

## CHAPTER 324

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**HUMAN SERVICES - SOCIAL SERVICES**

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**HOUSE BILL 02-1281**

BY REPRESENTATIVE(S) Saliman, Borodkin, Boyd, Coleman, Daniel, Groff, Hodge, Jahn, Mace, Madden, Marshall, Plant, Romanoff, Tapia, Tochtrop, Veiga, Vigil, Weddig, and Williams S.;  
also SENATOR(S) Owen, Dyer, Epps, Hanna, Hernandez, Pascoe, Perlmutter, Phillips, Tupa, and Windels.

**AN ACT**

**CONCERNING THE CREATION OF THE COLORADO TRAUMATIC BRAIN INJURY BOARD, AND, IN CONNECTION THEREWITH, INCREASING CERTAIN MOTOR VEHICLE FINES TO PROVIDE MONEYS FOR THE COLORADO TRAUMATIC BRAIN INJURY TRUST FUND.**

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

**SECTION 1.** Part 2 of article 1 of title 26, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:

**26-1-202. Definitions.** AS USED IN SECTIONS 26-1-202 TO 26-1-211, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "BOARD" MEANS THE COLORADO TRAUMATIC BRAIN INJURY BOARD CREATED PURSUANT TO SECTION 26-1-203.

(2) "PROGRAM" MEANS THE SERVICES PROVIDED PURSUANT TO SECTIONS 26-1-204 AND 26-1-205.

(3) "TRAUMATIC BRAIN INJURY" MEANS INJURY TO THE BRAIN CAUSED BY PHYSICAL TRAUMA RESULTING FROM BUT NOT LIMITED TO INCIDENTS INVOLVING MOTOR VEHICLES, SPORTING EVENTS, FALLS, AND PHYSICAL ASSAULTS. DOCUMENTATION OF TRAUMATIC BRAIN INJURY SHALL BE BASED ON ADEQUATE MEDICAL HISTORY, NEUROLOGICAL EXAMINATION, INCLUDING MENTAL STATUS TESTING OR NEUROPHYSICAL EVALUATION. WHERE APPROPRIATE, NEUROIMAGING MAY BE USED TO SUPPORT THE DIAGNOSIS. A TRAUMATIC BRAIN INJURY SHALL BE OF SUFFICIENT SEVERITY TO PRODUCE PARTIAL OR TOTAL DISABILITY AS A RESULT OF IMPAIRED COGNITIVE ABILITY AND PHYSICAL FUNCTION.

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

(4) "TRUST FUND" MEANS THE COLORADO TRAUMATIC BRAIN INJURY TRUST FUND CREATED IN SECTION 26-1-210.

**26-1-203. Colorado traumatic brain injury board - creation - powers and duties.** (1) THERE IS HEREBY CREATED THE COLORADO TRAUMATIC BRAIN INJURY BOARD WITHIN THE DEPARTMENT OF HUMAN SERVICES. THE BOARD SHALL EXERCISE ITS POWERS AND DUTIES AS IF TRANSFERRED BY A **TYPE 2** TRANSFER.

(2) THE COLORADO TRAUMATIC BRAIN INJURY BOARD SHALL BE COMPOSED OF THIRTEEN MEMBERS INCLUDING THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OR THE EXECUTIVE DIRECTOR'S DESIGNEE, THE PRESIDENT OF A STATE BRAIN INJURY ASSOCIATION OR THE PRESIDENT'S DESIGNEE, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT OR THE EXECUTIVE DIRECTOR'S DESIGNEE, AND THE FOLLOWING MEMBERS WHO SHALL BE APPOINTED BY THE GOVERNOR, WITH THE CONSENT OF THE SENATE:

(a) A NEUROLOGIST WHO HAS EXPERIENCE WORKING WITH PERSONS WITH TRAUMATIC BRAIN INJURIES;

(b) A NEUROPSYCHOLOGIST WHO HAS EXPERIENCE WORKING WITH PERSONS WITH TRAUMATIC BRAIN INJURIES;

(c) A SOCIAL WORKER OR CLINICAL PSYCHOLOGIST EXPERIENCED IN WORKING WITH PERSONS WHO HAVE SUSTAINED TRAUMATIC BRAIN INJURIES;

