

HB1234_L.002

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee_____
DateCommittee on Transportation & Energy.

After consideration on the merits, the Committee recommends the following:

HB09-1234 be amended as follows:

1 Amend printed bill, page 2, line 7, strike "HOLDER OF THE LICENSE" and
2 substitute "DRIVER";

3 strike lines 17 through 27 and substitute the following:

4 ~~"given to the licensee as provided in section 42-2-119 (2). The~~
5 ~~notification of suspension or revocation shall recite therein that the~~
6 ~~licensee may apply for a hearing at any time within twenty days after the~~
7 ~~date of notification of the order of suspension or revocation, and the~~
8 ~~licensee shall be advised that, if a hearing is applied for, the effective date~~
9 ~~of the order will be extended until after the hearing is held. Such hearing~~
10 ~~shall be held within sixty days after application is made, and, at said~~
11 ~~hearing, it shall be determined whether the order of suspension or~~
12 ~~revocation shall be entered in the same manner as if the licensee had~~
13 ~~originally appeared after first notice. A DRIVER WHO FAILED TO APPEAR~~
14 ~~MAY REQUEST A SUBSEQUENT HEARING, BUT THE REQUEST SHALL NOT~~
15 ~~POSTPONE THE EFFECTIVENESS OF THE RESTRAINT.~~

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

18 **42-2-203. Authority to revoke license of habitual offender.**
19 The department ~~has the authority to~~ SHALL IMMEDIATELY revoke the
20 license of any person whose record brings such person within the
21 definition of an habitual offender in section 42-2-202. ~~except that~~ The
22 ~~hearing procedure as specified in section 42-2-127 (7) to (13)~~ 42-2-125



1 (3) AND (4), shall be employed ~~prior to any such~~ FOR THE revocation.

2 **SECTION 3. Act subject to petition - effective date.** This act
3 shall take effect at 12:01 a.m. on the day following the expiration of the
4 ninety-day period after final adjournment of the general assembly that is
5 allowed for submitting a referendum petition pursuant to article V,
6 section 1 (3) of the state constitution, (August 4, 2009, if adjournment
7 sine die is on May 6, 2009); except that, if a referendum petition is filed
8 against this act or an item, section, or part of this act within such period,
9 then the act, item, section, or part, if approved by the people, shall take
10 effect on the date of the official declaration of the vote thereon by
11 proclamation of the governor."

12 Strike page 3.

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