

HB 18-1204 Uninsured Motorists

Section	Issue	CRS	Portion Amended	New Language
Section 1	Repealing of motorist insurance identification database program	10-4-615	Entirety	Repeal Entirety of insurance database program
Section 2	Eliminating funds for the insurance identification database program	42-1-211(2)(b)(I)	“to cover the costs of the motorist insurance identification database program created in section 42-7-604, and to purchase and issue”	
Section 3	Department required to suspend license, elimination of discretion	42-2-127.7(2)(a)	“...may suspend the driver’s license...”	“...shall suspend the driver’s license...”
Section 3	Create subsections (A), (B), (C) for (2)(a)(1). Imposition of a fee for driving without complying policy or certificate of self-insurance. Payment of restoration fee under 42-2-132 as well.	42-127.7(2)(a)(I)	“...suspend the driver's license of a person until the person furnishes proof of financial responsibility, as defined in section 42-7-103 (14).”	(A): Furnishes proof of financial responsibility. (B): Fee of two hundred fifty dollars or, if proof of financial responsibility for the future...prepaid insurance, fee is one hundred fifty. (C):

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				Restoration fee as required in 42-2-132.
Section 3	Create subsections (A),(B),(C), & (D) for (2)(a)(II). Additional, require proof of financial responsibility, Imposition of a fee.	42-127.7(2)(a)(II)	Suspension of driver's license for a period of four months.	(A): "At least" four months. (B): Furnishes proof of financial responsibility. (C): Fee of two hundred fifty dollars or, if proof of financial responsibility for the future...prepaid insurance, fee is one hundred fifty. (D): Restoration fee as required in 42-2-132.
Section 3	Create subsections (A),(B),(C), & (D) for (2)(a)(III). Additional, require proof of financial responsibility, Imposition of a fee.	42-127.7(2)(a)(III)	Suspension of driver's license for a period of eight months.	(A): "At least" eight months. (B): Furnishes proof of financial responsibility. (C): Fee of two hundred fifty dollars or, if proof of financial responsibility for the future...prepaid insurance, fee is one

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				hundred fifty. (D): Restoration fee as required in 42-2-132.
Section 3	Add subsections (I) & (II) to (2)(d). Define meaning of proof of financial responsibility	42-127.7(2)(d)		(II): "Proof of financial responsibility for the future has the meaning set forth in section 42-7-103(14)
Section 3	Creation of (2)(e), which includes subsections (I), (II), (III). Creation of a process to collect and transfer fees. Waiver of fee below 130% of poverty line and furnishes proof of insurance prepaid for at least six months.	42-127.7(2)(e)	Add (2)(e)	(I): Credit of fees to Colorado Drives Vehicle Services Account in the Highway Users Tax Fund in section 42-1-211(2)(b)(I). (II): If paid fee for reinstatement in accordance with 42-7-511, the person need not pay the fee to reinstate a driver's license under this section. (III): Waive fee if: (A): Person lives in household that has an income that is at or below one hundred

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				thirty percent of the federal poverty line, as adjusted by family size; (B): Furnishes proof of insurance prepaid for at least six months
Section 3	Elimination of database language 42-7-604, affidavit must be dated, signed, and sworn to by the law enforcement officer	42-2-127.7(3)		
Section 3	Elimination of database language 42-7-604	42-2-127.7(5)(a)		
Section 3	Repeal 6(b) & (11). Reinstatement of license by complying with 42-7-302 or filing with the department proof of financial responsibility for the future and paying the required	42-2-127.7(6)(b) & (11)		

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	reinstatement fee, section 42-2-132.			
Section 4	Amending cross references. Addition of compliance with 42-2-127.7	42-2-132(1)		
Section 5	Add section 42-2-145. Conviction of failure to prove financial responsibility. (1): To whom this section applies. (2): Fee structure. (3): When the fee is due. (4)(a): cancellation of driver's license. (4)(b): Notice requirements. (5)Defining proof of financial responsibility	Creation of 42-2-145		
	To whom this section applies to. Suspended and reinstated licenses	Creation of 42-2-145(1)		(1)(a) suspended under 42-2-127.7 and reinstated; (b) Article 7

