

**Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 18-0799.01 Conrad Imel x2313

HOUSE BILL 18-1406

HOUSE SPONSORSHIP

Foote and Weissman,

SENATE SPONSORSHIP

(None),

House Committees

Transportation & Energy
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING ACTION THAT CAN BE TAKEN AGAINST AN INDIVIDUAL'S**
102 **DRIVER'S LICENSE BASED ON THE PERSON'S FAILURE TO PAY FOR**
103 **TRAFFIC VIOLATIONS.**

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://leg.colorado.gov>.)

Under existing law, the department of revenue (department) may not issue or renew, or may cancel, a driver's license if the applicant or license holder has outstanding warrants or has failed to pay certain monetary judgments relating to traffic violations. The bill prohibits the department from denying or canceling a driver's license when the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

applicant or license holder has failed to pay a monetary judgment relating to a traffic violation or has used public transportation without paying the fare.

Under existing law, an outstanding judgment or warrant relating to any municipal violation committed when the applicant or license holder was under 18 years of age must result in the denial or cancellation of the driver's license. The bill limits such denials or cancellations to when the outstanding warrant is for a traffic violation that occurred when the applicant or license holder was under 18 years of age.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-4-1709, **amend**
3 (7)(a)(V); and **repeal** (7)(a)(I), (7)(a)(II), (7)(a)(IV), and (7)(a)(VIII) as
4 follows:

5 **42-4-1709. Penalty assessment notice for traffic infractions -**
6 **violations of provisions by officer - driver's license.** (7) (a) A person
7 shall not be allowed or permitted to obtain or renew a permanent driver's,
8 minor driver's, or probationary license if such person has, at the time of
9 making application for obtaining or renewing such driver's license:

10 (I) ~~An outstanding judgment entered against such person on and~~
11 ~~after January 1, 1983, pursuant to section 42-4-1710 (2) or (3);~~

12 (II) ~~An outstanding judgment entered against such person by a~~
13 ~~county or municipal court for a violation of a statute or ordinance relating~~
14 ~~to the regulation of motor vehicles or traffic, excluding traffic infractions~~
15 ~~defined by state statute or ordinance and violations relating to parking;~~

16 (IV) ~~An outstanding judgment entered against such person by a~~
17 ~~municipal court for a violation of any municipal ordinance which~~
18 ~~occurred when such person was under eighteen years of age, excluding~~
19 ~~traffic infractions defined by state statute or ordinance and violations~~
20 ~~related to parking;~~

1 (V) A bench warrant issued against such person by a municipal
2 court for failure to appear to answer a ~~summons or summons and~~
3 ~~complaint for an alleged violation of any municipal ordinance~~ CITATION
4 FOR AN ALLEGED VIOLATION OF A STATUTE OR ORDINANCE RELATING TO
5 THE REGULATION OF MOTOR VEHICLES OR TRAFFIC that occurred when
6 such person was under eighteen years of age, excluding traffic infractions
7 defined by state statute or ordinance and violations relating to parking;

8 (VIII) ~~An outstanding judgment entered against such person by a~~
9 ~~county or municipal court for a violation of section 42-4-1416.~~

10 **SECTION 2.** In Colorado Revised Statutes, 42-2-107, **amend** (5)
11 as follows:

12 **42-2-107. Application for license or instruction permit -**
13 **anatomical gifts - donations to Emily Keyes - John W. Buckner organ**
14 **and tissue donation awareness fund - legislative declaration - rules -**
15 **annual report - repeal.** (5) (a) (I) Prior to the issuance OR
16 REINSTATEMENT of a driver's or minor driver's license, the department
17 shall determine if there are any outstanding ~~judgments or~~ warrants entered
18 or issued against the applicant pursuant to section 42-4-1709 (7).

19 (II) For the purposes of this subsection (5), "outstanding
20 ~~judgments or~~ warrants" does not include any ~~judgment or~~ warrant
21 reported to the department in violation of the provisions of section
22 42-4-110.5 (2)(c) OR ANY WARRANT ISSUED FOR FAILURE TO PAY MONEY,
23 FAILURE TO APPEAR TO PAY MONEY, OR FAILURE TO APPEAR AT ANY
24 POSTSENTENCING COURT APPEARANCE WHEREIN THE DEFENDANT WAS
25 REQUIRED TO APPEAR IF HE OR SHE FAILED TO PAY A MONETARY AMOUNT,
26 UNLESS THE WARRANT WAS ISSUED FOR CONTEMPT OF COURT PURSUANT
27 TO SECTION 18-1.3-702 (3).

