

## CHAPTER 55

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**MOTOR VEHICLES AND TRAFFIC REGULATION**

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**HOUSE BILL 06-1341**

BY REPRESENTATIVE(S) McFadyen, Berens, Kerr, Knoedler, Rose, and Todd;  
also SENATOR(S) Takis, Tapia, and Tochtrop.

**AN ACT****CONCERNING THE UNLAWFUL USE OF COMMERCIAL DRIVER'S LICENSES.**

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

**SECTION 1.** Part 4 of article 2 of title 42, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**42-2-409. Unlawful possession or use of a commercial driver's license.**

(1) (a) A PERSON SHALL NOT HAVE IN HIS OR HER POSSESSION A LAWFULLY ISSUED COMMERCIAL DRIVER'S LICENSE KNOWING THAT THE LICENSE HAS BEEN FALSELY ALTERED BY MEANS OF ERASURE, OBLITERATION, DELETION, INSERTION OF NEW INFORMATION, TRANSPOSITION OF INFORMATION, OR ANY OTHER MEANS SO THAT THE LICENSE IN ITS ALTERED FORM FALSELY APPEARS OR PURPORTS TO BE IN ALL RESPECTS AN AUTHENTIC AND LAWFULLY ISSUED LICENSE.

(b) A PERSON SHALL NOT FRAUDULENTLY OBTAIN A COMMERCIAL DRIVER'S LICENSE.

(c) A PERSON SHALL NOT HAVE IN HIS OR HER POSSESSION A PAPER, DOCUMENT, OR OTHER INSTRUMENT THAT FALSELY APPEARS OR PURPORTS TO BE IN ALL RESPECTS A LAWFULLY ISSUED AND AUTHENTIC COMMERCIAL DRIVER'S LICENSE KNOWING THAT THE INSTRUMENT WAS FALSELY MADE AND WAS NOT LAWFULLY ISSUED.

(d) A PERSON SHALL NOT DISPLAY, OR REPRESENT AS BEING HIS OR HER OWN, A COMMERCIAL DRIVER'S LICENSE THAT WAS LAWFULLY ISSUED TO ANOTHER PERSON.

(e) A PERSON SHALL NOT FAIL OR REFUSE TO SURRENDER TO THE DEPARTMENT

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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.*

UPON ITS LAWFUL DEMAND A COMMERCIAL DRIVER'S LICENSE ISSUED TO THE PERSON THAT HAS BEEN SUSPENDED, REVOKED, OR CANCELLED BY THE DEPARTMENT. THE DEPARTMENT SHALL NOTIFY IN WRITING THE DISTRICT ATTORNEY'S OFFICE IN THE COUNTY WHERE THE VIOLATION OCCURRED OF ALL VIOLATIONS OF THIS PARAGRAPH (e).

(f) A PERSON SHALL NOT PERMIT THE UNLAWFUL USE OF A COMMERCIAL DRIVER'S LICENSE ISSUED TO THE PERSON.

(g) A PERSON SHALL NOT PHOTOGRAPH, PHOTOSTAT, DUPLICATE, OR IN ANY WAY REPRODUCE A COMMERCIAL DRIVER'S LICENSE OR FACSIMILE THEREOF FOR THE PURPOSE OF DISTRIBUTION, RESALE, REUSE, OR MANIPULATION OF THE DATA OR IMAGES CONTAINED IN THE COMMERCIAL DRIVER'S LICENSE UNLESS AUTHORIZED BY THE DEPARTMENT OR OTHERWISE AUTHORIZED BY LAW.

(2) A PERSON WHO VIOLATES A PROVISION OF SUBSECTION (1) OF THIS SECTION COMMITS A MISDEMEANOR AND SHALL BE PUNISHED AS FOLLOWS:

(a) IMPOSITION OF A FINE OF NOT LESS THAN FIVE HUNDRED DOLLARS AND NOT MORE THAN ONE THOUSAND DOLLARS FOR A FIRST OFFENSE; OR

(b) IMPOSITION OF A FINE OF NOT LESS THAN ONE THOUSAND DOLLARS AND NOT MORE THAN TWO THOUSAND DOLLARS FOR A SECOND OR SUBSEQUENT OFFENSE WITHIN FIVE YEARS AFTER THE FIRST OFFENSE.

(3) (a) UPON RECEIPT OF A NOTICE OF CONVICTION UNDER THIS SECTION, THE DEPARTMENT SHALL PERMANENTLY REVOKE THE PERSON'S RIGHT TO RECEIVE A COMMERCIAL DRIVER'S LICENSE.

(b) A NOTICE OF REVOCATION UNDER THIS SECTION SHALL BE MAILED TO THE PERSON BY THE DEPARTMENT IN COMPLIANCE WITH SECTION 42-2-119 (2).

(c) UPON RECEIPT OF THE NOTICE OF REVOCATION, 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 AS SOON AS PRACTICABLE AT THE DISTRICT OFFICE OF THE DEPARTMENT CLOSEST TO THE RESIDENCE OF THE PERSON; EXCEPT THAT, AT THE DISCRETION OF THE DEPARTMENT, ALL OR PART OF THE HEARING MAY BE CONDUCTED IN REAL TIME BY TELEPHONE OR OTHER ELECTRONIC MEANS IN ACCORDANCE WITH SECTION 42-1-218.5.

(d) THE ORDER OF THE HEARING OFFICER IS THE FINAL AGENCY ACTION AND MAY BE APPEALED UNDER SECTION 42-2-135. A PETITION FOR JUDICIAL REVIEW SHALL BE FILED WITHIN THIRTY DAYS AFTER THE DATE OF THE ORDER.

(4) A COURT SHALL NOT ACCEPT A PLEA OF GUILTY TO ANOTHER OFFENSE FROM A PERSON CHARGED WITH A VIOLATION OF THIS SECTION; EXCEPT THAT THE COURT MAY ACCEPT A PLEA OF GUILTY TO ANOTHER OFFENSE UPON A GOOD FAITH REPRESENTATION BY THE PROSECUTING ATTORNEY THAT THE ATTORNEY CANNOT ESTABLISH A PRIMA FACIE CASE IF THE DEFENDANT IS BROUGHT TO TRIAL ON THE ORIGINAL OFFENSE.

**SECTION 2. Effective date - applicability.** This act shall take effect July 1, 2006, and shall apply to offenses committed on or after said date.

**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: March 31, 2006