

HB1162_L.002

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.HB17-1162 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, 42-2-138, amend
4 (1)(a) and (3); and add (1.5) and (2.5) as follows:

5 42-2-138. **Driving under restraint - penalty.** (1) (a) EXCEPT AS
6 PROVIDED IN SUBSECTION (1.5) OF THIS SECTION, any person who drives
7 a motor vehicle or off-highway vehicle upon any highway of this state
8 with knowledge that the person's license or privilege to drive, either as a
9 resident or a nonresident, is under restraint for any reason other than
10 conviction of DUI, DUI per se, DWAI, or UDD is guilty of a
11 misdemeanor. A court may sentence a person convicted of this
12 misdemeanor to imprisonment in the county jail for a period of not more
13 than six months and may impose a fine of not more than five hundred
14 dollars.

15 (1.5) ANY PERSON WHO DRIVES A MOTOR VEHICLE OR
16 OFF-HIGHWAY VEHICLE UPON ANY HIGHWAY OF THIS STATE WITH
17 KNOWLEDGE THAT THE PERSON'S LICENSE OR PRIVILEGE TO DRIVE, EITHER
18 AS A RESIDENT OR A NONRESIDENT, IS UNDER RESTRAINT FOR AN
19 OUTSTANDING JUDGMENT IS GUILTY OF A CLASS A TRAFFIC INFRACTION AS
20 DEFINED IN SECTION 42-4-1701 (3).

21 (2.5) A MUNICIPALITY MAY ENFORCE VIOLATIONS OF SUBSECTION
22 (1.5) OF THIS SECTION IN MUNICIPAL COURT. A MUNICIPAL COURT SHALL
23 NOT WAIVE OR REDUCE THE THREE-POINT PENALTY.

24 (3) The department, upon receiving a record of conviction or
25 accident report of any person for an offense committed while operating
26 a motor vehicle, shall immediately examine its files to determine if the
27 license or operating privilege of such person has been restrained. If it
28 appears that said offense was committed while the license or operating
29 privilege of such person was restrained FOR A REASON OTHER THAN AN
30 OUTSTANDING JUDGMENT, except as permitted by section 42-2-132.5, the
31 department shall not issue a new license or grant any driving privileges
32 for an additional period of one year after the date such person would
33 otherwise have been entitled to apply for a new license or for
34 reinstatement of a suspended license and shall notify the district attorney
35 in the county where such violation occurred and request prosecution of
36 such person under subsection (1) of this section.

37 SECTION 2. In Colorado Revised Statutes, 42-2-127, add (5)(II)

1 as follows:

2 **42-2-127. Authority to suspend license - to deny license - type**

3 **of conviction - points.** (5) Point system schedule:

4 Type of conviction Points

5 (II) DRIVING UNDER RESTRAINT IN VIOLATION OF SECTION

6 42-2-138 (1.5) 3

7 **SECTION 3.** In Colorado Revised Statutes, 42-2-202, **amend**

8 (2)(a)(III) as follows:

9 **42-2-202. Habitual offenders - frequency and type of**

10 **violations.** (2) (a) An habitual offender is a person having three or more

11 convictions of any of the following separate and distinct offenses arising

12 out of separate acts committed within a period of seven years:

13 (III) Driving a motor vehicle upon a highway while such person's

14 license or privilege to drive a motor vehicle has been denied, suspended,

15 or revoked, in violation of section ~~42-2-138~~ 42-2-138 (1);

16 **SECTION 4. Act subject to petition - effective date -**

17 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following

18 the expiration of the ninety-day period after final adjournment of the

19 general assembly (August 9, 2017, if adjournment sine die is on May 10,

20 2017); except that, if a referendum petition is filed pursuant to section 1

21 (3) of article V of the state constitution against this act or an item, section,

22 or part of this act within such period, then the act, item, section, or part

23 will not take effect unless approved by the people at the general election

24 to be held in November 2018 and, in such case, will take effect on the

25 date of the official declaration of the vote thereon by the governor.

26 (2) This act applies to offenses committed on or after the

27 applicable effective date of this act."

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