN THE ACCOUNT AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE

GENERAL FUND, THE HIGHWAY USERS TAX FUND, OR ANOTHER FUND.

SECTION 8. Article 4 of title 43, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

PART 9
HIGH-VISIBILITY DRUNK DRIVING LAW ENFORCEMENT

43-4-901. High-visibility drunk driving law enforcement. THE DEPARTMENT OF TRANSPORTATION IN IMPLEMENTING THE STRATEGIC TRANSPORTATION PROJECT INVESTMENT PROGRAM SHALL, AS A PRIORITY, INCREASE TO TWELVE EPISODES ANNUALLY THE NUMBER OF HIGH-VISIBILITY DRUNK DRIVING LAW ENFORCEMENT EPISODES THAT THE DEPARTMENT OVERSEES. THE HIGH-VISIBILITY DRUNK DRIVING LAW ENFORCEMENT EPISODES REQUIRED BY THIS SECTION SHALL BE INDEPENDENT OF, AND IN ADDITION TO, THE DRUNK DRIVING PREVENTION AND LAW ENFORCEMENT PROGRAM DESCRIBED IN PART 4 OF THIS ARTICLE.

SECTION 9. Title 17, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 18
Correctional Facilities - Statutory Appropriations

17-18-101. Appropriation to comply with section 2-2-703 - HB 08-1194 - repeal. (1) PURSUANT TO SECTION 2-2-703, C.R.S., THE FOLLOWING STATUTORY APPROPRIATIONS, OR SO MUCH THEREOF AS MAY BE NECESSARY, ARE MADE IN ORDER TO IMPLEMENT HOUSE BILL 08-1194, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-SIXTH GENERAL ASSEMBLY:

(a) FOR THE FISCAL YEAR BEGINNING JULY 1, 2008, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED FROM THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN SECTION 17-1-116, C.R.S., THE SUM OF ONE HUNDRED TWENTY-FIVE THOUSAND ONE HUNDRED SIXTY-FIVE DOLLARS (\$125,165).

(b) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED FROM THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 21-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN SECTION 17-1-116, C.R.S., THE SUM OF TWELVE THOUSAND FIVE HUNDRED SEVENTEEN DOLLARS (\$12,517).

(II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF TWENTY-EIGHT THOUSAND SEVEN HUNDRED FIFTY-EIGHT DOLLARS (\$28,758).

(c) FOR THE FISCAL YEAR BEGINNING JULY 1, 2010, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF THIRTY-ONE THOUSAND SIX HUNDRED THIRTY-FOUR

DOLLARS (\$31,634).

(d) FOR THE FISCAL YEAR BEGINNING JULY 1, 2011, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF THIRTY-ONE THOUSAND SIX HUNDRED THIRTY-FOUR DOLLARS (\$31,634).

(e) FOR THE FISCAL YEAR BEGINNING JULY 1, 2012, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF THIRTY-ONE THOUSAND SIX HUNDRED THIRTY-FOUR DOLLARS (\$31,634).

(2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2013.

SECTION 10. 24-75-302 (2) (u) and (2) (v), Colorado Revised Statutes, are amended to read:

24-75-302. Capital construction fund - capital assessment fees - calculation.

(2) As of July 1, 1988, and July 1 of each year thereafter through July 1, 2010, a sum as specified in this subsection (2) shall accrue to the capital construction fund. The state treasurer and the controller shall transfer such sum out of the general fund and into the capital construction fund as moneys become available in the general fund during the fiscal year beginning on said July 1. Transfers between funds pursuant to this subsection (2) shall not be deemed to be appropriations subject to the limitations of section 24-75-201.1. The amount that shall accrue pursuant to this subsection (2) shall be as follows:

