

NOTE: The governor signed this measure on 6/5/2014.

An Act

HOUSE BILL 14-1228

BY REPRESENTATIVE(S) Peniston and Szabo, Salazar, Schafer, Scott, Stephens, Wright;
also SENATOR(S) Tochtrop and King.

CONCERNING THE REPEAL OF CERTAIN REQUIREMENTS FOR DEFENSIVE DRIVING SCHOOLS ATTENDED IN ACCORDANCE WITH A COURT ORDER RESULTING FROM A VIOLATION OF A LAW REGULATING THE OPERATION OF A MOTOR VEHICLE, AND, IN CONNECTION THEREWITH, REDUCING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 42-1-223, **repeal** (1), (2), and (3); and **add** (4) and (5) as follows:

42-1-223. Monitoring driving improvement schools - fund - rules - repeal. (1) ~~The defensive driving school fund, referred to in this section as the "fund", is hereby created in the state treasury. The fund shall consist of penalty surcharges collected pursuant to section 42-4-1717 (3). The moneys in the fund shall be used to implement a program to monitor and evaluate driver improvement schools pursuant to this section. The moneys in the fund at the end of each fiscal year shall not revert to the general fund.~~

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

~~(2) The department shall, in accordance with article 103 of title 24, C.R.S., contract with a private entity by July 1, 2010, to monitor and evaluate the curriculum and effectiveness of driver improvement classes required by section 42-4-1717. The private entity shall submit a report to the referring court within three months after a school has been evaluated summarizing the curriculum, location, security, quality, and effectiveness of the classes. The private entity shall also submit an abstract of such reports to the department annually.~~

~~(3) The department may promulgate rules setting standards for frequency and types of evaluations based upon the revenue received pursuant to section 42-4-1717 and the expected effectiveness of frequencies and types of evaluations.~~

(4) THE STATE TREASURER SHALL TRANSFER ALL UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE DEFENSIVE DRIVING SCHOOL FUND AS OF JANUARY 1, 2015, TO THE GENERAL FUND.

(5) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2015.

SECTION 2. In Colorado Revised Statutes, 42-4-1717, **amend** (1); and **repeal** (3) as follows:

42-4-1717. Conviction - attendance at driver improvement school - rules. (1) Except as otherwise provided in subsection (2) of this section, if a person has been convicted of violating this article or any other law regulating the operation of motor vehicles other than a violation of section 42-4-1301, the court may require the defendant, ~~or, if the defendant has not been convicted of a violation of this article or any other law regulating the operation of motor vehicles within the last eighteen months,~~ the court shall offer the defendant an opportunity, at the defendant's expense, to attend and satisfactorily complete a course of instruction at any designated driver improvement school providing instruction in: the traffic laws of this state, ~~instruction in~~ recognition of hazardous traffic situations, and ~~instruction in~~ traffic accident prevention. Upon completion of the course, the court may suspend all or a portion of the fine or sentence of imprisonment. Unless otherwise provided by law, ~~such~~ THE school ~~shall~~ **MUST** be approved by the court.

~~(3) (a) Effective January 1, 2010, a person who is required to attend a course of instruction pursuant to subsection (1) or (2) of this section shall pay, in addition to any other penalties, a penalty surcharge as determined by rules promulgated by the department. The driver improvement school shall collect the penalty surcharge and remit it to the department at least monthly in accordance with rules promulgated by the department. The department shall set the penalty surcharge in an amount to offset the direct and indirect cost of implementing section 42-1-223. The penalty surcharge shall be transferred to the state treasurer and credited to the defensive driving school fund created in section 42-1-223.~~

~~(b) The court shall include on the referral form information concerning the amount and purpose of the penalty surcharge. If the court determines that a person is unable to pay the cost of the penalty surcharge, the court may waive the surcharge and the driver improvement school shall not collect nor remit the penalty surcharge to the department.~~

~~(c) A person who is required to attend a course of instruction pursuant to subsection (1) or (2) of this section shall register with the entity that monitors the driver improvement school pursuant to section 42-1-223. If the person satisfactorily completes the course, the driver improvement school shall electronically notify the entity.~~

SECTION 3. Appropriation - adjustments to 2014 long bill.

(1) For the implementation of this act, appropriations made in the annual general appropriation act to the department of revenue for the fiscal year beginning July 1, 2014, are adjusted as follows:

(a) The cash funds appropriation from the defensive driving school fund created in section 42-1-223 (1), Colorado Revised Statutes, for the driver services sub-division in the division of motor vehicles, is decreased by \$73,145.

SECTION 4. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Mark Ferrandino
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Morgan Carroll
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO