

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 24-1021

BY REPRESENTATIVE(S) Lindsay, Boesenecker, Brown, Duran, Jodeh, Joseph, Mauro, Snyder, Willford, Clifford;
also SENATOR(S) Winter F. and Priola, Exum.

CONCERNING THE TRAINING OF INDIVIDUALS TO DRIVE MOTOR VEHICLES.

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

SECTION 1. In Colorado Revised Statutes, 42-2-104, **amend** (4)(a) as follows:

42-2-104. Licenses issued - denied. (4) (a) The department shall not issue a driver's license, including a temporary driver's license under section ~~42-2-106 (2)~~ 42-2-106 (5), to a ~~person~~ AN INDIVIDUAL under eighteen years of age unless the ~~person~~ INDIVIDUAL has:

(I) Applied for, been issued, and possessed an appropriate instruction permit for at least twelve months; and

(II) Submitted a log or other written evidence on a standardized form approved by the department certifying that the ~~person~~ INDIVIDUAL has completed not less than fifty hours of actual driving experience WITH A

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

DRIVING SUPERVISOR LISTED IN SECTION 42-2-106 (2)(b)(II) of which not less than ten hours must have been completed while driving at night, which form is MUST BE signed by:

(A) The ~~person's parent or guardian or by a responsible adult~~ INDIVIDUAL WHO SIGNED THE AFFIDAVIT OF LIABILITY FOR THE INDIVIDUAL TO OBTAIN AN INSTRUCTION PERMIT;

(B) The instructor of a ~~driver's~~ DRIVER education course approved by the department; or

(C) Any individual who is twenty-one years of age or older, who holds a valid driver's license, and who instructed the applicant if the applicant is a foster child.

SECTION 2. In Colorado Revised Statutes, **repeal and reenact, with amendments**, 42-2-106 as follows:

42-2-106. Instruction permits and temporary licenses - penalty.

(1)(a) THE DEPARTMENT SHALL ISSUE AN INSTRUCTION PERMIT TO A MINOR WHO IS FIFTEEN YEARS OF AGE OR OLDER AND UNDER EIGHTEEN YEARS OF AGE AND WHO:

(I) HAS SUCCESSFULLY COMPLETED A THIRTY-HOUR DRIVER EDUCATION COURSE THAT IS APPROVED BY THE DEPARTMENT, WHICH COURSE MAY BE COMPLETED ONLINE; AND

(II) MEETS THE REQUIREMENTS TO BE ISSUED AN INSTRUCTION PERMIT IN ACCORDANCE WITH SECTIONS 42-2-107 AND 42-2-108.

(b) THE DEPARTMENT SHALL ISSUE AN INSTRUCTION PERMIT TO A MINOR WHO IS EIGHTEEN YEARS OF AGE OR OLDER AND WHO:

(I) HAS SUCCESSFULLY COMPLETED A THIRTY-HOUR DRIVER EDUCATION COURSE THAT IS APPROVED BY THE DEPARTMENT, WHICH COURSE MAY BE ONLINE, OR A FOUR-HOUR PREQUALIFICATION DRIVER AWARENESS PROGRAM THAT IS APPROVED BY THE DEPARTMENT; AND

(II) QUALIFIES FOR AN INSTRUCTION PERMIT IN ACCORDANCE WITH SECTION 42-2-107.

(c) THE DEPARTMENT SHALL ISSUE AN INSTRUCTION PERMIT TO A MINOR WHO IS QUALIFIED UNDER SUBSECTION (1)(a) OR (1)(b) OF THIS SECTION AND WHO HAS A DISABILITY THAT REQUIRES THE PERSON TO USE A SPECIAL VEHICLE OR THAT QUALIFIES THE MINOR FOR PARKING PRIVILEGES UNDER SECTION 42-3-204, BUT THE DEPARTMENT MAY SET ADDITIONAL REASONABLE REQUIREMENTS ON THE USE OF THE INSTRUCTION PERMIT.

(d) THE DEPARTMENT SHALL ISSUE AN INSTRUCTION PERMIT TO A MINOR WHO IS TWENTY-ONE YEARS OF AGE OR OLDER AND WHO MEETS THE REQUIREMENTS TO BE ISSUED AN INSTRUCTION PERMIT IN ACCORDANCE WITH SECTIONS 42-2-107 AND 42-2-108.

