

Inter-Agency Task Force for Drunk Driving
Legislative Update
January 20, 2012

Calendar

January 23

1:30 pm Judiciary SCR 356 Concealed Carry Handgun without a Permit

January 25

1:30 pm Transportation HCR 0107 Ports of Entry

January 31

2:00 pm Senate Transportation SCR 352 Low Speed Electric
Victim's Rights Changes

February 2

1:30 pm Judiciary HCR 0107 Deadly Force

February 9

1:30 pm Judiciary HCR 0107 Firearm Possession in Case of an Emergency

Traffic Safety

Status [HB12-1066](#)

PRIOLA - Titling And Registering ATVs

01/11/2012 Introduced In House - Assigned to Transportation

Status [HB12-1084](#)

FIELDS - Penalty For Leaving The Scene Of Traffic Accident

- 01/17/2012 Introduced In House - Assigned to Judiciary
- Amends 42-4-1601 (1) which outlines the requirements for a driver you is involved in a serious bodily injury or death collision
- (2)(b) Changes the penalty from an F5 to F4
- Effective August 7, 2012

Status [SB12-013](#)

SCHWARTZ - Low-speed Electric Vehicles

- 01/11/2012 Introduced In Senate - Assigned to Transportation
- Amends 42-4-109.5 increases roadways way that low speed electric vehicles can travel

on from 35 mph roadways to 40 mph roadways

Status SB12-050

RENFROE - Prohibit Red Light Camera Vehicle Identification

- 01/11/2012 Introduced In Senate - Assigned to Transportation
- Amends 42-4-110.5 Government entity shall not issue citations based on evidence obtained by Automated Vehicle Identification System
- Except a toll road or toll highway—AVIS maybe used to assess tolls and civil penalties for tolls and HOV lanes
- Shall not report evidence to DOR, credit report company or insurance company
- AVIS- a machine is used to automatically detect violation and simultaneously record a photograph of the vehicle
- Strikes out current enabling language for their use

Status SB12-059

BROPHY - Commercial Vehicle Standards Livestock & Weight

- 01/13/2012 Introduced In Senate - Assigned to Transportation
- Amends 42-4-235 Minimum standards for commercial vehicles from 10,001 lbs. to 26,001 lbs.
- Adds—does not apply to vehicle trailer combination has a GVWR of less than 14,000 lbs. and the trailer is primarily employed to transport livestock

Status SB12-089

RENFROE - Repeal Motorcycle Operator Safety Program

- 01/19/2012 Introduced In Senate - Assigned to Transportation
- Repeals the program
- Funding for program through license and registration fees

Status SB12-092

JAHN - Motor Vehicle Video Display

- 01/19/2012 Introduced In Senate - Assigned to Transportation
- Amends 42-2-201 (Obstruction of View or Driving Mechanism)
- Removes television viewer, screen or other means of visually receiving television broadcast
- Inserts a Video Display- while the vehicle is in motion

- Does not prohibit the usage of any computer or data terminal (existing language)
- So long as the computer, data terminal, or other similar device is not used to display visual entertainment to driver while vehicle is in motion
- Effective July 1, 2012

Alcohol and Drug

Status SB12-037

KING S. - Electronic Prescription Controlled Substances

- 01/11/2012 Introduced In Senate - Assigned to Health and Human Services
- Amends 18-18-308 a person shall not dispense a substance included in schedule II to an ultimate user of the substance without
 - Written prescription of a practitioner
 - Electronic prescription drug order for a schedule II substance
 - A practitioner, other than a pharmacy, may dispense schedule II substance directly to the ultimate use without a written prescription
- Person shall not dispense a schedule III, IV or V to an ultimate user of the substance without
 - Written or oral prescription order
 - Electronic prescription for schedule III, IV, V
 - Practitioner may dispense schedule III, IV, V directly to the ultimate user without a written prescription
- Adds electronic format to emergency oral prescription

Status SB12-039

MORSE - Minor Drug & Alcohol Use Permit Driver's License

- 01/11/2012 Introduced In Senate - Assigned to Judiciary
- Amends 42-2-108 before signing the application for an instruction permit or minor driver's license
- Applicant or any person under 18 years—applying for instruction permit or minor driver's license
- Must be accompanied by an affidavit verifying the applicant has not used illegal drugs or alcohol in the previous year
- Affidavit signed by applicant and parent or guardian
- Drugs does not included prescription medication prescribed by physician, physician assistant, dentist or medical professional
- Must sign affidavit to get a instruction permit or minor driver's license

Status SB12-075

STEADMAN - Med Marijuana Financial Cooperative

- 01/19/2012 Introduced In Senate - Assigned to Finance
- Amends 11-30.5-101
- Financial Cooperative—exclusive organization, ownership, and membership having a common bond
- Commissioner shall promulgate rules for a notice that shall be provided to each prospective member
- Shall not refer to itself as a credit union
- Establishment must maintain comparable insurance non-federally back policy of insurance from an insurance company—does not insure against seizure from the federal government, or self –insurance reasonably accepted by the commissioner

