

CHAPTER 460

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 21-1314

BY REPRESENTATIVE(S) Herod and Gray, Bacon, Burnett, Bird, Esgar, Gonzales-Gutierrez, Hooton, Kipp, Ricks, Weissman, Duran, Exum, McCluskie, Sirota;
also SENATOR(S) Moreno and Rodriguez, Bridges, Fenberg, Fields, Gonzales, Hansen, Jaquez Lewis, Story.

AN ACT

CONCERNING THE AUTHORITY OF THE DEPARTMENT OF REVENUE TO TAKE ACTION AGAINST CERTAIN DOCUMENTS, 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, 42-2-122, **amend** (3); and **repeal** (1)(c), (1)(e), and (1)(h) as follows:

42-2-122. Department may cancel license - limited license for physical or mental limitations. (1) The department has the authority to cancel, deny, or deny the reissuance of any driver's or minor driver's license upon determining that the licensee was not entitled to the issuance for any of the following reasons:

(c) ~~Permission of an unlawful or fraudulent use or conviction of misuse of license, titles, permits, or license plates;~~

(e) ~~Failure of the licensee to register in Colorado all vehicles owned by the licensee under the requirements of section 42-3-103;~~

(h) ~~(H) The person has an outstanding judgment or warrant referred to in section 42-4-1709 (7) issued against such person; except that, as used in this paragraph (h), "judgment or warrant" shall not include any judgment or warrant reported to the department in violation of section 42-4-110.5 (2)(c).~~

~~(H) Upon receipt of a judgment or warrant from a court clerk on or after September 1, 2000, the department shall send written notice to the person identified in the court order that such person is required to provide the department with proof that the judgment or warrant is no longer outstanding within thirty days after the~~

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.

date such notice is sent or such person's driver's license shall be canceled or any application for a new license shall be denied. Proof that the judgment or warrant is no longer outstanding shall be in the form of a certificate issued by the clerk of the court entering the judgment or issuing the warrant in a form approved by the executive director.

~~(III) If acceptable proof is not received by the department within thirty days after notice was sent, the department shall cancel the driver's license or deny any application for a license of the person against whom the judgment was entered or the warrant was issued.~~

~~(IV) The general assembly finds that the department currently has record of a large number of outstanding judgments and warrants and that it does not know whether such judgments and warrants are still outstanding. All outstanding judgments and warrants that are in the department's records as of August 31, 2000, shall be deemed void for purposes of this section effective September 1, 2005.~~

(3) Upon such cancellation, the licensee ~~must~~ SHALL surrender the license so cancelled to the department, and thereafter such licensee ~~shall be~~ IS entitled to a hearing by the department if such license is returned and if such request is made within thirty days from the date of such cancellation; except that a denial or cancellation ~~under paragraph (h) or (i) of subsection (1)~~ PURSUANT TO SUBSECTION (1)(i) of this section ~~shall be~~ IS deemed to be final agency action for judicial review purposes ~~under~~ PURSUANT TO section 24-4-104, C.R.S. Such hearing, if requested, ~~shall~~ MUST be held no later than thirty days from the date of such cancellation. Notification of such cancellation ~~shall~~ MUST be given as provided in section 42-2-119.

SECTION 2. In Colorado Revised Statutes, 42-2-125, **amend** (1)(m), (3), and (6)(a); and **repeal** (1)(o) as follows:

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 the driver has:

~~(m) (I) Been convicted of violating section 18-13-122 (3) or 44-3-901 (1)(c) or (1)(d) or any counterpart municipal charter or ordinance offense to such sections and having failed to complete an alcohol evaluation or assessment, an alcohol education program, or an alcohol treatment program ordered by the court in connection with such conviction; or~~

(II) Been convicted of violating section 18-13-122 (3) or 44-3-901 (1)(c) or (1)(d) or any counterpart municipal charter or ordinance offense to such sections AND HAVING FAILED TO COMPLETE AN ALCOHOL EVALUATION OR ASSESSMENT, AN ALCOHOL EDUCATION PROGRAM, OR AN ALCOHOL TREATMENT PROGRAM ORDERED BY THE COURT IN CONNECTION WITH THE PRESENT CONVICTION, and has a previous conviction for such offenses;

