

CHAPTER 235

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 96-1140

BY REPRESENTATIVES June, Tucker, Friednash, and Mace;
also SENATORS R. Powers and Thiebaut.

AN ACT

CONCERNING ISSUANCE OF DRIVERS' LICENSES.

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

SECTION 1. 42-2-111 (2), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is repealed as follows:

42-2-111. Examination of applicants and drivers - when required.
(2) ~~Applicants for renewal of drivers' licenses who have not, during the period of the expiring license, incurred more than two moving violations of the traffic laws totaling not more than seven points under the penalty schedule of section 42-2-127, need not be reexamined for such renewal other than tests of eyesight or such other examinations as the applicant's physical limitations indicate to be desirable.~~

SECTION 2. 42-2-118 (3) (a), (3) (b), and (3) (c), Colorado Revised Statutes, 1993 Repl. Vol., as amended, are amended to read:

42-2-118. Renewal of license - issuance of probationary license. (3) (a) 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 as set forth in section 42-4-1709 (7).

(b) (I) If there are no outstanding judgments or warrants entered or issued against the applicant 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 are met, the department shall renew the applicant's PERMANENT driver's license.

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

(II) IF THERE ARE NO OUTSTANDING JUDGMENTS OR WARRANTS ENTERED OR ISSUED AGAINST THE APPLICANT 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 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 or who has any warrants entered pursuant to section 42-4-1709 (7) shall pay to the court a thirty-dollar administrative processing cost 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 of that fee is to be retained by the issuing court.

SECTION 3. The introductory portion to 42-2-126.1 (2), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended, and the said 42-2-126.1 (2) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

42-2-126.1. Probationary licenses for persons convicted of alcohol-related driving offenses - ignition interlock devices - fees - interlock fund - violations of probationary license - repeal. (2) The hearing officer shall have the authority to hear an application by any person for a probationary license under the provisions of this section at a probationary license hearing. A PROBATIONARY DRIVER'S LICENSE ISSUED PURSUANT TO THIS SECTION MAY NOT HAVE A TERM LONGER THAN ONE YEAR. SUCH PROBATIONARY DRIVER'S LICENSE MAY BE RENEWED FOR ADDITIONAL TERMS DURING THE PERIOD THAT AN APPROVED IGNITION INTERLOCK DEVICE IS USED PURSUANT TO THE REQUIREMENTS OF THIS SECTION. The hearing officer may approve the application if:

(a.5) AT THE TIME OF LICENSE RESTRAINT, SUCH PERSON HAS A VALID DRIVER'S PRIVILEGE AND HAS NO OUTSTANDING JUDGMENTS OR WARRANTS ISSUED AGAINST SUCH PERSON PURSUANT TO THE REQUIREMENTS OF SECTION 42-2-118 (3).

SECTION 4. 42-2-127 (14) (a), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

42-2-127. Authority to suspend license - to deny license - type of conviction - points. (14) (a) If there is no other statutory reason for denial of a probationary license, any individual who has had a license suspended by the department because of, at least in part, a conviction of an offense specified in paragraph (b) of subsection (5) of this section may be entitled to a probationary license pursuant to subsection (12) of this section for the purpose of driving for reasons of employment, education, health, or alcohol and drug education or treatment; but such individual, if ordered by the court which convicted the individual, must be enrolled in a program of alcohol and drug traffic driving education or treatment certified by the division of alcohol and drug abuse in the department of human services. Such a probationary license shall contain any other restrictions as the department deems reasonable and necessary, shall be subject to cancellation for violation of any such restrictions, including absences from alcohol and drug education or treatment sessions or failure to complete alcohol and drug education or treatment programs, and shall be issued for the entire

period of suspension. ~~No individual issued a probationary license in accordance with this subsection (14) shall be issued a second such probationary license within a five-year period.~~ 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). A PROBATIONARY DRIVER'S LICENSE ISSUED PURSUANT TO THIS SECTION MAY NOT HAVE A TERM LONGER THAN ONE YEAR.

SECTION 5. 42-2-127.5 (4), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

42-2-127.5. Authority to suspend license - violation of child support order - repeal. (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 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 6. The introductory portion to 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, OR PROBATIONARY license if such person has, at the time of making application for obtaining or renewing such driver's license:

SECTION 7. Appropriation in long bill to be adjusted. (1) For the implementation of this act, appropriations made in the annual general appropriation act to the department of revenue for the fiscal year beginning July 1, 1996, shall be adjusted as follows:

(a) The general fund appropriation for the motor vehicle division is decreased by twelve thousand nine hundred twenty-six dollars (\$12,926);

(b) The number of FTE for the motor vehicle division is decreased by 0.6 FTE.

SECTION 8. Effective date - applicability. This act shall take effect July 1, 1996, and shall apply to driver's license applications received on or after said date.

SECTION 9. 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: June 1, 1996