

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

INTRODUCED

LLS NO. 21-0710.01 Conrad Imel x2313

HOUSE BILL 21-1314

HOUSE SPONSORSHIP

Herod,

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE AUTHORITY OF THE DEPARTMENT OF REVENUE TO**
102 **TAKE ACTION AGAINST CERTAIN DOCUMENTS.**

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 department of revenue (department) is either allowed or required to administratively suspend, cancel, revoke, deny, or deny renewal of a driver's license, instruction permit, or identification card following specified conduct by a licensee or card holder. The bill repeals the department's discretionary authority to take administrative action to:

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

- Cancel, deny, or deny renewal of a person's driver's license:
 - For unlawful or fraudulent use or conviction of misuse of license, titles, permits, or license plates;
 - Because the person failed to pay a monetary judgment or has an outstanding warrant relating to a traffic violation or a municipal violation committed when the person was under 18 years of age; or
 - Because the person failed to pay a judgment for using public transportation without paying the fare; and
- Cancel, deny, or deny renewal of a person's driver's license or identification card because the person failed to register all vehicles owned by the person.

The bill repeals mandatory administrative actions by the department to:

- Revoke a person's driver's license or instruction permit for certain convictions related to illegal underage possession or consumption of alcohol or marijuana or attempting to obtain alcohol by misrepresenting the person's age or by any other method or because the person was convicted of, or has received a deferred judgment for, aggravated motor vehicle theft or second degree criminal trespass;
- Deny issuance or renewal of a person's driver's license because the person failed to pay a monetary judgment or has an outstanding warrant relating to a traffic violation or a municipal violation committed when the person was under 18 years of age or the person failed to pay a monetary judgment for using public transportation without paying the fare; or
- Suspend the driver's license of certain persons following conviction for selling, serving, or otherwise providing alcohol to or for an underage person or permitting or failing to prevent an underage person from using the person's identification to unlawfully purchase alcohol.

The bill prohibits the department from denying to issue, renew, or reinstate a person's driver's license because the person failed to pay a monetary judgment or has an outstanding warrant relating to a traffic violation or a municipal violation. The person must pay the required fees for issuance or reinstatement of the license.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-2-122, **amend** (3);

1 and **repeal** (1)(c), (1)(e), and (1)(h) as follows:

2 **42-2-122. Department may cancel license - limited license for**
3 **physical or mental limitations.** (1) The department has the authority to
4 cancel, deny, or deny the reissuance of any driver's or minor driver's
5 license upon determining that the licensee was not entitled to the issuance
6 for any of the following reasons:

7 ~~(c) Permission of an unlawful or fraudulent use or conviction of~~
8 ~~misuse of license, titles, permits, or license plates;~~

9 ~~(e) Failure of the licensee to register in Colorado all vehicles~~
10 ~~owned by the licensee under the requirements of section 42-3-103;~~

11 ~~(h) (f) The person has an outstanding judgment or warrant referred~~
12 ~~to in section 42-4-1709 (7) issued against such person; except that, as~~
13 ~~used in this paragraph (h), "judgment or warrant" shall not include any~~
14 ~~judgment or warrant reported to the department in violation of section~~
15 ~~42-4-110.5 (2)(c).~~

16 ~~(H) Upon receipt of a judgment or warrant from a court clerk on~~
17 ~~or after September 1, 2000, the department shall send written notice to the~~
18 ~~person identified in the court order that such person is required to provide~~
19 ~~the department with proof that the judgment or warrant is no longer~~
20 ~~outstanding within thirty days after the date such notice is sent or such~~
21 ~~person's driver's license shall be canceled or any application for a new~~
22 ~~license shall be denied. Proof that the judgment or warrant is no longer~~
23 ~~outstanding shall be in the form of a certificate issued by the clerk of the~~
24 ~~court entering the judgment or issuing the warrant in a form approved by~~
25 ~~the executive director.~~

26 ~~(HH) If acceptable proof is not received by the department within~~
27 ~~thirty days after notice was sent, the department shall cancel the driver's~~

1 license or deny any application for a license of the person against whom
2 the judgment was entered or the warrant was issued.

