

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 24-1250

BY REPRESENTATIVE(S) Armagost and Kipp, Bacon, Boesenecker, Brown, Froelich, Hernandez, Lindsay, Parenti, Ricks, Rutinel, Valdez; also SENATOR(S) Hansen and Smallwood, Bridges, Exum, Fields, Gardner, Gonzales, Kirkmeyer, Kolker, Lundeen, Marchman, Pelton B., Pelton R., Priola, Rich, Rodriguez, Winter F., Zenzinger.

CONCERNING THE WAIVER OF DRIVER'S LICENSE SUSPENSION POINTS FOR SUCCESSFUL COMPLETION OF A DRIVING IMPROVEMENT COURSE.

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

SECTION 1. In Colorado Revised Statutes, **add** 42-2-127.1 as follows:

42-2-127.1. Driving improvement course - points waiver - rules - definitions - notice to revisor of statutes - repeal. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "COMMERCIAL DRIVER'S LICENSE" HAS THE MEANING SET FORTH IN SECTION 42-2-402 (1).

(b) "COMMERCIAL DRIVING SCHOOL" HAS THE MEANING SET FORTH

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

IN SECTION 42-2-601 (2).

(c) "DRIVING IMPROVEMENT COURSE" MEANS A CLASS THAT IS OFFERED BY A COMMERCIAL DRIVING SCHOOL AND THAT, WHEN APPROVED BY THE DEPARTMENT, QUALIFIES AN INDIVIDUAL WHO SUCCESSFULLY COMPLETES THE COURSE FOR A POINTS WAIVER.

(d) "POINT" MEANS A LICENSE SUSPENSION POINT AS DESCRIBED IN SECTION 42-2-127.

(e) "POINTS WAIVER" OR "WAIVE POINTS" MEANS A REDUCTION IN, OR THE LOWERING OF, THE NUMBER OF POINTS ASSESSED FOR A SPECIFIC CONVICTION.

(2) (a) NOTWITHSTANDING SECTION 42-2-127, THE DEPARTMENT SHALL PROMULGATE RULES THAT ALLOW AN INDIVIDUAL WHO HAS BEEN CONVICTED OF A TRAFFIC INFRACTION OR A MISDEMEANOR TRAFFIC OFFENSE TO OBTAIN A POINTS WAIVER AFTER SUCCESSFULLY COMPLETING A DRIVING IMPROVEMENT COURSE. THE RULES MUST:

(I) SET THE NUMBER OF POINTS ASSESSED FOR A CONVICTION THAT MAY BE WAIVED FOR AN INDIVIDUAL WHO SUCCESSFULLY COMPLETES A DRIVING IMPROVEMENT COURSE;

(II) SPECIFY HOW OFTEN AN INDIVIDUAL MAY CLAIM A POINTS WAIVER;

(III) ESTABLISH PROCEDURES FOR CLAIMING A POINTS WAIVER;

(IV) ESTABLISH A PROCESS FOR A COMMERCIAL DRIVING SCHOOL TO HAVE A DRIVING IMPROVEMENT COURSE APPROVED BY THE DEPARTMENT;
AND

(V) SET THE AMOUNT OF EACH OF THE FEES AUTHORIZED IN SUBSECTION (4) OF THIS SECTION. THE AMOUNT OF EACH FEE MUST BE ROUNDED TO THE NEAREST DOLLAR, AND BOTH FEES MUST BE SET SO THAT THE FEES ARE REASONABLY RELATED TO THE DIRECT AND INDIRECT COSTS OF THE PROGRAM CREATED IN THIS SECTION.

