

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 21-0354.01 Richard Sweetman x4333

HOUSE BILL 21-1084

HOUSE SPONSORSHIP

Exum and Van Winkle,

SENATE SPONSORSHIP

Hisey,

House Committees

Transportation & Local Government

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE ABILITY OF CERTAIN INDIVIDUALS IN THE CUSTODY**
102 **OF THE STATE DEPARTMENT OF HUMAN SERVICES TO ACQUIRE**
103 **LEGAL AUTHORITY TO DRIVE.**

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://leg.colorado.gov>.)

The bill requires the state department of human services (state department) to reimburse a county or district department of human or social services (county department) for costs paid by the county department to a public or private driving school for the provision of driving instruction to an individual in the custody of the county

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

department who is 15 to 20 years of age.

The bill states that it does not waive or limit a county department's governmental immunity or place any liability on a county department for:

- Contracting with a driving school to provide driving instruction to an individual who is in the custody of the county department; or
- An injury alleged to have occurred while an individual in the custody of the county department received driving instruction.

The bill requires the state board of human services to promulgate rules on or before December 1, 2021, to administer the new requirements.

The bill states that:

- A guardian ad litem, an official of a county department, or an official of the division of youth services in the state department who signs a minor's application for an instruction permit or a minor driver's license but does not sign an affidavit of liability does not impute liability on themselves, on the county, or on the state for any damages caused by the negligence or willful misconduct of the applicant; and
- An individual who is in the custody of the state department or a county department who does not possess all of the required documents to apply for an instruction permit or a minor driver's license may be eligible for exception processing pursuant to rules of the department of revenue.

The bill requires the executive director of the department of revenue to promulgate rules on or before November 1, 2021, establishing, to the extent permissible under federal law, forms of documentation that are acceptable for the purpose of allowing individuals who are in the custody of the state department or a county department to verify their legal residence in the United States, establish identity, and satisfy any other prerequisites for the acquisition of an instruction permit or a minor driver's license.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 26-5-115 as
3 follows:

4 **26-5-115. Acquisition of drivers' licenses by individuals in**
5 **foster care - immunity from liability - rules.** (1) ON AND AFTER THE
6 EFFECTIVE DATE OF THIS SECTION, IN ADDITION TO ANY OTHER

1 REIMBURSEMENT FOR CHILD WELFARE SERVICES DESCRIBED IN THIS
2 ARTICLE 5, THE STATE DEPARTMENT SHALL REIMBURSE A COUNTY
3 DEPARTMENT FOR COSTS PAID BY THE COUNTY DEPARTMENT TO A PUBLIC
4 OR PRIVATE DRIVING SCHOOL FOR THE PROVISION OF DRIVING
5 INSTRUCTION TO AN INDIVIDUAL IN THE CUSTODY OF THE COUNTY
6 DEPARTMENT WHO IS FIFTEEN YEARS OF AGE OR OLDER AND UNDER
7 TWENTY-ONE YEARS OF AGE.

8 (2) THE STATE DEPARTMENT MAY SEEK AND ACCEPT GIFTS,
9 GRANTS, AND DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE
10 PURPOSES OF THIS SECTION; EXCEPT THAT THE STATE DEPARTMENT MAY
11 NOT ACCEPT A GIFT, GRANT, OR DONATION THAT IS SUBJECT TO
12 CONDITIONS THAT ARE INCONSISTENT WITH THIS SECTION OR ANY OTHER
13 LAW OF THE STATE.

14 (3) (a) NOTHING IN THIS SECTION PLACES ANY LIABILITY ON A
15 COUNTY DEPARTMENT FOR:

16 (I) CONTRACTING WITH A PUBLIC OR PRIVATE DRIVING SCHOOL TO
17 PROVIDE DRIVING INSTRUCTION TO AN INDIVIDUAL WHO IS IN THE
18 CUSTODY OF THE COUNTY DEPARTMENT; OR

19 (II) AN INJURY ALLEGED TO HAVE OCCURRED WHILE AN
20 INDIVIDUAL IN THE CUSTODY OF THE COUNTY DEPARTMENT RECEIVED
21 DRIVING INSTRUCTION FROM A PUBLIC OR PRIVATE DRIVING SCHOOL.

22 (b) NOTHING IN THIS SECTION WAIVES OR LIMITS A COUNTY
23 DEPARTMENT'S GOVERNMENTAL IMMUNITY, AS DESCRIBED IN ARTICLE 10
24 OF TITLE 24.

