

CHAPTER 334

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 99-1158

BY REPRESENTATIVES Morrison, May, McElhany, Swenson, S. Williams, Alexander, Bacon, Chavez, Coleman, Dean, Decker, Gagliardi, Gotlieb, Hagedorn, Hefley, Hoppe, Leyba, Mace, McKay, Pfiffner, Ragsdale, Stengel, Veiga, Vigil, T. Williams, Windels, and Zimmerman;
also SENATORS Reeves, Evans, Teck, Anderson, Hernandez, Matsunaka, Nichol, Pascoe, Phillips, Rupert, and Sullivant.

AN ACT

CONCERNING THE OPERATION OF MOTOR VEHICLES BY PERSONS UNDER EIGHTEEN YEARS OF AGE, AND,
IN CONNECTION THEREWITH, ESTABLISHING CERTAIN DRIVING RESTRICTIONS FOR PERSONS WITH
MINOR DRIVER'S LICENSES.

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

SECTION 1. Legislative declaration. (1) The general assembly hereby finds, determines, and declares that:

(a) Even though teenage drivers account for a relatively small percentage of the driving population in Colorado, they are involved in a disproportionate number of traffic fatalities and crashes;

(b) Teenage driving violations, collisions, and fatalities in Colorado are due, in large part, to driver error or other factors related to driver behavior caused by poor judgment, lack of experience, lack of adequate driving skills, driving during high-risk hours, and risky behavior;

(c) Graduated drivers licensing systems are designed to teach beginning drivers how to drive making certain that they accumulate sufficient behind-the-wheel experience in low-risk settings before they receive an unrestricted driver's license;

(d) A graduated drivers licensing system is needed in Colorado to progressively develop and improve the skills of its teenage drivers in the safest possible environment to reduce the incidence of collisions and fatalities among teenage drivers.

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

SECTION 2. 42-2-104 (4), Colorado Revised Statutes, is amended to read:

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

(I) Applied for, been issued, and possessed an appropriate instruction permit for at least ~~ninety days~~ SIX MONTHS;

(II) SUBMITTED A LOG OR OTHER WRITTEN EVIDENCE ON A STANDARDIZED FORM APPROVED BY THE DEPARTMENT THAT IS SIGNED BY HIS OR HER PARENT OR GUARDIAN OR OTHER RESPONSIBLE ADULT AS REFERENCED IN SECTION 42-2-108 OR THE INSTRUCTOR OF A DRIVER'S EDUCATION COURSE APPROVED BY THE DEPARTMENT, CERTIFYING THAT SUCH PERSON HAS COMPLETED AT LEAST FIFTY HOURS OF ACTUAL DRIVING EXPERIENCE, OF WHICH AT LEAST TEN HOURS SHALL HAVE BEEN WHILE DRIVING AT NIGHT.

(b) IN NO EVENT SHALL THE DEPARTMENT ISSUE A MINOR DRIVER'S LICENSE TO ANYONE UNDER SIXTEEN YEARS OF AGE.

SECTION 3. Part 1 of article 2 of title 42, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

42-2-105.5. Restrictions on minor drivers under seventeen years of age - penalties - legislative declaration. (1) THE GENERAL ASSEMBLY FINDS, DETERMINES, AND DECLARES THAT:

(a) TEENAGE DRIVERS, IN ORDER TO BECOME SAFE AND RESPONSIBLE DRIVERS, NEED BEHIND-THE-WHEEL DRIVING EXPERIENCE BEFORE THEY CAN BEGIN TO DRIVE WITHOUT RESTRICTIONS;

(b) PROVIDING ADDITIONAL BEHIND-THE-WHEEL TRAINING WITH A PARENT, GUARDIAN, OR OTHER RESPONSIBLE ADULT BEFORE OBTAINING A MINOR DRIVER'S LICENSE IS THE BEGINNING OF THE YOUNG DRIVERS ACCUMULATION OF EXPERIENCE;

(c) ONCE A TEENAGE DRIVER BEGINS TO DRIVE WITHOUT A PARENT, GUARDIAN, OR OTHER RESPONSIBLE ADULT IN THE VEHICLE, IT IS NECESSARY TO PLACE RESTRICTIONS ON A TEENAGE DRIVER WHO HOLDS A MINOR DRIVER'S LICENSE UNTIL SUCH DRIVER TURNS SEVENTEEN YEARS OF AGE IN ORDER TO GIVE THAT DRIVER TIME TO EXERCISE GOOD JUDGEMENT IN THE OPERATION OF A VEHICLE WHILE KEEPING THAT DRIVER, HIS OR HER PASSENGERS, AND THE PUBLIC SAFE;

(d) PENALTIES FOR THE VIOLATION OF THESE RESTRICTIONS ON MINOR DRIVERS UNDER SEVENTEEN YEARS OF AGE, INCLUDING THE ASSESSMENT OF POINTS WHERE THEY MAY NOT OTHERWISE BE ASSESSED, SHOULD BE SUFFICIENT TO ENSURE THAT CHRONIC VIOLATIONS WOULD RESULT IN SWIFT AND SEVERE REPERCUSSIONS TO REINFORCE THE IMPORTANCE OF OBEYING THE DRIVING LAWS IN ORDER TO KEEP THE MINOR DRIVER, HIS OR HER PASSENGERS, AND THE PUBLIC SAFE.

(2) (a) NO PERSON UNDER SEVENTEEN YEARS OF AGE SHALL DRIVE ANY MOTOR VEHICLE BETWEEN THE HOURS OF 12 MIDNIGHT AND 5 A.M. UNLESS ACCOMPANIED BY

A PARENT, GUARDIAN, OR OTHER RESPONSIBLE ADULT AS REFERENCED IN SECTION 42-2-108 OR UNLESS DRIVING TO THE PERSON'S PLACE OF EMPLOYMENT OR FROM THE PERSON'S PLACE OF EMPLOYMENT TO HIS OR HER RESIDENCE. A PERSON WHO IS UNDER SEVENTEEN YEARS OF AGE AND WHO IS DRIVING TO THE PERSON'S PLACE OF EMPLOYMENT OR FROM THE PERSON'S PLACE OF EMPLOYMENT TO HIS OR HER RESIDENCE BETWEEN THE HOURS OF 12 MIDNIGHT AND 5 A.M. SHALL HAVE IN HIS OR HER POSSESSION, IN ADDITION TO A VALID MINOR DRIVER'S LICENSE, A STATEMENT SIGNED BY HIS OR HER EMPLOYER OR PARENT, GUARDIAN, OR OTHER RESPONSIBLE ADULT STATING THE TIME THAT SUCH PERSON ARRIVES AT AND LEAVES HIS OR HER PLACE OF EMPLOYMENT.

(b) A PERSON UNDER SEVENTEEN YEARS OF AGE MAY DRIVE BETWEEN THE HOURS OF 12 MIDNIGHT AND 5 A.M. IN THE CASE OF A MEDICAL OR OTHER TYPE OF EMERGENCY.

(c) THE CURFEW SET FORTH IN THIS SUBSECTION (2) IS NOT APPLICABLE IN A CITY, COUNTY, OR CITY AND COUNTY THAT HAS ENACTED ITS OWN CURFEW.

(3) OCCUPANTS IN MOTOR VEHICLES DRIVEN BY PERSONS UNDER SEVENTEEN YEARS OF AGE SHALL WEAR SEAT BELTS OR BE SECURED IN A CHILD RESTRAINT SYSTEM AS REQUIRED IN SECTION 42-4-236 (2) (a) AND PURSUANT TO SECTION 42-4-237.

(4) NO MORE THAN ONE PASSENGER SHALL OCCUPY THE FRONT SEAT OF THE MOTOR VEHICLE DRIVEN BY A PERSON UNDER SEVENTEEN YEARS OF AGE, AND THE NUMBER OF PASSENGERS IN THE BACK SEAT OF SUCH VEHICLE SHALL NOT EXCEED THE NUMBER OF SEAT BELTS.

(5) ANY PERSON WHO VIOLATES THIS SECTION COMMITS A CLASS A TRAFFIC INFRACTION.

