

**First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 11-0199.01 Jery Payne

HOUSE BILL 11-1024

HOUSE SPONSORSHIP

Vigil,

SENATE SPONSORSHIP

(None),

House Committees

Transportation
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF AN AGRICULTURAL YOUTH LICENSE TO**
102 **DRIVE MOTOR VEHICLES ON THE ROADWAYS, AND MAKING AN**
103 **APPROPRIATION THEREFOR.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill creates the agricultural youth license to drive a motor vehicle on the roadways for agricultural purposes. An applicant can get a learner's permit at 14 years of age and then be licensed at 14 years and 6 months of age if the applicant:

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.

- ! Has held an instruction permit for 6 months; and
- ! Obtained 50 hours of supervised driving experience.

The license holder may use the license to drive before the age of 16 only:

- ! To further the commercial purposes of an agricultural business;
- ! Between the agricultural business and the driver's residence using the most direct and accessible route; or
- ! While accompanied by a licensed adult sitting in the front passenger seat.

The normal rules, such as passenger limits, for drivers under 18 years of age apply.

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

2 **SECTION 1.** 42-1-102 (53), Colorado Revised Statutes, is
3 amended to read:

4 **42-1-102. Definitions.** As used in articles 1 to 4 of this title,
5 unless the context otherwise requires:

6 (53) "Minor driver's license" means the license issued to a person
7 who is at least sixteen years of age but ~~who has not yet attained the age~~
8 ~~of~~ LESS THAN twenty-one years OF AGE IN ACCORDANCE WITH SECTION
9 42-2-104 (1) (c) OR THE AGRICULTURAL YOUTH LICENSE ISSUED TO A
10 PERSON WHO IS AT LEAST FOURTEEN YEARS AND SIX MONTHS OF AGE BUT
11 LESS THAN SEVENTEEN YEARS OF AGE IN ACCORDANCE WITH SECTIONS
12 42-2-104 (1) (d) AND 42-2-104.5.

13 **SECTION 2.** 42-2-104 (1), Colorado Revised Statutes, is
14 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

15 **42-2-104. Licenses issued - denied.** (1) Except as otherwise
16 provided in this article, the department may license the following persons
17 in the manner prescribed in this article:

18 (d) A PERSON AT LEAST FOURTEEN YEARS AND SIX MONTHS OF AGE
19 BUT LESS THAN SEVENTEEN YEARS OF AGE AS AN AGRICULTURAL YOUTH

1 DRIVER.

2 **SECTION 3.** 42-2-104 (4) and the introductory portion to
3 42-2-104 (5), Colorado Revised Statutes, are amended to read:

4 **42-2-104. Licenses issued - denied.** (4) (a) The department shall
5 not issue a driver's license, including ~~without limitation~~, a temporary
6 driver's license pursuant to UNDER section 42-2-106 (2), to a person under
7 eighteen years of age unless the person has:

8 (I) (A) Applied for, been issued, and possessed an appropriate
9 instruction permit for at least twelve months; OR

10 (B) APPLIED FOR, BEEN ISSUED, AND POSSESSED AN APPROPRIATE
11 INSTRUCTION PERMIT FOR AT LEAST SIX MONTHS IF THE PERSON MEETS THE
12 QUALIFICATIONS FOR AN AGRICULTURAL YOUTH LICENSE UNDER SECTION
13 42-2-104.5; AND

14 (II) Submitted a log or other written evidence on a ~~standardized~~
15 form approved by the department ~~that is~~ AND signed by his or her parent
16 or guardian or other responsible adult who signed the affidavit of liability
17 or the instructor of a driver's education course, approved by the
18 department, certifying that the person has completed not less than fifty
19 hours of actual driving experience, of which not less than ten hours ~~shall~~
20 have been completed while driving at night.

21 (b) ~~In no event shall~~ The department SHALL NOT issue a minor
22 driver's license to anyone under sixteen years of age UNLESS THE PERSON
23 QUALIFIES FOR AN AGRICULTURAL YOUTH LICENSE UNDER SECTION
24 42-2-104.5.