25 (4) ON OR BEFORE DECEMBER 1, 2021, THE STATE BOARD SHALL
26 PROMULGATE RULES FOR THE ADMINISTRATION OF THIS SECTION.

27 **SECTION 2.** In Colorado Revised Statutes, 42-2-108, **amend** (2);

1 and **add** (5) and (6) as follows:

2 **42-2-108. Application of minors - rules.** (2) (a) Any negligence
3 or willful misconduct of a minor under ~~the age of~~ eighteen years OF AGE
4 who drives a motor vehicle upon a highway is imputed to the person who
5 signed the affidavit of liability ~~which~~ THAT accompanied the MINOR'S
6 application ~~of such minor~~ for a AN INSTRUCTION permit or A MINOR
7 DRIVER'S license. ~~Such~~ THE person is jointly and severally liable with
8 ~~such~~ THE minor for any damages caused by ~~such~~ THE MINOR'S negligence
9 or willful misconduct, except as ~~otherwise~~ provided in subsection (3) of
10 this section.

11 (b) A GUARDIAN AD LITEM, AN OFFICIAL OF A COUNTY OR DISTRICT
12 DEPARTMENT OF HUMAN OR SOCIAL SERVICES, OR AN OFFICIAL OF THE
13 DIVISION OF YOUTH SERVICES IN THE STATE DEPARTMENT OF HUMAN
14 SERVICES WHO SIGNS A MINOR'S APPLICATION FOR AN INSTRUCTION PERMIT
15 OR A MINOR DRIVER'S LICENSE BUT DOES NOT SIGN AN AFFIDAVIT OF
16 LIABILITY DOES NOT IMPUTE LIABILITY ON THEMSELVES, ON THE COUNTY,
17 OR ON THE STATE FOR ANY DAMAGES CAUSED BY THE NEGLIGENCE OR
18 WILLFUL MISCONDUCT OF THE APPLICANT.

19 (c) NOTHING IN THIS SECTION WAIVES OR LIMITS THE
20 GOVERNMENTAL IMMUNITY OF A COUNTY OR DISTRICT DEPARTMENT OF
21 HUMAN OR SOCIAL SERVICES, AS DESCRIBED IN ARTICLE 10 OF TITLE 24.

22 (5) AN INDIVIDUAL WHO IS IN THE CUSTODY OF THE STATE
23 DEPARTMENT OF HUMAN SERVICES OR A COUNTY OR DISTRICT
24 DEPARTMENT OF HUMAN OR SOCIAL SERVICES WHO DOES NOT POSSESS ALL
25 OF THE REQUIRED DOCUMENTS TO APPLY FOR AN INSTRUCTION PERMIT OR
26 A MINOR DRIVER'S LICENSE PURSUANT TO THIS SECTION MAY BE ELIGIBLE
27 FOR EXCEPTION PROCESSING PURSUANT TO RULES OF THE EXECUTIVE

1 DIRECTOR OF THE DEPARTMENT OF REVENUE.

2 (6) ON OR BEFORE NOVEMBER 1, 2021, THE EXECUTIVE DIRECTOR
3 OF THE DEPARTMENT OF REVENUE SHALL PROMULGATE RULES
4 ESTABLISHING, TO THE EXTENT PERMISSIBLE UNDER FEDERAL LAW, FORMS
5 OF DOCUMENTATION THAT ARE ACCEPTABLE FOR THE PURPOSE OF
6 ALLOWING INDIVIDUALS WHO ARE IN THE CUSTODY OF THE STATE
7 DEPARTMENT OF HUMAN SERVICES OR A COUNTY OR DISTRICT
8 DEPARTMENT OF HUMAN OR SOCIAL SERVICES TO VERIFY THEIR LEGAL
9 RESIDENCE IN THE UNITED STATES, ESTABLISH IDENTITY, AND SATISFY
10 ANY OTHER PREREQUISITES FOR THE ACQUISITION OF AN INSTRUCTION
11 PERMIT OR A MINOR DRIVER'S LICENSE.

12 **SECTION 3. Act subject to petition - effective date.** This act
13 takes effect at 12:01 a.m. on the day following the expiration of the
14 ninety-day period after final adjournment of the general assembly; except
15 that, if a referendum petition is filed pursuant to section 1 (3) of article V
16 of the state constitution against this act or an item, section, or part of this
17 act within such period, then the act, item, section, or part will not take
18 effect unless approved by the people at the general election to be held in
19 November 2022 and, in such case, will take effect on the date of the
20 official declaration of the vote thereon by the governor.