



State:

Colorado

Statute/Law:

Section 42-4-1301(1): *Under the influence; Impairment; Zero Tolerance for persons who are habitual users of controlled substances.*

Per Se Law?:

No

Statute/Law Language:

(a) "Driving under the influence"(DUI) means driving a vehicle when a person has consumed alcohol or one or more drugs, or a combination of alcohol and one or more drugs, that affects the person to a degree that he or she is substantially incapable, mentally or physically, to exercise clear judgment, sufficient physical control, or due care in the safe operation of a vehicle.

(b) "Driving while ability impaired" (DWAI) is similar, except that a person need only be affected to the slightest degree so that he or she is less able to drive than he or she ordinarily would have been.

It is a misdemeanor for any person who is under the influence of...one

(c) or more drugs...to drive any vehicle in this state;

(d) It is a misdemeanor for any person who is impaired by...one or more drugs...to drive any vehicle in this state;

(e) It is a misdemeanor for any person who is a habitual user of any controlled substance defined in section 12-22-303(7), C.R.S. to drive any vehicle in this state. (N.B. 12-22-303(7) only defines "controlled substance" and not "habitual user." Since "habitual user" is not defined, there is really no way to prove this section.

Penalties Following Conviction:

For DUI: For first offense, 5 days (mandatory) - 1 year imprisonment, \$600 - \$1000 fine; for a first DUI after a prior DWI conviction 70 days (mandatory) - 1 year, \$600 - \$1500; for a 2nd DUI - 90 days (mandatory) - 1 year, \$1,000 - \$1500.

For DWAI: For first offense 2 days (mandatory) - 180 days imprisonment, \$200 - \$500 fine; for first DWI with





a prior DUI/Per Se Conviction - 60 days (mandatory) - 1 year, \$800 - \$1200 fine; for a second DWA - 45 days (mandatory) - 1 year, \$600 - \$1000.

Discretionary Court-Ordered Penalties:

Persons who violate the state's drunk driving laws may have to pay court costs, penalty surcharges of up to \$500 to help pay for programs that address persistent drunk drivers, surcharges to benefit the crime victim compensation fund, fees to reinstate a driver's license after suspension or revocation, and other fees, charges, and penalties. The court may also order community service (some mandatory periods apply).

For more information:

<http://www.colorado.gov/>

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