

Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

REVISED

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

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

Judiciary

Finance

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.

SENATE
Am ended 2nd Reading
April 30, 2008

HOUSE
3rd Reading Unam ended
April 7, 2008

HOUSE
Am ended 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Authorizes a person whose driver's license has been revoked for a first-time alcohol-related offense: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 To seek a restricted license requiring the use of an ignition interlock device after the person's license has been revoked for a specified period; and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 (3) (a) (I) FOR A FIRST OFFENSE BASED ON
17 THE SAME DRIVING INCIDENT.

18 (g) (I) Been twice convicted of any offense provided for in section
19 42-4-1301 (1) or (2) (a) COMBINATION OF DUI, DUI PER SE, DWAI, OR
20 HABITUAL USER for acts 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 (3) (a) and (3) (c), Colorado Revised

1 Statutes, as repealed and reenacted in House Bill 08-1166, enacted at the
2 Second Regular Session of the Sixty-sixth General Assembly, are
3 amended to read:

4 **42-2-126. Revocation of license based on administrative**
5 **determination. (3) Revocation of license. (a) Excess BAC 0.08. (I)**
6 The department shall revoke the license of a person for excess BAC 0.08
7 for:

8 (A) ~~three~~ NINE months for a first violation COMMITTED ON OR
9 AFTER JANUARY 1, 2009 EXCEPT THAT SUCH A PERSON MAY APPLY FOR A
10 RESTRICTED LICENSE PURSUANT TO THE PROVISIONS OF SECTION
11 42-2-132.5; and

12 (B) For One year for a second ~~or subsequent~~ violation; and

13 (C) TWO YEARS FOR A THIRD OR SUBSEQUENT VIOLATION
14 OCCURRING ON OR AFTER JANUARY 1, 2009, REGARDLESS OF WHEN THE
15 PRIOR VIOLATIONS OCCURRED; EXCEPT THAT SUCH A PERSON MAY APPLY
16 FOR A RESTRICTED LICENSE PURSUANT TO THE PROVISIONS OF SECTION
17 42-2-132.5.

18 (II) (A) Notwithstanding the provisions of subparagraph (I) of this
19 paragraph (a), a person twenty-one years of age or older at the time of the
20 violation whose license is revoked for a first offense under subparagraph
21 (I) of this paragraph (a) may request that, in lieu of the three-month
22 revocation, the person's license be revoked for a period of not less than
23 thirty days, to be followed by a suspension period of such length that the
24 total period of revocation and suspension equals six months. If the
25 hearing officer approves the request, the hearing officer may grant the
26 person a probationary license that may be used only for the reasons
27 provided in section 42-2-127 (14) (a). If the person is a persistent drunk

1 driver, as defined in section 42-1-102 (68.5), the probationary license
2 shall be conditioned on the use of an approved ignition interlock device,
3 as defined in section 42-2-132.5 (7) (a). The time served under a
4 probationary license shall not be credited against any mandatory interlock
5 restriction imposed pursuant to section 42-2-132.5.

6 (B) The hearing to consider a request under this subparagraph (H)
7 may be held at the same time as the hearing held under subsection (8) of
8 this section; except that a probationary license may not become effective
9 until at least thirty days have elapsed since the beginning of the
10 revocation period.

11 (c) Refusal. (I) The department shall revoke the license of a
12 person for refusal for one year for a first violation, two years for a second
13 violation and three years for a third or subsequent violation; except that
14 the period of revocation shall be at least three years if the person was
15 driving a commercial motor vehicle that was transporting hazardous
16 materials as defined in section 42-2-402 (7).

17 (II) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF
18 THIS PARAGRAPH (C), SUCH A PERSON WHOSE LICENSE HAS BEEN REVOKED
19 FOR TWO YEARS FOR A SECOND VIOLATION OR FOR THREE YEARS FOR A
20 THIRD OR SUBSEQUENT VIOLATION MAY APPLY FOR A RESTRICTED LICENSE
21 PURSUANT TO THE PROVISIONS OF SECTION 42-2-132.5. _____

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

24 **42-2-127. Authority to suspend license - to deny license - type**
25 **of conviction - points.** (9) (a) ~~Whenever the department receives notice~~
26 ~~that a person has pled guilty to, or been found guilty by a court or a jury~~
27 ~~of, a violation of section 42-4-1301 (1) (a), (1) (c), or (2) (a) and receives~~

1 the license surrendered by the person to the court pursuant to section
2 42-2-129, the department shall immediately suspend the license of the
3 person for a period of not less than one year. If the department is also
4 required to enter a license revocation for a period of one year or longer
5 under any provision of this title based on the same conviction, the
6 suspension shall not be entered.

