

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 15-1111.01 Yelana Love x2295

SENATE BILL 15-286

SENATE SPONSORSHIP

Sonnenberg,

HOUSE SPONSORSHIP

(None),

Senate Committees

Transportation
Finance
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE TRAINING REQUIRED TO RECEIVE A MOTORCYCLE**
102 **ENDORSEMENT, AND , IN CONNECTION THEREWITH, REPEALING**
103 **THE MOTORCYCLE OPERATOR SAFETY TRAINING PROGRAM AND**
104 **REQUIRING THE DEPARTMENT OF REVENUE TO ISSUE AN**
105 **ENDORSEMENT TO AN APPLICANT WHO COMPLETES CERTAIN**
106 **MOTORCYCLE SAFETY TRAINING PROGRAMS.**

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/bills summaries>.)

The bill repeals the motorcycle operator safety training program

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.

and instead requires the department of revenue to issue a motorcycle endorsement to an applicant who:

- ! Provides proof of completion of a motorcycle training program; and
- ! Attests that the program used the curriculum established by the National Association of State Motorcycle Safety Administrators.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 43-5-507 as
3 follows:

4 **43-5-507. Repeal.** This part 5 is repealed, effective ~~September 1,~~
5 ~~2017~~ JULY 1, 2016.

6 **SECTION 2.** In Colorado Revised Statutes, **amend** 43-5-504 as
7 follows:

8 **43-5-504. Motorcycle operator safety training fund.** (1) The
9 motorcycle operator safety training fund is hereby created in the state
10 treasury. ~~The fund consists of moneys collected under sections 42-2-114~~
11 ~~(2) (d) and (4) (b), 42-2-118 (1) (b) (II), and 42-3-304 (4), C.R.S.~~ The
12 moneys in the fund are available immediately, without further
13 appropriation, for allocation by the transportation commission to the
14 office to be used for the implementation and administration of the
15 program. Moneys credited to the fund remain in the fund at the end of
16 each fiscal year and are not transferred to any other fund.

17 **SECTION 3.** In Colorado Revised Statutes, 42-2-103, **amend** (1)
18 (b) as follows:

19 **42-2-103. Motorcycles - low-power scooters - driver's license**
20 **required.** (1) (b) (I) The department shall require an applicant for a
21 general motorcycle endorsement to demonstrate the applicant's ability to
22 exercise ordinary and reasonable care and control in the operation of a

1 motorcycle. The department shall also require an applicant for a limited
2 three-wheel motorcycle endorsement to demonstrate the applicant's ability
3 to exercise ordinary and reasonable care and control in the operation of
4 a three-wheel motorcycle.

5 (II) AN APPLICANT MAY SATISFY THE REQUIREMENT IN
6 SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) BY PROVIDING PROOF OF
7 COMPLETION OF A MOTORCYCLE TRAINING PROGRAM USING CURRICULA
8 DETERMINED IN WRITING BY THE NATIONAL ASSOCIATION OF STATE
9 MOTORCYCLE SAFETY ADMINISTRATORS TO MEET THE NATIONAL
10 HIGHWAY TRAFFIC SAFETY ADMINISTRATION'S NATIONAL MODEL
11 STANDARDS FOR ENTRY-LEVEL MOTORCYCLE RIDER TRAINING. _____

12 **SECTION 4.** In Colorado Revised Statutes, 12-15-101, **amend**
13 (3) as follows:

14 **12-15-101. Definitions.** As used in this article, unless the context
15 otherwise requires:

16 (3) "Commercial driving school" means any business or any
17 person who, for compensation, provides or offers to provide instruction
18 in the operation of a motor vehicle, with the exceptions of secondary
19 schools and institutions of higher education offering programs approved
20 by the department of education and private occupational schools offering
21 programs approved by the private occupational school division. ~~Such~~ THE
22 term ~~shall~~ DOES not include any motorcycle operator safety training
23 program established pursuant to section ~~43-5-502, C.R.S.~~ SCHOOLS.

24 **SECTION 5.** In Colorado Revised Statutes, 24-75-402, **repeal** (5)
25 (n) as follows:

26 **24-75-402. Cash funds - limit on uncommitted reserves -**
27 **reduction in amount of fees - exclusions.** (5) Notwithstanding any

1 provision of this section to the contrary, the following cash funds are
2 excluded from the limitations specified in this section:

3 (n) ~~The motorcycle operator safety training fund created in section~~
4 ~~43-5-504, C.R.S.;~~

5 **SECTION 6.** In Colorado Revised Statutes, 42-2-106, **amend** (1)
6 (b) (I) as follows:

