

CHAPTER 191

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 00-1153

BY REPRESENTATIVES Swenson, Dean, Gagliardi, Lawrence, and Webster;
also SENATOR Arnold.

AN ACT

CONCERNING THE DENIAL OF CERTAIN PRIVILEGES TO PERSONS WHO HAVE FAILED TO APPEAR BEFORE A COURT, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. 42-2-122 (1) (a) and (3), Colorado Revised Statutes, are amended, and the said 42-2-122 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

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

(a) Failure to give the required or correct information in an application, or commission of any fraud in making such application OR IN SUBMITTING ANY PROOF ALLOWED UNDER THIS SECTION;

(h) (I) 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).

(II) 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

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

OUTSTANDING WITHIN THIRTY DAYS AFTER THE 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 surrender the license so cancelled to the department, and thereafter such licensee shall be 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) OF SUBSECTION (1) OF THIS SECTION SHALL BE DEEMED TO BE FINAL AGENCY ACTION FOR JUDICIAL REVIEW PURPOSES UNDER SECTION 24-4-104, C.R.S. Such hearing, if requested, shall be held no later than thirty days from the date of such cancellation. Notification of such cancellation shall be given as provided in section 42-2-119.

SECTION 2. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any administrative processing cost or fee remitted or paid to the department of revenue pursuant to section 42-2-118 (3) (c), Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for the fiscal year beginning July 1, 2000, the sum of sixty-four thousand thirty-eight dollars (\$64,038) and 0.7 FTE, or so much thereof as may be necessary, for the implementation of this act.

SECTION 3. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: May 24, 2000