

CHAPTER 331

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 04-1199

BY REPRESENTATIVE(S) Lee, Briggs, Crane, Hefley, Jahn, King, Larson, Pommer, Rose, Schultheis, Sinclair, Spence, Welker, Williams S., and Frangas;
also SENATOR(S) McElhany, Groff, Jones, and May R.

AN ACT

CONCERNING NONFELONY TRAFFIC MATTERS INVOLVING MINORS UNDER THE AGE OF EIGHTEEN YEARS.

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

SECTION 1. Part 1 of article 2 of title 42, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

42-2-127.4. Authority to suspend license - forgery of a penalty assessment notice issued to minor under the age of eighteen years. (1) (a) WHENEVER THE DEPARTMENT RECEIVES NOTICE THAT A PERSON HAS BEEN CONVICTED OF AN OFFENSE INVOLVING THE FORGERY OF A PENALTY ASSESSMENT NOTICE ISSUED TO A MINOR UNDER THE AGE OF EIGHTEEN YEARS OR ANY ATTEMPT, CONSPIRACY, OR SOLICITATION TO COMMIT SAID OFFENSE, THE DEPARTMENT, PURSUANT TO SECTION 18-5-117, C.R.S., SHALL IMMEDIATELY SUSPEND THE LICENSE OF THE PERSON FOR A PERIOD OF NOT LESS THAN SIX MONTHS.

(b) FOR PURPOSES OF THIS SUBSECTION (1), A PERSON HAS BEEN CONVICTED WHEN SUCH PERSON HAS BEEN FOUND GUILTY BY A COURT OR A JURY, ENTERED A PLEA OF GUILTY OR NOLOCONTENDERE, OR RECEIVED A DEFERRED SENTENCE FOR AN OFFENSE.

(2) (a) UPON SUSPENSION OF A PERSON'S LICENSE AS REQUIRED BY THIS SECTION, THE DEPARTMENT SHALL IMMEDIATELY NOTIFY THE PERSON AS PROVIDED IN SECTION 42-2-119 (2).

(b) UPON RECEIPT OF THE NOTICE OF SUSPENSION, THE PERSON OR THE PERSON'S ATTORNEY MAY REQUEST A HEARING IN WRITING. THE DEPARTMENT, UPON NOTICE TO THE PERSON AS PROVIDED IN SECTION 42-2-119 (2), SHALL HOLD A HEARING NOT

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

LESS THAN THIRTY DAYS AFTER RECEIVING SUCH REQUEST THROUGH A HEARING COMMISSIONER APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT, WHICH HEARING SHALL BE CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 24-4-105, C.R.S. THE HEARING SHALL BE HELD AT THE DISTRICT OFFICE OF THE DEPARTMENT CLOSEST TO THE RESIDENCE OF THE PERSON; EXCEPT THAT ALL OR PART OF THE HEARING MAY, AT THE DISCRETION OF THE DEPARTMENT, BE CONDUCTED IN REAL TIME, BY TELEPHONE OR OTHER ELECTRONIC MEANS IN ACCORDANCE WITH SECTION 42-1-218.5. AFTER SUCH HEARING, THE PERSON MAY APPEAL THE DECISION OF THE DEPARTMENT TO THE DISTRICT COURT AS PROVIDED IN SECTION 42-2-135. SHOULD A PERSON WHO HAS HAD A LICENSE SUSPENDED UNDER THIS SECTION BE SUBSEQUENTLY ACQUITTED OF THE CONVICTION WHICH REQUIRED THE SUSPENSION BY A COURT OF RECORD, THE DEPARTMENT SHALL IMMEDIATELY, IN ANY EVENT NOT LATER THAN TEN DAYS AFTER THE RECEIPT OF SUCH NOTICE OF ACQUITTAL, REINSTATE SAID LICENSE TO THE PERSON AFFECTED, UNLESS THE LICENSE IS UNDER OTHER RESTRAINT.

