

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 8, 2006
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

SB06-072 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, page 2, line 10, strike "unintentional serious bodily
2 injury or unintentional" and substitute "serious bodily injury or";

3 line 26, strike "UNINTENTIONAL".

4 Page 3, line 6, strike "UNINTENTIONAL";

5 strike lines 9 through 25 and substitute the following:

6 "SECTION 3. Part of 1 of article 2 of title 42, Colorado Revised
7 Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION
8 to read:

9 **42-2-127.8. Authority to suspend license - careless driving**
10 **resulting in serious bodily injury or death.** (1) (a) WHENEVER THE
11 DEPARTMENT RECEIVES NOTICE THAT A PERSON HAS BEEN CONVICTED OF
12 AN OFFENSE PURSUANT TO SECTION 42-4-1402 INVOLVING SERIOUS
13 BODILY INJURY OR DEATH, THE DEPARTMENT SHALL IMMEDIATELY
14 SUSPEND THE LICENSE OF THE PERSON.

15 (b) THE PERIOD OF REVOCATION FOR WHICH SHALL BE AS FOLLOWS:

16 (I) FOR A VIOLATION RESULTING IN SERIOUS BODILY INJURY TO
17 ANOTHER PERSON, NOT LESS THAN SIX MONTHS;

18 (II) FOR A VIOLATION RESULTING IN DEATH TO ANOTHER PERSON,

1 NOT LESS THAN ONE YEAR.

2 (c) FOR PURPOSES OF THIS SUBSECTION (1), A PERSON HAS BEEN
3 CONVICTED WHEN THE PERSON HAS BEEN FOUND GUILTY BY A COURT OR
4 A JURY, ENTERED A PLEA OF GUILTY OR NOLO CONTENDERE, OR RECEIVED
5 A DEFERRED SENTENCE FOR AN OFFENSE.

6 (2) (a) UPON SUSPENSION OF A PERSON'S LICENSE AS REQUIRED BY
7 THIS SECTION, THE DEPARTMENT SHALL IMMEDIATELY NOTIFY THE PERSON
8 AS PROVIDED IN SECTION 42-2-119 (2).

9 (b) UPON RECEIPT OF THE NOTICE OF SUSPENSION, THE PERSON OR
10 THE PERSON'S ATTORNEY MAY REQUEST A HEARING IN WRITING. THE
11 DEPARTMENT SHALL HOLD A HEARING NOT LESS THAN THIRTY DAYS AFTER
12 RECEIVING THE REQUEST, WHICH HEARING SHALL BE CONDUCTED BY A
13 HEARING COMMISSIONER APPOINTED BY THE EXECUTIVE DIRECTOR OF THE
14 DEPARTMENT AND IN ACCORDANCE WITH THE PROVISIONS OF SECTION
15 24-4-105, C.R.S. THE HEARING SHALL BE HELD AT THE DISTRICT OFFICE
16 OF THE DEPARTMENT CLOSEST TO THE RESIDENCE OF THE PERSON; EXCEPT
17 THAT ALL OR PART OF THE HEARING MAY, AT THE DISCRETION OF THE
18 DEPARTMENT, BE CONDUCTED IN REAL TIME BY TELEPHONE OR OTHER
19 ELECTRONIC MEANS IN ACCORDANCE WITH SECTION 42-1-218.5, UNLESS
20 THE PERSON REQUESTS TO APPEAR IN PERSON AT THE HEARING. AFTER
21 THE HEARING, THE PERSON MAY APPEAL THE DECISION OF THE
22 DEPARTMENT TO THE DISTRICT COURT AS PROVIDED IN SECTION 42-2-135.
23 IF A PERSON WHO HAD A LICENSE SUSPENDED UNDER THIS SECTION IS
24 SUBSEQUENTLY ACQUITTED BY A COURT OF RECORD OF THE CONVICTION
25 THAT REQUIRED THE SUSPENSION, THE DEPARTMENT SHALL IMMEDIATELY,
26 OR IN ANY EVENT NOT LATER THAN TEN DAYS AFTER THE RECEIPT OF THE
27 NOTICE OF ACQUITTAL, REINSTATE THE PERSON'S LICENSE TO THE PERSON
28 AFFECTED, UNLESS THE LICENSE IS UNDER OTHER RESTRAINT.

29 (3) (a) IF THERE IS NO OTHER STATUTORY REASON FOR DENIAL OF
30 A PROBATIONARY LICENSE, A PERSON WHO HAD A LICENSE SUSPENDED BY
31 THE DEPARTMENT BECAUSE OF, IN WHOLE OR IN PART, A CONVICTION OF
32 AN OFFENSE SPECIFIED IN SUBSECTION (1) OF THIS SECTION SHALL BE
33 ENTITLED TO A PROBATIONARY LICENSE FOR THE PURPOSE OF DRIVING FOR
34 REASONS OF EMPLOYMENT, EDUCATION, HEALTH, OR COMPLIANCE WITH
35 THE REQUIREMENTS OF PROBATION. SUCH A PROBATIONARY LICENSE
36 SHALL:

37 (I) CONTAIN ANY OTHER RESTRICTIONS THE DEPARTMENT DEEMS

1 REASONABLE AND NECESSARY;

2 (II) BE SUBJECT TO CANCELLATION FOR VIOLATION OF ANY OF THE
3 RESTRICTIONS; AND

4 (III) BE ISSUED FOR THE ENTIRE PERIOD OF SUSPENSION.

5 (b) THE DEPARTMENT MAY REFUSE TO ISSUE A PROBATIONARY
6 LICENSE IF THE DEPARTMENT FINDS THAT THE DRIVING RECORD OF THE
7 PERSON IS SUCH THAT THE PERSON HAS SUFFICIENT POINTS TO REQUIRE
8 THE SUSPENSION OR REVOCATION OF A LICENSE TO DRIVE ON THE
9 HIGHWAYS OF THIS STATE PURSUANT TO SECTION 42-2-127, OR IF THE
10 DEPARTMENT FINDS FROM THE RECORD AFTER A HEARING CONDUCTED IN
11 ACCORDANCE WITH THIS SECTION THAT AGGRAVATING CIRCUMSTANCES
12 EXIST TO INDICATE THE PERSON IS UNSAFE FOR DRIVING FOR ANY PURPOSE.
13 IN REFUSING TO ISSUE A PROBATIONARY LICENSE, THE DEPARTMENT SHALL
14 MAKE SPECIFIC FINDINGS OF FACT TO SUPPORT THE REFUSAL."

15 Page 4, line 13, strike "UNINTENTIONAL";

16 line 14, strike "UNINTENTIONAL";

17 line 21, after "SECTION 42-2-132 (4) (b).", insert the following:

18 "PURSUANT TO SECTION 43-4-205 (5.5), C.R.S., TWENTY-SIX PERCENT OF
19 THE REMAINING MONEYS COLLECTED PURSUANT TO SECTION 42-4-1402 (3)
20 OR (4) SHALL BE PAID TO THE COUNTY TREASURERS OF THE RESPECTIVE
21 COUNTIES, AND NINE PERCENT OF THE REMAINING MONEYS COLLECTED
22 PURSUANT TO SECTION 42-4-1402 (3) OR (4) SHALL BE PAID TO THE CITIES
23 AND INCORPORATED TOWNS WITHIN THE LIMITS OF THE RESPECTIVE
24 COUNTIES.";

25 line 26, strike "ANNUAL" and substitute "CONTINUOUS".

26 Page 5, strike lines 7 through 10 and substitute the following:

27 "GROOVED PAVEMENT. MONEYS CREDITED TO THE ACCOUNT SHALL
28 REMAIN THEREIN AT THE END OF EACH FISCAL YEAR AND SHALL NOT BE
29 TRANSFERRED TO ANY OTHER FUND.";

30 after line 10, insert the following:

1 **"SECTION 5.** 43-4-205 (5.5) (a), Colorado Revised Statutes, is
2 amended to read:

3 **43-4-205. Allocation of fund.** (5.5) Revenues raised by the
4 excise tax imposed on gasoline and special fuel pursuant to sections
5 39-27-102 and 39-27-102.5, C.R.S., equal to the first seven cents per
6 gallon of such tax shall be placed in the highway users tax fund to be
7 allocated as follows:

8 (a) Revenues from fines, penalties, or forfeitures that are credited
9 to the fund pursuant to sections 18-4-509 (2) (a), 39-27-102 (9) (c),
10 39-27-104 (1) (g) (III), 42-1-217 (1) (a), (1) (b), (1) (d), (1) (e), and (2),
11 42-4-225 (3), and 42-4-235 (2) (a), ~~C.R.S.~~ AND 42-4-1402 (3) AND (4),
12 C.R.S.;"

13 Renumber succeeding section accordingly.

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