

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

PREAMENDED

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

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.*

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 A NEW PARAGRAPH, to read:

1 **42-2-106. Instruction permits and temporary licenses.**

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

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

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

15 (d) A MINOR OF THE AGE OF FIFTEEN YEARS AND SIX MONTHS WHO
16 HAS COMPLETED A DRIVER AWARENESS PROGRAM THAT MEETS THE
17 STANDARDS AND CONTAINS THE CURRICULUM OF THE NATIONAL SAFETY
18 COUNCIL, OR ANY OTHER PROGRAM THAT THE DEPARTMENT DETERMINES
19 IS EQUIVALENT OR SUPERIOR, MAY APPLY FOR A MINOR'S INSTRUCTION
20 PERMIT PURSUANT TO SECTIONS 42-2-107 AND 42-2-108. UPON
21 PRESENTING A WRITTEN OR PRINTED STATEMENT SIGNED BY THE PARENT
22 OR GUARDIAN OF THE APPLICANT AND DOCUMENTATION THAT THE MINOR
23 COMPLETED SUCH DRIVER AWARENESS PROGRAM, THE DEPARTMENT SHALL
24 ISSUE A PERMIT ENTITLING THE APPLICANT, WHILE HAVING THE PERMIT IN
25 THE APPLICANT'S IMMEDIATE POSSESSION, TO DRIVE A MOTOR VEHICLE,
26 EXCLUDING A MOTORCYCLE OR MOTOR-DRIVEN CYCLE, UNDER THE
27 SUPERVISION OF THE PARENT OR GUARDIAN WHO COSIGNED THE

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

4 **SECTION 4. Appropriation in long bill to be adjusted.** For the
5 implementation of this act, appropriations made in the annual general
6 appropriation act for the fiscal year beginning July 1, 2004, shall be
7 adjusted as follows: the total general fund appropriation to the department
8 of revenue is decreased by four hundred fifty-three thousand two hundred
9 fifty dollars (\$453,250) and 4.9 FTE.

10 **SECTION 5. Effective date - applicability.** This act shall take
11 effect July 1, 2004, and shall apply to licenses and instruction permits
12 issued on or after said date.

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