(b) (I) IN ORDER TO QUALIFY FOR A POINTS WAIVER, AN INDIVIDUAL

MUST HAVE SUCCESSFULLY COMPLETED A DRIVING IMPROVEMENT COURSE THAT IS APPROVED BY THE DEPARTMENT IN ACCORDANCE WITH SUBSECTION (3) OF THIS SECTION AND RULES PROMULGATED UNDER SUBSECTION (2)(a) OF THIS SECTION. IN ACCORDANCE WITH THE RULES PROMULGATED UNDER SUBSECTION (2)(a) OF THIS SECTION, THE DEPARTMENT SHALL WAIVE POINTS ASSESSED FOR A CONVICTION WHEN AN INDIVIDUAL DEMONSTRATES TO THE DEPARTMENT THAT THE INDIVIDUAL HAS SUCCESSFULLY COMPLETED A DRIVING IMPROVEMENT COURSE AND IS ELIGIBLE FOR A POINTS WAIVER BASED ON COMPLETION OF THE DRIVING IMPROVEMENT COURSE. THE INDIVIDUAL MAY ATTEND A DRIVING IMPROVEMENT COURSE AT A PHYSICAL LOCATION OR TAKE A DRIVING IMPROVEMENT COURSE OFFERED ONLINE.

(II) (A) THIS SUBSECTION (2)(b) WILL TAKE EFFECT ON THE EARLIER OF JANUARY 1, 2027, OR WHEN THE DEPARTMENT PROMULGATES THE RULES REQUIRED BY SUBSECTION (2)(a) OF THIS SECTION. THE EXECUTIVE DIRECTOR OF THE DEPARTMENT SHALL NOTIFY THE REVISOR OF STATUTES IN WRITING OF THE DATE WHEN THE CONDITION SPECIFIED IN THIS SUBSECTION (2)(b)(II)(A) HAS OCCURRED BY E-MAILING THE NOTICE TO REVISOROFSTATUTES.GA@COLEG.GOV. SUBSECTION (2)(b)(I) OF THIS SECTION TAKES EFFECT UPON THE EARLIER OF JANUARY 1, 2027, OR THE DATE IDENTIFIED IN THE NOTICE THAT THE DEPARTMENT HAS PROMULGATED THE RULES REQUIRED IN SUBSECTION (2)(a) OF THIS SECTION OR, IF THE NOTICE DOES NOT SPECIFY THAT DATE, UPON THE DATE OF THE NOTICE TO THE REVISOR OF STATUTES.

(B) THIS SUBSECTION (2)(b)(II) IS REPEALED, EFFECTIVE JULY 1, 2027.

(3) TO OBTAIN APPROVAL OF A DRIVING IMPROVEMENT COURSE, A COMMERCIAL DRIVING SCHOOL MUST APPLY TO THE DEPARTMENT IN THE MANNER SPECIFIED IN RULES PROMULGATED UNDER SUBSECTION (2)(a) OF THIS SECTION AND MUST DEMONSTRATE THAT THE DRIVING IMPROVEMENT COURSE PROVIDES EDUCATION IN THE TRAFFIC LAWS OF THIS STATE, RECOGNITION OF HAZARDOUS TRAFFIC SITUATIONS, AND TRAFFIC ACCIDENT PREVENTION.

(4) THE DEPARTMENT MAY CHARGE A COMMERCIAL DRIVING SCHOOL THE FOLLOWING FEES AS ESTABLISHED IN RULES PROMULGATED UNDER SUBSECTION (2)(a) OF THIS SECTION:

(a) A FEE TO APPROVE A DRIVING IMPROVEMENT COURSE; AND

(b) A FEE FOR EACH INDIVIDUAL WHO CLAIMS A POINTS WAIVER FOR COMPLETING A DRIVING IMPROVEMENT COURSE OFFERED BY THE COMMERCIAL DRIVING SCHOOL.

(5) THIS SECTION DOES NOT AUTHORIZE THE ISSUANCE OF A POINTS WAIVER TO AN INDIVIDUAL WHO:

(a) COMMITTED A TRAFFIC INFRACTION OR MISDEMEANOR TRAFFIC OFFENSE WHILE OPERATING A MOTOR VEHICLE UNDER THE AUTHORITY OF A COMMERCIAL DRIVER'S LICENSE; OR

(b) IS CONVICTED OF A VIOLATION DESCRIBED IN SECTION 42-2-127 OR ARTICLE 4 OF THIS TITLE 42 COMMITTED WHILE DRIVING A COMMERCIAL MOTOR VEHICLE.

SECTION 2. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to convictions for traffic infractions occurring on or after the applicable effective date of this act.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Steve Fenberg
PRESIDENT OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO