

HB1176_L.014

HOUSE COMMITTEE OF REFERENCE REPORT

 Chairman of Committee

 Date
Committee on Transportation & Energy.

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

HB09-1176 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute the following:

3 "SECTION 1. Short title. This act shall be known and may be
4 cited as the "Kayla Sealy DeMars Drivers' Safety Act".

5 SECTION 2. The introductory portion to 42-2-104 (4) (a) and
6 42-2-104 (5), Colorado Revised Statutes, are amended, and the said
7 42-2-104 is further amended BY THE ADDITION OF THE
8 FOLLOWING NEW SUBSECTIONS, to read:

9 42-2-104. Licenses issued - denied. (4) (a) Before The
10 department ~~may~~ SHALL NOT issue any type of A driver's license, including,
11 WITHOUT LIMITATION, a temporary driver's license pursuant to section
12 42-2-106 (2), to a person under eighteen years of age, UNLESS the person
13 ~~shall have~~ HAS:

14 (5) The department shall not issue a driver's license to a person
15 under ~~eighteen years of age who was issued a permit pursuant to sections~~
16 ~~42-2-106 (1) (b) and 42-2-114 (1) (a) after April 20, 2007,~~ SEVENTEEN
17 YEARS OF AGE unless such THE person has received either:

18 (a) If no entity offers approved behind-the-wheel driver training
19 at least twenty hours a week from a permanent location with an address
20 that is within thirty miles of the permit holder's residence, RECEIVED a
21 minimum of twelve hours of driving-behind-the-wheel training directed
22 by a parent, a legal guardian, or an alternate permit supervisor, which



1 training shall be in addition to the driving experience required by
2 subsection (4) of this section; or

3 (b) RECEIVED A minimum of six hours of
4 driving-behind-the-wheel training with a driving instructor employed or
5 associated with an approved driver education course.

6 (6) THE DEPARTMENT SHALL NOT ISSUE A DRIVER'S LICENSE TO A
7 PERSON UNDER SEVENTEEN YEARS OF AGE UNLESS THE PERSON HAS
8 COMPLETED A FOUR-HOUR PREQUALIFICATION DRIVER AWARENESS
9 PROGRAM.

10 (7) A PERSON SEVENTEEN YEARS OF AGE BUT LESS THAN EIGHTEEN
11 YEARS OF AGE SHALL NOT BE ISSUED A DRIVER'S LICENSE UNLESS THE
12 PERSON HAS EITHER:

13 (a) RECEIVED A MINIMUM OF SIX HOURS OF
14 DRIVING-BEHIND-THE-WHEEL TRAINING WITH A DRIVING INSTRUCTOR
15 EMPLOYED OR ASSOCIATED WITH AN APPROVED DRIVER EDUCATION
16 COURSE; OR

17 (b) COMPLETED A FOUR-HOUR PREQUALIFICATION DRIVER
18 AWARENESS PROGRAM.

19 **SECTION 3.** 42-2-106 (1) (a), (1) (b) (I), (1) (c), (1) (d), and (1)
20 (f), Colorado Revised Statutes, are amended to read:

21 **42-2-106. Instruction permits and temporary licenses.**
22 (1) (a) (I) A person who is sixteen EIGHTEEN years of age or older and
23 who, ~~except for the person's lack of instruction in operating a motor~~
24 ~~vehicle, motorcycle, or motor-driven cycle, would otherwise be qualified~~
25 ~~to obtain a license under this article~~ may apply for a temporary instruction
26 permit, in accordance with sections 42-2-107 and 42-2-108. The
27 department shall issue a permit entitling an applicant, who is sixteen years
28 of age or older but under eighteen years of age, while having the permit
29 in the applicant's immediate possession, to drive a motor vehicle,
30 motorcycle, or motor-driven cycle upon the highways when accompanied
31 by the parent, stepparent, grandparent with power of attorney, or guardian
32 or foster parent, who signed the affidavit of liability pursuant to section
33 42-2-108 (1) (a), who holds a valid Colorado driver's license, and who
34 occupies the front seat in close proximity to the driver or, in the case of

1 a motorcycle or motor-driven cycle, under the immediate proximate
2 supervision of a licensed driver, who holds a valid Colorado driver's
3 license and is twenty-one years of age or older, authorized under this
4 article to drive a motorcycle or motor-driven cycle. In addition, the
5 parent, stepparent, grandparent with power of attorney, or guardian or
6 foster parent, who is authorized pursuant to this section to supervise the
7 minor driver while the minor is driving, may allow the minor, while
8 having the permit in the applicant's immediate possession, to drive with
9 an individual who holds a valid driver's license and is twenty-one years
10 of age or older for additional driving experience, but such additional
11 driving experience shall not count toward the requirement established in
12 section 42-2-104. The permit shall expire three years after issuance. The
13 department shall issue a permit entitling the applicant, who is eighteen
14 years of age or older, while having the permit in the applicant's immediate
15 possession, to drive a motor vehicle, motorcycle, or motor-driven cycle
16 upon the highways when accompanied by a driver, who holds a valid
17 Colorado driver's license and is twenty-one years of age or older, who
18 occupies the front seat of the motor vehicle, or if the vehicle is a
19 motorcycle or motor-driven cycle, under the immediate proximate
20 supervision of a driver, who is authorized under this article to drive a
21 motorcycle or motor-driven cycle. The permit shall expire three years
22 after issuance.

23 (II) If the parent, stepparent, grandparent with power of attorney,
24 or guardian or foster parent, who signed the affidavit of liability pursuant
25 to section 42-2-108 (1) (a), does not hold a valid Colorado driver's
26 license, the parent, stepparent, grandparent with power of attorney, or
27 guardian or foster parent may appoint an alternate permit supervisor. An
28 alternate permit supervisor shall hold a valid Colorado driver's license and
29 be twenty-one years of age or older or, if the vehicle is a motorcycle or
30 motor-driven cycle, is authorized under this article to drive a motorcycle
31 or motor-driven cycle. A minor who is issued a permit under this
32 paragraph (a) may drive a motor vehicle, including a motorcycle or
33 motor-driven cycle, under the supervision of the alternate permit
34 supervisor if the minor has the permit in the minor's immediate possession
35 and the alternate permit supervisor occupies the front seat of the motor
36 vehicle or, if the vehicle is a motorcycle or motor-driven cycle, is in close
37 proximity to the driver.

38 (III) If the parent, stepparent, grandparent with power of attorney,
39 or guardian or foster parent, who signed the affidavit of liability pursuant



1 to section 42-2-108 (1) (a), does not hold a valid Colorado driver's license
2 but holds a valid driver's license from another state and is authorized to
3 drive a motor vehicle, motorcycle, or motor-driven cycle and has proper
4 military identification, then the applicant, while having the permit in the
5 applicant's immediate possession, shall be authorized to drive a motor
6 vehicle, including a motorcycle or motor-driven cycle, under the
7 supervision of the parent, stepparent, grandparent with power of attorney,
8 or guardian or foster parent, who cosigned the application for the minor's
9 instruction permit, if the parent, stepparent, grandparent with power of
10 attorney, or guardian or foster parent occupies the front seat of the motor
11 vehicle or, if the vehicle is a motorcycle or motor-driven cycle, is in close
12 proximity to the driver while the minor is driving.

