

CHAPTER 155

MOTOR VEHICLES AND TRAFFIC REGULATION

SENATE BILL 07-077

BY SENATOR(S) Takis, Williams, and Brophy;
 also REPRESENTATIVE(S) Marostica, Borodkin, McFadyen, and Todd.

AN ACT**CONCERNING A REQUIREMENT OF BEHIND-THE-WHEEL TRAINING FOR DRIVER LICENSING.***Be it enacted by the General Assembly of the State of Colorado:*

SECTION 1. Legislative declaration. (1) The general assembly hereby determines and declares that driver education is a necessary component to receiving a motor vehicle driver's permit for individuals who are under fifteen and one half years of age. Current law allows an applicant to receive a permit after enrolling and participating in, but not completing, a driver education program, and does not require the individual to actually complete the program. Therefore, verifying that a person has completed driver education when the permit is issued and that a permit holder has completed behind-the-wheel training when the license is issued will assure the state that the permit holder actually received the required driver education and behind-the-wheel training.

(2) The general assembly further determines and declares that current law inadvertently requires both driver training and the driver education to be within the same program. This deprives an individual of the flexibility to choose electronic, correspondence, or remote driver education, which lack of choice causes hardship in rural areas. Therefore, separating the verification of each requirement will provide the needed flexibility to complete driver education using nontraditional classroom means.

SECTION 2. 42-2-104, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

42-2-104. Licenses issued - denied. (5) THE DEPARTMENT SHALL NOT ISSUE A DRIVER'S LICENSE TO A PERSON UNDER EIGHTEEN YEARS OF AGE WHO WAS ISSUED

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

A PERMIT PURSUANT TO SECTIONS 42-2-106 (1) (b) AND 42-2-114 (1) (a) AFTER THE EFFECTIVE DATE OF THIS ACT, UNLESS SUCH PERSON HAS RECEIVED EITHER:

(a) IF NO ENTITY OFFERS APPROVED BEHIND-THE-WHEEL DRIVER TRAINING AT LEAST TWENTY HOURS A WEEK FROM A PERMANENT LOCATION WITH AN ADDRESS THAT IS WITHIN THIRTY MILES OF THE PERMIT HOLDER'S RESIDENCE, A MINIMUM OF TWELVE HOURS OF DRIVING-BEHIND-THE-WHEEL TRAINING DIRECTED BY A PARENT, A LEGAL GUARDIAN, OR AN ALTERNATE PERMIT SUPERVISOR, WHICH TRAINING SHALL BE IN ADDITION TO THE DRIVING EXPERIENCE REQUIRED BY SUBSECTION (4) OF THIS SECTION; OR

(b) A MINIMUM OF SIX HOURS OF DRIVING-BEHIND-THE-WHEEL TRAINING WITH A DRIVING INSTRUCTOR EMPLOYED OR ASSOCIATED WITH AN APPROVED DRIVER EDUCATION COURSE.

SECTION 3. 42-2-106 (1) (b) (I), Colorado Revised Statutes, is amended to read:

42-2-106. Instruction permits and temporary licenses. (1) (b) (I) A minor who is fifteen years of age or older and ~~enrolled, attending, and participating in a~~ HAS COMPLETED A DEPARTMENT APPROVED driver education course ~~that includes a minimum of six hours of driving-behind-the-wheel instruction with a certified driver education instructor and is approved by the department~~ WITHIN THE LAST SIX MONTHS may apply for a minor's instruction permit, pursuant to sections 42-2-107 and 42-2-108. Upon presentation of a written or printed statement signed by the parent, stepparent, grandparent with power of attorney, or guardian or foster parent and the instructor of the driver education course that the minor ~~is enrolled, attending, and participating in~~ HAS PASSED an approved driver education course, ~~that includes a minimum of six hours of driving-behind-the-wheel instruction with a certified driver education instructor,~~ the department shall issue the permit entitling the applicant, while having the permit in the applicant's immediate possession, to drive a motor vehicle, including a motorcycle or motor-driven cycle, under the supervision of the parent, stepparent, grandparent with power of attorney, or guardian or foster parent, who cosigned the application for the minor's instruction permit, if the parent, stepparent, grandparent with power of attorney, or guardian or foster parent holds a valid Colorado driver's license and occupies the front seat of the motor vehicle, or if the vehicle is a motorcycle or motor-driven cycle, is authorized under this article to drive a motorcycle or motor-driven cycle and is in close proximity to the driver while the minor is driving. In addition, the parent, stepparent, grandparent with power of attorney, or guardian or foster parent, who is authorized pursuant to this section to supervise the minor driver while the minor is driving, may allow the minor, while having the permit in the applicant's immediate possession, to drive with an individual who holds a valid driver's license and is twenty-one years of age or older for additional driving experience, but such additional driving experience shall not count toward the requirement established in section 42-2-104. The permit shall also entitle the applicant to drive a motor vehicle, including a motorcycle or motor-driven cycle that is marked to indicate that it is a motor vehicle used for instruction and that is properly equipped for instruction upon the highways when accompanied by or under the supervision of an approved driver education instructor who holds a valid Colorado driver's license. Driver education instructors giving instruction in motorcycle safety shall have a valid

motorcycle driver's license from Colorado and shall have successfully completed an instruction program in motorcycle safety approved by the department. The permit shall expire three years after issuance.

SECTION 4. 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: April 20, 2007