(d) A REHABILITATION SPECIALIST SUCH AS A SPEECH PATHOLOGIST, VOCATIONAL REHABILITATION COUNSELOR, OCCUPATIONAL THERAPIST, OR PHYSICAL THERAPIST WHO HAS EXPERIENCE WORKING WITH PERSONS WITH TRAUMATIC BRAIN INJURIES;

(e) A NEUROSURGEON OR NEUROPSYCHIATRIST WHO HAS EXPERIENCE WORKING WITH PERSONS WITH TRAUMATIC BRAIN INJURIES;

(f) A CLINICAL RESEARCH SCIENTIST WHO HAS EXPERIENCE EVALUATING PERSONS WITH TRAUMATIC BRAIN INJURIES;

(g) TWO PERSONS WHO ARE FAMILY MEMBERS OF INDIVIDUALS WITH TRAUMATIC BRAIN INJURIES OR INDIVIDUALS WITH A TRAUMATIC BRAIN INJURY; AND

(h) TWO MEMBERS OF THE PUBLIC WHO HAVE EXPERIENCE WITH PERSONS WITH TRAUMATIC BRAIN INJURIES.

(3) BOARD MEMBERS SHALL NOT BE COMPENSATED FOR SERVING ON THE BOARD, BUT MAY BE REIMBURSED FOR ALL REASONABLE EXPENSES RELATED TO SUCH MEMBERS' WORK FOR THE BOARD.

(4) INITIAL APPOINTMENTS TO THE BOARD SHALL BE MADE NO LATER THAN MARCH 1, 2003. THE TERMS OF APPOINTED BOARD MEMBERS SHALL BE THREE YEARS; EXCEPT THAT THE TERMS OF THE APPOINTED MEMBERS WHO ARE INITIALLY APPOINTED SHALL BE STAGGERED BY THE GOVERNOR TO END AS FOLLOWS:

(a) FOUR MEMBERS ON JUNE 30, 2004;

(b) THREE MEMBERS ON JUNE 30, 2005; AND

(c) THREE MEMBERS ON JUNE 30, 2006.

(5) NO MEMBER MAY SERVE MORE THAN TWO CONSECUTIVE TERMS.

(6) THE APPOINTED MEMBERS OF THE BOARD SHALL, TO THE EXTENT POSSIBLE, REPRESENT RURAL AND URBAN AREAS OF THE STATE.

(7) THE BOARD SHALL ANNUALLY ELECT, BY MAJORITY VOTE, A CHAIRPERSON FROM AMONG THE BOARD MEMBERS WHO SHALL ACT AS THE PRESIDING OFFICER OF THE BOARD.

(8) (a) THE BOARD SHALL PROMULGATE REASONABLE POLICIES AND PROCEDURES PERTAINING TO THE OPERATION OF THE TRUST FUND.

(b) THE BOARD MAY CONTRACT WITH ENTITIES TO PROVIDE ALL OR PART OF THE SERVICES DESCRIBED IN THIS PART 2 FOR PERSONS WITH TRAUMATIC BRAIN INJURIES.

(c) THE BOARD MAY ACCEPT AND EXPEND GIFTS, GRANTS, AND DONATIONS FOR OPERATION OF THE PROGRAM.

(9) ARTICLE 4 OF THIS TITLE SHALL NOT APPLY TO THE PROMULGATION OF ANY POLICIES OR PROCEDURES AUTHORIZED BY SUBSECTION (8) OF THIS SECTION.

**26-1-204. Administering entity for services for persons with traumatic brain injuries.** (1) AN ADMINISTERING ENTITY UNDER CONTRACT PURSUANT TO SECTION 26-1-203 MAY PERFORM ALL OR PART OF THE ADMINISTRATIVE, ELIGIBILITY, CASE MANAGEMENT, AND CLAIMS PAYMENT FUNCTIONS RELATING TO THE PROGRAM, INCLUDING:

(a) ASSURING TIMELY PAYMENT OF GRANTS OR REQUESTS, INCLUDING:

(I) MAKING AVAILABLE INFORMATION RELATING TO THE PROPER MANNER OF SUBMITTING A GRANT OR REQUEST FOR BENEFITS TO THE PROGRAM AND PROVIDING FORMS UPON WHICH SUBMISSIONS SHALL BE MADE;

(II) EVALUATING THE ELIGIBILITY OF EACH GRANT OR REQUEST FOR PAYMENT PURSUANT TO GUIDELINES ESTABLISHED BY THE BOARD;

