HOUSE BILL 21-1084

A BILL FOR AN ACT

CONCERNING THE ABILITY OF CERTAIN INDIVIDUALS IN THE CUSTODY OF THE STATE DEPARTMENT OF HUMAN SERVICES TO ACQUIRE LEGAL AUTHORITY TO DRIVE, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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 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.

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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 follows:

3 26-5-115. Acquisition of drivers' licenses by individuals in foster care - immunity from liability - rules. (1) On and after the
EFFECTIVE DATE OF THIS SECTION, IN ADDITION TO ANY OTHER REIMBURSEMENT FOR CHILD WELFARE SERVICES DESCRIBED IN THIS ARTICLE 5, THE STATE DEPARTMENT SHALL REIMBURSE A 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 DEPARTMENT WHO IS FIFTEEN YEARS OF AGE OR OLDER AND UNDER TWENTY-ONE YEARS OF AGE.

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

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

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

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

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

(4) ON OR BEFORE DECEMBER 1, 2021, THE STATE BOARD SHALL PROMULGATE RULES FOR THE ADMINISTRATION OF THIS SECTION.
SECTION 2. In Colorado Revised Statutes, 42-2-108, amend (2); and add (5) and (6) as follows:

42-2-108. Application of minors - rules. (2) (a) Any negligence or willful misconduct of a minor under the age of eighteen years of age who drives a motor vehicle upon a highway is imputed to the person who signed the affidavit of liability which accompanied the MINOR'S application for a permit or a MINOR DRIVER'S license. Such person is jointly and severally liable with such minor for any damages caused by such minor's negligence or willful misconduct, except as otherwise provided in subsection (3) of this section.

(b) A GUARDIAN AD LITEM, AN OFFICIAL OF A COUNTY OR DISTRICT DEPARTMENT OF HUMAN OR SOCIAL SERVICES, OR AN OFFICIAL OF THE DIVISION OF YOUTH SERVICES IN THE STATE DEPARTMENT OF HUMAN SERVICES 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.

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

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

(6) ON OR BEFORE NOVEMBER 1, 2021, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE SHALL PROMULGATE RULES 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 OF HUMAN SERVICES OR A COUNTY OR DISTRICT DEPARTMENT OF HUMAN OR SOCIAL SERVICES 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.

SECTION 3. Appropriation. For the 2021-22 state fiscal year, $54,180 is appropriated to the department of human services for use by the division of child welfare. This appropriation is from the general fund. To implement this act, the division may use this appropriation for child welfare services.

SECTION 4. 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; 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 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.