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

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

27 **SECTION 5.** 42-2-132 (1), (2) (a) (I), and (2) (a) (II) (A),

1 Colorado Revised Statutes, are amended, and the said 42-2-132 (2) is
2 further amended BY THE ADDITION OF A NEW PARAGRAPH, to
3 read:

4 **42-2-132. Period of suspension or revocation.** (1) The
5 department shall not suspend a driver's or minor driver's license to drive
6 a motor vehicle on the public highways for a period of more than one
7 year, except as permitted under ~~sections 42-2-127 (9) and 42-2-138~~
8 SECTION 42-2-138 and except for noncompliance with the provisions of
9 subsection (4) of this section or section 42-7-406, or both.

10 (2) (a) (I) Any person whose license or privilege to drive a motor
11 vehicle on the public highways has been revoked is not entitled to apply
12 for a probationary license, and, except as provided ~~in paragraph (b) of this~~
13 ~~subsection (2) and~~ in sections 42-2-125, 42-2-126, 42-2-132.5, 42-2-138,
14 42-2-205, and 42-7-406, ~~such~~ THE person is not entitled to make
15 application for a new license until the expiration of one year from the ~~date~~
16 ~~on which the revoked license was surrendered to and received by the~~
17 ~~department~~ EFFECTIVE DATE OF THE REVOCATION; then ~~such~~ THE person
18 may make application for a new license as provided by law.

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

1 (c) A PERSON WHOSE DRIVING PRIVILEGE IS RESTORED PRIOR TO A
2 HEARING ON THE MERITS OF ANY DRIVING RESTRAINT WAIVES THE
3 PERSON'S RIGHT TO A HEARING ON THE MERITS OF THE DRIVING RESTRAINT.

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

6 **42-2-132.5. Mandatory and voluntary restricted licenses**
7 **following alcohol convictions - rules.** (1.5) (a) (I) A person whose
8 privilege to drive has been revoked for more than one year because of a
9 violation of any provision of section 42-4-1301 (1) (a), (1) (b), or (2) or
10 has been revoked for more than one year under any provision of section
11 42-2-126 may voluntarily apply for an early reinstatement with a
12 restricted license under the provisions of this section after the person's
13 privilege to drive has been revoked for one year. EXCEPT AS PROVIDED
14 IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (a) OR SUBSECTION (1.7) OF
15 THIS SECTION, the restrictions imposed pursuant to this section shall
16 remain in effect for the longer of one year or the total time period
17 remaining on the license restraint prior to early reinstatement.

18 (II) (A) FOR REVOCATIONS UNDER SECTION 42-2-125 (1) (b.5) OR
19 SECTION 42-2-126 (3) (a) (I) FOR A FIRST VIOLATION THAT REQUIRES ONLY
20 A NINE-MONTH REVOCATION, A PERSON TWENTY-ONE YEARS OF AGE OR
21 OLDER AT THE TIME OF THE OFFENSE MAY VOLUNTARILY APPLY FOR AN
22 EARLY REINSTATEMENT WITH A RESTRICTED LICENSE UNDER THE
23 PROVISIONS OF THIS SECTION AFTER THE PERSON'S PRIVILEGE TO DRIVE
24 HAS BEEN REVOKED FOR AT LEAST ONE MONTH. EXCEPT AS PROVIDED IN
25 PARAGRAPH (b.5) OF SUBSECTION (1) OF THIS SECTION, SUBSECTION (1.7)
26 OF THIS SECTION, AND SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH
27 (II), THE RESTRICTIONS IMPOSED PURSUANT TO THIS SUBPARAGRAPH (II)

