

Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 08-0450.01 Jerry Barry

HOUSE BILL 08-1194

HOUSE SPONSORSHIP

Judd, Fischer, and Todd

SENATE SPONSORSHIP

Veiga, and Shaffer

House Committees
Transportation & Energy
Judiciary

Senate Committees
Appropriations

A BILL FOR AN ACT

101 **CONCERNING MEASURES BY EXECUTIVE BRANCH AGENCIES TO REDUCE**
102 **THE INCIDENTS OF DRUNK DRIVING, AND, IN CONNECTION**
103 **THEREWITH, EXTENDING THE LENGTH OF SUSPENSION OF**
104 **DRIVING PRIVILEGES FOR CERTAIN OFFENDERS, REQUIRING**
105 **CERTAIN OFFENDERS TO USE AN IGNITION INTERLOCK DEVICE,**
106 **INCREASING THE COST TO REINSTATE A DRIVER'S LICENSE, ■**
107 **PROVIDING FOR HIGH-VISIBILITY DRUNK DRIVING LAW**
108 **ENFORCEMENT EPISODES, AND MAKING AN APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently

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

HOUSE
Amended 2nd Reading
April 4, 2008

adopted.)

Extends the length of time that a person's driver's license is revoked or suspended due to certain alcohol- or drug-related offenses.

Authorizes a person whose driver's license has been revoked for a first-time alcohol-related offense:

! To seek a restricted license requiring the use of an ignition interlock device after the person's license has been revoked for a specified period; and

! To be eligible for an unrestricted license if no possible violations are identified for a specified period.

Increases the reinstatement fee following a revocation or suspension due to an alcohol- or drug-related offense. Specifies that a portion of the increased fee be transferred to the first time drunk driving offender account in the highway users tax fund to be used to pay for an ignition interlock device for a person who cannot afford the device.

Requires the department of transportation to include as a priority within the strategic transportation project investment program increased episodes of high-visibility drunk driving law enforcement. Specifies that the episodes shall be independent of the drunk driving prevention and law enforcement program.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) Drunk driving is a pervasive problem that affects all citizens
5 of Colorado because it increases traffic accident injuries and deaths,
6 health care costs, and motor vehicle insurance rates; and

7 (b) Drunk driving recidivists substantially compound the drunk
8 driving problem by further increasing these consequences of drunk
9 driving and by burdening the judicial system.

10 (2) The general assembly, therefore, determines that encouraging
11 drunk driving offenders to use ignition interlock devices for specified
12 periods of time will help those offenders learn to modify their behaviors
13 to drive only while sober and will, therefore, reduce drunk driving

1 recidivism. The general assembly further determines that the desired
2 result and benefit of this act will be to reduce drunk driving recidivism.

3 **SECTION 2.** 42-2-125 (1) (g) (I) and (2), Colorado Revised
4 Statutes, are amended, and the said 42-2-125 (1) is further amended BY
5 THE ADDITION OF A NEW PARAGRAPH, to read:

6 **42-2-125. Mandatory revocation of license and permit.**

7 (1) The department shall immediately revoke the license or permit of any
8 driver or minor driver upon receiving a record showing that such driver
9 has:

10 (b.5) IN THE CASE OF A DRIVER TWENTY-ONE YEARS OF AGE OR
11 OLDER, BEEN CONVICTED OF AN OFFENSE DESCRIBED IN SECTION
12 42-4-1301 (1) (a) OR (2) (a). EXCEPT AS PROVIDED IN SECTION
13 42-2-132.5, THE PERIOD OF REVOCATION BASED UPON THIS PARAGRAPH
14 (b.5) SHALL BE NINE MONTHS. THE PROVISIONS OF THIS PARAGRAPH (b.5)
15 SHALL NOT APPLY TO A PERSON WHOSE DRIVING PRIVILEGE WAS REVOKED
16 PURSUANT TO SECTION 42-2-126 (2) (a) (I) FOR A FIRST OFFENSE BASED ON
17 THE SAME DRIVING INCIDENT.

18 (g) (I) Been twice convicted of any ~~offense~~ COMBINATION OF
19 OFFENSES provided for in section 42-4-1301 (1) or (2) (a) for acts
20 committed within a period of five years;

21 (2) Unless otherwise provided in this section, the period of
22 revocation shall be not less than one year; except that the period of
23 revocation based on ~~paragraphs (b), (c), and (k)~~ PARAGRAPHS (b) AND (c)
24 of subsection (1) of this section involving a commercial motor vehicle
25 transporting hazardous materials as defined under section 42-2-402 (7)
26 shall result in a revocation period of three years.

27 **SECTION 3.** 42-2-126 (6) (b) (I), (6) (b) (II), (6) (b) (VI), (6) (b)

1 (VII), (6) (b) (IX) (A.5), and (6) (b) (IX) (B), Colorado Revised Statutes,
2 are amended, and the said 42-2-126 (6) (b) is further amended BY THE
3 ADDITION OF A NEW SUBPARAGRAPH, to read:

4 **42-2-126. Revocation of license based on administrative**
5 **determination.** (6) (b) (I) Except as otherwise provided in subparagraph
6 ~~(IX) of this paragraph (b)~~ SECTION 42-2-132.5, the period of license
7 revocation under subparagraph (I) of paragraph (a) of subsection (2) of
8 this section for a first violation COMMITTED ON OR AFTER JANUARY 1,
9 2009, shall be ~~three~~ NINE months.

10 (II) The period of license revocation under subparagraph (I) of
11 paragraph (a) of subsection (2) of this section for a second ~~or subsequent~~
12 revocation shall be one year.

13 (II.3) EXCEPT AS OTHERWISE PROVIDED IN SECTION 42-2-132.5,
14 THE PERIOD OF LICENSE REVOCATION UNDER SUBPARAGRAPH (I) OF
15 PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION FOR A THIRD OR
16 SUBSEQUENT VIOLATION OCCURRING ON OR AFTER JANUARY 1, 2009,
17 SHALL BE TWO YEARS, REGARDLESS OF WHEN THE PRIOR VIOLATIONS WERE
18 COMMITTED.

19 (VI) EXCEPT AS OTHERWISE PROVIDED IN SECTION 42-2-132.5, the
20 period of license revocation under subparagraph (II) of paragraph (a) of
21 subsection (2) of this section for a second refusal shall be two years.

22 (VII) EXCEPT AS OTHERWISE PROVIDED IN SECTION 42-2-132.5, the
23 period of license revocation under subparagraph (II) of paragraph (a) of
24 subsection (2) of this section for a third or subsequent refusal shall be
25 three years.

26 (IX) (A.5) ~~A person twenty-one years of age or older at the time~~
27 ~~of the violation whose license is revoked for a first offense under~~

1 subparagraph (I) of paragraph (a) of subsection (2) of this section may
2 request that, in lieu of the three-month revocation, the person's license be
3 revoked for a period of not less than thirty days, to be followed by a
4 suspension period of such length that the total period of revocation and
5 suspension equals six months. If the person is a persistent drunk driver,
6 as defined in section 42-1-102 (68.5), the probationary license shall be
7 conditioned on the use of an approved ignition interlock device, as
8 defined in section 42-2-132.5 (7) (a). The time served under a
9 probationary license shall not be credited against any mandatory interlock
10 restriction imposed pursuant to section 42-2-132.5. If the hearing officer
11 approves the request, the hearing officer may grant the person a
12 probationary license that may be used only for the reasons provided in
13 section 42-2-127 (14) (a).

14 (B) The hearing to consider a request under sub-subparagraph (A)
15 or (A.5) of this subparagraph (IX) may be held at the same time as the
16 hearing held under subsection (8) of this section; except that a
17 probationary license may not become effective until at least thirty days
18 have elapsed since the beginning of the revocation period.

