

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 23-0557.01 Jed Franklin x5484

HOUSE BILL 23-1102

HOUSE SPONSORSHIP

Evans,

SENATE SPONSORSHIP

Roberts and Hansen,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE HIGH-VISIBILITY ALCOHOL AND DRUG IMPAIRED**
102 **DRIVING ENFORCEMENT PROGRAM.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Under existing law, the office of transportation safety within the office of the executive director of the department of transportation (department) receives funding from money remaining in the law enforcement assistance fund after two required annual appropriations are made to provide funding to local governments that have established a qualified drunk driving prevention enforcement program. However, the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

department has not received funding from the first-time drunk driving offender account since state fiscal year 2020-2021.

The bill expands these programs to include both alcohol and drug impaired driving and requires the general assembly to annually appropriate \$1.5 million from the marijuana tax cash fund to the department for allocation to local governments that implement high-visibility alcohol and drug impaired driving enforcement.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) Colorado is required to provide funding for alcohol and drug
5 impaired driving enforcement pursuant to state law;

6 (b) Existing funding for alcohol and drug impaired driving
7 programs is decreasing, and the department of transportation anticipates
8 that money for alcohol and drug impaired driving enforcement will be
9 exhausted by the end of state fiscal year 2023-2024;

10 (c) Existing funding through the first time drunk driving offender
11 account and the law enforcement assistance fund for the prevention of
12 drunken driving prioritizes programs that provide ignition locks,
13 breathalyzer analysis, blood testing, and impaired driving public
14 education ahead of high-visibility impaired driving enforcement;

15 (d) In Colorado, alcohol and drug impaired driving enforcement
16 requires twelve episodes of statewide high-visibility enforcement funded
17 by the department of transportation pursuant to section 901 of article 4 of
18 title 43. In state fiscal year 2020-2021, the twelve enforcement episodes
19 resulted in over seven thousand impaired driving arrests;

20 (e) In calendar year 2022, the department of transportation
21 reported seven hundred thirty-six traffic fatalities. Of these, two hundred
22 seventy-one fatalities involved a suspected impaired driver, which is an

1 increase of fifty-four percent from one hundred seventy-six impaired
2 driving fatalities in calendar year 2019; and

3 (f) Without the existing funding, many local governments will not
4 have the ability to pay for increased high-visibility alcohol and drug
5 impaired driving enforcement during high-risk times of the year,
6 including Memorial Day, Independence Day, and New Year's Eve.

7 (2) Therefore, it is in the best interest for the safety and welfare
8 of Coloradans to prioritize state funding for alcohol and drug impaired
9 driving enforcement.

10 **SECTION 2.** In Colorado Revised Statutes, **amend** 43-4-901 as
11 follows:

12 **43-4-901. High-visibility alcohol and drug impaired driving**
13 **enforcement.** The department of transportation, in implementing the
14 strategic transportation project investment program, shall, as a priority,
15 ~~increase to~~ COORDINATE AT LEAST twelve episodes annually ~~the number~~
16 of high-visibility ~~drunk~~ ALCOHOL AND DRUG IMPAIRED driving ~~law~~
17 enforcement episodes that the department oversees. The high-visibility
18 ~~drunk~~ ALCOHOL AND DRUG IMPAIRED driving ~~law~~ enforcement episodes
19 required by this section ~~shall~~ MUST be ~~independent of, and in addition to,~~
20 COORDINATED WITH the ~~drunk~~ ALCOHOL AND DRUG IMPAIRED driving
21 prevention ~~and law~~ enforcement program described in part 4 of this
22 ~~article~~ ARTICLE 4.

23 **SECTION 3.** In Colorado Revised Statutes, **add** 43-4-902 and
24 43-4-903 as follows:

25 **43-4-902. Local high-visibility alcohol and drug impaired**
26 **driving enforcement - qualified program - report - rules.** (1) ANY
27 MUNICIPALITY, CITY AND COUNTY, OR COUNTY THAT ESTABLISHES A

1 QUALIFIED PROGRAM TO SUPPORT HIGH-VISIBILITY ALCOHOL AND DRUG
2 IMPAIRED DRIVING ENFORCEMENT AND ENFORCE THE LAWS PERTAINING TO
3 ALCOHOL- AND DRUG-RELATED TRAFFIC OFFENSES IS ELIGIBLE TO RECEIVE
4 MONEY PURSUANT TO THIS PART 9 FOR HIGH-VISIBILITY ALCOHOL AND
5 DRUG IMPAIRED DRIVING ENFORCEMENT.

6 (2) (a) THE DEPARTMENT OF TRANSPORTATION SHALL ALLOCATE
7 NOT LESS THAN THIRTY PERCENT AND NOT MORE THAN FIFTY PERCENT OF
8 THE MONEY APPROPRIATED TO THE DEPARTMENT OF TRANSPORTATION
9 PURSUANT TO SECTION 43-4-903 TO COUNTIES THAT HAVE ESTABLISHED
10 A QUALIFIED HIGH-VISIBILITY ALCOHOL AND DRUG IMPAIRED DRIVING
11 PREVENTION ENFORCEMENT PROGRAM.