1 SHALL REMAIN IN EFFECT FOR EIGHT MONTHS.

2 (B) FOR A PERSON WITH A RESTRICTED LICENSE ISSUED PURSUANT
3 TO SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (II), IF THE
4 DEPARTMENT'S MONTHLY MONITORING REPORTS REQUIRED BY PARAGRAPH
5 (c) OF SUBSECTION (4) OF THIS SECTION SHOW THAT, FOR FOUR
6 CONSECUTIVE MONTHLY REPORTING PERIODS, THE APPROVED IGNITION
7 INTERLOCK DEVICE DID NOT PREVENT THE OPERATION OF THE MOTOR
8 VEHICLE DUE TO AN EXCESSIVE BLOOD ALCOHOL CONTENT OR DID NOT
9 DETECT THAT THERE HAS BEEN TAMPERING WITH THE DEVICE, THERE HAVE
10 BEEN NO OTHER REPORTS OF CIRCUMVENTION OR TAMPERING, AND THERE
11 ARE NO GROUNDS TO EXTEND THE RESTRICTION PURSUANT TO PARAGRAPH
12 (a) OF SUBSECTION (5) OF THIS SECTION, THEN THE PERSON SHALL BE
13 ELIGIBLE FOR A LICENSE WITHOUT THE RESTRICTION REQUIRED BY THIS
14 SECTION. IF THE DEPARTMENT DETERMINES THAT A PERSON IS ELIGIBLE
15 FOR A LICENSE WITHOUT THE RESTRICTION REQUIRED BY THIS SECTION
16 PURSUANT TO THIS SUB-SUBPARAGRAPH (B), THE DEPARTMENT SHALL
17 SERVE UPON THE PERSON A NOTICE OF SUCH ELIGIBILITY. A PERSON
18 ELIGIBLE FOR A LICENSE WITHOUT THE RESTRICTION REQUIRED BY THIS
19 SECTION PURSUANT TO THIS SUB-SUBPARAGRAPH (B) MAY REQUEST A
20 HEARING ON THE PERSON'S ELIGIBILITY. THE PROVISIONS OF THIS
21 SUB-SUBPARAGRAPH (B) SHALL NOT APPLY TO A PERSON COVERED BY
22 SUBSECTION (1.7) OF THIS SECTION.

23 (C) THE DEPARTMENT SHALL ESTABLISH A PROGRAM TO ASSIST
24 PERSONS WHO APPLY FOR A RESTRICTED LICENSE UNDER THIS
25 SUBPARAGRAPH (II) WHO ARE UNABLE TO PAY THE FULL COST OF AN
26 IGNITION INTERLOCK DEVICE. THE PROGRAM SHALL BE FUNDED FROM THE
27 FIRST TIME DRUNK DRIVING OFFENDER ACCOUNT IN THE HIGHWAY USERS

1 TAX FUND ESTABLISHED PURSUANT TO SECTION 42-2-132 (4) (b) (II). THE
2 EXECUTIVE DIRECTOR OF THE DEPARTMENT MAY PROMULGATE RULES
3 GOVERNING THE PROGRAM.

4 (3) (a) (I) The department shall issue a restricted license under this
5 section if the department receives from a person described in subsection
6 (1), (1.5), or (1.7) of this section an affidavit stating that the person has
7 obtained:

8 (A) ~~at the person's own expense~~ A signed lease agreement for the
9 installation and use of an approved ignition interlock device in each
10 motor vehicle on which the person's name appears on the registration and
11 any other vehicle that the person may drive during the period of the
12 restricted license; AND

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

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

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

20 **42-2-132. Period of suspension or revocation.** (4) (a) (I) Any
21 person whose license or other privilege to operate a motor vehicle in this
22 state has been suspended, cancelled, or revoked, pursuant to either this
23 article or article 4 or 7 of this title, shall pay a restoration fee of ~~sixty~~
24 ~~NINETY-FIVE~~ dollars to the executive director of the department prior
25 to the issuance to ~~such~~ THE person of a new license or the restoration of
26 ~~such~~ THE license or privilege.

27 (b) All restoration fees collected pursuant to this subsection (4)

1 shall be transmitted to the state treasurer, who shall credit: ~~the same~~

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

6 (B) The moneys in the account shall be subject to annual
7 appropriation by the general assembly for the direct and indirect costs
8 incurred by the department in the administration of ~~drivers'~~ DRIVER'S
9 license restraints pursuant to either this article or article 4 or article 7 of
10 this title, including, but not limited to, the direct and indirect costs of
11 providing administrative hearings under this title, without the use of
12 moneys from the general fund. At the end of each fiscal year, any
13 unexpended and unencumbered moneys remaining in the account shall be
14 transferred out of the account, credited to the highway users tax fund, and
15 allocated and expended as specified in section 43-4-205 (5.5) (c), C.R.S.;

16 AND

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

21 (B) THE MONEYS IN THE ACCOUNT SHALL BE SUBJECT TO ANNUAL
22 APPROPRIATION BY THE GENERAL ASSEMBLY ON AND AFTER JANUARY 1,
23 2009, FIRST TO THE DEPARTMENT OF REVENUE TO PAY ITS COSTS
24 ASSOCIATED WITH THE IMPLEMENTATION OF HOUSE BILL 08-1194, AS
25 ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-SIXTH
26 GENERAL ASSEMBLY; SECOND, TO THE DEPARTMENT OF REVENUE TO PAY
27 A PORTION OF THE COSTS FOR AN IGNITION INTERLOCK DEVICE AS

1 REQUIRED BY SECTION 42-2-132.5 (1.5) (a) (II) FOR A FIRST TIME DRUNK
2 DRIVING OFFENDER WHO IS UNABLE PAY THE COSTS OF THE DEVICE; AND
3 THEN TO PROVIDE TWO MILLION DOLLARS TO THE DEPARTMENT OF
4 TRANSPORTATION FOR HIGH VISIBILITY DRUNK DRIVING ENFORCEMENT
5 PURSUANT TO SECTION 43-4-901, C.R.S. ANY MONEYS IN THE ACCOUNT
6 NOT EXPENDED FOR THESE PURPOSES MAY BE INVESTED BY THE STATE
7 TREASURER AS PROVIDED BY LAW. ALL INTEREST AND INCOME DERIVED
8 FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE ACCOUNT SHALL
9 BE CREDITED TO THE ACCOUNT. AT THE END OF EACH FISCAL YEAR, ANY
10 UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE ACCOUNT
11 SHALL REMAIN IN THE ACCOUNT AND SHALL NOT BE CREDITED OR
12 TRANSFERRED TO THE GENERAL FUND, THE HIGHWAY USERS TAX FUND, OR
13 ANOTHER FUND.

14

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

17

PART 9

18

HIGH-VISIBILITY DRUNK DRIVING LAW ENFORCEMENT

19

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

20

DEPARTMENT OF TRANSPORTATION IN IMPLEMENTING THE STRATEGIC

21

TRANSPORTATION PROJECT INVESTMENT PROGRAM SHALL, AS A PRIORITY,

22

INCREASE TO TWELVE EPISODES ANNUALLY THE NUMBER OF

23

HIGH-VISIBILITY DRUNK DRIVING LAW ENFORCEMENT EPISODES THAT THE

24

DEPARTMENT OVERSEES. THE HIGH-VISIBILITY DRUNK DRIVING LAW

25

ENFORCEMENT EPISODES REQUIRED BY THIS SECTION SHALL BE

26

INDEPENDENT OF, AND IN ADDITION TO, THE DRUNK DRIVING PREVENTION

27

AND LAW ENFORCEMENT PROGRAM DESCRIBED IN PART 4 OF THIS ARTICLE.

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

6 (d) FOR THE FISCAL YEAR BEGINNING JULY 1, 2011, IN ADDITION
7 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE
8 DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL
9 FUND NOT OTHERWISE APPROPRIATED, THE SUM OF THIRTY-ONE
10 THOUSAND SIX HUNDRED THIRTY-FOUR DOLLARS (\$31,634).