SECTION 4. 42-2-106 (1) (a) and (1) (b), Colorado Revised Statutes, are amended to read:

42-2-106. Instruction permits and temporary licenses. (1) (a) Any minor of the age of fifteen years, within six months prior to such minor's sixteenth birthday, or any person who, except for such person's lack of instruction in operating a motor vehicle, a motorcycle, or a motor-driven cycle, would otherwise be qualified to obtain a license under this article may apply for a temporary instruction permit, in accordance with sections 42-2-107 and 42-2-108. The department shall issue such permit entitling the applicant, while having such permit in such applicant's immediate possession, to drive a motor vehicle, a motorcycle, or a motor-driven cycle upon the highways for a period of six months when accompanied by a licensed driver, twenty-one years of age or over, who is actually occupying the FRONT seat ~~beside~~ IN CLOSE PROXIMITY TO the driver, or in the case of a motorcycle or a motor-driven cycle, under the immediate PROXIMATE supervision of a licensed driver, twenty-one years of age or over, authorized under this article to drive a motorcycle or a motor-driven cycle. Any such instruction permit may be extended for an additional period of ~~sixty~~ NINETY days.

(b) Any minor of the age of fifteen years ~~within nine months prior to such person's~~

sixteenth birthday, who is enrolled in a driver education course approved by the department of education may apply for a minor's instruction permit, pursuant to the provisions of sections 42-2-107 and 42-2-108. Upon the presentation of a written or printed statement signed by the parent or guardian and the instructor of the driver education course that such minor is enrolled in an approved driver education course, the department shall issue such permit entitling the applicant, while having such permit in such applicant's immediate possession, to drive any motor vehicle, excluding a motorcycle or motor-driven cycle, under the supervision of the parent or guardian who cosigned the application for the minor's instruction permit providing such parent or guardian holds a valid driver's license. Such permit shall also entitle the applicant to drive any motor vehicle, including a motorcycle or motor-driven cycle, which is marked so as to indicate that it is a motor vehicle used for instruction and which is properly equipped for such instruction upon the highways when accompanied by or under the supervision of an approved driver education instructor who holds a valid driver's license. Driver education instructors giving instruction in motorcycle safety must have a valid motorcycle driver's license and must have successfully completed an instruction program in motorcycle safety approved by the department. Such permit shall expire twenty days after the applicant's sixteenth birthday.

SECTION 5. 42-2-127 (5), Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS to read:

42-2-127. Authority to suspend license - to deny license - type of conviction - points. (5) Point system schedule:

Type of conviction	Points
(gg) DRIVING BETWEEN THE HOURS OF 12 MIDNIGHT AND 5 A.M. IN VIOLATION OF SECTION 42-2-105.5 (2)	2
(hh) DRIVING A MOTOR VEHICLE WHILE NOT WEARING A SEAT BELT IN VIOLATION OF SECTION 42-2-105.5 (3)	2
(ii) DRIVING WITH MORE PASSENGERS THAN SEAT BELTS IN VIOLATION OF SECTION 42-2-105.5 (4)	2

SECTION 6. 42-4-1701 (4) (a) (I) (A), Colorado Revised Statutes, is amended to read:

42-4-1701. Traffic offenses and infractions classified - penalties - penalty and surcharge schedule.

Section Violated	Penalty	Surcharge
(4) (a) (I) (A) Drivers' license violations:		
42-2-101 (1) or (4)	\$ 35.00	\$ 4.00
42-2-101 (2), (3), or (5)	15.00	2.00
42-2-103	15.00	2.00
42-2-105	35.00	4.00

42-2-105.5	35.00	4.00	
42-2-106	35.00	4.00	
42-2-116	15.00	2.00	
42-2-119	15.00	2.00	
42-2-134	35.00		4.00
42-2-136	35.00	4.00	
42-2-139	35.00	4.00	
42-2-140	35.00	4.00	
42-2-141	35.00	4.00	

SECTION 7. The introductory portion to 42-4-236 (3), Colorado Revised Statutes, is amended to read:

42-4-236. Child restraint systems required - definitions - exemptions.

(3) EXCEPT AS PROVIDED IN SECTION 42-2-105.5 (4), the requirements of subsection (2) of this section shall not apply to a child who:

SECTION 8. The introductory portion to 42-4-237 (3), Colorado Revised Statutes, is amended to read:

42-4-237. Safety belt systems - mandatory use - exemptions - penalty.

(3) EXCEPT AS PROVIDED IN SECTION 42-4-105.5, the requirement of subsection (2) of this section shall not apply to:

SECTION 9. No appropriation. The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act.

SECTION 10. Effective date - applicability. This act shall take effect July 1, 1999, and shall apply to minors who apply for and receive instruction permits and minor driver's licenses on or after said date.

SECTION 11. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 4, 1999