

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

**INTRODUCED**

LLS NO. 13-0564.01 Richard Sweetman x4333

**HOUSE BILL 13-1077**

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**HOUSE SPONSORSHIP**

**Salazar,**

**SENATE SPONSORSHIP**

**(None),**

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**House Committees**  
Judiciary

**Senate Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING A DRIVER'S RIGHT TO CHALLENGE THE LAWFULNESS OF**  
102             **A LAW ENFORCEMENT OFFICER'S INITIAL CONTACT IN AN**  
103             **ADMINISTRATIVE PROCEEDING FOR A REVOCATION OF A**  
104             **DRIVER'S LICENSE.**

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**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>.)*

In an administrative proceeding for a revocation of a driver's license, a driver may challenge the validity of the law enforcement

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.*

officer's initial contact with the driver and the driver's subsequent arrest for DUI, DUI per se, or DWAI. The hearing officer shall consider such issues when a driver raises them as defenses.

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

2           **SECTION 1.** In Colorado Revised Statutes, 42-2-126, **add** (8) (h)  
3 as follows:

4           **42-2-126. Revocation of license based on administrative**  
5 **determination. (8) Hearing. (h)** A DRIVER MAY CHALLENGE THE  
6 VALIDITY OF THE LAW ENFORCEMENT OFFICER'S INITIAL CONTACT WITH  
7 THE DRIVER AND THE DRIVER'S SUBSEQUENT ARREST FOR DUI, DUI PER  
8 SE, OR DWAI. THE HEARING OFFICER SHALL CONSIDER SUCH ISSUES WHEN  
9 A DRIVER RAISES THEM AS DEFENSES.

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