

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0730.01 Owen Hatch x2698

HOUSE BILL 26-1242

HOUSE SPONSORSHIP

Paschal and Jackson,

SENATE SPONSORSHIP

Roberts,

House Committees

Transportation, Housing & Local Government

Senate Committees

A BILL FOR AN ACT

101 CONCERNING INTERLOCK-RESTRICTED LICENSE REQUIREMENTS FOR
102 IMPAIRED DRIVERS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The waiting period to apply for an interlock-restricted license following a conviction related to driving under the influence of drugs or alcohol is eliminated.

A person convicted for the first time of certain offenses related to driving while under the influence of drugs or alcohol is required to hold an interlock-restricted license for the period of revocation of the person's

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

driver's license.

Financial assistance related to the interlock device is available depending on the person's financial status. A certified ignition interlock manufacturer must provide a person who is eligible for the assistance program certain discounts on installation of, lease charges for, and removal of an interlock device.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-2-132.5, **amend**
3 (4)(a)(I) and (4)(a)(II)(C); and **add** (1.5) and (4)(a.5) as follows:

4 **42-2-132.5. Mandatory and voluntary restricted licenses**
5 **following alcohol convictions - rules.**

6 (1.5) **First-time offender required to hold an**
7 **interlock-restricted license.**

8 (a) A FIRST-TIME OFFENDER DESCRIBED IN SUBSECTION
9 (4)(a)(II)(A) OF THIS SECTION WHO IS NOT SUBJECT TO SUBSECTION (1) OF
10 THIS SECTION IS REQUIRED TO HOLD AN INTERLOCK-RESTRICTED LICENSE
11 PRIOR TO BEING ELIGIBLE TO OBTAIN A DRIVER'S LICENSE WITHOUT THE
12 RESTRICTION ISSUED PURSUANT TO THIS ARTICLE 2 FOR THE SHORTER OF:

13 (I) THE PERIOD UNTIL THE FIRST-TIME OFFENDER HAS
14 SUCCESSFULLY COMPLETED THE INTERLOCK-RESTRICTED LICENSE
15 REMOVAL PROCESS DESCRIBED IN SUBSECTION (4)(a)(II)(B) OF THIS
16 SECTION; OR

17 (II) NINE MONTHS.

18 (b) A FIRST-TIME OFFENDER SUBJECT TO THIS SUBSECTION (1.5) IS
19 REQUIRED TO COMPLY WITH THE REQUIREMENT TO HOLD AN
20 INTERLOCK-RESTRICTED LICENSE DESCRIBED IN SUBSECTION (1.5)(a) OF
21 THIS SECTION EVEN IF THE PERSON'S NINE-MONTH LICENSE REVOCATION
22 PERIOD HAS EXPIRED.

1 **(4) Persons who may acquire an interlock-restricted license**
2 **prior to serving a full-term revocation.**

3 (a) (I) A person whose privilege to drive has been revoked for one
4 year or more because of a DUI, DUI per se, or DWAI conviction or has
5 been revoked for one year or more for excess BAC pursuant to section
6 42-2-126 may apply for an early reinstatement with an interlock-restricted
7 license pursuant to this section at any time; except that a person who is
8 less than twenty-one years ~~of age~~ OLD at the time of the offense may not
9 apply for early reinstatement until the person's license has been revoked
10 for one year. A person whose privilege to drive has been revoked for one
11 year or more because of a refusal may apply for an early reinstatement
12 with an interlock-restricted license pursuant to this section; ~~after the~~
13 ~~person's privilege to drive has been revoked for two months;~~ except that
14 a person who is less than twenty-one years ~~of age~~ OLD at the time of the
15 offense may not apply for early reinstatement until the person's license
16 has been revoked for one year. Except for first-time offenders as provided
17 in subsection (4)(a)(II) of this section or for persistent drunk drivers as
18 provided in subsection (3) of this section, the restrictions imposed
19 pursuant to this section remain in effect for the longer of one year or the
20 total time period remaining on the license restraint prior to early
21 reinstatement.

22 (II) (C) **Financial assistance for first-time offenders and**
23 **persistent drunk drivers.** The department shall establish a program to
24 assist persons who apply for an interlock-restricted license pursuant to
25 this ~~subparagraph (H)~~ SUBSECTION (4)(a)(II) or pursuant to ~~subparagraph~~
26 ~~(I) of paragraph (a) of this subsection (4)~~ SUBSECTION (4)(a)(I) OF THIS
27 SECTION and who are unable to pay the full cost of an approved ignition

1 interlock device. ~~The program shall be funded from the first time drunk~~
2 ~~driving offender account in the highway users tax fund established~~
3 ~~pursuant to section 42-2-132 (4)(b)(II).~~ A PERSON IS ELIGIBLE TO
4 PARTICIPATE IN THE PROGRAM IF THE PERSON SHOWS PROOF OF
5 ENROLLMENT IN A JURISDICTIONAL OR FEDERAL PUBLIC ASSISTANCE
6 PROGRAM; THE PERSON'S INCOME DOES NOT EXCEED ONE HUNDRED FIFTY
7 PERCENT OF THE FEDERAL POVERTY LEVEL, AS DETERMINED BY THE MOST
8 CURRENT FEDERAL POVERTY GUIDELINES ISSUED BY THE UNITED STATES
9 DEPARTMENT OF HEALTH AND HUMAN SERVICES; OR THE PERSON SATISFIES
10 ELIGIBILITY CRITERIA ESTABLISHED BY THE DEPARTMENT THAT IS BASED
11 ON A DETERMINATION OF WHETHER A PERSON'S AVAILABLE
12 DISCRETIONARY INCOME MAKES IT IMPRACTICAL FOR THE PERSON TO
13 AFFORD THE INTERLOCK DEVICE. THE DEPARTMENT MAY APPROVE
14 ADDITIONAL FORMS OF INCOME VERIFICATION.

15 (a.5) **Financial assistance benefits for eligible first-time**
16 **offenders and persistent drunk drivers.**

17 (I) A CERTIFIED IGNITION INTERLOCK MANUFACTURER MUST
18 PROVIDE A PERSON WHO IS ELIGIBLE FOR THE ASSISTANCE PROGRAM
19 DESCRIBED IN SUBSECTION (4)(a)(II)(C) OF THIS SECTION AND WHO IS
20 PARTICIPATING IN THE PROGRAM:

21 (A) FREE STANDARD INSTALLATION OF THE APPROVED IGNITION
22 INTERLOCK DEVICE IN THE PERSON'S VEHICLE; EXCEPT THAT, IF THE
23 DEPARTMENT DETERMINES THE PERSON'S VEHICLE IS A HIGH-END OR
24 ELECTRIC VEHICLE, FIFTY PERCENT OF THE INSTALLATION FEE IS COVERED;

25 (B) FREE REMOVAL OF THE INTERLOCK DEVICE UPON THE PERSON'S
26 SUCCESSFUL COMPLETION OF THE PROGRAM; AND

27 (C) A DISCOUNT OF UP TO FIFTY PERCENT OF THE MONTHLY DEVICE

1 LEASE RATE CHARGED TO NONINDIGENT PROGRAM APPLICANTS, AS
2 DETERMINED BY THE DEPARTMENT.

3 (II) A PERSON RECEIVING FINANCIAL ASSISTANCE PURSUANT TO
4 SUBSECTION (4)(a)(II)(C) OF THIS SECTION MUST NOT RECEIVE A DISCOUNT
5 FOR FEES OR COSTS ASSOCIATED WITH PROGRAM VIOLATIONS,
6 NONCOMPLIANCE, MISSED APPOINTMENTS, LOCKOUTS, OR OTHER
7 ADMINISTRATIVE OR SERVICE FEES.

8 (III) A PERSON WHO FAILS TO REMAIN COMPLIANT WITH THE
9 ASSISTANCE PROGRAM REQUIREMENTS FORFEITS THE PERSON'S
10 AFFORDABILITY STATUS AND IS RESPONSIBLE FOR THE FULL COST OF THE
11 DEVICE UNLESS AND UNTIL ELIGIBILITY IS REESTABLISHED PURSUANT TO
12 RULE.

13 (IV) A CERTIFIED IGNITION INTERLOCK MANUFACTURER MAY
14 REQUEST UPDATED FINANCIAL INFORMATION FROM A PERSON
15 PARTICIPATING IN THE ASSISTANCE PROGRAM NOT MORE THAN ONCE
16 EVERY SIX MONTHS WHILE THE PERSON IS SUBJECT TO THE INTERLOCK
17 REQUIREMENT FOR THE PURPOSE OF DETERMINING WHETHER THE PERSON
18 CONTINUES TO MEET THE ASSISTANCE PROGRAM ELIGIBILITY
19 REQUIREMENTS.

20 (V) **Consumer notice requirements for first-time offenders**
21 **and persistent drunk drivers.** A CERTIFIED IGNITION INTERLOCK
22 MANUFACTURER SHALL PROVIDE WRITTEN INFORMATION REGARDING THE
23 ASSISTANCE PROGRAM TO ALL CUSTOMERS:

24 (A) AT THE TIME AN INSTALLATION APPOINTMENT IS SCHEDULED;
25 AND

26 (B) AT THE TIME THE CUSTOMER EXECUTES A DEVICE LEASE OR
27 SERVICE AGREEMENT.

1 (VI) THE DEPARTMENT SHALL PROMINENTLY POST INFORMATION
2 ON ITS WEBSITE DESCRIBING THE ASSISTANCE PROGRAM, INCLUDING
3 ELIGIBILITY REQUIREMENTS AND APPLICATION INSTRUCTIONS.

4 **SECTION 2. Act subject to petition - effective date -**
5 **applicability.** (1) This act takes effect June 1, 2027; except that, if a
6 referendum petition is filed pursuant to section 1 (3) of article V of the
7 state constitution against this act or an item, section, or part of this act
8 within the ninety-day period after final adjournment of the general
9 assembly, then the act, item, section, or part will not take effect unless
10 approved by the people at the general election to be held in November
11 2026 and, in such case, will take effect June 1, 2027.

12 (2) This act applies to revocations on or after the applicable
13 effective date of this act.