(III) NOTIFYING EACH APPLICANT, WITHIN THIRTY DAYS AFTER RECEIVING A PROPERLY COMPLETED AND EXECUTED PROOF OF GRANT OR REQUEST, WHETHER THE GRANT OR REQUEST IS ACCEPTED OR REJECTED;

(IV) ENSURING THAT EACH ACCEPTED GRANT OR REQUEST IS PAID WITHIN FORTY-FIVE DAYS AFTER ITS ACCEPTANCE;

(b) PAYING GRANT OR REQUEST EXPENSES FROM THE MONEYS IN THE TRUST FUND; AND

(c) DETERMINING THE EXPENSE OF ADMINISTRATION AND THE PAID AND INCURRED

LOSSES FOR EACH YEAR AND REPORTING SUCH INFORMATION TO THE BOARD.

(2) THE ADMINISTERING ENTITY SHALL BE PAID IN COMPLIANCE WITH POLICIES AND PROCEDURES ESTABLISHED BY THE BOARD.

(3) IF THE BOARD DOES NOT CONTRACT WITH AN ADMINISTERING ENTITY TO PROVIDE ALL OR PART OF THE SERVICES DESCRIBED IN THIS PART 2 FOR PERSONS WITH TRAUMATIC BRAIN INJURIES, THE DEPARTMENT SHALL UNDERTAKE TO PROVIDE SUCH SERVICES TO THE BEST OF ITS ABILITY.

**26-1-205. Services for persons with traumatic brain injuries - limitations - covered services.** (1) APPROXIMATELY SIXTY-FIVE PERCENT OF THE MONEYS COLLECTED FOR THE TRUST FUND PURSUANT TO SECTIONS 42-4-1301 (9) (g) (IV) AND 42-4-1701 (4) (e), C.R.S., SHALL BE USED TO PROVIDE SERVICES TO PERSONS WITH TRAUMATIC BRAIN INJURIES. SERVICES PROVIDED PURSUANT TO THIS SECTION SHALL BEGIN TO BE PROVIDED TO PERSONS WITH TRAUMATIC BRAIN INJURIES NO LATER THAN JULY 1, 2004.

(2) TO BE ELIGIBLE FOR ASSISTANCE FROM THE TRUST FUND, AN INDIVIDUAL SHALL HAVE EXHAUSTED ALL OTHER HEALTH OR REHABILITATION BENEFIT FUNDING SOURCES THAT COVER THE SERVICES PROVIDED BY THE TRUST FUND. AN INDIVIDUAL SHALL NOT BE REQUIRED TO EXHAUST ALL PRIVATE FUNDS IN ORDER TO BE ELIGIBLE FOR THE PROGRAM. INDIVIDUALS WHO HAVE CONTINUING HEALTH INSURANCE BENEFITS, INCLUDING, BUT NOT LIMITED TO, MEDICAL ASSISTANCE PURSUANT TO ARTICLE 4 OF THIS TITLE, MAY ACCESS THE TRUST FUND FOR SERVICES THAT ARE NECESSARY BUT THAT ARE NOT COVERED BY A HEALTH BENEFIT PLAN, AS DEFINED IN SECTION 10-16-102 (21), C.R.S., OR ANY OTHER FUNDING SOURCE.

(3) ALL INDIVIDUALS RECEIVING ASSISTANCE FROM THE TRUST FUND SHALL RECEIVE CASE MANAGEMENT SERVICES FROM THE DESIGNATED ENTITY PURSUANT TO SECTION 26-1-204 OR THE DEPARTMENT.

(4) THE BOARD MAY MONITOR, AND, IF NECESSARY, IMPLEMENT CRITERIA TO ENSURE THAT THERE ARE NO ABUSES IN EXPENDITURES, INCLUDING, BUT NOT LIMITED TO, REASONABLE AND EQUITABLE PROVIDER'S FEES AND SERVICES.