3 (IV) ~~The general assembly finds that the department currently has~~
4 ~~record of a large number of outstanding judgments and warrants and that~~
5 ~~it does not know whether such judgments and warrants are still~~
6 ~~outstanding. All outstanding judgments and warrants that are in the~~
7 ~~department's records as of August 31, 2000, shall be deemed void for~~
8 ~~purposes of this section effective September 1, 2005.~~

9 (3) Upon such cancellation, the licensee ~~must~~ SHALL surrender the
10 license so cancelled to the department, and thereafter such licensee ~~shall~~
11 ~~be~~ IS entitled to a hearing by the department if such license is returned
12 and if such request is made within thirty days from the date of such
13 cancellation; except that a denial or cancellation ~~under paragraph (h) or~~
14 ~~(i) of subsection (1)~~ PURSUANT TO SUBSECTION (1)(i) of this section ~~shall~~
15 ~~be~~ IS deemed to be final agency action for judicial review purposes ~~under~~
16 PURSUANT TO section 24-4-104. ~~C.R.S.~~ Such hearing, if requested, ~~shall~~
17 MUST be held no later than thirty days from the date of such cancellation.
18 Notification of such cancellation ~~shall~~ MUST be given as provided in
19 section 42-2-119.

20 **SECTION 2.** In Colorado Revised Statutes, 42-2-125, **amend** (3);
21 and **repeal** (1)(m), (1)(o), and (6) as follows:

22 **42-2-125. Mandatory revocation of license and permit.** (1) The
23 department shall immediately revoke the license or permit of any driver
24 or minor driver upon receiving a record showing that the driver has:

25 (m) ~~(f) Been convicted of violating section 18-13-122 (3) or~~
26 ~~44-3-901 (1)(c) or (1)(d) or any counterpart municipal charter or~~
27 ~~ordinance offense to such sections and having failed to complete an~~

1 alcohol evaluation or assessment, an alcohol education program, or an
2 alcohol treatment program ordered by the court in connection with such
3 conviction; or

4 (H) ~~Been convicted of violating section 18-13-122 (3) or 44-3-901~~
5 ~~(1)(c) or (1)(d) or any counterpart municipal charter or ordinance offense~~
6 ~~to such sections and has a previous conviction for such offenses;~~

7 (o) ~~Been:~~

8 (I) ~~(Deleted by amendment, L. 2009, (HB 09-1266), ch. 347, p.~~
9 ~~1816, § 8, effective August 5, 2009.)~~

10 (H) ~~Convicted of, or has received a deferred judgment for, an~~
11 ~~offense described in section 18-4-409 or 18-4-503 (1)(c), C.R.S., or a~~
12 ~~comparable municipal charter or ordinance offense.~~

13 (HH) ~~(Deleted by amendment, L. 2007, p. 504, § 3, effective July~~
14 ~~1, 2007.)~~

15 (3) Upon revoking the license of any person as required by this
16 section, the department shall immediately notify the licensee as provided
17 in section 42-2-119 (2). ~~Where a minor driver's license is revoked under~~
18 ~~paragraph (m) of subsection (1) of this section, such revocation shall not~~
19 ~~run concurrently with any previous or subsequent suspension, revocation,~~
20 ~~cancellation, or denial that is provided for by law.~~

21 (6) (a) ~~Any person who has a license revoked pursuant to~~
22 ~~paragraph (m) of subsection (1) of this section shall be subject to the~~
23 ~~following revocation periods:~~

24 (I) ~~After a first conviction and failure to complete an ordered~~
25 ~~evaluation, assessment, or program, three months;~~

26 (II) ~~After a second conviction, six months;~~

27 (III) ~~After any third or subsequent conviction, one year.~~

1 (b) ~~(Deleted by amendment, L. 2007, p. 504, § 3, effective July 1,~~
2 ~~2007.)~~

3 (c) ~~Repealed.~~

4 **SECTION 3.** In Colorado Revised Statutes, 42-2-107, **repeal** (5)
5 as follows:

6 **42-2-107. Application for license or instruction permit -**
7 **anatomical gifts - donations to Emily Keyes - John W. Buckner organ**
8 **and tissue donation awareness fund - legislative declaration - rules -**
9 **annual report - repeal.** (5) ~~(a) (I) Prior to the issuance of a driver's or~~
10 ~~minor driver's license, the department shall determine if there are any~~
11 ~~outstanding judgments or warrants entered or issued against the applicant~~
12 ~~pursuant to section 42-4-1709 (7).~~

13 ~~(H) For the purposes of this subsection (5), "outstanding~~
14 ~~judgments or warrants" does not include any judgment or warrant~~
15 ~~reported to the department in violation of the provisions of section~~
16 ~~42-4-110.5 (2)(c).~~

