

## CDOT | Expressed Consent Stakeholder Toolkit



Dear Partners,

Colorado has seen an increase in Expressed Consent refusals, where drivers refuse chemical tests, complicating DUI enforcement efforts. Drivers should be aware that Colorado's Expressed Consent Law requires them to consent to chemical testing if a law enforcement officer has probable cause and suspects you are impaired by alcohol or drugs, including marijuana, prescription medications and illegal substances. This law applies to all drivers, including out-of-state residents and those without a valid Colorado driver's license.

We're inviting stakeholders and safety partners to use the resources in this toolkit to teach your audiences about Colorado's Expressed Consent Law, and encourage them that all consequences of a DUI can be avoided altogether by never driving impaired and planning ahead.

Feel free to use or adapt these materials as you see fit. For any questions or other support, please reach out to Sam Cole, CDOT communications manager, at [sam.cole@state.co.us](mailto:sam.cole@state.co.us).

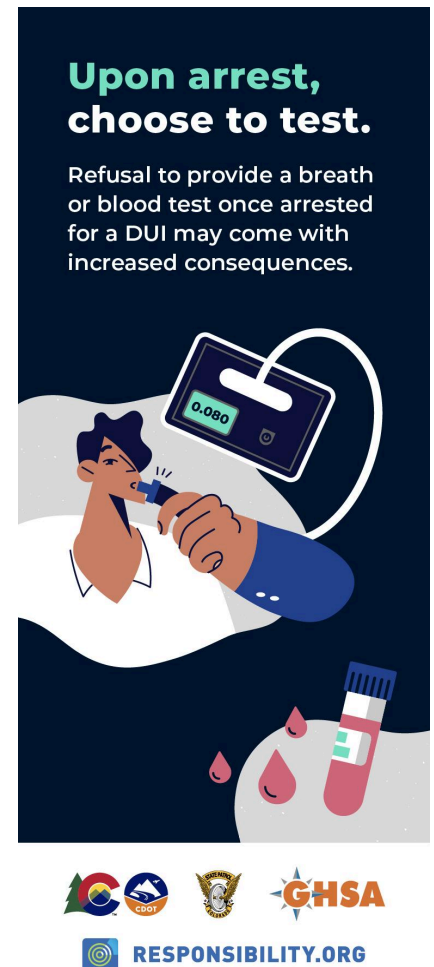
### Campaign Assets

CDOT has created several social media, newsletter, website and additional graphics to accompany messages about Colorado's Expressed Consent Law. [Click here to view and download graphics from our assets folder.](#)

### Talking Points and Campaign Facts

- By driving in Colorado, you automatically agree to provide a breath or blood test if a law enforcement officer has probable cause and suspects you are impaired by alcohol or drugs, including marijuana, prescription medications and illegal substances.
- Penalties for refusing are often more severe than for failing the test, so drivers are encouraged to take the test if they are suspected of driving impaired. Refusal to provide a breath or blood test once arrested for a DUI may come with increased consequences.

- If a driver refuses to submit to a chemical test, they are subject to administrative penalties, which can include:
  - **Automatic License Revocation:** A refusal triggers an automatic suspension of driving privileges. The first refusal results in a 12-month license suspension, while subsequent refusals carry longer suspensions.
  - **Refusal Consequences in Court:** Refusal can lead to increased consequences if convicted of DUI/DWAI.
  - **A requirement to have the ignition interlock device** for two years following reinstatement of their driver's license.
  - **A requirement to provide proof of DUI enrollment treatment** in a Level II Alcohol/Education program.
  - **Identification as a Persistent Drunk Driver (PDD):** Refusals may result in the offender being labeled as a Persistent Drunk Driver (PDD).
  - **A one-year revocation for a first offense** and a Persistent Drunk Driver designation.
  - **You may be required to get SR22 insurance**, a certificate of financial responsibility required for high-risk drivers to prove they have the minimum auto insurance coverage mandated by the state if identified as a PDD.
- The Expressed Consent law does not apply to roadside testing if a driver has not been arrested for a DUI. Drivers still have the right to refuse a roadside blood alcohol test.
- There are limited defenses for refusal. A driver might argue that they did not understand their rights or were physically unable to comply with the test. However, these defenses rarely succeed, as officers must clearly explain the law and the consequences of refusal.



## Newsletter & Website Articles

### Understanding the consequences of refusing a DUI toxicology test

Law enforcement across Colorado is seeing an increase in drivers refusing to take a blood or breath test when arrested for driving under the influence (DUI). Unfortunately, many people have misconceptions about this process. Here's the truth: it's illegal to refuse a toxicology test, and doing so will result in more severe penalties.

Under [Colorado's Expressed Consent Law](#), anyone who drives in the state automatically agrees to take a toxicology test (blood or breath) if suspected of driving under the influence of alcohol or drugs. This applies to both residents and visitors – even if you don't have a valid Colorado driver's license.

If you are arrested for DUI, you must provide a toxicology test within two hours of being stopped. While drivers over the age of 21 can refuse a roadside breathalyzer test, a DUI arrest can still be made if a police officer observes signs of impairment in your behavior, speech or appearance.