(e) THE DEPARTMENT SHALL NOT ISSUE AN INSTRUCTION PERMIT TO A MINOR WHO IS UNDER TWENTY-ONE YEARS OF AGE TO DRIVE A MOTORCYCLE UNLESS THE APPLICANT HAS SUCCESSFULLY COMPLETED AN INSTRUCTION PROGRAM IN MOTORCYCLE SAFETY THAT IS APPROVED BY THE COLORADO STATE PATROL.

(2) (a) AN INSTRUCTION PERMIT ENTITLES THE HOLDER TO DRIVE A MOTOR VEHICLE ON A ROADWAY IF THE MINOR COMPLIES WITH SUBSECTION (2)(b) OF THIS SECTION.

(b) EXCEPT AS PROVIDED IN SUBSECTION (2)(c), (2)(d), OR (2)(e) OF THIS SECTION, AN INSTRUCTION PERMIT HOLDER SHALL NOT DRIVE A MOTOR VEHICLE ON A ROADWAY UNLESS:

(I) THE PERMIT IS IN THE HOLDER'S IMMEDIATE POSSESSION; AND

(II) ONE OF THE FOLLOWING INDIVIDUALS WHO HOLDS A VALID COLORADO DRIVER'S LICENSE IS SUPERVISING THE PERMIT HOLDER FROM THE FRONT PASSENGER SEAT OR, IF THE MOTOR VEHICLE IS A MOTORCYCLE, IN CLOSE PROXIMITY TO WHERE THE PERMIT HOLDER IS DRIVING:

(A) THE MINOR'S PARENT OR STEPPARENT;

(B) THE MINOR'S GRANDPARENT WITH POWER OF ATTORNEY;

(C) THE GUARDIAN WHO SIGNED THE AFFIDAVIT OF LIABILITY;

(D) THE FOSTER PARENT WHO SIGNED THE AFFIDAVIT OF LIABILITY;

(E) AN APPROVED DRIVER EDUCATION INSTRUCTOR IF THE MOTOR VEHICLE COMPLIES WITH SECTION 42-2-602;

(F) AN INDIVIDUAL AUTHORIZED TO SUPERVISE A FOSTER CHILD IN SUBSECTION (2)(c) OF THIS SECTION;

(G) AN ALTERNATE PERMIT SUPERVISOR APPOINTED IN ACCORDANCE WITH SUBSECTION (2)(e)(I) OF THIS SECTION;

(H) AN INDIVIDUAL DESCRIBED IN SUBSECTION (2)(e)(II) OF THIS SECTION;

(I) AN INDIVIDUAL AUTHORIZED TO SUPERVISE THE MINOR UNDER SUBSECTION (2)(d) OF THIS SECTION; OR

(J) AN INDIVIDUAL WHO IS TWENTY-ONE YEARS OF AGE OR OLDER AND WHO ASSUMED THE OBLIGATIONS UNDER THIS ARTICLE 2 BY SIGNING THE AFFIDAVIT OF LIABILITY FOR THE MINOR.

(c) NOTWITHSTANDING SUBSECTION (2)(d) OF THIS SECTION, A FOSTER CHILD MAY DRIVE WITH AND FULFILL THE FIFTY-HOUR DRIVING REQUIREMENT ESTABLISHED IN SECTION 42-2-104 (4)(a)(II) WITH ANY INDIVIDUAL WHO:

(I) HOLDS A VALID COLORADO DRIVER'S LICENSE; AND

(II) IS TWENTY-ONE YEARS OF AGE OR OLDER.

(d) THE INDIVIDUAL WHO SIGNED THE AFFIDAVIT OF LIABILITY MAY ALLOW THE MINOR TO DRIVE WITH AN INDIVIDUAL WHO HOLDS A VALID DRIVER'S LICENSE AND IS TWENTY-ONE YEARS OF AGE OR OLDER.

(e) (I) IF THE INDIVIDUAL WHO SIGNED THE AFFIDAVIT OF LIABILITY DOES NOT HAVE A COLORADO DRIVER'S LICENSE, THE INDIVIDUAL MAY APPOINT AN ALTERNATE PERMIT SUPERVISOR WHO HOLDS A COLORADO DRIVER'S LICENSE.