17 ~~(b) If the department determines that there are no outstanding~~
18 ~~judgments or warrants entered or issued against the applicant and if all~~
19 ~~other conditions for issuance required by articles 1 to 4 of this title are~~
20 ~~met, the department shall issue the license.~~

21 ~~(c) If the department determines that there are outstanding~~
22 ~~judgments or warrants entered or issued against the applicant and the~~
23 ~~applicant is subject to the provisions of section 42-4-1709 (7), the license~~
24 ~~shall not be issued until the applicant has complied with the requirements~~
25 ~~of that section. Any person who satisfies an outstanding judgment or~~
26 ~~warrant entered pursuant to section 42-4-1709 (7) shall pay to the court~~
27 ~~a thirty-dollar administrative processing fee for each such judgment or~~

1 ~~warrant in addition to all other penalties, costs, or forfeitures. The court~~
2 ~~shall remit fifty percent of the administrative processing fee to the~~
3 ~~department of revenue, and the other fifty percent shall be retained by the~~
4 ~~issuing court.~~

5 **SECTION 4.** In Colorado Revised Statutes, 42-2-118, **amend**
6 **(1)(a)(I) and (1.3)(b); and repeal (3) as follows:**

7 **42-2-118. Renewal of license in person or by mail - donations**
8 **to Emily Keyes - John W. Buckner organ and tissue donation**
9 **awareness fund - repeal.** (1) (a) (I) Every license issued ~~under~~
10 PURSUANT TO section 42-2-114 or part 5 of this article 2 is renewable
11 prior to its expiration, upon application in person, by mail as provided in
12 subsection (1.3) of this section, or by electronic means as provided in
13 subsection (1.5) of this section; payment of the required fee; passing of
14 an eye test; AND passing of such other examinations as the applicant's
15 physical limitations or driver's record indicates to be desirable. ~~and~~
16 ~~payment of any penalty assessment, fine, cost, or forfeiture as prescribed~~
17 ~~by subsection (3) of this section.~~ If a person renews his or her license
18 pursuant to this subsection (1)(a)(I) by electronic means, the person must
19 attest under penalty of perjury that he or she has had an eye examination
20 by an optometrist or an ophthalmologist within three years before the date
21 of application.

22 (1.3) (b) Every applicant for renewal of a driver's license by mail
23 shall submit ~~the following~~ PAYMENT OF THE REQUIRED FEE to the
24 department.

25 ~~(I) Payment of the required fee;~~

26 ~~(II) Repealed.~~

27 ~~(III) Payment of any penalty assessment, fine, cost, or forfeiture~~

1 as prescribed by subsection (3) of this section.

2 (3) (a) (I) ~~Prior to the renewal of a permanent driver's license or~~
3 ~~the issuance or renewal of a probationary license, the department shall~~
4 ~~determine if the applicant has any outstanding judgments or warrants~~
5 ~~entered or issued against the applicant or if the applicant has issued a~~
6 ~~check or order to the department for the payment of a penalty assessment~~
7 ~~and such check or order was returned for insufficient funds or a closed~~
8 ~~account and remains unpaid as set forth in section 42-4-1709 (7).~~

9 (H) ~~For the purposes of this subsection (3), "outstanding~~
10 ~~judgments or warrants" does not include any judgment or warrant~~
11 ~~reported to the department in violation of the provisions of section~~
12 ~~42-4-110.5 (2)(c).~~

13 (b) (I) ~~If there are no outstanding judgments or warrants entered~~
14 ~~or issued against the applicant and the applicant has not issued a check or~~
15 ~~order to the department that was returned for insufficient funds or a~~
16 ~~closed account and that remains unpaid as set forth in section 42-4-1709~~
17 ~~(7) and if all other conditions for renewal pursuant to articles 1 to 4 of this~~
18 ~~title are met, the department shall renew the applicant's permanent driver's~~
19 ~~license.~~

20 (H) ~~If there are no outstanding judgments or warrants entered or~~
21 ~~issued against the applicant and the defendant has not issued a check or~~
22 ~~order to the department that was returned for insufficient funds or a~~
23 ~~closed account and that remains unpaid as set forth in section 42-4-1709~~
24 ~~(7) and if all other conditions for renewal pursuant to articles 1 to 4 of this~~
25 ~~title are met, the department may issue or renew the applicant's~~
26 ~~probationary license.~~

