

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

PREAMENDED

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

LLS NO. 13-0564.01 Richard Sweetman x4333

HOUSE BILL 13-1077

HOUSE SPONSORSHIP

Salazar,

SENATE SPONSORSHIP

(None),

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A DRIVER'S RIGHT TO CHALLENGE THE LAWFULNESS OF**
102 **A LAW ENFORCEMENT OFFICER'S INITIAL CONTACT IN AN**
103 **ADMINISTRATIVE PROCEEDING FOR A REVOCATION OF A**
104 **DRIVER'S LICENSE, AND, IN CONNECTION THEREWITH, MAKING**
105 **AN APPROPRIATION.**

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>.)

In an administrative proceeding for a revocation of a driver's

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.

license, a driver may challenge the validity of the law enforcement officer's initial contact with the driver and the driver's subsequent arrest for DUI, DUI per se, or DWAI. The hearing officer shall consider such issues when a driver raises them as defenses.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-2-126, **add** (8) (h)
3 as follows:

4 **42-2-126. Revocation of license based on administrative**
5 **determination. (8) Hearing. (h)** PURSUANT TO SECTION 42-1-228, A
6 DRIVER MAY CHALLENGE THE VALIDITY OF THE LAW ENFORCEMENT
7 OFFICER'S INITIAL CONTACT WITH THE DRIVER AND THE DRIVER'S
8 SUBSEQUENT ARREST FOR DUI, DUI PER SE, OR DWAI. THE HEARING
9 OFFICER SHALL CONSIDER SUCH ISSUES WHEN A DRIVER RAISES THEM AS
10 DEFENSES.

11 **SECTION 2.** In Colorado Revised Statutes, **add** 42-1-228 as
12 follows:

13 **42-1-228. Revocation hearings - right of driver to challenge**
14 **validity of initial traffic stop.** IN ANY ADMINISTRATIVE PROCEEDING FOR
15 A REVOCATION OF A DRIVER'S LICENSE PURSUANT TO ARTICLE 2 OF THIS
16 TITLE, THE DRIVER MAY CHALLENGE THE VALIDITY OF THE LAW
17 ENFORCEMENT OFFICER'S INITIAL CONTACT WITH THE DRIVER AND
18 SUBSEQUENT ARREST OF THE DRIVER. THE HEARING OFFICER SHALL
19 CONSIDER SUCH ISSUES WHEN A DRIVER RAISES THEM AS DEFENSES.

20 **SECTION 3. Appropriation. (1)** In addition to any other
21 appropriation, there is hereby appropriated, out of any moneys in the
22 driver's license administrative revocation account in the highway users tax
23 fund created in section 42-2-132 (4) (b) (I) (A), Colorado Revised

1 Statutes, not otherwise appropriated, to the department of revenue, for the
2 fiscal year beginning July 1, 2013, the sum of \$42,024, or so much
3 thereof as may be necessary, for the purchase of legal services related to
4 the implementation of this act.

5 (2) In addition to any other appropriation, there is hereby
6 appropriated to the department of law, for the fiscal year beginning July
7 1, 2013, the sum of \$42,024 and 0.3 FTE, or so much thereof as may be
8 necessary, for the provision of legal services for the department of
9 revenue related to the implementation of this act. Said sum is from
10 reappropriated funds received from the department of revenue out of the
11 appropriation made in subsection (1) of this section.

12 **SECTION 4. Safety clause.** The general assembly hereby finds,
13 determines, and declares that this act is necessary for the immediate
14 preservation of the public peace, health, and safety.