

**First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 11-0756.01 Jery Payne

HOUSE BILL 11-1272

HOUSE SPONSORSHIP

Vaad and Looper,

SENATE SPONSORSHIP

Tochtrop,

House Committees

Transportation
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE EVALUATION OF DRIVER-IMPROVEMENT SCHOOLS**
102 **THAT PEOPLE ATTEND AS A RESULT OF A VIOLATING A TRAFFIC**
103 **LAW, AND MAKING AN APPROPRIATION THEREFOR.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill repeals provisions requiring:

- ! The department of revenue to contract with a private entity to monitor and evaluate driver-improvement schools; and
- ! People who are ordered by a court to attend a

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.*

driver-improvement school to register with the private entity and pay a surcharge.

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

2 **SECTION 1. Repeal.** 42-1-223, Colorado Revised Statutes, is
3 repealed as follows:

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

12 (2) ~~The department shall, in accordance with article 103 of title~~
13 ~~24, C.R.S., contract with a private entity by July 1, 2010, to monitor and~~
14 ~~evaluate the curriculum and effectiveness of driver improvement classes~~
15 ~~required by section 42-4-1717. The private entity shall submit a report to~~
16 ~~the referring court within three months after a school has been evaluated~~
17 ~~summarizing the curriculum, location, security, quality, and effectiveness~~
18 ~~of the classes. The private entity shall also submit an abstract of such~~
19 ~~reports to the department annually.~~

20 (3) ~~The department may promulgate rules setting standards for~~
21 ~~frequency and types of evaluations based upon the revenue received~~
22 ~~pursuant to section 42-4-1717 and the expected effectiveness of~~
23 ~~frequencies and types of evaluations.~~

24 **SECTION 2. Repeal.** 42-4-1717 (3), Colorado Revised Statutes,
25 is repealed as follows:

1 **42-4-1717. Conviction - attendance at driver improvement**
2 **school - rules.** (3) (a) ~~Effective January 1, 2010, a person who is~~
3 ~~required to attend a course of instruction pursuant to subsection (1) or (2)~~
4 ~~of this section shall pay, in addition to any other penalties, a penalty~~
5 ~~surcharge as determined by rules promulgated by the department. The~~
6 ~~driver improvement school shall collect the penalty surcharge and remit~~
7 ~~it to the department at least monthly in accordance with rules promulgated~~
8 ~~by the department. The department shall set the penalty surcharge in an~~
9 ~~amount to offset the direct and indirect cost of implementing section~~
10 ~~42-1-223. The penalty surcharge shall be transferred to the state treasurer~~
11 ~~and credited to the defensive driving school fund created in section~~
12 ~~42-1-223.~~

13 (b) ~~The court shall include on the referral form information~~
14 ~~concerning the amount and purpose of the penalty surcharge. If the court~~
15 ~~determines that a person is unable to pay the cost of the penalty surcharge,~~
16 ~~the court may waive the surcharge and the driver improvement school~~
17 ~~shall not collect nor remit the penalty surcharge to the department.~~

18 (c) ~~A person who is required to attend a course of instruction~~
19 ~~pursuant to subsection (1) or (2) of this section shall register with the~~
20 ~~entity that monitors the driver improvement school pursuant to section~~
21 ~~42-1-223. If the person satisfactorily completes the course, the driver~~
22 ~~improvement school shall electronically notify the entity.~~

23 **SECTION 3.** The appropriation to the department of revenue for
24 the fiscal year beginning July 1, 2010, as enacted in Part XIX (5) (B) and
25 the affected totals of section 2 of chapter 453, Session Laws of Colorado
26 2010 (HB 10-1376), as amended by section 1 of Senate Bill 11-152, is
27 amended to read:

1

Section 2. Appropriation.

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

PART XIX

DEPARTMENT OF REVENUE

(5) DIVISION OF MOTOR VEHICLES

(B) Driver and Vehicle Services

Personal Services	16,649,645		9,351,125		7,298,520 [†]	
	16,611,082				7,259,957 ^a	
	(379.3 FTE)					
	(379.2 FTE)					
Operating Expenses	1,679,482		1,214,937		464,545 [†]	
	1,679,401				464,464 ^a	
Drivers License Documents	3,051,030		1,792,770		1,258,260 ^b	
License Plate Ordering	6,468,896				6,468,896 ^c	
	<u>27,849,053</u>					
	27,810,409					

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

1

2 ^a These amounts reflect direct program costs from the following sources: \$3,464,311 shall be from the Licensing Services Cash Fund created in Section 42-2-114.5 (1), C.R.S., \$2,246,318
 3 shall be from the Driver's License Administrative Revocation Account, a subaccount of the Highway Users Tax Fund created in Section 42-2-132 (4) (b) (I) (A), C.R.S., \$1,149,174 shall
 4 be from the highway users tax fund pursuant to Section 43-4-201 (3) (a) (III) (C), C.R.S., \$327,600 shall be from the Colorado State Titling and Registration Account created in Section
 5 42-1-211 (2), C.R.S., ~~\$226,556~~ \$187,912 shall be from the Defensive Driving School Fund created in Section 42-1-223 (1), C.R.S., \$210,933 shall be from the Outstanding Judgments
 6 and Warrants Account as administered under Section 42-2-118 (3) (c), C.R.S., \$73,650 shall be from the Penalty Assessment Account as administered under the provisions of Section
 7 42-1-217 (2), C.R.S., \$58,681 shall be from the County Jail Identification Processing Unit Fund created in section 42-2-312, C.R.S., \$3,842 shall be from the Auto Dealers License Fund
 8 created in Section 12-6-123 (1), C.R.S., and \$2,000 shall be from the Persistent Drunk Driver Cash Fund created in Section 42-3-303 (1), C.R.S.

9 ^b Of this amount, \$842,709 shall be from the identification security fund created in Section 42-1-220 (1), C.R.S. and \$415,551 shall be from the licensing services cash fund created
 10 in Section 42-2-114.5 (1), C.R.S.

11 ^c This amount shall be from the License Plate Cash Fund created in Section 42-3-301 (1) (b), C.R.S.

12

13 **TOTALS PART XIX**

(REVENUE)	\$716,432,437	\$90,145,719 ^a	\$623,308,693 ^b	\$1,494,825	\$1,483,200
	\$716,393,793		\$623,270,049 ^b		

15

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

1

2 ^a Of this amount, \$19,500,000 is included as information for the purpose of complying with the limitation on state fiscal year spending imposed by Article X, Section 20 of the State
3 Constitution. These amounts are continuously appropriated by a permanent statute or constitutional provision, and shall not be deemed to be an appropriation subject to the limitations
4 of Section 24-75-201.1, C.R.S.

5 ^b Of this amount, \$10,815,405 is from the Highway Users Tax Fund pursuant to Section 43-4-201 (3) (a) (III) (C), C.R.S., and \$495,330 is from the Highway Users Tax Fund exempt
6 from the statutory limit pursuant to Section 43-4-201 (3) (a) (V), C.R.S.

7

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.