25 (c) THE DEPARTMENT SHALL NOT ISSUE AN AGRICULTURAL YOUTH
26 LICENSE TO ANYONE UNDER FOURTEEN YEARS AND SIX MONTHS OF AGE.

27 (5) EXCEPT AS AUTHORIZED BY SECTION 42-2-104.5, the

1 department shall not issue a driver's license to a person under sixteen
2 years and six months of age unless the person has either:

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

6 **42-2-104.5. Agricultural youth license.** (1) (a) THE
7 AGRICULTURAL YOUTH LICENSE IS HEREBY ESTABLISHED. THE
8 DEPARTMENT MAY ISSUE AN AGRICULTURAL YOUTH LICENSE OR
9 INSTRUCTION PERMIT TO A PERSON WHO:

10 (I) QUALIFIES FOR A DRIVER'S LICENSE UNDER THIS ARTICLE; AND

11 (II) EITHER:

12 (A) RESIDES AT AN AGRICULTURAL BUSINESS OPERATED ON LAND
13 CLASSIFIED AS AGRICULTURAL FOR LEVYING AND COLLECTING PROPERTY
14 TAXES UNDER SECTION 39-1-103, C.R.S.; OR

15 (B) IS EMPLOYED BY AN AGRICULTURAL BUSINESS OPERATED ON
16 LAND CLASSIFIED AS AGRICULTURAL FOR LEVYING AND COLLECTING
17 PROPERTY TAXES UNDER SECTION 39-1-103, C.R.S.

18 (b) THE DEPARTMENT SHALL NOT ISSUE AN AGRICULTURAL YOUTH
19 LICENSE TO AN APPLICANT UNLESS THE APPLICANT AND THE APPLICANT'S
20 AGRICULTURAL BUSINESS EMPLOYER OR PARENT, STEPPARENT,
21 GRANDPARENT WITH POWER OF ATTORNEY, OR GUARDIAN OR FOSTER
22 PARENT WHO SIGNED THE AFFIDAVIT OF LIABILITY PURSUANT TO SECTION
23 42-2-108 (1) (a) SIGNS A STATEMENT THAT THE APPLICANT MEETS EITHER
24 OF THE REQUIREMENTS OF SUBPARAGRAPH (II) OF PARAGRAPH (a) OF THIS
25 SUBSECTION (1). THE STATEMENT IS MADE UNDER THE PENALTY OF
26 PERJURY AND MUST CONTAIN A NOTICE THAT IT IS MADE UNDER THE
27 PENALTY OF PERJURY.

1 (2) THE HOLDER OF AN AGRICULTURAL YOUTH LICENSE OR
2 INSTRUCTION PERMIT SHALL NOT DRIVE ON THE HIGHWAYS UNLESS:

3 (a) DRIVING IS NECESSARY TO FURTHER THE COMMERCIAL
4 PURPOSES OF AN AGRICULTURAL BUSINESS;

5 (b) DRIVING BETWEEN THE AGRICULTURAL BUSINESS AND THE
6 DRIVER'S RESIDENCE USING THE MOST DIRECT AND ACCESSIBLE ROUTE;

7 (c) DRIVING WHILE ACCOMPANIED BY A LICENSED ADULT SITTING
8 IN THE FRONT PASSENGER SEAT; OR

9 (d) HE OR SHE IS AT LEAST SIXTEEN YEARS OF AGE.

10 (3) THE HOLDER OF AN AGRICULTURAL YOUTH LICENSE OR
11 INSTRUCTION PERMIT WHO IS YOUNGER THAN SIXTEEN YEARS OF AGE
12 SHALL NOT DRIVE ON A LIMITED ACCESS HIGHWAY WITH A SPEED LIMIT OF
13 GREATER THAN SIXTY-FIVE MILES PER HOUR.

