

SUPREME COURT OF COLORADO

Harris v. Heckers

185 Colo. 39 (Colo. 1974) · No. No. 26238 · Decided April 29, 1974

SUMMARY

The Colorado Supreme Court reviewed the constitutionality of Colorado's implied-consent law governing driver's-license suspension for refusing chemical sobriety tests. The court held that the statute's differing treatment of licensed residents, nonresidents, and residents without licenses had a rational basis and did not violate equal protection. The judgment was reversed and the case remanded for consideration of other alleged errors.

CASE DETAILS

COURT	Supreme Court of Colorado
WRITING FOR THE COURT	HODGES, Justice
JURISDICTION	Colorado
DECIDED	April 29, 1974
DOCKET	No. 26238
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The Department of Revenue appealed the district court's determination that Colorado's implied-consent law was unconstitutional.
STANDARD OF REVIEW	The court applied a presumption of constitutionality and required a challenger to prove a statute's invalidity beyond a reasonable doubt; the classification was reviewed for a rational reason.
PRECEDENTIAL VALUE	Published en banc decision of the Supreme Court of Colorado; precedential.
PARTIES	John H. Heckers, as Manager of the Department of Revenue, State of Colorado v. James C. Harris

TOPICS

- equal protection
- rational basis review
- statutory interpretation
- constitutional law
- administrative law

PRACTICE AREAS

- constitutional law
- administrative law
- motor vehicle licensing
- statutory interpretation

QUESTIONS PRESENTED

1. Whether the implied-consent statute required different six-month suspension start dates for residents and nonresidents.
2. Whether the statutory classification treating residents with licenses and nonresidents differently from residents without licenses violated equal protection.
3. Whether the district court properly declared the implied-consent statute unconstitutional.

HOLDINGS

1. The statute's semicolon divides the provision into two classes: residents with licenses and nonresidents, whose six-month period runs from the hearing, and residents without licenses, who are denied issuance of a license for six months from the date of the alleged violation.
2. The statutory distinction between residents with licenses and nonresidents, on the one hand, and residents without licenses, on the other, was rational and did not violate equal protection.
3. Courts must presume statutes constitutional, and a party challenging a statute must prove its invalidity beyond a reasonable doubt.

KEY QUOTATIONS

“Courts should not seek reasons to find a statute unconstitutional. Rather, it is the duty of courts to presume the statute is constitutional. In order to prevail, one who attacks a statute must prove its invalidity beyond a reasonable doubt.” (768)

FACTUAL BACKGROUND

The Department of Revenue suspended Harris's automobile driver's license for six months because he refused to submit to chemical sobriety testing. The district court interpreted the implied-consent statute as requiring the six-month period to begin on the hearing date for residents but on the violation date for nonresidents. The Supreme Court concluded that the statute instead created one classification for licensed residents and nonresidents and another for residents without licenses.

PROCEDURAL HISTORY

The Department of Revenue suspended Harris's driver's license for six months after he refused chemical sobriety testing. The district court interpreted the statute as imposing different suspension start dates for residents and nonresidents and declared it unconstitutional on equal-protection grounds. The Supreme Court of Colorado reversed and remanded for consideration of Harris's other alleged trial-level errors.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case was remanded to the district court for determination of Harris's other alleged trial-level errors.

CASES CITED

- Campbell v. Superior Court, 106 Ariz. 542, 479 P.2d 685 (1971)
- People v. Sneed, 514 P.2d 776 (Colo. 1973)

OPINION

HODGES, J.

521 P.2d 766 (1974) James C. HARRIS, Plaintiff-Appellee, v. John H. HECKERS, as Manager of the Department of Revenue, State of Colorado, Defendant-Appellant. No. 26238. Supreme Court of Colorado, En Banc. April 29, 1974. *767 Richard L. Ott, Denver, for plaintiff-appellee. John P. Moore, Atty. Gen., John E. Bush, Deputy Atty. Gen., Dennis J. Sousa, Asst. Atty.

Gen., Denver, for defendant-appellant. HODGES, Justice. The Department of Revenue appeals the decision of the district court in which the "implied consent law" (1971 Perm.Supp., C.R.S.1963, 13-5-30) was declared unconstitutional.

We reverse and hold that the statute is constitutional. The Department of Revenue suspended the automobile driver's license of Harris for refusing to submit to any of the chemical sobriety tests. The suspension was for six months from the date of the hearing.

The district court interpreted the statute to require the six months to run from the date of the hearing for residents but from the date of the violation for non-residents. As so interpreted, the district court held that the statute denied equal protection. 1971 Perm.Supp., C.R.S.1963, 13-5-30(3) (e) provides: "... the department shall forthwith revoke said person's license to operate a motor vehicle, or, if said person is a nonresident, his privilege to operate a motor vehicle within this state, for a period of six months; or if the person is a resident without such license, the department shall deny to such person the issuance of a license for a period of six months after the date of the alleged violation."

(Emphasis added.) The district court erroneously interpreted the statute. The placement of the semicolon in the statute creates the following two classes; (1) both residents with licenses and non-residents have the six-month period imposed from the date of the hearing, whereas, (2) residents without licenses are denied issuance of a license for a period of six months from the date of the violation.

The issue, therefore, is whether there is a rational reason for treating residents with licenses and nonresidents differently than residents without a license. The legislature obviously treated residents without a license differently in anticipation of the non-licensed driver who obtains a license in the period between the violation and the hearing.

In such a case, it would be meaningless to deny issuance of a license for six months from the date of the hearing, since the driver would have already obtained a license. Furthermore, the suspension of the new license could arguably be unconstitutionally retroactive, i. e., he would lose something which he did not have at the time of the violation but acquired after the violation.

See *Campbell v. Superior Court*, 106 Ariz. 542, 479 P.2d 685 (1971). *768 Courts should not seek reasons to find a statute unconstitutional. Rather, it is the duty of courts to presume the statute is constitutional. In order to prevail, one who attacks a statute must prove its invalidity beyond a reasonable doubt. These basic rules of statutory interpretation by courts were most recently set forth in *People v. Sneed*, Colo., 514 P.2d 776.

The trial court not only misinterpreted the statute but failed to apply these rules. The statute is declared constitutional. The case is remanded to the district court for a determination of the other errors alleged by Harris at the trial court level.