

CHAPTER 169

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 00-1426

BY REPRESENTATIVES Hefley, Kaufman, Decker, Fairbank, McPherson, Mitchell, Spence, Swenson, Veiga, Dean, Lawrence, Lee, Nuñez, and Spradley;
also SENATORS Evans, Chlouber, and Hernandez.

AN ACT

CONCERNING TRAFFIC LAWS GOVERNING RESTRAINTS ON DRIVERS' LICENSES.

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

SECTION 1. 42-2-206 (1) (a), Colorado Revised Statutes, is amended to read:

42-2-206. Driving after revocation prohibited. (1) (a) (I) It is unlawful for any person to operate any motor vehicle in this state while the revocation of the department prohibiting the operation remains in effect. Any person found to be a habitual offender, who is thereafter convicted of operating a motor vehicle in this state while the revocation of the department prohibiting such operation is in effect, commits a class 1 misdemeanor. ~~and shall be punished as provided in section 18-1-106, C.R.S.~~

(II) NOTWITHSTANDING THE PROVISIONS OF SECTION 18-1-106, C.R.S., ANY PERSON CONVICTED OF VIOLATING SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) SHALL BE SENTENCED TO A MANDATORY MINIMUM TERM OF IMPRISONMENT IN THE COUNTY JAIL FOR THIRTY DAYS, OR A MANDATORY MINIMUM FINE OF THREE THOUSAND DOLLARS, OR BOTH. THE MINIMUM JAIL SENTENCE AND FINE REQUIRED BY THIS SUBPARAGRAPH (II) SHALL BE IN ADDITION TO ANY OTHER PENALTY PROVIDED IN SECTION 18-1-106, C.R.S. THE COURT MAY SUSPEND ALL OR A PORTION OF THE MANDATORY JAIL SENTENCE OR FINE IF THE DEFENDANT SUCCESSFULLY COMPLETES NO LESS THAN FORTY HOURS, AND NO GREATER THAN THREE HUNDRED HOURS, OF USEFUL PUBLIC SERVICE. IN NO EVENT SHALL THE COURT SENTENCE THE CONVICTED PERSON TO PROBATION. UPON THE DEFENDANT'S SUCCESSFUL COMPLETION OF THE USEFUL PUBLIC SERVICE, THE COURT SHALL VACATE THE SUSPENDED SENTENCE. IN THE EVENT THE DEFENDANT FAILS OR REFUSES TO COMPLETE THE USEFUL PUBLIC SERVICE ORDERED, THE COURT SHALL IMPOSE THE JAIL SENTENCE, FINE, OR BOTH, AS

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

REQUIRED UNDER THIS SUBPARAGRAPH (II).

SECTION 2. 42-2-138 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF NEW PARAGRAPH to read:

42-2-138. Driving under restraint - penalty. (1) (f) UPON ENTRY OF A PLEA OF GUILTY OR NOLO CONTENDERE TO A VIOLATION OF PARAGRAPHS (a) OR (d) OF THIS SUBSECTION (1), OR UPON A VERDICT OR JUDGMENT OF GUILT FOR SUCH VIOLATION, THE COURT SHALL REQUIRE THE OFFENDER TO IMMEDIATELY SURRENDER HIS OR HER DRIVER'S LICENSE, MINOR DRIVER'S LICENSE, PROVISIONAL DRIVER'S LICENSE, TEMPORARY DRIVER'S LICENSE, OR INSTRUCTION PERMIT ISSUED BY THIS STATE, ANOTHER STATE, OR A FOREIGN COUNTRY. THE COURT SHALL FORWARD TO THE DEPARTMENT A NOTICE OF THE PLEA, VERDICT, OR JUDGMENT ON THE FORM PRESCRIBED BY THE DEPARTMENT, TOGETHER WITH THE OFFENDER'S SURRENDERED LICENSE OR PERMIT. ANY PERSON WHO VIOLATES THE PROVISIONS OF THIS PARAGRAPH (f) BY FAILING TO SURRENDER HIS OR HER LICENSE OR PERMIT TO THE COURT COMMITS A CLASS 2 MISDEMEANOR TRAFFIC OFFENSE.

SECTION 3. 42-2-127 (5) (f) (I), (5) (f) (II), (5) (f) (III), and (5) (f) (IV), Colorado Revised Statutes, are amended, and the said 42-2-127 (5) (f) is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

42-2-127. Authority to suspend license - to deny license - type of conviction - points. (5) Point system schedule:

Type of conviction Points

(f) Speeding:

(I) One to four miles per hour over the reasonable and prudent speed or ONE TO FOUR MILES PER HOUR over the maximum lawful speed limit of seventy-five miles per hour 0

(II) Five to nine miles per hour over the reasonable and prudent speed or FIVE TO NINE MILES PER HOUR over the maximum lawful speed limit of seventy-five miles per hour 1

(III) Ten to nineteen miles per hour over the reasonable and prudent speed or TEN TO NINETEEN MILES PER HOUR over the maximum lawful speed limit of seventy-five miles per hour 4

(IV) Twenty ~~or more~~ TO THIRTY-NINE miles per hour over the reasonable and prudent speed or TWENTY TO THIRTY-NINE MILES PER HOUR over the maximum lawful speed limit of seventy-five miles per hour 6

(IV.5) FORTY OR MORE MILES PER HOUR OVER THE REASONABLE AND PRUDENT SPEED OR FORTY OR MORE MILES PER HOUR OVER THE MAXIMUM LAWFUL SPEED LIMIT OF SEVENTY-FIVE MILES PER HOUR 12

SECTION 4. Effective date - applicability. This act shall take effect July 1, 2000, and shall apply to offenses committed on or after said date.

SECTION 5. 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 23, 2000