(3) (a) IF THERE IS NO OTHER STATUTORY REASON FOR DENIAL OF A PROBATIONARY LICENSE, ANY PERSON WHO HAS HAD A LICENSE SUSPENDED BY THE DEPARTMENT BECAUSE OF, AT LEAST IN PART, A CONVICTION OF AN OFFENSE SPECIFIED IN SUBSECTION (1) OF THIS SECTION MAY BE ENTITLED TO A PROBATIONARY LICENSE FOR THE PURPOSE OF DRIVING FOR REASONS OF EMPLOYMENT, EDUCATION, HEALTH, OR COMPLIANCE WITH THE REQUIREMENTS OF PROBATION. SUCH A PROBATIONARY LICENSE SHALL:

(I) CONTAIN ANY OTHER RESTRICTIONS AS THE DEPARTMENT DEEMS REASONABLE AND NECESSARY;

(II) BE SUBJECT TO CANCELLATION FOR VIOLATION OF ANY SUCH RESTRICTIONS; AND

(III) BE ISSUED FOR THE ENTIRE PERIOD OF SUSPENSION.

(b) THE DEPARTMENT MAY REFUSE TO ISSUE A PROBATIONARY LICENSE IF THE DEPARTMENT FINDS THAT THE DRIVING RECORD OF THE PERSON IS SUCH THAT THE PERSON HAS SUFFICIENT POINTS TO REQUIRE THE SUSPENSION OR REVOCATION OF A LICENSE TO DRIVE ON THE HIGHWAYS OF THIS STATE PURSUANT TO SECTION 42-2-127, OR IF THE DEPARTMENT FINDS FROM THE RECORD AFTER A HEARING CONDUCTED IN ACCORDANCE WITH THIS SECTION THAT AGGRAVATING CIRCUMSTANCES EXIST TO INDICATE THE PERSON IS UNSAFE FOR DRIVING FOR ANY PURPOSE. IN REFUSING TO ISSUE A PROBATIONARY LICENSE, THE DEPARTMENT SHALL MAKE SPECIFIC FINDINGS OF FACT TO SUPPORT SUCH REFUSAL.

SECTION 2. 42-4-1701 (5) (a), Colorado Revised Statutes, is amended, and the said 42-4-1701 (5) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

42-4-1701. Traffic offenses and infractions classified - penalties - penalty and surcharge schedule - repeal. (5) (a) (I) At the time that any person is arrested for the commission of any misdemeanors, petty offenses, or misdemeanor traffic offenses set forth in subsection (4) of this section, the arresting officer may, except when the provisions of paragraph (c) of this subsection (5) prohibit it, offer to give a penalty

assessment notice to the defendant. At any time that a person is charged with the commission of any traffic infraction, the peace officer shall, except when the provisions of paragraph (c) of this subsection (5) prohibit it, give a penalty assessment notice to the defendant. Such penalty assessment notice shall contain all the information required by section 42-4-1707 (3) or by section 42-4-1709, whichever is applicable. The fine or penalty specified in subsection (4) of this section for the violation charged and the surcharge thereon may be paid at the office of the department of revenue, either in person or by postmarking such payment within twenty days from the date the penalty assessment notice is served upon the defendant; except that the fine or penalty charged and the surcharge thereon shall be paid to the county if it relates to a traffic offense authorized by county ordinance. The department of revenue shall accept late payment of any penalty assessment up to twenty days after such payment becomes due. EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (a), in the case of an offense other than a traffic infraction, a defendant who otherwise would be eligible to be issued a penalty assessment notice but who does not furnish satisfactory evidence of identity or who the officer has reasonable and probable grounds to believe will disregard the summons portion of such notice may be issued a penalty assessment notice if the defendant consents to be taken by the officer to the nearest mailbox and to mail the amount of the fine or penalty and surcharge thereon to the department. The peace officer shall advise the person arrested or cited of the points to be assessed in accordance with section 42-2-127. EXCEPT AS OTHERWISE PROVIDED IN SECTION 42-4-1710 (1) (b), acceptance of a penalty assessment notice and payment of the prescribed fine or penalty and surcharge thereon to the department shall be deemed a complete satisfaction for the violation, and the defendant shall be given a receipt which so states when such fine or penalty and surcharge thereon is paid in currency or other form of legal tender. Checks tendered by the defendant to and accepted by the department and on which payment is received by the department shall be deemed sufficient receipt.

(II) IN THE CASE OF AN OFFENSE OTHER THAN A TRAFFIC INFRACTION THAT INVOLVES A MINOR UNDER THE AGE OF EIGHTEEN YEARS, THE OFFICER SHALL PROCEED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 42-4-1706 (2) OR 42-4-1707 (1) (b) OR (3) (a.5). IN NO CASE MAY AN OFFICER ISSUE A PENALTY ASSESSMENT NOTICE TO A MINOR UNDER THE AGE OF EIGHTEEN YEARS AND REQUIRE OR OFFER THAT THE MINOR CONSENT TO BE TAKEN BY THE OFFICER TO THE NEAREST MAILBOX TO MAIL THE AMOUNT OF THE FINE OR PENALTY AND SURCHARGE THEREON TO THE DEPARTMENT.

(b.5) THE PROVISIONS OF SECTION 42-4-1710 (1) (b) SHALL GOVERN ANY CASE DESCRIBED IN PARAGRAPH (b) OF THIS SUBSECTION (5) IN WHICH A MINOR UNDER THE AGE OF EIGHTEEN YEARS SUBMITS TIMELY PAYMENT FOR AN INFRACTION OR OFFENSE IN A PENALTY ASSESSMENT NOTICE BUT SUCH PAYMENT IS NOT ACCOMPANIED BY THE PENALTY ASSESSMENT NOTICE SIGNED AND NOTARIZED IN THE MANNER REQUIRED BY SECTION 42-4-1707 (3) (a.5) OR 42-4-1709 (1.5).

SECTION 3. 42-4-1705, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

42-4-1705. Person arrested to be taken before the proper court. (2.5) IN ANY CASE IN WHICH THE ARRESTED PERSON THAT IS TAKEN BEFORE A COUNTY JUDGE

PURSUANT TO SUBSECTION (1) OR (2) OF THIS SECTION IS A CHILD, AS DEFINED IN SECTION 19-1-103 (18), C.R.S., THE PROVISIONS OF SECTION 42-4-1706 (2) SHALL APPLY.

SECTION 4. 42-4-1706 (2), Colorado Revised Statutes, is amended to read:

42-4-1706. Juveniles - convicted - arrested and incarcerated - provisions for confinement. (2) (a) Notwithstanding any other provision of law, a child, as defined in section 19-1-103 (18), C.R.S., arrested and incarcerated for an alleged misdemeanor traffic offense under this article, and not released on bond, shall be taken before a county judge who has jurisdiction of such offense within forty-eight hours for fixing of bail and conditions of bond pursuant to section 19-2-508 (4) (d), C.R.S. Such child shall not be confined in a jail, lockup, or other place used for the confinement of adult offenders for longer than seventy-two hours, after which the child may be further detained only in a juvenile detention facility operated by or under contract with the department of human services. In calculating time under this subsection (2), Saturdays, Sundays, and court holidays shall be included.

(b) IN ANY CASE IN WHICH A CHILD IS TAKEN BEFORE A COUNTY JUDGE PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2), THE CHILD'S PARENT OR LEGAL GUARDIAN SHALL IMMEDIATELY BE NOTIFIED BY THE COURT IN WHICH THE COUNTY JUDGE SITS. ANY PERSON SO NOTIFIED BY THE COURT UNDER THIS PARAGRAPH (b) SHALL COMPLY WITH THE PROVISIONS OF SECTION 42-4-1716 (4).