1 (b) If the department determines that there are no outstanding
2 ~~judgments or warrants entered or issued against the applicant~~ and if all
3 other conditions for issuance required by articles 1 to 4 of this ~~title~~ TITLE
4 42 are met, the department shall issue OR REINSTATE the license.

5 (c) If the department determines that ~~there are outstanding~~
6 ~~judgments or warrants entered or issued against the applicant~~ and the
7 applicant is subject to ~~the provisions of~~ section 42-4-1709 (7), the license
8 shall not be issued OR REINSTATED until the applicant has complied with
9 the requirements of that section. Any person who ~~satisfies an outstanding~~
10 ~~judgment or warrant~~ HAS ANY WARRANTS entered pursuant to section
11 42-4-1709 (7) shall pay to the court a thirty-dollar administrative
12 processing fee for each ~~such judgment or warrant in addition to all other~~
13 ~~penalties, costs, or forfeitures~~ CASE IN WHICH A WARRANT WAS ISSUED.
14 The court shall remit fifty percent of the administrative processing fee to
15 the department, ~~of revenue~~, and the other fifty percent shall be retained
16 by the issuing court.

17 **SECTION 3.** In Colorado Revised Statutes, 42-4-1710, **amend**
18 **(4)(a)(I)(A); and add (4)(c) as follows:**

19 **42-4-1710. Failure to pay penalty for traffic infractions -**
20 **failure of parent or guardian to sign penalty assessment notice -**
21 **procedures.** (4) (a) (I) (A) If judgment is entered against a violator, the
22 violator shall be assessed an appropriate penalty and surcharge thereon,
23 a docket fee of sixteen dollars, ~~and~~ other applicable costs authorized by
24 section 13-16-122 (1), ~~C.R.S.~~, AND AN ADMINISTRATIVE PROCESSING FEE
25 OF THIRTY DOLLARS. THE COURT ENTERING THE JUDGMENT SHALL RETAIN
26 FIFTY PERCENT OF THE ADMINISTRATIVE PROCESSING FEE AND SHALL
27 TRANSMIT THE OTHER FIFTY PERCENT TO THE STATE TREASURER, WHO

1 SHALL CREDIT THAT MONEY TO THE HIGHWAY USERS TAX FUND. If the
2 violator had been cited by a penalty assessment notice, the penalty shall
3 be assessed pursuant to section 42-4-1701 (4)(a). If a penalty assessment
4 notice is prohibited by section 42-4-1701 (5)(c), the penalty shall be
5 assessed pursuant to section 42-4-1701 (3)(a).

6 (c) (I) AFTER JUDGMENT IS ENTERED, THE COURT SHALL SEND
7 WRITTEN NOTICE OF THE JUDGMENT TO THE VIOLATOR. THIS NOTICE SHALL
8 INCLUDE A DESCRIPTION OF ALL PENALTIES, SURCHARGES, COSTS, AND
9 FEES OWED PURSUANT TO SUBSECTION (4)(a)(I)(A) OF THIS SECTION.

10 (II) IF PAYMENT OF THE AMOUNTS DESCRIBED IN SUBSECTION
11 (4)(a)(I)(A) OF THIS SECTION IS NOT RECEIVED BY THE COURT WITHIN
12 FORTY-FIVE DAYS AFTER ISSUANCE OF THE NOTICE DESCRIBED IN
13 SUBSECTION (4)(c)(I) OF THIS SECTION, THE VIOLATOR SHALL BE ASSESSED
14 AN OUTSTANDING JUDGMENT FEE IN THE SAME AMOUNT AS THE
15 RESTORATION FEE DESCRIBED IN SECTION 42-2-132 (4)(a)(I). PAYMENTS
16 MADE BY THE VIOLATOR MUST FIRST BE APPLIED TO THE AMOUNTS
17 DESCRIBED IN SUBSECTION (4)(a)(I)(A) OF THIS SECTION, SUCH THAT THE
18 OUTSTANDING JUDGMENT FEE IS LAST TO BE PAID. ONCE PAID, THE COURT
19 SHALL TRANSMIT THE OUTSTANDING JUDGMENT FEE TO THE TREASURER,
20 WHO SHALL CREDIT THE OUTSTANDING JUDGMENT FEE IN THE SAME
21 MANNER AS THE RESTORATION FEE DESCRIBED IN SECTION 42-2-132
22 (4)(b).

