

CHAPTER 91

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 09-1234

BY REPRESENTATIVE(S) Kerr J. and Solano, Acree, Carroll T., Frangas, King S., Labuda, Primavera, Ryden, Summers;
also SENATOR(S) Tochtrop, Newell, Williams.

AN ACT

CONCERNING THE IMMEDIATE SUSPENSION OF THE DRIVER'S LICENSE OF A PERSON WHO FAILS TO APPEAR FOR A LICENSE SUSPENSION HEARING.

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

SECTION 1. 42-2-127 (1) (d) and (13), Colorado Revised Statutes, are amended to read:

42-2-127. Authority to suspend license - to deny license - type of conviction - points. (1) (d) Except as otherwise provided in subsection (9) of this section, no suspension or denial shall be made until a hearing has been held ~~OR THE DRIVER HAS FAILED TO APPEAR FOR A HEARING SCHEDULED~~ in accordance with ~~the provisions of~~ this section. This section shall not be construed to prevent the issuance of a restricted license pursuant to section 42-2-116.

(13) If the driver fails to appear at such hearing after proper notification as provided in subsections (7) and (8) of this section and a delay or continuance has not been requested and granted as provided in subsection (10) of this section, the department shall immediately suspend the license of ~~such~~ THE driver. ~~but such suspension or revocation shall not be effective until twenty days after notification of such action has been given to the licensee as provided in section 42-2-119 (2). The notification of suspension or revocation shall recite therein that the licensee may apply for a hearing at any time within twenty days after the date of notification of the order of suspension or revocation, and the licensee shall be advised that, if a hearing is applied for, the effective date of the order will be extended until after the hearing is held. Such hearing shall be held within sixty days after application is made, and, at said hearing, it shall be determined whether the order of suspension or revocation shall be entered in the same manner as if the licensee had originally appeared after first notice.~~ A DRIVER WHO FAILED TO APPEAR MAY REQUEST A

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

SUBSEQUENT HEARING, BUT THE REQUEST SHALL NOT POSTPONE THE EFFECTIVENESS OF THE RESTRAINT.

SECTION 2. 42-2-203, Colorado Revised Statutes, is amended to read:

42-2-203. Authority to revoke license of habitual offender. The department ~~has the authority to~~ SHALL IMMEDIATELY revoke the license of any person whose record brings such person within the definition of an habitual offender in section 42-2-202. ~~except that~~ The hearing procedure as specified in section ~~42-2-127 (7)~~ to ~~(13)~~ 42-2-125 (3) AND (4) shall be employed ~~prior to any such~~ FOR THE revocation.

SECTION 3. Act subject to petition - 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, (August 5, 2009, if adjournment sine die is on May 6, 2009); 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: April 3, 2009