



2024 Transportation Legislation Review Committee (TLRC)

- **HB24-1135 Offenses Related to Operating a Vehicle**
 - Returned no valid Commercial Driver's License to a Misdemeanor Traffic Offense and ability for LE to hold companies responsible for forcing an unlicensed driver to drive a CDL.
 - Contained three studies for TLRC to review in interim
 - Analyzing the issue of enforcement of impaired driving offenses, including situations involving a driver who refuses to complete a blood or breath test as required by law.
 - Penalty for Careless Driving Causing Death
 - Penalty for driving with No Proof of Insurance (NPOI) and no insurance



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2020-2022

980 people killed in a DUI Crash in Colorado



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Current Colorado DUI Laws

- Driving under the Influence (DUI) = a Blood Alcohol Content (BAC) of .08 or higher.
- Driving While Ability Impaired (DWAI) = a Blood Alcohol Content (BAC) of .051-.079.
- In Colorado, a person's 4th conviction of a DUI/D or DWAI is a felony.

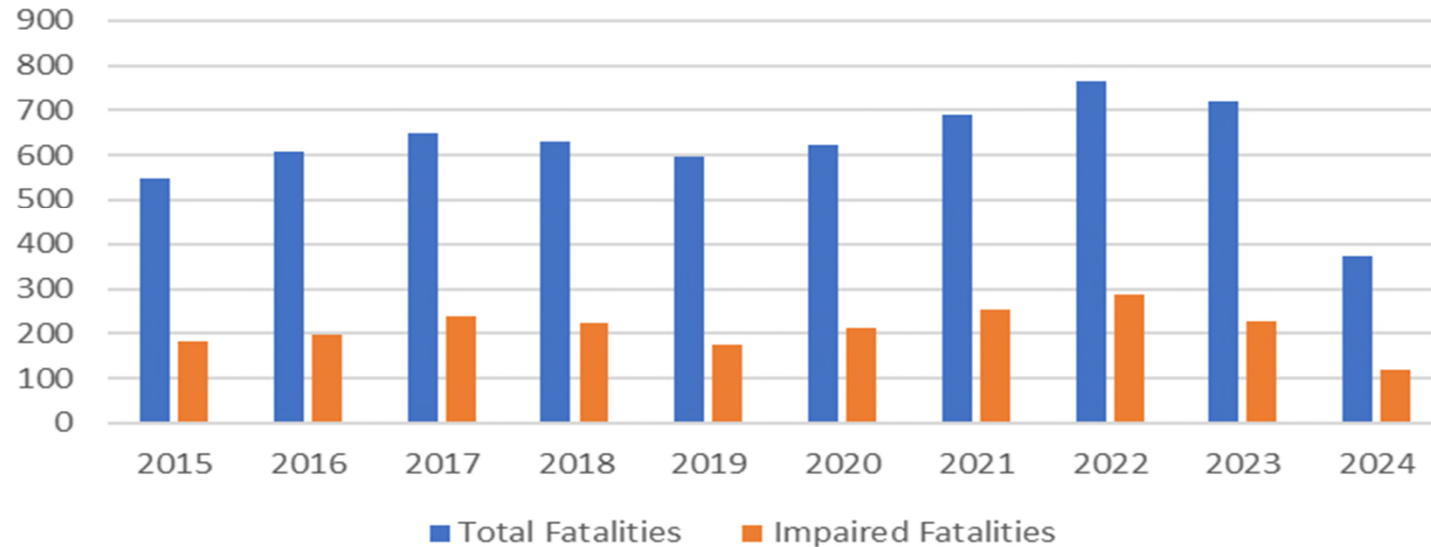


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Total Fatalities in Colorado versus number of impaired fatalities per year (2015-2024)



According to CDOT:

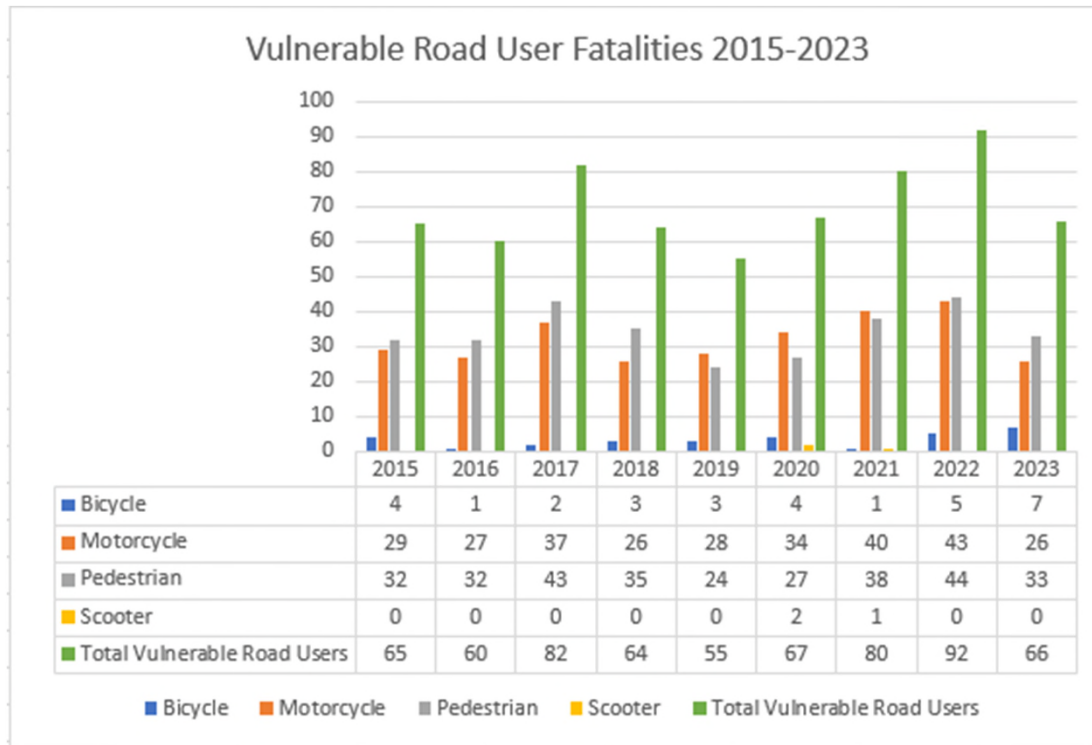
- Since 2015, 34.1% of all traffic fatalities in Colorado are related to impaired drivers



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According to CDOT:

- Since 2015, roughly 31% of DUI fatalities are vulnerable road users



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Drove While Ability Impaired (DWAI)

- According to the CO Department of Revenue (DOR), Since 2017, there have been **1,231 convictions** for Driving While Ability Impaired in Colorado.

In Colorado, these individuals are assessed only 8 points against their driver's license and are able to continue to drive without any type of interlock device.

- These individuals continue to contribute to the fatal crash picture
- In 2022, the National Highway Traffic Safety Administration studied all fatal crashes in Colorado, out of the 764 fatalities, 167 had a BAC greater than .15, 260 had a BAC higher than .08 and 314 had a BAC higher than .01.

Meaning, in 2022 there were 54 fatalities involving a driver

> .01 BAC and < .08 BAC

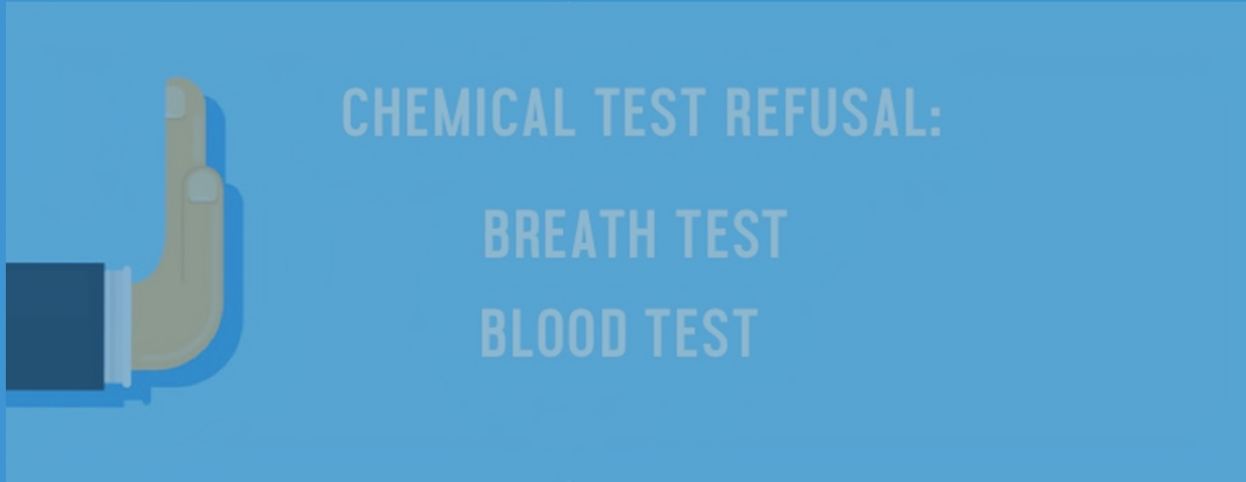


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DUI Chemical Test Refusals



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Colorado Express Consent Law

- A person who drives a motor vehicle upon the streets and highways and elsewhere throughout this state shall be **required** to take and complete, and to cooperate in the taking and completing of, any test or tests of the person's breath or blood for the purpose of determining the alcoholic content of the person's blood or breath when so requested and directed by a law enforcement officer having probable cause to believe that the person was driving a motor vehicle in violation of the prohibitions against DUI, DUI per se, DWAI, or UDD.



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Refusals

- According to the Department of Revenue, from 2018-2022 the 5 year average for refusals to the required testing was just under 44%

Month/Year Totals	Express Consents Received by DMV	Breath Tests	Refusals	Blood Tests	% Refused Testing
2018	18546	5661	7164	5721	38.63%
2019	18289	5363	7427	5499	40.61%
2020	15100	5279	6408	3413	42.44%
2021	13917	4399	6830	2688	49.08%
2022	13286	4507	6343	2436	48.63%
2018-2022 5-Year Average	15,828	5041.8	6834.4	3951.4	43.88%



Combatting Refusals

In 2022, The Colorado Supreme Court ruled on a DUI blood warrant case; ***The People of the State of Colorado V. Raider***

- The ruling stated that if a search warrant is obtained, it can be used for purposes of a blood warrant.
- Certain Judicial Districts have adopted a blood warrant program since the ruling. (Ex. Douglas County from January 2023 to May of 2024, 162 blood warrants have been issued.)
- Conviction rates have gone up from 2021 of 82% of cases to 97% of cases after blood warrants are issued
 - Juries would rather convict on blood test evidence than a refusal

[Fox 31 Article](#)

DUI Chemical Test Refusals



- Blood draw warrant refusal
 - In May of 2023, Utah passed a law outlining the consequences for a person who refuses to complete a blood test even after a warrant was issued.
- ***The penalty for refusing to cooperate with a blood warrant in Utah is the same as the penalty would be if they were convicted of the original DUI***
 - This is important as this shows up as DUI conviction, instead of another crime for refusing the warrant such as obstruction.
 - Especially when a 4th DUI conviction is a felony in Colorado and;
 - Without a chemical test, the conviction rate is severely lowered or plea bargains are reached
 - This type of crime also cuts down on having to use force on someone not willing to comply with a warrant.



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Interlock Devices



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Interlock Devices

According to the U.S Centers For Disease Control and Prevention:

- Ignition interlocks reduce driving while impaired (DUI) repeat offenses by about 70% while they are installed.
- More comprehensive ignition interlock laws are effective in decreasing the number of impaired drivers in fatal crashes.



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Refusals impact on driving privileges

Under current Colorado law the interlock requirement is automatically two years if an individual refuses to submit to chemical testing, regardless of the number of offenses. The length of the no-drive period in Colorado and duration of an Ignition Interlock Device required is outlined in the chart below for repeat offenders.

Offense	No Drive Period	Ignition Interlock Restricted License	Early Interlock Removal
First DUI (BAC ≤ .149)	None	9-month revocation period and interlock requirement run concurrently	Yes, after 4 months with ignition interlock and no violations
2 or more DUIs or BAC ≥ .15	None	2 years	No
Refused BAC Testing	2 months	2 years	No



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Bolstering Colorado Interlock Requirements

- Colorado’s maximum requirement is for 2 years even after many offenses.
- Combatting our growing refusal problem should also be taken into consideration in an administrative function.
- CSP’s agenda bill last session attempted to address this issue for those individuals who repeatedly drive while impaired by adding years to the interlock program requirement by adding additional years to the interlock program and for those who refuse chemical testing and repeatedly refuse subsequent chemical tests.

Offense	No Drive Period	Ignition Interlock Restricted License	Early Interlock Removal
First DUI (BAC ≤ .149)	None	9-month revocation period and interlock requirement run concurrently	Yes, after 4 months with ignition interlock and no violations
2 or more DUIs or BAC ≥ .15	None	2 years	No
Refused BAC Testing	2 months	2 years	No
3 or More DUIs or 2nd Refusal	6 months	3 years	No
4 or More DUIs	6 months	4 years	No

*Yellow Highlighting Indicates proposed changes. Everything in the first 3 rows is current procedure.



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Careless Driving

The Colorado State Patrol is submitting a White Paper on Careless Driving Resulting in Death - and the penalties surrounding the offense and other issues identified with careless driving laws.



The
Consequences
of a Ticket for
Careless
Driving



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No Proof of Insurance (NPOI)

The Colorado State Patrol is submitting a White Paper on Careless Driving Resulting in Death - and the penalties surrounding the offense and other issues surrounding NPOI.



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What can we do together to save lives?



1 in 3 fatal car crashes involves an impaired driver.



Data Slides



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Other States

- Several other states have much stiffer interlock requirement for repeat offenders, here are a few examples:
 - **Washington State:** For a person who has not previously been restricted, the device shall be installed for a period of 1 year; for a second restriction, a period of 5 years; for a third or subsequent restriction, a period of 10 years.
 - **New Mexico:** a period of 1 year, for a first offense; a period of 2 years, for a second conviction; a period of 3 years, for a third conviction; for life for a fourth or subsequent conviction, except that 5 years from the date of conviction and every 5 years thereafter, the offender may apply to a district court for removal of the Interlock for good cause shown.



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Other States

- **Wyoming:**

- 1st conviction- 6 months
- 2nd Conviction – Interlock 1 year
- 3rd Conviction – Interlock 2 years
- 4th or more conviction- Interlock for life, every 5 years may apply to the court for removal.

Many other states have a tiered approach with more than 2 years for repeat offenders of DUI.



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