23 (III) IF PAYMENT OF THE AMOUNTS DESCRIBED IN SUBSECTION
24 (4)(a)(I)(A) OF THIS SECTION IS RECEIVED WITHIN FORTY-FIVE DAYS AFTER
25 ISSUANCE OF THE NOTICE DESCRIBED IN SUBSECTION (4)(c)(I) OF THIS
26 SECTION, THE COURT SHALL PROVIDE THE VIOLATOR WITH CONFIRMATION
27 IN WRITING THAT ALL AMOUNTS OWED HAVE BEEN PAID.

1 **SECTION 4.** In Colorado Revised Statutes, 42-2-118, **amend**
2 (3)(a), (3)(b), and (3)(c) as follows:

3 **42-2-118. Renewal of license in person or by mail - donations**
4 **to Emily Keyes - John W. Buckner organ and tissue donation**
5 **awareness fund - repeal.** (3) (a) (I) Prior to the renewal of a permanent
6 driver's license or the issuance or renewal of a probationary license, the
7 department shall determine if the applicant has any outstanding ~~judgments~~
8 ~~or~~ warrants entered or issued against the applicant or if the applicant has
9 issued a check or order to the department for the payment of a penalty
10 assessment and such check or order was returned for insufficient funds or
11 a closed account and remains unpaid as set forth in section 42-4-1709 (7).

12 (II) For the purposes of this subsection (3), "outstanding
13 ~~judgments or warrants~~" does not include any ~~judgment or warrant~~
14 reported to the department in violation of the provisions of section
15 42-4-110.5 (2)(c) OR ANY WARRANT ISSUED FOR FAILURE TO PAY MONEY,
16 FAILURE TO APPEAR TO PAY MONEY, OR FAILURE TO APPEAR AT ANY
17 POSTSENTENCING COURT APPEARANCE WHEREIN THE DEFENDANT WAS
18 REQUIRED TO APPEAR IF HE OR SHE FAILED TO PAY A MONETARY AMOUNT,
19 UNLESS THE WARRANT WAS ISSUED FOR CONTEMPT OF COURT PURSUANT
20 TO SECTION 18-1.3-702 (3).

21 (b) (I) If there are no outstanding ~~judgments or warrants~~ entered
22 or issued against the applicant and the applicant has not issued a check or
23 order to the department that was returned for insufficient funds or a
24 closed account and that remains unpaid as set forth in section 42-4-1709
25 (7) and if all other conditions for renewal pursuant to articles 1 to 4 of this
26 ~~title~~ TITLE 42 are met, the department shall renew the applicant's
27 permanent driver's license.

1 (II) If there are no outstanding ~~judgments or~~ warrants entered or
2 issued against the applicant and the defendant has not issued a check or
3 order to the department that was returned for insufficient funds or a
4 closed account and that remains unpaid as set forth in section 42-4-1709
5 (7) and if all other conditions for renewal pursuant to articles 1 to 4 of this
6 ~~title~~ TITLE 42 are met, the department may issue or renew the applicant's
7 probationary license.

8 (c) If the department determines that the applicant is subject to ~~the~~
9 ~~requirements of~~ section 42-4-1709 (7), the permanent driver's license
10 shall not be renewed or the probationary license may not be issued or
11 renewed until ~~such~~ THE applicant has complied with said section. Any
12 person ~~who pays any outstanding judgments,~~ who has any warrants
13 entered or who makes payment for a check or order to the department that
14 had been returned for insufficient funds or a closed account pursuant to
15 section 42-4-1709 (7) shall pay to the court or to the department a
16 thirty-dollar administrative processing cost for each ~~such judgment,~~
17 ~~warrant~~ CASE IN WHICH A WARRANT WAS ISSUED, check, or order. ~~in~~
18 ~~addition to all other penalties, costs, or forfeitures.~~ If the court collects an
19 administrative processing fee, the court shall remit fifty percent of the
20 administrative processing fee to the department, ~~of revenue,~~ and the other
21 fifty percent of that fee is to be retained by the issuing court. If the
22 department collects an administrative processing fee, the department shall
23 retain the fee.