19 **SECTION 4. Repeal.** 42-2-127 (9), Colorado Revised Statutes,
20 is repealed as follows:

21 **42-2-127. Authority to suspend license - to deny license - type**
22 **of conviction - points.** (9) (a) ~~Whenever the department receives notice~~
23 ~~that a person has pled guilty to, or been found guilty by a court or a jury~~
24 ~~of, a violation of section 42-4-1301 (1) (a), (1) (c), or (2) (a) and receives~~
25 ~~the license surrendered by the person to the court pursuant to section~~
26 ~~42-2-129, the department shall immediately suspend the license of the~~
27 ~~person for a period of not less than one year. If the department is also~~

1 required to enter a license revocation for a period of one year or longer
2 under any provision of this title based on the same conviction, the
3 suspension shall not be entered.

4 (b) Upon suspending the license of any person as required by this
5 subsection (9), the department shall immediately notify the licensee as
6 provided in section 42-2-119 (2).

7 (c) Upon receipt of the notice of suspension, the licensee or the
8 licensee's attorney may request a hearing in writing. The department,
9 upon notice to the licensee as provided in section 42-2-119 (2), shall hold
10 a hearing not less than thirty days after receiving such request through a
11 hearing commissioner appointed by the executive director of the
12 department, which hearing shall be conducted in accordance with the
13 provisions of section 24-4-105, C.R.S. The hearing shall be held at the
14 district office of the department closest to the residence of the licensee;
15 except that all or part of the hearing may, at the discretion of the
16 department, be conducted in real time, by telephone or other electronic
17 means in accordance with section 42-1-218.5. After such hearing, the
18 licensee may appeal the decision of the department to the district court as
19 provided in section 42-2-135. Should a driver who has had a license
20 suspended under this subsection (9) be subsequently acquitted of such
21 charge by a court of record, the department shall immediately, in any
22 event not later than ten days after the receipt of such notice of acquittal,
23 reinstate said license to the driver affected.

24 **SECTION 5.** 42-2-132 (1), (2) (a) (I), and (2) (a) (II) (A),
25 Colorado Revised Statutes, are amended to read:

26 **42-2-132. Period of suspension or revocation.** (1) The
27 department shall not suspend a driver's or minor driver's license to drive

1 a motor vehicle on the public highways for a period of more than one
2 year, except as permitted under ~~sections 42-2-127 (9) and 42-2-138~~
3 SECTION 42-2-138 and except for noncompliance with the provisions of
4 subsection (4) of this section or section 42-7-406, or both.

5 (2) (a) (I) Any person whose license or privilege to drive a motor
6 vehicle on the public highways has been revoked is not entitled to apply
7 for a probationary license, and, except as provided in ~~paragraph (b) of this~~
8 ~~subsection (2) and~~ in sections 42-2-125, 42-2-126, 42-2-132.5, 42-2-138,
9 42-2-205, and 42-7-406, ~~such~~ THE person is not entitled to make
10 application for a new license until the expiration of one year from the ~~date~~
11 ~~on which the revoked license was surrendered to and received by the~~
12 ~~department~~ EFFECTIVE DATE OF THE REVOCATION; then ~~such~~ THE person
13 may make application for a new license as provided by law.

14 (II) (A) Following the period of revocation set forth in this
15 subsection (2), the department shall not issue a new license unless and
16 until it is satisfied that ~~such~~ THE person has demonstrated knowledge of
17 the laws and driving ability through the appropriate motor vehicle testing
18 process and that ~~such~~ THE person whose license was revoked pursuant to
19 section 42-2-125 for ~~an~~ A SECOND OR SUBSEQUENT alcohol- or
20 drug-related driving offense has completed not less than a level II alcohol
21 and drug education and treatment program certified by the division of
22 alcohol and drug abuse pursuant to section 42-4-1301.3.

