

42-2-132. Period of suspension or revocation.

(1) The department shall not suspend a driver's or minor driver's license to drive a motor vehicle on the public highways for a period of more than one year, except as permitted under sections 42-2-127 (9) and 42-2-138 and except for noncompliance with the provisions of subsection (4) of this section or section 42-7-406, or both.

Editor's note: This version of subsection (1) is effective until January 1, 2009.

(1) The department shall not suspend a driver's or minor driver's license to drive a motor vehicle on the public highways for a period of more than one year, except as permitted under section 42-2-138 and except for noncompliance with the provisions of subsection (4) of this section or section 42-7-406, or both.

Editor's note: This version of subsection (1) is effective January 1, 2009.

(2) (a) (I) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked is not entitled to apply for a probationary license, and, except as provided in paragraph (b) of this subsection (2) and in sections 42-2-125, 42-2-126, 42-2-138, 42-2-205, and 42-7-406, such person is not entitled to make application for a new license until the expiration of one year from the date on which the revoked license was surrendered to and received by the department; then such person may make application for a new license as provided by law.

Editor's note: This version of subparagraph (I) is effective until January 1, 2009.

(I) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked is not entitled to apply for a probationary license, and, except as provided in sections 42-2-125, 42-2-126, 42-2-132.5, 42-2-138, 42-2-205, and 42-7-406, the person is not entitled to make application for a new license until the expiration of one year from the effective date of the revocation; then the person may make application for a new license as provided by law.

Editor's note: This version of subparagraph (I) is effective January 1, 2009.

(II) (A) Following the period of revocation set forth in this subsection (2), the department shall not issue a new license unless and until it is satisfied that such person has demonstrated knowledge of the laws and driving ability through the appropriate motor vehicle testing process and that such person whose license was revoked pursuant to section 42-2-125 for an alcohol- or drug-related driving offense has completed not less than a level II alcohol and drug education and treatment program certified by the division of alcohol and

drug abuse pursuant to section 42-4-1301.3.

Editor's note: This version of sub-subparagraph (A) is effective until January 1, 2009.

(A) Following the period of revocation set forth in this subsection (2), the department shall not issue a new license unless and until it is satisfied that the person has demonstrated knowledge of the laws and driving ability through the appropriate motor vehicle testing process and that the person whose license was revoked pursuant to section 42-2-125 for a second or subsequent alcohol- or drug-related driving offense has completed not less than a level II alcohol and drug education and treatment program certified by the division of alcohol and drug abuse pursuant to section 42-4-1301.3.

Editor's note: This version of sub-subparagraph (A) is effective January 1, 2009.

(B) If the person was determined to be in violation of section 42-2-126 (3) (a) and the person had a BAC that was 0.17 or more at the time of driving or within two hours after driving, or if the person's driving record otherwise indicates a designation as a persistent drunk driver as defined in section 42-1-102 (68.5), the department shall require the person to complete a level II alcohol and drug education and treatment program certified by the division of alcohol and drug abuse pursuant to section 42-4-1301.3.

(C) If a person seeking reinstatement has not completed required level II alcohol and drug education and treatment, the person shall file with the department proof of current enrollment in a level II alcohol and drug education and treatment program certified by the division of alcohol and drug abuse pursuant to section 42-4-1301.3, on a form approved by the department.

(III) In the case of a minor driver whose license has been revoked as a result of one conviction for DUI, DUI per se, DWAI, habitual user, or UDD, the minor driver, unless otherwise required after an evaluation made pursuant to section 42-4-1301.3, must complete a level I alcohol and drug education program certified by the division of alcohol and drug abuse.

(IV) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked under section 42-2-125 (1) (g) (I) or (1) (i) or 42-2-203 where the revocation was due in part to a DUI, DUI per se, DWAI, or habitual user conviction shall be required to present an affidavit stating that the person has obtained at the person's own expense a signed lease agreement for the installation and use of an approved ignition interlock device, as defined in section 42-2-132.5 (7), in each motor vehicle on which the person's name appears on the registration and any other vehicle that the person may drive during the period of the restricted license and a copy of each signed lease agreement.

