

First Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

**PREAMENDED**

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

LLS NO. 13-0564.01 Richard Sweetman x4333

**HOUSE BILL 13-1077**

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**HOUSE SPONSORSHIP**

**Salazar,**

**SENATE SPONSORSHIP**

**Ulibarri,**

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**House Committees**

Judiciary  
Appropriations

**Senate Committees**

Finance

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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, AND, IN CONNECTION THEREWITH, MAKING**  
105 **AN APPROPRIATION.**

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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

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.*

HOUSE  
3rd Reading Unamended  
March 5, 2013

HOUSE  
Amended 2nd Reading  
March 1, 2013

license, a driver may challenge the validity of the law enforcement 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)** 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.

1           **SECTION 3. Appropriation.** (1) In addition to any other  
2 appropriation, there is hereby appropriated, out of any moneys in the  
3 driver's license administrative revocation account in the highway users tax  
4 fund created in section 42-2-132 (4) (b) (I) (A), Colorado Revised  
5 Statutes, not otherwise appropriated, to the department of revenue, for the  
6 fiscal year beginning July 1, 2013, the sum of \$42,024, or so much  
7 thereof as may be necessary, for the purchase of legal services related to  
8 the implementation of this act.

9           (2) In addition to any other appropriation, there is hereby  
10 appropriated to the department of law, for the fiscal year beginning July  
11 1, 2013, the sum of \$42,024 and 0.3 FTE, or so much thereof as may be  
12 necessary, for the provision of legal services for the department of  
13 revenue related to the implementation of this act. Said sum is from  
14 reappropriated funds received from the department of revenue out of the  
15 appropriation made in subsection (1) of this section.

16           **SECTION 4. Safety clause.** The general assembly hereby finds,  
17 determines, and declares that this act is necessary for the immediate  
18 preservation of the public peace, health, and safety.