(II) IF THE INDIVIDUAL WHO SIGNED THE AFFIDAVIT OF LIABILITY FOR THE MINOR IS IN THE UNITED STATES MILITARY AND DOES NOT HAVE A COLORADO DRIVER'S LICENSE, THE INDIVIDUAL MAY SUPERVISE THE

INSTRUCTION PERMIT HOLDER IF THE INDIVIDUAL HOLDS A VALID DRIVER'S LICENSE FROM ANOTHER STATE, IS AUTHORIZED TO DRIVE A MOTOR VEHICLE OR MOTORCYCLE, AND HAS PROPER MILITARY IDENTIFICATION.

(3) (a) TO BE AN APPROVED DRIVING INSTRUCTOR, THE INSTRUCTOR MUST HAVE A VALID COLORADO DRIVER'S LICENSE.

(b) TO BE AN APPROVED DRIVING INSTRUCTOR WHO GIVES INSTRUCTION IN MOTORCYCLES, THE INSTRUCTOR MUST HAVE A VALID MOTORCYCLE DRIVER'S LICENSE OR ENDORSEMENT AND HAVE SUCCESSFULLY COMPLETED AN INSTRUCTION PROGRAM IN MOTORCYCLE SAFETY THAT IS APPROVED BY THE COLORADO STATE PATROL.

(4) AN INSTRUCTION PERMIT EXPIRES THREE YEARS AFTER THE DATE OF ISSUANCE; EXCEPT THAT A TEMPORARY INSTRUCTION PERMIT TO DRIVE A COMMERCIAL MOTOR VEHICLE, AS DEFINED IN SECTION 42-2-402 (4), EXPIRES ONE YEAR AFTER THE DATE OF ISSUANCE.

(5) (a) THE DEPARTMENT, IN ITS DISCRETION, MAY ISSUE A TEMPORARY MINOR DRIVER'S LICENSE OR TEMPORARY DRIVER'S LICENSE TO AN APPLICANT WHO:

(I) IS NOT A FIRST-TIME APPLICANT IN COLORADO; OR

(II) IS UNDER EIGHTEEN YEARS OF AGE AND IS ACCOMPANIED BY A PERSON WHO SIGNS AN AFFIDAVIT OF LIABILITY IN ACCORDANCE WITH SECTION 42-2-108 (1) THAT WILL PERMIT THE APPLICANT TO OPERATE A MOTOR VEHICLE WHILE THE DEPARTMENT COMPLETES ITS VERIFICATION OF ALL FACTS RELATIVE TO THE APPLICANT'S RIGHT TO RECEIVE A MINOR DRIVER'S LICENSE OR DRIVER'S LICENSE.

(b) THE DEPARTMENT SHALL ISSUE A TEMPORARY MINOR DRIVER'S LICENSE OR TEMPORARY DRIVER'S LICENSE TO A FIRST-TIME APPLICANT IN COLORADO FOR A MINOR DRIVER'S LICENSE OR DRIVER'S LICENSE THAT WILL PERMIT THE APPLICANT TO OPERATE A MOTOR VEHICLE WHILE THE DEPARTMENT COMPLETES ITS VERIFICATION OF ALL FACTS RELATIVE TO THE APPLICANT'S RIGHT TO RECEIVE A MINOR DRIVER'S LICENSE OR DRIVER'S LICENSE, INCLUDING THE AGE, IDENTITY, AND RESIDENCY OF THE APPLICANT, UNLESS THE APPLICANT IS UNDER EIGHTEEN YEARS OF AGE AND IS ACCOMPANIED BY A PERSON WHO SIGNS AN AFFIDAVIT OF LIABILITY IN

ACCORDANCE WITH SECTION 42-2-108(1). THE VERIFICATION MUST INCLUDE A COMPARISON OF EXISTING DRIVER'S LICENSE AND IDENTIFICATION CARD IMAGES IN DEPARTMENT FILES WITH THE APPLICANT'S IMAGES TO ENSURE THE APPLICANT HAS ONLY ONE IDENTITY.

(c) A TEMPORARY DRIVER'S LICENSE OR TEMPORARY MINOR DRIVER'S LICENSE IS VALID FOR UP TO ONE YEAR AS DETERMINED BY THE DEPARTMENT, UNLESS EXTENDED BY THE DEPARTMENT, AND MUST BE IN THE APPLICANT'S IMMEDIATE POSSESSION WHILE OPERATING A MOTOR VEHICLE. A TEMPORARY DRIVER'S LICENSE OR TEMPORARY MINOR DRIVER'S LICENSE IMMEDIATELY BECOMES INVALID WHEN THE PERMANENT DRIVER'S LICENSE HAS BEEN ISSUED OR HAS BEEN REFUSED FOR GOOD CAUSE.

