

CHAPTER 208

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 24-1135

BY REPRESENTATIVE(S) Soper and Snyder, Bird, Evans, Armagost, deGruy Kennedy, McCluskie, Liedler;
also SENATOR(S) Roberts and Will, Hansen, Michaelson Jenet, Priola, Baisley, Hinrichsen, Smallwood, Van Winkle.

AN ACT

CONCERNING OFFENSES RELATED TO REQUIREMENTS FOR OPERATING A VEHICLE, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 42-2-404, **amend** (3) as follows:

42-2-404. Commercial driver's license - limitations - unlawful direction to operate a commercial motor vehicle - rules. (3) (a) In addition to any applicable federal penalty concerning commercial motor vehicle operators, any person who violates subsection (1) or (2) of this section, or any rule or regulation promulgated by the department pursuant to this part 4, commits a CLASS 1 MISDEMEANOR TRAFFIC OFFENSE; EXCEPT THAT, IF A PERSON WHO VIOLATES SUBSECTION (1) OR (2) OF THIS SECTION PRESENTS A VALID COMMERCIAL DRIVER'S LICENSE TO THE COURT WITHIN THIRTY DAYS AFTER THE DATE OF THE VIOLATION OR AT THE PERSON'S FIRST SCHEDULED COURT APPEARANCE, THE PERSON, IF CONVICTED, IS GUILTY OF A class A traffic infraction.

(b) (I) AN EMPLOYER OR AN OFFICER OR AGENT OF AN EMPLOYER SHALL NOT AUTHORIZE OR PERMIT AN EMPLOYEE TO OPERATE A COMMERCIAL MOTOR VEHICLE IF THE EMPLOYER, OFFICER, OR AGENT KNOWS OR REASONABLY SHOULD KNOW THAT THE EMPLOYEE DOES NOT SATISFY THE REQUIREMENTS IN SUBSECTION (1) OF THIS SECTION TO OPERATE A COMMERCIAL MOTOR VEHICLE.

(II) AN EMPLOYER, OFFICER, OR AGENT WHO VIOLATES SUBSECTION (3)(b)(I) OF THIS SECTION COMMITS UNLAWFUL DIRECTION TO OPERATE A COMMERCIAL MOTOR VEHICLE. UNLAWFUL DIRECTION TO OPERATE A COMMERCIAL MOTOR VEHICLE IS A CLASS 1 MISDEMEANOR TRAFFIC OFFENSE.

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

SECTION 2. In Colorado Revised Statutes, 43-2-145, **add** (2.1), (2.2), and (2.3) as follows:

43-2-145. Transportation legislation review - committee - definition - repeal.

(2.1) (a) DURING THE 2024 LEGISLATIVE INTERIM, THE COMMITTEE SHALL ANALYZE THE ISSUE OF ENFORCEMENT OF IMPAIRED DRIVING OFFENSES, INCLUDING SITUATIONS INVOLVING A DRIVER WHO REFUSES TO TAKE OR COMPLETE A BLOOD OR BREATH TEST AS REQUIRED BY LAW.

(b) THE COMMITTEE MAY REQUEST AND RECEIVE INPUT FROM THE COLORADO STATE PATROL AND THE COLORADO TASK FORCE ON DRUNK AND IMPAIRED DRIVING CREATED IN SECTION 42-4-1306 AND TAKE TESTIMONY FROM INTERESTED OR KNOWLEDGEABLE PEOPLE ABOUT THE ISSUE OF ENFORCEMENT OF IMPAIRED DRIVING OFFENSES AND MAY OTHERWISE RESEARCH THE ISSUE.

(c) THE COMMITTEE MAY MAKE RECOMMENDATIONS CONCERNING THE ISSUE OF ENFORCEMENT OF IMPAIRED DRIVING OFFENSES DESCRIBED IN THIS SUBSECTION (2.1) TO THE GENERAL ASSEMBLY, AND, IF THE COMMITTEE RECOMMENDS LEGISLATION, THE LEGISLATION IS TREATED AS LEGISLATION RECOMMENDED BY AN INTERIM LEGISLATIVE COMMITTEE FOR PURPOSES OF ANY INTRODUCTION DEADLINES OR BILL LIMITATIONS IMPOSED BY THE JOINT RULES OF THE GENERAL ASSEMBLY.

(d) THIS SUBSECTION (2.1) IS REPEALED, EFFECTIVE JULY 1, 2025.

(2.2) (a) DURING THE 2024 LEGISLATIVE INTERIM, THE COMMITTEE SHALL STUDY THE ISSUE OF CARELESS DRIVING, DESCRIBED IN SECTION 42-4-1402, THAT RESULTS IN ACCIDENTAL DEATH. THE COMMITTEE SHALL STUDY THE FREQUENCY OF CARELESS DRIVING INCIDENTS THAT RESULT IN ACCIDENTAL DEATH AND WHETHER THE CURRENT POSSIBLE CIVIL AND CRIMINAL CHARGES, INCLUDING CHARGES THAT MAY BE BROUGHT IN ADDITION TO THOSE FOR CARELESS DRIVING, AND ASSOCIATED PENALTIES, ARE APPROPRIATE.