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

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

17 **SECTION 10.** The introductory portion to 24-75-302 (2) and
18 24-75-302 (2) (u), and (2) (v), Colorado Revised Statutes, are amended
19 to read:

20 **24-75-302. Capital construction fund - capital assessment fees**
21 **- calculation.** (2) As of July 1, 1988, and July 1 of each year thereafter
22 through July 1, 2010, a sum as specified in this subsection (2) shall accrue
23 to the capital construction fund. The state treasurer and the controller
24 shall transfer such sum out of the general fund and into the capital
25 construction fund as moneys become available in the general fund during
26 the fiscal year beginning on said July 1. Transfers between funds
27 pursuant to this subsection (2) shall not be deemed to be appropriations

1 subject to the limitations of section 24-75-201.1. The amount that shall
2 accrue pursuant to this subsection (2) shall be as follows:

3 (u) On July 1, 2008, sixty-nine thousand four hundred sixty-seven
4 dollars pursuant to H.B. 04-1021, enacted at the second regular session
5 of the sixty-fourth general assembly; plus three hundred ninety-two
6 thousand three hundred seventy-three dollars pursuant to S.B. 06-206,
7 enacted at the second regular session of the sixty-fifth general assembly;
8 plus three hundred ninety-two thousand three hundred seventy-three
9 dollars pursuant to S.B. 06-207, enacted at the second regular session of
10 the sixty-fifth general assembly; plus four hundred sixty-two thousand
11 one hundred twenty-eight dollars pursuant to H.B. 06-1326, enacted at the
12 second regular session of the sixty-fifth general assembly; plus twenty-six
13 thousand one hundred fifty-eight dollars pursuant to H.B. 06-1145,
14 enacted at the second regular session of the sixty-fifth general assembly;
15 plus five hundred twenty-three thousand one hundred sixty-four dollars
16 pursuant to H.B. 06-1011, enacted at the second regular session of the
17 sixty-fifth general assembly; plus sixty-nine thousand seven hundred
18 fifty-five dollars pursuant to S.B. 06S-004, enacted at the first
19 extraordinary session of the sixty-fifth general assembly; plus three
20 hundred twenty-five thousand four hundred twenty-nine dollars pursuant
21 to S.B. 07-096, enacted at the first regular session of the sixty-sixth
22 general assembly; plus one hundred fifty thousand one hundred
23 ninety-eight dollars pursuant to H.B. 07-1326, enacted at the first regular
24 session of the sixty-sixth general assembly; PLUS ONE HUNDRED
25 TWENTY-FIVE THOUSAND ONE HUNDRED SIXTY-FIVE DOLLARS PURSUANT
26 TO H.B. 08-1194, ENACTED AT THE SECOND REGULAR SESSION OF THE
27 SIXTY-SIXTH GENERAL ASSEMBLY;

1 (v) On July 1, 2009, five hundred twenty-three thousand one
2 hundred sixty-four dollars pursuant to S.B. 06-206, enacted at the second
3 regular session of the sixty-fifth general assembly; plus five hundred
4 twenty-three thousand one hundred sixty-four dollars pursuant to S.B.
5 06-207, enacted at the second regular session of the sixty-fifth general
6 assembly; plus forty-three thousand five hundred ninety-seven dollars
7 pursuant to H.B. 06-1145, enacted at the second regular session of the
8 sixty-fifth general assembly; plus five hundred twenty-three thousand one
9 hundred sixty-four dollars pursuant to H.B. 06-1011, enacted at the
10 second regular session of the sixty-fifth general assembly; plus one
11 hundred fifty thousand one hundred ninety-eight dollars pursuant to S.B.
12 07-096, enacted at the first regular session of the sixty-sixth general
13 assembly; plus seventy-five thousand ninety-nine dollars pursuant to H.B.
14 07-1326, enacted at the first regular session of the sixty-sixth general
15 assembly; PLUS TWELVE THOUSAND FIVE HUNDRED SEVENTEEN DOLLARS
16 PURSUANT TO H.B. 08-1194, ENACTED AT THE SECOND REGULAR SESSION
17 OF THE SIXTY-SIXTH GENERAL ASSEMBLY;

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

27 (2) In addition to any other appropriation, there is hereby

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

8 **SECTION 12. Effective date - applicability.** (1) Sections 7
9 through 9 of this act shall take effect September 1, 2008. Sections 1
10 through 6 of this act shall take effect January 1, 2009.

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

20 (3) The provisions of sections 7 and 8 of this act shall apply to
21 restorations of driving privileges on or after the applicable effective date
22 of said sections. The provisions of sections 1 through 6 of this act shall
23 apply to restorations of driving privileges on or after the applicable
24 effective date of said sections.