24 **SECTION 5.** In Colorado Revised Statutes, 42-2-122, **amend**
25 (1)(h)(I), (1)(h)(II), and (1)(h)(III) as follows:

26 **42-2-122. Department may cancel license - limited license for**
27 **physical or mental limitations.** (1) The department has the authority to

1 cancel, deny, or deny the reissuance of any driver's or minor driver's
2 license upon determining that the licensee was not entitled to the issuance
3 for any of the following reasons:

4 (h) (I) The person has an outstanding ~~judgment or~~ warrant referred
5 to in section 42-4-1709 (7) issued against such person; except that, as
6 used in this ~~paragraph (h), "judgment or~~ SUBSECTION (1)(h), "warrant"
7 ~~shall~~ DOES not include any ~~judgment or~~ warrant reported to the
8 department in violation of section 42-4-110.5 (2)(c) OR ANY WARRANT
9 ISSUED FOR FAILURE TO PAY MONEY, FAILURE TO APPEAR TO PAY MONEY,
10 OR FAILURE TO APPEAR AT ANY POSTSENTENCING COURT APPEARANCE
11 WHEREIN THE DEFENDANT WAS REQUIRED TO APPEAR IF HE OR SHE FAILED
12 TO PAY A MONETARY AMOUNT, UNLESS THE WARRANT WAS ISSUED FOR
13 CONTEMPT OF COURT PURSUANT TO SECTION 18-1.3-702 (3).

14 (II) Upon receipt of a ~~judgment or~~ warrant from a court clerk on
15 or after September 1, 2000, the department shall send written notice to the
16 person identified in the court order that such person is required to provide
17 the department with proof that the ~~judgment or~~ warrant is no longer
18 outstanding within thirty days after the date such notice is sent or such
19 person's driver's license ~~shall~~ MUST be canceled or any application for a
20 new license ~~shall~~ MUST be denied. Proof that the ~~judgment or~~ warrant is
21 no longer outstanding ~~shall~~ MUST be in the form of a certificate issued by
22 the clerk of the court ~~entering the judgment or~~ issuing the warrant in a
23 form approved by the executive director OF THE DEPARTMENT.

24 (III) If acceptable proof is not received by the department within
25 thirty days after notice was sent, the department shall cancel the driver's
26 license or deny any application for a license of the person against whom
27 ~~the judgment was entered or~~ the warrant was issued.

1 **SECTION 6.** In Colorado Revised Statutes, 42-2-127.5, **amend**
2 (4) as follows:

3 **42-2-127.5. Authority to suspend license - violation of child**
4 **support order.** (4) ~~In the event that~~ IF a driver's license is suspended
5 pursuant to subsection (3) of this section, the department may issue a
6 probationary license for a period not to exceed ninety days from the date
7 of issuance, which probationary license ~~shall~~ **MUST** restrict the driver to
8 driving to and from the place of employment or to performing duties
9 within the course of the driver's employment. The department is
10 authorized to charge a fee for such probationary license that covers the
11 direct and indirect costs of issuing the license. The department may not
12 issue a probationary license to an individual unless at the time of license
13 restraint such individual has a valid driver's privilege and has no
14 outstanding ~~judgments or~~ warrants issued against such individual
15 pursuant to the requirements of section 42-2-118 (3).

16 **SECTION 7. Act subject to petition - effective date.** This act
17 takes effect at 12:01 a.m. on the day following the expiration of the
18 ninety-day period after final adjournment of the general assembly (August
19 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
20 referendum petition is filed pursuant to section 1 (3) of article V of the
21 state constitution against this act or an item, section, or part of this act
22 within such period, then the act, item, section, or part will not take effect
23 unless approved by the people at the general election to be held in
24 November 2018 and, in such case, will take effect on the date of the
25 official declaration of the vote thereon by the governor.