(o) ~~Been:~~

~~(f) (Deleted by amendment, L. 2009, (HB 09-1266), ch. 347, p. 1816, § 8,~~

~~effective August 5, 2009.)~~

~~(H) Convicted of, or has received a deferred judgment for, an offense described in section 18-4-409 or 18-4-503 (1)(c), C.R.S., or a comparable municipal charter or ordinance offense.~~

~~(HH) (Deleted by amendment, L. 2007, p. 504, § 3, effective July 1, 2007.)~~

(3) Upon revoking the license of any person as required by this section, the department shall immediately notify the licensee as provided in section 42-2-119 (2). Where a minor driver's license is revoked ~~under paragraph (m) of subsection (1)~~ PURSUANT TO SUBSECTION (1)(m) of this section, such revocation ~~shall not~~ MAY run concurrently with any previous or subsequent suspension, revocation, cancellation, or denial that is provided for by law.

(6) (a) Any person who has a license revoked pursuant to ~~paragraph (m) of subsection (1)~~ SUBSECTION (1)(m) of this section ~~shall be~~ IS subject to the following revocation periods:

(I) ~~After a first conviction and failure to complete an ordered evaluation, assessment, or program, three months;~~

(II) After a second conviction AND FAILURE TO COMPLETE AN ORDERED EVALUATION, ASSESSMENT, OR PROGRAM, six months;

(III) After any third or subsequent conviction AND FAILURE TO COMPLETE AN ORDERED EVALUATION, ASSESSMENT, OR PROGRAM, one year.

SECTION 3. In Colorado Revised Statutes, 42-2-107, **amend** (2)(b)(I) introductory portion and (2)(b)(I)(A); and **repeal** (5) as follows:

42-2-107. Application for license or instruction permit - anatomical gifts - donations to Emily Keyes - John W. Buckner organ and tissue donation awareness fund - legislative declaration - rules - annual report - repeal. (2) (b) (I) In addition to the requirements of ~~paragraph (a) of this subsection (2)~~ SUBSECTION (2)(a) OF THIS SECTION, an application ~~shall~~ MUST state that:

(A) The applicant understands that, as a resident of the state of Colorado, any motor vehicle owned by the applicant must be registered in Colorado pursuant to the laws of the state and the applicant may be subject to criminal penalties, civil penalties, ~~cancellation or denial of the applicant's driver's license,~~ and liability for any unpaid registration fees and specific ownership taxes if the applicant fails to comply with such registration requirements; and

(5) (a) (I) ~~Prior to the issuance of a driver's or minor driver's license, the department shall determine if there are any outstanding judgments or warrants entered or issued against the applicant pursuant to section 42-4-1709 (7).~~

(H) For the purposes of this subsection (5), "outstanding judgments or warrants" does not include any judgment or warrant reported to the department in violation of

~~the provisions of section 42-4-110.5 (2)(c):~~

~~(b) If the department determines that there are no outstanding judgments or warrants entered or issued against the applicant and if all other conditions for issuance required by articles 1 to 4 of this title are met, the department shall issue the license.~~

~~(c) If the department determines that there are outstanding judgments or warrants entered or issued against the applicant and the applicant is subject to the provisions of section 42-4-1709 (7), the license shall not be issued until the applicant has complied with the requirements of that section. Any person who satisfies an outstanding judgment or warrant entered pursuant to section 42-4-1709 (7) shall pay to the court a thirty-dollar administrative processing fee for each such judgment or warrant in addition to all other penalties, costs, or forfeitures. The court shall remit fifty percent of the administrative processing fee to the department of revenue, and the other fifty percent shall be retained by the issuing court.~~

SECTION 4. In Colorado Revised Statutes, 42-2-118, **amend** (1)(a)(I), (1.3)(b), and (3); and **repeal** (1.5)(c)(II) as follows:

42-2-118. Renewal of license in person or by mail - donations to Emily Keyes - John W. Buckner organ and tissue donation awareness fund - repeal.

(1) (a) (I) Every license issued ~~under~~ PURSUANT TO section 42-2-114 or part 5 of this article 2 is renewable prior to its expiration, upon application in person, by mail as provided in subsection (1.3) of this section, or by electronic means as provided in subsection (1.5) of this section; payment of the required fee; passing of an eye test; AND passing of such other examinations as the applicant's physical limitations or driver's record indicates to be desirable. ~~and payment of any penalty assessment, fine, cost, or forfeiture as prescribed by subsection (3) of this section.~~ If a person renews his or her license pursuant to this subsection (1)(a)(I) by electronic means, the person must attest under penalty of perjury that he or she has had an eye examination by an optometrist or an ophthalmologist within three years before the date of application.

