

HB1246_L.005

SENATE COMMITTEE OF REFERENCE REPORT

 Chairman of Committee

 Date
Committee on Transportation.

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

HB09-1246 be amended as follows:

1 Amend reengrossed bill, page 2, line 5, strike "**fund.**" and substitute "**find**
2 **- rules.**";

3 line 16, after "ENTITY" insert "BY JULY 1, 2010,";

4 strike lines 19 and 20 and substitute the following:

5 "ENTITY SHALL SUBMIT A REPORT TO THE REFERRING COURT WITHIN THREE
6 MONTHS AFTER A SCHOOL HAS BEEN EVALUATED".

7 after line 23, insert the following:

8 "(3) THE DEPARTMENT OF REVENUE MAY PROMULGATE RULES
9 SETTING STANDARDS FOR FREQUENCY AND TYPES OF EVALUATIONS BASED
10 UPON THE REVENUE RECEIVED PURSUANT TO SECTION 42-4-1717 AND THE
11 EXPECTED EFFECTIVENESS OF FREQUENCIES AND TYPES OF
12 EVALUATIONS."

13 Page 3, strike lines 1 through 4 and substitute the following:

14 "**SECTION 2.** 42-4-1717 (1), Colorado Revised Statutes, is
15 amended, and the said 42-4-1717 is further amended BY THE
16 ADDITION OF A NEW SUBSECTION, to read:

17 **42-4-1717. Conviction - attendance at driver improvement**
18 **school - rules.** (1) Except as otherwise provided in subsection (2) of this
19 section, ~~whenever~~ IF a person has been convicted of violating any
20 ~~provision~~ of this article or ANY other law regulating the operation of



1 MOTOR vehicles on highways, the court, in addition to the penalty
2 provided for the violation or as a condition of either the probation or the
3 suspension of all or any portion of any fine or sentence of imprisonment
4 for a violation other than a traffic infraction, may require the defendant,
5 at the defendant's own expense, if any, OTHER THAN A VIOLATION OF
6 SECTION 42-4-1301, THE COURT MAY REQUIRE THE DEFENDANT, OR, IF THE
7 DEFENDANT HAS NOT BEEN CONVICTED OF A VIOLATION OF THIS ARTICLE
8 OR ANY OTHER LAW REGULATING THE OPERATION OF MOTOR VEHICLES
9 WITHIN THE LAST EIGHTEEN MONTHS, THE COURT SHALL OFFER THE
10 DEFENDANT AN OPPORTUNITY, AT THE DEFENDANT'S EXPENSE, to attend
11 and satisfactorily complete a course of instruction at any designated
12 driver improvement school located and operating in the county of the
13 defendant's residence and providing instruction in the traffic laws of this
14 state, instruction in recognition of hazardous traffic situations, and
15 instruction in traffic accident prevention. UPON COMPLETION OF THE
16 COURSE, THE COURT MAY SUSPEND ALL OR ANY PORTION OF THE FINE,
17 SENTENCE OF IMPRISONMENT, OR POINTS ASSESSMENT UNDER SECTION
18 42-2-127. IF THE COURT SUSPENDS THE POINTS ASSESSMENT UNDER THIS
19 SECTION, IT SHALL NOTIFY THE DEPARTMENT. Unless otherwise provided
20 by law, such school shall be approved by the court.

21 (3) (a) A PERSON WHO IS REQUIRED TO ATTEND A COURSE OF".

22 line 9, after "DEPARTMENT", insert "AT LEAST MONTHLY";

23 after line 15, insert the following:

24 "(b) THE COURT SHALL INCLUDE ON THE REFERRAL FORM
25 INFORMATION CONCERNING THE AMOUNT AND PURPOSE OF THE PENALTY
26 SURCHARGE. IF THE COURT DETERMINES THAT A PERSON IS UNABLE TO
27 PAY THE COST OF THE PENALTY SURCHARGE, THE COURT MAY WAIVE THE
28 SURCHARGE AND THE DRIVER IMPROVEMENT SCHOOL SHALL NOT COLLECT
29 NOR REMIT THE PENALTY SURCHARGE TO THE DEPARTMENT.

30 (c) A PERSON WHO IS REQUIRED TO ATTEND A COURSE OF
31 INSTRUCTION PURSUANT TO SUBSECTION (1) OR (2) OF THIS SECTION SHALL
32 REGISTER WITH THE ENTITY THAT MONITORS THE DRIVER IMPROVEMENT
33 SCHOOL PURSUANT TO SECTION 42-1-223. WHEN THE PERSON
34 SATISFACTORILY COMPLETES THE COURSE, THE DRIVER IMPROVEMENT
35 SCHOOL SHALL ELECTRONICALLY NOTIFY THE SUCH ENTITY. THE ENTITY
36 SHALL ELECTRONICALLY TRANSMIT THE NOTICE TO THE REFERRING COURT



1 AND THE DEPARTMENT."

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