

**Second Regular Session
Sixty-fourth General Assembly
STATE OF COLORADO**

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 04-0092.01 Jery Payne

HOUSE BILL 04-1017

HOUSE SPONSORSHIP

Berry, Borodkin, Larson, McFadyen, Pommer, Spence, Stafford, Welker, and Williams S.

SENATE SPONSORSHIP

May R., and Isgar

House Committees

Transportation & Energy
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE AGE AT WHICH A PERSON MAY LAWFULLY DRIVE A**
102 **MOTOR VEHICLE, AND MAKING AN APPROPRIATION IN**
103 **CONNECTION THEREWITH.**

Bill Summary

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

Transportation Legislation Review Committee. Makes a legislative declaration. Requires a teenager to hold an instruction permit for 6 months before being eligible to get a driver's license. Raises, from 15 years and 6 months to 16 years old, the age at which a person is eligible for an instruction permit, unless the person has taken a driver training course that meets the standards of the national safety council. If the person has such education, raises, from 15 to 15 and 6 months, the

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.

HOUSE
3rd Reading Unamended
February 19, 2004

HOUSE
Amended 2nd Reading
February 18, 2004

age at which the person can get an instruction permit.

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

2 **SECTION 1. Legislative declaration.** The general assembly
3 hereby finds that driving a motor vehicle safely is a skill that requires
4 significant technical ability and sound judgment, based upon significant
5 education and experience. The accident rate for sixteen-year-old drivers
6 is over two and one-half times as high as for eighteen-year-old drivers,
7 and for sixteen-year-olds the rate is almost twice as high at night as
8 during the day. Over thirty percent of teenagers are involved in at least
9 one accident during their first year of driving. Motor vehicle crashes are
10 the leading cause of death for persons who are fifteen to twenty years old.
11 Therefore, the general assembly hereby declares that educating aspiring
12 young drivers will promote the development of the judgment and skills
13 necessary for safe driving, helping to ensure the safety of Colorado's
14 youth.

15 **SECTION 2.** The introductory portion to 42-2-104 (4) (a) and
16 42-2-104 (4) (a) (I), Colorado Revised Statutes, are amended to read:

17 **42-2-104. Licenses issued - denied - repeal.** (4) (a) Before the
18 department may issue any type of driver's license, including a temporary
19 driver's license pursuant to section 42-2-106 (2), to ~~any~~ A person under
20 the age of eighteen years, such person shall have:

21 (I) Applied for, been issued, and possessed an appropriate
22 instruction permit for at least ~~six~~ TWELVE months;

23 **SECTION 3.** 42-2-106 (1) (a) and (1) (b), Colorado Revised
24 Statutes, are amended, and the said 42-2-106 (1) is further amended BY
25 THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS, to

1 read:

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

3 ~~(1) (a) Any minor of the age of fifteen years, within six months prior to~~
4 ~~such minor's sixteenth birthday, or any~~ A person who IS AT LEAST
5 SIXTEEN YEARS OF AGE AND WHO, except for such person's lack of
6 instruction in operating a motor vehicle, a motorcycle, or a motor-driven
7 cycle, would otherwise be qualified to obtain a license under this article
8 may apply for a temporary instruction permit, in accordance with sections
9 42-2-107 and 42-2-108. The department shall issue such permit entitling
10 the applicant, while having such permit in such applicant's immediate
11 possession, to drive a motor vehicle, a motorcycle, or a motor-driven
12 cycle upon the highways ~~for a period of six months~~ when accompanied
13 by a licensed driver, twenty-one years of age or over, who is actually
14 occupying the front seat in close proximity to the driver, or in the case of
15 a motorcycle or a motor-driven cycle, under the immediate proximate
16 supervision of a licensed driver, twenty-one years of age or over,
17 authorized under this article to drive a motorcycle or a motor-driven
18 cycle. ~~Any such instruction permit may be extended for an additional~~
19 ~~period of ninety days.~~ SUCH PERMIT SHALL EXPIRE THREE YEARS AFTER
20 ISSUANCE.

21 (b) Any minor of the age of fifteen years who is enrolled in a
22 driver education course approved by the department may apply for a
23 minor's instruction permit, pursuant to ~~the provisions of~~ sections 42-2-107
24 and 42-2-108. Upon ~~the~~ presentation of a written or printed statement
25 signed by the parent, STEPPARENT, or guardian and the instructor of the
26 driver education course that such minor is enrolled in an approved driver
27 education course, the department shall issue such permit entitling the

1 applicant, while having such permit in such applicant's immediate
2 possession, to drive ~~any~~ A motor vehicle, excluding a motorcycle or
3 motor-driven cycle, under the supervision of the parent, STEPPARENT, or
4 guardian who cosigned the application for the minor's instruction permit
5 ~~providing~~ IF such parent, STEPPARENT, or guardian holds a valid driver's
6 license. Such permit shall also entitle the applicant to drive ~~any~~ A motor
7 vehicle, including a motorcycle or motor-driven cycle, which is marked
8 so as to indicate that it is a motor vehicle used for instruction and which
9 is properly equipped for such instruction upon the highways when
10 accompanied by or under the supervision of an approved driver education
11 instructor who holds a valid driver's license. Driver education instructors
12 giving instruction in motorcycle safety must have a valid motorcycle
13 driver's license and must have successfully completed an instruction
14 program in motorcycle safety approved by the department. Such permit
15 shall expire ~~twenty days after the applicant's sixteenth birthday~~ THREE
16 YEARS AFTER ISSUANCE.