(1.3) (b) Every applicant for renewal of a driver's license by mail shall submit ~~the following~~ PAYMENT OF THE REQUIRED FEE to the department.

~~(f) Payment of the required fee;~~

~~(ff) Repealed.~~

~~(fff) Payment of any penalty assessment, fine, cost, or forfeiture as prescribed by subsection (3) of this section.~~

(1.5) (c) Every applicant for renewal of a driver's license by electronic means shall submit the following to the department:

~~(II) Payment of any penalty assessment, fine, cost, or forfeiture as prescribed by subsection (3) of this section.~~

(3) (a) (I) Prior to the renewal of a permanent driver's license or the issuance or

renewal of a probationary license, the department shall determine if the applicant has ~~any outstanding judgments or warrants entered or issued against the applicant or if the applicant has~~ issued a check or order to the department for the payment of a penalty assessment and such check or order was returned for insufficient funds or a closed account and remains unpaid as set forth in section 42-4-1709 (7).

(II) ~~For the purposes of this subsection (3), "outstanding judgments or warrants" does not include any judgment or warrant reported to the department in violation of the provisions of section 42-4-110.5 (2)(c).~~

(b) (I) ~~If there are no outstanding judgments or warrants entered or issued against the applicant and~~ the applicant has not issued a check or order to the department that was returned for insufficient funds or a closed account and that remains unpaid as set forth in section 42-4-1709 (7) and if all other conditions for renewal pursuant to articles 1 to 4 of this title TITLE 42 are met, the department shall renew the applicant's permanent driver's license.

(II) ~~If there are no outstanding judgments or warrants entered or issued against the applicant and~~ the defendant has not issued a check or order to the department that was returned for insufficient funds or a closed account and that remains unpaid as set forth in section 42-4-1709 (7) and if all other conditions for renewal pursuant to articles 1 to 4 of this title TITLE 42 are met, the department may issue or renew the applicant's probationary license.

(c) ~~If the department determines that the applicant is subject to the requirements of section 42-4-1709 (7), the permanent driver's license shall not be renewed or the probationary license may not be issued or renewed until such applicant has complied with said section. Any person who pays any outstanding judgments, who has any warrants entered, or who makes payment for a check or order to the department that had been returned for insufficient funds or a closed account pursuant to section 42-4-1709 (7) shall pay to the court or to the department a thirty-dollar administrative processing cost for each such judgment, warrant, check or order in addition to all other penalties, costs, or forfeitures. If the court collects an administrative processing fee, the court shall remit fifty percent of the administrative processing fee to the department of revenue, and the other fifty percent of that fee is to be retained by the issuing court. If the department collects an administrative processing fee, the department shall retain the fee.~~

(d) ~~Beginning January 1, 1986, the executive director shall ascertain whether the administrative fee established in paragraph (c) of this subsection (3) adequately compensates the department for administration of this subsection (3).~~

(e) ~~The department of revenue shall coordinate the design and implementation of the necessary delinquency notification forms, satisfaction forms, and time requirements for utilization of such forms by the courts.~~

(f) ~~There shall be~~ is a twenty-day period to appeal any penalty under this section when it can be shown by the applicant or defendant that sufficient funds were in the financial institution and the error was that of the financial institution. In this event the department shall review the documentation and, if it was the fault of the financial institution that the check or order was returned, ~~no~~ THE DEPARTMENT

SHALL NOT IMPOSE A penalty or fee. ~~shall be imposed.~~

SECTION 5. In Colorado Revised Statutes, **repeal** 42-2-127.6 as follows:

42-2-127.6. Authority to suspend license - providing alcohol to an underage person. ~~(1) (a) Whenever the department receives notice that a person, other than a business licensed pursuant to article 3, 4, or 5 of title 44, or an employee or agent of the business acting in the scope of his or her employment, has been convicted of an offense pursuant to section 44-3-901 (1)(b) or (1)(l), the department shall immediately suspend the license of the person for a period of not less than six months.~~

~~(b) For purposes of this subsection (1), a person has been convicted when the person has been found guilty by a court or a jury, entered a plea of guilty or nolo contendere, or received a deferred sentence for an offense.~~

~~(2) (a) Upon suspension of a person's license as required by this section, the department shall immediately notify the person as provided in section 42-2-119(2).~~

~~(b) Upon receipt of the notice of suspension, the person or the person's attorney may request a hearing in writing. The department shall hold a hearing not less than thirty days after receiving the 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 person; 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, unless the person requests to appear in person at the hearing. After the hearing, the person may appeal the decision of the department to the district court as provided in section 42-2-135. If a person who has had a license suspended under this section is subsequently acquitted of the conviction that required the suspension by a court of record, the department shall immediately, in any event not later than ten days after the receipt of the notice of acquittal, reinstate said license to the person affected, unless the license is under other restraint.~~

~~(3) (a) If there is no other statutory reason for denial of a probationary license, a person who has had a license suspended by the department because of, in whole or in part, a conviction of an offense specified in subsection (1) of this section shall be entitled to a probationary license for the purpose of driving for reasons of employment, education, health, or compliance with the requirements of probation. Such a probationary license shall:~~

~~(I) Contain any other restrictions the department deems reasonable and necessary;~~

~~(II) Be subject to cancellation for violation of any such restrictions; and~~

~~(III) Be issued for the entire period of suspension.~~

~~(b) The department may refuse to issue a probationary license if the department finds that the driving record of the person is such that the person has sufficient points to require the suspension or revocation of a license to drive on the highways~~

of this state pursuant to section 42-2-127 or if the department finds from the record after a hearing conducted in accordance with this section that aggravating circumstances exist to indicate the person is unsafe for driving for any purpose. In refusing to issue a probationary license, the department shall make specific findings of fact to support the refusal.

SECTION 6. In Colorado Revised Statutes, **repeal** 42-2-304.5 as follows:

42-2-304.5. Cancellation or denial of identification card - failure to register vehicles in Colorado. The department may cancel, deny, or deny reissuance of an identification card upon determining that the registrant has failed to register in Colorado all vehicles owned by the registrant under the requirements of section 42-3-103. Upon such cancellation, the registrant shall surrender the identification card to the department. The registrant is entitled to a hearing under the procedures provided in section 42-2-122.

SECTION 7. In Colorado Revised Statutes, 42-4-1709, **amend** (7) as follows:

42-4-1709. Penalty assessment notice for traffic infractions - violations of provisions by officer - driver's license. (7) (a) A person shall not be IS NOT allowed or permitted to obtain or renew a permanent driver's, minor driver's, or probationary license if such person has, at the time of making application for obtaining or renewing such driver's license:

(I) ~~An outstanding judgment entered against such person on and after January 1, 1983, pursuant to section 42-4-1710 (2) or (3);~~

(II) ~~An outstanding judgment entered against such person by a county or municipal court for a violation of a statute or ordinance relating to the regulation of motor vehicles or traffic, excluding traffic infractions defined by state statute or ordinance and violations relating to parking;~~

(III) ~~A bench warrant issued against such person by a county or municipal court for failure to appear to answer a citation for an alleged violation of a statute or ordinance relating to the regulation of motor vehicles or traffic, excluding traffic infractions defined by state statute or ordinance and violations relating to parking;~~

(IV) ~~An outstanding judgment entered against such person by a municipal court for a violation of any municipal ordinance which occurred when such person was under eighteen years of age, excluding traffic infractions defined by state statute or ordinance and violations related to parking;~~

(V) ~~A bench warrant issued against such person by a municipal court for failure to appear to answer a summons or summons and complaint for an alleged violation of any municipal ordinance that occurred when such person was under eighteen years of age, excluding traffic infractions defined by state statute or ordinance and violations relating to parking;~~

(VI) Issued a check or order to the department to pay a penalty assessment, a driver's license fee, a license reinstatement fee, or a motor vehicle record fee and such check or order is returned for insufficient funds or a closed account and

remains unpaid. For the purposes of this ~~subparagraph (VI)~~ SUBSECTION (7), the term "insufficient funds" means having an insufficient balance on account with a bank or other drawee for the payment of a check or order when the check or order is presented for payment within thirty days after issue.

