

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 12-0537.02 Jery Payne x2157

HOUSE BILL 12-1106

HOUSE SPONSORSHIP

Peniston,

SENATE SPONSORSHIP

(None),

House Committees
Transportation

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE EVALUATION OF A DRIVER IMPROVEMENT SCHOOL
102 USED BY A COURT FOR A TRAFFIC VIOLATION.

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 directs the department of revenue to transmit to each court that refers students to driver improvement schools a table of the schools with the schools' evaluations and notice of whether the schools are collecting and remitting the penalty surcharge paid by students. The department is to notify a school of noncompliance, and the school has 30

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.

days to come into compliance.

If a school refuses to allow an evaluation, the department then notifies each court and publishes the fact on its web site until the school complies. If a school receives an unsatisfactory evaluation, it has 90 days to raise its standards. If it does so, it may receive a new evaluation.

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

SECTION 1. In Colorado Revised Statutes, 42-1-223, **add** (4) as follows:

42-1-223. Monitoring driver improvement schools - fund - rules. (4) (a) AT LEAST SEMIANNUALLY, THE DEPARTMENT SHALL TRANSMIT TO EACH COURT THAT REFERS STUDENTS TO DRIVER IMPROVEMENT SCHOOLS A TABLE OF DRIVER IMPROVEMENT SCHOOLS, INCLUDING THE RESULTS OF THE SCHOOLS' EVALUATIONS AND NOTICE OF WHETHER EACH SCHOOL IS IN COMPLIANCE WITH SECTION 42-4-1717 (3) IN ACCORDANCE WITH PARAGRAPH (b) OF THIS SUBSECTION (4). THE DEPARTMENT MAY USE A CONTRACTOR TO IMPLEMENT THIS PARAGRAPH (a).

(b) (I) IF A DRIVER IMPROVEMENT SCHOOL FAILS TO COLLECT OR REMIT TO THE DEPARTMENT THE PENALTY SURCHARGE IMPOSED IN SECTION 42-4-1717 (3), THE DEPARTMENT SHALL NOTIFY THE SCHOOL OF ITS NONCOMPLIANCE, INCLUDING A STATEMENT THAT THE SCHOOL HAS THIRTY DAYS TO COME INTO COMPLIANCE BEFORE THE LACK OF COMPLIANCE IS COMMUNICATED TO EACH COURT.

(II) IF THE DRIVER IMPROVEMENT SCHOOL FAILS TO COMPLY WITH SECTION 42-4-1717 (3) WITHIN THIRTY DAYS AFTER RECEIVING THE NOTICE, THE DEPARTMENT SHALL NOTIFY EACH COURT OF THE FACT IN THE NEXT TABLE SENT TO EACH COURT UNDER PARAGRAPH (a) OF THIS SUBSECTION (4). THE SCHOOL HAS THE BURDEN OF DEMONSTRATING

1 COMPLIANCE.

2 (c) (I) IF A DRIVER IMPROVEMENT SCHOOL REFUSES TO ALLOW AN
3 EVALUATION, THE DEPARTMENT SHALL NOTIFY EACH COURT AND PUBLISH
4 THE FACT ON ITS WEB SITE UNTIL THE SCHOOL ALLOWS ITSELF TO BE
5 EVALUATED.

6 (II) IF A DRIVER IMPROVEMENT SCHOOL RECEIVES AN
7 UNSATISFACTORY EVALUATION, THE DEPARTMENT SHALL NOTIFY THE
8 SCHOOL OF THE EVALUATION RESULTS, INCLUDING A STATEMENT THAT
9 THE SCHOOL HAS NINETY DAYS TO IMPROVE ITS STANDARDS. IF THE
10 SCHOOL DEMONSTRATES THAT IT HAS IMPROVED WITHIN THE NINETY
11 DAYS, THE DEPARTMENT SHALL EVALUATE THE SCHOOL AND CHANGE THE
12 RESULTS OF THE EVALUATION TO REFLECT THE NEW EVALUATION. THE
13 DEPARTMENT MAY USE A CONTRACTOR TO IMPLEMENT THIS
14 SUBPARAGRAPH (II).

15 **SECTION 2. Act subject to petition - effective date.** This act
16 takes effect at 12:01 a.m. on the day following the expiration of the
17 ninety-day period after final adjournment of the general assembly (August
18 8, 2012, if adjournment sine die is on May 9, 2012); except that, if a
19 referendum petition is filed pursuant to section 1 (3) of article V of the
20 state constitution against this act or an item, section, or part of this act
21 within such period, then the act, item, section, or part will not take effect
22 unless approved by the people at the general election to be held in
23 November 2012 and, in such case, will take effect on the date of the
24 official declaration of the vote thereon by the governor.