(u) On July 1, 2008, sixty-nine thousand four hundred sixty-seven dollars pursuant to H.B. 04-1021, enacted at the second regular session of the sixty-fourth general assembly; plus three hundred ninety-two thousand three hundred seventy-three dollars pursuant to S.B. 06-206, enacted at the second regular session of the sixty-fifth general assembly; plus three hundred ninety-two thousand three hundred seventy-three dollars pursuant to S.B. 06-207, enacted at the second regular session of the sixty-fifth general assembly; plus four hundred sixty-two thousand one hundred twenty-eight dollars pursuant to H.B. 06-1326, enacted at the second regular session of the sixty-fifth general assembly; plus twenty-six thousand one hundred fifty-eight dollars pursuant to H.B. 06-1145, enacted at the second regular session of the sixty-fifth general assembly; plus five hundred twenty-three thousand one hundred sixty-four dollars pursuant to H.B. 06-1011, enacted at the second regular session of the sixty-fifth general assembly; plus sixty-nine thousand seven hundred fifty-five dollars pursuant to S.B. 06S-004, enacted at the first extraordinary session of the sixty-fifth general assembly; plus three hundred twenty-five thousand four hundred twenty-nine dollars pursuant to S.B. 07-096, enacted at the first regular session of the sixty-sixth general assembly; plus one hundred fifty thousand one hundred ninety-eight dollars pursuant to H.B. 07-1326, enacted at the first regular session of the sixty-sixth general assembly; PLUS ONE HUNDRED TWENTY-FIVE THOUSAND ONE HUNDRED SIXTY-FIVE DOLLARS PURSUANT TO H.B. 08-1194, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-SIXTH GENERAL ASSEMBLY;

(v) On July 1, 2009, five hundred twenty-three thousand one hundred sixty-four dollars pursuant to S.B. 06-206, enacted at the second regular session of the sixty-fifth general assembly; plus five hundred twenty-three thousand one hundred sixty-four dollars pursuant to S.B. 06-207, enacted at the second regular session of the sixty-fifth general assembly; plus forty-three thousand five hundred ninety-seven dollars pursuant to H.B. 06-1145, enacted at the second regular session of the sixty-fifth general assembly; plus five hundred twenty-three thousand one hundred sixty-four dollars pursuant to H.B. 06-1011, enacted at the second regular session of the sixty-fifth general assembly; plus one hundred fifty thousand one hundred ninety-eight dollars pursuant to S.B. 07-096, enacted at the first regular session of the sixty-sixth general assembly; plus seventy-five thousand ninety-nine dollars pursuant to H.B. 07-1326, enacted at the first regular session of the sixty-sixth general assembly; PLUS TWELVE THOUSAND FIVE HUNDRED SEVENTEEN DOLLARS PURSUANT TO H.B. 08-1194, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-SIXTH GENERAL ASSEMBLY;

SECTION 11. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the first time drunk driving offender account in the highway users tax fund created in section 42-2-132 (4) (b) (II) (A), Colorado Revised Statutes, not otherwise appropriated, to the department of transportation, for allocation to the construction, maintenance and operation division, for the fiscal year beginning July 1, 2008, the sum of two million dollars (\$2,000,000) cash funds, or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the first time drunk driving offender account in the highway users tax fund created in section 42-2-132 (4) (b) (II) (A), Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for allocation to the division of motor vehicles, for the fiscal year beginning July 1, 2008, the sum of six hundred fourteen thousand five hundred dollars (\$614,500) cash funds and 4.5 FTE, or so much thereof as may be necessary, for the implementation of this act.

SECTION 12. Effective date - applicability. (1) Sections 7 through 9 of this act shall take effect September 1, 2008. Sections 1 through 6 of this act shall take effect January 1, 2009.

(2) However, if a referendum petition is filed against this act or an item, section, or part of this act during the 90-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, then the act, item, section, or part, shall not take effect unless approved by the people at a biennial regular general election and shall take effect on the date specified in subsection (1) or on the date of the official declaration of the vote thereon by proclamation of the governor, whichever is later.

(3) The provisions of sections 7 and 8 of this act shall apply to restorations of driving privileges on or after the applicable effective date of said sections. The provisions of sections 1 through 6 of this act shall apply to restorations of driving privileges on or after the applicable effective date of said sections.

Approved: May 14, 2008