

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

April 24, 2013  
Date

Committee on State, Veterans, & Military Affairs.

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

HB13-1317 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

- 1 Amend printed bill, page 8, after line 1, insert:
  - 2 "(11) "MARIJUANA PRODUCTS" HAS THE SAME MEANING AS
  - 3 DEFINED IN SECTION 16 (2) (k) OF ARTICLE XVIII OF THE STATE
  - 4 CONSTITUTION."
- 5 Renumber succeeding subsections accordingly.
- 6 Page 8, after line 6, insert:
  - 7 "(13) "OWNER" MEANS ANY PERSON HAVING A BENEFICIAL
  - 8 INTEREST IN A RETAIL MARIJUANA ESTABLISHMENT."
- 9 Renumber succeeding subsections accordingly.
- 10 Page 9, after line 5, insert:
  - 11 "(22) "SALE" OR "SELL" INCLUDES TO EXCHANGE, BARTER, OR
  - 12 TRAFFIC IN, TO SOLICIT OR RECEIVE AND ORDER EXCEPT THROUGH A
  - 13 LICENSEE LICENSED UNDER THIS ARTICLE, TO DELIVER FOR VALUE IN ANY
  - 14 WAY OTHER THAN GRATUITOUSLY, TO PEDDLE OR POSSESS WITH INTENT
  - 15 TO SELL, OR TO TRAFFIC IN FOR ANY CONSIDERATION PROMISED OR
  - 16 OBTAINED DIRECTLY OR INDIRECTLY."
- 17 Renumber succeeding subsections accordingly.

- 1 Page 9, line 18, after "2012," insert "HAS PAID ALL APPLICABLE LICENSING  
2 FEES,".
- 3 Page 9, line 23, after the first "LICENSE" insert "ISSUED PURSUANT TO PART  
4 4 OF ARTICLE 43.3 OF THIS TITLE,".
- 5 Page 10, line 3, after "DAYS" insert "FROM THE EFFECTIVE DATE OF THE  
6 LICENSE".
- 7 Page 10, line 5, after "GRANTED," insert "ON THE EFFECTIVE DATE OF THE  
8 LICENSE".
- 9 Page 10, line 15, strike "IS" and substitute "BECOMES EFFECTIVE,".
- 10 Page 10, line 16, strike "GRANTED,".
- 11 Page 10, line 17, strike "INVENTORY UPON" and substitute "INVENTORY.".
- 12 Page 10, strike line 18.
- 13 Page 10, line 26, strike "SUBSECTION (3)" and substitute "SUBPARAGRAPH  
14 (III)".
- 15 Page 11, line 10, strike "RETAIL" and strike "LICENSE".
- 16 Page 11, line 11, after "12-43.4-501." insert "THE STATE LICENSING  
17 AUTHORITY SHALL IMMEDIATELY FORWARD ONE -HALF OF THE LICENSE  
18 APPLICATION FEE TO THE LOCAL JURISDICTION.".
- 19 Page 11, strike lines 18 through 22.
- 20 Page 12, line 8, strike "GROWING, OR" and substitute "OR GROWING".
- 21 Page 12, line 9, strike "TESTING".
- 22 Page 12, line 17, strike "GROWING, OR TESTING" and substitute "OR  
23 GROWING".
- 24 Page 13, strike line 10 and substitute:  
25 "(1) THE STATE LICENSING AUTHORITY SHALL DEVELOP AND MAINTAIN A  
26 SEED-TO-SALE TRACKING SYSTEM, THAT TRACKS RETAIL MARIJUANA FROM

1 THE IMMATURE PLANT STAGE UNTIL THE MARIJUANA IS SOLD TO A  
2 CUSTOMER AT A RETAIL MARIJUANA STORE, TO ENSURE THAT NO  
3 MARIJUANA GROWN OR PROCESSED BY A RETAIL MARIJUANA  
4 ESTABLISHMENT IS SOLD OR OTHERWISE TRANSFERRED EXCEPT BY A  
5 RETAIL MARIJUANA STORE."

6 (2) THE STATE LICENSING AUTHORITY HAS THE AUTHORITY TO:".

7 Renumber succeeding subsections accordingly.

8 Page 14, line 12, strike "LICENSEE." and substitute "LICENSEE SHOWING  
9 THE SALES VOLUME OR QUANTITY OF RETAIL MARIJUANA SOLD, OR  
10 REVEALING ANY CUSTOMER INFORMATION, OR ANY OTHER RECORDS THAT  
11 ARE EXEMPT FROM PUBLIC INSPECTION PURSUANT TO STATE LAW."

12 Page 14, line 15, after "PURPOSE." add "ANY INFORMATION RELEASED  
13 RELATED TO PATIENTS MAY BE USED ONLY FOR A PURPOSE AUTHORIZED BY  
14 THIS ARTICLE."

15 Page 14, line 26, strike "(1)" and substitute "(2)".

16 Page 15, after line 12, insert:

17 "(IV) (A) ESTABLISHING AN INDEPENDENT TESTING AND  
18 CERTIFICATION PROGRAM TO TEST RETAIL MARIJUANA FROM ANY RETAIL  
19 MARIJUANA ESTABLISHMENT AT A FREQUENCY TO BE DETERMINED BY THE  
20 AGENCY TO ENSURE AT A MINIMUM THAT PRODUCTS ARE FREE FROM  
21 HARMFUL RESIDUAL SOLVENTS, CHEMICALS, OR TOXINS; PRODUCTS ARE  
22 FREE OF MOLD AND MILDEW; PRODUCTS ARE FREE OF MICROBIALS SUCH AS  
23 E. COLI OR SALMONELLA; PRODUCTS ARE FREE OF PESTICIDES; AND THE  
24 THC POTENCY REPRESENTATIONS ON THE PRODUCT LABELS ARE  
25 ACCURATE.

26 (B) THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT  
27 SHALL ESTABLISH STANDARDS AND CRITERIA FOR INDEPENDENT TESTING  
28 AND CERTIFICATION UNDER SUB-SUBPARAGRAPH (A) OF THIS  
29 SUBPARAGRAPH (IV). THE DEPARTMENT OF PUBLIC HEALTH AND  
30 ENVIRONMENT SHALL REGULATE ENTITIES PROVIDING INDEPENDENT  
31 TESTING AND CERTIFICATION."