27 (c) ~~If the department determines that the applicant is subject to the~~

1 requirements of section ~~42-4-1709 (7)~~, the permanent driver's license
2 shall not be renewed or the probationary license may not be issued or
3 renewed until such applicant has complied with said section. Any person
4 who pays any outstanding judgments, who has any warrants entered, or
5 who makes payment for a check or order to the department that had been
6 returned for insufficient funds or a closed account pursuant to section
7 ~~42-4-1709 (7)~~ shall pay to the court or to the department a thirty-dollar
8 administrative processing cost for each such judgment, warrant, check, or
9 order in addition to all other penalties, costs, or forfeitures. If the court
10 collects an administrative processing fee, the court shall remit fifty
11 percent of the administrative processing fee to the department of revenue,
12 and the other fifty percent of that fee is to be retained by the issuing court.
13 If the department collects an administrative processing fee, the
14 department shall retain the fee.

15 (d) ~~Beginning January 1, 1986, the executive director shall~~
16 ~~ascertain whether the administrative fee established in paragraph (c) of~~
17 ~~this subsection (3) adequately compensates the department for~~
18 ~~administration of this subsection (3).~~

19 (e) ~~The department of revenue shall coordinate the design and~~
20 ~~implementation of the necessary delinquency notification forms,~~
21 ~~satisfaction forms, and time requirements for utilization of such forms by~~
22 ~~the courts.~~

23 (f) ~~There shall be a twenty-day period to appeal any penalty under~~
24 ~~this section when it can be shown by the applicant or defendant that~~
25 ~~sufficient funds were in the financial institution and the error was that of~~
26 ~~the financial institution. In this event the department shall review the~~
27 ~~documentation and, if it was the fault of the financial institution that the~~

1 ~~check or order was returned, no penalty or fee shall be imposed.~~

2 **SECTION 5.** In Colorado Revised Statutes, **repeal** 42-2-127.6 as
3 follows:

4 **42-2-127.6. Authority to suspend license - providing alcohol to**
5 **an underage person.** (1) (a) ~~Whenever the department receives notice~~
6 ~~that a person, other than a business licensed pursuant to article 3, 4, or 5~~
7 ~~of title 44, or an employee or agent of the business acting in the scope of~~
8 ~~his or her employment, has been convicted of an offense pursuant to~~
9 ~~section 44-3-901 (1)(b) or (1)(l), the department shall immediately~~
10 ~~suspend the license of the person for a period of not less than six months.~~

11 (b) ~~For purposes of this subsection (1), a person has been~~
12 ~~convicted when the person has been found guilty by a court or a jury,~~
13 ~~entered a plea of guilty or nolo contendere, or received a deferred~~
14 ~~sentence for an offense.~~

15 (2) (a) ~~Upon suspension of a person's license as required by this~~
16 ~~section, the department shall immediately notify the person as provided~~
17 ~~in section 42-2-119 (2).~~

18 (b) ~~Upon receipt of the notice of suspension, the person or the~~
19 ~~person's attorney may request a hearing in writing. The department shall~~
20 ~~hold a hearing not less than thirty days after receiving the request through~~
21 ~~a hearing commissioner appointed by the executive director of the~~
22 ~~department, which hearing shall be conducted in accordance with the~~
23 ~~provisions of section 24-4-105, C.R.S. The hearing shall be held at the~~
24 ~~district office of the department closest to the residence of the person;~~
25 ~~except that all or part of the hearing may, at the discretion of the~~
26 ~~department, be conducted in real time by telephone or other electronic~~
27 ~~means in accordance with section 42-1-218.5, unless the person requests~~

1 to appear in person at the hearing. After the hearing, the person may
2 appeal the decision of the department to the district court as provided in
3 section 42-2-135. If a person who has had a license suspended under this
4 section is subsequently acquitted of the conviction that required the
5 suspension by a court of record, the department shall immediately, in any
6 event not later than ten days after the receipt of the notice of acquittal,
7 reinstate said license to the person affected, unless the license is under
8 other restraint.

9 (3) (a) ~~If there is no other statutory reason for denial of a~~
10 ~~probationary license, a person who has had a license suspended by the~~
11 ~~department because of, in whole or in part, a conviction of an offense~~
12 ~~specified in subsection (1) of this section shall be entitled to a~~
13 ~~probationary license for the purpose of driving for reasons of~~
14 ~~employment, education, health, or compliance with the requirements of~~
15 ~~probation. Such a probationary license shall:~~

16 (I) ~~Contain any other restrictions the department deems reasonable~~
17 ~~and necessary;~~

18 (II) ~~Be subject to cancellation for violation of any such~~
19 ~~restrictions; and~~

20 (III) ~~Be issued for the entire period of suspension.~~

21 (b) ~~The department may refuse to issue a probationary license if~~
22 ~~the department finds that the driving record of the person is such that the~~
23 ~~person has sufficient points to require the suspension or revocation of a~~
24 ~~license to drive on the highways of this state pursuant to section 42-2-127~~
25 ~~or if the department finds from the record after a hearing conducted in~~
26 ~~accordance with this section that aggravating circumstances exist to~~
27 ~~indicate the person is unsafe for driving for any purpose. In refusing to~~

1 issue a probationary license, the department shall make specific findings
2 of fact to support the refusal.

3 **SECTION 6.** In Colorado Revised Statutes, **repeal** 42-2-304.5 as
4 follows:

5 **42-2-304.5. Cancellation or denial of identification card -**
6 **failure to register vehicles in Colorado.** The department may cancel,
7 deny, or deny reissuance of an identification card upon determining that
8 the registrant has failed to register in Colorado all vehicles owned by the
9 registrant under the requirements of section 42-3-103. Upon such
10 cancellation, the registrant shall surrender the identification card to the
11 department. The registrant is entitled to a hearing under the procedures
12 provided in section 42-2-122.

13 **SECTION 7.** In Colorado Revised Statutes, 42-4-1709, **repeal** (7)
14 as follows:

15 **42-4-1709. Penalty assessment notice for traffic infractions -**
16 **violations of provisions by officer - driver's license.** (7) (a) A person
17 shall not be allowed or permitted to obtain or renew a permanent driver's,
18 minor driver's, or probationary license if such person has, at the time of
19 making application for obtaining or renewing such driver's license:

20 (I) ~~An outstanding judgment entered against such person on and~~
21 ~~after January 1, 1983, pursuant to section 42-4-1710 (2) or (3);~~

22 (II) ~~An outstanding judgment entered against such person by a~~
23 ~~county or municipal court for a violation of a statute or ordinance relating~~
24 ~~to the regulation of motor vehicles or traffic, excluding traffic infractions~~
25 ~~defined by state statute or ordinance and violations relating to parking;~~

26 (III) ~~A bench warrant issued against such person by a county or~~
27 ~~municipal court for failure to appear to answer a citation for an alleged~~

1 ~~violation of a statute or ordinance relating to the regulation of motor~~
2 ~~vehicles or traffic, excluding traffic infractions defined by state statute or~~
3 ~~ordinance and violations relating to parking;~~

4 ~~(IV) An outstanding judgment entered against such person by a~~
5 ~~municipal court for a violation of any municipal ordinance which~~
6 ~~occurred when such person was under eighteen years of age, excluding~~
7 ~~traffic infractions defined by state statute or ordinance and violations~~
8 ~~related to parking;~~

9 ~~(V) A bench warrant issued against such person by a municipal~~
10 ~~court for failure to appear to answer a summons or summons and~~
11 ~~complaint for an alleged violation of any municipal ordinance that~~
12 ~~occurred when such person was under eighteen years of age, excluding~~
13 ~~traffic infractions defined by state statute or ordinance and violations~~
14 ~~relating to parking;~~

15 ~~(VI) Issued a check or order to the department to pay a penalty~~
16 ~~assessment, a driver's license fee, a license reinstatement fee, or a motor~~
17 ~~vehicle record fee and such check or order is returned for insufficient~~
18 ~~funds or a closed account and remains unpaid. For the purposes of this~~
19 ~~subparagraph (VI), the term "insufficient funds" means having an~~
20 ~~insufficient balance on account with a bank or other drawee for the~~
21 ~~payment of a check or order when the check or order is presented for~~
22 ~~payment within thirty days after issue.~~

23 ~~(VII) Repealed.~~

24 ~~(VIII) An outstanding judgment entered against such person by a~~
25 ~~county or municipal court for a violation of section 42-4-1416.~~

26 ~~(b) The restrictions in paragraph (a) of this subsection (7) shall not~~
27 ~~apply in cases where an appeal from any determination of liability and~~

1 ~~penalty is pending and not disposed of at the time of such application for~~
2 ~~obtaining or renewing a driver's license.~~

3 **SECTION 8.** In Colorado Revised Statutes, 10-3-1104, **amend**
4 (4)(a) as follows:

5 **10-3-1104. Unfair methods of competition - unfair or deceptive**
6 **practices.** (4) The following is defined as an unfair practice in the
7 business of insurance: For an insurer to deny, refuse to issue, refuse to
8 renew, refuse to reissue, cancel, or otherwise terminate a motor vehicle
9 insurance policy, to restrict motor vehicle insurance coverage on any
10 person, or to add any surcharge or rating factor to a premium of a motor
11 vehicle insurance policy solely because of:

12 (a) A conviction under section 18-13-122 (3), or section 44-3-901
13 (1)(c), or any counterpart municipal charter or ordinance offense or
14 because of any driver's license revocation resulting from such conviction.
15 This subsection (4)(a) includes, but is not limited to, a driver's license
16 revocation imposed under section 42-2-125 (1)(m) PRIOR TO ITS REPEAL
17 IN 2021.

18 **SECTION 9.** In Colorado Revised Statutes, 18-4-409, **repeal**
19 (4.5) as follows:

20 **18-4-409. Aggravated motor vehicle theft.** (4.5) ~~Whenever a~~
21 ~~person is convicted of, pleads guilty or nolo contendere to, receives a~~
22 ~~deferred judgment or sentence for, or is adjudicated a juvenile delinquent~~
23 ~~for, a violation of this section, the offender's driver's license shall be~~
24 ~~revoked as provided in section 42-2-125, C.R.S.~~

25 **SECTION 10.** In Colorado Revised Statutes, 18-4-503, **repeal** (3)
26 as follows:

27 **18-4-503. Second degree criminal trespass.** (3) ~~Whenever a~~

1 ~~person is convicted of, pleads guilty or nolo contendere to, receives a~~
2 ~~deferred judgment or sentence for, or is adjudicated a juvenile delinquent~~
3 ~~for, a violation of paragraph (c) of subsection (1) of this section, the~~
4 ~~offender's driver's license shall be revoked as provided in section~~
5 ~~42-2-125, C.R.S.~~

6 **SECTION 11.** In Colorado Revised Statutes, **add** 42-2-118.1 as
7 follows:

8 **42-2-118.1. Driver restoration and payment incentive**
9 **program.** BEGINNING JANUARY 1, 2022, AN OUTSTANDING JUDGMENT OR
10 WARRANT DESCRIBED IN SECTION 42-4-1709 (7) SHALL NOT SERVE AS A
11 BASIS FOR THE DEPARTMENT TO DENY AN APPLICATION FOR ISSUANCE,
12 RENEWAL, OR REINSTATEMENT OF A DRIVER'S LICENSE. THE DEPARTMENT
13 SHALL NOT ISSUE A LICENSE TO A PERSON WITH AN OUTSTANDING
14 JUDGMENT OR WARRANT WHO APPLIES FOR ISSUANCE, RENEWAL, OR
15 REINSTATEMENT OF A LICENSE UNLESS THE PERSON HAS PAID TO THE
16 DEPARTMENT A DRIVER'S LICENSE FEE REQUIRED BY SECTION 42-2-114
17 AND THE LICENSE REINSTATEMENT FEE REQUIRED BY SECTION 42-2-132.

18 **SECTION 12.** In Colorado Revised Statutes, 42-2-127.5, **amend**
19 (4) as follows:

20 **42-2-127.5. Authority to suspend license - violation of child**
21 **support order.** (4) In the event that a driver's license is suspended
22 pursuant to subsection (3) of this section, the department may issue a
23 probationary license for a period not to exceed ninety days from the date
24 of issuance, which probationary license ~~shall restrict~~ RESTRICTS the driver
25 to driving to and from the place of employment or to performing duties
26 within the course of the driver's employment. The department is
27 authorized to charge a fee for such probationary license that covers the

1 direct and indirect costs of issuing the license. ~~The department may not~~
2 ~~issue a probationary license to an individual unless at the time of license~~
3 ~~restraint such individual has a valid driver's privilege and has no~~
4 ~~outstanding judgments or warrants issued against such individual~~
5 ~~pursuant to the requirements of section 42-2-118 (3).~~

6 **SECTION 13.** In Colorado Revised Statutes, **repeal** 42-2-131 as
7 follows:

