

**First Regular Session  
Sixty-third General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 01-0262.02 Julie Hoerner

**HOUSE BILL 01-1148**

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**HOUSE SPONSORSHIP**

**Weddig,** and Larson

**SENATE SPONSORSHIP**

**Hillman,**

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**House Committees**

Transportation & Energy

**Senate Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING PROBATIONARY DRIVER'S LICENSES FOR FIRST-TIME**  
102             **OFFENSES RELATED TO DRIVING WITH AN EXCESS BLOOD**  
103             **ALCOHOL LEVEL.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

Allows a first-time offender whose driver's license has been revoked for driving with an excess blood alcohol level to apply for a probationary (restricted) license after the required federal 30-day suspension period. Allows an administrative hearing officer to require an interlock device.

Makes conforming amendments.

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.*

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

2 **SECTION 1.** 42-2-116 (6) (b), Colorado Revised Statutes, is  
3 amended to read:

4 **42-2-116. Restricted license.** (6) (b) Any person whose privilege  
5 to drive is restricted to the operation of a motor vehicle in which an  
6 approved ignition interlock device is installed pursuant to ~~section~~  
7 ~~42-2-132.5~~ THIS TITLE, AND who operates a motor vehicle other than a  
8 motor vehicle in which an approved ignition interlock device is installed  
9 or who circumvents or attempts to circumvent the proper use of an  
10 approved ignition interlock device, commits a class 1 traffic misdemeanor.

11 **SECTION 2.** 42-2-126 (6) (b) (I), Colorado Revised Statutes, is  
12 amended to read:

13 **42-2-126. Revocation of license based on administrative**  
14 **determination.** (6) (b) (I) (A) The period of license revocation under  
15 subparagraph (I) of paragraph (a) of subsection (2) of this section for a  
16 first violation shall be three months.

17 (B) A PERSON WHOSE LICENSE IS REVOKED FOR A FIRST OFFENSE  
18 UNDER SUBPARAGRAPH (I) OF PARAGRAPH (a) OF SUBSECTION (2) OF THIS  
19 SECTION MAY REQUEST THAT, IN LIEU OF THE THREE-MONTH REVOCATION,  
20 THE PERSON'S LICENSE BE REVOKED FOR A PERIOD OF NOT LESS THAN  
21 THIRTY DAYS, TO BE FOLLOWED BY A SUSPENSION PERIOD OF SUCH LENGTH  
22 THAT THE TOTAL PERIOD OF REVOCATION AND SUSPENSION EQUALS THREE  
23 MONTHS. IF THE HEARING OFFICER APPROVES SUCH REQUEST, THE HEARING  
24 OFFICER MAY GRANT SUCH PERSON A PROBATIONARY LICENSE THAT MAY  
25 BE USED ONLY FOR THE REASONS PROVIDED IN AND UNDER SUCH  
26 CONDITIONS AS THE HEARING OFFICER MAY ORDER PURSUANT TO SECTION

1 42-2-127 (14) (a).

2 (C) THE HEARING TO CONSIDER A REQUEST UNDER  
3 SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (I) MAY BE HELD AT THE  
4 SAME TIME AS THE HEARING HELD UNDER SUBSECTION (8) OF THIS SECTION;  
5 EXCEPT THAT A PROBATIONARY LICENSE MAY NOT BECOME EFFECTIVE  
6 UNTIL AT LEAST THIRTY DAYS HAVE ELAPSED SINCE THE BEGINNING OF THE  
7 REVOCATION PERIOD.

8 **SECTION 3.** 42-2-126.3 (1) and (2), Colorado Revised Statutes,  
9 are amended to read:

10 **42-2-126.3. Tampering with an ignition interlock device.**

11 (1) No person may intercept, bypass, or interfere with or aid any other  
12 person in intercepting, bypassing, or interfering with an ignition interlock  
13 device for the purpose of preventing or hindering the lawful operation or  
14 purpose of the ignition interlock device required under ~~section 42-2-126.1~~  
15 ~~or 42-2-132.5~~ THIS TITLE.

16 (2) No person may drive a motor vehicle in which an ignition  
17 interlock device is installed pursuant to ~~section 42-2-126.1 or 42-2-132.5~~  
18 THIS TITLE if the person has knowledge that any person has intercepted,  
19 bypassed, or interfered with the ignition interlock device.

20 **SECTION 4.** 42-2-127 (14) (a), Colorado Revised Statutes, is  
21 amended to read:

22 **42-2-127. Authority to suspend license - to deny license - type**

23 **of conviction - points.** (14) (a) If there is no other statutory reason for  
24 denial of a probationary license, any individual who has had a license  
25 suspended by the department because of, at least in part, a conviction of  
26 an offense specified in paragraph (b) of subsection (5) of this section may  
27 be entitled to a probationary license pursuant to subsection (12) of this

1 section for the purpose of driving for reasons of employment, education,  
2 health, or alcohol and drug education or treatment; but such individual, if  
3 ordered by the court ~~which~~ THAT convicted the individual, ~~must~~ SHALL be  
4 enrolled in a program of alcohol and drug traffic driving education or  
5 treatment certified by the division of alcohol and drug abuse in the  
6 department of human services. Such a probationary license shall contain  
7 any other restrictions as the department deems reasonable and necessary,  
8 AND MAY INCLUDE, BUT SHALL NOT BE LIMITED TO, A REQUIREMENT FOR  
9 THE USE OF AN APPROVED IGNITION INTERLOCK DEVICE AS DEFINED IN  
10 SECTION 42-2-132.5 (7). SUCH PROBATIONARY LICENSE shall be subject to  
11 cancellation for violation of any such restrictions, including absences from  
12 alcohol and drug education or treatment sessions or failure to complete  
13 alcohol and drug education or treatment programs, and shall be issued for  
14 the entire period of suspension. The department may not issue a  
15 probationary license to an individual unless at the time of license restraint  
16 such individual has a valid driver's privilege and has no outstanding  
17 judgments or warrants issued against such individual pursuant to the  
18 requirements of section 42-2-118 (3). A probationary driver's license  
19 issued pursuant to this section may not have a term longer than one year.

20 **SECTION 5. Effective date - applicability.** (1) This act shall  
21 take effect August 15, 2001, unless a referendum petition is filed during  
22 the ninety-day period after final adjournment of the general assembly that  
23 is allowed for submitting a referendum petition pursuant to article V,  
24 section 1 (3) of the state constitution. If such a referendum petition is  
25 filed against this act or an item, section, or part of this act within such  
26 period, then the act, item, section, or part, if approved by the people, shall

1 take effect on the date of the official declaration of the vote thereon by  
2 proclamation of the governor.

3 (2) This act shall apply to acts committed on or after the applicable  
4 effective date of this act.