12 (b) THE DEPARTMENT OF TRANSPORTATION SHALL ALLOCATE NOT
13 LESS THAN FIFTY PERCENT AND NOT MORE THAN SEVENTY PERCENT OF THE
14 MONEY APPROPRIATED TO THE DEPARTMENT OF TRANSPORTATION
15 PURSUANT TO SECTION 43-4-903 TO MUNICIPALITIES AND CITIES AND
16 COUNTIES THAT HAVE ESTABLISHED A QUALIFIED HIGH-VISIBILITY
17 ALCOHOL AND DRUG IMPAIRED DRIVING PREVENTION ENFORCEMENT
18 PROGRAM.

19 (3) THE OFFICE OF TRANSPORTATION SAFETY IN THE DEPARTMENT
20 OF TRANSPORTATION SHALL PROMULGATE RULES FOR THE
21 ADMINISTRATION OF THIS SECTION. AT A MINIMUM, THE RULES MUST:

22 (a) ESTABLISH THE MINIMUM REQUIREMENTS FOR A QUALIFIED
23 PROGRAM;

24 (b) ESTABLISH THE PROCESS FOR AWARDING AND ALLOCATING
25 MONEY TO COUNTIES, CITIES AND COUNTIES, AND MUNICIPALITIES
26 PURSUANT TO THIS SECTION; AND

27 (c) PERMIT QUALIFIED PROGRAMS TO USE MONEY AWARDED

1 PURSUANT TO THIS SECTION TO EDUCATE THE PUBLIC AND INFORM
2 COMMUNITIES ABOUT ALCOHOL- AND DRUG-RELATED TRAFFIC OFFENSES
3 TO SUPPORT HIGH-VISIBILITY ALCOHOL AND DRUG IMPAIRED DRIVING
4 ENFORCEMENT EPISODES.

5 **43-4-903. High-visibility alcohol and drug impaired driving**
6 **enforcement funding.** FOR STATE FISCAL YEARS COMMENCING ON AND
7 AFTER JULY 1, 2023, THE GENERAL ASSEMBLY SHALL ANNUALLY
8 APPROPRIATE FROM THE MARIJUANA TAX CASH FUND TO THE OFFICE OF
9 TRANSPORTATION SAFETY IN THE DEPARTMENT OF TRANSPORTATION ONE
10 MILLION FIVE HUNDRED THOUSAND DOLLARS FOR HIGH-VISIBILITY
11 ALCOHOL AND DRUG IMPAIRED DRIVING ENFORCEMENT DESCRIBED IN THIS
12 PART 9.

13 **SECTION 4.** In Colorado Revised Statutes, 42-2-132, **amend**
14 (4)(b)(II)(B) as follows:

15 **42-2-132. Period of suspension or revocation.** (4) (b) The
16 department shall transmit the restoration fees collected under this
17 subsection (4) to the state treasurer, who shall credit:

18 (II) (B) The ~~moneys~~ MONEY in the account ~~shall be~~ IS subject to
19 annual appropriation by the general assembly on and after January 1,
20 2009, first to the department of revenue to pay its costs associated with
21 the implementation of House Bill 08-1194, as enacted in 2008, and to pay
22 its costs associated with the implementation of House Bill 13-1240,
23 enacted in 2013; second, to the department of revenue to pay a portion of
24 the costs for an ignition interlock device as described by section
25 42-2-132.5 (4)(a)(II)(C) for a first time drunk OR IMPAIRED driving
26 offender who is unable to pay the costs of the device; third, to the
27 department of revenue to pay a portion of the costs for an ignition

1 interlock device for a persistent drunk OR IMPAIRED driver who is unable
2 to pay the costs of the device and who installs the ignition interlock
3 device on his or her vehicle on or after January 1, 2014. ~~and then to~~
4 ~~provide two million dollars to the department of transportation for high-~~
5 ~~visibility drunk driving enforcement pursuant to section 43-4-901, C.R.S.;~~
6 Any ~~moneys~~ MONEY in the account not expended for these purposes may
7 be invested by the state treasurer as provided by law. All interest and
8 income derived from the investment and deposit of ~~moneys~~ MONEY in the
9 account shall be credited to the account. At the end of each fiscal year,
10 any unexpended and unencumbered ~~moneys~~ MONEY remaining in the
11 account shall remain in the account and shall not be credited or
12 transferred to the general fund, the highway users tax fund, or another
13 fund.