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	under 42-2-127.7 & article 7 of title 42. Also, those convicted under 42-4-1409 and not suspended under the previously mentioned sections.			of title 42; (c) convicted of violating 42-4-1409 AND not suspended under 42-2-127.7 or Article 7 of title 42.
	Fee Structure. (a) Fee options, \$250 or \$150, waiver for household incomes below 130% of federal poverty level; (b) transfer of these collected fees.	Creation of 42-2-145(2)		(2): Fee options previously mentioned, \$250 or \$150 with fin. Responsibility for prepaying insurance. In addition, same waiver for household income adjustment, below 130% of federal poverty line. Transfer of these fees to Colorado Drives tax fund created in 41-1-211(2)(b)(I);
	When the fee is due. Twelve months after and twenty-four months after either suspended license	Creation of 42-2-145(3)		

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	and reinstatement under (1)(a) or (1)(b), or (1)(c)			
	Failure to comply. (a)	Creation of 42-2-145(4)		(4)(a) if a person fails to comply within thirty days after the deadline imposed by subsection (3), the department shall cancel the person's instruction permit, driver's license, or minor driver's license; (b) notice, at least thirty days before fee, under subsection (2), is imposed. Shall send notice stating when the fee is due, that the fee can be reduced by furnishing proof of prepaid insurance for a period of at least six months, and that the persons license will be

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				cancelled until the person pays the fee
	Defining "Proof of financial responsibility for the future"	Creation of 42-2-145(5)		(5) Proof of financial responsibility for the future has the meaning set forth in Section 42-7-103(14)
Section 6		Amend 42-3-304	Motorist insurance identification fee	Eliminate identification. "Motorist insurance fee"
Section 6	Ten Cents per vehicle fee	42-3-304(18)(d)(I)(b)	"...department shall annually adjust the fee based upon appropriations made by the general assembly..."	"The fee is ten cents per motor vehicle or low-power scooter"
Section 7	Additional requirement to pay the fee imposed by section 42-2-145. Add subsections.	42-4-1409(4)(c)		(II) "Shall pay the fee imposed in section 42-2-145"

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Section 7	Add subsection (d). Serious bodily injury surcharge	42-4-1409(4)		(d) Convicted of violating subsection (1) or (2) of this section shall pay a surcharge of up to \$4,000 if the violation occurred in connection with an accident that caused serious bodily injury to another person
Section 7	Add subsection (e). Court may impose an immobilization device on car. Defining what an immobilization device is.	42-4-1409(4)		(e)(I) In addition to penalties under subsections (1) or (2) of this section, a court may order the primary law enforcement agency involved with the case to place an immobilization device on the person's motor vehicle for a period of up to one hundred eighty days. (II) Defining immobilization device. Device locked

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				onto wheel. Example includes a traffic boot.
Section 7	Elimination of database language. Addition of certificate of self-insurance.	42-4-1409(6)	Eliminates: "...using the uninsured motorist vehicle identification database created in section 42-7-602."	Adds: "Or certificate of self-insurance."
Section 8	Add section 42-7-511, insurance reinstatement fee.	42-7-511		(1) To reinstate a license that has been suspended under article 7, applicant must, in addition to other required fees, (a) \$250; (b) \$150 + proof of prepaid insurance at least six months; (c) pay no fee, 130% federal poverty level waiver. (2) If person has paid fee for reinstatement of a license in accordance with 42-2-127.7(2)(a)(I)(B), (2)(a)(II)(C), or

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				(2)(a)(III)(C), then the person need not pay the fee to reinstate a license under this section. Department shall transfer fees to Colorado Drives.
Section 9	Repeal unidentified motorist identification database program	Repeal part 6 of article 7 of title 42		
Section 10	Eliminate motorist insurance language	1-2-302(6)	Remove "...motorist insurance database"	
Section 11	Elimination of electronic transmission of insurance information	42-3-105(1)(d)(I)	Remove "Nothing in this paragraph (d), shall be interpreted to preclude the department from electronically transmitting insurance information to designated agents pursuant to section 42-7-604 for the purpose of	

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			ensuring compliance with mandatory insurance requirements.	
Section 12	Eliminate identification language.	43-4-205(5.5)(c)	Remove "...identification."	