32 Renumber succeeding subparagraphs accordingly.

33 Page 16, line 26, strike "PANEL;" and substitute "PANEL FOR EDIBLE  
34 PRODUCTS;".

1 Page 17, after line 6, insert:  
2 "(IX) REGULATION OF THE STORAGE OF, WAREHOUSES FOR, AND  
3 TRANSPORTATION OF RETAIL MARIJUANA;  
4 (X) SANITARY REQUIREMENTS FOR RETAIL MARIJUANA STORES,  
5 INCLUDING BUT NOT LIMITED TO SANITARY REQUIREMENTS FOR THE  
6 PREPARATION OF RETAIL MARIJUANA PRODUCTS;  
7 (XI) RECORDS TO BE KEPT BY LICENSEES AND THE REQUIRED  
8 AVAILABILITY OF THE RECORDS;  
9 (XII) THE REPORTING AND TRANSMITTAL OF MONTHLY SALES TAX  
10 PAYMENTS BY RETAIL MARIJUANA STORES;  
11 (XIII) AUTHORIZATION FOR THE DEPARTMENT OF REVENUE TO  
12 HAVE ACCESS TO LICENSING INFORMATION TO ENSURE SALES, EXCISE, AND  
13 INCOME TAX PAYMENT AND THE EFFECTIVE ADMINISTRATION OF THIS  
14 ARTICLE;"

15 Reletter succeeding subparagraphs accordingly.

16 Page 17, line 15, strike "(1)" and substitute "(2)" and strike "MAY" and  
17 substitute "MUST".

18 Page 17, line 19, strike "LICENSING AUTHORITIES" and substitute  
19 "JURISDICTIONS".

20 Page 18, strike lines 7 through 11.

21 Reletter succeeding subparagraphs accordingly.

22 Page 18, strike lines 16 and 17.

23 Reletter succeeding subparagraphs accordingly.

24 Page 18, strike lines 21 through 26.

25 Reletter succeeding subparagraphs accordingly.

26 Page 19, line 8, strike "(1)" and substitute "(2)" and strike "MAY" and  
27 substitute "MUST".

28 Page 23, strike lines 5 and 6 and substitute "APPLICANT'S PREMISES ARE  
29 LOCATED."

30 Page 23, line 12, strike "LOCATED OR ON THE" and substitute "LOCATED."

- 1 Page 23, strike line 13.
- 2 Page 24, strike line 27 and substitute "MAY NOT BE RENEWED. IF AN  
3 APPLICATION IS DENIED BY THE LOCAL LICENSING AUTHORITY, THE STATE  
4 LICENSING AUTHORITY SHALL REVOKE THE STATE-ISSUED LICENSE."
- 5 Page 25, strike lines 1 and 2.
- 6 Page 26, line 10, strike "WITH A".
- 7 Page 26, line 11, strike "TAXING AGENCY".
- 8 Page 26, line 12, after "DUE", insert "THE DEPARTMENT OF REVENUE".
- 9 Page 26, line 18, strike "13-\_\_\_\_," and substitute "13-1317,".
- 10 Page 29, line 3, strike "A LOCAL JURISDICTION" and substitute "THE STATE  
11 LICENSING AUTHORITY".
- 12 Page 29, line 4, strike "OR LOCAL".
- 13 Page 29, line 23, strike "FACILITY." and substitute "FACILITY; EXCEPT  
14 THAT THIS PROVISION SHALL NOT APPLY TO A PREMISES THAT IS THE  
15 LOCATION OF A MEDICAL MARIJUANA FACILITY LICENSED PURSUANT TO  
16 PART 4 OF ARTICLE 43.3 OF THIS TITLE."
- 17 Page 30, strike lines 3 through 5 and substitute "PRINCIPAL CAMPUS WAS  
18 CONSTRUCTED. THE GOVERNING BODY OF A".
- 19 Page 30, line 17, strike "LOCAL" and substitute "STATE".
- 20 Page 31, line 27, strike "ARTICLE." and substitute "ARTICLE AND  
21 APPROVED BY THE LOCAL JURISDICTION."
- 22 Page 32, strike lines 7 through 13.
- 23 Renumber succeeding subsections accordingly.
- 24 Page 32, line 16, strike "OFFICER, MANAGER, OR EMPLOYEE" and  
25 substitute "OFFICER OR MANAGER".
- 26 Page 32, line 17, strike "WORKING AT,".

- 1 Page 32, line 18, strike "BEING ASSOCIATED" and substitute  
2 "ASSOCIATING".
- 3 Page 33, line 16, strike "EACH" and substitute "THE STATE".
- 4 Page 34, line 14, strike "THIRTY DAYS" and substitute "AND RECEIVE  
5 APPROVAL".
- 6 Page 34, line 25, strike "HIS OR HER" and substitute "THE".
- 7 Page 34, line 27, after "THE" insert "STATE AND".
- 8 Page 35, line 6, strike "STATE LICENSING" and substitute "LOCAL  
9 JURISDICTION".
- 10 Page 35, line 7, strike "AUTHORITY".
- 11 Page 36, strike lines 19 through 24 and substitute:
- 12 "(b) THE STATE LICENSING AUTHORITY MAY ADMINISTRATIVELY  
13 CONTINUE THE LICENSE AND ACCEPT A LATER APPLICATION FOR RENEWAL  
14 OF A LICENSE AT THE DISCRETION OF THE STATE LICENSING AUTHORITY.".
- 15 Page 39, strike lines 4 through 6.
- 16 Page 39, line 22, after "MARIJUANA", insert "STORE" and strike "AFFIXED"  
17 and substitute "PROVIDED".
- 18 Page 39, strike line 23 and substitute "ANY EXCISE TAX DUE, PURSUANT TO  
19 ARTICLE 28.8 OF TITLE 39, C.R.S., WAS PAID.".
- 20 Page 40, line 1, strike "CONTRACT" and substitute "TRANSACT".
- 21 Page 40, line 4, strike "A RETAIL".
- 22 Page 40, strike lines 5 through 8.
- 23 Page 40, line 12, strike "NONRESIDENT" and substitute "PERSON WHO DOES  
24 NOT HAVE A VALID IDENTIFICATION CARD SHOWING THAT THE PERSON IS  
25 A RESIDENT".
- 26 Page 41, after line 19 insert:

1           "(10) RETAIL MARIJUANA PRODUCTS MAY NOT BE CONSUMED ON  
2 THE PREMISES OF A RETAIL MARIJUANA STORE."

3 Page 41, line 26, after "DUE", insert "IN ACCORDANCE WITH ARTICLE 28.8  
4 OF ARTICLE 39, C.R.S.," and strike "PRICE" and substitute "PRICES".

5 Page 42, line 4, strike "AFFIX" and substitute "PROVIDE".

6 Page 42, line 5, strike "MARIJUANA." insert "MARIJUANA DUE PURSUANT  
7 TO ARTICLE 28.8 OF TITLE 39, C.R.S."

8 Page 42, after line 5 insert:

9           "(4) A RETAIL MARIJUANA CULTIVATION FACILITY MAY PROVIDE  
10 A SAMPLE OF ITS PRODUCTS TO A FACILITY THAT HAS A MARIJUANA  
11 TESTING FACILITY LICENSE FROM THE STATE LICENSING AUTHORITY FOR  
12 TESTING AND RESEARCH PURPOSES. A RETAIL MARIJUANA CULTIVATION  
13 FACILITY SHALL MAINTAIN A RECORD OF WHAT WAS PROVIDED TO THE  
14 TESTING FACILITY AND THE IDENTITY OF THE TESTING FACILITY.

15           (5) RETAIL MARIJUANA PRODUCTS MAY NOT BE CONSUMED ON THE  
16 PREMISES OF A RETAIL MARIJUANA CULTIVATION FACILITY."

17 Page 42, line 23, after "MARIJUANA" insert "PRODUCTS MANUFACTURER"  
18 and strike "AFFIXED" and substitute "PROVIDED".

19 Page 42, strike line 24 and substitute: "EVIDENCE THAT ANY EXCISE TAX  
20 DUE PURSUANT TO ARTICLE 28.8 OF TITLE 39, C.R.S., WAS PAID."

21 Page 43, line 16, strike "A" and substitute "THE".

22 Page 43, strike line 17 and substitute "PREMISES OF A RETAIL MARIJUANA  
23 PRODUCTS MANUFACTURING FACILITY."

24 Page 44, line 21, strike "FACILITY THAT HAS" and substitute "PERSON WHO  
25 HAS AN INTEREST IN".

26 Page 44, line 24, after "CENTER," insert "A LICENSED OPTIONAL PREMISE  
27 CULTIVATION OPERATION,".

28 Page 45, line 1, after "CENTER," insert "A LICENSED OPTIONAL PREMISE  
29 CULTIVATION OPERATION,".

- 1 Page 48, line 6, after "PURPOSES;" insert "AND".
- 2 Page 48, line 10, strike "ACCURACY; AND" and substitute "ACCURACY."
- 3 Page 48, strike line 11 through 15.
- 4 Page 51, strike line 27 and substitute:
  - 5 "(6) A DISTRICT ATTORNEY SHALL NOTIFY THE STATE LICENSING
  - 6 AUTHORITY IF IT BEGINS INVESTIGATING A RETAIL MARIJUANA
  - 7 ESTABLISHMENT. IF THE STATE LICENSING AUTHORITY HAS RECEIVED
  - 8 NOTIFICATION FROM A DISTRICT ATTORNEY THAT AN INVESTIGATION IS
  - 9 BEING CONDUCTED, THE STATE LICENSING AUTHORITY SHALL NOT
  - 10 DESTROY ANY MARIJUANA OR MARIJUANA PRODUCTS FROM THE RETAIL
  - 11 MARIJUANA ESTABLISHMENT UNTIL THE DESTRUCTION IS APPROVED BY
  - 12 THE DISTRICT ATTORNEY."
- 13 Page 52, strike lines 1 through 7.
- 14 Page 53, line 2, strike "LICENSING AUTHORITIES" and substitute
- 15 "JURISDICTIONS".
- 16 Page 53, line 10, strike "LICENSING AUTHORITY," and substitute
- 17 "JURISDICTION,".
- 18 Page 54, line 22, after "(11);" insert "OR".
- 19 Page 54, line 24, strike "(12); OR" and substitute "(12).".
- 20 Page 54, strike line 25.
- 21 Page 55, strike lines 7 and 8.
- 22 Reletter succeeding paragraphs accordingly.
- 23 Page 55, strike lines 12 through 17.
- 24 Reletter succeeding paragraphs accordingly.
- 25 Page 55, line 26, after "C.R.S.;" insert "OR".
- 26 Page 55, strike line 27.

1 Page 56, strike lines 1 and 2.

2 Reletter succeeding paragraph accordingly.

3 Page 56, after line 22, insert:

4 "SECTION 5. In Colorado Revised Statutes, **amend** 16-2.5-124.5  
5 as follows:

6 **16-2.5-124.5. Director of marijuana enforcement and medical**  
7 **marijuana enforcement INVESTIGATOR.** THE DIRECTOR OF THE  
8 MARIJUANA ENFORCEMENT DIVISION OR A ~~medical~~ marijuana enforcement  
9 investigator is a peace officer while engaged in the performance of his or  
10 her duties and while acting under proper orders or rules pursuant to article  
11 43.3 OR 43.4 of title 12, C.R.S., and shall also include the enforcement of  
12 all laws of the state of Colorado and who may be certified by the P.O.S.T.  
13 board.

14 **SECTION 6.** In Colorado Revised Statutes, 42-4-1301, **amend**  
15 (1) (d), (2) (b), (4), (6) (a) introductory portion, and (6) (e); **repeal** (1) (c);  
16 and **add** (6) (a) (IV), (6) (j), and (6) (k) as follows:

17 **42-4-1301. Driving under the influence - driving while**  
18 **impaired - driving with excessive alcoholic content - definitions -**  
19 **penalties.** (1) (c) ~~It is a misdemeanor for any person who is an habitual~~  
20 ~~user of any controlled substance defined in section 18-18-102 (5), C.R.S.,~~  
21 ~~to drive a motor vehicle, vehicle, or low-power scooter in this state.~~

22 (d) ~~For the purposes of this subsection (1) AS USED IN THIS~~  
23 ~~SECTION, one or more drugs shall mean all substances defined as a MEANS~~  
24 ~~ANY drug, AS DEFINED in section 27-80-203 (13), C.R.S., and all~~  
25 ~~controlled substances ANY CONTROLLED SUBSTANCE, AS defined in~~  
26 ~~section 18-18-102 (5), C.R.S., and glue-sniffing, aerosol inhalation, and~~  
27 ~~the inhalation of any INHALED GLUE, AEROSOL, OR other toxic vapor or~~  
28 ~~vapors, AS DEFINED IN SECTION 18-18-412, C.R.S.~~

29 (2) (b) In any prosecution for the offense of DUI per se, the  
30 defendant shall be entitled to offer direct and circumstantial evidence to  
31 show that there is a disparity between what ~~the~~ ANY tests show and other  
32 facts so that the trier of fact could infer that the tests were in some way  
33 defective or inaccurate. Such evidence may include testimony of  
34 nonexpert witnesses relating to the absence of any or all of the common  
35 symptoms or signs of intoxication for the purpose of impeachment of the  
36 accuracy of the analysis of the person's blood or breath.

37 (4) No court shall accept a plea of guilty to a non-alcohol-related  
38 or non-drug-related traffic offense or guilty to the offense of UDD from  
39 a person charged with DUI OR DUI per se; ~~or habitual user;~~ except that

1 the court may accept a plea of guilty to a non-alcohol-related or  
2 non-drug-related traffic offense or to UDD upon a good faith  
3 representation by the prosecuting attorney that the attorney could not  
4 establish a prima facie case if the defendant were brought to trial on the  
5 original alcohol-related or drug-related offense.

6 (6) (a) In any prosecution for DUI or DWAI, the defendant's BAC  
7 OR DRUG CONTENT at the time of the commission of the alleged offense  
8 or within a reasonable time thereafter gives rise to the following  
9 presumptions or inferences:

10 (IV) IF AT SUCH TIME THE DRIVER'S BLOOD CONTAINED FIVE  
11 NANOGRAMS OR MORE OF DELTA 9-TETRAHYDROCANNABINOL PER  
12 MILLILITER IN WHOLE BLOOD, AS SHOWN BY ANALYSIS OF THE  
13 DEFENDANT'S BLOOD, SUCH FACT GIVES RISE TO A PERMISSIBLE INFERENCE  
14 THAT THE DEFENDANT WAS UNDER THE INFLUENCE OF ONE OR MORE  
15 DRUGS.

16 (e) **Involuntary blood test - admissibility.** Evidence acquired  
17 through an involuntary blood test pursuant to section 42-4-1301.1 (3)  
18 shall be admissible in any prosecution for DUI, DUI per se, DWAI,  
19 ~~habitual user~~, or UDD, and in any prosecution for criminally negligent  
20 homicide pursuant to section 18-3-105, C.R.S., vehicular homicide  
21 pursuant to section 18-3-106 (1) (b), C.R.S., assault in the third degree  
22 pursuant to section 18-3-204, C.R.S., or vehicular assault pursuant to  
23 section 18-3-205 (1) (b), C.R.S.

24 (j) IN ANY TRIAL FOR A VIOLATION OF THIS SECTION, IF, AT THE  
25 TIME OF THE ALLEGED OFFENSE, THE PERSON POSSESSED A VALID MEDICAL  
26 MARIJUANA REGISTRY IDENTIFICATION CARD, AS DEFINED IN SECTION  
27 25-1.5-106 (2) (e), C.R.S., ISSUED TO HIMSELF OR HERSELF, THE  
28 PROSECUTION SHALL NOT USE SUCH FACT AS PART OF THE PROSECUTION'S  
29 CASE IN CHIEF.

30 (k) IN ANY TRAFFIC STOP, THE DRIVER'S POSSESSION OF A VALID  
31 MEDICAL MARIJUANA REGISTRY IDENTIFICATION CARD, AS DEFINED IN  
32 SECTION 25-1.5-106(2) (e), C.R.S., ISSUED TO HIMSELF OR HERSELF SHALL  
33 NOT, IN THE ABSENCE OF OTHER CONTRIBUTING FACTORS, CONSTITUTE  
34 PROBABLE CAUSE FOR A PEACE OFFICER TO REQUIRE THE DRIVER TO  
35 SUBMIT TO AN ANALYSIS OF HIS OR HER BLOOD.

36 **SECTION 7.** In Colorado Revised Statutes, 18-3-106, **amend** (1)  
37 (b) (II), (2) introductory portion, and (2) (c); and **add** (2) (d) as follows:

38 **18-3-106. Vehicular homicide.** (1) (b) (II) For the purposes of  
39 this subsection (1), one or more drugs ~~shall mean all substances defined~~  
40 ~~as a~~ MEANS ANY drug, AS DEFINED in section 27-80-203 (13), C.R.S., and  
41 ~~all controlled substances~~ ANY CONTROLLED SUBSTANCE, AS defined in  
42 section 18-18-102 (5), and ~~glue-sniffing, aerosol inhalation, or the~~

1 ~~inhalation~~ of any INHALED GLUE, AEROSOL, OR other toxic vapor or  
2 vapors, as defined in section 18-18-412.

3 (2) In any prosecution for a violation of subsection (1) of this  
4 section, the amount of alcohol in the defendant's blood or breath at the  
5 time of the commission of the alleged offense, or within a reasonable time  
6 thereafter, as shown by analysis of the defendant's blood or breath, ~~shall~~  
7 ~~give~~ GIVES rise to the following: ~~presumptions:~~

8 (c) If there was at such time 0.08 or more grams of alcohol per  
9 one hundred milliliters of blood, or if there was at such time 0.08 or more  
10 grams of alcohol per two hundred ten liters of breath, ~~it shall be presumed~~  
11 SUCH FACT GIVES RISE TO THE PERMISSIBLE INFERENCE that the defendant  
12 was under the influence of alcohol.

13 (d) IF AT SUCH TIME THE DRIVER'S BLOOD CONTAINED FIVE  
14 NANOGRAMS OR MORE OF DELTA 9-TETRAHYDROCANNABINOL PER  
15 MILLILITER IN WHOLE BLOOD, AS SHOWN BY ANALYSIS OF THE  
16 DEFENDANT'S BLOOD, SUCH FACT GIVES RISE TO A PERMISSIBLE INFERENCE  
17 THAT THE DEFENDANT WAS UNDER THE INFLUENCE OF ONE OR MORE  
18 DRUGS.

19 **SECTION 8.** In Colorado Revised Statutes, 18-3-205, **amend** (1)  
20 (b) (II), (2) introductory portion, and (2) (c); and **add** (2) (d) as follows:

21 **18-3-205. Vehicular assault.** (1) (b) (II) For the purposes of this  
22 subsection (1), one or more drugs ~~shall mean all substances defined as a~~  
23 MEANS ANY drug, AS DEFINED in section 27-80-203 (13), C.R.S., ~~and all~~  
24 ~~controlled substances~~ ANY CONTROLLED SUBSTANCE, AS defined in  
25 section 18-18-102 (5), and ~~glue-sniffing, aerosol inhalation, or the~~  
26 ~~inhalation~~ of any INHALED GLUE, AEROSOL, OR other toxic vapor or  
27 vapors, as defined in section 18-18-412.

28 (2) In any prosecution for a violation of subsection (1) of this  
29 section, the amount of alcohol in the defendant's blood or breath at the  
30 time of the commission of the alleged offense, or within a reasonable time  
31 thereafter, as shown by analysis of the defendant's blood or breath, ~~shall~~  
32 ~~give~~ GIVES rise to the following: ~~presumptions:~~

33 (c) If there was at such time 0.08 or more grams of alcohol per  
34 one hundred milliliters of blood, or if there was at such time 0.08 or more  
35 grams of alcohol per two hundred ten liters of breath, ~~it shall be presumed~~  
36 SUCH FACT GIVES RISE TO THE PERMISSIBLE INFERENCE that the defendant  
37 was under the influence of alcohol.

38 (d) IF AT SUCH TIME THE DRIVER'S BLOOD CONTAINED FIVE  
39 NANOGRAMS OR MORE OF DELTA 9-TETRAHYDROCANNABINOL PER  
40 MILLILITER IN WHOLE BLOOD, AS SHOWN BY ANALYSIS OF THE  
41 DEFENDANT'S BLOOD, SUCH FACT GIVES RISE TO A PERMISSIBLE INFERENCE

1 THAT THE DEFENDANT WAS UNDER THE INFLUENCE OF ONE OR MORE  
2 DRUGS.

3 **SECTION 9.** In Colorado Revised Statutes, 42-1-102, **repeal**  
4 (41.7) as follows:

5 **42-1-102. Definitions.** As used in articles 1 to 4 of this title,  
6 unless the context otherwise requires:

7 (41.7) "~~Habitual user~~" ~~shall incorporate by reference the offense~~  
8 ~~described in section 42-4-1301 (1) (c).~~

9 **SECTION 10.** In Colorado Revised Statutes, 42-2-121, **amend**  
10 (2) (b) and (5) (a) (III) as follows:

11 **42-2-121. Records to be kept by department - admission of**  
12 **records in court.** (2) (b) The department shall also keep a separate file  
13 of all abstracts of court records of dismissals of DUI, DUI per se, DWAI,  
14 ~~habitual user~~, and UDD charges and all abstracts of records in cases  
15 where the original charges were for DUI, DUI per se, DWAI, ~~habitual~~  
16 ~~user~~, and UDD and the convictions were for nonalcohol- or  
17 nondrug-related traffic offenses. This file shall be made available only to  
18 criminal justice agencies, as defined in section 24-72-302 (3), C.R.S.

