

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

DRAFT
12.27.16

DRAFT

LLS NO. 17-0429.01 Yelana Love x2295

HOUSE BILL

HOUSE SPONSORSHIP

Gray,

SENATE SPONSORSHIP

(None),

BILL TOPIC: "Outstanding Judgments & Driver's Licenses"
DEADLINES: Finalize by: JAN 12, 2017 File by: JAN 17, 2017

A BILL FOR AN ACT

101 CONCERNING LIMITATIONS ON THE AUTHORITY OF THE DEPARTMENT
102 OF REVENUE TO TAKE ACTION AGAINST AN INDIVIDUAL'S
103 DRIVING LICENSE BASED ON THE INDIVIDUAL'S FAILURE TO PAY
104 FOR A TRAFFIC VIOLATION.

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 current law, an individual who is cited for certain traffic infractions must either pay the penalty assessment or appear in court for a hearing. If the individual neither pays the infraction nor appears for a

*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

hearing, the court must issue a judgment against the individual. An individual who has an outstanding judgment:

- May have their driver's license cancelled;
- May not receive a new driver's license; and
- May not renew a current driver's license.

The bill repeals these penalties for an outstanding judgment.

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

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

4 **42-2-122. Department may cancel license - limited license for**
5 **physical or mental limitations.** (1) The department has the authority to
6 cancel, deny, or deny the reissuance of any driver's or minor driver's
7 license upon determining that the licensee was not entitled to the issuance
8 thereof for any of the following reasons:

9 (h) (I) The person has an outstanding ~~judgment or~~ warrant referred
10 to in section 42-4-1709 (7) issued against such person; except that, as
11 used in this paragraph (h), "~~judgment or~~ warrant" ~~shall~~ DOES not include
12 any ~~judgment or~~ warrant reported to the department in violation of section
13 42-4-110.5 (2)(c).

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 be canceled or any application for a new
20 license ~~shall~~ MUST be denied. Proof that the ~~judgment or~~ warrant is no
21 longer outstanding shall be in the form of a certificate issued by the clerk
22 of the court ~~entering the judgment or~~ issuing the warrant in a form

1 approved by the executive director.

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

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

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

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

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

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

25 (V) A bench warrant issued against ~~such~~ THE person by a
26 municipal court for failure to appear to answer a summons or summons
27 and complaint for an alleged violation of any municipal ordinance that

1 occurred when ~~such~~ THE person was under eighteen years of age,
2 excluding traffic infractions defined by state statute or ordinance and
3 violations relating to parking;

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

6 **SECTION 3.** In Colorado Revised Statutes, 42-2-107, **amend** (5)
7 as follows:

8 **42-2-107. Application for license or instruction permit -**
9 **anatomical gifts - donations to Emily Maureen Ellen Keyes organ and**
10 **tissue donation awareness fund - legislative declaration - rules -**

11 **repeal.** (5) (a) (I) Prior to the issuance of a driver's or minor driver's
12 license, the department shall determine if there are any outstanding
13 ~~judgments or~~ warrants entered or issued against the applicant pursuant to
14 section 42-4-1709 (7).

15 (II) For the purposes of this subsection (5), "outstanding
16 ~~judgments or~~ warrants" does not include any ~~judgment or~~ warrant
17 reported to the department in violation of ~~the provisions of~~ section
18 42-4-110.5 (2)(c).

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

23 (c) If the department determines that there are outstanding
24 ~~judgments or~~ warrants entered or issued against the applicant and the
25 applicant is subject to ~~the provisions of~~ section 42-4-1709 (7), the license
26 shall not be issued until the applicant has complied with the requirements
27 of that section. Any person who satisfies an outstanding ~~judgment or~~

1 warrant entered pursuant to section 42-4-1709 (7) shall pay to the court
2 a thirty-dollar administrative processing fee for each such ~~judgment or~~
3 warrant in addition to all other penalties, costs, or forfeitures. The court
4 shall remit fifty percent of the administrative processing fee to the
5 department of revenue, and the other fifty percent shall be retained by the
6 issuing court.

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

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

18 (II) For the purposes of this subsection (3), "outstanding
19 ~~judgments or warrants~~" does not include any ~~judgment or~~ warrant
20 reported to the department in violation of ~~the provisions of~~ section
21 42-4-110.5 (2)(c).

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

1 permanent driver's license.

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

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

24 **SECTION 5. Act subject to petition - effective date.** This act
25 takes effect at 12:01 a.m. on the day following the expiration of the
26 ninety-day period after final adjournment of the general assembly (August
27 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a

1 referendum petition is filed pursuant to section 1 (3) of article V of the
2 state constitution against this act or an item, section, or part of this act
3 within such period, then the act, item, section, or part will not take effect
4 unless approved by the people at the general election to be held in
5 November 2018 and, in such case, will take effect on the date of the
6 official declaration of the vote thereon by the governor.