SECTION 5. 42-4-1707 (1), Colorado Revised Statutes, is amended to read:

42-4-1707. Summons and complaint or penalty assessment notice for misdemeanors, petty offenses, and misdemeanor traffic offenses - release - registration. (1) (a) Whenever a person commits a violation of this title punishable as a misdemeanor, petty offense, or misdemeanor traffic offense, other than a violation for which a penalty assessment notice may be issued in accordance with the provisions of section 42-4-1701 (5) (a), and such person is not required by the provisions of section 42-4-1705 to be arrested and taken without unnecessary delay before a county judge, the peace officer may issue and serve upon the defendant a summons and complaint which shall contain the name and address of the defendant, the license number of the vehicle involved, if any, the number of the defendant's driver's license, if any, a citation of the statute alleged to have been violated, a brief description of the offense, the date and approximate location thereof, and the date the summons and complaint is served on the defendant; shall direct the defendant to appear in a specified county court at a specified time and place; shall be signed by the peace officer; and shall contain a place for the defendant to execute a written promise to appear at the time and place specified in the summons portion of the summons and complaint.

(b) A SUMMONS AND COMPLAINT ISSUED AND SERVED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1) ON A MINOR UNDER THE AGE OF EIGHTEEN YEARS SHALL ALSO CONTAIN OR BE ACCOMPANIED BY A DOCUMENT CONTAINING AN ADVISEMENT TO THE MINOR THAT THE MINOR'S PARENT OR LEGAL GUARDIAN, IF KNOWN, SHALL BE NOTIFIED BY THE COURT FROM WHICH THE SUMMONS IS ISSUED AND BE REQUIRED TO APPEAR WITH THE MINOR AT THE MINOR'S COURT HEARING OR HEARINGS.

SECTION 6. 42-4-1707 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

42-4-1707. Summons and complaint or penalty assessment notice for misdemeanors, petty offenses, and misdemeanor traffic offenses - release - registration. (3) (a.5) A PENALTY ASSESSMENT NOTICE ISSUED AND SERVED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3) ON A MINOR UNDER THE AGE OF EIGHTEEN YEARS SHALL ALSO CONTAIN OR BE ACCOMPANIED BY A DOCUMENT CONTAINING:

(I) A PREPRINTED DECLARATION STATING THAT THE MINOR'S PARENT OR LEGAL GUARDIAN HAS REVIEWED THE CONTENTS OF THE PENALTY ASSESSMENT NOTICE WITH THE MINOR;

(II) PREPRINTED SIGNATURE LINES FOLLOWING THE DECLARATION ON WHICH THE REVIEWING PERSON DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (a.5) SHALL AFFIX HIS OR HER SIGNATURE AND FOR A NOTARY PUBLIC TO DULY ACKNOWLEDGE THE REVIEWING PERSON'S SIGNATURE; AND

(III) AN ADVISEMENT TO THE MINOR THAT:

(A) THE MINOR SHALL, WITHIN SEVENTY-TWO HOURS AFTER SERVICE OF THE PENALTY ASSESSMENT NOTICE, INFORM HIS OR HER PARENT OR LEGAL GUARDIAN THAT THE MINOR HAS RECEIVED A PENALTY ASSESSMENT NOTICE;

(B) THE PARENT OR LEGAL GUARDIAN OF THE MINOR IS REQUIRED BY LAW TO REVIEW AND SIGN THE PENALTY ASSESSMENT NOTICE AND TO HAVE HIS OR HER SIGNATURE DULY ACKNOWLEDGED BY A NOTARY PUBLIC; AND

(C) NONCOMPLIANCE WITH THE REQUIREMENT SET FORTH IN SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (III) SHALL RESULT IN THE MINOR AND THE PARENT OR LEGAL GUARDIAN OF THE MINOR BEING REQUIRED TO APPEAR IN COURT PURSUANT TO SECTIONS 42-4-1710 (1) (b), 42-4-1710 (1.5), AND 42-4-1716 (4).

