

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

May 4, 2010
Date

Committee on Transportation & Energy.

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

HB10-1420 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 **"SECTION 1. Legislative declaration.** (1) The general
4 assembly finds that, on account of the mobility of drivers and the frequent
5 use of driver improvement schools as a sentencing option for violators of
6 traffic laws, the competence of driver improvement schools is important
7 to the entire traveling public and the citizens of Colorado. Therefore, the
8 general assembly hereby declares that this is a matter of statewide
9 concern and applies to all courts and driver improvement schools that
10 teach students within Colorado.

11 (2) In 2009, the general assembly passed House Bill 09-1246 to
12 provide some oversight and evaluation of driver improvement schools
13 because members of the general assembly heard from concerned citizens
14 about the quality of services provided by driver improvement schools.
15 The passage of House Bill 09-1246 did not give the department of
16 revenue sufficient tools to adequately implement a program of oversight
17 and evaluation of driver improvement schools. The department of
18 revenue, through rule-making, plans to meet with stakeholders to provide
19 further input into the development of an oversight mechanism for driver
20 improvement schools. Therefore, the general assembly determines that
21 this act is necessary to adequately provide the department of revenue with
22 the tools it needs to oversee driver improvement schools.

1 **SECTION 2.** 42-1-223 (1) and (2), Colorado Revised Statutes,
2 are amended, and the said 42-1-223 is further amended BY THE
3 ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

4 **42-1-223. Monitoring driver improvement schools - fund -**
5 **registration - rules.** (1) The defensive driving school fund, referred to
6 in this section as the "fund", is hereby created in the state treasury. The
7 fund shall consist of ~~penalty surcharges~~ FEES collected pursuant to section
8 42-4-1717 (3). The moneys in the fund shall be used to implement a
9 program to monitor and evaluate driver improvement schools pursuant to
10 this section, INCLUDING THE REGISTRATION OF DRIVER IMPROVEMENT
11 SCHOOLS. The moneys in the fund at the end of each fiscal year shall not
12 revert to the general fund.

13 (2) (a) The department shall, in accordance with article 103 of title
14 24, C.R.S., contract with a private entity by ~~July 1, 2010~~, MARCH 1, 2011,
15 to monitor and evaluate the curriculum and effectiveness of driver
16 improvement classes required by section 42-4-1717.

17 (b) The ~~private entity~~ VENDOR shall submit a report to the
18 referring court within three months after a school has been evaluated
19 summarizing the curriculum, location, security, quality, and effectiveness
20 of the classes. The private entity shall also submit an abstract of such
21 reports to the department annually.

22 (4) NO PERSON WHO OPERATES A DRIVER IMPROVEMENT SCHOOL,
23 INCLUDING INTERNET SCHOOLS, SHALL ACCEPT STUDENTS WHO ARE
24 LICENSED DRIVERS UNLESS THE PERSON REGISTERS THE SCHOOL WITH THE
25 DEPARTMENT OF REVENUE OR THE VENDOR IN COMPLIANCE WITH THIS
26 SUBSECTION (4). THE PERSON SHALL ANNUALLY RENEW THE SCHOOL'S
27 REGISTRATION.

28 (5) FOR THE PURPOSES OF THIS SECTION, UNLESS THE CONTEXT
29 OTHERWISE REQUIRES:

30 (a) "DRIVER IMPROVEMENT SCHOOL" MEANS A SCHOOL THAT
31 ACCEPTS STUDENTS WHO POSSESS A VALID DRIVER'S LICENSE. "DRIVER
32 IMPROVEMENT SCHOOL" DOES NOT MEAN A DRIVING SCHOOL THAT
33 TEACHES DRIVING SKILLS TO NEW OR UNSKILLED DRIVERS FOR THE
34 PURPOSES OF LICENSING OR A COMMERCIAL DRIVING SCHOOL OR
35 INSTRUCTOR REGULATED PURSUANT TO ARTICLE 15 OF TITLE 12, C.R.S.

1 (b) "VENDOR" MEANS THE PRIVATE ENTITY WHO CONTRACTS WITH
2 THE DEPARTMENT OF REVENUE TO MONITOR AND EVALUATE THE
3 CURRICULUM AND EFFECTIVENESS OF DRIVER IMPROVEMENT CLASSES
4 PURSUANT TO SUBSECTION (2) OF THIS SECTION.

5 **SECTION 3.** 42-4-1717 (3), Colorado Revised Statutes, is
6 amended to read:

7 **42-4-1717. Conviction - attendance at driver improvement**
8 **school - rules.** (3) (a) (I) Effective January 1, 2010, a ~~person~~ LICENSED
9 DRIVER who ~~is required to attend~~ ATTENDS a course of instruction
10 ~~pursuant to subsection (1) or (2) of this section~~ TO IMPROVE THE PERSON'S
11 DRIVING SAFETY AND COMPLIANCE WITH TRAFFIC LAWS shall pay, in
12 addition to any other penalties, a ~~penalty surcharge~~ FEE as determined by
13 rules promulgated by the department.

14 (II) The driver improvement school shall collect the ~~penalty~~
15 ~~surcharge~~ FEE and remit it to the department OR VENDOR AS DEFINED IN
16 SECTION 42-1-223 at least monthly in accordance with rules promulgated
17 by the department.

18 (III) The department shall set the ~~penalty surcharge~~ FEE in an
19 amount to offset the direct and indirect cost of implementing section
20 42-1-223. The ~~penalty surcharge~~ FEE shall be transferred to the state
21 treasurer and credited to the defensive driving school fund created in
22 section 42-1-223.

23 (b) The court shall include on the referral form information
24 concerning the amount and purpose of the ~~penalty surcharge~~ FEE. If the
25 court determines that a person is unable to pay the cost of the ~~penalty~~
26 ~~surcharge~~ FEE, the court may waive the ~~surcharge~~ FEE and the driver
27 improvement school shall not collect nor remit the ~~penalty surcharge~~ FEE
28 to the department.

29 (c) A person who is required to attend a course of instruction
30 pursuant to subsection (1) or (2) of this section shall register with the
31 entity that monitors the driver improvement school pursuant to section
32 42-1-223. If the person satisfactorily completes the course, the driver
33 improvement school shall electronically notify the entity.

1 **SECTION 4. Safety clause.** The general assembly hereby finds,
2 determines, and declares that this act is necessary for the immediate
3 preservation of the public peace, health, and safety."

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