23 **SECTION 6.** 42-2-132.5 (1.5) (a) and (3) (a), Colorado Revised
24 Statutes, ~~are~~ amended to read:

25 **42-2-132.5. Mandatory and voluntary restricted licenses**
26 **following alcohol convictions - rules.** (1.5) (a) (I) A person whose
27 privilege to drive has been revoked for more than one year because of a

1 violation of any provision of section 42-4-1301 (1) (a), (1) (b), or (2) or
2 has been revoked for more than one year under any provision of section
3 42-2-126 may voluntarily apply for an early reinstatement with a
4 restricted license under the provisions of this section after the person's
5 privilege to drive has been revoked for one year. EXCEPT AS PROVIDED
6 IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (a) OR SUBSECTION (1.7) OF
7 THIS SECTION, the restrictions imposed pursuant to this section shall
8 remain in effect for the longer of one year or the total time period
9 remaining on the license restraint prior to early reinstatement.

10 (II) (A) FOR REVOCATIONS UNDER SECTION 42-2-125 (1) (b.5) OR
11 SECTION 42-2-126 (2) (a) (I) FOR A FIRST VIOLATION THAT REQUIRES ONLY
12 A NINE-MONTH REVOCATION, A PERSON TWENTY-ONE YEARS OF AGE OR
13 OLDER AT THE TIME OF THE OFFENSE MAY VOLUNTARILY APPLY FOR AN
14 EARLY REINSTATEMENT WITH A RESTRICTED LICENSE UNDER THE
15 PROVISIONS OF THIS SECTION AFTER THE PERSON'S PRIVILEGE TO DRIVE
16 HAS BEEN REVOKED FOR AT LEAST ONE MONTH. EXCEPT AS PROVIDED IN
17 PARAGRAPH (b.5) OF SUBSECTION (1) OF THIS SECTION, SUBSECTION (1.7)
18 OF THIS SECTION, AND SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH
19 (II), THE RESTRICTIONS IMPOSED PURSUANT TO THIS SUBPARAGRAPH (II)
20 SHALL REMAIN IN EFFECT FOR EIGHT MONTHS.

21 (B) FOR A PERSON WITH A RESTRICTED LICENSE ISSUED PURSUANT
22 TO SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (II), IF THE
23 DEPARTMENT'S MONTHLY MONITORING REPORTS REQUIRED BY PARAGRAPH
24 (c) OF SUBSECTION (4) OF THIS SECTION SHOW THAT, FOR FOUR
25 CONSECUTIVE MONTHLY REPORTING PERIODS, THE APPROVED IGNITION
26 INTERLOCK DEVICE DID NOT PREVENT THE OPERATION OF THE MOTOR
27 VEHICLE DUE TO AN EXCESSIVE BLOOD ALCOHOL CONTENT OR DID NOT

1 DETECT THAT THERE HAS BEEN TAMPERING WITH THE DEVICE, THERE HAVE
2 BEEN NO OTHER REPORTS OF CIRCUMVENTION OR TAMPERING, AND THERE
3 ARE NO GROUNDS TO EXTEND THE RESTRICTION PURSUANT TO PARAGRAPH
4 (a) OF SUBSECTION (5) OF THIS SECTION, THEN THE PERSON SHALL BE
5 ELIGIBLE FOR A LICENSE WITHOUT THE RESTRICTION REQUIRED BY THIS
6 SECTION. IF THE DEPARTMENT DETERMINES THAT A PERSON IS ELIGIBLE
7 FOR A LICENSE WITHOUT THE RESTRICTION REQUIRED BY THIS SECTION
8 PURSUANT TO THIS SUB-SUBPARAGRAPH (B), THE DEPARTMENT SHALL
9 SERVE UPON THE PERSON A NOTICE OF SUCH ELIGIBILITY. A PERSON
10 ELIGIBLE FOR A LICENSE WITHOUT THE RESTRICTION REQUIRED BY THIS
11 SECTION PURSUANT TO THIS SUB-SUBPARAGRAPH (B) MAY REQUEST A
12 HEARING ON THE PERSON'S ELIGIBILITY. THE PROVISIONS OF THIS
13 SUB-SUBPARAGRAPH (B) SHALL NOT APPLY TO A PERSON COVERED BY
14 SUBSECTION (1.7) OF THIS SECTION.