14 **SECTION 5.** 42-2-106 (1) (f), Colorado Revised Statutes, is
15 amended, and the said 42-2-106 (1) is further amended BY THE
16 ADDITION OF A NEW PARAGRAPH, to read:

17 **42-2-106. Instruction permits and temporary licenses.**

18 (1) (f) Notwithstanding paragraphs (a) to (d) AND (g) of this subsection
19 (1), a temporary instruction permit to operate a commercial motor vehicle
20 as defined in section 42-2-402 ~~shall expire~~ EXPIRES one year after
21 issuance.

22 (g) (I) A PERSON WHO IS AT LEAST FOURTEEN YEARS OF AGE BUT
23 LESS THAN SEVENTEEN YEARS OF AGE AND WHO, EXCEPT FOR THE
24 PERSON'S AGE AND LACK OF INSTRUCTION IN OPERATING A MOTOR
25 VEHICLE, WOULD OTHERWISE QUALIFY TO OBTAIN AN AGRICULTURAL
26 YOUTH LICENSE UNDER THIS ARTICLE MAY APPLY FOR A TEMPORARY
27 INSTRUCTION PERMIT IN ACCORDANCE WITH SECTIONS 42-2-107 AND

1 42-2-108. THE DEPARTMENT SHALL ISSUE A PERMIT ENTITLING THE
2 MINOR, WHILE HAVING THE PERMIT IN HIS OR HER IMMEDIATE POSSESSION,
3 TO DRIVE A MOTOR VEHICLE FOR AGRICULTURAL PURPOSES WHEN
4 ACCOMPANIED BY THE AGRICULTURAL EMPLOYER OR PARENT,
5 STEPPARENT, GRANDPARENT WITH POWER OF ATTORNEY, OR GUARDIAN OR
6 FOSTER PARENT WHO SIGNED THE AFFIDAVIT OF LIABILITY PURSUANT TO
7 SECTION 42-2-108 (1) (a). THE PERMIT HOLDER SHALL NOT DRIVE A
8 MOTOR VEHICLE UNLESS THE PERSON WHO SUPERVISES THE DRIVER:

9 (A) HOLDS A VALID COLORADO DRIVER'S LICENSE; AND

10 (B) SITS IN THE FRONT SEAT IN CLOSE PROXIMITY TO THE DRIVER.

11 (II) IN ADDITION, THE PARENT, STEPPARENT, GRANDPARENT WITH
12 POWER OF ATTORNEY, OR GUARDIAN OR FOSTER PARENT WHO IS
13 AUTHORIZED PURSUANT TO THIS SECTION TO SUPERVISE THE MINOR
14 DRIVER WHILE THE MINOR IS DRIVING MAY ALLOW THE MINOR, WHILE
15 HAVING THE PERMIT IN THE DRIVER'S IMMEDIATE POSSESSION, TO DRIVE
16 WITH AN INDIVIDUAL WHO HOLDS A VALID DRIVER'S LICENSE AND IS AT
17 LEAST TWENTY-ONE YEARS OF AGE. THE PERMIT EXPIRES THREE YEARS
18 AFTER ISSUANCE.

19 (III) IF THE PARENT, STEPPARENT, GRANDPARENT WITH POWER OF
20 ATTORNEY, OR GUARDIAN OR FOSTER PARENT WHO SIGNED THE AFFIDAVIT
21 OF LIABILITY PURSUANT TO SECTION 42-2-108 (1) (a) DOES NOT HOLD A
22 VALID COLORADO DRIVER'S LICENSE, THE PARENT, STEPPARENT,
23 GRANDPARENT WITH POWER OF ATTORNEY, OR GUARDIAN OR FOSTER
24 PARENT MAY APPOINT AN ALTERNATE PERMIT SUPERVISOR. AN
25 ALTERNATE PERMIT SUPERVISOR MUST HOLD A VALID COLORADO DRIVER'S
26 LICENSE AND BE AT LEAST TWENTY-ONE YEARS OF AGE. A MINOR WHO IS
27 ISSUED A PERMIT UNDER THIS PARAGRAPH (g) MAY DRIVE A MOTOR

1 VEHICLE UNDER THE SUPERVISION OF THE ALTERNATE PERMIT SUPERVISOR
2 IF THE MINOR HAS THE PERMIT IN THE MINOR'S IMMEDIATE POSSESSION
3 AND THE ALTERNATE PERMIT SUPERVISOR OCCUPIES THE FRONT SEAT OF
4 THE MOTOR VEHICLE.