(V) The department shall take into consideration any probationary terms imposed on such person by any court in determining whether any revocation shall be continued.

(b) Any person whose license or privilege to drive a motor vehicle on the public highways is suspended pursuant to section 42-2-127.3 for conviction of a drug

offense shall have such person's driver's license suspended for a period of one year for each such conviction; except that the period of suspension shall be three months if such person has not previously been convicted of a drug offense which is grounds for driver's license or privilege suspension pursuant to section 42-2-127.3. Any suspension of a person's driver's license for conviction of a drug offense pursuant to section 42-2-127.3 shall begin upon conviction. Each subsequent conviction for such a drug offense occurring while a person's driver's license is already revoked or suspended for such a drug offense shall extend the period of revocation or suspension for an additional year.

(c) A person whose driving privilege is restored prior to a hearing on the merits of any driving restraint waives the person's right to a hearing on the merits of the driving restraint.

Editor's note: Paragraph (c) is effective January 1, 2009.

(3) Any person making false application for a new license before the expiration of the period of suspension or revocation commits a class 2 misdemeanor traffic offense. The department shall notify the district attorney's office in the county where such violation occurred, in writing, of all violations of this section.

(4) (a) (I) Any person whose license or other privilege to operate a motor vehicle in this state has been suspended, cancelled, or revoked, pursuant to either this article or article 4 or 7 of this title, shall pay a restoration fee of ninety-five dollars to the executive director of the department prior to the issuance to the person of a new license or the restoration of the license or privilege.

(II) Notwithstanding the amount specified for the fee in subparagraph (I) of this paragraph (a), the executive director of the department by rule or as otherwise provided by law may reduce the amount of the fee if necessary pursuant to section 24-75-402 (3), C.R.S., to reduce the uncommitted reserves of the fund to which all or any portion of the fee is credited. After the uncommitted reserves of the fund are sufficiently reduced, the executive director of the department by rule or as otherwise provided by law may (b) All restoration fees collected pursuant to this subsection (4) shall be transmitted to the state treasurer, who shall credit:

(I) (A) Sixty dollars to the driver's license administrative revocation account in the highway users tax fund, which account is hereby created and referred to in this subparagraph (I) as the "account".

(B) The moneys in the account shall be subject to annual appropriation by the general assembly for the direct and indirect costs incurred by the department in the administration of driver's license restraints pursuant to either this article or article 4 or article 7 of this title, including, but not limited to, the direct and indirect costs of providing administrative hearings under this title, without the use of moneys from the general fund. At the end of each fiscal year, any unexpended and unencumbered moneys remaining in the account shall be transferred out of the account, credited to the highway users tax fund, and allocated and expended as specified in section 43-4-205 (5.5) (c),

C.R.S.; and

(II) (A) Thirty-five dollars to the first time drunk driving offender account in the highway users tax fund, which account is hereby created and referred to in this subparagraph (II) as the "account".

(B) The moneys in the account shall be subject to annual appropriation by the general assembly on and after January 1, 2009, first to the department of revenue to pay its costs associated with the implementation of House Bill 08-1194, as enacted at the second regular session of the sixty-sixth general assembly; second, to the department of revenue to pay a portion of the costs for an ignition interlock device as required by section 42-2-132.5 (1.5) (a) (II) for a first time drunk driving offender who is unable to pay the costs of the device; and then to provide two million dollars to the department of transportation for high visibility drunk driving enforcement pursuant to section 43-4-901, C.R.S. Any moneys in the account not expended for these purposes may be invested by the state treasurer as provided by law. All interest and income derived from the investment and deposit of moneys in the account shall be credited to the account. At the end of each fiscal year, any unexpended and unencumbered moneys remaining in the account shall remain in the account and shall not be credited or transferred to the general fund, the highway users tax fund, or another fund.

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