19 (5) (a) Upon application by a person, the department shall  
20 expunge all records concerning a conviction of a person for UDD with a  
21 BAC of at least 0.02 but not more than 0.05 and any records concerning  
22 an administrative determination resulting in a revocation under section  
23 42-2-126 (3) (b) or (3) (e) if:

24 (III) The person has not been convicted for any other DUI, DUI  
25 per se, DWAI, ~~habitual user~~, or UDD offense that was committed while  
26 such person was under twenty-one years of age and is not subject to any  
27 other administrative determination resulting in a revocation under section  
28 42-2-126 for any other occurrence while such person was under  
29 twenty-one years of age;

30 **SECTION 11.** In Colorado Revised Statutes, **amend** 42-2-129 as  
31 follows:

32 **42-2-129. Mandatory surrender of license or permit for**  
33 **driving under the influence or with excessive alcoholic content.** Upon  
34 a plea of guilty or nolo contendere, or a verdict of guilty by the court or  
35 a jury, to DUI, OR DUI per se, ~~or habitual user~~, or, for a person under  
36 twenty-one years of age, to DUI, DUI per se, DWAI, ~~habitual user~~, or  
37 UDD, the court shall require the offender to immediately surrender the  
38 offender's driver's, minor driver's, or temporary driver's license or  
39 instruction permit to the court. The court shall forward to the department  
40 a notice of plea or verdict, on the form prescribed by the department,  
41 together with the offender's license or permit, not later than ten days after

1 the surrender of the license or permit. Any person who does not  
2 immediately surrender the license or permit to the court, except for good  
3 cause shown, commits a class 2 misdemeanor traffic offense.

4 **SECTION 12.** In Colorado Revised Statutes, 42-2-125, **amend**  
5 (1) (b), (1) (g), and (1) (i) as follows:

6 **42-2-125. Mandatory revocation of license and permit.** (1) The  
7 department shall immediately revoke the license or permit of any driver  
8 or minor driver upon receiving a record showing that such driver has:

9 (b) Been convicted of driving a motor vehicle while under the  
10 influence of a controlled substance, as defined in section 18-18-102 (5),  
11 C.R.S.; ~~or while an habitual user of such a controlled substance;~~

12 (g) (I) Been twice convicted of any combination of DUI, DUI per  
13 se, OR DWAI ~~or habitual user~~ for acts committed within a period of five  
14 years;

15 (II) In the case of a minor driver, been convicted of DUI, DUI per  
16 se, OR DWAI ~~or habitual user~~ committed while such driver was under  
17 twenty-one years of age;

18 (i) Been convicted of DUI, DUI per se, OR DWAI ~~or habitual user~~  
19 and has two previous convictions of any of such offenses. The license of  
20 any driver shall be revoked for an indefinite period and shall only be  
21 reissued upon proof to the department that said driver has completed a  
22 level II alcohol and drug education and treatment program certified by the  
23 unit in the department of human services that administers behavioral  
24 health programs and services, including those related to mental health and  
25 substance abuse, pursuant to section 42-4-1301.3 and that said driver has  
26 demonstrated knowledge of the laws and driving ability through the  
27 regular motor vehicle testing process. In no event shall such license be  
28 reissued in less than two years.

29 **SECTION 13.** In Colorado Revised Statutes, 42-2-127, **amend**  
30 (1) (a) and (6) (b); and **repeal** (5) (b) (II) as follows:

31 **42-2-127. Authority to suspend license - to deny license - type**  
32 **of conviction - points.** (1) (a) Except as provided in paragraph (b) of  
33 subsection (8) of this section, the department has the authority to suspend  
34 the license of any driver who, in accordance with the schedule of points  
35 set forth in this section, has been convicted of traffic violations resulting  
36 in the accumulation of twelve points or more within any twelve  
37 consecutive months or eighteen points or more within any twenty-four  
38 consecutive months, or, in the case of a minor driver eighteen years of age  
39 or older, who has accumulated nine points or more within any twelve  
40 consecutive months, or twelve points or more within any twenty-four  
41 consecutive months, or fourteen points or more for violations occurring

1 after reaching the age of eighteen years, or, in the case of a minor driver  
2 under the age of eighteen years, who has accumulated more than five  
3 points within any twelve consecutive months or more than six points for  
4 violations occurring prior to reaching the age of eighteen years; except  
5 that the accumulation of points causing the subjection to suspension of  
6 the license of a chauffeur who, in the course of employment, has as a  
7 principal duty the operation of a motor vehicle shall be sixteen points in  
8 one year, twenty-four points in two years, or twenty-eight points in four  
9 years, if all the points are accumulated while said chauffeur is in the  
10 course of employment. Any provision of this section to the contrary  
11 notwithstanding, the license of a chauffeur who is convicted of DUI, DUI  
12 per se, DWAI, ~~habitual user~~, UDD, or leaving the scene of an accident  
13 shall be suspended in the same manner as if the offense occurred outside  
14 the course of employment. Whenever a minor driver under the age of  
15 eighteen years receives a summons for a traffic violation, the minor's  
16 parent or legal guardian or, if the minor is without parents or guardian,  
17 the person who signed the minor driver's application for a license shall  
18 immediately be notified by the court from which the summons was  
19 issued.

20 (5) Point system schedule:

21 Type of conviction	Points
22 (b) (II) <del>Habitual user</del>	12

23 (6) (b) For the purposes of this article, a plea of no contest  
24 accepted by the court or the forfeiture of any bail or collateral deposited  
25 to secure a defendant's appearance in court or the failure to appear in  
26 court by a defendant charged with DUI, DUI per se, ~~habitual user~~, or  
27 UDD who has been issued a summons and notice to appear pursuant to  
28 section 42-4-1707 as evidenced by records forwarded to the department  
29 in accordance with the provisions of section 42-2-124 shall be considered  
30 as a conviction.

31 **SECTION 14.** In Colorado Revised Statutes, 42-2-132, **amend**  
32 (2) (a) (III) and (2) (a) (IV) as follows:

33 **42-2-132. Period of suspension or revocation.** (2) (a) (III) In the  
34 case of a minor driver whose license has been revoked as a result of one  
35 conviction for DUI, DUI per se, DWAI, ~~habitual user~~, or UDD, the minor  
36 driver, unless otherwise required after an evaluation made pursuant to  
37 section 42-4-1301.3, must complete a level I alcohol and drug education  
38 program certified by the unit in the department of human services that  
39 administers behavioral health programs and services, including those  
40 related to mental health and substance abuse.

41 (IV) Any person whose license or privilege to drive a motor  
42 vehicle on the public highways has been revoked under section 42-2-125

1 (1) (g) (I) or (1) (i) or 42-2-203 where the revocation was due in part to  
2 a DUI, DUI per se, OR DWAI ~~or habitual user~~ conviction shall be  
3 required to present an affidavit stating that the person has obtained at the  
4 person's own expense a signed lease agreement for the installation and  
5 use of an approved ignition interlock device, as defined in section  
6 42-2-132.5 (9) (a), in each motor vehicle on which the person's name  
7 appears on the registration and any other vehicle that the person may  
8 drive during the period of the interlock-restricted license.

9 **SECTION 15.** In Colorado Revised Statutes, 42-2-132.5, **amend**  
10 (1) (a), (1) (c), and (4) (c) as follows:

11 **42-2-132.5. Mandatory and voluntary restricted licenses**  
12 **following alcohol convictions - rules.** (1) **Persons required to hold an**  
13 **interlock-restricted license.** The following persons shall be required to  
14 hold an interlock-restricted license pursuant to this section for at least one  
15 year following reinstatement prior to being eligible to obtain any other  
16 driver's license issued under this article:

17 (a) A person whose privilege to drive was revoked for multiple  
18 convictions for any combination of a DUI, DUI per se, OR DWAI ~~or~~  
19 ~~habitual user~~ pursuant to section 42-2-125 (1) (g) (I) or (1) (i);

20 (c) A person whose privilege to drive was revoked as an habitual  
21 offender under section 42-2-203 in which the revocation was due in part  
22 to a DUI, DUI per se, OR DWAI ~~or habitual user~~ conviction; or

23 (4) **Persons who may acquire an interlock-restricted license**  
24 **prior to serving a full-term revocation.** (c) In order to be eligible for  
25 early reinstatement pursuant to this subsection (4), a person who has been  
26 designated an habitual offender under the provisions of section 42-2-202  
27 must have at least one conviction for DUI, DUI per se, OR DWAI ~~or~~  
28 ~~habitual user~~ under section 42-4-1301, and no contributing violations  
29 other than violations for driving under restraint under section 42-2-138  
30 or reckless driving under section 42-4-1401.

31 **SECTION 16.** In Colorado Revised Statutes, 42-2-138, **amend**  
32 (1) (a) and (1) (d) as follows:

33 **42-2-138. Driving under restraint - penalty.** (1) (a) Any person  
34 who drives a motor vehicle or off-highway vehicle upon any highway of  
35 this state with knowledge that the person's license or privilege to drive,  
36 either as a resident or a nonresident, is under restraint for any reason other  
37 than conviction of DUI, DUI per se, DWAI, ~~habitual user~~, or UDD is  
38 guilty of a misdemeanor. A court may sentence a person convicted of this  
39 misdemeanor to imprisonment in the county jail for a period of not more  
40 than six months and may impose a fine of not more than five hundred  
41 dollars.

1 (d) (I) A person who drives a motor vehicle or off-highway  
2 vehicle upon any highway of this state with knowledge that the person's  
3 license or privilege to drive, either as a resident or nonresident, is  
4 restrained under section 42-2-126 (3), is restrained solely or partially  
5 because of a conviction of DUI, DUI per se, DWAI, ~~habitual user~~, or  
6 UDD, or is restrained in another state solely or partially because of an  
7 alcohol-related driving offense is guilty of a misdemeanor and, upon  
8 conviction thereof, shall be punished by imprisonment in the county jail  
9 for not less than thirty days nor more than one year and, in the discretion  
10 of the court, by a fine of not less than five hundred dollars nor more than  
11 one thousand dollars. Upon a second or subsequent conviction, the person  
12 shall be punished by imprisonment in the county jail for not less than  
13 ninety days nor more than two years and, in the discretion of the court, by  
14 a fine of not less than five hundred dollars nor more than three thousand  
15 dollars. The minimum county jail sentence imposed by this subparagraph  
16 (I) shall be mandatory, and the court shall not grant probation or a  
17 suspended sentence thereof; but, in a case where the defendant is  
18 convicted although the defendant established that he or she had to drive  
19 the motor vehicle in violation of this subparagraph (I) because of an  
20 emergency, the mandatory jail sentence, if any, shall not apply, and, for  
21 a first conviction, the court may impose a sentence of imprisonment in the  
22 county jail for a period of not more than one year and, in the discretion of  
23 the court, a fine of not more than one thousand dollars, and, for a second  
24 or subsequent conviction, the court may impose a sentence of  
25 imprisonment in the county jail for a period of not more than two years  
26 and, in the discretion of the court, a fine of not more than three thousand  
27 dollars.

28 (II) In any trial for a violation of subparagraph (I) of this  
29 paragraph (d), a duly authenticated copy of the record of the defendant's  
30 former convictions and judgments for DUI, DUI per se, DWAI, ~~habitual~~  
31 ~~user~~, or UDD or an alcohol-related offense committed in another state  
32 from any court of record or a certified copy of the record of any denial or  
33 revocation of the defendant's driving privilege under section 42-2-126 (3)  
34 from the department shall be prima facie evidence of the convictions,  
35 judgments, denials, or revocations and may be used in evidence against  
36 the defendant. Identification photographs and fingerprints that are part of  
37 the record of the former convictions, judgments, denials, or revocations  
38 and the defendant's incarceration after sentencing for any of the former  
39 convictions, judgments, denials, or revocations shall be prima facie  
40 evidence of the identity of the defendant and may be used in evidence  
41 against the defendant.

1           **SECTION 17.** In Colorado Revised Statutes, 42-2-202, **amend**  
2 (2) (a) (I) as follows:

3           **42-2-202. Habitual offenders - frequency and type of**  
4 **violations.** (2) (a) An habitual offender is a person having three or more  
5 convictions of any of the following separate and distinct offenses arising  
6 out of separate acts committed within a period of seven years:

7           (I) DUI, DUI per se, OR DWAI; ~~or habitual user;~~

8           **SECTION 18.** In Colorado Revised Statutes, 42-2-405, **amend**  
9 (3) (a) as follows:

10           **42-2-405. Driver's license disciplinary actions - grounds for**  
11 **denial - suspension - revocation - disqualification.** (3) For purposes of  
12 the imposition of restraints and sanctions against commercial driving  
13 privileges:

14           (a) A conviction for DUI, DUI per se, OR DWAI, ~~or habitual user;~~  
15 or a substantially similar law of any other state pertaining to drinking and  
16 driving, or an administrative determination of a violation of section  
17 42-2-126 (3) (a) or (3) (b) shall be deemed driving under the influence;  
18 and

19           **SECTION 19.** In Colorado Revised Statutes, 42-4-1301.1,  
20 **amend** (2) (a) (I) and (2) (b) (I) as follows:

21           **42-4-1301.1. Expressed consent for the taking of blood, breath,**  
22 **urine, or saliva sample - testing.** (2) (a) (I) A person who drives a  
23 motor vehicle upon the streets and highways and elsewhere throughout  
24 this state shall be required to take and complete, and to cooperate in the  
25 taking and completing of, any test or tests of the person's breath or blood  
26 for the purpose of determining the alcoholic content of the person's blood  
27 or breath when so requested and directed by a law enforcement officer  
28 having probable cause to believe that the person was driving a motor  
29 vehicle in violation of the prohibitions against DUI, DUI per se, DWAI,  
30 ~~habitual user,~~ or UDD. Except as otherwise provided in this section, if a  
31 person who is twenty-one years of age or older requests that the test be a  
32 blood test, then the test shall be of his or her blood; but, if the person  
33 requests that a specimen of his or her blood not be drawn, then a  
34 specimen of the person's breath shall be obtained and tested. A person  
35 who is under twenty-one years of age shall be entitled to request a blood  
36 test unless the alleged violation is UDD, in which case a specimen of the  
37 person's breath shall be obtained and tested, except as provided in  
38 subparagraph (II) of this paragraph (a).

39           (b) (I) Any person who drives any motor vehicle upon the streets  
40 and highways and elsewhere throughout this state shall be required to  
41 submit to and to complete, and to cooperate in the completing of, a test

1 or tests of such person's blood, saliva, and urine for the purpose of  
2 determining the drug content within the person's system when so  
3 requested and directed by a law enforcement officer having probable  
4 cause to believe that the person was driving a motor vehicle in violation  
5 of the prohibitions against DUI, OR DWAI ~~or habitual user~~ and when it  
6 is reasonable to require such testing of blood, saliva, and urine to  
7 determine whether such person was under the influence of, or impaired  
8 by, one or more drugs, or one or more controlled substances, or a  
9 combination of both alcohol and one or more drugs, or a combination of  
10 both alcohol and one or more controlled substances.

11 **SECTION 20.** In Colorado Revised Statutes, 42-4-1307, **amend**  
12 (3) (a) introductory portion, (5) (a) introductory portion, (5) (b)  
13 introductory portion, (6) (a) introductory portion, (9) (a), (10) (a), (10)  
14 (b), (10) (c), (10) (d) (I), (12), and (13) as follows:

15 **42-4-1307. Penalties for traffic offenses involving alcohol and**  
16 **drugs - repeal.** (3) **First offenses - DUI and DUI per se.** (a) Except as  
17 otherwise provided in subsections (5) and (6) of this section, a person  
18 who is convicted of DUI OR DUI per se ~~or habitual user~~ shall be punished  
19 by:

20 (5) **Second offenses.** (a) Except as otherwise provided in  
21 subsection (6) of this section, a person who is convicted of DUI, DUI per  
22 se, OR DWAI ~~or habitual user~~ who, at the time of sentencing, has a prior  
23 conviction of DUI, DUI per se, DWAI, ~~habitual user~~, vehicular homicide  
24 pursuant to section 18-3-106 (1) (b), C.R.S., vehicular assault pursuant to  
25 section 18-3-205 (1) (b), C.R.S., aggravated driving with a revoked  
26 license pursuant to section 42-2-206 (1) (b) (I) (A) or (1) (b) (I) (B), or  
27 driving while the person's driver's license was under restraint pursuant to  
28 section 42-2-138 (1) (d), shall be punished by:

29 (b) If a person is convicted of DUI, DUI per se, OR DWAI ~~or~~  
30 ~~habitual user~~ and the violation occurred less than five years after the date  
31 of a previous violation for which the person was convicted of DUI, DUI  
32 per se, DWAI, ~~habitual user~~, vehicular homicide pursuant to section  
33 18-3-106 (1) (b), C.R.S., vehicular assault pursuant to section 18-3-205  
34 (1) (b), C.R.S., aggravated driving with a revoked license pursuant to  
35 section 42-2-206 (1) (b) (I) (A) or (1) (b) (I) (B), or driving while the  
36 person's driver's license was under restraint pursuant to section 42-2-138  
37 (1) (d), the court shall not have discretion to employ any sentencing  
38 alternatives described in section 18-1.3-106, C.R.S., during the minimum  
39 period of imprisonment described in subparagraph (I) of paragraph (a) of  
40 this subsection (5); except that a court may allow the person to participate  
41 in a program pursuant to section 18-1.3-106 (1) (a) (II), (1) (a) (IV), or (1)

1 (a) (V), C.R.S., only if the program is available through the county in  
2 which the person is imprisoned and only for the purpose of:

3 (6) **Third and subsequent offenses.** (a) A person who is  
4 convicted of DUI, DUI per se, OR DWAI ~~or habitual user~~ who, at the time  
5 of sentencing, has two or more prior convictions of DUI, DUI per se,  
6 DWAI, ~~habitual user~~, vehicular homicide pursuant to section 18-3-106 (1)  
7 (b), C.R.S., vehicular assault pursuant to section 18-3-205 (1) (b), C.R.S.,  
8 aggravated driving with a revoked license pursuant to section 42-2-206  
9 (1) (b) (I) (A) or (1) (b) (I) (B), or driving while the person's driver's  
10 license was under restraint pursuant to section 42-2-138 (1) (d) shall be  
11 punished by:

12 (9) **Previous convictions.** (a) For the purposes of subsections (5)  
13 and (6) of this section, a person shall be deemed to have a previous  
14 conviction for DUI, DUI per se, DWAI, ~~habitual user~~, vehicular homicide  
15 pursuant to section 18-3-106 (1) (b), C.R.S., vehicular assault pursuant to  
16 section 18-3-205 (1) (b), C.R.S., aggravated driving with a revoked  
17 license pursuant to section 42-2-206 (1) (b) (I) (A) or (1) (b) (I) (B), or  
18 driving while the person's driver's license was under restraint pursuant to  
19 section 42-2-138 (1) (d), if the person has been convicted under the laws  
20 of this state or under the laws of any other state, the United States, or any  
21 territory subject to the jurisdiction of the United States, of an act that, if  
22 committed within this state, would constitute the offense of DUI, DUI per  
23 se, DWAI, ~~habitual user~~, vehicular homicide pursuant to section 18-3-106  
24 (1) (b), C.R.S., vehicular assault pursuant to section 18-3-205 (1) (b),  
25 C.R.S., aggravated driving with a revoked license pursuant to section  
26 42-2-206 (1) (b) (I) (A) or (1) (b) (I) (B), or driving while the person's  
27 driver's license was under restraint pursuant to section 42-2-138 (1) (d).

28 (10) **Additional costs and surcharges.** In addition to the  
29 penalties prescribed in this section:

30 (a) Persons convicted of DUI, DUI per se, DWAI, ~~habitual user~~,  
31 and UDD are subject to the costs imposed by section 24-4.1-119 (1) (c),  
32 C.R.S., relating to the crime victim compensation fund;

33 (b) Persons convicted of DUI, DUI per se, AND DWAI ~~and~~  
34 ~~habitual user~~ are subject to a surcharge of at least one hundred dollars but  
35 no more than five hundred dollars to fund programs to reduce the number  
36 of persistent drunk drivers. The surcharge shall be mandatory, and the  
37 court shall not have discretion to suspend or waive the surcharge; except  
38 that the court may suspend or waive the surcharge if the court determines  
39 that a person is indigent. Moneys collected for the surcharge shall be  
40 transmitted to the state treasurer, who shall credit the amount collected to  
41 the persistent drunk driver cash fund created in section 42-3-303.

1 (c) Persons convicted of DUI, DUI per se, DWAI, ~~habitual user~~,  
2 and UDD are subject to a surcharge of twenty dollars to be transmitted to  
3 the state treasurer who shall deposit moneys collected for the surcharge  
4 in the Colorado traumatic brain injury trust fund created pursuant to  
5 section 26-1-309, C.R.S.;

6 (d) (I) Persons convicted of DUI, DUI per se, AND DWAI ~~and~~  
7 ~~habitual user~~ are subject to a surcharge of at least one dollar but no more  
8 than ten dollars for programs to fund efforts to address alcohol and  
9 substance abuse problems among persons in rural areas. The surcharge  
10 shall be mandatory, and the court shall not have discretion to suspend or  
11 waive the surcharge; except that the court may suspend or waive the  
12 surcharge if the court determines that a person is indigent. Any moneys  
13 collected for the surcharge shall be transmitted to the state treasurer, who  
14 shall credit the same to the rural alcohol and substance abuse cash fund  
15 created in section 27-80-117 (3), C.R.S.

16 (12) **Victim impact panels.** In addition to any other penalty  
17 provided by law, the court may sentence a person convicted of DUI, DUI  
18 per se, DWAI, ~~habitual user~~, or UDD to attend and pay for one  
19 appearance at a victim impact panel approved by the court, for which the  
20 fee assessed to the person shall not exceed twenty-five dollars.

21 (13) **Alcohol and drug evaluation and supervision costs.** In  
22 addition to any fines, fees, or costs levied against a person convicted of  
23 DUI, DUI per se, DWAI, ~~habitual user~~, or UDD, the judge shall assess  
24 each such person for the cost of the presentence or postsentence alcohol  
25 and drug evaluation and supervision services.

26 **SECTION 21.** In Colorado Revised Statutes, 42-4-1702, **amend**  
27 (1) as follows:

28 **42-4-1702. Alcohol- or drug-related traffic offenses - collateral**  
29 **attack.** (1) ~~Except as otherwise provided in paragraph (b) of this~~  
30 ~~subsection (1),~~ No person against whom a judgment has been entered for  
31 DUI, DUI per se, DWAI, ~~habitual user~~, or UDD shall collaterally attack  
32 the validity of that judgment unless such attack is commenced within six  
33 months after the date of entry of the judgment.

34 **SECTION 22.** In Colorado Revised Statutes, 42-4-1705, **amend**  
35 (1) (c) as follows:

36 **42-4-1705. Person arrested to be taken before the proper**  
37 **court.** (1) Whenever a person is arrested for any violation of this article  
38 punishable as a misdemeanor, the arrested person shall be taken without  
39 unnecessary delay before a county judge who has jurisdiction of such  
40 offense as provided by law, in any of the following cases:

41 (c) When the person is arrested and charged with DUI, DUI per  
42 se, ~~habitual user~~, or UDD;

1           **SECTION 23.** In Colorado Revised Statutes, 42-4-1715, **amend**  
2 (1) (b) (II) and (4) (a) (II) as follows:

3           **42-4-1715. Convictions, judgments, and charges recorded -**  
4 **public inspection.** (1) (b) (II) Upon receiving a request for  
5 expungement, the court may delay consideration of such request until  
6 sufficient time has elapsed to ensure that the person is not convicted for  
7 any additional offense of DUI, DUI per se, DWAI, ~~habitual user~~, or UDD  
8 committed while the person was under twenty-one years of age.

9           (4) (a) Every court of record shall also forward a like report to the  
10 department:

11           (II) Upon the dismissal of a charge for DUI, DUI per se, DWAI,  
12 ~~habitual user~~, or UDD or if the original charge was for DUI, DUI per se,  
13 DWAI, ~~habitual user~~, or UDD and the conviction was for a nonalcohol-  
14 or nondrug-related traffic offense.

15           **SECTION 24.** In Colorado Revised Statutes, 42-7-408, **amend**  
16 (1) (c) (I) as follows:

17           **42-7-408. Proof of financial responsibility - methods of giving**  
18 **proof - duration - exception.** (1) (c) Notwithstanding the three-year  
19 requirement in paragraph (b) of this subsection (1):

20           (I) If an insured has been found guilty of DUI, DUI per se, OR  
21 DWAI or ~~habitual user~~ or if the insured's license has been revoked  
22 pursuant to section 42-2-126, other than a revocation under section  
23 42-2-126 (3) (b) or (3) (e), only one time and no accident was involved  
24 in such offense, proof of financial responsibility for the future shall be  
25 required to be maintained only for as long as the insured's driving  
26 privilege is ordered to be under restraint, up to a maximum of three years.  
27 The time period for maintaining the future proof of liability insurance  
28 shall begin at the time the driver reinstates his or her driving privilege.

29           **SECTION 25.** In Colorado Revised Statutes, 40-10.1-110,  
30 **amend** (3) (c) (I) as follows:

31           **40-10.1-110. Criminal history record check.** (3) An individual  
32 whose criminal history record is checked pursuant to this section is  
33 disqualified and prohibited from driving motor vehicles for the motor  
34 carrier described in subsection (1) of this section if the criminal history  
35 record check reflects that:

36           (c) Within the two years immediately preceding the date the  
37 criminal history record check is completed, the individual was:

38           (I) Convicted in this state of driving under the influence, as  
39 defined in section 42-4-1301 (1) (f), C.R.S.; driving with excessive  
40 alcoholic content, as described in section 42-4-1301 (2) (a), C.R.S.; OR  
41 driving while ability impaired, as defined in section 42-4-1301 (1) (g),  
42 C.R.S.; or ~~driving while an habitual user of a controlled substance, as~~

- 1 ~~described in section 42-4-1301 (1) (c), C.R.S.;~~ or".
- 2 Renumber succeeding sections accordingly.

\*\* \*\*\* \*\* \*\*\* \*\*