

Second Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

INTRODUCED

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

---

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.**

---

**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/billsummaries>.)*

Current law requires the department of revenue to evaluate the curriculum and effectiveness of driver improvement classes required by

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.*

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~~  
25 ~~UNENCUMBERED MONEYS REMAINING IN THE DEFENSIVE DRIVING SCHOOL~~

1       FUND AS OF JANUARY 1, 2015, TO THE GENERAL FUND.

2               (5) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2015.

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

5               **42-4-1717. Conviction - attendance at driver improvement**  
6 **school - rules.** (1) Except as otherwise provided in subsection (2) of this  
7 section, if a person has been convicted of violating this article or any  
8 other law regulating the operation of motor vehicles other than a violation  
9 of section 42-4-1301, the court may require the defendant, ~~or, if the~~  
10 ~~defendant has not been convicted of a violation of this article or any other~~  
11 ~~law regulating the operation of motor vehicles within the last eighteen~~  
12 ~~months, the court shall offer the defendant an opportunity,~~ at the  
13 defendant's expense, to attend and satisfactorily complete a course of  
14 instruction at any designated driver improvement school providing  
15 instruction in: the traffic laws of this state, ~~instruction in~~ recognition of  
16 hazardous traffic situations, and ~~instruction in~~ traffic accident prevention.  
17 Upon completion of the course, the court may suspend all or a portion of  
18 the fine or sentence of imprisonment. Unless otherwise provided by law,  
19 ~~such~~ THE school ~~shall~~ MUST be approved by the court.

20               (3) (a) ~~Effective January 1, 2010, a person who is required to~~  
21 ~~attend a course of instruction pursuant to subsection (1) or (2) of this~~  
22 ~~section shall pay, in addition to any other penalties, a penalty surcharge~~  
23 ~~as determined by rules promulgated by the department. The driver~~  
24 ~~improvement school shall collect the penalty surcharge and remit it to the~~  
25 ~~department at least monthly in accordance with rules promulgated by the~~  
26 ~~department. The department shall set the penalty surcharge in an amount~~  
27 ~~to offset the direct and indirect cost of implementing section 42-1-223.~~

1     ~~The penalty surcharge shall be transferred to the state treasurer and~~  
2     ~~credited to the defensive driving school fund created in section 42-1-223.~~

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

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

13            **SECTION 3. Safety clause.** The general assembly hereby finds,  
14    determines, and declares that this act is necessary for the immediate  
15    preservation of the public peace, health, and safety.