

First Regular Session
Sixty-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 05-0729.01 Jery Payne

HOUSE BILL 05-1235

HOUSE SPONSORSHIP

Lundberg,

SENATE SPONSORSHIP

(None),

House Committees

Transportation & Energy

Senate Committees

A BILL FOR AN ACT

101 CONCERNING EDUCATION REQUIREMENTS NECESSARY FOR A MINOR TO
102 OBTAIN AN INSTRUCTION PERMIT, AND, IN CONNECTION
103 THEREWITH, AUTHORIZING A TEACHING PARENT AND SETTING
104 STANDARDS FOR DRIVER'S EDUCATION AND AWARENESS
105 COURSES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Authorizes a parent to administer a driver's education or driver's prequalification awareness course to qualify a student to obtain a driver's permit. Requires a teaching parent to use a course approved by the department of revenue. Clarifies that a teaching parent does not have to

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

install special equipment. Authorizes a student to use a driver's education course completion certificate as satisfactory evidence of minor driving time requirements. Sets standards for a parent-instructed student.

Sets course standards for a driver's prequalification awareness course. Sets curriculum, behind-the-wheel, and provider standards for a driver's education course.

Defines relevant terms.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** Part 1 of Article 2 of Title 42, Colorado Revised
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
4 read:

5 **42-2-106.5. Permit - driver education.** (1) **Definitions.** AS
6 USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 (a) "SPECIAL EQUIPMENT" MEANS EXTRA PASSENGER BRAKING
8 SYSTEMS, ADDITIONAL MIRRORS, A KILL SWITCH, OR OTHER EQUIPMENT
9 INSTALLED TO INSTRUCT DRIVING STUDENTS.

10 (b) "STUDENT" MEANS A PERSON WHO IS AT LEAST FIFTEEN BUT
11 NOT MORE THAN EIGHTEEN YEARS OF AGE, WHO IS OR WILL BE ELIGIBLE
12 FOR A MINOR'S INSTRUCTION PERMIT WITHIN ONE YEAR, AND WHO IS
13 LEARNING TO DRIVE.

14 (c) "TEACHING PARENT" MEANS A PARENT OR GUARDIAN OF A
15 STUDENT WHO:

16 (I) HOLDS A VALID COLORADO DRIVER'S LICENSE;

17 (II) PROVIDES PRIVATE INSTRUCTION TO THE STUDENT;

18 (III) HAS NOT BEEN CONVICTED OF A DRIVING FELONY OR A
19 VIOLATION OF SECTION 42-4-1301 IN THE PAST FIVE YEARS, AS EVIDENCED
20 BY A STATEMENT OF FACT MADE BY THE TEACHING PARENT; AND

21 (IV) HAS CURRENT VEHICLE INSURANCE AND REGISTRATION.

22 (2) **Teaching parents.** (a) A STUDENT RECEIVING INSTRUCTION

1 FROM A TEACHING PARENT USING A PREQUALIFICATION DRIVER
2 AWARENESS COURSE APPROVED PURSUANT TO SUBSECTION (3) OF THIS
3 SECTION SHALL MEET THE EDUCATION REQUIREMENT FOR A MINOR'S
4 INSTRUCTION PERMIT ISSUED UNDER SECTION 42-2-106 (1) (d). A STUDENT
5 RECEIVING INSTRUCTION FROM A TEACHING PARENT USING A DRIVER'S
6 EDUCATION COURSE APPROVED PURSUANT TO SUBSECTION (4) OF THIS
7 SECTION SHALL MEET THE EDUCATION REQUIREMENT FOR A MINOR'S
8 INSTRUCTION PERMIT UNDER SECTION 42-2-106 (1) (b).

9 (b) A TEACHING PARENT SHALL NOT BE REQUIRED TO INSTALL
10 SPECIAL EQUIPMENT IN HIS OR HER VEHICLE TO QUALIFY AS A TEACHING
11 PARENT.

12 (c) TO QUALIFY FOR A PERMIT UNDER PARAGRAPH (a) OF THIS
13 SUBSECTION (2), A STUDENT RECEIVING INSTRUCTION FROM A TEACHING
14 PARENT SHALL USE A COURSE APPROVED PURSUANT TO SUBSECTION (3) OF
15 THIS SECTION OR A CURRICULUM PROVIDED BY AN APPROVED DRIVER
16 EDUCATION AND TRAINING ORGANIZATION AND APPROVED PURSUANT TO
17 SUBSECTION (4) OF THIS SECTION.

18 (d) TO SUCCESSFULLY MEET THE DRIVER'S EDUCATION
19 REQUIREMENTS OF THIS SUBSECTION (2), A STUDENT SHALL BE ABLE TO
20 DRIVE SAFELY AND APPROPRIATELY, SHOW RESPECT FOR OTHER DRIVERS
21 AND OTHER HIGHWAY USERS, AND ADJUST PERFORMANCE AS SUGGESTED
22 BY THE TEACHING PARENT OR INSTRUCTOR.

23 (e) A CERTIFICATE OF COMPLETION OF A DRIVER'S EDUCATION
24 COURSE APPROVED PURSUANT TO SUBSECTION (4) OF THIS SECTION SHALL
25 BE EVIDENCE OF FIFTY HOURS OF DRIVING REQUIRED BY SECTION 42-2-104
26 (4) (a) (II).

27 (3) **Prequalification driver awareness courses.** A PERSON SHALL

1 NOT OFFER A PREQUALIFICATION DRIVER AWARENESS PROGRAM UNLESS
2 APPROVED BY THE DEPARTMENT. THE DEPARTMENT SHALL EVALUATE AND
3 APPROVE THE COURSE CURRICULUM TO ENSURE THAT IT MEETS THE
4 REQUIREMENTS OF THIS SUBSECTION (3). THE CURRICULUM MAY INCLUDE
5 HOME STUDY, INTERNET STUDY, CD-ROM INSTRUCTION, OR FORMAL
6 CLASS INSTRUCTION. TO BE APPROVED, A COURSE SHALL CONTAIN AT
7 LEAST FOUR HOURS OF MATERIAL AND SHALL INCLUDE, BUT NOT BE
8 LIMITED TO, INSTRUCTION REGARDING:

9 (a) WHY TEENS ARE HIGH-RISK DRIVERS, INCLUDING THE FACTORS
10 OF MATURITY, ATTITUDE, AND LACK OF EXPERIENCE;

11 (b) THE BIOCHEMISTRY OF ALCOHOL AND OTHER DRUGS,
12 INCLUDING THE TYPES OF DRUGS THAT AFFECT ONE'S ABILITY TO DRIVE;

13 (c) THE PSYCHOLOGY OF ALCOHOL AND DRUGS, INCLUDING THE
14 EFFECTS OF ALCOHOL AND DRUG ABUSE ON DRIVING AND THE COSTS OF
15 SUCH ABUSE; AND

16 (d) BASIC TRAFFIC LAWS, INCLUDING THE RULES OF THE ROAD,
17 COLORADO-SPECIFIC LAWS, AND LAWS AFFECTING NEW DRIVERS.

18 (4) **Driver's education course.** (a) A PERSON SHALL NOT OFFER
19 A DRIVER'S EDUCATION COURSE UNLESS THE CURRICULUM AND THE
20 COURSE PROVIDER ARE APPROVED BY THE DEPARTMENT. THE
21 DEPARTMENT SHALL EVALUATE AND APPROVE A CURRICULUM AND A
22 COURSE PROVIDER TO ENSURE THAT THEY MEET THE REQUIREMENTS OF
23 THIS SUBSECTION (4).

24 (b) TO BE APPROVED, A COURSE PROVIDER SHALL:

25 (I) MAINTAIN LOCAL OFFICES WITHIN THE STATE OF COLORADO;

26 (II) OFFER BEHIND-THE-WHEEL TRAINING AND IN-CLASSROOM
27 INSTRUCTION;

1 (III) MAKE ITS RECORDS FOR TEEN DRIVERS AVAILABLE TO THE
2 DEPARTMENT, UPON REASONABLE REQUEST;

3 (IV) SUBMIT THE CURRICULUM EACH YEAR FOR DEPARTMENT
4 APPROVAL;

5 (V) CARRY PROFESSIONAL TEACHER'S LIABILITY INSURANCE IN AN
6 AMOUNT DETERMINED BY THE DEPARTMENT;

7 (VI) BE BONDED TO COVER LIABILITY IN AN AMOUNT DETERMINED
8 BY THE DEPARTMENT;

9 (VII) APPROVE OR DISAPPROVE A STUDENT'S COMPLETION OF ITS
10 COURSE BASED UPON MET REQUIREMENTS; AND

11 (VIII) PROVIDE A CERTIFICATE OF COMPLETION TO A STUDENT IF
12 THE STUDENT HAS MET THE COURSE REQUIREMENTS.

13 (c) A COURSE CURRICULUM SHALL NOT BE APPROVED UNLESS IT
14 CONTAINS INSTRUCTION REGARDING:

15 (I) PERMITTING AND LICENSING PROCEDURES AND LAWS;

16 (II) BASIC TRAFFIC LAW, INCLUDING, BUT NOT LIMITED TO,
17 RIGHTS-OF-WAY, SIGNS, SIGNALS, AND LANE MARKINGS;

18 (III) PASSENGER PROTECTION, INCLUDING, BUT NOT LIMITED TO,
19 SEAT BELTS, CHILD SAFETY RESTRAINTS, AIR BAG SAFETY, VEHICLE
20 SYSTEMS, VEHICLE CAPABILITIES, AND VEHICLE SECURITY;

21 (IV) STANDARD MANEUVERS, INCLUDING, BUT NOT LIMITED TO,
22 PROPER STEERING, LANE MANAGEMENT, TURNS, LANE CHANGES, MERGING,
23 AND NIGHT DRIVING;

24 (V) THE EFFECTS OF DRUGS AND ALCOHOL AND PENALTIES FOR
25 DRUG AND ALCOHOL VIOLATIONS;

26 (VI) SAFE DRIVING PRACTICES, INCLUDING, BUT NOT LIMITED TO,
27 HEADLIGHT USE, REFERENCE POINTS, FOLLOWING DISTANCE, AND HAZARD

1 IDENTIFICATION;

2 (VII) DRIVER COURTESY, INCLUDING, BUT NOT LIMITED TO,
3 SHARING THE ROAD WITH PEDESTRIANS, BICYCLES, AND MOTORCYCLES;
4 ANGER MANAGEMENT; AND PREVENTING ROAD RAGE;

5 (VIII) HAZARD RESPONSE AND AVOIDANCE, INCLUDING, BUT NOT
6 LIMITED TO, OFF-ROAD RECOVERY, NEGOTIATING INCLEMENT WEATHER,
7 NEGOTIATING VARYING TERRAIN, AND ACCIDENT REPORTING;

8 (IX) VEHICLE ECONOMICS, INCLUDING, BUT NOT LIMITED TO,
9 BUYING OR LEASING A CAR, INSURANCE, FUEL EFFICIENCY,
10 ENVIRONMENTAL CONCERNS, ROAD TRIPS, AND USING MAPS; AND

11 (X) RISKS SPECIFIC TO TEEN DRIVERS.

12 (d) TO BE APPROVED, A DRIVER EDUCATION COURSE SHALL
13 INCLUDE FIFTY HOURS OF BEHIND-THE-WHEEL TRAINING, TEN OF WHICH
14 SHALL BE BETWEEN SUNSET AND SUNRISE. THIS TRAINING SHALL INCLUDE,
15 BUT NOT BE LIMITED TO, INSTRUCTION REGARDING:

16 (I) PREPARING THE VEHICLE TO DRIVE, PUTTING ON A SEAT BELT,
17 ADJUSTING MIRRORS, AND ADJUSTING THE SEAT;

18 (II) STARTING THE VEHICLE, BRAKING, OBSERVING THE ROAD,
19 PLACING THE VEHICLE IN GEAR, AND ACCELERATING;

20 (III) SUCCESSFULLY NAVIGATING PARKING LOTS, RESIDENTIAL
21 STREETS, COMMERCIAL STREETS, AND HIGHWAYS; AND

22 (IV) MANAGEMENT OF SPEED, BRAKES, TURNS, LANES, SIGNS AND
23 SIGNALS, ROAD OBSERVATION, INCLEMENT WEATHER SITUATIONS, AND
24 ATTITUDE.

25 (e) A COURSE PROVIDER SHALL:

26 (I) OBTAIN COPIES OF ALL DOCUMENTATION, LOG SHEETS, DRIVER
27 LOGS, AND DRIVER EVALUATION FORMS FROM THE TEACHING PARENT;

1 (II) MAKE ITS RECORDS FOR TEEN DRIVERS AVAILABLE TO THE
2 DEPARTMENT, UPON REASONABLE REQUEST;

3 (III) SUBMIT THE CURRICULUM EACH YEAR FOR DEPARTMENT
4 APPROVAL;

5 (IV) CARRY PROFESSIONAL TEACHER'S LIABILITY INSURANCE IN AN
6 AMOUNT DETERMINED BY THE DEPARTMENT;

7 (V) BE BONDED TO COVER LIABILITY IN AN AMOUNT DETERMINED
8 BY THE DEPARTMENT;

9 (VI) APPROVE OR DISAPPROVE A STUDENT'S COMPLETION OF ITS
10 COURSE BASED UPON MET REQUIREMENTS; AND

11 (VII) PROVIDE A CERTIFICATE OF COMPLETION TO A STUDENT IF
12 THE STUDENT HAS MET THE COURSE REQUIREMENTS.

13 **SECTION 2. Effective date - applicability.** (1) This act shall
14 take effect at 12:01 a.m. on the day following the expiration of the
15 ninety-day period after final adjournment of the general assembly that is
16 allowed for submitting a referendum petition pursuant to article V,
17 section 1 (3) of the state constitution (August 10, 2005, if adjournment
18 sine die is on May 11, 2005); except that, if a referendum petition is filed
19 against this act or an item, section, or part of this act within such period,
20 then the act, item, section, or part, if approved by the people, shall take
21 effect on the date of the official declaration of the vote thereon by
22 proclamation of the governor.

23 (2) This act shall apply to driving permits applied for on or after
24 the applicable effective date of this act.