13 (b) (I) A minor who is fifteen years of age or older and has
14 completed a department-approved THIRTY-HOUR driver education course
15 within the last six months may apply for a minor's instruction permit,
16 pursuant to sections 42-2-107 and 42-2-108. Upon presentation of a
17 written or printed statement signed by the parent, stepparent, grandparent
18 with power of attorney, or guardian or foster parent and the instructor of
19 the driver education course that the minor has passed an approved driver
20 education course, the department shall issue the permit entitling the
21 applicant, while having the permit in the applicant's immediate
22 possession, to drive a motor vehicle, including a motorcycle or
23 motor-driven cycle, under the supervision of the parent, stepparent,
24 grandparent with power of attorney, or guardian or foster parent, who
25 cosigned the application for the minor's instruction permit, if the parent,
26 stepparent, grandparent with power of attorney, or guardian or foster
27 parent holds a valid Colorado driver's license and occupies the front seat
28 of the motor vehicle or, if the vehicle is a motorcycle or motor-driven
29 cycle, is authorized under this article to drive a motorcycle or
30 motor-driven cycle and is in close proximity to the driver while the minor
31 is driving. In addition, the parent, stepparent, grandparent with power of
32 attorney, or guardian or foster parent, who is authorized pursuant to this
33 section to supervise the minor driver while the minor is driving, may
34 allow the minor, while having the permit in the applicant's immediate
35 possession, to drive with an individual who holds a valid driver's license
36 and is twenty-one years of age or older for additional driving experience,
37 but such additional driving experience shall not count toward the
38 requirement established in section 42-2-104. The permit shall also entitle
39 the applicant to drive a motor vehicle, including a motorcycle or
40 motor-driven cycle that is marked to indicate that it is a motor vehicle



1 used for instruction and that is properly equipped for instruction, upon the
2 highways when accompanied by or under the supervision of an approved
3 driver education instructor who holds a valid Colorado driver's license.
4 Driver education instructors giving instruction in motorcycle safety shall
5 have a valid motorcycle driver's license from Colorado and shall have
6 successfully completed an instruction program in motorcycle safety
7 approved by the department. The permit shall expire three years after
8 issuance.

9 (c) ~~A person sixteen years of age or older who, except for his or~~
10 ~~her lack of instruction in operating a motorcycle or motor-driven cycle,~~
11 ~~would otherwise be qualified to obtain a driver's license under this article~~
12 ~~to drive a motorcycle or motor-driven cycle may apply for a temporary~~
13 ~~instruction permit, pursuant to sections 42-2-107 and 42-2-108. The~~
14 ~~department shall issue the permit entitling the applicant, while having the~~
15 ~~permit in the applicant's immediate possession, to drive a motorcycle or~~
16 ~~motor-driven cycle upon the highways while under the immediate~~
17 ~~supervision of a licensed driver, who holds a valid Colorado driver's~~
18 ~~license and is twenty-one years of age or older, authorized under this~~
19 ~~article to drive a motorcycle or motor-driven cycle. The permit shall~~
20 ~~expire three years after issuance.~~

21 (d) ~~(f) A minor fifteen and one-half years of age but less than~~
22 ~~sixteen years of age who has completed a four-hour prequalification~~
23 ~~driver awareness program approved by the department may apply for a~~
24 ~~minor's instruction permit pursuant to sections 42-2-107 and 42-2-108.~~
25 ~~Upon presenting a written or printed statement signed by the parent,~~
26 ~~stepparent, grandparent with power of attorney, or guardian or foster~~
27 ~~parent of the applicant and documentation that the minor completed the~~
28 ~~driver awareness program, the department shall issue a permit entitling~~
29 ~~the applicant, while having the permit in the applicant's immediate~~
30 ~~possession, to drive a motor vehicle, including a motorcycle or~~
31 ~~motor-driven cycle, under the supervision of the parent, stepparent,~~
32 ~~grandparent with power of attorney, or guardian or foster parent, who~~
33 ~~cosigned the application for the minor's instruction permit, if the parent,~~
34 ~~stepparent, grandparent with power of attorney, or guardian or foster~~
35 ~~parent holds a valid Colorado driver's license and occupies the front seat~~
36 ~~of the motor vehicle or, if the vehicle is a motorcycle or motor-driven~~
37 ~~cycle, is authorized under this article to drive a motorcycle or~~
38 ~~motor-driven cycle and is in close proximity to the driver while he or she~~
39 ~~is driving. In addition, the parent, stepparent, grandparent with power of~~



1 attorney, or guardian or foster parent, who is authorized pursuant to this
2 section to supervise the minor driver while the minor is driving, may
3 allow the minor, while having the permit in the applicant's immediate
4 possession, to drive with an individual who holds a valid driver's license
5 and is twenty-one years of age or older for additional driving experience,
6 but such additional driving experience shall not count toward the
7 requirement established in section 42-2-104. The permit shall expire
8 three years after issuance.