(VII) Repealed.

(VIII) ~~An outstanding judgment entered against such person by a county or municipal court for a violation of section 42-4-1416.~~

(b) ~~The restrictions in paragraph (a) of this subsection (7) shall not apply in cases where an appeal from any determination of liability and penalty is pending and not disposed of at the time of such application for obtaining or renewing a driver's license.~~

SECTION 8. In Colorado Revised Statutes, 10-3-1104, **amend** (4)(a) as follows:

10-3-1104. Unfair methods of competition - unfair or deceptive practices.

(4) The following is defined as an unfair practice in the business of insurance: For an insurer to deny, refuse to issue, refuse to renew, refuse to reissue, cancel, or otherwise terminate a motor vehicle insurance policy, to restrict motor vehicle insurance coverage on any person, or to add any surcharge or rating factor to a premium of a motor vehicle insurance policy solely because of:

(a) A conviction under section 18-13-122 (3), or section 44-3-901 (1)(c), or any counterpart municipal charter or ordinance offense or because of any driver's license revocation resulting from such conviction. This subsection (4)(a) includes, but is not limited to, a driver's license revocation imposed under section 42-2-125 (1)(m) PRIOR TO ITS REPEAL IN 2021.

SECTION 9. In Colorado Revised Statutes, 18-4-409, **repeal** (4.5) as follows:

18-4-409. Aggravated motor vehicle theft. (4.5) ~~Whenever a person is convicted of, pleads guilty or nolo contendere to, receives a deferred judgment or sentence for, or is adjudicated a juvenile delinquent for, a violation of this section, the offender's driver's license shall be revoked as provided in section 42-2-125, C.R.S.~~

SECTION 10. In Colorado Revised Statutes, 18-4-503, **repeal** (3) as follows:

18-4-503. Second degree criminal trespass. (3) ~~Whenever a person is convicted of, pleads guilty or nolo contendere to, receives a deferred judgment or sentence for, or is adjudicated a juvenile delinquent for, a violation of paragraph (e) of subsection (1) of this section, the offender's driver's license shall be revoked as provided in section 42-2-125, C.R.S.~~

SECTION 11. In Colorado Revised Statutes, **add** 42-2-118.1 as follows:

42-2-118.1. Driver restoration and payment incentive program. BEGINNING JANUARY 1, 2022, AN OUTSTANDING JUDGMENT OR WARRANT DESCRIBED IN SECTION 42-4-1709 (7) SHALL NOT SERVE AS A BASIS FOR THE DEPARTMENT TO DENY AN

APPLICATION FOR ISSUANCE, RENEWAL, OR REINSTATEMENT OF A DRIVER'S LICENSE. THE DEPARTMENT SHALL NOT ISSUE A LICENSE TO A PERSON WITH AN OUTSTANDING JUDGMENT OR WARRANT WHO APPLIES FOR ISSUANCE, RENEWAL, OR REINSTATEMENT OF A LICENSE UNLESS THE PERSON HAS PAID TO THE DEPARTMENT A DRIVER'S LICENSE FEE REQUIRED BY SECTION 42-2-114 AND THE LICENSE REINSTATEMENT FEE REQUIRED BY SECTION 42-2-132.

SECTION 12. In Colorado Revised Statutes, 42-2-127.5, **amend** (4) as follows:

42-2-127.5. Authority to suspend license - violation of child support order.

(4) In the event that a driver's license is suspended pursuant to subsection (3) of this section, the department may issue a probationary license for a period not to exceed ninety days from the date of issuance, which probationary license ~~shall restrict~~ RESTRICTS the driver to driving to and from the place of employment or to performing duties within the course of the driver's employment. The department is authorized to charge a fee for such probationary license that covers the direct and indirect costs of issuing the license. ~~The department may not issue a probationary license to an individual unless at the time of license restraint such individual has a valid driver's privilege and has no outstanding judgments or warrants issued against such individual pursuant to the requirements of section 42-2-118 (3).~~

SECTION 13. In Colorado Revised Statutes, **repeal** 42-2-131 as follows:

42-2-131. Revocation of license or permit for failing to comply with a court order relating to nondriving alcohol convictions. ~~Upon a plea of guilty or nolo contendere or a verdict of guilty by the court or a jury to an offense under section 18-13-122 (3) or 44-3-901 (1)(c) or (1)(d) or any counterpart municipal charter or ordinance offense to such section and upon a failure to complete an alcohol evaluation or assessment, an alcohol education program, or an alcohol treatment program ordered by the court in connection with such plea or verdict, the court shall forward to the department a notice of plea or verdict or the failure to complete on the form prescribed by the department. Any revocation pursuant to section 42-2-125 (1)(m) shall begin when the department gives notice of the revocation to the person in accordance with section 42-2-119 (2).~~

SECTION 14. In Colorado Revised Statutes, 42-2-132, **add** (5) as follows:

42-2-132. Period of suspension or revocation. (5) (a) IN ADDITION TO ANY OTHER FEE IMPOSED PURSUANT TO THIS SECTION, A PERSON WHOSE LICENSE OR PRIVILEGE TO DRIVE A MOTOR VEHICLE ON THE PUBLIC HIGHWAYS HAS BEEN REVOKED BECAUSE OF A DUI, DUI PER SE, DWAI, OR UDD CONVICTION SHALL PAY A FEE OF TWENTY-FIVE DOLLARS TO THE DEPARTMENT PRIOR TO THE ISSUANCE TO THE PERSON OF A NEW LICENSE OR THE RESTORATION OF THE LICENSE OR PRIVILEGE. THE DEPARTMENT MAY WAIVE THE FEE UPON A SATISFACTORY SHOWING THAT THE PERSON SUBJECT TO THE FEE IS INDIGENT.

(b) THE DEPARTMENT SHALL TRANSMIT THE FEE COLLECTED PURSUANT TO THIS SUBSECTION (5) TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE FIRST TIME DRUNK DRIVING OFFENDER ACCOUNT IN THE HIGHWAY USERS TAX FUND.

SECTION 15. In Colorado Revised Statutes, 42-2-302, **amend** (1)(b)(I)

introductory portion and (1)(b)(I)(A) as follows:

42-2-302. Department may or shall issue - limitations - rules. (1) (b) (I) In addition to the requirements of ~~paragraph (a) of this subsection (1)~~ SUBSECTION (1)(a) OF THIS SECTION, an application for an identification card ~~shall~~ MUST state that:

(A) The applicant understands that, as a resident of the state of Colorado, any motor vehicle owned by the applicant must be registered in Colorado pursuant to the laws of the state and the applicant may be subject to criminal penalties, civil penalties, ~~cancellation or denial of the applicant's identification card~~, and liability for any unpaid registration fees and specific ownership taxes if the applicant fails to comply with such registration requirements; and

SECTION 16. In Colorado Revised Statutes, 42-4-110.5, **repeal** (2)(c) as follows:

42-4-110.5. Automated vehicle identification systems - definition. (2) A municipality may adopt an ordinance authorizing the use of an automated vehicle identification system to detect violations of traffic regulations adopted by the municipality, or the state, a county, a city and county, or a municipality may utilize an automated vehicle identification system to detect traffic violations under state law, subject to the following conditions and limitations:

~~(c) The state, a county, a city and county, or a municipality may not report to the department any outstanding judgment or warrant for purposes of section 42-2-107 (5) or 42-2-118 (3) based upon any violation or alleged violation of a municipal traffic regulation or traffic violation under state law detected through the use of an automated vehicle identification system.~~

SECTION 17. In Colorado Revised Statutes, 42-7-406, **amend** (1) as follows:

42-7-406. Proof required under certain conditions. (1) Whenever the director revokes the license of any person ~~under~~ PURSUANT TO section 42-2-125 or 42-2-126, or cancels any license ~~under~~ PURSUANT TO section 42-2-122 because of the licensee's inability to operate a motor vehicle because of physical or mental incompetence, or cancels any probationary license ~~under~~ PURSUANT TO section 42-2-127, the director shall not issue to or continue in effect for any such person any new or renewal of license until permitted under the motor vehicle laws of this state, and not then until and unless such person files or has filed and maintains proof of financial responsibility as provided in this ~~article~~ ARTICLE 7; except that persons whose licenses are canceled pursuant to section 42-2-122 (2.5) ~~revoked pursuant to section 42-2-125 (1)(m)~~, or revoked for a first offense ~~under~~ PURSUANT TO section 42-2-125 (1)(g.5) or a first offense ~~under~~ PURSUANT TO section 42-2-126 (3)(b) or (3)(e) ~~shall~~ ARE not be required to file proof of financial responsibility in order to be relicensed.

SECTION 18. In Colorado Revised Statutes, **add** 24-33.5-229 as follows:

24-33.5-229. Alternative municipal traffic enforcement mechanisms study group - report - repeal. (1) ON OR BEFORE SEPTEMBER 1, 2021, THE CHIEF SHALL

CONVENE A STUDY GROUP TO STUDY METHODS TO ENCOURAGE PERSONS WHO HAVE RECEIVED A TRAFFIC CITATION AND FAIL TO APPEAR IN COURT TO CONTEST THE CITATION OR TO PAY ANY DEFAULT JUDGMENT ASSOCIATED WITH THE CITATION.

(2) (a) THE STUDY GROUP CONSISTS OF SEVEN MEMBERS AS FOLLOWS:

(I) A REPRESENTATIVE OF THE COLORADO DEPARTMENT OF REVENUE, APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE; AND

(II) THE FOLLOWING MEMBERS APPOINTED BY THE CHIEF:

(A) A REPRESENTATIVE OF THE COLORADO STATE PATROL;

(B) A REPRESENTATIVE OF A STATEWIDE ASSOCIATION REPRESENTING MUNICIPAL COURT JUDGES;

(C) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION REPRESENTING MUNICIPALITIES;

(D) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION OF CHIEFS OF POLICE; AND

(E) REPRESENTATIVES OF TWO STATEWIDE ORGANIZATIONS ADVOCATING CRIMINAL JUSTICE OR SENTENCING REFORM.

(b) THE APPOINTING AUTHORITIES SHALL MAKE APPOINTMENTS NO LATER THAN AUGUST 16, 2021.

(c) THE MEMBERS OF THE STUDY GROUP SHALL SERVE WITHOUT COMPENSATION.

(3) THE STUDY GROUP SHALL:

(a) SURVEY EVIDENCE-BASED POLICY AND NATIONAL BEST PRACTICES TO ACHIEVE COMPLIANCE WITH TRAFFIC CITATIONS THAT ARE EQUITABLE AND ENCOURAGE INDIVIDUALS TO RESOLVE THEIR TRAFFIC VIOLATIONS, BUT DO NOT INVOLVE THE USE OF LICENSING SANCTIONS TO FORCE COMPLIANCE;

(b) REVIEW THE EFFICACY OF MUNICIPAL PRACTICES FOR ENCOURAGING TIMELY COURT APPEARANCES AND PAYMENT OF ANY FINES, WITH A SPECIAL FOCUS ON PROCEDURES THAT INCREASE CLEAR COMMUNICATION AND EXPECTATIONS BETWEEN LOCAL GOVERNMENTS AND INDIVIDUALS REGARDING FINES, FEES, AND COURT DATES;

(c) SURVEY POLICIES AND PROCEDURES IN MUNICIPAL COURTS THAT TAKE INTO ACCOUNT EACH PERSON'S ABILITY TO PAY TRAFFIC FINES AND FEES AND THAT PROVIDE COURTS WITH FLEXIBILITY TO ADJUST AMOUNTS DUE OR EXTEND THE TIME FOR PAYMENT IN APPROPRIATE CIRCUMSTANCES;

(d) GATHER STAKEHOLDER FEEDBACK ON THE EFFECTIVENESS OF EXISTING ENFORCEMENT MECHANISMS FOR COLLECTION OF UNPAID FINES;

(e) STUDY THE COST OF IMPLEMENTING IMPROVED SYSTEMS FOR ENCOURAGING DEFENDANTS TO APPEAR IN COURT AND FOR COLLECTION OF ANY FINES AND FEES FROM THOSE WHO FAIL TO APPEAR IN COURT; AND

(f) DEVELOP RECOMMENDATIONS FOR POTENTIAL STATE LEGISLATION THAT MAY ASSIST MUNICIPAL COURTS TO REDUCE THE INCIDENCE OF FAILURES TO APPEAR ON TRAFFIC TICKETS AND TO INCREASE THE LIKELIHOOD OF PAYMENT OF FINES AND FEES AFTER A JUDGMENT HAS BEEN ENTERED ON A TRAFFIC CITATION.