17 (d) A MINOR OF THE AGE OF FIFTEEN YEARS AND SIX MONTHS WHO
18 HAS COMPLETED A FOUR-HOUR PREQUALIFICATION DRIVER AWARENESS
19 PROGRAM APPROVED BY THE DEPARTMENT MAY APPLY FOR A MINOR'S
20 INSTRUCTION PERMIT PURSUANT TO SECTIONS 42-2-107 AND 42-2-108.
21 UPON PRESENTING A WRITTEN OR PRINTED STATEMENT SIGNED BY THE
22 PARENT, STEPPARENT, OR GUARDIAN OF THE APPLICANT AND
23 DOCUMENTATION THAT THE MINOR COMPLETED SUCH DRIVER AWARENESS
24 PROGRAM, THE DEPARTMENT SHALL ISSUE A PERMIT ENTITLING THE
25 APPLICANT, WHILE HAVING THE PERMIT IN THE APPLICANT'S IMMEDIATE
26 POSSESSION, TO DRIVE A MOTOR VEHICLE, EXCLUDING A MOTORCYCLE OR
27 MOTOR-DRIVEN CYCLE, UNDER THE SUPERVISION OF THE PARENT,

1 STEPPARENT, OR GUARDIAN WHO COSIGNED THE APPLICATION FOR THE
2 MINOR'S INSTRUCTION PERMIT IF SUCH PARENT, STEPPARENT, OR
3 GUARDIAN HOLDS A VALID DRIVER'S LICENSE. SUCH PERMIT SHALL EXPIRE
4 THREE YEARS AFTER ISSUANCE.

5 (e) (I) ON OR BEFORE JUNE 30, 2006, THE COMMISSIONER OF
6 INSURANCE SHALL REPORT TO THE GENERAL ASSEMBLY THE EFFECT OF
7 THIS SUBSECTION (1) ON INSURANCE PREMIUMS FOR MINOR DRIVERS.

8 (II) THIS PARAGRAPH (e) is repealed, effective July 1, 2006.

9 **SECTION 4.** 42-2-108 (1) (a) and the introductory portion to
10 42-2-108 (1) (b), Colorado Revised Statutes, are amended to read:

11 **42-2-108. Application of minors - repeal.** (1) (a) The
12 application of any person under the age of eighteen years for an
13 instruction permit or minor driver's license shall be accompanied by an
14 affidavit of liability signed and verified by the father, ~~or the mother,~~ OR
15 STEPPARENT of the applicant, or, in the event neither parent is living, by
16 the person or guardian having proof of legal custody of such minor, BY
17 A STEPPARENT, or by the spouse of the applicant ~~providing~~ IF the spouse
18 is eighteen years of age or older, or, in the event there is no such person,
19 guardian, or spouse, by any other responsible adult who is willing to
20 assume the obligation imposed under this article upon an adult signing the
21 affidavit of liability for a minor. When any such applicant has been made
22 a ward of any court in the state for any reason and has been placed in a
23 foster home, the foster parents or parent may sign the affidavit of liability
24 for such minor. If the parent or the foster parent, if the minor is in the
25 care of a foster parent, is unwilling or unable to sign the affidavit of
26 liability, a guardian ad litem, a designated official of the county
27 department of social services having custody of such applicant, or a

1 designated official of the division of youth corrections in the department
2 of human services having custody of such applicant may sign the
3 application for an instruction permit without signing the affidavit of
4 liability for such minor if the requirements of paragraph (b) of this
5 subsection (1) are met; except that prior to signing the application for an
6 instruction permit, the guardian ad litem or other designated official shall
7 notify the court of his or her intent to sign the application and except that
8 the guardian ad litem or designated official shall not sign the application
9 for an instruction permit for a minor who is placed in a foster care home
10 and who is under seventeen and one-half years of age without first
11 obtaining the consent of the foster parent. If the minor is seventeen and
12 one-half years of age or older and is in the care of a foster parent, in order
13 to prepare the minor for emancipation from foster care and to assist the
14 minor in obtaining important life skills, the guardian ad litem or
15 designated official shall consult with the foster parent of such minor
16 about the opportunity for such minor to learn driving skills under the
17 restrictions provided in paragraph (b) of this subsection (1) prior to
18 signing an application for an instruction permit. The guardian ad litem
19 or designated official shall solicit the opinion of the minor's foster parent,
20 if the minor is in foster care, concerning the minor's ability to exercise
21 good judgment and make decisions as well as the minor's overall capacity
22 to drive. When any minor to whom an instruction permit or minor
23 driver's license has been issued is required to appear before the
24 department for a hearing pursuant to any provision of this article, such
25 minor shall be accompanied by the person who signed the affidavit of
26 liability for such minor or by the guardian ad litem or designated official
27 who signed the application for an instruction permit for such minor. If

1 such person is unable to attend the hearing, such person shall submit to
2 the department a verified signed statement certifying under oath that such
3 person is aware of the purpose of the hearing but cannot attend.

4 (b) The department shall issue an instruction permit to an
5 applicant under the age of eighteen years who is otherwise eligible to
6 obtain an instruction permit and who has been made a ward of the court
7 and who is in out-of-home placement without the requirement of a parent,
8 guardian, STEPPARENT, or foster parent signing an affidavit of liability if
9 the following requirements are met:

10 **SECTION 5. Appropriation in long bill to be adjusted.** For the
11 implementation of this act, appropriations made in the annual general
12 appropriation act for the fiscal year beginning July 1, 2004, shall be
13 adjusted as follows: the total general fund appropriation to the department
14 of revenue is decreased by four hundred fifty-three thousand two hundred
15 fifty dollars (\$453,250) and 4.9 FTE.

16 **SECTION 6. Effective date - applicability.** This act shall take
17 effect July 1, 2004, and shall apply to licenses and instruction permits
18 issued on or after said date.

19 **SECTION 7. Safety clause.** The general assembly hereby finds,
20 determines, and declares that this act is necessary for the immediate
21 preservation of the public peace, health, and safety.