14 **SECTION 5.** In Colorado Revised Statutes, 43-4-402, **amend**
15 (2)(a) as follows:

16 **43-4-402. Source of revenues - allocation of money - special**
17 **account created.** (2) (a) The general assembly shall make an annual
18 appropriation out of the money in the fund to the department of public
19 health and environment in an amount sufficient to pay for the costs of
20 evidential breath alcohol testing, including any education needs
21 associated with testing, and implied consent specialists, the costs of which
22 were previously paid out of the highway users tax fund. The general
23 assembly shall also make an annual appropriation out of the money in the
24 fund to the Colorado bureau of investigation to pay for the costs of
25 toxicology laboratory services, including any education needs associated
26 with the services. Of the money remaining in the fund, eighty percent
27 shall be deposited in a special ~~drunken~~ ALCOHOL AND DRUG IMPAIRED

1 driving account in the fund, which account is created, and be available
2 immediately, without further appropriation, for allocation by the
3 transportation commission to the office of transportation safety. The
4 office of transportation safety shall allocate the money in accordance with
5 the provisions of section 43-4-404 (1) and (2). The remaining twenty
6 percent shall be appropriated by the general assembly to the OFFICE OF
7 behavioral health ~~administration~~ in the department of human services,
8 which shall use the money for the purposes stated in section 43-4-404 (3).
9 The office of transportation safety and the OFFICE OF behavioral health
10 ~~administration~~ in the department of human services may use amounts
11 from the money allocated or appropriated to them ~~by~~ PURSUANT TO this
12 subsection (2) as necessary for the purpose of paying the costs incurred
13 by the office of transportation safety and the OFFICE OF behavioral health
14 ~~administration~~ in administering the programs established pursuant to this
15 part 4; except that ~~neither~~ the office of transportation safety ~~nor~~ AND the
16 OFFICE OF behavioral health ~~administration~~ may NOT use for the purposes
17 of this part 4 an amount exceeding eight percent of the money allocated
18 or appropriated.

19 **SECTION 6.** In Colorado Revised Statutes, **amend** 43-4-403 as
20 follows:

21 **43-4-403. Alcohol and drug and impaired driving prevention**
22 **enforcement program - minimum requirements.** Any municipality, city
23 and county, or county which establishes a qualified program to coordinate
24 efforts to prevent ~~drunken~~ ALCOHOL AND DRUG IMPAIRED driving and
25 enforce the laws pertaining to alcohol- and drug-related traffic offenses
26 shall be eligible to receive ~~moneys~~ MONEY from the fund. The minimum
27 requirements for such a qualified program shall be established by rules

1 and regulations promulgated by the office of transportation safety in the
2 department of transportation, which rules and regulations shall provide
3 for programs, including but not limited to, programs to educate the public
4 regarding alcohol- and drug-related traffic offenses.

5 **SECTION 7.** In Colorado Revised Statutes, 43-4-404, **amend** (1)
6 and (2) as follows:

7 **43-4-404. Formula for allocation of money - rules.** (1) The
8 office of transportation safety shall allocate not less than thirty percent
9 and not more than fifty percent of the ~~moneys~~ MONEY allocated to the
10 office pursuant to section 43-4-402 (2) to counties that have established
11 a qualified ~~drunken~~ ALCOHOL AND DRUG IMPAIRED driving prevention and
12 ~~law~~ enforcement program. The intent of the general assembly is that ~~these~~
13 ~~moneys~~ ~~be~~ THIS MONEY IS expended in a manner that will improve
14 enforcement of ~~drunken~~ ALCOHOL AND DRUG IMPAIRED driving laws. To
15 this end, rules for the distribution of ~~these moneys~~ THIS MONEY shall be
16 developed by the office of transportation safety. All ~~moneys~~ MONEY
17 appropriated ~~hereunder shall~~ MUST be used for ~~drunken~~ ALCOHOL AND
18 DRUG IMPAIRED driving prevention and ~~law~~ enforcement improvement by
19 counties and not for statewide programs.

20 (2) The office of transportation safety shall allocate not less than
21 fifty percent and not more than seventy percent of the ~~moneys~~ MONEY to
22 municipalities and ~~city~~ CITIES and counties that have established a
23 qualified ~~drunken~~ ALCOHOL AND DRUG IMPAIRED driving prevention and
24 ~~law~~ enforcement program. The intent of the general assembly is that ~~these~~
25 ~~moneys~~ ~~be~~ THIS MONEY IS expended in a manner that will improve
26 enforcement of ~~drunken~~ ALCOHOL AND DRUG IMPAIRED driving laws. To
27 this end, rules for the distribution of ~~these moneys~~ THIS MONEY shall be

1 developed by the office of transportation safety. The office shall report
2 annually to the transportation legislation review committee on the
3 distribution and expenditure of ~~these funds~~ THIS MONEY and the nature
4 and purpose of the programs. All ~~moneys~~ MONEY appropriated hereunder
5 shall be used for ~~drunken~~ ALCOHOL AND DRUG IMPAIRED driving
6 prevention and law enforcement improvement by municipalities and city
7 CITIES and counties and not for statewide programs.

8 **SECTION 8. Safety clause.** The general assembly hereby finds,
9 determines, and declares that this act is necessary for the immediate
10 preservation of the public peace, health, or safety.