

CHAPTER 179

MOTOR VEHICLES AND TRAFFIC REGULATION

SENATE BILL 17-224

BY SENATOR(S) Kagan, Cooke, Gardner, Guzman, Holbert, Crowder;
also REPRESENTATIVE(S) Lee, Foote, Herod, Willett, Wist.

AN ACT

CONCERNING THE NONSUBSTANTIVE RELOCATION OF LAWS RELATED TO COMMERCIAL DRIVING SCHOOLS FROM TITLE 12 OF THE COLORADO REVISED STATUTES AS PART OF THE ORGANIZATIONAL RECODIFICATION OF TITLE 12.

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

SECTION 1. In Colorado Revised Statutes, **add with amended and relocated provisions** part 6 to article 2 of title 42 as follows:

PART 6
COMMERCIAL DRIVING SCHOOLS

42-2-601. [Formerly 12-15-101] Definitions. As used in this ~~article~~ PART 6, unless the context otherwise requires:

~~(1) "Clock hour" means a full hour consisting of sixty minutes.~~

~~(2)~~ (1) "Commercial driving instructor" means an individual who has been employed by a commercial driving school.

~~(3)~~ (2) "Commercial driving school" means any business or any person who, for compensation, provides or offers to provide instruction in the operation of a motor vehicle, with the exceptions of secondary schools and institutions of higher education offering programs approved by the department of education and private occupational schools offering programs approved by the private occupational school division. ~~Such~~ THE term shall not include any motorcycle operator safety training program established pursuant to section 43-5-502. ~~C.R.S.~~

~~(4)~~ (3) "Department" means the department of revenue.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

~~(5) "Laboratory instruction" means an extension of classroom instruction which provides students with opportunities for traffic experiences under real and simulated conditions.~~

~~(6) Repealed.~~

42-2-602. [Formerly 12-15-114] Equipment of vehicles. (1) Every motor vehicle used by a commercial driving school in the conduct of its course of driver training shall be equipped as follows:

(a) The vehicle shall be equipped as provided in article 4 of THIS title 42. ~~C.R.S.~~

(b) The vehicle shall be equipped with dual controls on the foot brake that will enable the commercial driving instructor to bring the car under control in case of emergency.

(c) The vehicle shall have an outside rear vision mirror on the commercial driving instructor's side of the vehicle.

(d) The vehicle shall be equipped with four-way emergency flashers.

~~(e) (Deleted by amendment, L. 2003, p. 862, § 2, effective August 6, 2003.)~~

~~(f)~~ (e) The vehicle shall be equipped with seat belts for the operator of the vehicle and for the commercial driving instructor.

42-2-603. [Formerly 12-15-116] Rules. (1) The department is authorized to promulgate ~~such rules and regulations~~ AS necessary to carry out the provisions of this ~~article~~ PART 6.

(2) Specifically, the department shall have power to adopt rules ~~and regulations~~ upon the following matters:

(a) Prescribe the content of courses of instruction;

(b) Prescribe the type of equipment to be used in said courses of instruction;

(c) Prescribe records to be kept by a commercial driving school;

(d) Prescribe the form of contracts and agreements used by commercial driving schools.

(3) In adopting ~~such~~ THE rules, ~~and regulations~~ the department shall use the guidelines concerning commercial driving schools promulgated by the United States department of transportation.

(4) Rules ~~and regulations~~ adopted pursuant to this section shall be adopted in accordance with section 24-4-103. ~~C.R.S.~~

42-2-604. [Formerly 12-15-120] Violations - penalty. Any person who violates

any of the provisions of this ~~article~~ PART 6 is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than five hundred dollars, or by imprisonment in the county jail for not more than thirty days, or by both ~~such~~ fine and imprisonment.

SECTION 2. In Colorado Revised Statutes, 10-4-632, **amend** (2), (3), and (6)(a)(I) as follows:

10-4-632. Reduction in rates for drivers aged fifty-five years or older who complete driver's education course - legislative declaration. (2) All rates, rating schedules, and rating manuals for liability and collision coverages of a motor vehicle insurance policy submitted to or filed with the commissioner under this part 6 shall provide for an appropriate reduction in premium charges based on justifiable data when the vehicle is a covered vehicle and when the principal operator is fifty-five years of age or older and has successfully completed a driver's education course taught by a driving school regulated pursuant to ~~article 15 of title 12, C.R.S.~~, PART 6 OF ARTICLE 2 OF TITLE 42 or by a nonprofit corporation subject to articles 121 to 137 of title 7, ~~C.R.S.~~; if such course has been preapproved by the department of revenue. Any discount used by an insurer shall be presumed appropriate unless credible data demonstrates otherwise. Insurers shall provide the commissioner with data reflecting the claims experience of drivers who have received reductions in premium charges compared with the claims experience of drivers who have not received such reductions.

(3) Each person who successfully completes a driver's education course taught by a commercial driving school regulated pursuant to ~~article 15 of title 12, C.R.S.~~, PART 6 OF ARTICLE 2 OF TITLE 42 shall be issued a certificate by the commercial driving school offering the course, which certificate shall be evidence of qualification for the premium discount required by this section.

(6) An insured may renew qualification for the discount provided by this section by:

(a) (I) Retaking a driver's education course taught by a commercial driving school regulated pursuant to ~~article 15 of title 12, C.R.S.~~ PART 6 OF ARTICLE 2 OF TITLE 42; or

SECTION 3. In Colorado Revised Statutes, 24-35-101, **amend** (1)(c) as follows:

24-35-101. Functions of department of revenue. (1) There is hereby created the department of revenue, the functions of which are the collection of the following:

(c) Taxes levied and the license fees imposed by the provisions of part 1 of article 6 and ~~article 15~~ of title 12, title 42, and part 2 of article 5 of title 43, ~~C.R.S.~~, and the administration and enforcement of said provisions;

SECTION 4. Repeal of relocated provisions in this act. In Colorado Revised Statutes, **repeal** article 15 of title 12.

SECTION 5. Act subject to petition - effective date. This act takes effect at

12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: April 28, 2017