

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

March 12, 2015  
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB15-1073 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend printed bill, page 2, line 5, strike "(I)".
- 2 Page 2, strike lines 8 and 9 and substitute "per se, or DWAI. ~~The hearing~~  
3 ~~officer shall consider such issues when a driver raises them as defenses~~  
4 IF A DRIVER SO CHALLENGES THE VALIDITY OF THE LAW ENFORCEMENT  
5 OFFICER'S INITIAL CONTACT, AND THE EVIDENCE DOES NOT ESTABLISH  
6 THAT THE INITIAL CONTACT OR ARREST WAS CONSTITUTIONALLY AND  
7 STATUTORILY VALID, THE DRIVER IS NOT SUBJECT TO LICENSE  
8 REVOCATION."
- 9 Page 2, strike lines 10 through 12.
- 10 Page 2, after line 12, insert:  
11 "SECTION 2. In Colorado Revised Statutes, **amend** 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 a  
15 revocation of a driver's license pursuant to article 2 of this title, where the  
16 hearing officer is engaged in finding facts and applying law for an  
17 incident or offense reported directly to the department by a law  
18 enforcement officer, and where the revocation was not triggered in whole  
19 or in part by a record of a conviction, the driver may challenge the  
20 validity of the law enforcement officer's initial contact with the driver and

1 subsequent arrest of the driver. ~~The hearing officer shall consider such~~  
2 ~~issues when a driver raises them as defenses.~~ IF A DRIVER SO CHALLENGES  
3 THE VALIDITY OF THE LAW ENFORCEMENT OFFICER'S INITIAL CONTACT,  
4 AND THE EVIDENCE DOES NOT ESTABLISH THAT THE INITIAL CONTACT OR  
5 ARREST WAS CONSTITUTIONALLY AND STATUTORILY VALID, THE DRIVER  
6 IS NOT SUBJECT TO LICENSE REVOCATION."

7 Renumber succeeding section accordingly.

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