

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 24-0743.01 Conrad Imel x2313

HOUSE BILL 24-1135

HOUSE SPONSORSHIP

Soper and Snyder, Bird, Evans, Armagost, deGruy Kennedy, McCluskie

SENATE SPONSORSHIP

Roberts and Will, Hansen, Michaelson Jenet, Priola

House Committees

Judiciary
Finance
Appropriations

Senate Committees

Judiciary
Appropriations

A BILL FOR AN ACT

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

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>.)

Under existing law, it is a class A traffic infraction to operate a commercial motor vehicle without a commercial driver's license, to operate a commercial motor vehicle if the operator is under 21 years of age, or to drive a commercial motor vehicle if the person has more than one driver's license. The bill makes each a class 1 misdemeanor; except

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.

SENATE
Amended 2nd Reading
May 3, 2024

HOUSE
3rd Reading Unamended
April 29, 2024

HOUSE
Amended 2nd Reading
April 26, 2024

that, if a person presents a valid commercial driver's license to the court within 30 days, the offense is a class A traffic infraction.

The bill creates the offense of unlawful direction to operate a commercial motor vehicle. An employer who knowingly authorizes or permits an employee to operate a commercial motor vehicle without a commercial driver's license, or permits an employee who is under 21 years of age to operate a commercial motor vehicle, commits unlawful direction to operate a commercial motor vehicle, a class 1 misdemeanor traffic offense.

The bill requires a driver to comply with a search warrant to conduct a blood draw. Failure to comply with a warrant to conduct a blood draw is a misdemeanor; except that it is a class 4 felony if the violation occurred after 3 or more prior convictions, arising out of separate and distinct criminal episodes, for driving under the influence (DUI), DUI per se, or driving while ability impaired (collectively, impaired driving offenses); vehicular homicide; vehicular assault; or any combination thereof. A driver who fails to comply with a warrant to conduct a blood draw is subject to the same criminal penalties as for DUI.

Under existing law, a person whose privilege to drive was revoked for multiple convictions for any combination of impaired driving offenses must have an interlock-restricted license for 2 to 5 years. The bill requires a person whose privilege to drive was revoked following a conviction for a DUI or DUI per se to hold an interlock-restricted license for at least:

- 2 years, if the DUI or DUI per se conviction is a second conviction for any combination of impaired driving offenses;
- 3 years, if the DUI or DUI per se conviction is a third conviction for any combination of impaired driving offenses; and
- 4 years, if the DUI or DUI per se conviction is a fourth conviction for any combination of impaired driving offenses.

Under existing law, a persistent drunk driver is required to hold the interlock-restricted license for at least 2 years following reinstatement. The bill requires a persistent drunk driver to hold an interlock-restricted license for at least 3 years following a second violation for refusal to take or complete a test for the purpose of determining the alcoholic content of the driver's blood or breath upon a law enforcement officer's request.

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

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

3 as follows:

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

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

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

23
24 **SECTION 2.** In Colorado Revised Statutes, 43-2-145, **add** (2.1),
25 (2.2), and (2.3) as follows:

26 **43-2-145. Transportation legislation review - committee -**
27 **definition - repeal.** (2.1) (a) DURING THE 2024 LEGISLATIVE INTERIM,

1 THE COMMITTEE SHALL ANALYZE THE ISSUE OF ENFORCEMENT OF
2 IMPAIRED DRIVING OFFENSES, INCLUDING SITUATIONS INVOLVING A
3 DRIVER WHO REFUSES TO TAKE OR COMPLETE A BLOOD OR BREATH TEST
4 AS REQUIRED BY LAW.

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

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

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

19 (2.2) (a) DURING THE 2024 LEGISLATIVE INTERIM, THE COMMITTEE
20 SHALL STUDY THE ISSUE OF CARELESS DRIVING, DESCRIBED IN SECTION
21 42-4-1402, THAT RESULTS IN ACCIDENTAL DEATH. THE COMMITTEE SHALL
22 STUDY THE FREQUENCY OF CARELESS DRIVING INCIDENTS THAT RESULT IN
23 ACCIDENTAL DEATH AND WHETHER THE CURRENT POSSIBLE CIVIL AND
24 CRIMINAL CHARGES, INCLUDING CHARGES THAT MAY BE BROUGHT IN
25 ADDITION TO THOSE FOR CARELESS DRIVING, AND ASSOCIATED PENALTIES,
26 ARE APPROPRIATE.

27 (b) AS PART OF ITS STUDY, THE COMMITTEE SHALL REQUEST INPUT

1 FROM COUNTY COURT JUDGES, THE COLORADO STATE PATROL, AND OTHER
2 LAW ENFORCEMENT AGENCIES.

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

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

17 _____ (2.3) (a) DURING THE 2024 LEGISLATIVE INTERIM, THE
18 COMMITTEE SHALL STUDY THE ISSUE OF THE APPROPRIATE PENALTY FOR
19 FAILING TO MAINTAIN MOTOR VEHICLE OR LOW-POWERED SCOOTER
20 INSURANCE AND PRESENT EVIDENCE OF INSURANCE TO A REQUESTING
21 OFFICER, AS REQUIRED IN SECTION 42-4-1409. ANY REQUIREMENT TO
22 MAINTAIN INSURANCE TO OPERATE A COMMERCIAL VEHICLE, AND THE
23 PENALTY FOR NOT MAINTAINING COMMERCIAL VEHICLE INSURANCE, IS
24 NOT WITHIN THE SCOPE OF THE STUDY REQUIRED IN THIS SUBSECTION
25 (2.3).

26 (b) AS PART OF ITS STUDY, THE COMMITTEE SHALL REQUEST INPUT
27 FROM COUNTY COURT JUDGES, THE COLORADO STATE PATROL AND OTHER

1 LAW ENFORCEMENT AGENCIES, THE COLORADO DISTRICT ATTORNEYS'
2 COUNCIL, THE OFFICE OF STATE PUBLIC DEFENDER, PRIVATE ATTORNEYS
3 WHO DEFEND PERSONS IN ACTIONS RELATED TO MAINTAINING MOTOR
4 VEHICLE INSURANCE, VICTIMS OF PERSONS DRIVING WITHOUT INSURANCE,
5 PERSONS WHO WERE CONVICTED OF DRIVING WITHOUT INSURANCE, THE
6 DEPARTMENT OF REVENUE, AND CRIMINAL JUSTICE REFORM
7 ORGANIZATIONS IN COLORADO. UPON APPROVAL OF THE EXECUTIVE
8 COMMITTEE OF THE LEGISLATIVE COUNCIL, THE COMMITTEE MAY HOLD
9 HEARINGS AWAY FROM THE CAPITOL AS PART OF THE STUDY.

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

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

25 **SECTION 3. Appropriation.** (1) For the 2024-25 state fiscal
26 year, \$1,455 is appropriated to the department of revenue. This
27 appropriation is from the Colorado DRIVES vehicle services account in

1 the highway users tax fund created in section 42-1-211 (2), C.R.S. To
2 implement this act, the department may use this appropriation as follows:

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

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

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

8 (d) \$198 for payments to OIT.

9 **SECTION 4. Effective date - applicability.** This act takes effect
10 August 1, 2024, and applies to offenses committed on or after said date.

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