

CHAPTER 208

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 95-1219

BY REPRESENTATIVES DeGette, Friednash, Kaufman, Kreutz, Faatz, Hagedorn, Lamm, Nichol, Saliman, and Tucker;
also SENATORS Coffman and Tebedo.

AN ACT

CONCERNING THE PROHIBITION AGAINST ISSUING A DRIVER'S LICENSE TO AN APPLICANT WHO IS THE SUBJECT OF AN OUTSTANDING CRIMINAL JUDGMENT OR WARRANT.

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

SECTION 1. 42-2-107, Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

42-2-107. Application for license or instruction permit. (5) (a) PRIOR TO THE ISSUANCE OF A DRIVER'S, MINOR DRIVER'S, OR PROVISIONAL 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).

(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 THROUGH 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

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

THE ISSUING COURT.

SECTION 2. 42-4-1709 (7) (a), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

42-4-1709. Penalty assessment notice for traffic infractions - violations of provisions by officer - driver's license. (7) (a) No person shall be allowed or permitted to obtain or renew a permanent driver's, MINOR DRIVER'S, OR PROVISIONAL DRIVER'S 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; ~~or~~

(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; OR

(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.

SECTION 3. Effective date. This act shall take effect July 1, 1995.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 25, 1995