

CHAPTER 66

MOTOR VEHICLES AND TRAFFIC REGULATION

SENATE BILL 04-159

BY SENATOR(S) Isgar, Tupa, Chlouber, Entz, Phillips, and Taylor;
also REPRESENTATIVE(S) Larson, Borodkin, Coleman, McGihon, Pommer, Vigil, and Williams S.

AN ACT**CONCERNING TESTS TO DETERMINE THE BLOOD ALCOHOL CONTENT LEVEL OF A DRIVER.**

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

SECTION 1. 42-4-1301 (6) (c), Colorado Revised Statutes, is amended to read:

42-4-1301. Driving under the influence - driving while impaired - driving with excessive alcoholic content - penalties. (6) (c) In all actions, suits, and judicial proceedings in any court of this state concerning alcohol-related or drug-related traffic offenses, the court shall take judicial notice of methods of testing a person's alcohol or drug level and of the design and operation of devices, as certified by the department of public health and environment, for testing a person's blood, breath, saliva, or urine to determine such person's alcohol or drug level. THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT MAY, BY RULE, DETERMINE THAT, BECAUSE OF THE RELIABILITY OF THE RESULTS FROM CERTAIN DEVICES, THE COLLECTION OR PRESERVATION OF A SECOND SAMPLE OF A PERSON'S BLOOD, SALIVA, OR URINE OR THE COLLECTION AND PRESERVATION OF A DELAYED BREATH ALCOHOL SPECIMEN IS NOT REQUIRED. This paragraph (c) shall not prevent the necessity of establishing during a trial that the testing devices used were working properly and that such testing devices were properly operated. Nothing in this paragraph (c) shall preclude a defendant from offering evidence concerning the accuracy of testing devices.

SECTION 2. Applicability. This act shall apply to tests conducted on or after the effective date of this act.

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

SECTION 3. 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: April 1, 2004