15 (C) THE DEPARTMENT SHALL ESTABLISH A PROGRAM TO ASSIST
16 PERSONS WHO APPLY FOR A RESTRICTED LICENSE UNDER THIS
17 SUBPARAGRAPH (II) WHO ARE UNABLE TO PAY THE FULL COST OF AN
18 IGNITION INTERLOCK DEVICE. THE PROGRAM SHALL BE FUNDED FROM THE
19 FIRST TIME DRUNK DRIVING OFFENDER ACCOUNT IN THE HIGHWAY USERS
20 TAX FUND ESTABLISHED PURSUANT TO SECTION 42-2-132 (4) (b) (II). THE
21 EXECUTIVE DIRECTOR OF THE DEPARTMENT MAY PROMULGATE RULES
22 GOVERNING THE PROGRAM.

23 (3) (a) (I) The department shall issue a restricted license under this
24 section if the department receives from a person described in subsection
25 (1), (1.5), or (1.7) of this section an affidavit stating that the person has
26 obtained:

27 (A) ~~at the person's own expense~~ A signed lease agreement for the

1 installation and use of an approved ignition interlock device in each
2 motor vehicle on which the person's name appears on the registration and
3 any other vehicle that the person may drive during the period of the
4 restricted license; AND

5 (B) THE WRITTEN CONSENT OF ALL OTHER OWNERS, IF ANY, OF
6 EACH MOTOR VEHICLE IN WHICH THE APPROVED IGNITION INTERLOCK
7 DEVICE IS INSTALLED.

8 (II) A copy of each signed lease agreement shall be attached to the
9 affidavit.

10 SECTION 7. 42-2-132 (4) (a) (I) and (4) (b), Colorado Revised
11 Statutes, are amended to read:

12 **42-2-132. Period of suspension or revocation.** (4) (a) (I) Any
13 person whose license or other privilege to operate a motor vehicle in this
14 state has been suspended, cancelled, or revoked, pursuant to either this
15 article or article 4 or 7 of this title, shall pay a restoration fee of ~~sixty~~
16 ~~NINETY-FIVE~~ dollars to the executive director of the department prior
17 to the issuance to ~~such~~ THE person of a new license or the restoration of
18 ~~such~~ THE license or privilege.

19 (b) All restoration fees collected pursuant to this subsection (4)
20 shall be transmitted to the state treasurer, who shall credit: ~~the same~~

21 (I) (A) ~~SIXTY~~ DOLLARS to the driver's license administrative
22 revocation account in the highway users tax fund, which account is
23 hereby created AND REFERRED TO IN THIS SUBPARAGRAPH (I) AS THE
24 "ACCOUNT".

25 (B) The moneys in the account shall be subject to annual
26 appropriation by the general assembly for the direct and indirect costs
27 incurred by the department in the administration of ~~drivers'~~ DRIVER'S

1 license restraints pursuant to either this article or article 4 or article 7 of
2 this title, including, but not limited to, the direct and indirect costs of
3 providing administrative hearings under this title, without the use of
4 moneys from the general fund. At the end of each fiscal year, any
5 unexpended and unencumbered moneys remaining in the account shall be
6 transferred out of the account, credited to the highway users tax fund, and
7 allocated and expended as specified in section 43-4-205 (5.5) (c), C.R.S.;

8 AND

9 (II) (A) THIRTY-FIVE DOLLARS TO THE FIRST TIME DRUNK DRIVING
10 OFFENDER ACCOUNT IN THE HIGHWAY USERS TAX FUND, WHICH ACCOUNT
11 IS HEREBY CREATED AND REFERRED TO IN THIS SUBPARAGRAPH (II) AS THE
12 "ACCOUNT".