5 (IV) IF THE PARENT, STEPPARENT, GRANDPARENT WITH POWER OF
6 ATTORNEY, OR GUARDIAN OR FOSTER PARENT WHO SIGNED THE AFFIDAVIT
7 OF LIABILITY PURSUANT TO SECTION 42-2-108 (1) (a) DOES NOT HOLD A
8 VALID COLORADO DRIVER'S LICENSE BUT HOLDS A VALID DRIVER'S
9 LICENSE FROM ANOTHER STATE AND IS AUTHORIZED TO DRIVE A MOTOR
10 VEHICLE AND HAS PROPER MILITARY IDENTIFICATION, THEN THE MINOR
11 WHO IS ISSUED A PERMIT UNDER THIS PARAGRAPH (g), WHILE HAVING THE
12 PERMIT IN THE MINOR'S IMMEDIATE POSSESSION, MAY DRIVE A MOTOR
13 VEHICLE UNDER THE SUPERVISION OF THE PARENT, STEPPARENT,
14 GRANDPARENT WITH POWER OF ATTORNEY, OR GUARDIAN OR FOSTER
15 PARENT WHO SIGNED THE APPLICATION FOR THE MINOR'S INSTRUCTION
16 PERMIT IF THE PARENT, STEPPARENT, GRANDPARENT WITH POWER OF
17 ATTORNEY, OR GUARDIAN OR FOSTER PARENT OCCUPIES THE FRONT SEAT
18 OF THE MOTOR VEHICLE.

19 **SECTION 6. Appropriation.** (1) In addition to any other
20 appropriation, there is hereby appropriated, out of any moneys in the
21 licensing services cash fund created in section 42-2-114.5 (1), Colorado
22 Revised Statutes, not otherwise appropriated, to the department of
23 revenue, for allocation to the information technology division, for the
24 fiscal year beginning July 1, 2011, the sum of one hundred seven
25 thousand one hundred fifty-two dollars (\$107,152) cash funds, or so much
26 thereof as may be necessary, for the implementation of this act.

27 (2) In addition to any other appropriation, there is hereby

1 appropriated to the governor - lieutenant governor - state planning and
2 budgeting, for allocation to the office of information technology, for the
3 fiscal year beginning July 1, 2011, the sum of one hundred seven
4 thousand one hundred fifty-two dollars (\$107,152), or so much thereof as
5 may be necessary, for the provision of programming services to the
6 department of revenue related to the implementation of this act. Said sum
7 shall be from reappropriated funds received from the department of
8 revenue out of the appropriation made in subsection (1) of this section.

9 (3) In addition to any other appropriation, there is hereby
10 appropriated, out of any moneys in the licensing services cash fund
11 created in section 42-2-114.5 (1), Colorado Revised Statutes, not
12 otherwise appropriated, to the department of revenue, for allocation to the
13 division of motor vehicles, driver and vehicle services, for the fiscal year
14 beginning July 1, 2011, the sum of one hundred thousand dollars
15 (\$100,000) cash funds, or so much thereof as may be necessary, for the
16 implementation of this act.

17 **SECTION 7. Act subject to petition - effective date.** This act
18 shall take effect at 12:01 a.m. on the day following the expiration of the
19 ninety-day period after final adjournment of the general assembly (August
20 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a
21 referendum petition is filed pursuant to section 1 (3) of article V of the
22 state constitution against this act or an item, section, or part of this act
23 within such period, then the act, item, section, or part shall not take effect
24 unless approved by the people at the general election to be held in
25 November 2012 and shall take effect on the date of the official
26 declaration of the vote thereon by the governor.