

DEPARTMENT OF REVENUE

Division of Motor Vehicles

DRIVER CONTROL

1 CCR 204-30

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

RULE 12 ~~RULES GOVERNING~~ ENROLLMENT IN LEVEL II ALCOHOL AND DRUG EDUCATION AND TREATMENT PROGRAMS

SECTION 1. AUTHORITY

Basis, Purpose and Statutory Authority:

The statutory bases for this regulation are §§ 42-2-126(4)(d)(II), 42-2-132, 42-2-144, ~~and~~ 42-4-1301.3, C.R.S., 2 CCR 502-1, 21.240.2. ~~(2015).~~

The purpose of this rule is to ~~set forth~~ identify the types of documents that the Department will accept as proof that a driver has enrolled in or has completed a required Level II treatment program. ~~It clarifies that a Level II treatment program is required by statute when a driver has specific alcohol and/or drug violations, and describes allows the department to process for reinstatement of the driving privilege in connection with such programs after enrollment and prior to successfully completing all required hours. The rule also outlines the responsibilities of the Department – as well as the Office of Behavioral Health as set forth in Department of Human Services, Behavioral Health Rules, 2 CCR 502-1, 21.240.2 – with maintaining accurate records of both client and Level II agency provider status.~~

These rules are promulgated under the ~~statutory~~ authority of §§ 24-4-103 and 42-1-204, C.R.S. ~~(2015).~~

SECTION 2. DEFINITIONS

- 2.1 “Affidavit of Enrollment” means form DR2643 provided by the Department or an approved electronic equivalent.
- ~~2.2 “Alcohol or Drug violation” means a conviction for a violation of § 42-4-1301, C.R.S. (2015), or a revocation pursuant to § 42-2-126(4)(d)(II)(A), C.R.S. (2015), or as otherwise provided by law.~~
- 2.32 “Department” means the Colorado Department of Revenue created in § 24-1-117, C.R.S. ~~(2015).~~
- 2.43 “Estimated date of completion” means the latest date when the ~~client~~ driver is expected to have successfully completed all components of their assigned Level II Program.
- 2.54 “Identified Data Collection System” means the Office of Behavioral Health database or system that is utilized by Level II Agencies to electronically track and report client enrollment and status.
- 2.5 “Level II Agency” means an organization licensed by the Office of Behavioral Health of the Colorado Department of Human Services ~~to~~that provides Level II Programs.
- 2.6 “Level II Program” means a level II program as described in § 42-4-1301.3(3)(c)(IV), C.R.S. ~~(2015).~~

2.7 “OBH” means the Office of Behavioral Health within the Colorado Department of Human Services ~~created~~ in § 24-1-120(6)(d), C.R.S. ~~as created pursuant to Article 80 of Title 27 (2015).~~

2.8 ~~“TMS” means “Treatment Management System,” the database utilized by Level II Agencies to electronically track and report client enrollment and status.~~

~~SECTION 3. WHEN A LEVEL II PROGRAM IS REQUIRED~~

3.1 ~~The following persons must complete a Level II Program:~~

3.1.1 ~~A person whose license was revoked pursuant to § 42-2-125(1)(i), C.R.S. (2015); and~~

3.1.2 ~~A person whose driving record otherwise indicates the person is a persistent drunk driver as defined in § 42-1-102(68.5), C.R.S. (2015).~~

~~SECTION 4. REINSTATEMENT OF DRIVING PRIVILEGE PRIOR TO COMPLETION OF LEVEL II PROGRAM~~

4.1 ~~The Department may reinstate the driving privilege of a person who is required to complete a Level II Program prior to his/her completing that Level II Program upon the person filing with the Department proof of enrollment in a Level II Program, except that a person who has received a notice of cancellation and denial from the Department for failure to complete a Level II Program must complete a Level II Program prior to reinstatement of his or her driving privilege.~~

4.2 ~~An application for reinstatement of the driving privilege after a license has been cancelled for failure to complete a Level II Program shall be accompanied by the following:~~

4.2.1 ~~A DUI/DWAI Referral Summary from a Level II Agency indicating that a Level II Program was begun and successfully completed after the date of the last alcohol or drug violation under Title 42; and~~

4.2.2 ~~Payment of the reinstatement fee.~~

~~SECTION 53. AGENCIES DELIVERING LEVEL II SERVICES~~

5.1 ~~Agencies providing Level II Programs must be licensed by the OBH pursuant to § 42-4-1301.3, C.R.S. (2015).~~

5.23.1 ~~The Affidavit of Enrollment form shall be fully completed by the Level II Agency and the person seeking enrollment, including the Estimated Date of Completion; and a copy must be retained by the Level II Agency. The Department will not accept an incomplete Affidavit of Enrollment. The Department may accept an approved electronic equivalent submitted through the Identified Data Collection Systemthe TMS.~~

5.33.2 ~~Level II Agencies are responsible for submitting evidence of program completion to the Department. Evidence of program completion should be submitted through the Identified Data Collection SystemTMS or a DUI/DWAI Referral Summary-Reporting System (OBH form).~~

5.43.3 ~~If a client changes Level II Agencies for any reason, the new Level II Agency shall advise the client to must file a new Affidavit of Enrollment with the Department, and the new Level II Agency shall submit a notice of the enrollment through the Identified Data Collection SystemTMS.~~

5.5 ~~A Level II Agency that discharges a client shall report the discharge to the Department within 10 business days.~~

5.63.4 Level II Agencies shall utilize the Identified Data Collection SystemTMS to provide reports to the Department on enrollments as well as client status including discharges. The quarterly report requirement referenced in § 42-2-144, C.R.S. (2015) is now satisfied by the Identified Data Collection SystemTMS, which provides daily updates electronically to the Department.

SECTION 6. THE DEPARTMENT'S RESPONSIBILITIES

6.1 The Department will maintain the Affidavit of Enrollment form on the Department's web site.

6.2 The Department will only accept an Affidavit of Enrollment submitted by a Level II Agency currently licensed by OBH.

SECTION 47. OBH'S RESPONSIBILITIES:

7.14.1 OBH will notify the Department of any additions, deletions, or changes in name, agency ID number, license status, or address of a Level II Agency, and include the effective date of the change.