

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

REREVISED

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

LLS NO. 14-0791.01 Jery Payne x2157

HOUSE BILL 14-1228

HOUSE SPONSORSHIP

Peniston and Szabo,

SENATE SPONSORSHIP

Tochtrop and King,

House Committees

Transportation & Energy

Senate Committees

Transportation
Appropriations

A BILL FOR AN ACT

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

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/bills summaries>.)

Current law requires the department of revenue to evaluate the

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 21, 2014

SENATE
Amended 2nd Reading
April 17, 2014

HOUSE
3rd Reading Unamended
February 24, 2014

HOUSE
2nd Reading Unamended
February 21, 2014

curriculum and effectiveness of driver improvement classes required by a court order in conjunction with a violation of the law regulating motor vehicle operation. This bill repeals that requirement.

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

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

4 **42-1-223. Monitoring driving improvement schools - fund -**
5 **rules - repeal.** (1) ~~The defensive driving school fund, referred to in this~~
6 ~~section as the "fund", is hereby created in the state treasury. The fund~~
7 ~~shall consist of penalty surcharges collected pursuant to section~~
8 ~~42-4-1717 (3). The moneys in the fund shall be used to implement a~~
9 ~~program to monitor and evaluate driver improvement schools pursuant to~~
10 ~~this section. The moneys in the fund at the end of each fiscal year shall~~
11 ~~not revert to the general fund.~~

12 (2) ~~The department shall, in accordance with article 103 of title~~
13 ~~24, C.R.S., contract with a private entity by July 1, 2010, to monitor and~~
14 ~~evaluate the curriculum and effectiveness of driver improvement classes~~
15 ~~required by section 42-4-1717. The private entity shall submit a report to~~
16 ~~the referring court within three months after a school has been evaluated~~
17 ~~summarizing the curriculum, location, security, quality, and effectiveness~~
18 ~~of the classes. The private entity shall also submit an abstract of such~~
19 ~~reports to the department annually.~~

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

24 (4) ~~THE STATE TREASURER SHALL TRANSFER ALL UNEXPENDED AND~~

1 UNENCUMBERED MONEYS REMAINING IN THE DEFENSIVE DRIVING SCHOOL
2 FUND AS OF JANUARY 1, 2015, TO THE GENERAL FUND.

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

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

6 **42-4-1717. Conviction - attendance at driver improvement**
7 **school - rules.** (1) Except as otherwise provided in subsection (2) of this
8 section, if a person has been convicted of violating this article or any
9 other law regulating the operation of motor vehicles other than a violation
10 of section 42-4-1301, the court may require the defendant, ~~or, if the~~
11 ~~defendant has not been convicted of a violation of this article or any other~~
12 ~~law regulating the operation of motor vehicles within the last eighteen~~
13 ~~months, the court shall offer the defendant an opportunity,~~ at the
14 defendant's expense, to attend and satisfactorily complete a course of
15 instruction at any designated driver improvement school providing
16 instruction in: the traffic laws of this state, ~~instruction in~~ recognition of
17 hazardous traffic situations, and ~~instruction in~~ traffic accident prevention.
18 Upon completion of the course, the court may suspend all or a portion of
19 the fine or sentence of imprisonment. Unless otherwise provided by law,
20 ~~such~~ THE school ~~shall~~ MUST be approved by the court.

21 (3) (a) ~~Effective January 1, 2010, a person who is required to~~
22 ~~attend a course of instruction pursuant to subsection (1) or (2) of this~~
23 ~~section shall pay, in addition to any other penalties, a penalty surcharge~~
24 ~~as determined by rules promulgated by the department. The driver~~
25 ~~improvement school shall collect the penalty surcharge and remit it to the~~
26 ~~department at least monthly in accordance with rules promulgated by the~~
27 ~~department. The department shall set the penalty surcharge in an amount~~

1 to offset the direct and indirect cost of implementing section 42-1-223.
2 The penalty surcharge shall be transferred to the state treasurer and
3 credited to the defensive driving school fund created in section 42-1-223.

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

9 (c) A person who is required to attend a course of instruction
10 pursuant to subsection (1) or (2) of this section shall register with the
11 entity that monitors the driver improvement school pursuant to section
12 42-1-223. If the person satisfactorily completes the course, the driver
13 improvement school shall electronically notify the entity.

14 **SECTION 3. Appropriation - adjustments to 2014 long bill.**

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

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

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