SECTION 7. 42-4-1709, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

42-4-1709. Penalty assessment notice for traffic infractions - violations of provisions by officer - driver's license. (1.5) A PENALTY ASSESSMENT NOTICE ISSUED AND SERVED PURSUANT TO SUBSECTION (1) OF THIS SECTION ON A MINOR UNDER THE AGE OF EIGHTEEN YEARS SHALL ALSO CONTAIN OR BE ACCOMPANIED BY A DOCUMENT CONTAINING:

(a) A PREPRINTED DECLARATION STATING THAT THE MINOR'S PARENT OR LEGAL GUARDIAN HAS REVIEWED THE CONTENTS OF THE PENALTY ASSESSMENT NOTICE WITH THE MINOR;

(b) PREPRINTED SIGNATURE LINES FOLLOWING THE DECLARATION ON WHICH THE REVIEWING PERSON DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (1.5) SHALL AFFIX HIS OR HER SIGNATURE AND FOR A NOTARY PUBLIC TO DULY ACKNOWLEDGE THE REVIEWING PERSON'S SIGNATURE; AND

(c) AN ADVISEMENT TO THE MINOR THAT:

(I) THE MINOR SHALL, WITHIN SEVENTY-TWO HOURS AFTER SERVICE OF THE PENALTY ASSESSMENT NOTICE, INFORM HIS OR HER PARENT OR LEGAL GUARDIAN THAT THE MINOR HAS RECEIVED A PENALTY ASSESSMENT NOTICE;

(II) THE PARENT OR LEGAL GUARDIAN OF THE MINOR IS REQUIRED BY LAW TO REVIEW AND SIGN THE PENALTY ASSESSMENT NOTICE AND TO HAVE HIS OR HER SIGNATURE DULY ACKNOWLEDGED BY A NOTARY PUBLIC; AND

(III) NONCOMPLIANCE WITH THE REQUIREMENT SET FORTH IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (c) SHALL RESULT IN THE MINOR AND THE PARENT OR LEGAL GUARDIAN OF THE MINOR BEING REQUIRED TO APPEAR IN COURT PURSUANT TO SECTIONS 42-4-1710 (1) (b), 42-4-1710 (1.5), AND 42-4-1716 (4).

SECTION 8. 42-4-1710 (1) and (4) (b), Colorado Revised Statutes, are amended, and the said 42-4-1710 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

42-4-1710. Failure to pay penalty for traffic infractions - failure of parent or guardian to sign penalty assessment notice - procedures. (1) (a) Unless a person who has been cited for a traffic infraction pays the penalty assessment as provided in this article and surcharge thereon pursuant to section 24-4.2-104 (1), C.R.S., the person shall appear at a hearing on the date and time specified in the citation and answer the complaint against such person.

(b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (1) AND SECTION 42-4-1701 (5), A MINOR UNDER THE AGE OF EIGHTEEN YEARS SHALL BE REQUIRED TO APPEAR AT A HEARING ON THE DATE AND TIME SPECIFIED IN THE CITATION AND ANSWER THE COMPLAINT IF THE PENALTY ASSESSMENT WAS TIMELY PAID BUT NOT SIGNED AND NOTARIZED IN THE MANNER REQUIRED BY SECTION 42-4-1707 (3) (a.5) OR 42-4-1709 (1.5).

(1.5) IF A MINOR UNDER THE AGE OF EIGHTEEN YEARS IS REQUIRED TO APPEAR AT A HEARING PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE MINOR SHALL SO INFORM HIS OR HER PARENT OR LEGAL GUARDIAN, AND THE PARENT OR LEGAL GUARDIAN SHALL ALSO BE REQUIRED TO APPEAR AT THE HEARING.

(4) (b) In no event shall a bench warrant be issued for the arrest of any person who fails to appear for a hearing pursuant to subsection (1.5) OR (2) of this section or for a final hearing pursuant to subsection (3) of this section. EXCEPT AS OTHERWISE PROVIDED IN SECTION 42-4-1716, entry of judgment and assessment of the penalty and surcharge pursuant to paragraph (a) of this subsection (4) and any penalties imposed pursuant to section 42-2-127 shall constitute the sole penalties for failure to appear for either the hearing or the final hearing.

SECTION 9. 42-4-1716 (2) and (3), Colorado Revised Statutes, are amended, and the said 42-4-1716 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

42-4-1716. Notice to appear or pay fine - failure to appear - penalty. (2) †

~~is a violation of this section for any person to fail~~ EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4) OF THIS SECTION, A PERSON COMMITS A CLASS 2 MISDEMEANOR TRAFFIC OFFENSE IF THE PERSON FAILS to appear to answer any offense other than a traffic infraction charged under this part 17;

~~(3) Any person who violates any provision of this section commits a class 2 misdemeanor traffic offense.~~

(4) (a) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (a), A PERSON WHO IS A PARENT OR LEGAL GUARDIAN OF A MINOR UNDER THE AGE OF EIGHTEEN YEARS AND WHO IS REQUIRED TO APPEAR IN COURT WITH THE MINOR PURSUANT TO THE PROVISIONS OF THIS PART 17 INCLUDING BUT NOT LIMITED TO SECTION 42-4-1706(2)(b), 42-4-1707(1)(b), OR 42-4-1710(1.5), SHALL APPEAR IN COURT AT THE LOCATION AND ON THE DATE STATED IN THE PENALTY ASSESSMENT NOTICE OR IN THE SUMMONS AND COMPLAINT OR AS INSTRUCTED BY THE COURT.

(II) THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) CONCERNING THE APPEARANCE OF A PARENT OR LEGAL GUARDIAN SHALL NOT APPLY IN A CASE WHERE THE MINOR UNDER THE AGE OF EIGHTEEN YEARS OR THE PARENT OF THE MINOR DEMONSTRATES TO THE COURT BY CLEAR AND CONVINCING EVIDENCE THAT THE MINOR IS AN EMANCIPATED MINOR.

(III) FOR PURPOSES OF THIS SUBSECTION (4), "EMANCIPATED MINOR" MEANS A MINOR UNDER THE AGE OF EIGHTEEN YEARS WHO HAS NO LEGAL GUARDIAN AND WHOSE PARENTS HAVE ENTIRELY SURRENDERED THE RIGHT TO THE CARE, CUSTODY, AND EARNINGS OF THE MINOR, NO LONGER ARE UNDER ANY DUTY TO SUPPORT OR MAINTAIN THE MINOR, AND HAVE MADE NO PROVISION FOR THE SUPPORT OF THE MINOR.

(b) A PERSON WHO VIOLATES ANY PROVISION OF PARAGRAPH (a) OF SUBPARAGRAPH (I) OF THIS SUBSECTION (4) COMMITS A CLASS 1 PETTY OFFENSE AND SHALL BE PUNISHED PURSUANT TO SECTION 18-1.3-503, C.R.S.

SECTION 10. Part 1 of article 5 of title 18, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

18-5-118. Offenses involving forgery of a penalty assessment notice issued to a minor under the age of eighteen years - suspension of driving privilege. IN ADDITION TO ANY OTHER PENALTY IMPOSED BY THIS PART 1, UPON EACH CONVICTION, ENTRY OF A PLEA OF GUILTY OR NOLO CONTENDERE, OR RECEIPT OF A DEFERRED SENTENCE FOR AN OFFENSE INVOLVING THE FORGERY OF A PENALTY ASSESSMENT NOTICE ISSUED TO A MINOR UNDER THE AGE OF EIGHTEEN YEARS PURSUANT TO SECTION 42-4-1707 OR 42-4-1709, C.R.S., OR ADJUDICATION AS A DELINQUENT FOR AN ACT THAT WOULD CONSTITUTE SUCH AN OFFENSE IF COMMITTED BY AN ADULT, ANY DRIVER'S PERMIT, MINOR DRIVER'S LICENSE, OR DRIVER'S LICENSE HELD BY THE OFFENDER SHALL BE SUSPENDED AS PROVIDED IN SECTION 42-2-127.4, C.R.S.

SECTION 11. Effective date - applicability. This act shall take effect July 1, 2005, and shall apply to infractions and offenses committed on or after said date.

SECTION 12. 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 28, 2004