Refusing the toxicology test can have worse consequences than failing it. Drivers who refuse a toxicology test face several harsh penalties:

- **Automatic license revocation:** A refusal triggers an automatic suspension of driving privileges. The first refusal results in a 12-month license suspension, while subsequent refusals carry longer suspensions.
- **Ignition interlock device requirement:** Drivers who refuse a toxicology test are required to have an ignition interlock device for two years following the reinstatement of their driver's license.
- **Consequences in court:** A refusal can lead to increased consequences if convicted of Driving Under the Influence (DUI) or Driving While Ability Impaired (DWAI).
- **Identification as a Persistent Drunk Driver:** Refusal to take the test results in being labeled a Persistent Drunk Driver (PDD). This can result in surcharges to benefit the crime victim compensation fund and other fees.
- **SR22 insurance:** Offenders may be required to get SR22 insurance – a certificate of financial responsibility required for high-risk drivers to prove they have the minimum auto insurance coverage mandated by the state. Premiums for SR22 tend to be much higher than standard vehicle insurance, and not all insurance providers offer it.
- **DUI treatment enrollment:** Offenders may be required to provide proof of DUI treatment enrollment in a Level II Alcohol/Education program.

A CDOT survey of DUI offenders found that most who refused the toxicology test upon arrest were advised by a friend or family member to do so to avoid self-incrimination. However, many of those respondents later regretted their decision due to the consequences that followed.

The bottom line is simple: if you're suspected of DUI, it's better to take the test. Refusing it only leads to more trouble. Don't make a second mistake – make the smart choice for your safety, your driving privileges and your future.



## Social Media Posts

You are welcome to share the following social media posts on your own platforms to help spread the word. [You can download graphics to accompany these posts here.](#)

Facebook / Instagram	X
<p>Did you know? Refusing to provide a blood or breath test upon arrest for a DUI comes with serious consequences, like extended driver's license revocations or ignition interlock device requirements.</p> <p>Make the right choice. Upon arrest, choose to test. For more information, visit <a href="http://codot.gov/choosetotest">codot.gov/choosetotest</a></p>	<p>Did you know? Refusing to provide a blood or breath test upon arrest for a DUI comes with serious consequences, like extended driver's license revocations or ignition interlock device requirements.</p> <p>Upon arrest, choose to test.</p>
<p>Did you know that by driving a vehicle in Colorado you automatically agree to a blood or breath test if you are arrested for a DUI?</p> <p>According to Colorado's Expressed Consent Law, failure to comply may lead to increased consequences.</p> <p>Upon arrest, choose to test. For more information, visit <a href="http://codot.gov/choosetotest">codot.gov/choosetotest</a></p>	<p>By driving a vehicle in Colorado, you automatically agree to a blood or breath test if you are arrested for a DUI. According to Colorado's Expressed Consent Law, refusal to comply may lead to increased consequences.</p> <p>Upon arrest, choose to test.</p>
<p>When you drive in Colorado, you agree to follow all laws of the road – including the Expressed Consent law. What's that? It requires drivers to provide a blood or breath test upon arrest for a DUI.</p> <p>Refusal to comply will result in increased penalties. For more information, visit <a href="http://codot.gov/choosetotest">codot.gov/choosetotest</a></p>	<p>When you drive in Colorado, you agree to follow all laws of the road – including the Expressed Consent Law. What's that? It requires drivers to provide a blood or breath test upon arrest for a DUI.</p> <p>Refusing the test will result in increased penalties.</p>
<p>Refusing to comply with Colorado's Expressed Consent law, which requires drivers to provide a breath or blood test upon arrest for a DUI, means increased consequences.</p> <p>In addition to \$13,500 in costs, refusal to comply will result in additional penalties, which can include: extended time without a driver's license, longer interlock requirements, designation as a Persistent Drunk Driver or increased alcohol education requirements.</p>	<p>Refusing to provide a breath or blood test upon arrest for a DUI will result in increased consequences.</p> <p>In addition to \$13,500 in costs, failure to comply will result in additional penalties like more time without a license, longer interlock requirements and increased alcohol education requirements.</p>
<p>Impaired driving is a mistake. Don't make a second one upon arrest.</p> <p>Colorado's Expressed Consent Law requires all drivers to provide a breath or blood test upon arrest for DUI or DWAI. If you refuse, you will</p>	<p>Impaired driving is a mistake. Don't make a second one upon arrest.</p> <p>Colorado's Expressed Consent Law requires all drivers to provide a breath or blood test upon arrest for DUI or DWAI. If you refuse, you will face increased penalties.</p>

face increased penalties. For more information, visit <a href="http://codot.gov/choosetotest">codot.gov/choosetotest</a>	For more information, visit <a href="http://codot.gov/choosetotest">codot.gov/choosetotest</a>
--	--

## Resources

Website: [codot.gov/safety/impaired-driving/colorados-expressed-consent-law](http://codot.gov/safety/impaired-driving/colorados-expressed-consent-law)

### CDOT Social Media

- [CDOT Facebook](#)
- [CDOT Instagram](#): @ColoradoDOT
- [CDOT X](#): @ColoradoDOT

### Campaign Contacts:

Sam Cole, CDOT Safety Communications Manager

Email: [sam.cole@state.co.us](mailto:sam.cole@state.co.us)