8 **42-2-131. Revocation of license or permit for failing to comply**
9 **with a court order relating to nondriving alcohol convictions.** ~~Upon~~
10 ~~a plea of guilty or nolo contendere or a verdict of guilty by the court or a~~
11 ~~jury to an offense under section 18-13-122 (3) or 44-3-901 (1)(c) or (1)(d)~~
12 ~~or any counterpart municipal charter or ordinance offense to such section~~
13 ~~and upon a failure to complete an alcohol evaluation or assessment, an~~
14 ~~alcohol education program, or an alcohol treatment program ordered by~~
15 ~~the court in connection with such plea or verdict, the court shall forward~~
16 ~~to the department a notice of plea or verdict or the failure to complete on~~
17 ~~the form prescribed by the department. Any revocation pursuant to~~
18 ~~section 42-2-125 (1)(m) shall begin when the department gives notice of~~
19 ~~the revocation to the person in accordance with section 42-2-119 (2).~~

20 **SECTION 14.** In Colorado Revised Statutes, 42-2-302, **amend**
21 (1)(b)(I) introductory portion and (1)(b)(I)(A) as follows:

22 **42-2-302. Department may or shall issue - limitations - rules.**
23 (1) (b) (I) In addition to the requirements of ~~paragraph (a) of this~~
24 ~~subsection (1) SUBSECTION (1)(a) OF THIS SECTION,~~ an application for an
25 identification card ~~shall~~ **MUST** state that:

26 (A) The applicant understands that, as a resident of the state of
27 Colorado, any motor vehicle owned by the applicant must be registered

1 in Colorado pursuant to the laws of the state and the applicant may be
2 subject to criminal penalties, civil penalties, ~~cancellation or denial of the~~
3 ~~applicant's identification card~~, and liability for any unpaid registration
4 fees and specific ownership taxes if the applicant fails to comply with
5 such registration requirements; and

6 **SECTION 15.** In Colorado Revised Statutes, 42-4-110.5, **repeal**
7 (2)(c) as follows:

8 **42-4-110.5. Automated vehicle identification systems -**
9 **definition.** (2) A municipality may adopt an ordinance authorizing the
10 use of an automated vehicle identification system to detect violations of
11 traffic regulations adopted by the municipality, or the state, a county, a
12 city and county, or a municipality may utilize an automated vehicle
13 identification system to detect traffic violations under state law, subject
14 to the following conditions and limitations:

15 (c) ~~The state, a county, a city and county, or a municipality may~~
16 ~~not report to the department any outstanding judgment or warrant for~~
17 ~~purposes of section 42-2-107 (5) or 42-2-118 (3) based upon any~~
18 ~~violation or alleged violation of a municipal traffic regulation or traffic~~
19 ~~violation under state law detected through the use of an automated vehicle~~
20 ~~identification system.~~

21 **SECTION 16.** In Colorado Revised Statutes, 42-7-406, **amend**
22 (1) as follows:

23 **42-7-406. Proof required under certain conditions.**
24 (1) Whenever the director revokes the license of any person ~~under~~
25 PURSUANT TO section 42-2-125 or 42-2-126, or cancels any license ~~under~~
26 PURSUANT TO section 42-2-122 because of the licensee's inability to
27 operate a motor vehicle because of physical or mental incompetence, or

1 cancels any probationary license ~~under~~ PURSUANT TO section 42-2-127,
2 the director shall not issue to or continue in effect for any such person any
3 new or renewal of license until permitted under the motor vehicle laws of
4 this state, and not then until and unless such person files or has filed and
5 maintains proof of financial responsibility as provided in this ~~article~~
6 ARTICLE 7; except that persons whose licenses are canceled pursuant to
7 section 42-2-122 (2.5) ~~revoked pursuant to section 42-2-125 (1)(m)~~, or
8 revoked for a first offense ~~under~~ PURSUANT TO section 42-2-125 (1)(g.5)
9 or a first offense ~~under~~ PURSUANT TO section 42-2-126 (3)(b) or (3)(e)
10 ~~shall~~ ARE not ~~be~~ required to file proof of financial responsibility in order
11 to be relicensed.

12 **SECTION 17. Applicability.** This act applies to offenses
13 committed and applications submitted on or after the applicable effective
14 date of this act.

15 **SECTION 18. Safety clause.** The general assembly hereby finds,
16 determines, and declares that this act is necessary for the immediate
17 preservation of the public peace, health, or safety.