7 **42-2-106. Instruction permits and temporary licenses.**

8 (1) (b) (I) A minor who is fifteen years of age or older and has completed
9 a department-approved driver education course within the last six months
10 may apply for a minor's instruction permit, pursuant to sections 42-2-107
11 and 42-2-108. Nothing in this subparagraph (I) shall require a minor who
12 is fifteen years of age or older and in the foster care system to complete
13 and present an affidavit of liability to register for a department-approved
14 driver education course prior to applying for a minor's instruction permit.
15 Upon presentation of a written or printed statement signed by the parent,
16 stepparent, grandparent with power of attorney, or guardian or foster
17 parent and the instructor of the driver education course that the minor has
18 passed an approved driver education course, and a signed affidavit of
19 liability pursuant to section 42-2-108, the department shall issue the
20 permit entitling the applicant, while having the permit in the applicant's
21 immediate possession, to drive a motor vehicle, including a motorcycle,
22 under the supervision of the parent, stepparent, grandparent with power
23 of attorney, or guardian or foster parent, who cosigned the application for
24 the minor's instruction permit, if the parent, stepparent, grandparent with
25 power of attorney, or guardian or foster parent holds a valid Colorado
26 driver's license and occupies the front seat of the motor vehicle or, if the
27 vehicle is a motorcycle, is authorized under this article to drive a

1 motorcycle and is in close proximity to the driver while the minor is
2 driving. In addition, the parent, stepparent, grandparent with power of
3 attorney, or guardian or foster parent, who is authorized pursuant to this
4 section to supervise the minor driver while the minor is driving, may
5 allow the minor, while having the permit in the applicant's immediate
6 possession, to drive with an individual who holds a valid driver's license
7 and is twenty-one years of age or older for additional driving experience,
8 but such additional driving experience shall not count toward the
9 requirement established in section 42-2-104. The permit shall also entitle
10 the applicant to drive a motor vehicle, including a motorcycle, that is
11 marked to indicate that it is a motor vehicle used for instruction and that
12 is properly equipped for instruction, upon the highways when
13 accompanied by or under the supervision of an approved driver education
14 instructor who holds a valid Colorado driver's license. ~~Driver education~~
15 ~~instructors giving instruction in motorcycle safety shall have a valid~~
16 ~~motorcycle driver's license from Colorado and shall have successfully~~
17 ~~completed an instruction program in motorcycle safety approved by the~~
18 ~~department.~~ The permit shall ~~expire~~ EXPIRES three years after issuance.

19 **SECTION 7.** In Colorado Revised Statutes, 42-2-114, **repeal** (2)
20 (d) as follows:

21 **42-2-114. License issued - fees - rules - repeal.** (2) (d) ~~In~~
22 ~~addition to the fee established in paragraph (a) of this subsection (2), a~~
23 ~~surcharge of two dollars is added for issuance of a driver's or minor~~
24 ~~driver's license with a motorcycle endorsement. The department shall~~
25 ~~transfer the surcharge to the state treasurer, who shall credit it to the~~
26 ~~motorcycle operator safety training fund, created in section 43-5-504,~~
27 ~~C.R.S.~~

1 **SECTION 8.** In Colorado Revised Statutes, **repeal** 42-2-118 (2)
2 (b) (II) as follows:

3 **42-2-118. Renewal of license in person or by mail - donations**
4 **to Emily Maureen Ellen Keyes organ and tissue donation awareness**
5 **fund - repeal.** (2) (b) (II) ~~A surcharge of one dollar shall be added to any~~
6 ~~extension sought for a license for which a motorcycle endorsement is~~
7 ~~requested which shall be credited to the motorcycle operator safety~~
8 ~~training fund created in section 43-5-504, C.R.S.~~

9 **SECTION 9.** In Colorado Revised Statutes, **repeal** 42-3-304 (4)
10 as follows:

11 **42-3-304. Registration fees - passenger and passenger-mile**
12 **taxes - clean screen fund - definitions - repeal.** (4) ~~Upon registration,~~
13 ~~the owner of each motorcycle shall pay a surcharge of four dollars, which~~
14 ~~shall be credited to the motorcycle operator safety training fund created~~
15 ~~in section 43-5-504, C.R.S.~~

16 **SECTION 10.** In Colorado Revised Statutes, **amend** 42-4-101 as
17 follows:

18 **42-4-101. Short title.** Parts 1 to 3, 5 to 19, and 21 of this article,
19 AND part 1 of article 2 of this title ~~and part 5 of article 5 of title 43,~~
20 ~~C.R.S.,~~ shall be known and may be cited as the "Uniform Safety Code of
21 1935".

22 **SECTION 11. Act subject to petition - effective date.** Sections
23 1, 3 through 6, and 10 of this act take effect July 1, 2016, and the
24 remainder of this act takes effect at 12:01 a.m. on the day following the
25 expiration of the ninety-day period after final adjournment of the general
26 assembly (August 5, 2015, if adjournment sine die is on May 5, 2015);
27 except that, if a referendum petition is filed pursuant to section 1 (3) of

1 article V of the state constitution against this act or an item, section, or
2 part of this act within such period, then the act, item, section, or part will
3 not take effect unless approved by the people at the general election to be
4 held in November 2016 and, in such case, will take effect on the date of
5 the official declaration of the vote thereon by the governor; except that
6 sections 1, 3 through 6, and 10 of this act takes effect July 1, 2016, or
7 upon the official declaration of the vote thereon by the governor,
8 whichever is later.