Firearms

Status HB12-1048

WALLER - End CBI Instacheck Duty For Firearm Transfers

- 01/11/2012 Introduced In House - Assigned to Judiciary
- Amends 12-26.1-101 (Background checks at gun shows) Contact FBI for the purpose of completing background checks and the National Instant Criminal Background Check System (NIC)
- Verify the identity of the transferee by examining valid identification document
- 18-12-205 (Sheriff-applicant-procedure-background check) Contact FBI instead of CBI for criminal background check

Status HB12-1064

STEPHENS - Firearm Possession During State Of Emergency

- 01/11/2012 Introduced In House - Assigned to Judiciary
- Amends 24-20-205 (Addition restriction on or seizure of firearms prohibited during official state of emergency)
- Authority of state or a political subdivision shall not take any of the following actions
 - Prohibit or restrict possession, use, carrying, transfer, transportation, storage or display of a firearm or ammunition

- Seize or confiscate—otherwise lawful firearm or ammunition—used to defend oneself
- Require the registration of a firearm
- Shall not apply to the commercial sale of firearms or ammunition if an authorized authority has ordered an evacuation or general closure of businesses
- Aggrieved individual may bring a civil action for damages

Status [HB12-1088](#)

HOLBERT - Deadly Force Against Intruder At Place Of Business

- 01/17/2012 Introduced In House - Assigned to Judiciary
- Extend the right use deadly force against an intruder under certain conditions
- Owners, managers, and employees of businesses

Status [HB12-1092](#)

PRIOLA - Concealed Handgun Carry Without Permit

01/17/2012 Introduced In House - Assigned to Judiciary

- Allows anyone 21-years of age or older who can legally own a gun to carry concealed.
 - But not if they are forbidden by law or court order
- Would allow the carrying of guns on school, college and university grounds.
 - Even if the university bans them. This does not apply to public high schools, elementary, etc.
- Restrictions would still apply (no alcohol, etc.)
- Would not be able to carry weapon on grounds of elementary through high school.

Status [SB12-025](#)

NEVILLE - Concealed Handgun Carry With No Permit

01/11/2012 Introduced In Senate - Assigned to State, Veterans & Military Affairs

- Allows anyone 21-years of age or older who can legally own a gun to carry concealed.
 - But not if they are forbidden by law or court order
- Would allow the carrying of guns on school, college and university grounds.
 - Even if the university bans them. This does not apply to public high schools, elementary, etc.
- Restrictions would still apply (no alcohol, etc.)
- Would not be able to carry weapon on grounds of elementary through high school.

Miscellaneous bills of Interest

Status [HB12-1014](#)

BAUMGARDNER - Modify Late Vehicle Registration Fee

01/11/2012 Introduced In House - Assigned to Transportation

- Reduces late registration fee from \$25/month to a flat \$20.
 - Currently there is a \$100 max of the \$25 late fee, so after four months, just \$100
 - This is for the late fee when you register, this does not touch criminal violation
- No late fee for expired temp registration.
- Removed DOR authority to waive or reduce fees for idle commercial trailers.

Status [HB12-1053](#)

GARDNER B. - Victims' Rights Changes

01/11/2012 Introduced In House - Assigned to Judiciary

- Criminal justice records of victims must redact address and SSN
 - Presents problems with crashes, etc
- Adds crimes to definitions under victim rights statute
 - Adult and child trafficking, first degree burglary and retaliation against judges and jurors
- Adds electronic communication to victim from court of status
 - Instead of just by phone or mail, now email too.
- Adds victim has right to know when suspect released from county jail
- Bill would allow for certain times victim cannot be at trial to insure fair trial for suspect

Status [HB12-1062](#)

BARKER - Employment Protections For Colorado Peace Officers

01/11/2012 Introduced In House - Assigned to Local Government

- Agency cannot insert comments in to personnel file without officer seeing the first
 - Also allowed to comment on it for file
- Officer can participate in political campaigns
 - But not in uniform
 - And not on duty
- Officers can join a union
- Officers only subject to disciplinary actions only for “just cause”
- Agency cannot stop officer from filing civil suit arising from on duty situation
- Supposedly exempts agencies that have policies already. (but arguable)

Status HB12-1099

MCKINLEY - Phytoremediation Hemp Remediation Pilot Program

01/18/2012 Introduced In House - Assigned to Local Government

- Establishes committee of 7 to the Industrial Hem Remediation Pilot Program
- Basically a study to see how well hemp growth can rejuvenate soil
- Committee will have mix of scientists on it
- Proper security measures will have to be in place to grow hemp

Status SB12-079

KING S. - Safe2tell Program Revisions School Safety

01/19/2012 Introduced In Senate - Assigned to Local Government

- Just clarifies that “hotline” is not just phone, but electronic communications as well
- Cleans up the name of the program and clarifies it is a single program
- Clarifies that information obtained is confidential, and not subpoenaable except in some circumstances