

First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 13-0564.01 Richard Sweetman x4333

HOUSE BILL 13-1077

HOUSE SPONSORSHIP

Salazar,

SENATE SPONSORSHIP

Ulibarri,

House Committees

Judiciary
Appropriations

Senate Committees

Finance
Appropriations

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.**

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.*

SENATE
3rd Reading Unamended
April 26, 2013

SENATE
Amended 2nd Reading
April 25, 2013

HOUSE
3rd Reading Unamended
March 5, 2013

HOUSE
Amended 2nd Reading
March 1, 2013

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.

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) PURSUANT TO SECTION 42-1-228, A**
6 **DRIVER MAY CHALLENGE THE VALIDITY OF THE LAW ENFORCEMENT**
7 **OFFICER'S INITIAL CONTACT WITH THE DRIVER AND THE DRIVER'S**
8 **SUBSEQUENT ARREST FOR DUI, DUI PER SE, OR DWAI. THE HEARING**
9 **OFFICER SHALL CONSIDER SUCH ISSUES WHEN A DRIVER RAISES THEM AS**
10 **DEFENSES.**

11 **SECTION 2.** In Colorado Revised Statutes, **add** 42-1-228 as
12 follows:

13 **42-1-228. Revocation hearings - right of driver to challenge**
14 **validity of initial traffic stop. IN ANY ADMINISTRATIVE PROCEEDING FOR**
15 **A REVOCATION OF A DRIVER'S LICENSE PURSUANT TO ARTICLE 2 OF THIS**
16 **TITLE, WHERE THE HEARING OFFICER IS ENGAGED IN FINDING FACTS AND**
17 **APPLYING LAW FOR AN INCIDENT OR OFFENSE REPORTED DIRECTLY TO THE**
18 **DEPARTMENT BY A LAW ENFORCEMENT OFFICER, AND WHERE THE**
19 **REVOCATION WAS NOT TRIGGERED IN WHOLE OR IN PART BY A RECORD OF**
20 **A CONVICTION, THE DRIVER MAY CHALLENGE THE VALIDITY OF THE LAW**
21 **ENFORCEMENT OFFICER'S INITIAL CONTACT WITH THE DRIVER AND**
22 **SUBSEQUENT ARREST OF THE DRIVER. THE HEARING OFFICER SHALL**
23 **CONSIDER SUCH ISSUES WHEN A DRIVER RAISES THEM AS DEFENSES.**

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1 **SECTION 3. 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.