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

SECTION 3. In Colorado Revised Statutes, 42-2-107, **amend** (1)(a)(II) as follows:

42-2-107. Application for license or instruction permit - anatomical gifts - donations to Emily Keyes - John W. Buckner organ and tissue donation awareness fund - legislative declaration - rules - annual report - repeal. (1) (a) (II) If an applicant is applying for an instruction permit, or driver's LICENSE, or minor driver's license for the first time in Colorado and the applicant otherwise meets the requirements for ~~such~~ THE license or permit, the applicant shall receive a temporary license, TEMPORARY MINOR DRIVER'S LICENSE, or TEMPORARY instruction permit pursuant to section ~~42-2-106(2)~~ 42-2-106 (5) until the department verifies all facts relative to ~~such~~ THE applicant's right to receive an instruction permit, or minor driver's LICENSE, or driver's license, including the age, identity, and residency of the applicant.

SECTION 4. In Colorado Revised Statutes, **add** 42-2-602.5 as follows:

42-2-602.5. Criminal history of commercial driving instructors - rules - definition - repeal. (1) A COMMERCIAL DRIVING INSTRUCTOR SHALL NOT PROVIDE, AND A COMMERCIAL DRIVING SCHOOL SHALL NOT EMPLOY A COMMERCIAL DRIVING INSTRUCTOR TO PROVIDE, DRIVING INSTRUCTION TO A MINOR OR AT-RISK ADULT IF THE COMMERCIAL DRIVING

INSTRUCTOR HAS BEEN, WITHIN THE LAST TWENTY YEARS, CONVICTED OF OR PLEAD GUILTY OR NOLO CONTENDERE TO:

(a) A VIOLATION OF ARTICLE 3; PART 4 OR 8 OF ARTICLE 6; ARTICLE 6.5; OR PART 4, 5, OR 8 OF ARTICLE 7 OF TITLE 18;

(b) ANY OTHER CRIME THAT THE DEPARTMENT DETERMINES, BY RULE, PLACES A MINOR OR AT-RISK ADULT AT RISK OF SEXUAL MISCONDUCT OR VIOLENCE WHEN WITH THE COMMERCIAL DRIVING INSTRUCTOR; OR

(c) A VIOLATION OF ARTICLE 2 OF TITLE 18, THE BASIS OF WHICH IS AN OFFENSE LISTED IN SUBSECTION (1)(a) OR (1)(b) OF THIS SECTION.

(2) (a) A COMMERCIAL DRIVING SCHOOL SHALL NOT EMPLOY OR AUTHORIZE A COMMERCIAL DRIVING INSTRUCTOR TO PROVIDE DRIVING INSTRUCTION TO A MINOR OR AT-RISK ADULT UNLESS THE COMMERCIAL DRIVING INSTRUCTOR HAS OBTAINED A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK IN ACCORDANCE WITH SUBSECTION (2)(b) OF THIS SECTION; EXCEPT THAT A COMMERCIAL DRIVING INSTRUCTOR MAY PROVIDE DRIVING INSTRUCTION ON A PROBATIONARY BASIS WHILE THE RESULTS OF THE RECORD CHECK ARE PENDING. THE COMMERCIAL DRIVING SCHOOL SHALL SUBMIT TO THE DEPARTMENT THE NAME OF EACH COMMERCIAL DRIVING INSTRUCTOR THAT IT INTENDS TO EMPLOY OR TO AUTHORIZE TO PROVIDE DRIVING INSTRUCTION TO MINORS OR AT-RISK ADULTS.

(b) (I) THE DEPARTMENT SHALL REQUIRE EACH COMMERCIAL DRIVING INSTRUCTOR WHO PROVIDES OR IS RETAINED TO PROVIDE DRIVING INSTRUCTION TO MINORS OR AT-RISK ADULTS TO HAVE THE APPLICANT'S FINGERPRINTS TAKEN BY A LOCAL LAW ENFORCEMENT AGENCY OR ANY THIRD PARTY APPROVED BY THE COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF OBTAINING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE COMMERCIAL DRIVING INSTRUCTOR SHALL AUTHORIZE THE ENTITY TAKING THE APPLICANT'S FINGERPRINTS TO SUBMIT, AND THE ENTITY SHALL SUBMIT, THE COMPLETE SET OF THE APPLICANT'S FINGERPRINTS TO THE COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK.

(II) IF AN APPROVED THIRD PARTY TAKES THE PERSON'S FINGERPRINTS, THE FINGERPRINTS MAY BE ELECTRONICALLY CAPTURED

USING COLORADO BUREAU OF INVESTIGATION-APPROVED LIVESCAN EQUIPMENT. THIRD-PARTY VENDORS SHALL NOT KEEP THE APPLICANT'S INFORMATION FOR MORE THAN THIRTY DAYS.

(III) THE COLORADO BUREAU OF INVESTIGATION SHALL USE THE COMMERCIAL DRIVING INSTRUCTOR'S FINGERPRINTS TO CONDUCT A CRIMINAL HISTORY RECORD CHECK USING THE BUREAU'S RECORDS. THE COLORADO BUREAU OF INVESTIGATION SHALL ALSO FORWARD THE FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE COLORADO BUREAU OF INVESTIGATION, COMMERCIAL DRIVING INSTRUCTOR, DEPARTMENT, AND ENTITY TAKING FINGERPRINTS SHALL COMPLY WITH THE FEDERAL BUREAU OF INVESTIGATION'S REQUIREMENTS TO CONDUCT A CRIMINAL HISTORY RECORD CHECK.

(IV) THE COLORADO BUREAU OF INVESTIGATION SHALL RETURN THE RESULTS OF ITS CRIMINAL HISTORY RECORD CHECK TO THE DEPARTMENT, AND THE DEPARTMENT IS AUTHORIZED TO RECEIVE THE RESULTS OF THE FEDERAL BUREAU OF INVESTIGATION'S CRIMINAL HISTORY RECORD CHECK. THE DEPARTMENT SHALL USE THE INFORMATION RESULTING FROM THE CRIMINAL HISTORY RECORD CHECKS TO INVESTIGATE AND DETERMINE WHETHER AN APPLICANT IS QUALIFIED FOR EMPLOYMENT AS A COMMERCIAL DRIVING INSTRUCTOR PURSUANT TO SUBSECTION (1) OF THIS SECTION.

(V) WHEN THE FEDERAL BUREAU OF INVESTIGATION IS UNABLE TO COMPLETE A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF A COMMERCIAL DRIVING INSTRUCTOR, THE COLORADO BUREAU OF INVESTIGATION SHALL INFORM THE DEPARTMENT AND THE DEPARTMENT SHALL INFORM THE COMMERCIAL DRIVING SCHOOL, AND THE COMMERCIAL DRIVING SCHOOL SHALL REQUIRE THE COMMERCIAL DRIVING INSTRUCTOR TO CONDUCT A CRIMINAL HISTORY RECORD CHECK OF THE PERSON USING COLORADO BUREAU OF INVESTIGATION'S RECORDS AS A SUBSTITUTE FOR THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK REQUIRED IN THIS SUBSECTION (2).

(VI) WHEN THE RESULTS OF A CRIMINAL HISTORY RECORD CHECK OF AN APPLICANT PERFORMED PURSUANT TO THIS SUBSECTION (2) REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, THE DEPARTMENT SHALL REQUIRE THE APPLICANT TO SUBMIT TO A NAME-BASED JUDICIAL RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d).

(VII) THE DEPARTMENT SHALL NOTIFY THE COMMERCIAL DRIVING SCHOOL WHETHER THE COMMERCIAL DRIVING INSTRUCTOR QUALIFIES OR IS DISQUALIFIED FROM PROVIDING INSTRUCTION IN ACCORDANCE WITH SUBSECTION (1) OF THIS SECTION.

(VIII) THE COMMERCIAL DRIVING SCHOOL SHALL PAY THE COSTS ASSOCIATED WITH THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK TO THE COLORADO BUREAU OF INVESTIGATION.

(3) AS USED IN THIS SECTION, "AT-RISK ADULT" HAS THE MEANING SET FORTH IN SECTION 18-6.5-102 (2).

(4) (a) THIS SECTION TAKES EFFECT JULY 1, 2026.

(b) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JULY 1, 2027.

SECTION 5. Act subject to petition - effective date - applicability. (1) This act takes effect April 1, 2026; 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 the ninety-day period after final adjournment of the general assembly, 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 2024 and, in such case, will take effect April 1, 2026, or on the date of the official declaration of the vote thereon by the governor, whichever is later.

(2) This act applies to applications for instruction permits and driver's licenses submitted on or after January 1, 2027.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Steve Fenberg
PRESIDENT OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO