

CLHB1168.001

DRAFT 5.7.12

FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON HB12-1168

THIS REPORT AMENDS THE
REENGROSSED BILL

To the President of the Senate and the
Speaker of the House of Representatives:

Your first conference committee appointed on HB12-1168, concerning clarification of provisions authorizing ignition interlock devices, has met and reports that it has agreed upon the following:

1. That the Senate recede from its amendments made to the bill, as the amendments appear in the rerevised bill, and that the following amendments be substituted therefor:

Amend reengrossed bill, page 14, strike lines 5 and 6 and substitute:

"(9) **Appeal.** (c) A filing of a petition for judicial".

Page 14, line 10, strike "merits and that the person will suffer irreparable harm if" and substitute "merits. ~~and that the person will suffer irreparable harm if the order is not stayed.~~".

Page 14, strike lines 11 through 14.

2. That, under the authority granted the committee to consider matters not at issue between the two houses, the following amendments be recommended:

Amend reengrossed bill, page 17, strike line 12 and substitute:

"SECTION 9. In Colorado Revised Statutes, 42-2-132.5, **amend as amended by House Bill 12-1168** (1) (a), (1) (c), and (4) (c) as follows:

42-2-132.5. Mandatory and voluntary restricted licenses following alcohol convictions - rules. (1) The following persons shall

be required to hold an interlock-restricted license pursuant to this section for at least one year following reinstatement prior to being eligible to obtain any other driver's license issued under this article:

(a) A person whose privilege to drive was revoked for multiple convictions for any combination of a DUI, DUI per se, OR DWAI or ~~habitual user~~ pursuant to section 42-2-125 (1) (g) (I) or (1) (i);

(c) A person whose privilege to drive was revoked as an habitual offender under section 42-2-203 in which the revocation was due in part to a DUI, DUI per se, OR DWAI or ~~habitual user~~ conviction; or

(4) **Persons who may acquire an interlock-restricted license prior to serving a full-term revocation.** (c) In order to be eligible for early reinstatement pursuant to this subsection (4), a person who has been designated an habitual offender under the provisions of section 42-2-202 must have at least one conviction for DUI, DUI per se, OR DWAI or ~~habitual user~~ under section 42-4-1301, and no contributing violations other than violations for driving under restraint under section 42-2-138 or reckless driving under section 42-4-1401.

SECTION 10. In Colorado Revised Statutes, 42-2-132, **amend as amended by House Bill 12-1168** (2) (a) (IV) as follows:

42-2-132. Period of suspension or revocation. (2) (a) (IV) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked under section 42-2-125 (1) (g) (I) or (1) (i) or 42-2-203 where the revocation was due in part to a DUI, DUI per se, OR DWAI or ~~habitual user~~ conviction shall be required to present an affidavit stating that the person has obtained at the person's own expense a signed lease agreement for the installation and use of an approved ignition interlock device, as defined in section 42-2-132.5 (9) (a), in each motor vehicle on which the person's name appears on the registration and any other vehicle that the person may drive during the period of the interlock-restricted license.

SECTION 11. Act subject to petition - effective date. (1) This act".

Page 17 after line 21 add:

"(2) Notwithstanding any provision of subsection (1) of this section to the contrary, sections 9 and 10 of this act take effect only if Senate Bill 12-117 becomes law."