(b) AS PART OF ITS STUDY, THE COMMITTEE SHALL REQUEST INPUT FROM THE COLORADO DISTRICT ATTORNEYS' COUNCIL, THE OFFICE OF STATE PUBLIC DEFENDER, PRIVATE CRIMINAL DEFENSE ATTORNEYS, PLAINTIFF AND DEFENSE COUNSEL WHO HANDLE CIVIL CLAIMS RELATED TO TRAFFIC ACCIDENTS, VICTIM REPRESENTATIVES, CRIMINAL JUSTICE REFORM ORGANIZATIONS IN COLORADO, THE JUDICIAL DEPARTMENT, THE COLORADO STATE PATROL, AND OTHER LAW ENFORCEMENT AGENCIES.

(c) THE COMMITTEE MAY MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY CONCERNING CARELESS DRIVING INCIDENTS THAT RESULT IN ACCIDENTAL DEATH. IF THE COMMITTEE RECOMMENDS LEGISLATION, THE LEGISLATION IS TREATED AS LEGISLATION RECOMMENDED BY AN INTERIM LEGISLATIVE COMMITTEE FOR PURPOSES OF ANY INTRODUCTION DEADLINES OR BILL LIMITATIONS IMPOSED BY THE JOINT RULES OF THE GENERAL ASSEMBLY. IF THE COMMITTEE DOES NOT RECOMMEND LEGISLATION, THE COMMITTEE SHALL REPORT TO THE GENERAL ASSEMBLY, IN WRITING, THE FINDINGS OF ITS STUDY AND ANY RECOMMENDATIONS OF THE COMMITTEE. THE WRITTEN FINDINGS AND RECOMMENDATIONS MAY BE INCLUDED IN THE COMMITTEE'S FINAL REPORT MADE FOLLOWING ITS WORK DURING THE 2024 LEGISLATIVE INTERIM.

(d) THIS SUBSECTION (2.2) IS REPEALED, EFFECTIVE JULY 1, 2025.

(2.3) (a) DURING THE 2024 LEGISLATIVE INTERIM, THE COMMITTEE SHALL STUDY THE ISSUE OF THE APPROPRIATE PENALTY FOR FAILING TO MAINTAIN MOTOR VEHICLE OR LOW-POWERED SCOOTER INSURANCE AND PRESENT EVIDENCE OF INSURANCE TO A REQUESTING OFFICER, AS REQUIRED IN SECTION 42-4-1409. ANY REQUIREMENT TO MAINTAIN INSURANCE TO OPERATE A COMMERCIAL VEHICLE, AND THE PENALTY FOR NOT MAINTAINING COMMERCIAL VEHICLE INSURANCE, IS NOT WITHIN THE SCOPE OF THE STUDY REQUIRED IN THIS SUBSECTION (2.3).

(b) AS PART OF ITS STUDY, THE COMMITTEE SHALL REQUEST INPUT FROM COUNTY COURT JUDGES, THE COLORADO STATE PATROL AND OTHER LAW ENFORCEMENT AGENCIES, THE COLORADO DISTRICT ATTORNEYS' COUNCIL, THE OFFICE OF STATE PUBLIC DEFENDER, PRIVATE ATTORNEYS WHO DEFEND PERSONS IN ACTIONS RELATED TO MAINTAINING MOTOR VEHICLE INSURANCE, VICTIMS OF PERSONS DRIVING WITHOUT INSURANCE, PERSONS WHO WERE CONVICTED OF DRIVING WITHOUT INSURANCE, THE DEPARTMENT OF REVENUE, AND CRIMINAL JUSTICE REFORM ORGANIZATIONS IN COLORADO. UPON APPROVAL OF THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL, THE COMMITTEE MAY HOLD HEARINGS AWAY FROM THE CAPITOL AS PART OF THE STUDY.

(c) THE COMMITTEE MAY MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY CONCERNING THE APPROPRIATE PENALTY FOR FAILING TO MAINTAIN INSURANCE AND PRESENT EVIDENCE OF INSURANCE TO A REQUESTING OFFICER. IF THE COMMITTEE RECOMMENDS LEGISLATION, THE LEGISLATION IS TREATED AS LEGISLATION RECOMMENDED BY AN INTERIM LEGISLATIVE COMMITTEE FOR PURPOSES OF ANY INTRODUCTION DEADLINES OR BILL LIMITATIONS IMPOSED BY THE JOINT RULES OF THE GENERAL ASSEMBLY. IF THE COMMITTEE DOES NOT RECOMMEND LEGISLATION, THE COMMITTEE SHALL REPORT TO THE GENERAL ASSEMBLY, IN WRITING, THE FINDINGS OF ITS STUDY AND ANY RECOMMENDATIONS OF THE COMMITTEE. THE WRITTEN FINDINGS AND RECOMMENDATIONS MAY BE INCLUDED IN THE COMMITTEE'S FINAL REPORT MADE FOLLOWING ITS WORK DURING THE 2024 LEGISLATIVE INTERIM.

(d) THIS SUBSECTION (2.3) IS REPEALED, EFFECTIVE JULY 1, 2025.

SECTION 3. Appropriation. (1) For the 2024-25 state fiscal year, \$1,455 is appropriated to the department of revenue. This appropriation is from the Colorado DRIVES vehicle services account in the highway users tax fund created in section 42-1-211 (2), C.R.S. To implement this act, the department may use this appropriation as follows:

(a) \$992 for DRIVES maintenance and support;

(b) \$160 for use by the division of motor vehicles for personal services related to vehicle services;

(c) \$105 for use by the executive director's office for personal services related to administration and support; and

(d) \$198 for payments to OIT.

SECTION 4. Effective date - applicability. This act takes effect upon passage; except that section 1 of this act takes effect August 1, 2024, and applies to offenses committed on or after said date.

SECTION 5. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.

Approved: May 20, 2024