

## CHAPTER 323

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**MOTOR VEHICLES AND TRAFFIC REGULATION**


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**HOUSE BILL 04-1017**

BY REPRESENTATIVE(S) Berry, Borodkin, Larson, McFadyen, Pommer, Spence, Stafford, Welker, Williams S., Boyd, Carroll, Frangas, Hall, Hefley, Johnson R., Lee, Madden, Marshall, May M., Merrifield, Romanoff, Sinclair, Stengel, Tochtrop, Vigil, Weddig, and Wiens;  
also SENATOR(S) May R., Isgar, Arnold, Groff, Grossman, Jones, Phillips, Teck, and Veiga.

**AN ACT**

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

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

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

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

**42-2-104. Licenses issued - denied - repeal.** (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~~ A 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 ~~six~~ TWELVE months;

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

**42-2-106. Instruction permits and temporary licenses - repeal.** (1) (a) ~~Any minor of the age of fifteen years, within six months prior to such minor's sixteenth birthday, or any~~ A person who IS AT LEAST SIXTEEN YEARS OF AGE AND 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 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 ninety days.~~ SUCH PERMIT SHALL EXPIRE THREE YEARS AFTER ISSUANCE.

(b) Any minor of the age of fifteen years who is enrolled in a driver education course approved by the department 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, STEPPARENT, 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~~ A motor vehicle, excluding a motorcycle or motor-driven cycle, under the supervision of the parent, STEPPARENT, or guardian who cosigned the application for the minor's instruction permit ~~providing~~ IF such parent, STEPPARENT, or guardian holds a valid driver's license. Such permit shall also entitle the applicant to drive ~~any~~ A 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~~ THREE YEARS AFTER ISSUANCE.

(d) A MINOR OF THE AGE OF FIFTEEN YEARS AND SIX MONTHS WHO HAS COMPLETED A FOUR-HOUR PREQUALIFICATION DRIVER AWARENESS PROGRAM APPROVED BY THE DEPARTMENT MAY APPLY FOR A MINOR'S INSTRUCTION PERMIT PURSUANT TO SECTIONS 42-2-107 AND 42-2-108. UPON PRESENTING A WRITTEN OR PRINTED STATEMENT SIGNED BY THE PARENT, STEPPARENT, OR GUARDIAN OF THE APPLICANT AND DOCUMENTATION THAT THE MINOR COMPLETED SUCH DRIVER AWARENESS PROGRAM, THE DEPARTMENT SHALL ISSUE A PERMIT ENTITLING THE APPLICANT, WHILE HAVING THE PERMIT IN THE APPLICANT'S IMMEDIATE POSSESSION, TO DRIVE A

MOTOR VEHICLE, EXCLUDING A MOTORCYCLE OR MOTOR-DRIVEN CYCLE, UNDER THE SUPERVISION OF THE PARENT, STEPPARENT, OR GUARDIAN WHO COSIGNED THE APPLICATION FOR THE MINOR'S INSTRUCTION PERMIT IF SUCH PARENT, STEPPARENT, OR GUARDIAN HOLDS A VALID DRIVER'S LICENSE. SUCH PERMIT SHALL EXPIRE THREE YEARS AFTER ISSUANCE.

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

(II) THIS PARAGRAPH (e) IS REPEALED, EFFECTIVE JULY 1, 2006.

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

**42-2-108. Application of minors - repeal.** (1) (a) The application of any person under the age of eighteen years for an instruction permit or minor driver's license shall be accompanied by an affidavit of liability signed and verified by the father, ~~or the mother,~~ OR STEPPARENT of the applicant, or, in the event neither parent is living, by the person or guardian having proof of legal custody of such minor, BY A STEPPARENT, or by the spouse of the applicant ~~providing~~ IF the spouse is eighteen years of age or older, or, in the event there is no such person, guardian, or spouse, by any other responsible adult who is willing to assume the obligation imposed under this article upon an adult signing the affidavit of liability for a minor. When any such applicant has been made a ward of any court in the state for any reason and has been placed in a foster home, the foster parents or parent may sign the affidavit of liability for such minor. If the parent or the foster parent, if the minor is in the care of a foster parent, is unwilling or unable to sign the affidavit of liability, a guardian ad litem, a designated official of the county department of social services having custody of such applicant, or a designated official of the division of youth corrections in the department of human services having custody of such applicant may sign the application for an instruction permit without signing the affidavit of liability for such minor if the requirements of paragraph (b) of this subsection (1) are met; except that prior to signing the application for an instruction permit, the guardian ad litem or other designated official shall notify the court of his or her intent to sign the application and except that the guardian ad litem or designated official shall not sign the application for an instruction permit for a minor who is placed in a foster care home and who is under seventeen and one-half years of age without first obtaining the consent of the foster parent. If the minor is seventeen and one-half years of age or older and is in the care of a foster parent, in order to prepare the minor for emancipation from foster care and to assist the minor in obtaining important life skills, the guardian ad litem or designated official shall consult with the foster parent of such minor about the opportunity for such minor to learn driving skills under the restrictions provided in paragraph (b) of this subsection (1) prior to signing an application for an instruction permit. The guardian ad litem or designated official shall solicit the opinion of the minor's foster parent, if the minor is in foster care, concerning the minor's ability to exercise good judgment and make decisions as well as the minor's overall capacity to drive. When any minor to whom an instruction permit or minor driver's license has been issued is required to appear before the department for a hearing pursuant to any provision of this article, such minor shall be accompanied by the person who signed the affidavit of liability for such minor or by

the guardian ad litem or designated official who signed the application for an instruction permit for such minor. If such person is unable to attend the hearing, such person shall submit to the department a verified signed statement certifying under oath that such person is aware of the purpose of the hearing but cannot attend.

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

**SECTION 5. Appropriation in long bill to be adjusted.** For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2004, shall be adjusted as follows: the total general fund appropriation to the department of revenue is decreased by forty-nine thousand two hundred sixty-one dollars (\$49,261) and 0.8 FTE.

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

**SECTION 7. 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: May 28, 2004