13 (B) THE MONEYS IN THE ACCOUNT SHALL BE SUBJECT TO ANNUAL
14 APPROPRIATION BY THE GENERAL ASSEMBLY ON AND AFTER JANUARY 1,
15 2009, FIRST TO THE DEPARTMENT OF REVENUE TO PAY ITS COSTS
16 ASSOCIATED WITH THE IMPLEMENTATION OF HOUSE BILL 08-1194, AS
17 ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-SIXTH
18 GENERAL ASSEMBLY; SECOND, TO THE DEPARTMENT OF REVENUE TO PAY
19 A PORTION OF THE COSTS FOR AN IGNITION INTERLOCK DEVICE AS
20 REQUIRED BY SECTION 42-2-132.5 (1.5) (a) (II) FOR A FIRST TIME DRUNK
21 DRIVING OFFENDER WHO IS UNABLE PAY THE COSTS OF THE DEVICE; AND
22 THEN TO PROVIDE TWO MILLION DOLLARS TO THE DEPARTMENT OF
23 TRANSPORTATION FOR HIGH VISIBILITY DRUNK DRIVING ENFORCEMENT
24 PURSUANT TO SECTION 43-4-901, C.R.S. ANY MONEYS IN THE ACCOUNT
25 NOT EXPENDED FOR THESE PURPOSES MAY BE INVESTED BY THE STATE
26 TREASURER AS PROVIDED BY LAW. ALL INTEREST AND INCOME DERIVED
27 FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE ACCOUNT SHALL

1 BE CREDITED TO THE ACCOUNT. AT THE END OF EACH FISCAL YEAR, ANY
2 UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE ACCOUNT
3 SHALL REMAIN IN THE ACCOUNT AND SHALL NOT BE CREDITED OR
4 TRANSFERRED TO THE GENERAL FUND, THE HIGHWAY USERS TAX FUND, OR
5 ANOTHER FUND.

6

7 **SECTION 8.** Article 4 of title 43, Colorado Revised Statutes, is
8 amended BY THE ADDITION OF A NEW PART to read:

9

PART 9

10

HIGH-VISIBILITY DRUNK DRIVING LAW ENFORCEMENT

11

43-4-901. High-visibility drunk driving law enforcement. THE

12 DEPARTMENT OF TRANSPORTATION IN IMPLEMENTING THE STRATEGIC
13 TRANSPORTATION PROJECT INVESTMENT PROGRAM SHALL, AS A PRIORITY,
14 INCREASE TO TWELVE EPISODES ANNUALLY THE NUMBER OF
15 HIGH-VISIBILITY DRUNK DRIVING LAW ENFORCEMENT EPISODES THAT THE
16 DEPARTMENT OVERSEES. THE HIGH-VISIBILITY DRUNK DRIVING LAW
17 ENFORCEMENT EPISODES REQUIRED BY THIS SECTION SHALL BE
18 INDEPENDENT OF, AND IN ADDITION TO, THE DRUNK DRIVING PREVENTION
19 AND LAW ENFORCEMENT PROGRAM DESCRIBED IN PART 4 OF THIS ARTICLE.

20

SECTION 9. Title 17, Colorado Revised Statutes, is amended BY

21

THE ADDITION OF A NEW ARTICLE to read:

22

ARTICLE 18

23

Correctional Facilities - Statutory Appropriations

24

17-18-101. Appropriation to comply with section 2-2-703 -

25

H.B. 08-1194 - repeal. (1) PURSUANT TO SECTION 2-2-703, C.R.S., THE

26

FOLLOWING STATUTORY APPROPRIATIONS, OR SO MUCH THEREOF AS MAY

27

BE NECESSARY, ARE MADE IN ORDER TO IMPLEMENT H.B. 08-1194,

1 ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-SIXTH GENERAL
2 ASSEMBLY:

3 (a) FOR THE FISCAL YEAR BEGINNING JULY 1, 2008, IN ADDITION
4 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED FROM
5 THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302,
6 C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN
7 SECTION 17-1-116, C.R.S., THE SUM OF ONE HUNDRED TWENTY-FIVE
8 THOUSAND ONE HUNDRED SIXTY-FIVE DOLLARS (\$125,165).

9 (b) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, IN
10 ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY
11 APPROPRIATED FROM THE CAPITAL CONSTRUCTION FUND CREATED IN
12 SECTION 21-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE
13 FUND CREATED IN SECTION 17-1-116, C.R.S., THE SUM OF TWELVE
14 THOUSAND FIVE HUNDRED SEVENTEEN DOLLARS (\$12,517).

15 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, IN ADDITION
16 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE
17 DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL
18 FUND NOT OTHERWISE APPROPRIATED, THE SUM OF TWENTY-EIGHT
19 THOUSAND SEVEN HUNDRED FIFTY-EIGHT DOLLARS (\$28,758).

20 (c) FOR THE FISCAL YEAR BEGINNING JULY 1, 2010, IN ADDITION
21 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE
22 DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL
23 FUND NOT OTHERWISE APPROPRIATED, THE SUM OF THIRTY-ONE
24 THOUSAND SIX HUNDRED THIRTY-FOUR DOLLARS (\$31,634).

25 (d) FOR THE FISCAL YEAR BEGINNING JULY 1, 2011, IN ADDITION
26 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE
27 DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL

1 FUND NOT OTHERWISE APPROPRIATED, THE SUM OF THIRTY-ONE
2 THOUSAND SIX HUNDRED THIRTY-FOUR DOLLARS (\$31,634).

3 (e) FOR THE FISCAL YEAR BEGINNING JULY 1, 2012, IN ADDITION
4 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE
5 DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL
6 FUND NOT OTHERWISE APPROPRIATED, THE SUM OF THIRTY-ONE
7 THOUSAND SIX HUNDRED THIRTY-FOUR DOLLARS (\$31,634).

8 (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2013.

9 **SECTION 10.** The introductory portion to 24-75-302 (2) and
10 24-75-302 (2) (u), and (2) (v), Colorado Revised Statutes, are amended
11 to read:

12 **24-75-302. Capital construction fund - capital assessment fees**
13 **- calculation.** (2) As of July 1, 1988, and July 1 of each year thereafter
14 through July 1, 2010, a sum as specified in this subsection (2) shall accrue
15 to the capital construction fund. The state treasurer and the controller
16 shall transfer such sum out of the general fund and into the capital
17 construction fund as moneys become available in the general fund during
18 the fiscal year beginning on said July 1. Transfers between funds
19 pursuant to this subsection (2) shall not be deemed to be appropriations
20 subject to the limitations of section 24-75-201.1. The amount that shall
21 accrue pursuant to this subsection (2) shall be as follows:

22 (u) On July 1, 2008, sixty-nine thousand four hundred sixty-seven
23 dollars pursuant to H.B. 04-1021, enacted at the second regular session
24 of the sixty-fourth general assembly; plus three hundred ninety-two
25 thousand three hundred seventy-three dollars pursuant to S.B. 06-206,
26 enacted at the second regular session of the sixty-fifth general assembly;
27 plus three hundred ninety-two thousand three hundred seventy-three

1 dollars pursuant to S.B. 06-207, enacted at the second regular session of
2 the sixty-fifth general assembly; plus four hundred sixty-two thousand
3 one hundred twenty-eight dollars pursuant to H.B. 06-1326, enacted at the
4 second regular session of the sixty-fifth general assembly; plus twenty-six
5 thousand one hundred fifty-eight dollars pursuant to H.B. 06-1145,
6 enacted at the second regular session of the sixty-fifth general assembly;
7 plus five hundred twenty-three thousand one hundred sixty-four dollars
8 pursuant to H.B. 06-1011, enacted at the second regular session of the
9 sixty-fifth general assembly; plus sixty-nine thousand seven hundred
10 fifty-five dollars pursuant to S.B. 06S-004, enacted at the first
11 extraordinary session of the sixty-fifth general assembly; plus three
12 hundred twenty-five thousand four hundred twenty-nine dollars pursuant
13 to S.B. 07-096, enacted at the first regular session of the sixty-sixth
14 general assembly; plus one hundred fifty thousand one hundred
15 ninety-eight dollars pursuant to H.B. 07-1326, enacted at the first regular
16 session of the sixty-sixth general assembly; PLUS ONE HUNDRED
17 TWENTY-FIVE THOUSAND ONE HUNDRED SIXTY-FIVE DOLLARS PURSUANT
18 TO H.B. 08-1194, ENACTED AT THE SECOND REGULAR SESSION OF THE
19 SIXTY-SIXTH GENERAL ASSEMBLY;

20 (v) On July 1, 2009, five hundred twenty-three thousand one
21 hundred sixty-four dollars pursuant to S.B. 06-206, enacted at the second
22 regular session of the sixty-fifth general assembly; plus five hundred
23 twenty-three thousand one hundred sixty-four dollars pursuant to S.B.
24 06-207, enacted at the second regular session of the sixty-fifth general
25 assembly; plus forty-three thousand five hundred ninety-seven dollars
26 pursuant to H.B. 06-1145, enacted at the second regular session of the
27 sixty-fifth general assembly; plus five hundred twenty-three thousand one

1 hundred sixty-four dollars pursuant to H.B. 06-1011, enacted at the
2 second regular session of the sixty-fifth general assembly; plus one
3 hundred fifty thousand one hundred ninety-eight dollars pursuant to S.B.
4 07-096, enacted at the first regular session of the sixty-sixth general
5 assembly; plus seventy-five thousand ninety-nine dollars pursuant to H.B.
6 07-1326, enacted at the first regular session of the sixty-sixth general
7 assembly; PLUS TWELVE THOUSAND FIVE HUNDRED SEVENTEEN DOLLARS
8 PURSUANT TO H.B. 08-1194, ENACTED AT THE SECOND REGULAR SESSION
9 OF THE SIXTY-SIXTH GENERAL ASSEMBLY;

10 **SECTION 11. Appropriation.** (1) In addition to any other
11 appropriation, there is hereby appropriated, out of any moneys in the first
12 time drunk driving offender account in the highway users tax fund created
13 in section 42-2-132 (4) (b) (II) (A), Colorado Revised Statutes, not
14 otherwise appropriated, to the department of transportation, for allocation
15 to the construction, maintenance and operation division, for the fiscal year
16 beginning July 1, 2008, the sum two million dollars (\$2,000,000) cash
17 funds, or so much thereof as may be necessary, for the implementation of
18 this act.

19 (2) In addition to any other appropriation, there is hereby
20 appropriated, out of any moneys in the first time drunk driving offender
21 account in the highway users tax fund created in section 42-2-132 (4) (b)
22 (II) (A), Colorado Revised Statutes, not otherwise appropriated, to the
23 department of revenue, for allocation to the division of motor vehicles,
24 for the fiscal year beginning July 1, 2008, the sum of six hundred fourteen
25 thousand five hundred dollars (\$614,500) cash funds and 4.5 FTE, or so
26 much thereof as may be necessary, for the implementation of this act.

27 **SECTION 12. Effective date - applicability.** (1) Sections 7

1 through 9 of this act shall take effect September 1, 2008. Sections 1
2 through 6 of this act shall take effect January 1, 2009.

3 (2) However, if a referendum petition is filed against this act or
4 an item, section, or part of this act during the 90-day period after final
5 adjournment of the general assembly that is allowed for submitting a
6 referendum petition pursuant to article V, section 1 (3) of the state
7 constitution, then the act, item, section, or part, shall not take effect unless
8 approved by the people at a biennial regular general election and shall
9 take effect on the date specified in subsection (1) or on the date of the
10 official declaration of the vote thereon by proclamation of the governor,
11 whichever is later.

12 (3) The provisions of sections 7 and 8 of this act shall apply to
13 restorations of driving privileges on or after the applicable effective date
14 of said sections. The provisions of sections 1 through 6 of this act shall
15 apply to restorations of driving privileges on or after the applicable
16 effective date of said sections.