(4) THE STUDY GROUP SHALL REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE DEPARTMENT ON OR BEFORE DECEMBER 31, 2021.

(5) THE DEPARTMENT SHALL INCLUDE THE STUDY GROUP'S FINDINGS IN ITS ANNUAL REPORT BEFORE THE HOUSE OF REPRESENTATIVES AND SENATE COMMITTEES OF REFERENCE PURSUANT TO SECTION 2-7-203 MADE DURING THE 2022 LEGISLATIVE SESSION.

(6) THIS SECTION IS REPEALED, EFFECTIVE JUNE 30, 2022.

SECTION 19. In Colorado Revised Statutes, 39-28.8-501, **add** (2)(b)(IV)(U) and (7) as follows:

39-28.8-501. Marijuana tax cash fund - creation - distribution - legislative declaration - repeal. (2) (b) (IV) Subject to the limitation in subsection (5) of this section, the general assembly may annually appropriate any money in the fund for the following purposes:

(U) FOR TRIAL COURT PROGRAMS ADMINISTERED BY THE JUDICIAL DEPARTMENT.

(7) (a) ON JULY 1, 2022, AND ON JULY 1 OF EACH YEAR THEREAFTER, THE STATE TREASURER SHALL MAKE THE FOLLOWING TRANSFERS FROM THE FUND:

(I) SEVEN HUNDRED FIFTY-THREE THOUSAND DOLLARS TO THE LICENSING SERVICES CASH FUND CREATED IN SECTION 42-2-114.5 FOR USE BY THE HEARINGS DIVISION; AND

(II) SIX HUNDRED FORTY-EIGHT THOUSAND DOLLARS TO THE LICENSING SERVICES CASH FUND CREATED IN SECTION 42-2-114.5 FOR USE BY THE DIVISION OF MOTOR VEHICLES.

(b) (I) ON JULY 31, 2021, THE STATE TREASURER SHALL TRANSFER TWO HUNDRED ELEVEN THOUSAND FIVE HUNDRED DOLLARS FROM THE FUND TO THE LICENSING SERVICES CASH FUND CREATED IN SECTION 42-2-114.5 FOR PROGRAMMING THE COLORADO DRIVES SYSTEM.

(II) THIS SUBSECTION (7)(b) IS REPEALED, EFFECTIVE JUNE 30, 2022.

(c) (I) ON JANUARY 1, 2022, THE STATE TREASURER SHALL MAKE THE FOLLOWING TRANSFERS FROM THE FUND:

(A) THREE HUNDRED SEVENTY-SIX THOUSAND FIVE HUNDRED DOLLARS TO THE

LICENSING SERVICES CASH FUND CREATED IN SECTION 42-2-114.5 FOR USE BY THE HEARINGS DIVISION; AND

(B) THREE HUNDRED TWENTY-FOUR THOUSAND DOLLARS TO THE LICENSING SERVICES CASH FUND CREATED IN SECTION 42-2-114.5 FOR USE BY THE DIVISION OF MOTOR VEHICLES.

(II) THIS SUBSECTION (7)(c) IS REPEALED, EFFECTIVE JUNE 30, 2022.

SECTION 20. Appropriation. For the 2021-22 state fiscal year, \$211,500 is appropriated to the department of revenue for use by the division of motor vehicles. This appropriation is from the licensing services cash fund created in section 42-2-114.5 (1), C.R.S. To implement this act, the division may use this appropriation for DRIVES maintenance and support.

SECTION 21. Appropriation - adjustments to 2021 long bill. (1) To implement this act, the cash funds appropriation from various fees and cost recoveries made in the annual general appropriation act for the 2021-22 state fiscal year to the judicial department for trial court programs is decreased by \$553,862.

(2) For the 2021-22 state fiscal year, \$553,862 is appropriated to the judicial department. This appropriation is from the marijuana tax cash fund created in section 39-28.8-501 (1), C.R.S. To implement this act, the department may use this appropriation for trial court programs.

SECTION 22. Effective date - applicability. (1) This act takes effect upon passage; except that sections 1 through 17 of this act take effect January 1, 2022.

(2) This act applies to offenses committed and applications submitted on or after the applicable effective date of this act.

SECTION 23. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: July 6, 2021