(5) (a) SERVICES COVERED BY THE TRUST FUND MAY INCLUDE, BUT SHALL NOT BE LIMITED TO:

(I) CASE MANAGEMENT;

(II) COMMUNITY RESIDENTIAL SERVICES;

(III) STRUCTURED DAY PROGRAM SERVICES;

(IV) PSYCHOLOGICAL AND MENTAL HEALTH SERVICES FOR THE INDIVIDUAL WITH THE TRAUMATIC BRAIN INJURY AND THE INDIVIDUAL'S FAMILY;

(V) PREVOCAATIONAL SERVICES;

(VI) SUPPORTED EMPLOYMENT;

- (VII) COMPANION SERVICES;
- (VIII) RESPITE CARE;
- (IX) OCCUPATIONAL THERAPY;
- (X) SPEECH AND LANGUAGE THERAPY;
- (XI) COGNITIVE REHABILITATION;
- (XII) PHYSICAL REHABILITATION; AND
- (XIII) ONE TIME HOME MODIFICATIONS.

(b) COVERED SERVICES SHALL NOT INCLUDE INSTITUTIONALIZATION, HOSPITALIZATION, OR MEDICATIONS.

**26-1-206. Education about traumatic brain injury.** APPROXIMATELY FIVE PERCENT OF THE MONEYS COLLECTED FOR THE TRUST FUND PURSUANT TO SECTIONS 42-4-1301 (9)(g) (IV) AND 42-4-1701 (4) (e), C.R.S., SHALL BE UTILIZED TO PROVIDE EDUCATION FOR INDIVIDUALS WITH TRAUMATIC BRAIN INJURIES AND ASSIST EDUCATORS, PARENTS, AND NONMEDICAL PROFESSIONALS IN THE IDENTIFICATION OF TRAUMATIC BRAIN INJURIES SO AS TO ASSIST SUCH PERSONS IN SEEKING PROPER MEDICAL INTERVENTION OR TREATMENT. IMPLEMENTATION OF THIS SECTION SHALL BEGIN NO LATER THAN APRIL 1, 2004.

**26-1-207. Research related to treatment of traumatic brain injuries - grants.**  
(1) APPROXIMATELY THIRTY PERCENT OF THE MONEYS COLLECTED FOR THE TRUST FUND PURSUANT TO SECTIONS 42-4-1301 (9) (g) (IV) AND 42-4-1701 (4) (e), C.R.S., SHALL BE UTILIZED TO SUPPORT RESEARCH RELATED TO THE TREATMENT AND UNDERSTANDING OF TRAUMATIC BRAIN INJURIES. THE BOARD SHALL SOLICIT APPLICATIONS FOR GRANTS TO BE AWARDED PURSUANT TO THIS SECTION NO LATER THAN OCTOBER 1, 2004.

(2) THE BOARD SHALL AWARD GRANTS. PERSONS INTERESTED IN A GRANT SHALL APPLY TO THE BOARD IN A MANNER PRESCRIBED BY THE BOARD. THE BOARD MAY CONSULT WITH EDUCATIONAL INSTITUTIONS OR OTHER PRIVATE INSTITUTIONS WITHIN COLORADO AND NATIONALLY REGARDING THE MERIT OF AN APPLICATION FOR A GRANT. THE BOARD SHALL DETERMINE THE TIME FRAMES AND ADMINISTRATION OF THE GRANT PROGRAM.

**26-1-208. Administrative costs.** THE ADMINISTRATIVE EXPENSES OF THE BOARD AND THE DEPARTMENT SHALL BE PAID FROM MONEYS IN THE TRUST FUND. THE JOINT BUDGET COMMITTEE SHALL ANNUALLY APPROPRIATE MONEYS FROM THE FUND TO PAY FOR THE ADMINISTRATIVE EXPENSES OF THE PROGRAM.

**26-1-209. General fund moneys.** EXCEPT FOR INITIAL COMPUTER PROGRAMING COSTS FOR THE DEPARTMENT OF REVENUE, IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT NO GENERAL FUND MONEYS BE APPROPRIATED FOR THE IMPLEMENTATION, OPERATION, OR ADMINISTRATION OF THE TRUST FUND AND THE SERVICES PROVIDED BY THE TRUST FUND.

**26-1-210. Trust fund.** (1) A TRUST FUND TO BE KNOWN AS THE COLORADO TRAUMATIC BRAIN INJURY TRUST FUND IS HEREBY CREATED AND ESTABLISHED IN THE STATE TREASURY. SUCH TRUST FUND SHALL BE COMPRISED OF MONEYS COLLECTED FROM SURCHARGES ASSESSED PURSUANT TO SECTIONS 42-4-1301 (9) (g) (IV) AND 42-4-1701 (4) (e), C.R.S.

