

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

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 21-0710.01 Conrad Imel x2313

HOUSE BILL 21-1314

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A BILL FOR AN ACT

101 **CONCERNING THE AUTHORITY OF THE DEPARTMENT OF REVENUE TO**
102 **TAKE ACTION AGAINST CERTAIN DOCUMENTS, AND, IN**
103 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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

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.

SENATE
Amended 2nd Reading
June 3, 2021

HOUSE
3rd Reading Unamended
May 25, 2021

HOUSE
Amended 2nd Reading
May 24, 2021

administrative action to:

- 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:*

1 **SECTION 1.** In Colorado Revised Statutes, 42-2-122, **amend** (3);
2 and **repeal** (1)(c), (1)(e), and (1)(h) as follows:

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

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

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

12 (h) ~~(f) The person has an outstanding judgment or warrant referred~~
13 ~~to in section 42-4-1709 (7) issued against such person; except that, as~~
14 ~~used in this paragraph (h), "judgment or warrant" shall not include any~~
15 ~~judgment or warrant reported to the department in violation of section~~
16 ~~42-4-110.5 (2)(c).~~

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

27 (HH) ~~If acceptable proof is not received by the department within~~

1 ~~thirty days after notice was sent, the department shall cancel the driver's~~
2 ~~license or deny any application for a license of the person against whom~~
3 ~~the judgment was entered or the warrant was issued.~~

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

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

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

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

26 (m) **(I)** ~~Been convicted of violating section 18-13-122 (3) or~~
27 ~~44-3-901 (1)(c) or (1)(d) or any counterpart municipal charter or~~

1 ~~ordinance offense to such sections and having failed to complete an~~
2 ~~alcohol evaluation or assessment, an alcohol education program, or an~~
3 ~~alcohol treatment program ordered by the court in connection with such~~
4 ~~conviction; or~~

5 (II) Been convicted of violating section 18-13-122 (3) or 44-3-901
6 (1)(c) or (1)(d) or any counterpart municipal charter or ordinance offense
7 to such sections AND HAVING FAILED TO COMPLETE AN ALCOHOL
8 EVALUATION OR ASSESSMENT, AN ALCOHOL EDUCATION PROGRAM, OR AN
9 ALCOHOL TREATMENT PROGRAM ORDERED BY THE COURT IN CONNECTION
10 WITH THE PRESENT CONVICTION, and has a previous conviction for such
11 offenses;

12 (o) ~~Been:~~

13 (I) ~~(Deleted by amendment, L. 2009, (HB 09-1266), ch. 347, p.~~
14 ~~1816, § 8, effective August 5, 2009.)~~

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

18 (III) ~~(Deleted by amendment, L. 2007, p. 504, § 3, effective July~~
19 ~~1, 2007.)~~

20 (3) Upon revoking the license of any person as required by this
21 section, the department shall immediately notify the licensee as provided
22 in section 42-2-119 (2). Where a minor driver's license is revoked ~~under~~
23 ~~paragraph (m) of subsection (1)~~ PURSUANT TO SUBSECTION (1)(m) of this
24 section, such revocation ~~shall not~~ MAY run concurrently with any previous
25 or subsequent suspension, revocation, cancellation, or denial that is
26 provided for by law.

27 (6) (a) Any person who has a license revoked pursuant to

1 ~~paragraph (m) of subsection (1)~~ SUBSECTION (1)(m) of this section shall
2 be IS subject to the following revocation periods:

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

5 (II) ~~After a second conviction AND FAILURE TO COMPLETE AN~~
6 ~~ORDERED EVALUATION, ASSESSMENT, OR PROGRAM, six months;~~

7 (III) ~~After any third or subsequent conviction AND FAILURE TO~~
8 ~~COMPLETE AN ORDERED EVALUATION, ASSESSMENT, OR PROGRAM, one~~
9 ~~year.~~

10

11 **SECTION 3.** In Colorado Revised Statutes, 42-2-107, **amend**
12 ~~(2)(b)(I) introductory portion and (2)(b)(I)(A); and repeal (5) as follows:~~

13 **42-2-107. Application for license or instruction permit -**
14 **anatomical gifts - donations to Emily Keyes - John W. Buckner organ**
15 **and tissue donation awareness fund - legislative declaration - rules -**
16 **annual report - repeal.** (2) (b) (I) In addition to the requirements of
17 ~~paragraph (a) of this subsection (2)~~ SUBSECTION (2)(a) OF THIS SECTION,
18 an application shall MUST state that:

19 (A) The applicant understands that, as a resident of the state of
20 Colorado, any motor vehicle owned by the applicant must be registered
21 in Colorado pursuant to the laws of the state and the applicant may be
22 subject to criminal penalties, civil penalties, ~~cancellation or denial of the~~
23 ~~applicant's driver's license,~~ and liability for any unpaid registration fees
24 and specific ownership taxes if the applicant fails to comply with such
25 registration requirements; and

26 (5) (a) (I) ~~Prior to the issuance of a driver's or minor driver's~~
27 ~~license, the department shall determine if there are any outstanding~~

1 judgments or warrants entered or issued against the applicant pursuant to
2 section ~~42-4-1709 (7)~~.

3 ~~(H) For the purposes of this subsection (5), "outstanding~~
4 ~~judgments or warrants" does not include any judgment or warrant~~
5 ~~reported to the department in violation of the provisions of section~~
6 ~~42-4-110.5 (2)(c).~~

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

11 ~~(c) If the department determines that there are outstanding~~
12 ~~judgments or warrants entered or issued against the applicant and the~~
13 ~~applicant is subject to the provisions of section 42-4-1709 (7), the license~~
14 ~~shall not be issued until the applicant has complied with the requirements~~
15 ~~of that section. Any person who satisfies an outstanding judgment or~~
16 ~~warrant entered pursuant to section 42-4-1709 (7) shall pay to the court~~
17 ~~a thirty-dollar administrative processing fee for each such judgment or~~
18 ~~warrant in addition to all other penalties, costs, or forfeitures. The court~~
19 ~~shall remit fifty percent of the administrative processing fee to the~~
20 ~~department of revenue, and the other fifty percent shall be retained by the~~
21 ~~issuing court.~~

22 **SECTION 4.** In Colorado Revised Statutes, 42-2-118, **amend**
23 **(1)(a)(I), (1.3)(b), and (3); and repeal (1.5)(c)(II) as follows:**

24 **42-2-118. Renewal of license in person or by mail - donations**
25 **to Emily Keyes - John W. Buckner organ and tissue donation**
26 **awareness fund - repeal.** (1) (a) (I) Every license issued ~~under~~
27 PURSUANT TO section 42-2-114 or part 5 of this article 2 is renewable

1 prior to its expiration, upon application in person, by mail as provided in
2 subsection (1.3) of this section, or by electronic means as provided in
3 subsection (1.5) of this section; payment of the required fee; passing of
4 an eye test; AND passing of such other examinations as the applicant's
5 physical limitations or driver's record indicates to be desirable. ~~and~~
6 ~~payment of any penalty assessment, fine, cost, or forfeiture as prescribed~~
7 ~~by subsection (3) of this section.~~ If a person renews his or her license
8 pursuant to this subsection (1)(a)(I) by electronic means, the person must
9 attest under penalty of perjury that he or she has had an eye examination
10 by an optometrist or an ophthalmologist within three years before the date
11 of application.

12 (1.3) (b) Every applicant for renewal of a driver's license by mail
13 shall submit ~~the following~~ PAYMENT OF THE REQUIRED FEE to the
14 department.

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

16 ~~(H) Repealed.~~

17 ~~(HH) Payment of any penalty assessment, fine, cost, or forfeiture~~
18 ~~as prescribed by subsection (3) of this section.~~

19 (1.5) (c) Every applicant for renewal of a driver's license by
20 electronic means shall submit the following to the department:

21 ~~(II) Payment of any penalty assessment, fine, cost, or forfeiture as~~
22 ~~prescribed by subsection (3) of this section.~~

23 (3) (a) (I) Prior to the renewal of a permanent driver's license or
24 the issuance or renewal of a probationary license, the department shall
25 determine if the applicant has any outstanding judgments or warrants
26 entered or issued against the applicant or if the applicant has issued a
27 check or order to the department for the payment of a penalty assessment

1 and such check or order was returned for insufficient funds or a closed
2 account and remains unpaid as set forth in section 42-4-1709 (7). ____

3 (II) For the purposes of this subsection (3), "outstanding
4 judgments or warrants" does not include any judgment or warrant
5 reported to the department in violation of the provisions of section
6 42-4-110.5 (2)(c).

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

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

21 (c) If the department determines that the applicant is subject to the
22 requirements of section 42-4-1709 (7), the permanent driver's license
23 shall not be renewed or the probationary license may not be issued or
24 renewed until such applicant has complied with said section. Any person
25 who pays any outstanding judgments, who has any warrants entered, or
26 who makes payment for a check or order to the department that had been
27 returned for insufficient funds or a closed account pursuant to section

1 42-4-1709 (7) shall pay to the court or to the department a thirty-dollar
2 administrative processing cost for each such judgment, warrant, check or
3 order in addition to all other penalties, costs, or forfeitures. If the court
4 collects an administrative processing fee, the court shall remit fifty
5 percent of the administrative processing fee to the department of revenue,
6 and the other fifty percent of that fee is to be retained by the issuing court.
7 If the department collects an administrative processing fee, the
8 department shall retain the fee.

9
10 (d) Beginning January 1, 1986, the executive director shall
11 ascertain whether the administrative fee established in paragraph (c) of
12 this subsection (3) adequately compensates the department for
13 administration of this subsection (3).

14 (e) The department of revenue shall coordinate the design and
15 implementation of the necessary delinquency notification forms,
16 satisfaction forms, and time requirements for utilization of such forms by
17 the courts.

18 (f) There shall be IS a twenty-day period to appeal any penalty
19 under this section when it can be shown by the applicant or defendant that
20 sufficient funds were in the financial institution and the error was that of
21 the financial institution. In this event the department shall review the
22 documentation and, if it was the fault of the financial institution that the
23 check or order was returned, ~~no~~ THE DEPARTMENT SHALL NOT IMPOSE
24 penalty or fee. shall be imposed.

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

27 **42-2-127.6. Authority to suspend license - providing alcohol to**

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

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

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

14 ~~(b) Upon receipt of the notice of suspension, the person or the~~
15 ~~person's attorney may request a hearing in writing. The department shall~~
16 ~~hold a hearing not less than thirty days after receiving the request through~~
17 ~~a hearing commissioner appointed by the executive director of the~~
18 ~~department, which hearing shall be conducted in accordance with the~~
19 ~~provisions of section 24-4-105, C.R.S. The hearing shall be held at the~~
20 ~~district office of the department closest to the residence of the person;~~
21 ~~except that all or part of the hearing may, at the discretion of the~~
22 ~~department, be conducted in real time by telephone or other electronic~~
23 ~~means in accordance with section 42-1-218.5, unless the person requests~~
24 ~~to appear in person at the hearing. After the hearing, the person may~~
25 ~~appeal the decision of the department to the district court as provided in~~
26 ~~section 42-2-135. If a person who has had a license suspended under this~~
27 ~~section is subsequently acquitted of the conviction that required the~~

1 suspension by a court of record, the department shall immediately, in any
2 event not later than ten days after the receipt of the notice of acquittal,
3 reinstate said license to the person affected, unless the license is under
4 other restraint.

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

12 (I) ~~Contain any other restrictions the department deems reasonable~~
13 ~~and necessary;~~

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

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

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

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

1 **42-2-304.5. Cancellation or denial of identification card -**
2 **failure to register vehicles in Colorado.** The department may cancel,
3 deny, or deny reissuance of an identification card upon determining that
4 the registrant has failed to register in Colorado all vehicles owned by the
5 registrant under the requirements of section 42-3-103. Upon such
6 cancellation, the registrant shall surrender the identification card to the
7 department. The registrant is entitled to a hearing under the procedures
8 provided in section 42-2-122.

9 **SECTION 7.** In Colorado Revised Statutes, 42-4-1709, amend
10 (7) as follows:

11 **42-4-1709. Penalty assessment notice for traffic infractions -**
12 **violations of provisions by officer - driver's license.** (7) (a) A person
13 shall not be IS NOT allowed or permitted to obtain or renew a permanent
14 driver's, minor driver's, or probationary license if such person has, at the
15 time of making application for obtaining or renewing such driver's
16 license:

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

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

23 (III) A bench warrant issued against such person by a county or
24 municipal court for failure to appear to answer a citation for an alleged
25 violation of a statute or ordinance relating to the regulation of motor
26 vehicles or traffic, excluding traffic infractions defined by state statute or
27 ordinance and violations relating to parking;

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

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

12 ~~(VI) Issued a check or order to the department to pay a penalty~~
13 ~~assessment, a driver's license fee, a license reinstatement fee, or a motor~~
14 ~~vehicle record fee and such check or order is returned for insufficient~~
15 ~~funds or a closed account and remains unpaid. For the purposes of this~~
16 ~~subparagraph (VI) SUBSECTION (7), the term "insufficient funds" means~~
17 ~~having an insufficient balance on account with a bank or other drawee for~~
18 ~~the payment of a check or order when the check or order is presented for~~
19 ~~payment within thirty days after issue.~~

20 ~~(VII) Repealed.~~

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

23 ~~(b) The restrictions in paragraph (a) of this subsection (7) shall not~~
24 ~~apply in cases where an appeal from any determination of liability and~~
25 ~~penalty is pending and not disposed of at the time of such application for~~
26 ~~obtaining or renewing a driver's license.~~

27 **SECTION 8.** In Colorado Revised Statutes, 10-3-1104, **amend**

1 (4)(a) as follows:

2 **10-3-1104. Unfair methods of competition - unfair or deceptive**
3 **practices.** (4) The following is defined as an unfair practice in the
4 business of insurance: For an insurer to deny, refuse to issue, refuse to
5 renew, refuse to reissue, cancel, or otherwise terminate a motor vehicle
6 insurance policy, to restrict motor vehicle insurance coverage on any
7 person, or to add any surcharge or rating factor to a premium of a motor
8 vehicle insurance policy solely because of:

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

15 **SECTION 9.** In Colorado Revised Statutes, 18-4-409, **repeal**
16 (4.5) as follows:

17 **18-4-409. Aggravated motor vehicle theft.** (4.5) ~~Whenever a~~
18 ~~person is convicted of, pleads guilty or nolo contendere to, receives a~~
19 ~~deferred judgment or sentence for, or is adjudicated a juvenile delinquent~~
20 ~~for, a violation of this section, the offender's driver's license shall be~~
21 ~~revoked as provided in section 42-2-125, C.R.S.~~

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

24 **18-4-503. Second degree criminal trespass.** (3) ~~Whenever a~~
25 ~~person is convicted of, pleads guilty or nolo contendere to, receives a~~
26 ~~deferred judgment or sentence for, or is adjudicated a juvenile delinquent~~
27 ~~for, a violation of paragraph (c) of subsection (1) of this section, the~~

1 ~~offender's driver's license shall be revoked as provided in section~~
2 ~~42-2-125, C.R.S.~~

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

5 **42-2-118.1. Driver restoration and payment incentive**
6 **program.** BEGINNING JANUARY 1, 2022, AN OUTSTANDING JUDGMENT OR
7 WARRANT DESCRIBED IN SECTION 42-4-1709 (7) SHALL NOT SERVE AS A
8 BASIS FOR THE DEPARTMENT TO DENY AN APPLICATION FOR ISSUANCE,
9 RENEWAL, OR REINSTATEMENT OF A DRIVER'S LICENSE. THE DEPARTMENT
10 SHALL NOT ISSUE A LICENSE TO A PERSON WITH AN OUTSTANDING
11 JUDGMENT OR WARRANT WHO APPLIES FOR ISSUANCE, RENEWAL, OR
12 REINSTATEMENT OF A LICENSE UNLESS THE PERSON HAS PAID TO THE
13 DEPARTMENT A DRIVER'S LICENSE FEE REQUIRED BY SECTION 42-2-114
14 AND THE LICENSE REINSTATEMENT FEE REQUIRED BY SECTION 42-2-132.

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

17 **42-2-127.5. Authority to suspend license - violation of child**
18 **support order.** (4) In the event that a driver's license is suspended
19 pursuant to subsection (3) of this section, the department may issue a
20 probationary license for a period not to exceed ninety days from the date
21 of issuance, which probationary license ~~shall restrict~~ RESTRICTS the driver
22 to driving to and from the place of employment or to performing duties
23 within the course of the driver's employment. The department is
24 authorized to charge a fee for such probationary license that covers the
25 direct and indirect costs of issuing the license. ~~The department may not~~
26 ~~issue a probationary license to an individual unless at the time of license~~
27 ~~restraint such individual has a valid driver's privilege and has no~~

1 ~~outstanding judgments or warrants issued against such individual~~
2 ~~pursuant to the requirements of section 42-2-118 (3).~~

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

5 **42-2-131. Revocation of license or permit for failing to comply**
6 **with a court order relating to nondriving alcohol convictions.** ~~Upon~~
7 ~~a plea of guilty or nolo contendere or a verdict of guilty by the court or a~~
8 ~~jury to an offense under section 18-13-122 (3) or 44-3-901 (1)(c) or (1)(d)~~
9 ~~or any counterpart municipal charter or ordinance offense to such section~~
10 ~~and upon a failure to complete an alcohol evaluation or assessment, an~~
11 ~~alcohol education program, or an alcohol treatment program ordered by~~
12 ~~the court in connection with such plea or verdict, the court shall forward~~
13 ~~to the department a notice of plea or verdict or the failure to complete on~~
14 ~~the form prescribed by the department. Any revocation pursuant to~~
15 ~~section 42-2-125 (1)(m) shall begin when the department gives notice of~~
16 ~~the revocation to the person in accordance with section 42-2-119 (2).~~

17 **SECTION 14.** In Colorado Revised Statutes, 42-2-132, **add** (5)
18 as follows:

19 **42-2-132. Period of suspension or revocation.** (5) (a) **IN**
20 **ADDITION TO ANY OTHER FEE IMPOSED PURSUANT TO THIS SECTION, A**
21 **PERSON WHOSE LICENSE OR PRIVILEGE TO DRIVE A MOTOR VEHICLE ON THE**
22 **PUBLIC HIGHWAYS HAS BEEN REVOKED BECAUSE OF A DUI, DUI PER SE,**
23 **DWAI, OR UDD CONVICTION SHALL PAY A FEE OF TWENTY-FIVE DOLLARS**
24 **TO THE DEPARTMENT PRIOR TO THE ISSUANCE TO THE PERSON OF A NEW**
25 **LICENSE OR THE RESTORATION OF THE LICENSE OR PRIVILEGE. THE**
26 **DEPARTMENT MAY WAIVE THE FEE UPON A SATISFACTORY SHOWING THAT**
27 **THE PERSON SUBJECT TO THE FEE IS INDIGENT.**

1 (b) THE DEPARTMENT SHALL TRANSMIT THE FEE COLLECTED
2 PURSUANT TO THIS SUBSECTION (5) TO THE STATE TREASURER, WHO SHALL
3 CREDIT THE SAME TO THE FIRST TIME DRUNK DRIVING OFFENDER ACCOUNT
4 IN THE HIGHWAY USERS TAX FUND.

5 SECTION 15. In Colorado Revised Statutes, 42-2-302, amend
6 (1)(b)(I) introductory portion and (1)(b)(I)(A) as follows:

7 42-2-302. Department may or shall issue - limitations - rules.

8 (1) (b) (I) In addition to the requirements of ~~paragraph (a) of this~~
9 ~~subsection (1)~~ SUBSECTION (1)(a) OF THIS SECTION, an application for an
10 identification card ~~shall~~ MUST state that:

11 (A) The applicant understands that, as a resident of the state of
12 Colorado, any motor vehicle owned by the applicant must be registered
13 in Colorado pursuant to the laws of the state and the applicant may be
14 subject to criminal penalties, civil penalties, ~~cancellation or denial of the~~
15 ~~applicant's identification card~~, and liability for any unpaid registration
16 fees and specific ownership taxes if the applicant fails to comply with
17 such registration requirements; and

18 SECTION 16. In Colorado Revised Statutes, 42-4-110.5, repeal
19 (2)(c) as follows:

20 42-4-110.5. Automated vehicle identification systems -
21 definition. (2) A municipality may adopt an ordinance authorizing the
22 use of an automated vehicle identification system to detect violations of
23 traffic regulations adopted by the municipality, or the state, a county, a
24 city and county, or a municipality may utilize an automated vehicle
25 identification system to detect traffic violations under state law, subject
26 to the following conditions and limitations:

27 (c) ~~The state, a county, a city and county, or a municipality may~~

1 ~~not report to the department any outstanding judgment or warrant for~~
2 ~~purposes of section 42-2-107 (5) or 42-2-118 (3) based upon any~~
3 ~~violation or alleged violation of a municipal traffic regulation or traffic~~
4 ~~violation under state law detected through the use of an automated vehicle~~
5 ~~identification system.~~

6 **SECTION 17.** In Colorado Revised Statutes, 42-7-406, **amend**
7 (1) as follows:

8 **42-7-406. Proof required under certain conditions.**

9 (1) Whenever the director revokes the license of any person ~~under~~
10 PURSUANT TO section 42-2-125 or 42-2-126, or cancels any license ~~under~~
11 PURSUANT TO section 42-2-122 because of the licensee's inability to
12 operate a motor vehicle because of physical or mental incompetence, or
13 cancels any probationary license ~~under~~ PURSUANT TO section 42-2-127,
14 the director shall not issue to or continue in effect for any such person any
15 new or renewal of license until permitted under the motor vehicle laws of
16 this state, and not then until and unless such person files or has filed and
17 maintains proof of financial responsibility as provided in this ~~article~~
18 ARTICLE 7; except that persons whose licenses are canceled pursuant to
19 section 42-2-122 (2.5) ~~revoked pursuant to section 42-2-125 (1)(m), or~~
20 ~~revoked for a first offense under~~ PURSUANT TO section 42-2-125 (1)(g.5)
21 or a first offense ~~under~~ PURSUANT TO section 42-2-126 (3)(b) or (3)(e)
22 ~~shall~~ ARE not ~~be~~ required to file proof of financial responsibility in order
23 to be relicensed.

24 **SECTION 18.** In Colorado Revised Statutes, **add 24-33.5-229 as**
25 **follows:**

26 **24-33.5-229. Alternative municipal traffic enforcement**
27 **mechanisms study group - report - repeal. (1) ON OR BEFORE**

1 SEPTEMBER 1, 2021, THE CHIEF SHALL CONVENE A STUDY GROUP TO
2 STUDY METHODS TO ENCOURAGE PERSONS WHO HAVE RECEIVED A TRAFFIC
3 CITATION AND FAIL TO APPEAR IN COURT TO CONTEST THE CITATION OR TO
4 PAY ANY DEFAULT JUDGMENT ASSOCIATED WITH THE CITATION.

5 (2) (a) THE STUDY GROUP CONSISTS OF SEVEN MEMBERS AS
6 FOLLOWS:

7 (I) A REPRESENTATIVE OF THE COLORADO DEPARTMENT OF
8 REVENUE, APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT
9 OF REVENUE; AND

10 (II) THE FOLLOWING MEMBERS APPOINTED BY THE CHIEF:

11 (A) A REPRESENTATIVE OF THE COLORADO STATE PATROL;

12 (B) A REPRESENTATIVE OF A STATEWIDE ASSOCIATION
13 REPRESENTING MUNICIPAL COURT JUDGES;

14 (C) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION
15 REPRESENTING MUNICIPALITIES;

16 (D) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION OF CHIEFS
17 OF POLICE; AND

18 (E) REPRESENTATIVES OF TWO STATEWIDE ORGANIZATIONS
19 ADVOCATING CRIMINAL JUSTICE OR SENTENCING REFORM.

20 (b) THE APPOINTING AUTHORITIES SHALL MAKE APPOINTMENTS NO
21 LATER THAN AUGUST 16, 2021.

22 (c) THE MEMBERS OF THE STUDY GROUP SHALL SERVE WITHOUT
23 COMPENSATION.

24 (3) THE STUDY GROUP SHALL:

25 (a) SURVEY EVIDENCE-BASED POLICY AND NATIONAL BEST
26 PRACTICES TO ACHIEVE COMPLIANCE WITH TRAFFIC CITATIONS THAT ARE
27 EQUITABLE AND ENCOURAGE INDIVIDUALS TO RESOLVE THEIR TRAFFIC

1 VIOLATIONS, BUT DO NOT INVOLVE THE USE OF LICENSING SANCTIONS TO
2 FORCE COMPLIANCE;

3 (b) REVIEW THE EFFICACY OF MUNICIPAL PRACTICES FOR
4 ENCOURAGING TIMELY COURT APPEARANCES AND PAYMENT OF ANY FINES,
5 WITH A SPECIAL FOCUS ON PROCEDURES THAT INCREASE CLEAR
6 COMMUNICATION AND EXPECTATIONS BETWEEN LOCAL GOVERNMENTS
7 AND INDIVIDUALS REGARDING FINES, FEES, AND COURT DATES;

8 (c) SURVEY POLICIES AND PROCEDURES IN MUNICIPAL COURTS
9 THAT TAKE INTO ACCOUNT EACH PERSON'S ABILITY TO PAY TRAFFIC FINES
10 AND FEES AND THAT PROVIDE COURTS WITH FLEXIBILITY TO ADJUST
11 AMOUNTS DUE OR EXTEND THE TIME FOR PAYMENT IN APPROPRIATE
12 CIRCUMSTANCES;

13 (d) GATHER STAKEHOLDER FEEDBACK ON THE EFFECTIVENESS OF
14 EXISTING ENFORCEMENT MECHANISMS FOR COLLECTION OF UNPAID FINES;

15 (e) STUDY THE COST OF IMPLEMENTING IMPROVED SYSTEMS FOR
16 ENCOURAGING DEFENDANTS TO APPEAR IN COURT AND FOR COLLECTION
17 OF ANY FINES AND FEES FROM THOSE WHO FAIL TO APPEAR IN COURT; AND

18 (f) DEVELOP RECOMMENDATIONS FOR POTENTIAL STATE
19 LEGISLATION THAT MAY ASSIST MUNICIPAL COURTS TO REDUCE THE
20 INCIDENCE OF FAILURES TO APPEAR ON TRAFFIC TICKETS AND TO INCREASE
21 THE LIKELIHOOD OF PAYMENT OF FINES AND FEES AFTER A JUDGMENT HAS
22 BEEN ENTERED ON A TRAFFIC CITATION.

23 (4) THE STUDY GROUP SHALL REPORT ITS FINDINGS AND
24 RECOMMENDATIONS TO THE DEPARTMENT ON OR BEFORE DECEMBER 31,
25 2021.

26 (5) THE DEPARTMENT SHALL INCLUDE THE STUDY GROUP'S
27 FINDINGS IN ITS ANNUAL REPORT BEFORE THE HOUSE OF REPRESENTATIVES

1 AND SENATE COMMITTEES OF REFERENCE PURSUANT TO SECTION 2-7-203
2 MADE DURING THE 2022 LEGISLATIVE SESSION.

3 (6) THIS SECTION IS REPEALED, EFFECTIVE JUNE 30, 2022.

4 SECTION 19. In Colorado Revised Statutes, 39-28.8-501, add
5 (2)(b)(IV)(S) and (4.7) as follows:

6 39-28.8-501. Marijuana tax cash fund - creation - distribution
7 - legislative declaration - repeal. (2) (b) (IV) Subject to the limitation
8 in subsection (5) of this section, the general assembly may annually
9 appropriate any money in the fund for the following purposes:

10 (S) FOR TRIAL COURT PROGRAMS ADMINISTERED BY THE JUDICIAL
11 DEPARTMENT.

12 (4.7) (a) ON JULY 1, 2022, AND ON JULY 1 OF EACH YEAR
13 THEREAFTER, THE STATE TREASURER SHALL MAKE THE FOLLOWING
14 TRANSFERS FROM THE FUND:

15 (I) SEVEN HUNDRED FIFTY-THREE THOUSAND DOLLARS TO THE
16 LICENSING SERVICES CASH FUND CREATED IN SECTION 42-2-114.5 FOR USE
17 BY THE HEARINGS DIVISION; AND

18 (II) SIX HUNDRED FORTY-EIGHT THOUSAND DOLLARS TO THE
19 LICENSING SERVICES CASH FUND CREATED IN SECTION 42-2-114.5 FOR USE
20 BY THE DIVISION OF MOTOR VEHICLES.

21 (b) (I) ON JULY 31, 2021, THE STATE TREASURER SHALL TRANSFER
22 TWO HUNDRED ELEVEN THOUSAND FIVE HUNDRED DOLLARS FROM THE
23 FUND TO THE LICENSING SERVICES CASH FUND CREATED IN SECTION
24 42-2-114.5 FOR PROGRAMMING THE COLORADO DRIVES SYSTEM.

25 (II) THIS SUBSECTION (4.7)(b) IS REPEALED, EFFECTIVE JUNE 30,
26 2022.

27 (c) (I) ON JANUARY 1, 2022, THE STATE TREASURER SHALL MAKE

1 THE FOLLOWING TRANSFERS FROM THE FUND:

2 (A) THREE HUNDRED SEVENTY-SIX THOUSAND FIVE HUNDRED
3 DOLLARS TO THE LICENSING SERVICES CASH FUND CREATED IN SECTION
4 42-2-114.5 FOR USE BY THE HEARINGS DIVISION; AND

5 (B) THREE HUNDRED TWENTY-FOUR THOUSAND DOLLARS TO THE
6 LICENSING SERVICES CASH FUND CREATED IN SECTION 42-2-114.5 FOR USE
7 BY THE DIVISION OF MOTOR VEHICLES.

8 (II) THIS SUBSECTION (4.7)(c) IS REPEALED, EFFECTIVE JUNE 30,
9 2022.

10 **SECTION 20. Appropriation.** For the 2021-22 state fiscal year,
11 \$211,500 is appropriated to the department of revenue for use by the
12 division of motor vehicles. This appropriation is from the licensing
13 services cash fund created in section 42-2-114.5 (1), C.R.S. To implement
14 this act, the division may use this appropriation for DRIVES maintenance
15 and support.

16 **SECTION 21. Appropriation - adjustments to 2021 long bill.**

17 (1) To implement this act, the cash funds appropriation from various
18 fees and cost recoveries made in the annual general appropriation act for
19 the 2021-22 state fiscal year to the judicial department for trial court
20 programs is decreased by \$553,862.

21 (2) For the 2021-22 state fiscal year, \$553,862 is appropriated to
22 the judicial department. This appropriation is from the marijuana tax cash
23 fund created in section 39-28.8-501 (1), C.R.S. To implement this act, the
24 department may use this appropriation for trial court programs.

25 **SECTION 22. Effective date - applicability.** (1) This act takes
26 effect upon passage; except that sections 1 through 17 of this act take
27 effect January 1, 2022.

1 (2) This act applies to offenses committed and applications
2 submitted on or after the applicable effective date of this act.

3 **SECTION 23. Safety clause.** The general assembly hereby finds,
4 determines, and declares that this act is necessary for the immediate
5 preservation of the public peace, health, or safety.