9 (H) If the parent, stepparent, grandparent with power of attorney,
10 or guardian or foster parent, who signed the affidavit of liability pursuant
11 to section 42-2-108 (1) (a), does not hold a valid Colorado driver's
12 license, the parent, stepparent, grandparent with power of attorney, or
13 guardian or foster parent may appoint an alternate permit supervisor. An
14 alternate permit supervisor shall hold a valid Colorado driver's license and
15 be twenty-one years of age or older or, if the vehicle is a motorcycle or
16 motor-driven cycle, is authorized under this article to drive a motorcycle
17 or motor-driven cycle. A minor who is issued a permit under this
18 paragraph (d) may drive a motor vehicle, including a motorcycle or
19 motor-driven cycle, under the supervision of the alternate permit
20 supervisor if the minor has the permit in the minor's immediate possession
21 and the alternate permit supervisor occupies the front seat of the motor
22 vehicle or, if the vehicle is a motorcycle or motor-driven cycle, is in close
23 proximity to the driver.

24 (H) If the parent, stepparent, grandparent with power of attorney,
25 or guardian or foster parent, who signed the affidavit of liability pursuant
26 to section 42-2-108 (1) (a), does not hold a valid Colorado driver's license
27 but holds a valid driver's license from another state and is authorized to
28 drive a motor vehicle, motorcycle, or motor-driven cycle and has proper
29 military identification, then the applicant, while having the permit in the
30 applicant's immediate possession, shall be authorized to drive a motor
31 vehicle, including a motorcycle or motor-driven cycle, under the
32 supervision of the parent, stepparent, grandparent with power of attorney,
33 or guardian or foster parent, who cosigned the application for the minor's
34 instruction permit, if the parent, stepparent, grandparent with power of
35 attorney, or guardian or foster parent occupies the front seat of the motor
36 vehicle or, if the vehicle is a motorcycle or motor-driven cycle, is in close
37 proximity to the driver while the minor is driving.

38 (f) Notwithstanding paragraphs (a) to (d) AND (b) of this



1 subsection (1), a temporary instruction permit to operate a commercial
2 motor vehicle as defined in section 42-2-402 shall expire one year after
3 issuance.

4 **SECTION 4.** 42-4-116 (3) (b) and (5), Colorado Revised
5 Statutes, are amended to read:

6 **42-4-116. Restrictions for minor drivers - definitions.** (3) A
7 violation of this section is a traffic infraction, and, upon conviction, the
8 violator may be punished as follows:

9 (b) By the levying of a fine of not more than ~~fifty~~ ONE HUNDRED
10 dollars for a first offense, a fine of not more than ~~one~~ TWO hundred
11 dollars for a second offense, and a fine of ~~one~~ THREE hundred ~~fifty~~ dollars
12 for a subsequent offense;

13 ~~(5) No driver in a motor vehicle shall be cited for a violation of~~
14 ~~this section unless such driver was stopped by a law enforcement officer~~
15 ~~for an alleged violation of articles 1 to 4 of this title other than a violation~~
16 ~~of this section.~~

17 **SECTION 5. Effective date - applicability.** This act shall take
18 effect July 1, 2009, and shall apply to driver's licenses, instruction
19 permits, and offenses committed on or after said date.

20 **SECTION 6. Safety clause.** The general assembly hereby finds,
21 determines, and declares that this act is necessary for the immediate
22 preservation of the public peace, health, and safety."

23 Page 1, line 101, change the period to a comma and add "AND, IN
24 CONNECTION THEREWITH, ENACTING THE "KAYLA SEALY DEMARS
25 DRIVERS' SAFETY ACT".".

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