(2) GIFTS, GRANTS, DONATIONS, OR ANY OTHER MONEYS THAT MAY BE MADE AVAILABLE MAY BE ACCEPTED BY THE TRUST FUND OR THE BOARD FOR PURPOSES OF THE TRUST FUND.

(3) THE TRUST FUND SHALL BE A CONTINUING TRUST FUND. ALL INTEREST EARNED UPON MONEYS IN THE TRUST FUND AND DEPOSITED OR INVESTED MAY BE INVESTED IN THE TYPES OF INVESTMENTS AUTHORIZED IN SECTIONS 24-36-109, 24-36-112, AND 24-36-113, C.R.S.

**26-1-211. Reports to the general assembly.** ON FEBRUARY 1, 2004, AND EACH FEBRUARY 1 THEREAFTER, THE BOARD OF DIRECTORS SHALL REPORT TO THE JOINT BUDGET COMMITTEE; THE HEALTH ENVIRONMENT, WELFARE, AND INSTITUTIONS COMMITTEE OF THE HOUSE OF REPRESENTATIVES; AND THE HEALTH, ENVIRONMENT, CHILDREN AND FAMILIES COMMITTEE OF THE SENATE ON THE OPERATIONS OF THE TRUST FUND, THE MONEYS EXPENDED, THE NUMBER OF INDIVIDUALS WITH TRAUMATIC BRAIN INJURIES OFFERED SERVICES, THE RESEARCH GRANTS AWARDED AND THE PROGRESS ON SUCH GRANTS, AND THE EDUCATIONAL INFORMATION PROVIDED PURSUANT TO THIS ARTICLE.

**26-1-212. Repeal.** SECTIONS 26-1-202 TO 26-1-212 ARE REPEALED, EFFECTIVE JULY 1, 2012.

**SECTION 2.** 24-1-120, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**24-1-120. Department of human services - creation.** (9) THE POWERS, DUTIES, AND FUNCTIONS OF THE COLORADO TRAUMATIC BRAIN INJURY BOARD, CREATED IN SECTION 25-1-127, C.R.S., ARE TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF HUMAN SERVICES.

**SECTION 3.** 42-4-1301 (9) (g), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

**42-4-1301. Driving under the influence - driving while impaired - driving with excessive alcoholic content - tests - penalties - useful public service program - alcohol and drug driving safety program.** (9) (g) In addition to the penalties prescribed in this subsection (9):

(IV) PERSONS CONVICTED OF VIOLATIONS OF SUBSECTION (1) OR (2) OF THIS SECTION ARE SUBJECT TO A SURCHARGE OF FIFTEEN DOLLARS TO BE TRANSMITTED TO THE STATE TREASURER WHO SHALL DEPOSIT SAID SURCHARGES IN THE COLORADO TRAUMATIC BRAIN INJURY TRUST FUND CREATED PURSUANT TO SECTION 26-1-210, C.R.S.

**SECTION 4.** 42-4-1301 (7) (d), Colorado Revised Statutes, as enacted by Senate

Bill 02-057, enacted at the Second Regular Session of the Sixty-third General Assembly, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

**42-4-1301. Driving under the influence - driving while impaired - driving with excessive alcoholic content - penalties.** (7) **Penalties.** (d) In addition to the penalties prescribed in this subsection (7):

(III) PERSONS CONVICTED OF DUI, DUI PER SE, DWAI, HABITUAL USER, AND UDD ARE SUBJECT TO A SURCHARGE OF FIFTEEN DOLLARS TO BE TRANSMITTED TO THE STATE TREASURER WHO SHALL DEPOSIT SAID SURCHARGES IN THE COLORADO TRAUMATIC BRAIN INJURY TRUST FUND CREATED PURSUANT TO SECTION 26-1-210, C.R.S.

**SECTION 5.** 42-4-1701 (4), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**42-4-1701. Traffic offenses and infractions classified - penalties - penalty and surcharge schedule.** (4) (e) (I) AN ADDITIONAL TEN DOLLARS SHALL BE ASSESSED FOR SPEEDING VIOLATIONS UNDER SUB-SUBPARAGRAPH (L) OF SUBPARAGRAPH (I) OF PARAGRAPH (a) OF THIS SUBSECTION (4) IN ADDITION TO THE PENALTIES AND SURCHARGE STATED IN SAID SUB-SUBPARAGRAPH (L). MONEYS COLLECTED PURSUANT TO THIS PARAGRAPH (e) SHALL BE TRANSMITTED TO THE STATE TREASURER WHO SHALL DEPOSIT SUCH MONEYS IN THE COLORADO TRAUMATIC BRAIN INJURY TRUST FUND CREATED PURSUANT TO SECTION 26-1-210, C.R.S., WITHIN FOURTEEN DAYS AFTER THE END OF EACH QUARTER, TO BE USED FOR THE PURPOSES SET FORTH IN SECTIONS 26-1-202 TO 26-1-211, C.R.S.

(II) IF THE SURCHARGE IS COLLECTED BY A COUNTY OR MUNICIPAL COURT, THE SURCHARGE SHALL BE TWELVE DOLLARS OF WHICH TWO DOLLARS SHALL BE RETAINED BY THE COUNTY OR MUNICIPALITY AND THE REMAINING TEN DOLLARS SHALL BE TRANSMITTED TO THE STATE TREASURER AND CREDITED TO THE COLORADO TRAUMATIC BRAIN INJURY TRUST FUND CREATED PURSUANT TO SECTION 26-1-210, C.R.S., WITHIN FOURTEEN DAYS AFTER THE END OF EACH QUARTER, TO BE USED FOR THE PURPOSES SET FORTH IN SECTIONS 26-1-202 TO 26-1-211, C.R.S.

**SECTION 6.** 30-15-402 (2), Colorado Revised Statutes, is amended to read:

**30-15-402. Violations - penalty.** (2) In addition to the penalties prescribed in subsection (1) of this section, persons convicted of a violation of any ordinance adopted pursuant to this part 4 are subject to:

(a) A surcharge of ten dollars ~~These surcharges~~ THAT shall be paid to the clerk of the court by the defendant and each clerk shall transmit the moneys to the court administrator of the judicial district in which the offense occurred for credit to the victims and witnesses assistance and law enforcement fund established in that judicial district pursuant to section 24-4.2-103, C.R.S.;

(b) A SURCHARGE OF TWELVE DOLLARS THAT SHALL BE PAID TO THE CLERK OF THE COURT BY THE DEFENDANT AND EACH CLERK SHALL TRANSMIT THE MONEYS TO THE COURT ADMINISTRATOR OF THE JUDICIAL DISTRICT IN WHICH THE OFFENSE OCCURRED

FOR CREDIT TO THE COLORADO TRAUMATIC BRAIN INJURY TRUST FUND CREATED PURSUANT TO SECTION 26-1-210, C.R.S. TWO DOLLARS OF THE SURCHARGE SHALL BE RETAINED BY THE COUNTY AND THE REMAINING TEN DOLLARS SHALL BE TRANSMITTED TO THE COLORADO TRAUMATIC BRAIN INJURY TRUST FUND.

**SECTION 7.** 42-4-110 (2), Colorado Revised Statutes, is amended to read:

**42-4-110. Provisions uniform throughout state.** (2) The municipal courts have jurisdiction over violations of traffic regulations enacted or adopted by municipalities. However, the provisions of sections 42-4-1701, 42-4-1705, and 42-4-1707 shall not be applicable to municipalities, EXCEPT FOR THE PROVISIONS OF SECTION 42-4-1701 (4) (e) (II).

**SECTION 8. No appropriation.** The general assembly has determined that the costs of this act can be implemented within existing appropriations until December 31, 2003, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act.

**SECTION 9. Effective date - applicability.** (1) (a) Except as provided in paragraph (b), sections 1, 2, 8, and 9 of this act shall take effect January 1, 2003, unless a referendum petition is filed during 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. If such 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 shall take effect on the specified date only if approved by the people.

(b) Sections 3 through 7 of this act shall take effect January 1, 2004; except that:

(I) Section 4 of this act shall only take effect if Senate Bill 02-057 is enacted at the Second Regular Session of the Sixty-third General Assembly and becomes law; and

(II) Section 3 of this act shall only take effect if Senate Bill 02-057 is not enacted at the Second Regular Session of the Sixty-third General Assembly and does not become law.

(2) The provisions of this act shall apply to convictions of driving under the influence of alcohol or drugs or driving while impaired and to speeding violations on or after the applicable effective date of this act.

Approved: June 7, 2002